
Appeal Decisions

Site visit made on 17 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal A: APP/X5990/W/20/3256102

35 Molyneux Street, London W1H 5HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W Mould against the decision of City of Westminster Council.
 - The application Ref 20/02648/FULL, dated 20 March 2020, was refused by notice dated 3 June 2020.
 - The development proposed is described as erection of part single and part two-storey rear extension at lower ground and upper ground floor level to enlarge dwellinghouse (Class C3) and associated alterations.
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Appeal B: APP/X5990/Y/20/3256103

35 Molyneux Street, London W1H 5HW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr W Mould against the decision of City of Westminster Council.
 - The application Ref 20/02649/LBC, dated 20 March 2020, was refused by notice dated 3 June 2020.
 - The works proposed are described as erection of part single and part two-storey rear extension at lower ground and upper ground floor level to enlarge dwellinghouse (Class C3) and associated alterations.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The second reason for refusal of both applications relates to the replacement of the railings, gate and balconies on the front façade. The appellant has however confirmed that no changes to the front façade are in fact proposed, and that in this regard the plans are erroneous. This is reported to have also been the case in past applications, and, as previously, could be dealt with by condition. I have not therefore considered the Council's second reason for refusal of the applications any further.

5. Except for the construction of the ground floor element of the proposed extension, together with related alterations to openings, the works shown on the plans have already been approved. I have therefore limited my consideration of the Appeals below accordingly. In the event of dismissal of the Appeals, the validity of these previous approvals will be unaffected.

Main Issue

6. The main issue is whether the works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses; and whether the works would preserve or enhance the character or appearance of Molyneux Street Conservation Area (the Conservation Area).

Reasons

7. The appeal property, 35 Molyneux Street, forms part of a terrace numbered 25-38 Molyneux Street, which is the listed building in this case. Insofar as it is relevant to the Appeals, the special interest and significance of the listed building resides in its early-nineteenth century date, the uniformity of its original design, and group value with terraces of similar design within Molyneux Street and adjacent roads.
8. The rear elevation of the terrace appears to have originally lacked any extensions. This remains the case at No 35. Basement/lower ground floor level extensions have however been added to most other parts of the terrace. In this regard, as noted above, the basement level component of the proposed extension at No 35 has itself already been approved.
9. Closet wing or other extensions have not however been typically added above basement level. Where these do occur their presence and projection is conspicuous, and indeed appears both incongruous and intrusive contrasted against the otherwise predominantly flat rear elevation of the terrace. This is true of the relatively bulky ground floor extension at 34 Molyneux Street, which directly adjoins the appeal property, and whose height and depth the proposed ground floor element of the extension at No 35 would mirror.
10. The ground floor element of the proposed extension would not therefore reflect a historic or otherwise typical characteristic of the terrace as a whole. This would not be altered by the fact that the extension would adjoin that at No 34, given that each would amplify the incongruous and intrusive effect of the other, including with regard to their collective bulk.
11. Windows set within the rear elevation of No 35 light rooms on the right side, and the staircase on the left. The windows are sized accordingly, small windows to the stairs, and larger windows to the rooms. Though changes to openings have occurred within the rear elevation of the terrace more broadly, the pattern is characteristic of the original design. As on the front elevation it represents an external expression of the internal function and arrangement of space, or, the historic plan form of the dwelling.
12. As is typical of closet wings, the extension would project from the left side of the elevation, adjoining the staircase. It would feature a large sash window, whose overall dimensions would be more modest than those of the principal ground floor window to its right. The window would however be significantly larger than the existing windows which light the staircase, and thus clearly at odds with the historic pattern. In this regard the detailing of the proposed

extension would conflict with that of the rear elevation, obscuring its historic character, original appearance and arrangement, as too its connection with the internal layout.

13. Accommodating the extension would require raising the sill of an existing window on the stairs. The window is a replacement, but the opening is historic. Raising the sill would change the dimensions of the opening and noticeably affect its positioning relative to internal space. This would undermine and obscure the historic arrangement of the rear elevation still further, accentuating the harm identified above.
14. For this and the above reasons the addition of the proposed ground floor extension would not preserve the special interest or significance of the listed building as a whole, thus conflicting with the expectations of the Act, and paragraph 193 of the National Planning Policy Framework (the Framework), which sets out the great weight to be attached to the conservation of designated heritage assets.
15. The listed building is located within the Conservation Area. Insofar as it relates to this appeal, the special interest and significance of the Conservation Area lies in the early nineteenth century street layout, and original terraces, which form 2 rectilinear blocks with Molyneux Street at the centre. Again, the uniformity of the original design is a key defining characteristic.
16. The rear elevation of No 35 is contained within the block of which it forms part. There are therefore no public views of the rear elevation from the street frontage. The density of development is such however, that views between different parts of the block are freely available. It is apparent therefore that the extension would be visible from many other properties within the block.
17. Rear elevations have undergone a greater degree of change than front elevations, and in this context my attention has been drawn to extensions to the rear of terraces on Shouldham Street. This runs parallel with Molyneux Street, and thus forms the other side of the block. Whilst it is unclear to what extent these extensions are all lawful, it is again predominantly the case that extensions do not occur above basement level. That being so, the appeal scheme would also be atypical of the broader pattern within the contemporary historic townscape. Lack of exposure within the public realm would limit the degree of harm caused, but harm would be caused, nonetheless. Consequently, the character and appearance of the Conservation Area would not be preserved or enhanced. Again, this would be contrary to the expectations of the Act and paragraph 193 of the Framework, as set out above.
18. With reference to paragraph 196 of the Framework, I find that the works would cause less than substantial harm to the significance of both the listed building and the Conservation Area. I attach great weight to the harm that would be caused to the significance of the listed building, and considerable importance and weight to the harm that would be caused to the Conservation Area. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour.
19. The principal benefit of adding the extension would be the provision of additional living accommodation over that both existing and already approved. This would however be a private rather than public benefit. Though work generated by implementation of the scheme would have some broader

economic effect, the scale of any related benefit would be negligible. My findings are not altered when also taking into account the already approved works which also form part of the appeal scheme. Indeed, in view of their previous approval, any additional benefits these works offer could be realised whether the Appeals were allowed or not. As such, the harm caused to the significance of designated heritage assets is not outweighed by public benefits.

20. For the reasons outlined above, I conclude that the scheme would not preserve the special architectural or historic interest of the listed building, and that it would additionally fail to preserve or enhance the character and appearance of the Conservation Area. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would thus conflict with Policies S25 and S28 of the Westminster City Plan 2016 which set out the objectives of conserving Westminster's heritage assets and achieving exemplary standards of design; saved Policy DES1 of the Unitary Development Plan (UDP), which seeks to secure both objectives; and saved Policies DES5 and DES10 part (A) of the UDP which together seek to secure sympathetically designed extensions. With regard to both appeals, the scheme would otherwise fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Conclusion

21. For the reasons set out above I conclude that both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR