
Appeal Decision

Site visit made on 11 February 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/X5990/W/19/3237579
106 Denbigh Street, London SW1V 2EX

- 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 Antonio Farnesi against the decision of City of Westminster Council.
 - The application Ref 19/04158/FUL, dated 14 April 2019, was refused by notice dated 3 September 2019.
 - The development proposed is for the erection of a two storey extension to rear closet wing at first and second floor levels.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey extension to rear closet wing at first and second floor levels at 106 Denbigh Street, London SW1V 2EX in accordance with the terms of the application, Ref 19/04158/FUL, dated 14 April 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The above description has been taken from the Council's decision notice as it more accurately represents the proposed development. I have determined the appeal on this basis.
3. The appellant has submitted an additional plan which was not referenced on the Council's decision notice. The plan (Dwg No 02, dated 16 Feb 2019, Rev No 2) relates to the proposed first floor layout, and details different options for a feature glass wall between the stairwell and the dining room. Given the imprecise nature of the plan it is not considered appropriate for determination purposes. To remove any doubt, I have had regard to the list of plans included on the Council's decision notice in my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area, having regard for the Pimlico Conservation Area (CA).

Reasons

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal

property is an unlisted three storey terraced dwelling, plus a mansard roof level and below ground level, located within the Pimlico CA. The Pimlico CA is strongly characterised by the uniform pattern and appearance of terraced dwellings, defining the street scene and built heritage of the area. Many of the terrace rows however benefit from rear projecting extensions with varying heights, widths and depths. This variation is recognised as a common characteristic within the Pimlico Design Guide Supplementary Planning Document (SPD) (adopted 1992).

6. The existing rear extensions from 90 to 112 Denbigh Street reflect this described characteristic, with differing heights, depths and widths across each property. Of note, there are no examples of full depth rear extensions above the first floor level along this described terrace row. On this basis, the Council formed the view that the terrace row establishes a clear pattern which would preclude the appeal proposal from appearing in keeping with the surrounding area. Whilst I note the Council's concerns regarding the size, location and design of the proposed rear extension, I do not share the view that the proposal would be incongruous with the progression of existing rear extensions present. This in part can be attributed to the variation present across this portion of the terrace row.
7. Further consideration has been given to the wider character of rear extensions along the full terrace row on Denbigh Street, and others facing Moreton Terrace Mews, where there are examples of similarly designed rear extensions to the appeal proposal. Specifically, the proposal would adhere to the established rear extension height along the immediate terrace row, preserving the gap between the penultimate storey level and the mansard roof level which I consider to be an important characteristic which reinforces the relationship between the host dwellings and extensions along the terrace row. The Pimlico Design Guide SPD supports the design of the appeal proposal through the examples illustrated and the detailed description of how to appropriately respond to varied patterns of rear extension design.
8. Accordingly, the proposal is considered to have a neutral effect and would therefore preserve the character and appearance of the host dwelling and the surrounding area, including the Pimlico CA. It would not conflict with Policies S25 and S28 of the Westminster City Plan (CP) (adopted November 2016), and Policies DES 1, DES 5, DES 6, and DES 9 and Paragraphs 10.108 and 10.128 of the Westminster Unitary Development Plan (UDP) (adopted January 2007). These policies seek, amongst other things, to ensure development achieves a high standard of design which respects the distinct local character and appearance of areas whilst preserving the significance of heritage assets and the wider historic environment. Policy DES 5 of the UDP was not referenced in the Council's decision but is considered relevant based on their delegated report. The Council have referenced Policy DES 10 of the UDP in their decision. This policy relates specifically to Listed Buildings and as such I do not consider it to be relevant to this appeal.

Other Matters

9. The occupants of neighbouring dwellings have raised concerns with the potential for loss of light, an increased sense of enclosure and increased noise levels resulting from the proposal. The Council concluded that the proposed

development would not amount to significant harm. Based on the evidence before me I have no reasons to reach a different conclusion.

Conditions

10. In allowing the proposed development I have had regard to the conditions suggested by the Council, which the appellant has agreed to. Where necessary I have amended the wording of the suggested conditions in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance and the National Planning Policy Framework.
11. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty.
12. A condition requiring the external surfaces of the development to match the existing building is necessary to preserve the character and appearance of the host dwelling and surrounding area, with regard for the Pimlico CA. It is not considered reasonable or necessary to condition the internal finishes of the building to match the original, as these features have not been identified as contributing towards the significance of the Pimlico CA. A condition requiring details of timber windows to be submitted to Council for approval is considered reasonable having regard for the Pimlico CA, however the submission of these details prior to occupation of the development is considered more appropriate.
13. Conditions restricting the hours during which certain building and construction works can occur is necessary to protect the living conditions of neighbouring occupants. Reference to procedures under the separate legislation have been removed as it is unnecessary. A condition stating the roof of the extension is not to be used for sitting out or any other related purpose has also been included for certainty.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Plan Ref #00425991-1F6753, dated 30th May 2019); Existing Plans (Dwg No 01, dated 07.03.2019); Existing Section (Demolition) (Dwg No 03, dated 07.03.2019); Proposed (Dwg No 02, dated 07.03.2019); Proposed Second Floor Opt 1, 2, 3 (Dwg No 03, dated 16 Feb 2019, Rev No 2); Proposed Section (Dwg No 04, dated 07.03.2019); Existing Rear Elevation (Dwg No 05, dated 07.03.2019); Proposed Elevation (Dwg No 06, dated 07.03.2019); Existing Left Side Elevation (Dwg No 07, dated 07.03.2019); Proposed Left Side Elevation (Dwg No 08, dated 07.03.2019); Existing Right Side Elevation (Dwg No 09, dated 07/03/2019); Proposed Right Side Elevation (Dwg No 10, dated 07.03.2019); Properties Facing the Back of the Building (Dwg No 11, dated 07.03.2019); 108 Side Elevation (Dwg No 12, dated 07.03.2019); 104 Side Elevation (Dwg No 13, dated 07.03.2019); Proposed External Wall and Floor Detail (Dwg No 14, dated 07.03.2019); Proposed First Floor Finishes (Dwg No 14, dated 10 March 2019, Rev No 4); Proposed Second Floor Finishes (Dwg No 15, dated 10 March 2019, Rev No 4); Roof Detail (Dwg No 15, dated 07.03.2019); Proposed Roof Light Detail (Dwg No 16, dated 07.03.2019); Proposed First Floor (Dwg No 17, dated 14 March 2019, Rev No 4); Demolition First Floor (Dwg No 17b, dated 14 March 2019, Rev No 4); Proposed Third Floor (Dwg No 19, dated 14 March 2019, Rev No 4).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans. Where not specified, all external surfaces shall match the existing materials used, method of construction and finished appearance of the original building.
- 4) Prior to first occupation of the development hereby permitted, detailed sectional and elevational drawings of the proposed timber windows shall be submitted to and approved in writing by the Local Planning Authority. The timber windows shall thereafter be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.
- 5) Any building work which can be heard at the boundary of the site, excluding piling, excavation and demolition work, must be carried out as follows:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.Any piling, excavation and demolition work must be carried out as follows:
 - between 08.00 and 18.00 Monday to Friday; and
 - not at all on Saturdays, Sundays, bank holidays and public holidays.
- 6) The roof of the extension hereby permitted shall not be used for sitting out or for any other purposes, except in the event of an emergency.