



Appeal Decision

Site visit made on 20 October 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/X5990/W/20/3252606 525 Harrow Road, London W10 4RH

- 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 Mendoza Limited against the decision of City of Westminster Council.
 - The application Ref 19/06213/FUL, dated 30 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is continued use as public house (Use Class A4) at basement and ground floors and conversion of upper floors into six residential units together with roof extension to existing building. Erection of four storey mixed-use building over beer garden restating Class A4 use at ground floor level and provision of three residential units on upper floors. Demolition of pub garden outbuildings and boundary wall to Harrow Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of (i) the proposed alterations to the Flora Hotel, and (ii) the proposed new building on the character and appearance of the area, with particular regard to whether or not they would preserve or enhance the character or appearance of the Queen's Park Estate Conservation Area.

Reasons

3. The appeal site consists of the Flora Hotel and its associated garden and outbuildings, which are set on a narrow and tapering site between Harrow Road and the Paddington Arm of the Grand Union Canal. It sits within the Queens Park Estate Conservation Area (the Conservation Area), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
4. The Conservation Area is focused on the residential estate developed by the Artisans, Labourers and General Dwellings Company (the ALGDC) in the second

half of the 19th century on land north of Harrow Road. Within the estate the two-storey terraced houses are laid out on reasonably broad tree-lined avenues, and while there is a uniformity of design within each terrace, the design and detailing varies from one terrace to the next. Nonetheless, there is an overall consistency of architectural style, scale and materials within the estate, creating a distinctive character. From all the evidence before me, I consider that the significance of the Conservation Area derives primarily from the Queen's Park Estate's status as a substantially complete example of early cottage estate development.

5. The part of the Conservation Area between Harrow Road and the canal, including the appeal site, is somewhat distinct from the ALGDC estate. It is dominated by the three storey buildings originally with shops at ground floor level on the south side of Harrow Road, and while many of the shop units no longer appear to be used for their original purpose, this part of the Conservation Area reflects its origins as a mixed residential and commercial development on an arterial road as London expanded in the middle part of the 19th century. The appeal site itself is separated from the other buildings further east on the south side of Harrow Road by the narrow public garden known as Harrow Road Open Space.
6. The Flora Hotel is a purpose-built public house dating from around 1860. It is an attractive three-storey (plus basement) building drawing on an eclectic mix of influences, including Gothic and neo-classical stylings not untypical of London's Victorian pubs, and is noted as an unlisted building of merit within the Conservation Area. Although it pre-dates the development of the Queen's Park Estate and was not built by the ALGDC, it includes features such as ornate mouldings, gables and contrasting brickwork which are common to the Conservation Area as a whole. The building contributes to the overall Victorian character of the Conservation Area, as well as to the appreciation and understanding of the growth of London in the 19th century. The buildings immediately west of the Flora Hotel, and the mid-to late 20th century flats opposite on the north side of Harrow Road lie outside the Conservation Area.
7. The Flora Hotel was vacant at the time of the planning application and my site visit. A previous development proposal was refused planning permission at appeal in 2018¹, and both main parties have referred extensively to that decision in their representations. There are two elements to the current proposal – the refurbishment of the existing Flora Hotel building, and the erection of a new building to its east.

Alterations to the Flora Hotel

8. The proposal in respect of the Flora Hotel building is to retain and refurbish the pub at ground floor and basement levels, to convert the upper floors and create an additional storey at roof level, providing six residential units within the existing building. The new top floor would be created by replacing the existing roof wings on either side of the central gable with a mansard type structure, and dormer windows would be installed to serve the new flats at that level. I note that, although from what I saw at my site visit front dormers are not common within the Conservation Area, the Council considered the general form of the proposed roof to be acceptable in terms of its visual impact.

¹ Ref: APP/X5990/W/17/3191884

9. The Harrow Road frontage of the Flora Hotel has many decorative features of interest, including the elaborate shopfront, the moulded string courses to the elevations, polychromatic brick arches above the windows and the large centre gable. Although the east-facing side elevation is simpler and, some of the decorative features continue round from the main frontage. These elevations make a significant positive contribution to the visual quality of the street scene.
10. The main gable would be retained and would remain the visual focus of the principle elevation, and the dormers would be aligned with the first and second floor windows below. In these matters I consider that the proposal would be acceptable. The siting of the dormers atop the front parapet almost flush with the main elevation underneath, as shown in the submitted drawings, would give them a visual prominence which would detract from the overall quality of the front of the building. However, this is a matter where, if the proposal had been acceptable in all other regards, an appropriate condition could have been imposed to secure the necessary relatively minor amendments to position the dormers a little further behind the line of the main front elevation.
11. Balconies would be installed oversailing the canal on the south-facing rear elevation at first, second and third floor levels. The submitted drawings suggest that they would be at a height which would not interfere with navigation of the canal by passing boats, although the development of airspace above the canal would require a commercial agreement between the appellant and the Canal and River Trust (the CRT) which owns and operates the canal. However, I concur with the CRT's view that the balconies would add interest to the Flora Hotel's currently rather bleak south elevation, and consider that in planning terms the life they could bring to the canal would be a benefit to its setting. Again, if the proposal had been acceptable in all other regards, an appropriate condition could have been imposed to require the approval of the detailed design and finish of the balconies.
12. I conclude that the proposed alterations to the Flora Hotel would be acceptable in terms of their effect on the character and appearance of the area. This element of the proposal would therefore comply with Policies S25 and S28 of the 2016 Westminster City Plan (the City Plan), and with saved Policies DES1 and DES6 of the 2007 Westminster Unitary Development Plan (the UDP). Together these policies seek to ensure that development is well-designed, heritage assets are conserved, and that roof alterations and extensions are successfully integrated with their surroundings.

The proposed new building

13. The proposed new building to the east would have three storeys built above the reconfigured beer garden, accommodating a further three flats. It too would have balconies projecting over the canal from the rear upper levels. There would also be a pontoon or deck projecting into the canal at the rear of the beer garden. I note that, although the Council has described the proposed new building as 'a contentious one in townscape terms', it considers the principle of development to be acceptable.
14. Apart from an access and service core at its eastern end, the new building would be open at ground floor level, with the space given over to the pub beer garden, giving the impression of the upper floors 'floating' above the garden. While I acknowledge the appellant's desire to retain a functioning outdoor drinking area as part of the pub's offer, this approach would leave the proposed

building above feeling disconnected from the street, and in visual terms it would be at odds with the more traditional townscape of the rest of the Conservation Area.

15. The beer garden would be separated from the street by a 'fence' formed by a line of closely spaced metal posts of varying widths fixed to the wall of the service core at the eastern end of the street elevation. These would then become freestanding, changing orientation and narrowing in width towards the Flora Hotel building. The changing plane of the posts making up the screen would allow for the opening up of close range views into the beer garden. However, the submitted plans and visualisations suggest that in medium and longer views along Harrow Road the screen would appear as a solid feature, akin to a steel security barrier in appearance and as a result somewhat forbidding in character. This impression would be emphasised by the visual disconnect between the posts and the front elevation of the upper floors above.
16. While the appellant suggests that the screen would acknowledge the industrial heritage of the canal, in my view its austere design would be at odds both with the rich detailing of the adjoining Flora Hotel building, and indeed the proposed new building above which would not be industrial in character. In my view, neither the 'floating' upper floors nor the harsh treatment of much of the ground level frontage would enhance the quality of the street scene on this part of Harrow Road, and in these respects I consider that the proposed building would be harmful to the character and appearance of the wider area.
17. The curved north west corner of the new building would reveal views of the side elevation of the Flora which, while simpler and less distinctive than the Harrow Road frontage, as I have described above nevertheless has some of the decorative features of the main elevation and makes a positive contribution to the street scene. However, the eastern elevation of the proposed new building would be windowless and relatively simple in appearance, and its square corners would present a less interesting public face than the curved corner at the other end of the building. I recognise that this end of the appeal site is somewhat constrained both by its shallow depth and the presence of the small garage on the adjoining land to the east. Nevertheless, the scheme as proposed would create a visually uninspiring approach to those approaching from the east along either Harrow Road or the canal. In my view these elements would contribute to the proposal being unsympathetic to the character and appearance of the wider area.
18. The main body of the new building would match the front parapet height of the existing Flora building, and the roof storey would rise to the same height as the proposed mansard on The Flora. While the new building would be distinctly modern in appearance compared to the existing pub building, the horizontal banding of the upper floor windows would be aligned with the Flora, which would give some continuity of appearance. The use of terracotta panels would reflect the use of the material in the wider area, and the colour palette would be drawn from the existing pub building. In these other matters therefore I consider that the design of the new building would be appropriate to its surroundings. However, that these aspects of the proposal are acceptable does not outweigh the other harm to the character and appearance of the area which I have found as described above

19. As with the proposed balconies on the rear of the Flora building, I agree with the CRT's view that the proposed balconies and pontoon deck at the rear of the proposed new building would bring a degree of vitality to the canal side of the site. The Council has expressed concern that any deck structure may attract paraphernalia associated with the mooring of residential boats, but they have not made clear in what way this would be harmful to the character of the canal or the wider area, and in my view this would – to some extent at least – be an expected part of the character of an urban canal. Again, these elements of the scheme would require a commercial agreement with the CRT which falls outside the scope of this appeal. As with the main Flora building, the details of the design and finish could have been addressed by a condition if the proposal had been acceptable in all other respects. Again though, that these aspects of the proposal are in my view acceptable would not outweigh the other harm which I have found.
20. The appellant has referred to the building at 527 Harrow Road, which adjoins the appeal site to the west. This was granted planning permission on appeal in 2003², and while I do not know the full details of that case, it was apparent from my site visit that its rather plain grey metal façade presents something of a 'stark' and 'austere' contrast (in the words of the appellant) with the more intricate detailing of the Flora building next door. While No 527 sits outside the Conservation Area, its modern design and materials make a distinctive contribution to the character and appearance of the area surrounding the appeal site. However, No 527 sits in the middle of a street block rather than at the end, this siting contrasting with the openness east of the appeal site provided by Harrow Road Open Space and the canal. No 527 therefore has a different relationship with, and a less prominent position within, the street scene than would the proposed new building east of the Flora. As a result, its presence does not lend significant weight in support of the scheme before me.
21. I acknowledge that the appellant has attempted to address many of the issues raised by my predecessor in the 2018 appeal decision. In particular, as I have already described I consider that many of the amended elements of the proposed new building's appearance such as the horizontal banding and fenestration, the proposed use of coloured terracotta cladding, as well as the overall effect on the character of the canal would be acceptable, subject to some minor amendments to detailing which could have been addressed by appropriate conditions. However, the 'floating' appearance of the upper floors of the new building, the harsh ground level treatment to the Harrow Road frontage, and the bland eastern elevation would be incongruous in the surroundings. This means that, taken as a whole, the new building would be harmful to the character and appearance of the surrounding street scene and, consequently, to the Queen's Park Estate Conservation Area.
22. In the Framework's terms, given the size of the Conservation Area, and the siting of the appeal site within it, the harm to its significance as a designated heritage asset would be less than substantial. There would be social and economic benefits associated with providing nine flats, at a time when the Government is seeking to significantly boost the supply of housing. The proposal would make a small contribution to housing supply in a location where there is excellent access to a range of services and facilities, and future occupants would have satisfactory living conditions. These are positive factors

² Reference APP/X5990/A/03/1112790

in the scheme's favour which attract modest weight, but they would not outweigh the harm to the heritage asset to which I must attribute great weight.

23. I therefore conclude that the proposed new building would conflict with Policies S25 and S28 of the City Plan, and with saved Policies DES1, DES 4 and DES9 of the UDP. Together these policies seek to ensure that development (including infill schemes) is designed to the highest standards and respects the character of existing buildings, and that heritage assets are preserved or enhanced.
24. The decision notice also indicated conflict with Policy DES13 of the UDP, which seeks to enhance the setting of, and improve access to and the amenity of, canals within Westminster. The proposal would create balconies over the canal, and a pontoon into it. However, I consider that the scheme would result in benefits to the setting and vitality of the canal, and therefore I find no conflict with this particular policy.

Other matters

25. As well as raising matters of character and appearance, which are addressed above and in which it was largely supportive of the proposal, the CRT indicated that it had concerns about the possible effect of the proposed development on the structural integrity of the adjacent canal. These particularly related to the potential effect of additional loadings and excavations on the non-towpath (northern) canal wall, and whether the potential risk to the canal could be adequately mitigated by conditions. As I have found the proposal to be unacceptable for other reasons, this matter has not been determinative in this case, and it has not therefore been necessary for me to consider it in further detail.

Planning Balance and Conclusion

26. The proposed alterations to the existing Flora Hotel building would be acceptable. However, the proposed new building would be harmful to the character and appearance of the Queen's Park Estate Conservation Area. This harm, which must be afforded great weight, is not outweighed by the public benefits of the scheme. Consequently, the development as a whole is not acceptable.
27. The appeal is therefore dismissed.

M Cryan

Inspector