



Appeal Decision

Site visit made on 17 February 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2021

Appeal Ref: APP/X5990/W/20/3253872 87 Morshead Road, London W9 1LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Angelique Schmitt against the decision of City of Westminster Council.
 - The application Ref 20/02454/FULL, dated 27 January 2020, was approved on 21 May 2020 and planning permission was granted subject to conditions.
 - The development permitted is Loft conversion and new roof lights to top floor flat.
 - The condition in dispute is No 4 which states that: *Notwithstanding the details shown to the submitted drawings, you must apply to us for approval of amended drawings showing each of the rooflights proposed on the roof slopes to the rear of the main central roof ridge of the building being separated from other rooflights by retained roof slope between, and showing each rooflight being no larger than each (of the two) skylights shown above the annotation 'B1169' shown within 'Bedroom 2.01' as shown on drawing 002 002. You must not start any work on these parts of the development until we have approved what you have sent us.*
 - The reason given for the condition is: *To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice refers to plan/drawing Ref 003 001 in one instance. I have been provided with two different section plans named 003 001. However, they do not conflict with one and other, so they do not affect my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development without condition 4 upon the character and appearance of the host building and whether the development would either preserve or enhance the character or appearance of the Maida Vale Conservation Area (MVCA).

Reasons

4. The appeal site comprises the fourth floor of a terraced mansion block within the MVCA. Within the MVCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. The MVCA is characterised and derives its significance from the series of planned roads, avenues and crescents and the well-preserved built forms and appearance of the 19th and early 20th century primarily residential buildings, mainly comprising brickwork and stucco. This part of the MVCA is characterised and derives its significance from the attractive residential mansion blocks laid out as unified groups of buildings in terms of their height, design, materials, and architectural approach.
5. The appeal site block has red brickwork with front elevations comprising gables, projecting bays, decorative iron work and attractive brick detailing, repeated on the neighbouring buildings. The rear elevations have a simpler detailing, with sash windows under brick arches, slate clad roofs with consistently positioned brick chimney stacks, and limited rooflights visible. The rear displays a strong unity along the group of blocks. The contribution and significance of the appeal site is as the fourth floor and roof of the block displaying well-preserved examples of the aforementioned features to the front and rear. It therefore makes a positive contribution to the MVCA.
6. The proposed rear rooflights would be of a significant size and length, with the rearmost being significantly greater in length than those visible on surrounding blocks at my visit. Visibility of the full visual extent of the rooflights would be restricted to a limited degree by the angle of the roof and positioning in relation to the chimneys. However, due to the combination of their position, size, shape, and length they would have discernibility as sizeable somewhat incongruent and dominant extents glass on the slate roof, significantly different to those nearby, and not in keeping with the existing window openings.
7. Notwithstanding the illumination from other existing windows, any internal illumination through the rooflights would be visible as sizeable angled sheets and strips of light after dark when some internal lights are in use. The combination of the shape, scale, and extent of the rooflights would result in disruption to the appearance, rhythm and unity of the roof slopes that would be harmful to the character and appearance of the rear of the appeal site and the MVCA. The visibility would be from part of the communal garden, some close proximity views from the flat across the light well and a number of flats in the blocks opposite (south west) the rear of the appeal site.
8. Therefore, without condition 4 the development would be harmful to the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the MVCA, adversely impacting upon its significance. Therefore, it would result in a conflict with Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES1, DES5 and DES6 of the City of Westminster Unitary Development Plan (2007) (the UDP). Amongst other things these policies require development exhibits the highest standards of design, is not visually intrusive, is in keeping with the existing building and its immediate surroundings, does not affect the unity of a group of buildings, respects and preserves heritage assets, and upgrades such assets sensitively.

9. There would also be a conflict with paragraphs 10.108 and 10.115 of the accompanying text to Policy DES 9 of the UDP which seeks to preserve or enhance the character or appearance of Conservation Areas. Given their scale and shape I do not agree all the rooflights would be compliant with DES 7J of the Development and Demolition in Conservation Areas SPG (1996) based upon the wording set out by the appellant.
10. Paragraph 193 of the Framework requires when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation, and harm to its significance should require clear and convincing justification (paragraph 194). The harm set out above would be less than substantial harm. Paragraph 196 of the Framework requires that where a proposal would lead to less than substantial harm to a designated asset, the harm should be weighed against the public benefits. However, less than substantial harm should not be equated with a less than substantial planning objection.
11. There would be some small benefits of increasing natural light, thereby reducing energy consumption by a small amount. The proposed rooflights would provide a small amount of additional headroom in some of the loft spaces for the occupiers. However, if the appeal is dismissed this would not result in the affected spaces being unusable by the occupiers. The benefits advanced are small public benefits. The collective public benefits of the development attract limited weight, which does not outweigh the harm to the character and appearance of the host building and the MVCA. Therefore, the proposed development also conflicts with the Framework as a whole.
12. The large single and double rooflights on the rear wing and a double rooflight on the downslope would be affected by condition 4. It would have the effect of reducing three of the rooflights by a significant proportion and their continuous extent by including a separation from retained roof between the twin rooflights. As it would not increase the number and area of rooflights, I see no reason that condition 4 would result in an increase in clutter. Its effect would be to visibly reduce the scale and mass of the largest rooflights to a size that is subservient to the host building. It would ensure their effect upon the character and appearance of the host property would not be harmful and the development would preserve the character and appearance of the MVCA, and thereby not have an adverse effect upon its significance. Therefore, condition 4 is considered reasonable and necessary.

Conclusion

13. For the reasons set out above condition 4 is reasonable and necessary. Without condition 4 the proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole. There are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR