



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: 5th March 2021

Appeal Ref: APP/X5990/W/20/3261746

48/50 Warrington Crescent, London W9 1EP

- 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 Herman of Landcorp (UK) Limited against the decision of City of Westminster Council.
 - The application Ref 20/04125/FULL, dated 1 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is Demolition of existing roof and construction of mansard roof, to create larger roof level apartment to no.50 to that previously permitted and larger habitable roofspace to that of no.48 to that previously permitted, all under application 19/00818/FULL.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon the character and appearance of the host building and, whether the proposed development would either preserve or enhance the character or appearance of the Maida Vale Conservation Area (MVCA).

Reasons

3. The appeal site comprises an attractive well-preserved pair of Victorian buildings within the MVCA, where there is a statutory duty under section 72(1) 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. Paragraph 193 of the National Planning Policy Framework (2019) (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.
4. The MVCA is characterised and derives its significance from the series of planned roads, avenues and crescents and the appearance of the well-preserved 19th and early 20th century primarily residential buildings in different groups, reflecting the changing architectural styles during the time the groups were built. This includes stuccoed villas and terraces, brick faced townhouses and red brick mansion blocks.

5. The MVCA around the appeal site is characterised and derives its significance from the formal layout, and the composition and appearance of groups of well-preserved buildings along the wide streets and backing onto mature shared greenspace. The groups of buildings on Warrington Crescent exhibit varying architectural styles and roof forms. The facades of most townhouse and villa buildings exhibit fine levels of decorative features such as stuccoed porches with balustrading, substantial bays, historic window openings and ornate cornicing. The elevations of most are arranged in a composition which reduces the emphasis up the façade, with attic level accommodation in either mansard or shallow slate roofs, with the majority of roof slopes limiting bulk and massing in comparison to the main building.
6. The appeal site buildings form part of a group that was understood to have been originally constructed as a row of twelve, connected by recessed bays. Below roof level they have a composition integrating stucco detailing to the porches, a rendered bay feature on the lower ground, ground and first floor levels, with the facade terminating at second floor level above which there is a prominent cornice feature. Most of the group retain historic low pitched roofs and have small dormers complementing their composition. However, repairs following the first world war resulted in four being repaired with substantial pavilion mansards with a fifth permitted more recently (Nos 52 – 60).
7. The repairs result in a significant contrast to the appearance with the seven dwellings forming the south of the original group (Nos 38 – 50). Notwithstanding the similar facades, the recessed bays and different roof types result in the original group being viewed as two different groups. The southern group retains much of their originally intended form and are a particularly attractive composition. The elevations are seen to reduce down the emphasis to each floor above, rising to a definitive termination above second floor level, serving to highlight the eaves cornice, to a distinctive shallow pitched roof structure, maintaining a low profile so as not to add bulk above or compete with the main composition.
8. The group of seven presents an attractive unified skyline that forms an important part of their character and attractive composition and appearance. They make a significant positive contribution to the significance of the MVCA, as one of a number of groups in the street scene, retaining the reduction in emphasis up the storeys through their composition and distinctive historic roof forms. This matter attracts significant weight.
9. The development would reduce the number of buildings with distinctive historic roofs by two, considerably weakening and eroding a significant proportion of the group. While retaining the eaves cornice and aligning windows with those on the floors below to the front and rear, the development would significantly modify the roofs to a similar design as the existing smaller group pavilion mansards to the north. The increased height and steep slope which starts to slope up steeply almost level with the front of the eaves cornice would add significant bulk, accentuated by the large dormers, contrary to the existing composition. Although retaining the front façade, the extensions would be visually prominent, dominant, and somewhat top heavy additions significantly and harmfully affecting the profile, appearance, and character of the buildings.
10. The development would be viewed in the context of different groups of buildings within the street scene many of which have mansards. However, the

pitch, height and shape of the proposed mansards are particularly bulky in relation to the host buildings. Aside of Nos 52 – 60 the resulting composition of the buildings would not be in sympathy with or preserve the elements that positively contribute towards the architectural character and significance of the appeal site, the group of seven and much of the street scene. They would result in the loss of a form and profile that makes a positive contribution to the local skyline, and a significant and distinctive roof form. Therefore, the development would result in harm to the host building, not preserve or enhance the contribution of the appeal site to the significance of the MVCA, and would harm the character and appearance of the MVCA.

11. The roof forms around the shared greenspace to the rear exhibit a greater degree of diversity. However, the group of shallower pitched roof buildings at Nos 38 – 50 have relatively few modifications and they are visible in their positive contribution as a group to the area. This is appreciable from Warrington Crescent, the rear from the shared greenspace and a number of properties that overlook that space, where the appeal site and group are primarily viewed in the context of the roof forms on Warrington Crescent.
12. Even if I were to be of the view a planning condition could provide an adequate mechanism to secure the implementation of the roof on both properties, the roof plans did not conflict with the elevations, and that it would not appear as a modern mansard, the development would still be significantly and harmfully at odds with the existing character and appearance of the appeal site buildings and the group.
13. The mansard at No 58 pre-dates the current development plan and the Framework. The evidence suggests there were similar mansards either side of it, so it was not part of a continuous group with shallower historic roof forms when approved. I do not have the full details and circumstances before me that lead to the approval of No 55, Nos 9 and 15 Randolph Avenue, and No 37 Clifton Gardens. However, based upon the evidence before me and my visit, they are on buildings with a different composition and appearance to the appeal site, and were individual properties not forming part of a continuous group of non-mansard roof properties. Therefore, these are not directly comparable to the circumstances of this appeal proposal, which I have considered on its own merits, and they do not justify allowing this appeal.
14. For the reasons set out above the development would be harmful to the character and appearance of the host buildings and would fail to preserve or enhance the character or appearance of the MVCA, resulting in harm to its significance. It would conflict with Policies S25 and S28 of the Westminster City Plan (2016) (the WCP) and Policies DES1, DES6 and DES9 of the Unitary Development Plan (2007) (the UDP). In combination and amongst other things, these expect development exhibits the highest standards of design, is not visually intrusive, is in keeping with the character of existing buildings, does not affect the character or unity of a group of buildings, respects and preserves heritage assets and preserves or enhances the character or appearance of conservation areas.
15. Paragraphs 10.108 and 10.128 of the UDP seek to preserve or enhance the character or appearance of a conservation area, highlighting views from surrounding buildings and other non-street-level views may be important. This

is not planning policy, although, I have had regard to these matters in reaching my findings above.

16. The development may be compliant with some criteria of Policies DES6 and DES9, such as the materials and living conditions of appeal site and neighbouring occupiers. I also note the aims and advice of the Roofs: A Guide to Alterations and Extensions on Domestic Buildings Supplementary Planning Guidance (2004) (the SPG) in respect of mansards. The development complies with some aspects of the advice, but the SPG does not state mansards are appropriate for all buildings. This SPG is advice, it pre-dates the current development plan documents and the Framework, therefore, compliance with aspects of it does not outweigh the conflict with the development plan policies I have mentioned above. While the effect upon wider townscape views would be limited, based upon the wording provided of Policy DES15 of the UDP, by increasing the height and angle of the roof it would not be entirely consistent with the aim to protect or enhance all aspects of local views that contribute towards the townscape and historic character.

Other Matters

17. The appeal site lies in proximity to Grade II Listed Buildings at Nos 1-49 and 4-36 Warrington Crescent. Special regard should be given to the desirability of preserving the setting of Listed Buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, as this appeal fails I have not gone on to consider this matter further.

Planning Balance

18. Paragraph 194 of the Framework states that harm to the significance of a designated heritage asset should require clear and convincing justification. 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.
19. The appeal site benefits from a recent planning permission. This development would extend that scheme. It has not been put to me the conversion is dependent upon this appeal scheme being allowed, and the application form confirms that this proposal does not result in an increase in residential units. The proposed development would provide additional accommodation within the roof of both appeal site dwellings. It would provide an additional bedroom increasing the potential occupancy capacity, and provide an increased quantity, height, quality, and light within the roof living space, which would be above the Nationally Described Space Standard, as well as an increase in living space within the neighbouring dwelling.
20. There would be likely to be some limited energy efficiency benefits from the provision of the new roof and windows, and benefits from the renewal of the fabric of the building which would increase the life of the roof and adaptability of the roof space. However, in the context of this appeal scheme all the public benefits advanced are limited. Compliance with policies in respect of matters such as the living conditions of neighbouring occupiers, materials, and aspects of design advice in the SPG are neutral matters attracting neutral weight.

21. The collective public benefits and policy compliance of this development attracts limited weight. This does not outweigh the harm to the character and appearance of the host buildings and the harm to the character and appearance and significance of the MVCA, which attracts great weight. Therefore, the development also conflicts with the Framework.

Conclusion

22. 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