
Appeal Decisions

Site visit made on 12 April 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal A: APP/X5990/W/20/3258244

25A Westbourne Terrace Road, London W2 6NF

- 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 Justin Cavell against the decision of City of Westminster Council.
 - The application Ref 20/03739/FULL, dated 16 June 2020, was refused by notice dated 22 July 2020.
 - The development proposed is described as demolition of existing rear extensions and erection of a full width glazed single storey rear extension.
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Appeal B: APP/X5990/Y/20/3258246

25A Westbourne Terrace Road, London W2 6NF

- 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 Justin Cavell against the decision of City of Westminster Council.
 - The application Ref 20/03740/LBC, dated 16 June 2020, was refused by notice dated 22 July 2020.
 - The works proposed are described as demolition of existing rear extensions and erection of a full width glazed single storey rear extension.
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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 Council has previously refused a similar scheme, which was then dismissed at appeal reference APP/X5990/W/19/3240235 and APP/X5990/Y/19/3240239 (the previous appeals). The main difference between the schemes is that that the proposed extension would feature a glazed roof, whereas the previous scheme would have featured a green roof. I have taken the decision relating to the previous appeals into account in my reasons below.

Main Issue

5. The main issue is the effect of the scheme on designated heritage assets, including: whether it would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses; and, whether it would preserve or enhance the character or appearance of Maida Vale Conservation Area (the Conservation Area).

Reasons

6. The appeal property is the basement flat of 25 Westbourne Terrace Road. This forms part of a 6 unit terrace numbered 21-26 Westbourne Terrace Road, which is the listed building in this case. Insofar as it is relevant to the Appeals, the significance and special interest of the listed building lies in its mid-nineteenth century date and fabric, uniformity in its design and appearance, the elaborate nature of its frontage detailing, and its group value as one of a series of similar terraces which line Westbourne Terrace Road.
7. As is common, the rear elevation of the terrace differs in design and appearance to the front, being very plain. As is less common, both the front and back are now largely exposed to public view, with only limited screening provided by vegetation and fencing. The rear elevation originally featured a sequence of projecting double bays, to the sides of which closet extensions were added at a later date. The whole had, and largely retains, a simple brick finish. An old photo dated to the 1950s shows that at this time the rear elevation was free from any other addition. Various extensions and/or canopies have been added at basement level along the terrace since. Differences in the substance, design and construction of these additions undermines the overall uniformity of rear elevation. However, most are at least modest in scale, width and form, as is true of the existing conservatory and small infill extension to the side of the closet at No 25A. This is similarly true of additions to the properties to either side. As such the historic character of the rear elevation remains appreciable.
8. The scheme would see the existing additions at No 25A removed and replaced with an extension whose overall width, height, projection and volume would be much greater. The extension subject of the previous appeals would have had more or less the same form and volume, but in that case the solidity and appearance of the roof was identified as a source of particular harm. The effects of the proposed extension would clearly differ on account of the fact that the roof would be glazed. In this regard, whilst I note that the previous Inspector contrasted the solidity of the roof with the transparency of the 'walls' then proposed, this neither amounted to any explicit indication that the current scheme would be acceptable, nor invited it.
9. The proposed extension would be fully glazed across the back, but given that it would span the width of the rear elevation, it would nonetheless require substantial brick walls to either side. In this regard the solidity of the structure would be appreciable from adjoining properties, and in views across the rear elevation of the terrace from Harrow Road. Its transparency relative to the rear elevation would only be fully appreciable in daytime views directly from the rear, and would furthermore be subject of the glazing being free from tint, reflection, and any form of internal screening or clutter. Even if this could be secured, the structure would have a substantial physical and visual presence that would be accentuated viewed relative to the far more modest width and

proportions of additions at adjacent properties. In this regard it would appear discordant. Moreover, it would obscure the rear elevation to a greater extent than do the existing additions.

10. In this regard the Inspector in the previous appeals identified benefit in relation to re-exposure of a small section of the original rear elevation. This would result from removal of the existing infill to the side of the closet extension, re-establishing a recess. As in that case however, the same section of wall would then be contained within the extension. The extension would, as outlined above, furthermore cover the full width of the elevation at greater depth. For this reason, and given the increased scale of the flank wall, and proposed positioning of a rooflight within the recess, the 're-exposed' section of wall and recess would in fact continue to be obscured. Thus, in this regard the scheme can be properly understood as entailing substitution of one form of harm with another. Even if this was to be considered a 'lesser' harm, when set within the context of the broader harm I have identified above, the net overall effect on the listed building would be negative.
11. The scheme would also include removal of the modern render at basement level. A method statement has been submitted, though this does not appear to have been informed by any preliminary investigation of feasibility, or consideration of the nature of the brickwork beneath. In this regard it is unlikely that the render could be cleanly removed without causing damage. More so in this case, given that the old photo and the condition of adjacent brickwork indicates the strong likelihood that the brickwork beneath has been subject of past modification. The nature and deliverability of any benefit is therefore doubtful. The proposed alternative of constructing a new wall in front of the existing from salvaged bricks would itself be unlikely to achieve a harmonious appearance, and as this would add further substance to the extension, it would accentuate the harm identified above.
12. The listed building is also located within the Conservation Area. Again, insofar as it is relevant to the Appeals, the significance and special interest of the Conservation Area lies in the historic layout and interrelationship of buildings spaces within a townscape, which is strongly characterised by nineteenth century terraced buildings. In this regard the listed building makes a positive contribution. As outlined above, the scheme would entail alterations that would diminish the significance of the listed building as a whole, and this would, furthermore, be appreciable from within the public realm. It thus follows that the scheme would diminish the contribution that the listed building makes to the significance of the broader Conservation Area.
13. The scheme would therefore fail to preserve the special interest of the listed building, and fail to preserve or enhance the character or appearance of the Conservation Area. As such it would conflict with the expectations of the Act, and paragraphs 193 and 194 of the National Planning Policy Framework (the Framework), which set out the great weight to be attached to the conservation of designated heritage assets, and the need for clear and convincing justification for any harm.
14. In view of my findings above, and with further reference to paragraph 196 of the Framework, the scheme would cause less than substantial harm to the significance of 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 significance of the Conservation Area. In accordance with the Framework, it is necessary to balance this harm against any public benefits the scheme would deliver.

15. Insofar as removal of the infill to the side of the closet extension, and exposure of brickwork have been advanced as benefits, I have considered these in the context of my assessment above. In view of my overall finding of harm, these considerations attract no weight.
16. The benefits of reconfiguring the accommodation would be private, and therefore again attract no weight in themselves.
17. Work would be generated for contractors, however the broader economic benefits of this would be negligible in scale. As such they attract negligible weight. Consequently, the public benefits of the scheme would be insufficient to outweigh the harm that it would cause.
18. 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

19. The scheme would fail to preserve designated heritage assets, and in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR