



Appeal Decision

Site visit made on 19 May 2021

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2021

Appeal Ref: APP/X5990/Y/20/3253789

111 Clifton Hill, London NW8 0JS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs S Warman against the decision of City of Westminster Council.
 - The application Ref 19/07983/LBC, dated 11 October 2019, was refused by notice dated 10 December 2019.
 - The works proposed are described as partial demolition of front wall to form single off-street parking space.
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Decision

1. The appeal is dismissed and listed building consent is refused for proposed works described as 'partial demolition of front wall to form single off-street parking space'.

Preliminary Matters

2. As the proposal relates to a listed building and is in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Notwithstanding the appellant's submissions on the matter, I am required by section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the St John's Wood Conservation Area (the SJWCA).

Main Issues

3. The main issues are whether or not the proposed works require listed building consent and, if so, what affect they would have on 111, Clifton Hill as a Grade II listed building and on the character or appearance of the SJWCA.

Reasons

4. The appeal site comprises 111, Clifton Hill, a detached house. It is a listed building at Grade II (the listed building). It lies within the SJWCA.

Listed Building Consent

5. In summary, irrespective of whether or not the feature in question is explicitly identified in the list description, listing includes any object or structure fixed to the building and/or any free standing object or structure erected before 1 July 1948 within the curtilage of the listed building. Although only a building may be listed, the term 'building' is broadly defined in planning legislation as being

any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building.

6. The boundary wall and associated railings in question do not feature in the list description for the listed building. Nonetheless, they form part of the walled boundary that runs to the front of No 111, at the back of the pavement of this part of Clifton Hill, returning along the side boundary adjacent to the neighbouring house, No 109, and connecting to the host building, No 111, via a single storey side structure.
7. In this way, notwithstanding the appellant's submissions and regardless of when they were erected, as a matter of fact and degree, the wall/railings are attached or 'fixed' to the listed building. The wall/railings are also an erection or structure such that they meet the definition of a building in their own right. Consequently, based on the evidence before me, listed building consent is required for the proposed demolition of a section of the wall/railings.
8. I note that it is common ground between the main parties that there is an extant planning permission for development, which includes demolition of the same section of wall to form an off-street parking space to the front of No 111. Nonetheless, notwithstanding that other matters are included in the description of the proposed works that are before me, it is only the proposed demolition works that require listed building consent. Accordingly, my assessment of the effects of the proposal are limited to those associated with the proposed removal of the wall/railings only, as set out in the following subsection.

Effect on Listed Building and Conservation Area

9. The area in the vicinity of the appeal site is largely residential and relatively low density, including large detached and semi-detached houses. The buildings tend to be set several metres back from the highway, behind low walls and/or railings, following a broadly consistent building line, which collectively give the street scene an attractive ordered quality. These features and characteristics contribute significantly to the character and appearance of the SJWCA and it is in large part from them that its significance derives.
10. The listed building dates from around 1840. Its significance and special interest lie primarily in it being a good example of a vernacular detached house that is typical of the SJWCA. In the context of the SJWCA, it is also worth noting that the listed building has a very similar form and appearance to the two houses that flank it, as well as to the three houses that immediately face these buildings on the opposite side of Clifton Hill. This part of Clifton Hill, to the west of Greville Road, manifests the characteristic features of the SJWCA outlined above, including low walls/railings to the street frontages.
11. Some of the neighbouring houses have had sections of their front boundary walls/railings removed to form access points, including to facilitate off-street parking. Nonetheless, the overall impression in this part of the SJWCA is that the integrity of the frontage boundaries is maintained, due largely to the limited extent of those removals. The Council's Conservation Area Audit – St John's Wood, Supplementary Planning Document, June 2008, acknowledges that many front boundary enclosures *have been rebuilt but most reflect the design detail and materials of the parent buildings*, as is the case in this part of the SJWCA.

12. Indeed, the evidence indicates that the section of wall/railings in question is reasonably modern, very substantially post-dating the erection of the listed building. For instance, the frontage boundary wall includes much more modern metric bricks and a photograph from a tree survey in 1995 shows that the railings were absent at that time. Nonetheless, the wall/railings provide an attractive setting for the listed building, much in keeping with the character and appearance of the SJWCA.
13. Although only a fairly small section of the wall/railings would be removed, its loss and, more significantly, the resultant formation of a generally uncharacteristic gap in the frontage boundary treatment would be harmful to the character and appearance of the SJWCA as well as to the setting of the listed building. Consequently, the proposed works would harm the significance of both of these heritage assets.
14. The resulting harm to the listed building's and to the SJWCA's significance would both be less than substantial in the terms of para 196 of the National Planning Policy Framework (the Framework). Given the statutory duties outlined above regarding listed buildings and conservation areas, the identified harm to the two heritage assets each carry sufficient weight against the proposed works to comfortably outweigh any public benefits.
15. In that regard, I acknowledge that the proposed works would facilitate the provision of additional off-street parking, such that they have the potential to result in a small reduction in demand for on-street parking. However, the associated crossover to provide vehicular access to the site, would be likely to have the effect of reducing on-street parking capacity, thereby significantly limiting any such potential public benefit.
16. Therefore, the proposed works would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the SJWCA, thus failing to satisfy the requirements of the Act and para 192 of the Framework. In those respects, they would also conflict with Policies S25 (Heritage) and S28 (Design) of the Westminster City Plan, November 2016, and Policy DES 1 (Urban Design and Conservation) of the City of Westminster Unitary Development Plan, January 2007.
17. The reason for refusal also alleges conflict with para 2.4 of the Council's Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. However, as this part of this document relates to 'internal alterations', 'plan form' and 'repairs' only, there can be no such conflict.

Other Matters

18. I note the other appeal decisions that are included within the evidence. However, as I am not familiar with all of the circumstances of those cases and bearing in mind that appeals must be determined on their individual merits, they have not altered my overall decision.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

G D Jones

INSPECTOR