



Appeal Decision

Site visit made on 24 May 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/X5990/D/21/3272997

4 Head's Mews, City of Westminster, London W11 2QL

- 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 Alex Hobbs of Alexander Hobbs Associates against the decision of City of Westminster Council.
 - The application Ref 20/07568/FULL, dated 26 November 2020, was refused by notice dated 27 January 2021.
 - The development proposed is a second-floor extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on:
 - The character and appearance of the host building and the Westbourne Conservation Area; and
 - Living conditions for the occupiers of neighbouring properties at Nos 140-146 Westbourne Grove and No 4 Needham Road, with particular regard to enclosure and outlook.

Reasons

Character and appearance

3. Head's Mews is a small courtyard leading off Needham Road. The appeal property, No 4 Head's Mews, is a simple, neat and orderly brick building built on an L-shaped plan, with two storeys and a flat roof, and the end dwelling in a terrace of four houses (although I understand that Nos 2 and 3 have been amalgamated to form a single unit). The relatively modest scale of the terrace is apparent when it is seen against the larger surrounding blocks, although this is entirely in keeping with its origins as a mews. Building frontages are stepped, creating some visual interest, while the consistency of height, form and design means that the entire terraced block including the appeal property forms a coherent and attractive whole. Within the courtyard the gravel surface, trees and other mature planting soften the environment and create a pleasant space.
4. The appeal site sits within the Westbourne Conservation Area ("the Conservation Area"). 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).

5. The Conservation Area is predominantly residential, comprising mainly semi-detached villas and terraced housing from the mid-19th Century. These vary in scale, form and detailing from modest to relatively grand, and while mews do not appear to be particularly prevalent, Head's Mews (along with the couple of other examples I saw nearby) contributes visual interest and variety to the townscape. From the evidence before me as well as what I saw at the time of my site visit, the significance of the Conservation Area stems from both the general quality of its urban townscape, and the way in which it illustrates the rapid growth of early-Victorian London.
6. The proposal is to add a second floor to part of the appeal property, within which another bedroom and bathroom would be provided. It would be flat roofed, and in materials, form and fenestration would match the original dwelling. I acknowledge that, were it possible to consider the appeal property in isolation, the addition of a second floor as proposed would not necessarily be harmful. However, the appeal property does not stand alone and cannot be seen in isolation. Consistency of design and form is a notable characteristic of the block within Head's Mews, and this would be significantly diminished by the addition of a new floor to a single property as proposed. Furthermore, given the modest scale of the appeal property and the tight setting of Head's Mews, a new upper floor would be somewhat dominant and overbearing within the courtyard. This would undermine the historic subservient relationship between the appeal site and the surroundings, which reflects its mews origins.
7. The Council's Westbourne Conservation Area Audit indicates that Head's Mews is an area where a roof extension would be unacceptable. I have not been provided with that document, and I note the appellant's comments that the development plan policies have changed since the Audit was published in 2002. Nonetheless, I have reached my findings based on the evidence before me and my observations of the appeal site as it was at the time of my site visit, and find harm as described above.
8. I conclude that the proposed extension would be harmful to the character and appearance of the host building and the terrace of which it is part, and so would not preserve or enhance the character or appearance of the Westbourne Conservation Area. Given the size of the Conservation Area as a whole, and the location of the proposed development in a mews courtyard, in the Framework's terms the harm to its significance as a designated heritage asset would be less than substantial. However, while I acknowledge that there would be private benefits to the appellant from being able to enlarge his home, no public benefits have been identified which would outweigh the harm I have found.
9. The proposed development therefore conflicts with Policies S25 and S28 of the 2016 Westminster City Plan ("the City Plan"), and with Saved Policies DES6 and DES1 of the 2007 Westminster Unitary Development Plan ("the UDP"), which together require development to respect the character and scale of buildings

and spaces, seek to ensure that roof alterations and extensions do not adversely affect the character or unity of a group of buildings, and protect and enhance heritage assets. The proposal also conflicts with the provisions of the Framework which seek to conserve and enhance the historic environment.

Living conditions

10. Head's Mews is enclosed by buildings on Artesian Road to the north, Needham Road to the west, and Westbourne Grove to the south. The proposed second floor would not occupy the full roof area of the appeal property, being built only on the long side of the 'L' plan on an approximately north-south alignment. It would be close to the neighbouring dwellings on Westbourne Grove and Needham Road.
11. The lower levels of Nos 140-146 Westbourne Grove have rooms in twin outrigger "bay" type projections facing, and close to, the appeal site. Because of the staggered building lines within Head's Mews, the appeal property is not, in fact, as close to the buildings on Westbourne Grove as the neighbouring house at Nos 2 and 3 Head's Mews. However, the addition of a second floor (which would have a featureless brick elevation) would diminish the outlook and increase the existing sense of enclosure when seen from flats within Nos 144-146. I acknowledge that this would only affect a limited number of occupiers, but given the already limited outlook they enjoy the increased sense of enclosure would be likely to be significantly harmful to their living conditions. I consider that there would be no harm to living conditions for occupiers of 140-142 Westbourne Grove, as these properties are further from the appeal site and would be less affected.
12. Slightly different considerations apply in respect of No 4 Needham Road. The garden and lower ground floor of No 4 Needham Road are at a lower level than the ground floor of the appeal property and because of their setting among the surrounding buildings in my view they are already likely to have a substantial sense of enclosure. The proposed second floor would be set some way back from the edge of the appeal property closest to No 4 Needham Road, and from my observations on site I consider that this means it would be unlikely to significantly increase the sense of enclosure in the lowest parts of that neighbouring property. While the extension would become increasingly visible from windows higher up at the rear of No 4 Needham Road, the general outlook from within those rooms would also be broader and less enclosed. I therefore do not consider that the proposal would be likely to lead to a harmfully increased sense of enclosure for the occupiers of No 4 Needham Road.
13. Although neighbours also raised concern about the potential impact of the extension on privacy, and on daylight and sunlight, I note the Council's views that there is already an element of mutual overlooking between the appeal property and its neighbours which would not be harmfully increased by the current proposal, and that the existing layout of buildings means that there would be no significant loss of daylight or sunlight for any neighbour. Based on what I saw on site, I agree. However, a lack of harm in these respects is not a matter which weighs in the scheme's favour, and does not outweigh the other harm I have found.
14. The proposed development would result in a loss of outlook and increased sense of enclosure which would be harmful to living conditions for the occupiers

of 144-146 Westbourne Grove. I therefore conclude that the proposal would conflict with Policy S29 of the City Plan and Saved Policy ENV13 of the UDP, which together seek to ensure that development protects the living conditions of neighbouring occupiers.

Conclusion

15. The proposed development would be harmful to the character and appearance of the Westbourne Conservation Area. This harm, which must be afforded great weight, is not outweighed by any public benefits of the scheme. It would also be detrimental to neighbours' living conditions. The proposal would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan.
16. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector