



Appeal Decision

Site visit made on 11 May 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/X5990/W/20/3263752

152C Tachbrook Street, London SW1V 2NE

- 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 Ms Emily Fitzsimons against the decision of City of Westminster Council.
 - The application Ref 20/04659/FULL, dated 23 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is described as 'Planning Application for frameless glazed balustrade to protect and safeguard existing roof area.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development plan policies referenced in the Council's decision notice have been superseded by policies in its recently adopted City of Westminster City Plan 2021 (CP). The relevant policies in the CP have therefore been considered in the determination of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the building and the Pimlico Conservation Area; and
 - the effect on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and appearance

4. As the site is located within the Pimlico Conservation Area (CA), a designated heritage asset, it is necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is largely derived from the Victorian terraces and squares developed by Thomas Cubitt. The appeal building is a characteristic mid-terrace with an extended roof. It is identified as an unlisted building of merit within the Pimlico Conservation Area Audit and makes a positive contribution to the character and appearance of the CA.
5. The proposed 0.9m high frameless clear glazed balustrades on top of the mansard roof would be set back around 3m and 2m from the front and rear

parapets respectively. This would ensure they would largely be hidden in public views from street level. However, private views would be possible from the higher vantage points of the numerous properties on the opposite side of the street and the terrace on St George's Square to the rear. Even if the glass were to be of a non-reflective type, its density would nevertheless affect the brightness of the sky beyond, such that the existence of the glass balustrades would be perceptible in those views.

6. The introduction of such modern frameless glazing on top of the mansard roof would be incongruous to the traditional character and appearance of the building, notwithstanding its later extended roof form. Furthermore, while there is a variety of roof designs within the terrace, due to the absence of other formal roof top terraces, it would lead to the disruption of the existing roofscape pattern.
7. It is acknowledged the appellant already uses a small part of the roof next to the roof hatch as an outdoor amenity area. This is set well back from the front and rear parapets and enclosed to the sides by the chimney stack structures. The proposed balustrades would enable a larger area between the chimney stack structures to be utilised as a fully enclosed formal roof terrace. This would allow for an accumulation of related paraphernalia such as tables, chairs and plant pots to become a permanent feature on the roof which, given the prominence of such paraphernalia due to the balustrades being clear glazed, would significantly harm the character and appearance of the building and emphasise the disruption to the roofscape pattern.
8. Although there are examples of other roof terraces within nearby terraces, notably that at 23 St Georges Square which is visible from the appeal site, they are very limited in number and appear as anomalies. Furthermore, it is unclear whether they were considered against extant planning policy. Consequently, they do not justify the harm that would arise from the appeal scheme.
9. In light of the above, it is concluded the proposed development would have an unacceptably harmful effect on the character and appearance of the building. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies 38, 39 and 40 of the CP. Policies 38 and 40 seek to ensure alterations respect the character of existing buildings and that development positively contributes to Westminster's townscape and streetscape. Policy 39 requires development to preserve or enhance the character and appearance of Westminster's Conservation Areas.

Living conditions

10. There are existing views of the residential properties opposite and to the rear from the windows within the mansard roof. As the roof terrace would be set further back than those windows, the proposal would not cause any increase in overlooking of neighbouring properties than already exists.
11. The proposal would therefore not have an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular regard to privacy. As such, it would not conflict with Policies 7 and 38 of the CP which seek to prevent unacceptable impacts in terms of privacy and ensure a good standard of amenity for existing occupiers.

Other Matters

12. The National Planning Policy Framework (the Framework), sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against the public benefits of the proposal. However, there would be no public benefits arising from the proposed development.
13. The private benefits to the appellant of the proposal are acknowledged, notably the provision of an expanded outdoor amenity area by way of a safer fully enclosed formal roof terrace. However, the benefits do not outweigh the harm.

Conclusion

14. Notwithstanding the finding on living conditions, the harm to the character and appearance of the building and the CA is an overriding consideration. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
15. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR