



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/D/21/3267174

10 Hugh Street, London SW1V 1RP

- 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 Kathy Murphy against the decision of City of Westminster Council.
- The application Ref 20/04581/FULL, dated 20 July 2020, was refused by notice dated 27 October 2020.
- The development is pergola to the rear.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made retrospectively. As 'retrospective planning permission for the retention of' is not a form of development, it has been omitted from the description of the development in the banner heading above.
3. The development plan policies referenced in the Council's decision notice have been superseded by policies in its recently adopted City of Westminster City Plan 2021 (CP).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 Issue

4. The main issue is the effect of the development on the character and appearance of the area, which is within the Pimlico Conservation Area.

Reasons

5. 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 built form of Victorian terraces and squares developed by Thomas Cubitt. The appeal property is a characteristic mid-terrace house located at the north western edge of the CA. 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.
6. While the Council describe the rear gardens within the terrace as having a leafy character, there is a degree of variation with some gardens, like the appeal site, having dominant hard landscaping. Nevertheless, there is not a characteristic pattern of development whereby the ends of the gardens feature significant outbuildings or structures. Although it is recognised there are

exceptions, these appear as anomalies and they do not prominently project above the side boundary walls.

7. Where the original rear garden space has been reduced in size, this is typically through rear extensions projecting from the dwelling, as at 6 and 12/12A Hugh Street. Therefore, the prevailing spatial layout of the locality is for open space to be retained at the end of the garden and this is an important part of the character and appearance of the locality.
8. It is appreciated the dark grey painted aluminium pergola generally has an open design with no walls and in good weather the louvres on top can be left open. While third parties state there is a facility for roller shutters to enclose the sides, this was not apparent at the time of the site visit and the evidence before me does not confirm such a facility. However, the pergola is positioned up against the rear boundary wall and spans the full width of the garden. It prominently projects above the side boundary wall with No 12A and to a much lesser degree part of the side boundary wall and trellis with No 8. Moreover, the louvres will often be closed, thereby giving the roof a solid appearance.
9. Consequently, outside of spells of good weather, the pergola visually reads from the higher parts of neighbouring properties as a sizeable outbuilding with a flat roof form. Its deep projection from the rear boundary wall and its occupation of the space at the end of the garden fails to respect the prevailing spatial layout of the locality. Furthermore, its sizeable and stark utilitarian appearance, prominently sited at the end of the garden, is visually jarring amongst the neighbouring rear gardens, notwithstanding the higher balustrades to the roof terrace at No 12 also being conspicuous. In these respects, it is incongruous and causes significant harm to the character and appearance of the locality.
10. While the appellant has provided evidence that development at the property has resulted in less coverage of the original front and rear garden areas than at No 12/12A (54% compared to 61%), the rear extension at the neighbouring property respects the prevailing spatial layout of the locality. Additionally, the finding of 54% coverage does not weigh in favour of the scheme as it demonstrates the original open garden areas to the front and rear have been significantly reduced, regardless of the area within the pergola remaining available as part of the rear garden space.
11. Although it is asserted that an outbuilding of the same size, height and position could ordinarily be constructed utilising permitted development rights, the appellant accepts the appeal scheme is not permitted development due to the total coverage of the original garden area at the property exceeding 50%. It must therefore be duly considered against planning policy.
12. In light of the above, it is concluded the development has an unacceptably harmful effect on the character and appearance of the area. It also fails to preserve or enhance the character or appearance of the CA. As such, it conflicts with Policies 34, 38, 39 and 40 of the CP. Amongst other things, these policies expect development to positively contribute to Westminster's townscape having regard to the character and appearance of the existing area, including the spaces around buildings, and to preserve or enhance the character and appearance of Westminster's Conservation Areas.

Other Matters

13. The National Planning Policy Framework (the Framework), sets out that where a development leads 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. However, there are no public benefits arising from the development.
14. The private benefits to the appellant of the pergola are acknowledged, including making the rear garden area more useable and, particularly given the neighbouring roof terrace at No 12, more private. However, those considerations do not outweigh the harm.

Conclusion

15. The development conflicts 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.
16. For the reasons set out above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR