
Appeal Decisions

Site visit made on 11 May 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal A Ref: APP/X5990/D/20/3265951 **15 Rede Place, London W2 4TU**

- 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 James Singh against the decision of the City of Westminster Council.
 - The application Ref 20/06065/FULL, dated 28 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the installation of a proprietary aluminium pergola onto the existing roof terrace.
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Appeal B Ref: APP/X5990/D/20/3265960 **15 Rede Place, London W2 4TU**

- 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 James Singh against the decision of the City of Westminster Council.
 - The application Ref 20/05505/FULL, dated 2 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the recladding of existing third floor in pre-patinated zinc panels (currently rendered lightweight cladding), construction of lightweight enclosure to conceal 2no flues (also using zinc panels), enlargement of existing chimney on roof terrace to house new external fireplace, and addition of metal planters to roof terrace parapets.
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Decisions

Appeal A Ref: APP/X5990/D/20/3265951

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/D/20/3265960

2. The appeal is dismissed.

Procedural matters

3. The decision notice in each appeal refers to policies in the City of Westminster Unitary Development Plan 2007 and the Westminster City Plan 2016, which have now been superseded by the City Plan 2019-2040 (CP). Relevant policies are those that are in place at the time the appeal decision is made. Therefore, I shall refer to the CP. Both main parties have been given the opportunity to submit comments in the light of the CP, which I have taken into account.

4. I saw that some works have been carried to the roof terrace of No 15. Boards and a timber frame have replaced the metal screen and planting along the eastern edge of the terrace, albeit on what appears to be a temporary basis. The timber planters with decorative box hedges have been removed, as have the glass and wire fencing around the top of the parapet walls. Irrespective of these works, I have assessed each proposal on its own planning merits.
5. There are 2 separate appeals before me to determine. However, the proposals and the issues raised in each case are similar and so I have assessed them together with distinctions drawn between the schemes, where appropriate.

Main issues

6. The main issue that is common to both appeals is the effect of the proposed development on the character and appearance of the local area. An additional issue in relation to Appeal B is the effect of the proposal on the living conditions of the occupiers of 15, 17 and 19 Hereford Road with regard to privacy.

Reasons

Character and appearance

7. The appeal property is an attractive 3-storey modern style building with accommodation and a terrace at roof level. It lies within the Bayswater Conservation Area (CA), which is predominantly residential in character. The CA contains a wide range of buildings and includes wide streets, attractive crescents and impressive squares that often contribute to a fine townscape. Rede Place exemplifies this variety in built form. On one side of No 15 is a relatively tall and substantial modern apartment block while on the other is a line of modest sized 2-storey mews style properties.
8. In Appeal A, the proposal is to erect a pergola onto the existing roof terrace. The new addition would have a dark grey powder coated aluminium frame, open sides and a retractable fabric canopy. It would stand between the chimneystack and the roof level accommodation. When seen from the roof terrace of No 15, the new pergola would appear as an open, permeable and light weight structure.
9. When viewed at ground level along Rede Place, the upper section of the pergola would be evident because it would project noticeably above the front and side parapets. The upward angle of view would mean that the frame of the pergola and its roof would form a new and significant part of the skyline to the building. From some vantage points along Rede Place, the proposal would unduly disrupt the visually strong horizontal emphasis to the front façade of the building that is formed by the pattern of fenestration and the parapets. From just to one side of the host building, the new pergola could even appear as the 'skeleton' of an additional storey to the building. The same general impression would be gained in views from some of the upper windows and balconies of the apartment block on the opposite side of Rede Place to the site.
10. By introducing a new and prominent feature that is elevated above the parapets of the building, the new pergola would detract from the character and qualities of the host building and add visual clutter to its skyline. It would also visually interrupt the important role of the building as a transition between the larger and taller residential building on one side and the smaller lower mews properties on the other, which is a notable townscape feature in the CA. As a result, the proposal would detract from the character and appearance of the

host building and that of the CA. Additional planting would not mitigate its harmful impact.

11. In Appeal B, new zinc planters are to be placed on top of the front, rear and side parapets that enclose the roof terrace. These planters would be significant in height and prominent new features of the building due to their elevated position. When seen from the road and from some windows and balconies of the building on the opposite side of Rede Place to the site, the new planters would stand tall above the parapets. In these views, the planters would draw the eye because they would interrupt the visually strong horizontal lines to the upper part of the host building and would visually clutter its skyline. From the submitted plans and photographs, the new planters would be more intrusive features than the planters and box hedges that were previously in place.
12. In Appeal B, the chimneystack to one side of the existing roof terrace is also to be enlarged to accommodate a new bio-ethanol fireplace. The finished structure would be noticeably wider than its existing counterpart with one side closer to the front parapet. As a result, the completed chimneystack would gain prominence when seen from the road. In this view, the upward angle to the line of sight would accentuate the scale and presence of the completed chimneystack. From Rede Place, on the approach to the site from the south, the size and position of the proposed chimneystack would cause it to be obtrusive and an unsympathetic alteration to the host building.
13. Like the pergola in Appeal A, the proposed planters and enlarged chimneystack, taken together, would undermine the significant role of the host building as a transition point between the larger and taller residential building on one side of the site and the smaller lower mews properties on the other. By disrupting this notable townscape feature and cluttering the skyline of the building and disrupting the stepped profile of No 15 with those on either side the proposal would detract from the character and appearance of the CA.
14. The harm that the proposal in each appeal would cause to the significance of the CA would be less than substantial. The new pergola would offer additional shade and cover to the roof terrace and thus make it a more attractive area as private outdoor amenity space. Similarly, the new planters and fireplace would add to the appeal of the terrace as a place to relax and sit out. That value would be appreciated especially during the Covid-19 pandemic where people have been encouraged to stay and work from home. However, these do not equate to public benefits that would provide sufficient justification for the proposal in each appeal given the identified harm. There would be no other public benefits that would outweigh the significant harm that I have identified.
15. The inter-visibility between the proposals in both appeals and the Westbourne Conservation Area (WCA) situated to the north of the site would be limited. As such, both appeal schemes would not adversely affect the setting of the WCA.
16. Nevertheless, on the first main issue, I conclude that the proposed development in each appeal would have an adverse impact on the character and appearance of the host property and the local area. It would fail to preserve or enhance the character and appearance of the CA. As such, each appeal scheme conflicts with CP Policies 38, 39 and 40, which seek to ensure that development is appropriate to the architectural character of the building; positively contributes to the townscape; and ensures that heritage assets such as conservation areas are conserved and enhanced.

17. There would also be a conflict with the statutory duty, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The proposal would also be at odds with the National Planning Policy Framework with regard to the protection of designated heritage assets.

Living conditions

18. The plans in Appeal B show that the metal mesh screen with planting that was previously in place would be removed and replaced by a low level planter. This arrangement would enable views from the roof terrace of No 15 towards the upper rear windows of properties particularly just to the east. From what I saw, views from the roof terrace towards the rears of 17 and 19 Hereford Road would be almost direct and at reasonably close range while those towards the back of 15 Hereford Road would be at a more acute angle. To my mind, this arrangement would mean that the occupiers of Nos 17 and 19 in particular would experience an unacceptable loss of privacy as a result.
19. To avoid these overlooking problems, the plans show planting extending upwards from the new planter that over time would provide some screening along the eastern boundary of the roof terrace. However, this vegetation could take some time to grow to the extent that it provides an effective shield and the planting could be cut back or removed at any time. Consequently, the proposed vegetation cannot be relied on as a means to resolve overlooking towards neighbouring properties. Therefore, this matter could not be adequately dealt with by a condition as suggested by the appellant.
20. On the second main issue, I conclude that the proposal in Appeal B would materially harm the living conditions of the occupiers of Nos 17 and 19. Accordingly, it is contrary to CP Policy 38 insofar as it aims to ensure a good standard of amenity for new and existing occupiers.

Other matters

21. In Appeal B, the Council raises no objection to the proposed recladding of the existing roof level accommodation with pre-patinated zinc panels and the installation of a zinc-clad enclosure to conceal two existing flues. I, too, find these elements of the appeal scheme acceptable since the design and material would complement the modern rectilinear style of the host building. As these aspects of the proposal would blend in with the character and qualities of the existing building, the character and appearance of the CA would be preserved.
22. However, it is unclear from the plans that these elements of the proposal are clearly severable, both functionally and physically, from those components of the development in Appeal B that are objectionable. Therefore, I am unable to issue a split decision that grants planning permission solely for them.

Conclusion

23. For the reasons set out above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Gary Deane

INSPECTOR