
Appeal Decision

Hearing Held on 30 June 2021

Site visit made on 1 July 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/X5990/W/20/3253779

Alexander House, 85 Frampton Street, London NW8 8NQ

- 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 Wealth Property Limited against the decision of City of Westminster Council.
 - The application Ref 19/08478/FULL, dated 25 October 2019, was refused by notice dated 8 January 2020.
 - The development proposed is construction of extension at 5th floor to create 1No. 2-Bed 4-Person flat.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Revised plans have been submitted which show a change in materials from zinc cladding to matching self finishing insulated render to both the upper floors with fluting to the Frampton Street elevation. These were not before the Council at the time that it made its decision. I considered the representations including those made at the hearing on this matter. The alterations detailed above do not represent a significant change to the proposed development. As such, the parties would not be prejudiced if I were to consider these plans, and therefore the appeal is assessed on the basis of the amended plans.
3. In April 2021, after this application had been determined, the Council adopted its City Plan 2019-2040. My decision is based on Policies 38, 39 and 40 which replaced Policies DES1 and DES6 of the Unitary Development Plan adopted January 2007 and Policies S25 and S28 of the Westminster City Plan November 2016 referred to in the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Alexander House is a five storey building. The ground floor is in dark coloured brickwork, floors one-three are rendered in white. The top floor is set back and clad in zinc. This results in a clear tripartite style to the building. The recessed upper floor gives a clear termination to the building form and its scale results in

a well proportioned appearance. It occupies the full width of the end of a street block and therefore has frontages to Frampton Street, with a clearly recognisable recessed residential entrance, Penfold Street and Hatton Street. The commercial entrance on the corner is similarly legible. The building, including its upper floor, is highly visible in views along Frampton Street and part of Penfold Street even with trees in leaf.

6. The adjoining buildings at 89-99 Frampton Street are four storeys in height. Alexander House with a recessed fifth floor provides an appropriate transition to the five storeys at Eastlake House. There are other taller buildings in the surrounding area, including that under construction at Capland Street, Bedlow Close and Luton Street (LPA ref 17/08619/FULL) (the Luton Street development) although these do not form part of the immediate setting.
7. The Local Planning Authority identifies the group of buildings making up the remainder of this street block (Hatton Street, Frampton Street, Penfold Street and Boscobel Street) including Alexander House as a non-designated heritage asset. Within this group is the 'Spitfire Works', and these buildings' significant features include their age, dating from the 1920s, their historic significance producing aircraft components during World War II, their tripartite appearance and original materials along with contemporary additions by Sir Terry Farrell. The Wallis building's features of significance are its original materials including windows and render and its canopy detail. It also includes both vertical and horizontal emphasis and a set back to the upper floor to Penfold Street.
8. Eastlake House and Tadema House form part of the Lilestone Estate and are also identified as non-designated heritage assets. Their significant features include their architecture including their original windows and red brick. The Lilestone Estate also has historic significance as it is named after and associated with people of interest.
9. These buildings therefore have a degree of heritage significance meriting consideration in planning decisions, although they have no statutory protection. The process set out in the Local Heritage Listing: Identifying and Conserving Local Heritage, Historic England Advice Note 7 (Second Edition) relating to preparing and maintaining a local heritage list has not been followed and the status of the Lilestone Estate was not identified in the planning application sub committee report for the Luton Street development. This means that the buildings' status was not publicly available. However, Planning Practice Guidance is clear that local planning authorities may identify non-designated heritage assets as part of the decision-making process. Consequently, taking into account all of the above I will proceed on the basis that the buildings identified above are non-designated heritage assets.
10. The proposed development would increase the scale and massing of the upper part of the building and would create an angular, stepped addition. The resultant two upper floors would be a dominant form above the level of the cornice, undermining the balance between the ground, middle and upper floors resulting in a discordant roof form.
11. I have taken into account the set back from the boundary with the Wallis Building and that the height would not increase above the adjacent Hatton Street frontage. Nevertheless, the increase in height would result in a larger and more bulky roof form than the pitched roofs of the Lilestone Estate. It would also undermine the gradual transition of building heights along Frampton

Street. Consequently, the proposed roof form would be harmfully dominant in the streetscene.

12. The proposed development would not result in the direct loss of any of the historical associations, materials or architecture in place on the non-designated heritage assets identified above. However, there would be an indirect effect that the incongruous proposed development would be seen in views of these buildings given the size and position of the extension. I therefore consider the scale of the impact on these non-designated heritage assets would be minor.
13. I am directed to other examples of tripartite style buildings, some of which have more than one storey above the cornice, along with details of extensions to the buildings within this street block. However, it can be seen above that I find that due to the scale and proportions of Alexander House, the proposed two storeys at roof level would harmfully unbalance the appearance of the building.
14. The proposed development would provide a clear expression to the main residential entrance to Frampton Street. However, the existing entrance is suitably clear and as such the proposal would not be a notable improvement to the appearance of the building. Render is used in the lower floors of Alexander House and other buildings in this immediate area. As such I am satisfied that it would be comparably durable to other buildings in this location, nor do I find it to be any more prominent than a contrasting zinc material.
15. I have also considered the previous appeal decision at this site (APP/X5990/W/19/3228327). However, the design of the previously dismissed extension is significantly different to that before me now and therefore this decision does not alter my conclusions.
16. Therefore, for the reasons set out above, the proposed development would have an unacceptable effect on the character and appearance of the host property and the streetscene with resultant limited harm to the non-designated heritage assets.
17. As such, it would be contrary to Policies 38 and 40 of the City Plan which together require high quality design and provide detail as to how this can be achieved, including relative to townscape and architecture. The proposal would also have consequences for non-designated heritage assets that would not be conserved, contrary to Policy 39 of the City Plan.

Other Matters

18. There is a request for pre-application advice for a two storey extension under Class AA section 20 of the Town and Country Planning (General Permitted Development) Order (as amended). This allows the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, subject to a number of conditions and caveats. However, this is in the early stages of such an application and I am not presented with evidence that persuades me that prior approval for such an extension would be likely. Therefore, I am not satisfied there is a real prospect that such development would take place.
19. The proposed development would provide benefits including the social and economic benefits associated with the provision of an additional housing unit which would contribute towards the government's target to significantly

increase the supply of housing and would provide a windfall unit. It would also be on brownfield land. It was not disputed at the hearing that the Council can demonstrate a 5 year housing supply, albeit the appellant asserts that this is marginal. Nevertheless, this means that paragraph 11 (d) of the Framework is not engaged.

20. Therefore, taking into account the size of the contribution from one new dwelling, whether this is assessed against the Council's target for windfall development or overall development, these benefits are limited in their scale. They do not, therefore, outweigh the harm to the character and appearance of the area identified above.

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Ms Sophie Ward Assistant Planner
Mr Mark Wilingale Qualified Architect
Mr Mark Scott Architectural Technician
Mr Jonnie Milich Bourne Real Estate
Mr Greg Dowden Planning Director
Mr Mike Myles Renu Development Manager

FOR THE LOCAL PLANNING AUTHORITY

Mr Nathan Barrett BPlan Area Planning Officer
Mr John Wilman Principal Conservation Design and Sustainability Officer

DOCUMENTS

Application 17/08619/FULL Development Site at Capland Street, Bedlow Close and Luton Street, London, NW8: Planning applications sub committee report, Drawing LST FLA ALL SL SEC A31 005010A, Drawing LST FLA ALL SL SEC A31 005201A