
Appeal Decision

Site Visit made on 29 June 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/X5990/W/21/3270664

3 & 4 Acacia Gardens, London, NW8 6AH

- 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 Tricia and Gordon Craib and Emma Simmonds against the decision of City of Westminster Council.
 - The application Ref 20/05316/FULL, dated 20 August 2020, was refused by notice dated 13 October 2020.
 - The development proposed is dormer roof extension to existing family dwelling houses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the application the Council has adopted a new City Plan. This has replaced the Unitary Development Plan (2007) (UDP) and the previous City Plan (2016). Policies S25 and S28 of the City Plan 2016 and Policies DES 1, DES 6 and DES 9 of the UDP, cited in the Council's reason for refusal, have therefore been superseded. The Council has advised that the relevant policies of the new City Plan are Policies 38, 39 and 40. The appellants have had the opportunity to comment on these policies, and I have determined the appeal with reference to the current development plan.
3. During the course of the appeal, the appellants submitted a Unilateral Undertaking (UU) covenanting to install identical rear dormer roof extensions concurrently as a single phase of development should planning permission be granted. I return to this below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host properties and of the area, with particular regard to the St John's Wood Conservation Area.

Reasons

5. The appeal properties are located within the St John's Wood Conservation Area (the Area). In assessing the effect of the proposal, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.
6. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the

conservation of designated heritage assets and any less than substantial harm must be weighed against the public benefits of the proposal.

7. The Area's significance derives principally from St John's Wood being the first example of suburban residential development in inner London, dating originally from the 1820's and 1830's but with areas of later development. Acacia Gardens is such an area, being a mid-20th century development of 18 houses comprising two terraces and two pairs of semi-detached dwellings.
8. The dwellings form a unified architectural composition designed to reflect the Regency villas in the locality, with first floor continual balconies and deep overhanging eaves to the main roofs. Another particular feature of these houses are the simple shallow pitched slate roofs which contribute to the overall composition. The houses are identified as 'unlisted buildings of merit' in the St John's Wood Conservation Area Audit (the Audit).
9. The appeal properties are the middle two of a terrace of four dwellings on the western side of Acacia Gardens. The upper storeys and roof of the properties are visible at oblique angles from Acacia Road to the south-west and Queen's Terrace to the north-west. Whilst these viewpoints are themselves outside the Area they afford views and allow appreciation of the Area.
10. Previous applications for different designs of dormer windows at No 3 Acacia Gardens have been refused. The first of these was also dismissed on appeal, the Inspector concluding that the proposal would result in a "*significantly obtrusive and alien addition to the building*"¹. However, the proposal before me differs from that considered by the previous Inspector in that the 'bulkhead' between the dormers would be recessed and it includes a matching dormer for No 4 Acacia Gardens. Furthermore, since the dismissal of that appeal six rooflights have been installed in the rear roof slopes of Nos 3 and 4.
11. The construction of the dormers to both properties would retain partial symmetry of the roof form to the terrace in which the appeal properties are located. The UU submitted by the appellant would meet the tests of paragraph 56 of the Framework and, notwithstanding the Council's concerns, I am satisfied that it would ensure that the dormers would be constructed as a whole were planning permission to be granted.
12. The proposed dormers would align with and be of the same width as the windows in the storey below and would match them in materials, character and style. The appellants have demonstrated that dormer windows are not uncharacteristic of the Area as a whole and I observed during my site visit that there are dormers on the villas on Acacia Road opposite Acacia Gardens. The proposal would not result in the loss of any of the 'Regency' architectural details of the appeal properties.
13. However, whilst the existing rooflights have introduced some variation into the rear roof slope of the terrace, they do not significantly disrupt the roof profile, retaining its characteristic shallow pitch. Consequently, the roof retains a substantial degree of conformity with the roofs elsewhere in Acacia Gardens, in the context of which it can be clearly seen from Queens Terrace and, to a lesser degree, from Acacia Road. This general harmony of rooflines is

¹ APP/X5990/D/11/2144373

important in design terms and contributes significantly to the character and appearance of Acacia Gardens.

14. Notwithstanding the appellant's contention to the contrary, I am not confident that the bulkheads between the dormers truncating the roof slope would not be visible from Queen's Terrace. Even if the bulkheads were not visible, due to their size, form and visibility, the dormers would significantly disrupt the characteristic shallow roof pitch and the unity of the architectural composition of Acacia Gardens. This would be particularly so as the dormers would introduce a notable inconsistency across the roofscape of the terrace as a whole by being to only two of the four properties in the terrace. I note that the Audit identifies the properties in Acacia Gardens as being properties where roof extensions will not normally be acceptable.
15. The existing rear dormer at No 12, in the terrace opposite the appeal properties, is visible from Acacia Road but was constructed as permitted development and is uncharacteristic of the terrace. Significantly, it is not visible in the views of the appeal properties from Queen's Terrace or Acacia Road. Consequently, it does not justify the proposal before me. I note the approved proposals for dormers at other properties within the Area to which the appellants draw my attention, but I have no evidence that these disrupted such a distinctive architectural composition and are therefore directly comparable to the proposal before me. Furthermore, these approved dormers are not visible in the context of the appeal properties.
16. I therefore conclude that the proposal would be harmful to the character and appearance of the appeal properties and of the St John's Wood Conservation Area. Consequently, it would fail to preserve or enhance the character or appearance of the Area.
17. I consider that this would amount to less than substantial harm in terms of the Framework. In balancing this against the public benefits of the proposal, I understand the appellants' desire to improve their accommodation but this benefit would principally accrue to the appellants rather than to the public. I am not persuaded that the replacement of the rooflights with the dormers would be a public benefit given my conclusions above.
18. The Planning Practice Guidance makes it clear that 'optimum viable use' relates to the heritage asset. Securing the optimum viable use of an area-based asset such as a conservation area as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such assets. I therefore conclude that there are no public benefits from the proposal that would outweigh the harm to the Area I have identified.
19. The proposal would conflict with Policies 38, 39 and 40 of the City Plan 2021. These policies seek, amongst other things, high quality sensitive design that protects character, has regard to architectural quality and degree of uniformity and conserves and enhances heritage assets. It would also conflict with the Framework's policies on the historic environment.

Other Matters

20. The appeal properties are within the setting of the Grade II listed St John's Wood Underground Station to the south-west and the Grade II listed Nos 64, 65, 66 and 1 Acacia Road to the south-east. I must have special regard to the

desirability of preserving these settings. The significance of both listed buildings lies in their architectural and historic interest and, for the Underground Station, in its artistic interest.

21. The current setting of these buildings is primarily residential and the proposal would retain this. The proposal would not obscure any public views of the listed buildings, nor affect their significance in any other way, nor diminish the ability to appreciate that significance. Accordingly, the proposal would preserve the setting of these listed buildings.

Conclusion

22. I have found above that the proposal would conflict with the development plan taken as a whole. There are no considerations that indicate that a decision should be made other than in accordance with the development plan.
23. For this reason, the appeal is dismissed.

Martin Small

INSPECTOR