



Appeal Decision

Site visit made on 6 July 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/X5990/W/21/3267986

Basement & Ground Floor Flat A, 36 Westbourne Gardens, London W2 5PU

- 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 & Mrs Riboldi against the decision of the City of Westminster Council.
 - The application Ref 20/03773/FULL, dated 17 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is new steps to front garden and associated alteration of the facade to change existing window to door.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposed development would preserve or enhance the character or appearance of the Westbourne Conservation Area (CA).

Reasons

The significance of the CA

3. The appeal building and its counterpart, former house at the opposite end form the stop-ends to a long, handsome, Classical inspired C19 terrace. Unusually, both stop-ends are set back from the main run of the terrace and raised higher. Perhaps this was to introduce green oases to connect with the formal garden square beside one of these stop-ends. Or, perhaps it was the result of competition or differentiation following the rapid development of different plots by different builders.
 4. Whatever the reason behind the footprint of the terrace, the different facing materials of the houses in the main section and the houses forming the stop-ends, the set-back and step-up of the stop-ends, and the entrances to them being on their flank elevations, suggest a townscape manoeuvre that is no accident. On the contrary, this architectural cadence allows the terrace to neatly turn the street corners, keeping the formal order of entrances on the flank streets, while bringing the rhythm of the long section to rest.
 5. As part of this device, the terrace-facing elevations of the stop-ends reflect the openings of the upper floors of the long section of terrace, but shift the ground floor window to a central and higher position, this distinction avoiding the weakness of a void or a window opening being in the place of an entrance, according to the rhythm of the main section of the terrace.
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6. This unusual canon enriches the townscape of the CA which is distinctive for the coherence of the forms and orders of the villas and terraces enclosing its grid-iron street pattern, and the subtle differences between the architectural aspirations of different hands. The architectural unity between the stop-ends, their balancing effect on the main section of the terrace, and the terrace's distinctive contribution to the whole CA is an essential part of its architectural and historic significance.

The effect of the development on the significance of the CA

7. Changing the window for a door would disrupt the symmetry of the terrace elevation and the unity between the two stop-ends. The formation of a secondary ground floor entrance in the terrace elevation would be at odds with its architectural order in which ground floor entrances are principal, accessed directly from the street, and celebrated under large, ornamental porches. Moreover, the opening proposed would be higher and greater than the openings for doors or windows in the ground floors of the terrace, whose elevation it would share, elevating its position in the hierarchy of the architectural order more than its secondary use and design would justify.
8. The development would thus fail to preserve the appearance of the CA, to the desirability of the preservation or enhancement of which I am required to pay special attention. Instead, it would undermine its architectural and historic significance. It would conflict with policies 38, 39 and 40 of the City Plan 2019-2040. These require development to preserve or enhance the character and appearance of conservation areas and to conserve features which contribute to their significance, to respect the character of existing and adjoining buildings and not to disrupt any uniformity, patterns or rhythms that contribute positively to Westminster's distinctive townscape.

Other Matters

9. I appreciate that the neighbouring terraces which enclose the formal gardens do not share the symmetrical arrangement of this terrace. However, in enclosing a triangular formal garden, it is the coherence and continuity of the frontages of the terraces reading as a single whole which is important in townscape terms, whereas this terrace is less confined, having the freedom to make an individual set-piece of architecture, which it has elegantly exploited.
10. I acknowledge that the garden planting may one day screen the development from close views in the street. However, it would be conspicuous for some time, and would remain so in views from other dwellings. I saw that the bays on the flank elevations of the stop-ends differ. However, their originality is questionable, and their presence and differences do not undermine the significance of the CA, which would be harmed by this proposal.

Planning Balance

11. The National Planning Policy Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets.

12. Given my findings above, I find the harm to the CA to be less than substantial, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
13. I acknowledge that the development would provide direct access to the garden from the dwelling. However, this would be a private benefit. It would not benefit the public at large. I appreciate that the direct access may endure for future generations. However, the stair and landing needed to form it would also diminish the daylight entering the room through the window in the lightwell below it. I am not convinced it amounts to the long-term improvement to the quality of the housing stock which the appellant claims as a public benefit. In any event, even if this were considered a public benefit, it would not outweigh the harm to the significance of the CA, to the conservation of which the Framework requires that great weight be given, and should require clear and convincing justification.

Conclusion

14. I conclude therefore that the proposal would fail to satisfy the requirements of the Act, paragraph 192 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR