



Appeal Decision

Site visit made on 7 December 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/X5990/W/21/3280572

64-65 Long Acre, London WC2E 9SX

- 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 Technosite Ltd and Good Invest Ltd against the decision of City of Westminster Council.
 - The application Ref 20/06384/FULL, dated 9 October 2020, was refused by notice dated 9 February 2021.
 - The development proposed is for new and replacement fenestration throughout the application site; glass roof over the internal lightwell; two-storey infill extension within 64 Long Acre; revised air-conditioning plant; and other associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing third floor structure; new and replacement fenestration throughout the application site; glass roof over the internal lightwell; two-storey infill extension within 64 Long Acre; revised air-conditioning plant; and other associated alterations at 64-65 Long Acre, London WC2E 9SX, in accordance with the terms of application Ref 20/06384/FULL, dated 9 October 2020, subject to the conditions set out in a Schedule attached to this decision.

Applications for costs

2. An application for costs was made by Technosite Ltd and Good Invest Ltd against City of Westminster Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the time of the Council's decision to refuse planning permission, the City of Westminster City Plan 2019-2040 (the CP) has been adopted as the local development plan for the city. Adopted in April 2021, it supersedes the policies in the Westminster City Plan [2016] and saved policies of the City of Westminster Unitary Development Plan, which were referred to in the Council's Decision Notice. The Council have directed me to the relevant policies in the new CP. As the relevant plan for the purposes of Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004, these are the policies against which I have assessed the proposed development.
4. The description in the banner heading above is taken from the planning application form. The Council have used a different description in their Decision Notice which includes reference to the demolition of an existing closet wing to facilitate the proposed extension. For completeness, I have added reference to the demolition, as an act of development, to the description used in my

decision. It does not change the development for which planning permission was sought.

5. Prior to the Council's decision the appellant provided amended plans which sought to address the Council's concerns but were not considered as part of its decision. Some additional plans have also been provided for the purposes of the appeal. The amendments show a lower and less obtrusive position of a glazed lightwell canopy, an amended 2-storey extension of similar scale, and use of timber window framing in lieu of aluminium framing to some exposed windows. These changes are minor in their nature and scale, and they remain within the scope of the description of the development.
6. As these are minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plans into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice subject to the following changes: plans B10, B12, B24, B26, B28, B30, B36, B38, B.D05, B.D06, B.D07, B.D08, B.D17 and B.D18 are substituted by plans B.D05 Rev A, B.D06 Rev A, B.D07 Rev A, B.D08 Rev A, B10 Rev A, B12 Rev A, B24 Rev A, B26 Rev B, B28 Rev B, B30 Rev A, B36 Rev B; B38 Rev B, B.D17 Rev A and B.D18 Rev A respectively; additional plan B.D20 and B.D21, and excluding plan B.D12 which becomes obsolete.
7. This appeal relates to an application which followed a grant of planning permission (Ref 18/04254/FULL) at the site for the use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); installation of footbridge across internal lightwell at second floor level, plant machinery and internal lift; associated external alterations, including changes to fenestration. At the time of my site inspection, works to implement that permission were well underway. The proposal is additive to the extant permission and some of the proposed works have taken place. For the avoidance of doubt, I have based my decision on the detail provided on the submitted plans as referred to above.
8. The appeal property lies close to a listed building at 19-20 Bow Street. There is no dispute between the parties that the proposed development would not have an adverse effect on the setting of that or any other listed building. Pursuant to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view because of the highly restricted views of the proposed development in conjunction with the listed building. Accordingly, it is my view that the development proposed would preserve the setting of the designated building and I shall make no further reference to this matter.

Main Issues

9. The main issues are the effect of the proposed extension, rear windows and glazed lightwell enclosure on the character and appearance of the buildings and the Covent Garden Conservation Area (the CA).

Reasons

10. The site consists of 2 extended mid terraced buildings. 64 Long Acre is an early 1900's 4-storey commercial building. It currently houses a retail unit at ground

floor set between broad stone pilasters. The upper floors are faced in brick and contain heavily bordered windows between ornate stone strings. At first floor is a large characterful semi-circular opening giving way to 4 then 3 casement apertures divided by stucco columns on the successive higher floors. The building has a gabled parapet with a circular window facing onto the street.

11. 65 Long Acre is a (now) 5 storey building with a modern shop front at street level. The building has typical Georgian styling with a brick façade and successively reducing window openings with gauged brick headers and stone sills. A mansard roof extension with aligned dormers has been added above a decorative cornice and parapet. The buildings make up a group identified as having a positive contribution to the CA.
12. This part of the CA is characterised by similarly scaled buildings set immediately to the back of the pavement. Interest derives from the variety of ages, styles and high quality architectural detailing of the buildings which are finished in a variety of materials.
13. The space between the block of development bordered by buildings fronting Long Acre, Bow Street, Broad Court and a pedestrian alleyway below 65A Long Acre has been substantially infilled by extensions of between 1 and 3 storeys high. Some are flat roofed and incorporate rooflights, upstands and enclosures. A steep roof containing rooflights sits behind No64 and connects to the rear of 63 Long Acre on that part which fronts on to Bow Street. In addition, there are large ducts, gantries, screens and air conditioning units leading up to and on the roofs.
14. The proposed glazed canopy would cover a 2-storey lightwell at first and second floor levels. This would internalise parts of 3 original rear wall elements up to third floor chamber level, along with the enclosing elevation of the existing flat roof extensions. The canopy framing and glazing would be set below the height of a rear parapet upstand. As such it would nestle within the recess of the lightwell to have very limited impact on the appearance of the building.
15. Alterations to the internalised wall openings within the lightwell would introduce new door openings and altered window proportions and framing. Some would replace original rear windows, however, the loss of those features would not be observable from the outside of the building.
16. The outward-facing windows at first and second-floor levels of the flat-roofed extension situated to the rear of the lightwell would be replaced by timber framed windows within the existing apertures. The introduction of modern constructed double-glazed windows to the extended part of the building would result in the loss of some characteristic multiple-paned windows with fine glazing bars and varying configurations. This would introduce windows of a more domestic appearance.
17. Additionally, some third-floor openings above the glazed canopy would be reproportioned to provide alternative window forms. A single rear opening on each of Nos64 and 65 would be replaced by 9-pane timber casements with a central opener. Two rear side openings on No65 would retain a vertical emphasis as 6-pane timber-framed windows with a side opener.

18. As proposals that would remove original features of the building, there would be a minor conflict with Policy 40 of the CP as it seeks alterations to respect the character of the existing building/s. However, these would be observable from only a handful of immediate neighbouring properties such that the perception of any harm to the appearance of the building would be limited.
19. The proposed infill extension between the original and extended part of No64 would have a simple form. It would incorporate a roof pitch identical to the original roof of the building and be close to the pitch and form of the lean-to roof over the rear element of No64 as it overlaps on to No63. The roof would have a limited area and would terminate just below the height of the wide party upstand of No63 with an open element to facilitate ventilation of the contained air conditioning apparatus.
20. It would not be of a subordinate height, but in the context of the much-altered roofscapes of the adjoining properties which have a series of contrived roof forms consisting of some flat roof sections, multiple pitch roofs and mansard slopes, the extension would provide a degree of consolidation. It would replace some metal stairs and walkways and facilitate a reduction in the total number of rooftop air conditioning units required to service the apartments and a nearby flat. In turn this would negate some need for additional rooftop screening required in conjunction with the earlier permission.
21. Although the roof would extend higher than the original pitched roof it would be set well back from the Long Acre frontage and be lower than the flanking buildings. It would be visible from the higher floors of a modern building opposite, however, much of it would be obscured by existing gantries and various screens which attempt to limit the visual effects of roof-mounted air-conditioning units either side and over the roof to No64.
22. Views to the extension and replacement third-floor windows from elsewhere would be extremely limited. Only partial views in the secondary (rear) outlook of the upper floors of properties fronting Broad Court and on the opposite side of the pedestrian alleyway would arise. From properties to the rear, it would obscure the existing metal shielding screens alongside the party parapet which are a significant visual detractor on the existing roofscape. The proposal would also screen rooftop units and introduce an element with a similar appearance and finish to the adjacent roofs to provide greater visual assimilation than the existing arrangement of development in views across the alleyway.
23. Notwithstanding the height and space between the upper edge of the roof and party parapet, I find the proposal would give a greater degree of amalgamation to the multiple aspects of the existing roofscape. Furthermore, it would replace or obscure views to rooftop apparatus, metal frameworks and screens which are detrimental to the quality of existing, albeit limited views. Accordingly, it would cause no harm to this part of the townscape.
24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The minor harm arising from the alterations to original window styles and openings would not be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the nearby private residences.

25. Unlike direct alterations to listed buildings, for example, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given that it would be difficult to see the development from any public areas, I find that the proposal would not be detrimental to the CA and thus would preserve its significance.
26. I have found that the proposals would cause a minor conflict with Policy 40 of the CP in relation to replacement third-floor original rear windows and, to a lesser extent, the first and second floor windows of the historic extension. However, the overall harm would be minimal and would have a neutral effect on the character and appearance of the CA. Moreover, the harm would be outweighed by the undisputed beneficial effects of reinstating timber sliding sash windows to the prominent principal elevation of No65. These would enhance the appearance of the building and the character and appearance of the CA.
27. Taking these matters together, I find that the proposal would accord with Policies 38, 39 and 40 of the CP taken as a whole and as they require development proposals to utilise appropriate high-quality design that contributes to the character and appearance of buildings, the local and wider townscape, and, preserve the historic environment for public enjoyment of the city's heritage.

Conditions

28. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. A standard condition limiting the lifespan of the planning permission is not necessary as works have commenced. I have imposed a condition specifying the relevant drawings as this provides certainty, this has been updated to include the amended proposals and to remove or exclude superseded plans and documents. A requirement to limit site working times is necessary and reasonable in the interests of protecting the living conditions of nearby residents.
29. A condition requiring external works to be consistent with the original materials, finishes and construction methods is necessary to preserve or enhance the character of the locality and the CA.

Conclusion

30. For the above reasons, I conclude that the benefits of the scheme would significantly and demonstrably outweigh any disbenefits. It would comply with the development plan taken as a whole, and therefore the appeal should be allowed.

R Hitchcock

INSPECTOR

¹ *South Oxfordshire DC v SSE & J Donaldson* [1991] CO/1440/89

Schedule of Conditions to Planning Permission Ref. 20/06384/FULL

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: B02; B04; B06; B08; B10 Rev A; B12 Rev A; B22; B24 Rev A; B26 Rev B; B28 Rev B; B30 Rev A; B36 Rev B; B38 Rev B; B.D01; B.D02; B.D03; B.D04; B.D05 Rev A; B.D06 Rev A; B.D07 Rev A; B.D08 Rev A; B.D09; B.D10; B.D11; B.D13; B.D14; B.D15; B.D16; B.D17 Rev A; B.D18 Rev A; B.D19; B.D.20; B.D21; Proposed Window Schedule dated 21 January 2021 (excluding details in relation to windows W3.7, W3.8, W3.9 and W3.10); Planning Compliance Report 13527-NIA-01-RevH prepared on 24 September 2020; Daylight and Sunlight Study dated 11 December 2018; Daylight and Sunlight Study dated 8 January 2021; Letter from Clement acoustics dated 31 January 2020.
- 2) Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.You must carry out piling, excavation and demolition work only:
 - between 08.00 and 18.00 Monday to Friday; and
 - not at all on Saturdays, Sundays, bank holidays and public holidays.Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).
- 3) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved plans.

END.