



Appeal Decisions

Site Visit made on 8 December 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 JANUARY 2022

Appeal A Ref: APP/X5990/W/21/3271308

14 Wimpole Street, London W1G 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 14 Wimpole Street Limited against the decision of City of Westminster Council.
 - The application Ref 20/02503/FULL, dated 8 April 2020, was refused by notice dated 21 September 2020.
 - The development proposed is erection of new balcony and new terrace to the first floor of the rear mews building.
-

Appeal B Ref: APP/X5990/Y/21/3271309

14 Wimpole Street, London W1G 9SX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by 14 Wimpole Street Limited against the decision of City of Westminster Council.
 - The application Ref 20/02504/LBC, dated 8 April 2020, was refused by notice dated 21 September 2020.
 - The works proposed are erection of new balcony and new terrace to the first floor of the rear mews building.
-

Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. The appeals relate to a listed building in a conservation area. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.
4. Since the applications were refused, the London Plan 2021 has been published, in March 2021, and the City of Westminster City Plan 2019-2040 (the 2021 City Plan) has been adopted, in April 2021. In its statement, the Council confirms that the former London Plan (adopted 2016), the former City Plan (adopted November 2016) and the Unitary Development Plan have been replaced. I have considered the appeals accordingly. The Council has confirmed the policies from the new City Plan that it considers relevant to these appeals and the appellant has had the opportunity to comment at the final comments stage.
5. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The Council has referred to the revised Framework in its

statement and the appellant has had the opportunity to comment at the final comments stage. I have based my decision on the revised Framework and am satisfied that both main parties have had the opportunity to comment on it.

6. As part of my site visit, as well as viewing the location of the proposals from the appeal site itself, I also viewed the site from the rear gardens and first floor rear windows of the neighbouring properties at 13 and 15 Wimpole Street.

Main Issues

7. The main issues are:

- whether the proposals would preserve the special interest of the grade II listed building, 13-16 Wimpole Street W1, and any of the features of special architectural or historic interest that it possesses (**Appeal A** and **Appeal B**);
- whether the proposals would preserve or enhance the character and appearance of the Harley Street Conservation Area (HSCA) (**Appeal A** and **Appeal B**); and
- the effects of the proposed development on the living conditions of the occupants of neighbouring residential properties with regard to privacy (**Appeal A** only).

Reasons

The effect on the listed building and the HSCA (Appeal A and Appeal B)

8. The appeals relate to 14 Wimpole Street (No 14), which is part of a grade II listed terrace in the HSCA. Dating from the mid-18th century, with early to mid-19th century alterations, the four houses in the listed terrace have elegantly detailed, classically-proportioned front elevations.
9. Despite some later alterations, the rear elevation of No 14 has retained much of its historic fabric. Although the rear elevation is not specifically referred to in the list description, that description is intended for identification purposes only, and the remaining historic fabric and traditional materials to the rear of the listed building contribute to its historic and architectural interest.
10. As part of a recent conversion of No 14 into flats, several historic outbuildings in its rear yard have been demolished and replaced with a single storey extension and a two storey 'Mews House' beyond. Those new buildings are read as modern structures and are not of specific historic interest. However, their height, scale and layout are broadly consistent with those of other extensions, outbuildings, and mews buildings to the rear of the large, terraced houses on Wimpole Street and Queen Anne Street, including the mews building to the rear of the neighbouring house within the listed building, 13 Wimpole Street (No 13). They have thus preserved the subservient scale and appearance of those historic ancillary structures and the visual primacy of the imposing, terraced frontage buildings.
11. Insofar as it relates to these appeals, the special interest of the listed building is derived from the aspects of its historic fabric and detailing which remain, and from the hierarchy in the relationship between the principal building and the projections and outbuildings to the rear of it, which remains legible despite recent development at the site.

12. The HSCA is characterised by a regular street layout of terraced houses, mainly Georgian but with some later Victorian and Edwardian infill and replacements. Insofar as it relates to these appeals, the significance of the HSCA is derived from its tall, elegant, terraced frontages, from the contrasting, more intimate scale of the streets of historic mews buildings which remain to the rear of some of them, and from the subservient relationship of those mews buildings and other ancillary structures to the rear of the imposing frontage terraces.
13. The proposals include the installation of obscure glazed panels, in metal frames, on the flat roof of No 14's recent rear extension, enclosing an area of that roof to create a first floor roof terrace to the rear of the new Mews House building. A separate small balcony, with a metal balustrade, is also proposed to the side of the Mews House's first floor. The obscure glazed panels in the lower parts of the Mews House's first floor side and rear windows are proposed to be replaced with clear glazing, including glazed doors to provide access to the new balcony and roof terrace.
14. Because of its fully-glazed construction, the roof terrace enclosure would not be sympathetic to the materials of the principal listed building, and its large, glazed, box-like form would appear jarring and incongruously modern in the context of that historic structure. Because of its height, size and form, the enclosure would appear as an unduly large, bulky addition that would dominate the simple, flat roof of the recently-built rear extension. It would therefore draw the eye away and distract attention from the listed building.
15. Consequently, the roof terrace enclosure would harm the appearance and architectural interest of the listed building. It would also erode the sense of separation and distinction between the principal building and the mews buildings on Wigmore Place to the rear, and the legibility of the historic relationship between the principal building and its ancillary rear outbuildings. The roof terrace enclosure would therefore fail to preserve the special interest of the listed building.
16. Although the roof terrace enclosure would be lower than the principal listed building, it would nevertheless appear unduly tall and dominant in the context of the extensions to the rear of other houses on Wimpole Street and Queen Anne Street nearby, which do not project above ground floor level and thus preserve a sense of separation between the tall, frontage terraces and the mews buildings to the rear of them. The roof terrace enclosure would erode the sense of separation between the historic terrace and the ancillary mews buildings to the rear, and its large, glazed, box-like form would appear incongruous in the context of those historic terraced frontage buildings and rear mews buildings around it. It would therefore harm the character and appearance of its wider historic surroundings, as well as that of the appeal building itself. That harm would not be overcome by the installation of hedges along the edges of the surrounding flat roof area, as proposed.
17. Although the roof terrace enclosure would not be readily visible in public views, it would be visible from the rear windows and gardens of neighbouring properties within the same terrace and on Queen Anne Street. Its unduly dominant scale and massing, and discordant form and appearance would thus be evident in the context of the terrace and its wider surroundings. Therefore, and because of the harm it would cause to the character and appearance of the

appeal building and its wider historic surroundings, the proposed roof terrace would fail to preserve the character or appearance of the HSCA.

18. The balcony proposed to the side of the Mews House would be modest in scale, with a low, metal balustrade similar to those elsewhere on the Mews House building. The replacement of obscure glazing with clear glazed panels and doors in the first floor windows of the Mews House would not significantly alter its appearance. Consequently, these works would preserve the special interest of the listed building and the character and appearance of the HSCA.
19. However, for the reasons given, the proposed roof terrace would not preserve the special interest of the listed building or the character or appearance of the HSCA. In the context of the listed building and the conservation area as a whole, the harm arising would be less than substantial. However, I give considerable importance and weight to that harm and to the presumption that preservation is desirable. The Framework requires any such harm to be weighed against the public benefits of the proposals.
20. The proposals would provide additional outdoor space, which would benefit the occupants of the Mews House. The clear glazed doors and windows would also enhance the outlook from the upper floor of the Mews House. However, the benefits arising in those regards would be private, rather than public in nature, and do not outweigh the harm I have identified.
21. Given the above, I conclude that the proposals would fail to preserve the special interest of the grade II listed building, 13-16 Wimpole Street W1, or the character or appearance of the HSCA. The harm arising would not be outweighed by any public benefits put forward in support of the proposals. They would therefore conflict with Policies 38, 39 and 40 of the 2021 City Plan, which require high quality design, that heritage assets and their settings are conserved and enhanced, and that extensions respect the character of the existing and adjoining buildings.

Living conditions – privacy (Appeal A only)

22. As the proposed first floor balcony to the side of the Mews House would not directly face the rear windows of the main house or mews building at No 13, it would afford only oblique views towards the rooms served by those windows. Therefore, and given their separation distance from the proposed side balcony, it would not adversely affect the privacy of those neighbouring internal spaces.
23. However, the side balcony would directly face the rear garden of No 13, and would be positioned above the height of the boundary wall and fence between the site and that neighbouring garden. It would therefore allow direct, unobstructed views into the private rear garden of No 13, despite being set back from that boundary.
24. Although smaller than the roof terrace proposed to the rear of the Mews House, the side balcony would nonetheless provide an area which could be used by its occupants for sitting out, including at times when the occupants of No 13 would also be likely to be making use of their garden. Consequently, and given its elevated position, the side balcony would have an unacceptable adverse effect on the privacy of the occupants of No 13 and their enjoyment of their private outdoor space.

25. Because of the elevated position of the Mews House's first floor side windows, the replacement of the obscure glazing in the lower parts of those windows with clear glazing and a glazed door would also allow direct views into the rear garden of No 13 from the kitchen and dining room of the Mews House, one of its main habitable areas. This would further exacerbate the harm to the privacy of the occupants of No 13.
26. The obscure glazed screens around the proposed roof terrace to the rear of the Mews House would satisfactorily prevent overlooking from that area towards the rear gardens and windows of 13 and 15 Wimpole Street and the rear windows of the first floor flat in the main building at 14 Wimpole Street. The screens would also prevent overlooking of neighbouring properties arising from the replacement of the obscure glazing in the Mews House's rear windows with clear glazed panels and a door. Therefore, those works would not harm the living conditions of neighbouring residential occupants with regard to privacy.
27. However, for the reasons given, I conclude that the proposed balcony and window alterations to the side of the Mews House would have an unacceptable adverse effect on the living conditions of the occupants of 13 Wimpole Street with regard to privacy. The proposed development would therefore conflict with Policy 7 of the 2021 City Plan, which requires development to protect amenity and prevent unacceptable impacts on privacy.

Other Matters

28. I have been referred to an appeal decision relating to a rear roof terrace elsewhere in the area¹, and to numerous other applications which are described as similar and which were allowed at appeal. However, I do not have full details before me regarding those other schemes or the circumstances in which they were permitted, and cannot be certain that they were directly comparable to those in the cases before me. In any event, I have considered the appeals before me on their own planning merits.

Conclusion

Appeal A

29. I have found harm to heritage assets and to the living conditions of neighbouring occupants, in conflict with relevant development plan policies. For the reasons given, that harm would not be outweighed by any public benefits put forward in support of the proposals.
30. The proposed development would therefore conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that **Appeal A** should be dismissed.

Appeal B

31. For the reasons given, I conclude that **Appeal B** should be dismissed.

Jillian Rann
INSPECTOR

¹ Appeal ref: APP/X5990/W/19/3222456