



Appeal Decision

Site visit made on 7 March 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/X5990/W/21/3279562

2 and 3 London Mews, London W2 1HY

- 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 and Ms Kymisis and Andrews against the decision of City of Westminster Council.
 - The application Ref 21/01481/FULL, dated 10 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed is roof extension to two terraced houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the decision notice as this makes reference to both properties.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Bayswater Conservation Area (CA); and
 - The effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

4. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the CA lies, in part, in its largely linear rows of uniform and often grand buildings located off busy streets or verdant squares. It also includes far more intimate streets such as London Mews which while more varied in design generally have a consistency within individual buildings or terraces.
5. There are varying building heights and designs within the streetscene of London Mews (the Mews). However, many of the properties are of traditional appearance and have a degree of consistency. The appeal properties are a clear example of a more modern building with openings of a size, appearance

and materials of their time. Their relatively plain appearance means the appeal properties are not conspicuous in the streetscene and currently make a neutral contribution to the significance of the CA.

6. There are differing roof shapes in the Mews and nearby streets that are obvious from street level. Moreover, there are examples of accommodation within the roof space and roof extensions, including in the Mews where they cover more than one property and have differing materials to the rest of the building.
7. Nonetheless, although not always fully replicating the fenestration below, the other roof extensions in the mews have an obvious correlation in terms of materials and form of the windows. While in general alignment with those below, the size, shape and considerable vertical emphasis of the proposed windows are at odds with the proportions of those below. Rather than appearing innovative, this would erode the existing consistency at the properties and fail to blend with the existing architectural detail.
8. The height of the extension would be comparable to the floor below, set back from the front of the roof and no taller than the ridge height of the building to one side. Nonetheless, the almost full-length vertical windows and bulk that the proposed roof shape would create only serve to emphasise the additional height.
9. There are limited public or long-range views in or out of London Mews from street level. Nevertheless, the completely different composition of the proposed front windows and scale of the extension would draw the eye and still be obvious in views within the Mews and from the surrounding properties.
10. The existing rear elevations are largely blank, as are others in a similar position along the Mews. Therefore, the appearance of the proposed rear elevation would not be discordant or unexpected in this context.
11. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
12. The proposal would benefit the occupiers of the appeal properties by providing additional accommodation. Nevertheless, this is a personal, rather than a public benefit. There is policy encouragement for the efficient use of land and the use of space above existing buildings. The scheme would also improve energy efficiency at the properties. Nonetheless, given the scale of the scheme the benefits would be small. As such, the public benefits do not outweigh the identified material harm to the designated heritage asset.
13. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA. It would be contrary to the historic environmental policies contained within the Framework, along with the design and heritage protection aims of Policies 38, 39 and 40 of the City Plan.

Living Conditions

14. The appeal site is in an urban context where limited separation between buildings of differing scale is typical. The largely blank upper floor rear elevation of the appeal properties is already a prominent feature in the outlook

from several first-floor bedroom windows at the hotel behind. Notwithstanding this, due to the height and proximity of the proposed extension, the outlook from these windows would be dominated by it. This would result in a restricted and uninviting outlook.

15. Second floor bedroom windows currently have views over the appeal site and properties on the other side of the mews. Their outlook would be unacceptably reduced by the proposal that would extend along the whole of the rear edge of the roof and be very close to the hotel windows.
16. The layout of the Mews means that the existing outlook from front elevation windows is primarily of the property opposite. This is currently the case for those opposite the site. The existing height of the appeal buildings mean there would only be angled glimpsed views of the proposal. As such, it would not unacceptably harm the existing outlook from those rooms.
17. The BRE guidance¹ states that it may be used for dwellings and any non-domestic buildings where daylight is required. The height and orientation of the buildings behind and in front of the appeal site limits the daylight and sunlight that windows facing the site are currently able to achieve. Nevertheless, no assessment of the current or proposed levels of daylight or sunlight at these neighbouring properties has been provided. Therefore, in the absence of any compelling evidence I cannot be sure that appropriate levels of daylight and sunlight would be maintained at the neighbouring properties.
18. Consequently, the proposed development would unacceptably harm the living conditions of the occupiers of nearby properties with regard to outlook, daylight and sunlight. It would be contrary to Policies 7, 33 and 38 of the City Plan where they seek to prevent unacceptable impacts on amenity and quality of life.

Other Matters

19. My attention has been drawn to other roof extensions in the area. Those within London Mews have fenestration which more closely replicates those below at the same building. The others would not be seen with the appeal scheme. Those at Porchester Place and Norfolk Crescent are in far more open streetscenes and as with Queensborough Mews are seen with a variety of other roof alterations. Therefore, they are materially different to this proposal.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

¹ Site Layout Planning for Daylight and Sunlight published by the Building Research Establishment