



Appeal Decision

Site visit made on 19 April 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/X5990/D/22/3291410

39 Newton Road, LONDON, W2 5JR

- 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 Pierre Piwnica against the decision of City of Westminster Council.
 - The application Ref 21/03796/FULL, dated 8 June 2021, was refused by notice dated 10 November 2021.
 - The development proposed is demolition of the building behind retained facade. Removal of existing mansard and raise height of parapet. Rebuild side and rear elevations with extensions to side and rear. Rebuild existing front boundary wall and piers and installation of new railings and gates.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A set of additional plans were submitted by the appellant during the appeal. One provides revised details of the proposed roof, and the others are new plans that show additional detail relating to biodiversity and tree matters, with reference to refusal reasons 2 and 3. These plans also include some minor revisions to the garden layout at the rear.
3. I am satisfied that most of the detail included within the revised plan and the additional plans is supplementary. Where the plans amend the scheme the changes are of a minor nature. As such I do not consider the interests of any party to be prejudiced if I take these plans into account. I shall therefore determine the appeal on the basis of the plans listed on the Council's decision, substituting 939 P2_1203 Rev 01 with 939 P2_1203 Rev 02, as well as the additional plans submitted with the appeal.

Main Issue

4. The effect of the proposal on the character and appearance of the building and the area, including the Westbourne Conservation Area.

Reasons

5. The appeal site is within the Westbourne Conservation Area (WCA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. The Council's Conservation Area Audit for the WCA advises that the area developed rapidly over a period of about 15 years from the early 1840s. As a result the area has a strong consistency of building style and form. Many streets are defined by uniform terraces. Newton Road differs in that it is made up of more of a mix of buildings, though they are largely arranged into semi-detached stucco fronted villas. These are mostly two-storey in height with basements, although there are some buildings with more storeys, and many on the southern side of the road have been extended to the side to attach to the neighbouring dwelling. Most dwellings on the road retain a high degree of original detailing to their front facades, including joinery, decorative surrounds to openings and ironwork.
7. The original mid-19th century villa form of the buildings, their original scale, which in most cases is still easily appreciated despite the presence of subsequent additions, and the retention of original architectural details are characteristics of Newton Road's buildings that make a significant positive contribution to the wider character and appearance of the WCA.
8. The appeal building is one of the original mid-19th century villas. It has a well composed principal façade, comprising timber sash windows with decorative surrounds arranged with a diminishing scale, set behind decorative balconettes. When originally built it was attached to a matching villa, forming a symmetrical semi-detached pair. The ground level and first floor of the attached dwelling still entirely match the appeal building; however, the attached dwelling has been extended upwards with a full additional storey, disguising its original form by removing its low 1840s roof and projecting eaves. As a result, the attached dwelling is significantly higher than the appeal building, and it is not immediately apparent that the two once formed a matching semi-detached pair.
9. Both dwellings sit within a row of dwellings of varied scale. The buildings beyond to the west rise four storeys above street level. The pairs of dwellings to the east have what appears to be an original second floor, however it is set back behind a substantial projecting cornice, and thus these dwellings look as if they have two principal floors, with a secondary attic floor. Further east again the dwellings have a more modest scale with two principal floors and are very similar to the appeal building.
10. I accept that if taken in isolation, or if viewed in the context of a uniform street of matching semi-detached or terraced dwellings as can be found elsewhere in the WCA, the appeal building and its original semi-detached partner have an unusual relationship that could appear out of place. However, taking into account the variety of heights across this side of the road and the very close spacing of buildings, I am not satisfied that the two dwellings appear so jarring or poorly related that they are harmful to the character and appearance of the WCA. Indeed, they appear as part of a characterful mix of original buildings that define the southern side of the street and, despite a significant level of intervention over the years, mostly retain a sense of their original scale.
11. The addition of the extra storey to the attached dwelling has had a significant adverse impact on an appreciation of its original villa form. The appeal dwelling has also suffered from the addition of a prominent lift shaft to the side and, to a lesser degree, a modest forward-facing dormer. Whilst both of these interventions have harmed the character and appearance of the building, both

are additive and have left the original form of the building, including its original façade and shallow pitched roof, largely intact. Despite these changes, the appeal building still makes a meaningful positive contribution to the character and appearance of this part of the WCA, as a result of its well-preserved original street facing façade and easily appreciated original scale. For these reasons I also find it reasonable to conclude that the building should be regarded as a non-designated heritage asset.

12. The proposal would see the front of the building significantly altered so that it matches the attached dwelling. Much is made of the need for the two dwellings to have the same appearance, and for the two to once again form a coherent whole. I have however already established that, even when I take into account the level of intervention that the appeal building has been subject to including the substantial upward extension of its neighbour, I still find that it is a positive contributor to the character and appearance of the WCA in its current form. Thus, I disagree entirely that there is a need to carry out the proposal so that the appeal building once again matches its neighbour.
13. The original portion of the front façade would be lost within what would be tantamount to the full rebuilding of the original dwelling. The end result would be architecturally tidy and would match the appearance of the attached dwelling. In this respect it would sit neatly within the street and would not appear out of place. However, it would result in a pair of dwellings that would retain no visual connection to their original form or scale and would lack historic authenticity. The proposal would fail to preserve the character and appearance of this part of the WCA by regularising the appearance of the existing building in a manner that does not respect its original appearance or the contribution that it currently makes to the character and appearance of the area.
14. Interventions at the rear of the appeal building have had a much more significant impact on its original form. Its rear façade is dominated by a rather incongruous roof top extension. Its steeply sloped roof has removed all traces of the original shallow 1840s roof, which is such a significant aspect of the building's street façade. Various interventions have been carried out to openings, including a mismatched pattern of windows. In combination these factors result in a much-altered aspect of the building that lacks any particular significance.
15. Furthermore, the rear aspect of the building is largely enclosed and primarily visible from only a small number of private gardens adjoining the site. It can be glimpsed from Monmouth Place at the rear, although views from here are restricted by the large building at the southern end of the plot. For these reasons I find that the rear of the building does not contribute to the character or appearance of the WCA.
16. The proposal would see this aspect altered entirely. The lower fully glazed element would step forward and read comfortably as an addition to the more traditional fenestration of the floors above. The materials proposed would be high quality. Although metal cladding is not a material that is commonplace in the area, its use is limited to the lower parts of the rear and would not appear out of place in the context of a modern extension within an enclosed rear garden. The upper windows would be slightly shorter than the windows below, and those in the side part would be set at half landing level, making some

reference to the more traditional fenestration of the rear of a mid-19th century dwelling. For these reasons I am satisfied that the loss of the existing rear elevation and its proposed replacement would preserve the character and appearance of the WCA.

17. In terms of the National Planning Policy Framework (the Framework), the harm that I have identified in relation to the proposal's impact on the front of the appeal building would be less than substantial, but is nevertheless of considerable importance and weight. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
18. I have already referred to the existing lift shaft, dormer and mismatch between the appeal building and its historic partner. The appellant makes much of the positive way that the proposal would address these matters. However, for the reasons already given, I do not consider that the manner by which the proposal would address these matters is positive. This cannot therefore be a public benefit that would weigh against the harm I have identified.
19. The proposal would deliver a larger dwelling with a more functional and generous layout. However, the plans show that the existing dwelling is well appointed, with large living spaces over the lower floors. I appreciate that the bedroom layouts and associated circulation would be improved, however there is nothing before me to suggest that this can only be achieved in the manner proposed. In any case, I am not satisfied that this should be regarded as a public benefit, and therefore should not carry any weight.
20. The proposal would be built to modern standards. The rebuilt dwelling would thus have an improved thermal performance when compared with the existing dwelling. This is a public benefit. However, I only give this moderate weight, as there would be a significant environmental impact that would arise from the demolition of most of the existing building and its reconstruction.
21. I give the harm I have identified considerable importance and weight. Indeed paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the benefits of the proposal are limited, and are not sufficient to outweigh the degree of harm identified.
22. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would harm the character and appearance of the building, and would thus fail to preserve the character and appearance of the WCA for the reasons given. It would not accord with Policies 38, 39 and 40 of the City Plan 2019-2040, which together seek to ensure that development proposals have regard to the character and appearance of the area, and conserve heritage assets including elements that contribute to the significance of a heritage asset.

Other Matters

23. The Council has confirmed during the appeal process that its second and third reasons for refusal have been satisfactorily addressed. On the basis of the information before me I see no reason to take a contrary view, and am therefore satisfied that matters relating to greening, biodiversity and tree impacts should not be main issues of this appeal.

Conclusion

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR