



Appeal Decisions

Site visit made on 20 September 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/X5990/W/22/3295499

28 Chilworth Street, London W2 6DT

- 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 Ms Maria Tamander against the decision of City of Westminster Council.
 - The application Ref 21/06365/FULL, dated 15 September 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the erection of a mansard roof extension at fourth floor level; alteration to extraction flue at roof level; internal alterations; and associated works to create a new 2-bedroom flat.
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Appeal Ref: APP/X5990/Y/22/3295504

28 Chilworth Street, London W2 6DT

- 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 Ms Maria Tamander against the decision of City of Westminster Council.
 - The application Ref 21/06366/LBC, dated 15 September 2021, was refused by notice dated 8 December 2021.
 - The works proposed are the erection of a mansard roof extension at fourth floor level; alteration to extraction flue at roof level; internal alterations; and associated works to create a new 2-bedroom flat.
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Decisions

Appeal Ref: APP/X5990/W/22/3295499

1. The appeal is dismissed

Appeal Ref: APP/X5990/Y/22/3295504

2. The appeal is dismissed

Preliminary Matters

3. Although I have had regard to the lengthier description of the works on the application forms, I consider the descriptions above, given on the Appeal Forms, adequately describe what is before me.

Main Issues

4. The main issue in this case is whether the works would harm the special architectural or historic interest of this Grade II listed building, whether they would fail to preserve the character or appearance of the Bayswater Conservation Area, whether they would have an adverse effect on the settings

of adjacent listed buildings, and whether they would harm the significance of any of these designated heritage assets.

Reasons

5. The appeal property is a Grade II listed public house with flats above (listed as the Cleveland Arms Tavern), which dates from the mid-19th Century. Its special architectural and historic interest lie, to a great extent, in the architectural detailing around the front elevation, with its decorative windows and its central scroll feature on the parapet. These highlight the presence of the property on the street and emphasise its role as a public building within this residential area. Moreover, it has a strong overall form, with the parapet terminating the elevation and substantially concealing the low pyramidal roof. This gives the impression of it being flat-roofed, and so informs the building's style and age. Its significance is therefore partly historic, partly artistic and partly architectural.
6. It sits within a terrace of properties that are also Grade II listed. The adjacent houses display different detailing to No 28, with the quoin features at No 26 in particular showing a clear distinction between that part of the terrace and the appeal property. However, they are nonetheless of similar proportions, height, style and form to No 28, and also have a strong parapet line, albeit a little lower, that would originally have concealed the roofing behind. Furthermore, the terrace forms an attractive historic composition, and so I recognise the properties within it have a group value. Accordingly, their significance is, in part, architectural and artistic.
7. The terrace is in the Bayswater Conservation Area, which covers a number of streets and squares that were laid out at a similar time. Although there is a high degree of individuality among the properties throughout the conservation area, they also share much in terms of their scale, their proportions, their form and their siting close to the pavement. This means the area's character and appearance has a great cohesiveness and unity that add to its significance as a designated heritage asset. Given their scale, form, siting and design the appeal property and the buildings to either side make a positive contribution to the significance of the conservation area.
8. What is before me would result in the roof of the property being more prominent when directly in front of No 28 or in more angled views, especially in the winter when the street trees were not in leaf.
9. Such works would be an appreciable departure from the building's current form. With the proposal being noticeable above, the parapet would not be a decisive and strong termination of the front elevation. As a result, the building would no longer have the impression of being flat-roofed, and so an understanding of its architectural origins would be undermined. Moreover, the decorative scroll feature that is on the parapet is now seen against the sky, emphasising its presence and highlighting the building. However, as a consequence of the scheme it would have a more cluttered backdrop of the roofing with its windows, and so its dominance and prominence would be eroded. For these reasons the works would cause harm, albeit less than substantial, to the significance of this listed building. Moreover, given the importance of the front elevation to the building's significance, I find this would be around the middle of the range of harm that could be defined as less than substantial.

10. In coming to this view I appreciate that the appellant has offered to paint the decorative scroll, but I have nothing before me to show the form this would take or its effectiveness in allaying my concerns. I am aware too that some the properties in the terrace have mansard roofs that appear to be subsequent additions. However, the impact of those is not as pronounced, as they sit between dividing walls at roof level, giving greater containment and reducing any effect they might have as isolated features. The Council also made reference to unauthorised works at the premises but, if those are present, they have had no direct bearing on my reasoning in this particular case.
11. The altered roof would be more noticeable than the existing when seen from the mews to the rear. However, this elevation is much simpler and not as ornate and, to my mind, the relatively concealed nature of the current roof does not add to the significance of the building when seen from this direction. The flue would also be taller, but that could well be suitably treated to reduce its impact sufficiently.
12. Turning to the loss of fabric, it was unclear from the submissions how much of the existing roof is of significance. The appellant though is seeking to retain and reuse whatever is of value. I have few details as to how this would be done, but if it was appropriately controlled, there is no reason why any historic material could not be safeguarded. Inside the building a short length of banister and some ceiling would be removed to allow the stairs to continue into the roof space, but I have nothing to show those elements add to the historic value of the building.
13. The appeal property forms part of the settings of the other listed buildings in the terrace. It is clearly separate and of a design that, although sympathetic, is nonetheless different. Despite this, I find that the visual cohesiveness and unity of the terrace would be diminished by the way the works would compromise the parapet line at No 28, introducing roofing that would be boldly apparent above. To this end, I find that the proposal's effect on the settings of these other listed buildings would mean it caused less than substantial harm to their significance, even though that harm would be at the lower end of that scale.
14. Finally, by diluting the effect of the strong parapet line and by reducing the impact of the decorative scrolling, the works would diminish the role of this property in the streetscape, and the significance of the terrace. They would also cause harm to the significance of this Grade II listed property, which, as a designated heritage asset, is an important building within the conservation area. Given the overall size of the conservation area, I accept that the effect of the works on its character or appearance would not be great. Nonetheless, the scheme would fail to preserve its character and appearance and cause less than substantial harm to the significance of the conservation area.
15. Accordingly, I find the scheme would cause less than substantial harm to the significance of No 28, the adjacent listed buildings and the conservation area.
16. The *National Planning Policy Framework* (the Framework) says that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm to its significance requiring clear and convincing justification. It adds that if less than substantial harm is identified to a designated heritage asset, it should be weighed against the scheme's public benefits.

17. Whilst Policies 38, 39 and 40 in *Westminster's City Plan* together broadly seek development that safeguards the City's historic environment, they do not incorporate the balance against public benefits that is found in the Framework. There are also points where they appear to require a positive contribution to result from works, in conflict with the approach in national policy. They are therefore, to a degree, inconsistent with the Framework.
18. I accept this scheme would be creating an additional flat in a part of the building that is little used at the moment, and this could be construed as a public benefit. It was also said the works would allow the continued optimum viable use of the listed building as a public house with flats above, but there is little to support this or to secure its effects. Therefore, I consider these points, even if taken together, would not constitute a clear and convincing justification for the scheme, and would not outweigh this long-term harm to the building and the conservation area that would result from the works.
19. Accordingly, I conclude that the proposal would fail to preserve the special architectural or historic interest of this Grade II listed building, would adversely affect the settings of the Grade II listed 24/26 and 30/32 Chilworth Street, and would not preserve the character or appearance of the Bayswater Conservation Area, causing less than substantial harm to the significance of each of these designated heritage assets. In the absence of any clear and convincing justification for the works and any public benefits to outweigh this harm, the proposal would conflict with the Framework and, insofar as they are consistent with that national policy, Policies 38, 39 and 40 in *Westminster's City Plan*.

Conclusion

20. Accordingly, I conclude these appeals should be dismissed.

JP Sargent

INSPECTOR