



Appeal Decision

Site visit made on 1 November 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/X5990/D/22/3305375

5 Frederick Close, City of Westminster, London, W2 2HD

- 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 Jefferson and Ms Conlon against the decision of City of Westminster Council.
 - The application Ref 22/02054/FULL, dated 25 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is Erection of mansard roof within the footprint of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellants assert that the existing height of the parapet roof will be retained under the proposed development. I have reviewed the plans and concur with this assessment.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on the Bayswater Conservation Area (CA).

Reasons

4. The appeal site comprises 5 Frederick Close (the Host Property). The Host Property is a three-storey building which is located within a Mews comprising of attractive and close-knit residential development. It is part of a row of three terraced properties which have a similar appearance and scale. The attached terraced buildings to the east have a two-storey appearance, supplemented by a mansard roof which provides accommodation at the second-floor level.
5. Opposite the host property is a four-storey apartment building which is taller than the terrace within which the appeal site is located. Nonetheless, despite the variations in design and scale within the mews, there are pockets of consistency. Indeed, it is this patchwork of small areas of consistent appearance which gives the Mews a harmonious, unique and valuable character.
6. The host property is located within the Bayswater CA. I note that it is not a listed building, nor a non-designated heritage asset. Furthermore, the appeal site is not within the setting of any listed buildings. Nonetheless, under Section

72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

7. The evidence before me indicates that the CA is split into two sections, Bayswater and the Tyburnia area, the latter of which the appeal site is located within. From the evidence before me, this part of the CA primarily derives its significance from its distinctive street layouts and Georgian architectural style. In terms of the street layouts, the Mews developments within the Tyburnia Area form an important characteristic. Frederick Close is a prime example of a distinctive and varied Mews with pockets of character which maintain an aesthetic harmony. In this sense, it makes a valuable contribution to the significance of the CA. The fact that the appeal property is more recently constructed does not diminish its contribution in this regard.
8. At present, the scale and roof forms (comprising a parapet) of the host property and two attached properties to the west are relatively uniform. The proposed mansard roof extension would harmfully disrupt this rhythm and uniformity and create an incongruous feature. Whilst I have noted that there are different scales and appearances within the Mews, the proposal would result in a stand-alone feature which would not assimilate well with any of the existing pockets of character.
9. I accept that the attached properties to the east comprise mansard roofs¹. However, they are of a different character to the part of the terrace within which the host property is located. Indeed, the development would rise significantly above these attached dwellings, exacerbating the harmful visual impact.
10. Despite the proposed set-back this harm would be visible from Frederick Close. This is demonstrated by the computer-generated images contained within the Appellant's Design and Access Statement. It would also be visible from neighbouring properties, including the apartments directly opposite and the neighbouring buildings to the rear of the site.
11. The proposed materials and the design of the proposed dormers are not harmful in isolation and they conform with local design guidance². However, these considerations do not override the overall harm caused by the scale and bulk of the proposal. In addition, the removal of the scaffolding bars at roof level would not overcome the harm, given that the proposed development would be far more prominent and as such, materially more harmful.
12. In summary, the proposed development would be harmful to the character and appearance of the area and would not preserve the character of the CA. Therefore, having regard to the desirability of preserving or enhancing the CA, I conclude that the proposed development would lead to 'less than substantial harm' to the heritage asset within the meaning of Framework Paragraph 202.
13. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal. I note that Framework Paragraph 120E supports opportunities to use the airspace above existing residential development. However, this is caveated by the requirement that the

¹ And such features are supported generally in WCC Development and Demolition in Conservation Areas SPG (1996)

² See: Roofs: A Guide to Alterations and Extensions on Domestic Buildings SPG (adopted 1995)

development is consistent with the prevailing height and form of neighbouring properties. For the reasons outlined above, the proposed development would not meet this requirement. Furthermore, an increase in the size of residential accommodation is a private benefit as opposed to a public benefit.

14. There would however be some public benefits, including environmental benefits³ associated with increased energy efficiency, reduced energy consumption and biodiversity gains (possible through the implementation of a sedum roof). However, given the small scale of these facets of the development, I only afford these benefits moderate weight. In contrast, the less than substantial harm to the heritage asset (the CA) should be afforded great weight, in line with the provisions of Framework Paragraph 199. This harm would not therefore be outweighed by the public benefits of the proposal.
15. For these reasons, the proposed development would conflict with City Plan⁴ Policies 38, 39 and 40, which collectively seek to ensure that new development contributes positively to local character and conserves heritage assets. Whilst City Plan Policy 40E(2) allows roof extensions of unimpaired terraces in principle, it also requires that such extensions are of a consistent design and appearance with the terrace. For the reasons outlined above, the development does not meet this requirement. The appellants have also referred to London Plan Policies D3 and HC1. The proposal would conflict with these policies for the same reasons.

Other Matters

16. I am aware that an appeal was allowed⁵ for a similar extension at 12 Frederick Close (No 12). However, in that case, the host property was a two-storey building, contrasting with the more prominent scale of 5 Frederick Close. Furthermore, No 12 is a mid-terrace property and the properties either side have parapet roofs which step upwards to the east. This contrasts with the more uniform appearance of the terrace comprising the appeal site. Finally, although the Inspector briefly considered the impact on the CA, this was not a main issue in the consideration of the appeal and it is not clear what evidence was before them in this regard. For these reasons, noting that every case should be considered on its own merits, this appeal decision does not alter or outweigh my conclusions.
17. The absence of objections from neighbouring occupiers and the fact that Frederick Close is not specifically identified in the Bayswater CA audit (2000) are both considerations of neutral consequence.

Conclusion

18. The proposed development would conflict with the development plan taken as a whole and none of the material considerations raised are of sufficient weight to warrant a decision other than in accordance with it. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR

³ With support arising to this extent from parts of City Plan Policy 38 and the Framework

⁴ City Plan 2019-2040 – Adopted April 2021

⁵ PINS Ref: APP/X5990/W/3172534