

Appeal Decision

Site visit undertaken on 6 October 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 29th November 2022

Appeal Ref: APP/X5990/D/21/3288338

30 Woronzow Road, London, NW8 6QE

- 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 Richa Singh against the decision of the City of Westminster.
 - The application, ref. 21/03696/FULL, dated 3 June 2021, was refused by notice dated 5 October 2021.
 - The development proposed is described as erection of first floor rear extension, new double glazed windows and new Air Conditioning Unit to rear wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that the application description contains proposals such as the replacement of windows which were not objected to by the Council, and based on the information provided in the appeal documents, do not appear to contain an Article 4 Direction that would require their consent for such alterations. Taking this into account, this letter will only deal with matters in dispute which are the air-conditioning unit (AC) and the first floor rear extension.

Main issues

3. The main issues are:
 - The effect of proposed first floor rear extension and the AC unit upon the character and appearance of the host building and the locality, with particular regard to the St John's Wood Conservation Area (CA); and
 - The living conditions of the neighbouring occupants as a result of the installation of the AC unit.

Reasons

Character and Appearance, including the CA

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.

5. In undertaking development, the Westminster City Plan 2019-2040 (CP) Policies 38 and 40 sets a number of design principles for achieving good design and reflecting townscape and architecture, such as responding to the context, people-centred design, sustainable design and achieving excellence in contemporary design, amongst others. CP Policy 39 relates to the considerations around heritage assets, such as seeking that development preserves and enhances CA's, amongst others.
6. The CA's significance is highlighted in the St John's Wood CA Audit 2008, where relevant components of the significance in relation to the appeal site relate to the development of formally laid out speculative housing development of higher status 'gentlemen's villas' and mansion blocks constructed in the eighteenth and nineteenth centuries. The majority of dwellings within the CA including the appeal site are buildings of townscape merit and consist of terraced, semi-detached and detached buildings, where there is a hierarchy in built form and plot sizes with streets such as Avenue Road and Marlborough Place having very large villas, whilst roads such as Woronzow Road, have high status buildings, but on a smaller scale.
7. There is a variance in dwelling types in the immediate locality, with higher status detached and semi-detached dwellings along nearby Acacia Road which intersects with Woronzow Road, where dwellings whilst large and having prominence in the street, are typically of a lower status and contain rows of terraced dwellings, with brick finishes, rather than the Stucco finish of higher status dwellings in the area. There are more similarities to the different ages of building stock, with Woronzow Road having terraces dating from the Victorian, Edwardian and later mid-late twentieth century. Some of the positive features and characteristics of this locality include large coaxial chimney stacks along the party walls, a mix of shallow hipped and pitched roof forms, the Victorian dwellings having large stone window and door surrounds, and minimal and subservient alterations and extensions which maintain historic form and appearance.
8. The use of traditional materials such as timber, brick and slate along with the similar quality in designs reinforce an architectural uniformity and authenticity which creates a formal picturesque townscape along with vegetated front gardens and street trees which give a spacious, leafy and distinctive character. To the rear the leafy character continues with well vegetated rear gardens, the tops of vegetation which can be experienced through gaps and spaces in and around dwellings. There is evidence of small extensions to the rear of dwellings, which are generally subservient to the host building and are lower scale than the main dwelling in order to highlight the status of the building. Along the street is street lighting which provides low levels of illumination to the street, however not to a high level with a low traffic flow and a tranquil experience.
9. The appeal site displays a number of positive qualities of significance to the CA, being a high quality end-terraced dwelling which appears to date from the mid-late nineteenth century and which is noted in the CA as a building of Townscape Merit and a positive element which contributes to the significance of the CA. The dwelling is of brick construction with a slate hipped roof, with the top two floors having a London stock brick finish and a stucco rusticated ground floor. The building also appears to have had later extensions such as

a two storey side extension that is set back from the front façade and a single storey rear extension.

10. With regards to the first floor rear addition, the proposal would contain a flat roof and constructed in matching London Stock brick, and proposed lintels and window would match the existing building. Whilst the extension is small, it does increase the visual bulk of the dwelling, particularly on first floor level which increases the status of the dwelling when seen against the remaining dwellings that make up this terrace. The result is an extension which does not appear architecturally authentic to the existing dwelling and affects the integrity and status of the design in this location where the terraces are of a lower scale and status than the larger dwellings on surrounding roads.
11. I note commentary in the appellant's Statement of Case (SoC) which highlights a rear extension to No.55 Townshend Road which has a relatively large rear extension that according to the appeal documents was undertaken in the 1960's and other permissions to the dwelling made in 2007 and 2010. I am unclear of the relationship of these extensions to the appeal site given that the example is on a more higher status detached dwelling, and where extensions have been undertaken historically, particularly the principle large development that was undertaken before the adoption Conservation Area. I also appreciate that the neighbouring semi-detached dwellings at 51 and 53 Townshend Road also have relatively large ground floor rear extensions that were constructed 20 years ago, in a different policy position which is very different to today. However whilst these extensions are on the ground floor, unlike the appeal site, these dwellings do perhaps illustrate why large extensions can have negative effects towards the character and appearance of the CA.
12. I also note comments that in the appellant's opinion that there is no harm caused to the CA predominantly because the development is not within the public realm, however the duty provided under S72 of the PLBCA does not make any differentiation between whether the development is within the public or private realm. As such it is not appropriate to discount the contribution to the significance of the rear of the buildings to the CA, which as described contribute to the significance of the CA, the status, and architectural authenticity and integrity of the terrace. Taking this into account, the proposed first floor rear extension would not reflect the architectural integrity and authenticity of the terrace and increase the status of the building which would not be a subservient addition that causes harm to the existing building, the greater locality or the CA. Consequently the scheme would be contrary to CP Policies 38, 39 and 40 as described previously and would cause less than substantial harm to the CA.
13. Turning to the installation of the AC, the unit is small, however would provide additional clutter to the rear of the dwelling, however I agree with the appellant that this could be overcome by condition, such as screening of the AC which could assist in overcoming concerns regarding clutter. I am also aware that given the issues discussed in the matter below regarding noise, that the AC may need to be relocated, hence the issuing of a split decision in this respect would not be appropriate due to this uncertainty with the principle and location of the installation.

14. Taking the above into account, the proposed first floor rear extension was found to cause less than substantial harm to the significance of the CA within the meaning of the term in paragraph 202 of the National Planning Policy Framework (the Framework). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. The appellant has not outlined any public benefits of the scheme. However, the benefits of the scheme would deliver larger residential accommodation for the existing dwelling, as well as result in short term employment opportunities in the construction of the extension both of which are important planning policy objectives. However, these benefits may also be present in a more appropriately designed scheme. That said, these benefits would not justify the harm I have identified.
16. I therefore find that the public benefits would not outweigh the harm caused to the significance of the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
17. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Living Conditions

18. The main dispute between the Council and the appellant relates to the placement of the AC unit in that the acoustic report that was submitted with the application only contained an assessment with the first floor rear extension in place, which may theoretically give different noise readings if the first floor rear extension was not in place. Whilst the Council's Environmental Health Officer did not object to the scheme, they made comments requesting further acoustic reports to supplement the current report.
19. Whilst I agree with the appellant that the methodology of the report should have been agreed prior to the decision being made with the application, the acoustic report is lacking this assessment which has also not been corrected in the appeal documents. Whilst I appreciate that the AC unit is one typically found within this type of residential environment, there is no certainty to the principle of such a location and whether this is the most suitable location given the concerns made regarding noise, vibration and resonance of the AC unit. It would be difficult to enforce such a condition suggested by the appellant to not have noise above a certain level, with this type of assessment needing to be undertaken to establish the principle of the development.
20. Whilst I agree that the factors around the installation could have been agreed earlier on in the application, based on the appeal documents, the

principle of the installation and effect on the surrounding residents has yet to be robustly established. Consequently, as a result of the lack of information, the proposed scheme would not be compliant with CP Policies 7 and 33 which seek to protect living conditions and impacts from noise related development.

Conclusions

21. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR