



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: 30 November 2022

Appeal Ref: APP/X5990/W/21/3285303

32 Sutherland Place, London, W2 5BZ

- 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 One Oak Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref 21/01509/FULL, dated 01 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is Erection of a replacement dwelling, facilitated by its partial demolition and retention of the existing front facade, the creation of a basement level, and the erection of replacement roof structure and side infill extension, together with associated landscaping to front and rear gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the Westbourne Conservation Area (CA).
 - The effect of the proposed development on the setting of the nearby Grade II listed building at 17-31 Sutherland Place.
 - Whether the proposed development would allow provision of adequate drainage and landscaping, with particular regard to the proposed basement.

Reasons

3. The existing building is a three-storey dwelling located at 32 Sutherland Place (No 32). No 32 is part of a pair of dwellings (the other being No 33) which have a predominantly semi-detached appearance. This appearance contrasts with the taller and more prominent terraces located either side. Whilst these dwellings may have originally been semi-detached, No 32 is now attached to the adjacent terrace of buildings comprising 17-31 Sutherland Place. This neighbouring terrace is Grade II listed. The appeal site is also located within the Westbourne CA.
4. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest. Under section 72 (1) of the same Act, I

am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

Westbourne Conservation Area

5. The CA primarily derives its significance from its consistent architectural form and townscape appearance. In general, the CA includes predominantly residential development, comprising of large terraced buildings with stucco frontages, as well as villa developments. The frontages are often of a grand appearance with a significant degree of uniformity in terms of scale, orientation and architectural detailing. This uniformity is further re-enforced by the street layouts, which are typically set in a grid pattern.
6. No 32 includes architectural features which contribute positively to the significance of the CA. In particular, the building includes a stucco frontage which although different to the adjacent terraces, assimilates very well with them. I note that there are some elements of asymmetry at present between No 32 and No 33, including cornice and entrance detailing. Furthermore, the likely original symmetry and consistency of these buildings has been disrupted by the brick extension connecting No 32 with the terrace at 17-31. In addition, No 32 currently includes a small structure on the roof which facilitates roof access. There are also various tubular metal rods which support grapevines on the existing roof. These are all features that are visible within the street scene.
7. Despite this, these differences are all relatively subtle, even when considered together. In general terms there is a great deal of uniformity between No 32 and No 33, notably including the scale, bulk and predominant appearance of the dwellings when viewed within the street scene. Given the prevailing consistency in these terms, the existing building makes a positive contribution to the significance of the CA.
8. In contrast, the rear of the building includes a vary cluttered arrangement of projections and fenestration, which neither reflect, nor contribute positively to the key characteristics of the CA. Whilst I note that neighbouring rear elevations include more consistency, these too have been significantly altered such that there is a great deal of variation, particularly at ground floor level.
9. The proposed development would involve the retention of the majority of the primary façade. Indeed, it is this element of the building which makes the most positive contribution to the significance of the CA. There would also be some improvements, with the linking extension with the terrace at 17-31 replaced and revisions proposed to the appearance of the entrance.
10. However, the proposed development also includes a mansard roof extension which, when viewed within the street scene, would result in an unbalanced appearance in conjunction with the roof of No 33. I accept that the extension would be set back from the front of the building, thereby reducing its visual impact. However, it would nonetheless be a prominent feature which, despite the sympathetic materials proposed, would harmfully disrupt the symmetry and uniformity between this pair of dwellings.
11. The harm to the significance of the CA would be compounded by the fact that it is the frontage of the building which makes the most positive contribution to the CA. I note that the existing structures on the roof would be removed. However, these are far less bulky and prominent than the proposed

development and as such, this is not a consideration which significantly reduces the harm caused.

12. I also accept that mansards are a common feature of the surrounding area and that 'The Westbourne Conservation Area Audit' SPG (2002) indicates that the principal of a roof extension at the appeal site would be acceptable. However, No 32 and 33 are relatively unique in their relationship with the more prominent terraces to either side, given their more limited scale. The addition of a mansard extension to just one of the two properties, with the other remaining unimpaired, would result in a striking asymmetry which would harm the character of the CA.
13. The proposed demolition and replacement elements to the rear of No 32 are far more sympathetic to the prevailing character to this side, which is varied. The proposal at the rear would include more regular use of brick, better proportioned fenestration, as well as projections and roof forms of varying scale and appearance. These aspects of the proposal would be in keeping with the varied character of the neighbouring rear elevations. Indeed, this would represent a slight improvement on the existing arrangement. As such, these aspects of the proposal would comply with the guidance in respect of demolition and replacement contained in the Supplementary Planning Guidance -Development and Demolition in Conservation Areas (1996).
14. Nonetheless, given that the rear of the property contributes so little to the significance of the CA, this improvement carries far less weight than the harmful aspects of the proposal.
15. The Council has also raised concerns with regard to the effect of the proposal on a cherry tree to the rear of the appeal site which is planted in a neighbouring garden. However, the appellant has provided detailed arboricultural evidence (SJ Stephens Associates) which demonstrates that the roots of the tree (and indeed the tree itself) would be protected during construction.
16. The tree does contribute positively towards the character of the area, particularly given the limited quantum of planting to the rear of properties in the immediately surrounding area. Nonetheless, I am satisfied that the tree could be sufficiently protected through imposition of conditions. In addition, a condition requiring further details of soft and hard landscaping could be imposed to ensure that the rear outside space is designed in such a way to accommodate and protect the tree. As such, there would be no additional harm to the character and appearance of the CA in this regard. The proposed development would therefore comply with City Plan (2021)¹ Policy 34, which seeks in part to protect trees which contribute to character and appearance.
17. The primary contribution of No 32 to the significance of the CA pertains to the uniform and stucco appearance of the frontage, particularly when viewed in conjunction with No 33. This is why the overall effect of the development, even taking into account the various positive facets², would lead to a harmful erosion of the CA's significance. As such, the proposed development would fail to

¹ City Plan 2019-2040- City of Westminster, adopted April 2021

² Rear elevation improvements, Improvement to front entrance, Improvement to link extension to front, prospect of enhanced landscaping and removal of roof structures.

preserve the character of the CA. This harm would be 'less than substantial' within the meaning of Framework Paragraph 202.

Listed Building

18. I have a statutory duty to also have special regard to the desirability of preserving the setting of the listed building at 17-31 Sutherland Place. This building, which comprises a row of terraced dwellings, primarily derives its significance from its prominent scale, stuccoed frontage and generally well-preserved and consistent appearance, orientation and scale. The majority of the dwellings within the building have been extended at roof level, with Mansards a common feature, albeit there is some variation in design.
19. No 32 and No 33 contribute positively to the significance of the listed building, given that they too include stucco frontages, albeit of a differing design. Furthermore, the contrast in scale between these two properties and the attached listed building contributes positively to the listed buildings sense of grandeur. Whilst No 32 currently includes various structures at roof level, the very limited scale and bulk of these structures does not detract significantly from the grandeur and uniformity of the listed building.
20. The proposed Mansard extension would be of a similar appearance to those which are prevalent on the listed building, with similar materials proposed. Nonetheless, when viewed within the street scene, the proposal would detract from the grandeur and uniformity of the listed building. This impact would be exacerbated by the resultant striking asymmetry, taking into account the contrasting unimpaired roof form of No 33.
21. For reasons already given (in relation to the effect on the CA), when viewed from the rear, the proposed development would not result in additional harm to the setting of the listed building. Nonetheless, the absence of harm in this regard does not reduce the overall harm to an acceptable degree, particularly given that it is the frontage of the Listed Building which is of primary significance. For these reasons, the proposal would be harmful to the setting and thereby the significance of the Listed Building. This harm would be 'less than substantial' within the meaning of Framework Paragraph 202.

Drainage and Landscaping

22. The proposal includes a new basement extending forwards of the existing building and a lightwell proposed to be constructed to the rear of the building. City Plan (2021) Policy 45 requires that basement developments leave a margin of undeveloped garden land - proportionate to the scale of the development and the size of the garden - around the entire boundary.
23. Paragraph 45.8 expands on this and states that standards for extent of the garden (site area excluding the footprint of the original building) are intended to strike a balance between allowing development, while ensuring a substantial area remains undeveloped (without any impermeable surfacing installed) to ensure adequate drainage and preserve the garden setting. There is flexibility in the policy in this regard, depending on the case-specific circumstances.
24. The plans submitted by the appellant indicate that there are large areas to the front and rear of the building which are capable of accommodating planting. The areas to the sides are constrained by the existing neighbouring buildings. I consider that these areas are proportionate to the scale of the development,

particularly given the limited extent to which they would be infringed by the basement. As a result, there is no reason why a hard and soft landscaping plan, to deliver a satisfactory planting scheme, could not be controlled and implemented through a planning condition.

25. In terms of drainage more generally, the Council's planning officer report indicates that the proposal fails to mitigate against flooding. However, on the basis of the evidence before me, City Plan (2021) Policy 45B(2) and paragraph 45.8 are primarily concerned with ensuring appropriate drainage for existing and proposed gardens and associated planting.
26. In any case, the appellant submitted a Flood Risk Assessment with the planning application. This demonstrates that the site has a low risk of flooding from all sources and that sufficient SUDs measures could be adopted to ensure that adequate drainage is provided. On this basis, and in the absence of any substantive evidence to the contrary, flood risk and drainage implications could be addressed satisfactorily through the imposition of appropriately worded conditions.
27. For these reasons, subject to conditions, the proposal would provide adequate drainage and space to facilitate soft landscaping and planting measures and would not be susceptible to flood risk or increase the risk of flood risk elsewhere. As such, it complies with City Plan (2021) Policy 45, which includes requirements for basement developments to ensure adequate drainage and planting in new developments.

Planning Balance

28. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal including, where appropriate, securing the heritage asset's optimum viable use.
29. In asserting that there are public benefits associated with the proposal, the appellant has listed various parts of the proposed development which it considers to be beneficial³. However, I have already considered these various elements of the proposal in determining whether or not the overall scheme would result in harm to the significance of the CA and setting of the Listed Building.
30. Even if I were to accept that these aspects of the proposal can also then be considered as public benefits (despite already having attributed weight to them in finding overall 'less than substantial harm'), they are all relatively modest improvements. As such, I only afford these environmental (historic) and social benefits moderate weight.
31. Evidence has been submitted demonstrating that the proposal would lead to lower emissions and increased thermal properties. However, given the small scale of the proposal, I only afford the public environmental benefits⁴ of this aspect of the proposal limited weight.
32. The proposed development would clearly result in a more habitable dwelling. During my site visit it was abundantly clear that the building is in a poor state

³ Removal of rooftop structures; replacement brick linking extension; entrance alterations; rear improvements; and landscaping.

⁴ Which obtain some support from City Plan Policy 38D.

of repair internally. Evidence from the Appellant's structural engineers corroborates these conclusions. As a result, there would be a notable public benefit in restoring the habitability of the property and this is afforded reasonable weight ('reasonable' given that only one dwelling is involved).

33. Overall, the public benefits are modest and as such, they can only be afforded moderate weight. Conversely, the less than substantial harm to the heritage assets (the CA and Listed Building) should be afforded great weight, in line with the provisions of Framework Paragraph 199. As a result, the modest public benefits of the proposed development would not outweigh the less than substantial harm to either the CA or the Listed Building. The development would therefore conflict with the relevant provisions of the Framework in this regard.
34. For these reasons the proposed development would conflict with City Plan (2021) Policies 38, 39 and 40 which seek to ensure that new development: contributes positively to local character and townscape; conserves heritage assets; and protects spaces which positively contribute to the significance of heritage assets, respectively.
35. There would also be a conflict with the 'Development and Demolition in Conservation Areas' SPG (1996) insofar as it expects design to be of the highest architectural quality and to respect and interpret the existing character and appearance of a conservation area.
36. The proposal would also conflict with 'Supplementary Planning Guidance - Design Matters' SPG (2001) and 'The Westbourne Conservation Area Audit' SPG (2002), insofar as these documents require development to be of a high quality and reflect the predominant pattern of development, respectively.
37. The importance of providing roof forms appropriate to the existing building and terrace is emphasised within the 'Roof, A Guide to Alterations and Extensions on Domestic Buildings SPG' (1995). As such, the proposal would also conflict with this guidance.
38. The Council has also referred to Historic England's Guidance 'The Setting of Heritage Assets' (2017). However, I have not been provided with a copy of this document. Given that I must determine the appeal on the basis of the evidence before me, I have not identified any conflict with it.

Conclusion

39. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR