



Appeal Decision

Site visit made on 9 November 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/X5990/D/22/3306853

36 Northumberland Place, LONDON, W2 5AS

- 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 Giles Haughton against the decision of City of Westminster Council.
 - The application Ref 22/02978/FULL, dated 3 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is demolition of existing rear conservatory and construction of new rear extension with white brick and metal framed double glazed windows/doors. Lowering of existing garden and ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and construction of new rear extension with white brick and metal framed double glazed windows/doors. Lowering of existing garden and ground floor at 36 Northumberland Place, LONDON, W2 5AS in accordance with the terms of the application, Ref 22/02978/FULL, dated 3 May 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1063 L01 Rev A, 1063 L02 Rev A, 1063 E01 Rev D, 1063 E02 Rev D, 1063 E03 Rev D, 1063 E04 Rev D, 1063 P01 Rev D, 1063 P02 Rev D, 1063 P03 Rev D, 1063 P04 Rev D and 1063 P05 Rev D.

Preliminary Matters

2. I have removed the reference to the 'new roof extension to match neighbouring properties' from the description of development. This was included on the application form but is understood to be an aspect of a previous proposal. The plans before me do not propose a roof extension.
3. During the appeal it became clear to me that there were several inaccuracies on the submitted plans. I invited the appellant to address this matter. Whilst the revised plans appear to have addressed the inaccuracies satisfactorily, they have removed a previous element of the proposal to enlarge the doors facing the road at lower ground floor level. This was an element of the scheme that the Council did not support as set out in its third refusal reason. I need to consider whether not giving any party an opportunity to comment on this change to the scheme would be procedurally unfair. As this is unrelated to the proposals to alter the dwelling at the rear, and simply removes this

intervention from the scheme, rather than proposing something different in its place, I am satisfied that I can accept the revised plans and that no party would be prejudiced by my doing so.

4. The Notting Hill East Neighbourhood Forum Neighbourhood Plan is at an early stage of development. I am satisfied that it should attract little weight.

Main Issue

5. The effect on the character and appearance of the building and the area, including the Westbourne Conservation Area and the setting of the listed building opposite known as Nos. 17-31 Sutherland Place.

Reasons

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal building stands within the Westbourne Conservation Area (WCA). The WCA has a strong consistency of building style and form as it developed rapidly over a short period of time during the mid 19th century. Most streets are defined by uniform terraces with various embellishments such as fine window surrounds and delicate cast iron fittings.
8. The rear of the appeal building faces the rear of Nos. 17-31 Sutherland Place, which is a grade II listed building. This terrace of 15 houses dates from the mid 19th century. Two dwellings at either end of the terrace as well as the central three step forward, and all are enhanced by features such as projecting balconies, balustrades, and porches, all arranged in a formal manner across the terrace. The list description refers to the strong architectural composition of the terrace. The overall form of the terrace, enhanced by its various historic architectural details, is a primary contributor to its special interest.
9. The formal layout of the road that fronts the terrace, the mature trees that line the street and the appearance of a comparable terrace opposite are the primary aspects of the building's setting that contribute to its special interest.
10. The proposal would see the existing infill extension alongside the closet wing replaced. The existing infill has an elongated end gable that faces out at the rear. The head of the door points up at the middle, and the frame above follows this diagonal alignment. This gives the existing extension a rather complex appearance that draws the eye and detracts from the simple form of other openings on the rear of the terrace, made worse by its chunky white joinery.
11. The replacement infill would have a flat roof form. it would have a much simpler fenestration than the existing extension and would be finished with black framed windows and doors, which would give it a more recessive appearance, set back modestly alongside the masonry closet wing. For these

reasons I am satisfied that it would have a simpler appearance than the existing extension and would not be harmful.

12. The Council suggests that the top of the extension would be too close to the cill of the window above. This is an element of the scheme that has been amended following the submission of a set of revised plans to address my observed inaccuracies. As a result, the top of the extension would now be lower, and comfortably below the cill height of the window above. In any case it is difficult to see this area of the building from anywhere other than by looking out of the rear upper windows of the closest dwellings opposite.
13. The existing closet wing extends to a similar depth as many others along the terrace, but it is taller. The lower two windows currently appear quite out of place owing to their broad form, made worse by their top opening fanlights. The proposal would see the upper window replaced with a traditional timber sash window to match the one above. This would be an enhancement, especially as it is an upper window that would be seen over a wider area.
14. The lower window would also be replaced and would align with a further new opening at a lower level to serve the newly created lower floor. This would have a contemporary plain appearance. I accept it would not match the appearance of the traditional sash windows elsewhere on the building, however it would adopt a traditional proportion with a strong vertical emphasis. Furthermore, as these two windows would be set down low, they would be less visible than the upper windows.
15. The proposal includes a wide window to the side of the existing closet wing that would serve the proposed library and face over the top of the proposed extension. I accept that this would have a modest adverse impact on the solid appearance of the existing closet wing, however it would face over the narrow gap between the closet wings and would thus be difficult to view easily. I am satisfied that it would not harm the appearance of the rear of the building.
16. The Council suggests that the proposal would harm the setting of the listed terrace at the rear. It does however not explain what aspect of the terrace's setting the proposal would harm, or how that aspect of the terrace's setting contributes to its significance. From my own assessment, the significance of the listed building would appear to be primarily focused on its fine front façade and formal relationship with the street. In contrast, the rear façade has a much more functional appearance. Whilst this has some interest it has seen significant intervention. It would appear to be less sensitive to change. Furthermore, the two terraces are relatively close, so there is no opportunity to achieve a broad view of the rear of the listed terrace, and no view of it from the public domain.
17. I have found that the proposal would not harm the character or appearance of the rear of the building. From my own assessment I cannot see that it would harm an aspect of the listed building's setting that contributes to its significance, and neither would it harm the character or appearance of the WCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the National Planning Policy Framework (the Framework), which states that great weight should be given to the conservation of heritage assets. It would accord with Policies 38, 39 and 40 of the City Plan 2019-2040, which together seek to ensure that development proposals are of a high standard of design that respects the character of existing and adjoining buildings, and

preserves the special interest of listed buildings and the character and appearance of conservation areas.

Other Matters

18. The proposal would see the existing small rear garden lowered significantly. This would certainly harm the quality of this outside space. The lowered area would receive less direct sunlight than it currently does. However, I note that it would retain a reasonably open aspect to the south, and would thus still receive a reasonable level of light, which would include some direct sunlight in the summer for a good portion of the day. Furthermore, the existing garden is already entirely paved, with vegetation limited to a single species hedge border. I note that the Council did not consider this matter to constitute a ground for refusal. For these reasons, taking into account the small gardens associated with many of the dwellings in the area and the availability of a range of high quality public open space provision locally, I am satisfied that this is not a matter that should weigh against the proposal.
19. Related to this, comments before me suggest that the lowered level of the garden could create a sound problem, as sound generated from the garden would reflect around its solid surfaces and cause a nuisance to the occupiers of nearby dwellings. I note that many nearby gardens are arranged in a similar fashion, including the neighbouring garden to the south which the plans show is already at a similarly low level. The area between the two tall terraces is narrow, thus it is likely that noise already carries around the area easily. Given the scale of the proposal in this context, I am not satisfied that any additional noise generated would be harmful.
20. Other neighbour impacts are referred to in the submissions. In terms of overlooking, the proposal would introduce an additional floor into the rear extension, and from that floor level it would be possible to look out towards the neighbouring dwellings at an elevated level. However, this would only be moderately higher than the existing floor level of the conservatory. And would be alongside the closet wing, which already has rearward facing windows at a higher level. Taking into account the level of mutual overlooking that already exists between the various dwellings, I am not satisfied that this change would cause any further loss of privacy to the occupiers of the dwellings at the rear.
21. In terms of additional light levels at the rear, the existing conservatory is entirely glazed with a transparent roof. Therefore, the level of light that can be emitted from the interior of the existing dwelling through the existing conservatory is already significant. Additional glazing within the closet wing would be at a lower level than the existing openings. I am therefore not satisfied that additional light would be emitted by the proposal sufficient to harm the living conditions of the occupiers of neighbouring dwellings.

Conditions

22. I have had regard to the conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed an approved plan condition for certainty. I have not imposed the matching materials condition suggested by the Council as the rear extension incorporates a contrasting contemporary material palette. Materials are clearly specified within the submission and on

the approved plans, so I am satisfied that a specific materials condition is not necessary.

Conclusion

23. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR