



Appeal Decisions

Site visit made on 24 January 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal A Ref: APP/X5990/D/22/3305867

28 St. Barnabas Street, City of Westminster, London SW1W 8QE

- 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 Claire Winder and Mr James Cook against the decision of the City of Westminster Council.
 - The application Ref 22/01977/FULL, dated 23 March 2022, was refused by notice dated 5 July 2022.
 - The development proposed is described as a single storey rear extension with green roof, part two storey rear extension replacement double glazed windows.
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Appeal B Ref: APP/X5990/D/22/3306544

28 St. Barnabas Street, City of Westminster, London SW1W 8QE

- 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 Claire Winder and Mr James Cook against the decision of the City of Westminster Council.
 - The application Ref 22/01978/FULL, dated 23 March 2022, was refused by notice dated 5 July 2022.
 - The development proposed is described as a single storey rear extension with green roof, part two storey rear extension replacement double glazed windows.
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Decision

Appeal A Ref: APP/X5990/D/22/3305867

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/D/22/3306544

2. The appeal is dismissed.

Procedural Matters

3. For ease of reference, I refer to the different cases as Appeals A and B, as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this decision.
4. Both appeals propose a full width ground floor extension with green roof and a zinc-clad smaller first floor extension above. The key difference between the proposals is that the first floor extension in Appeal A would have a mono-pitch roof, whilst in Appeal B it would have a flat roof.

Main Issues

5. Both Appeals A and B seek to replace the windows in the host building with double glazed units of a similar style to that existing. There is nothing before

me to state such a change would be harmful to the host building or the Belgravia Conservation Area (CA), nor has any objection been made concerning this element of either proposal.

6. Therefore, the main issues are whether the proposed first floor extension would affect the character and appearance of the host building and preserve or enhance the character or appearance of the CA; and whether the proposed ground floor extension would affect the living conditions of the occupants of 26 St. Barnabas Street regarding outlook.

Reasons

Character and appearance

7. The host building is a mid-terrace, two-storey former workers' cottage with a butterfly roof. The terraced row the host building is part of, is uniform in appearance, with many properties having some form of single storey rear projection. There is also one example of a first floor rear extension. Nevertheless, there is a regularity to the rear elevations of the terraced properties, particularly above ground floor level. All the properties have rear gardens and due to a large rear boundary wall running the length of the terrace, their rear elevations are well screened from the wider area.
8. The terrace, including the host building, is located within an area of similar proportioned and styled terraced worker's cottages which make up this part of the CA. The workers' cottages are not listed, but date from the 1830s and are identified as unlisted buildings of merit within the CA Draft Area Audit. Their relationship to each other and the wider CA, as well as the uniformity of their frontages within the street scene, contribute to the CA's significance.
9. As the appeal site is within the CA, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance', and paragraph 199 confirms 'great weight' should be given to their conservation.
10. In both Appeals A and B, the proposed first floor extension would be modest in depth and width. However, the mono-pitch roof form proposed in Appeal A would be uncharacteristic. This is because the existing rear projections in the terraced row are mainly flat roofed, a relatively common rear extension roof form throughout the CA. The excessive height required to mirror the pitch of the butterfly roof would also result in a bulky party wall extension which would dominate the rear of the host building and disrupt the cadence of the whole terraced row. The flat roof proposed in Appeal B would provide a more in keeping and honest profile when considering subservient rear extensions in the CA.
11. The proposed use of zinc cladding in both appeals, and the somewhat utilitarian and pared down design of the first floor extensions, would be at odds to the light coloured render of the rear of the host building, the brick work elsewhere in the terrace, and the overall understated detail and character of the rear of the terraces. The contrast of material and detail would not serve to assimilate

the proposal into the terrace nor create a subservient relationship with it. It would draw attention when viewed from across the terrace, increasing its visual impact and identifying it as an out of character element juxtaposing with the modest and simple nature of the workers' cottages.

12. It is appreciated that metal cladding may be used elsewhere in the CA, most commonly on roofs for detailing or upper floor extensions. However, the proposed extensions are both at first floor level so would visually relate more closely with the walls of the host building rather than its roof. Notwithstanding this in the Development and Demolition in Conservation Areas Supplementary Planning Guidance, zinc is referred to as a metal uncharacteristic of most conservation areas.
13. It is also noted that the appellants consider the frontage of the host building and terrace the most impacting elevation on the CA, nevertheless, impact on the character and appearance of a CA is not limited to public views. In both appeal A and B, the proposed first floor extensions, for the reasons given above, would not respond positively to the homogeneity of the terraced row, and in turn would harm the wider townscape it is part of. This would be to the detriment of the character and appearance of the wider CA and would constitute less than substantial harm to its significance.
14. Paragraph 202 of the Framework requires that when less than substantial harm is identified it should be weighed against the public benefits of that proposed. The appellants state that both Appeals A and B would allow the redevelopment of the host building, which is in a poor state of repair, and provide the opportunity to improve the energy rating of the building with more efficient services and potentially an air source heat pump. Notwithstanding that the air source heat pump does not form part of Appeal A or B's proposals and appreciating that an improvement in energy efficiency is an admirable aim, there is nothing justifying why these improvements could not be implemented within the host building in its current form. Nor am I convinced that the only way the host building could be made viable for continued residential use is by the proposed extensions set out in Appeal A and B. This is because other comparable properties in the terrace are already being used as dwellings.
15. Nevertheless, the modest contribution the green roof of the ground floor extension in Appeal A and B could have on biodiversity and potential water retention is noted. However, the proposed first floor extensions would not contribute to this element of the proposal as their inclusion would reduce the potential size of green roof that could be introduced. Consequently, I do not find the proposed public benefits would mitigate the less than substantial harm I have identified to the CA.
16. It is noted that there is an existing first floor extension within the terraced row. Notwithstanding the question of its lawfulness, it is of a design and finish which is significantly different to that which is proposed in both appeals and so is not directly comparable.
17. To conclude, the proposed first floor extensions of Appeal A and B would harm the character and appearance of the host building and fail to preserve or enhance the character or appearance of the CA. In both cases this would be contrary to Policies 38, 39 and 40 of the City Plan 2019-2040 (CP) which require new development to positively contribute to the townscape and

streetscape regarding the character and appearance of the existing area, as well as preserve or enhance the special characteristics of heritage assets.

Living conditions

18. 26 St. Barnabas Street has a ground floor extension along the boundary furthest away from the appeal site creating an L shape. It includes 2 windows, one obscure glazed, and a glazed door facing the appeal site. No 26 also has a ground floor window and glazed door in the main rear elevation facing down its garden. The boundary between the appeal site and No 26 is a brick wall which creates screening between the rear elevations and reduces in height towards the rear of the garden.
19. The ground floor extension would be the same in Appeal A and B. It would be full width and extend up to just below the upper floor window in the rear elevation. This would be taller than No 26's extension and would create a higher wall along the shared boundary. It, therefore, has the potential of creating some additional enclosure to the windows and glazed doors in the rear of No 26. Nevertheless, their outlook is already compromised by the terraced nature of the properties, the existing boundary wall, the relatively narrow width of No 26's rear elevation and shape of its rear extension. Consequently, I am not convinced the additional height to the boundary wall created by the proposed extension would have such a significant impact on the outlook from the windows at the rear of No 26 to harm the living conditions of the occupants of that property.
20. Due to the L shaped rear extension of No 26 one window specifically would be close to, and directly face the shared boundary with the appeal site. However, as it is obscure glazed there would be limited effect on the outlook from it.
21. Consequently, I find the proposed ground floor extension in Appeal A and B would not harm the living conditions of the occupants of No 26 with specific regard to outlook. This would be in accordance with CP Policy 7 and 38C as far as they seek new development to protect the amenity of existing and future neighbouring occupants.

Planning Balance and Conclusion

22. Although I find the impact on the living conditions of the occupants of No 26 would not be harmful in Appeal A and B, a lack of harm, by definition, is incapable of weighing against the harm I have found regarding their effect on the character and appearance of the host building and CA.
23. In both Appeal A and B, it is not shown how the ground floor extension roof would be completed should the first floor extension not be built. Therefore, the ground and first floor extensions are indivisible and are not clearly severable. As such I am unable to issue a split decision for either appeal.
24. Therefore, for the reasons given above, both proposals would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. Appeal A and Appeal B are, therefore, dismissed.

RJ Redford

INSPECTOR