
Appeal Decision

Site visit made on 11 April 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/X5990/D/22/3313383

5 Sherlock Mews, Westminster, London W1U 6DW

- 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 Hiram Chiu against the decision of City of Westminster Council.
 - The application Ref 22/05147/FULL, dated 28 July 2022, was refused by notice dated 11 October 2022.
 - The development proposed is replacement of existing doors/windows and garage door at ground floor, extension of third floor facade.
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Decision

1. The appeal is allowed. Planning permission is granted for replacement of existing doors/windows and garage door at ground floor, extension of third floor facade at 5 Sherlock Mews, Westminster, London W1U 6DW in accordance with the terms of the application Ref 22/05147/FULL, dated 28 July 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 296 A001, 296 A002, 296 A010, 296 A011, 296 A012, 296 A013, 296 A014, 296 A020, 296 A021, 296 A030, 296 A110, 296 A111, 296 A112, 296 A113, 296 A114, 296 A200, 296 A201 & 296 A300.
 - 3) No work shall commence on the extension of the third-floor facade until the details of all facing materials, including window materials, to be used on that part of the development have been submitted to and agreed in writing with the local planning authority. The works shall thereafter proceed only in accordance with the agreed details.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form is adequate although I acknowledge that the proposal includes pv panels, skylights and a planter at roof level and I have considered the proposals on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Portman Estate Conservation Area (the Conservation Area).

Reasons

4. This part of the Conservation Area comprises largely of well-established often residential buildings built in traditional materials of established and attractive appearance. The form, scale, materials and detailing of these buildings are defining features of its character and appearance.
5. The evidence indicates that the building forms a dwelling constructed in recent times. It is set back in a secluded position from Paddington Street on Sherlock Mews.
6. The buildings within the mews are widely mixed in terms of their front detailing, materials, design and finish. For example No.3 and No.4 have a modern appearance utilising dark brick, large panel garage doors and window openings which incorporate a degree of horizontal emphasis.
7. Meanwhile, No.6 (next door to the appeal property) No.9 and No.10 Sherlock Mews incorporate three storey front facades which are similar to that proposed at the appeal site.
8. Whilst I appreciate that the proposal would see the eaves line that is matched within the mews properties to the south broken, it would not look out of place given the taller property with higher eaves immediately to the north.
9. The solar panels and roof lights proposed would be likely to have very limited visibility from most public and private vantage points of any real proximity and would sit within an environment where ancillary items on rooftops are not uncommon. The door alterations would also be acceptable given the varied openings that are visible elsewhere in the Mews.
10. The proposal would not therefore harm the appearance of the building within its context. The proposal would subsequently preserve the character and appearance of the Conservation Area, the heritage significance of which lies in part with the form, scale, materials and detailing of its buildings.
11. There would subsequently be no conflict with policies 38, 39 and 40 of the Westminster City Plan (2021) which broadly require well designed schemes that protect heritage assets.

Other Matters

12. There is nothing to indicate that the Council have concerns around the proposal on the basis of overdevelopment or loss of amenity and having considered the evidence and visited the site I have no reason to disagree. There is nothing compelling to indicate that the proposal would give rise to negative impacts as a result of solar gain with mitigation proposed.

Conditions

13. Planning permission is granted subject to the standard three-year time limit. It is also necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. It is also necessary that materials to be used within the Mews facing elevation are agreed in conjunction with the local planning authority in the interests of the character and appearance of the area.

14. I do not consider that a working hours condition is necessary given the very small scale nature of the scheme. Neither is a condition restricting the use of the roof extension for sitting out given that a roof terrace is not proposed and is subject to other planning control.
15. No sufficient justification has been put before me as to why conditions relating to energy efficiency measures biodiversity features are necessary and without this, I cannot reasonably add those conditions.

Planning balance and conclusion

16. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR