



Appeal Decision

Site visit made on 7 March 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/X5990/W/22/3308639

87 Boundary Road, City of Westminster, London NW8 0RG

- 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 Jean-David Benichou of Via.io against the decision of City of Westminster Council.
- The application Ref 22/02059/FULL, dated 25 March 2022, was refused by notice dated 21 July 2022.
- The development proposed is described as "Joint application- 89 Boundary Road - Erection of rear extensions at lower ground, ground, and first level with associated terraces. Change of use of part lower ground and part ground floor from Office use Class E to residential, in association with the use of the building as part Offices class E and 3 residential flats - 1 x 3 Bed, 1x2 Bedroom 3 Person Flat and 1 x 1 Person Studio Flat. Works include Demolition of existing chimney, floors, rear walls and internal walls as illustrated on the drawings.
87 Boundary Road - 5-person, 3-bedroom Mews house, Reduced office space, one studio flat and one two bedroom flat. This includes the demolition of the existing rear extension of 87 Boundary Road and for the erection of rear extensions at Lower ground, ground and first floor. This includes a change of use to the lower ground floor and part ground floor from retail to residential Class E to Class C3 use as part of a Mews house. The shopfront will remain for office use.
We are also proposing to create an additional third floor using a mansard style loft conversion on the existing butterfly roof on both properties. The lower floors have already gained planning permission separately."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some inconsistency between the application form and the appeal form regarding the appeal site's address, the address stated on the application form is used in the banner heading above. Notwithstanding this, the description of development refers to development at both No. 87 and No. 89 Boundary Road. Consequently, I have determined the appeal on this basis.
3. I have taken the description of development from the application form, although different to the decision notice, there was no confirmation that a change was agreed with the appellant.
4. Both the Council and the appellant have made me aware that the proposed development described in the banner heading above, other than the mansard roof alterations, have already been granted planning permission. I also note from my site inspection that works on these aspects are underway. I have

accordingly limited my assessment of the appeal to the mansard roof proposals.

5. The proposed elevations show a first-floor extension to the rear of No. 89 Boundary Road, which the Council state was refused permission as part of an earlier application and was not included on any permissions granted. The proposed floor plans do not show this new first floor extension part, which the Council considered to be error. As the appellant has not indicated otherwise and made it clear that the only aspects of the scheme which they seek planning permission for relates to the mansard roof alterations, I have also determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed mansard roof alterations upon the St John's Wood Conservation Area (the CA).

Reasons

7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The St Johns Wood Conservation Area Audit, Supplementary Planning Document, dated June 2008 (CAA), notes that the CA has a mixture of detached, semi-detached and terraced properties, often located on relatively wide roads. The CAA recognises the terrace of properties that No.87 and 89 Boundary Road are part of as 'unlisted buildings of merit'. The CAA also acknowledges that roof profiles are fundamental to the character and appearance of the CA, and extensions to them can have negative effects to the CA. It specifically mentions that roof extensions to largely unaltered distinctive roof forms are unlikely to be acceptable. Moreover, the CAA highlights the particular terrace of properties in question as one where roof extensions would not normally be permitted.
9. The appeal site includes 2 no. three storey mid-terraced properties together with basements, that are part of a terrace of dwellings along one side of Boundary Road between Abbey Road and Greville Place. From the evidence provided, nearly all of the terrace of properties have butterfly roofs, most of which are visible from their rear sides but hidden from their fronts behind a parapet roof. Opposite the site is a terrace of a similar properties. To the rear of the appeal site, there are views of the rear elevations of other terraced properties along part of Abbey Road to the side, and Belgravia Gardens to the rear.
10. It is noted that building heights in the terrace vary, with No.87 being slightly lower than each of its adjoining properties, Nos.85 and 89. No.89's butterfly

roof, like some others in the terrace, is hidden from view on its rear side by a parapet wall, whereas No.87's butterfly roof can be seen on its rear side. Although these butterfly roof forms are not widely seen, they are an inherent and distinctive design feature of these buildings which collectively make a positive contribution to the character and appearance of the area, a matter that is acknowledged in the CAA.

11. From the information provided, including the aerial photography it is accepted that there are mansard roof alterations on the terraced properties opposite the site. The appellant has also drawn my attention to such extensions, either approved or built, to the main roof structures on properties on Abbey Road, and Belgravia Gardens. However, this terrace the appeal properties are within, is distinctly different from those examples because this terrace does not have any such mansard roof alterations within it.
12. The proposed mansard roof, which may not be visible from street level by virtue of its small set back and modest increase in height, would still be visible from properties both to the rear, front and sides of the appeal site. Its appearance would be in stark contrast to the unaltered roofs and parapet walls on the remainder of the terrace. The width of the proposed window openings would be wider than the window respective openings on the front and rear sides of Nos. 87 and 89, and the glazing bar design would also be at odds with the existing fenestration. Moreover, its design and scale would appear alien and uncoordinated in this particular terrace of properties and would be harmful to both the uniformed appearance of its roofs and the CA.
13. The use of grey slate and lead cladding to the exterior of the proposed mansard roof alterations would be similar to other such roof extensions in the area, however due to the above identified conflict, the use of these materials does not outweigh the harm identified above. Furthermore, whilst the proposal may not be visible from public viewpoints, this is not a justification for poor design. Paragraph 134 of the Framework is clear that development that is not well designed should be refused permission.
14. In respect of all the other proposed development the subject of this appeal, the Council has already granted planning permission for it. I concur that these aspects of the development are acceptable and would preserve the character and appearance of the CA. Given that the other parts of the proposals already have planning permission, it is not necessary for me to determine whether those proposals are severable from the mansard roof extensions in this case.
15. In view of the above, the proposed mansard roof extensions would be harmful to and would neither preserve or enhance the character and appearance of the CA, in conflict with the duty in the Act. For the same reasons, the proposals would also conflict with Policies 38, 39, and 40 of the City of Westminster, City Plan 2019-2040 adopted April 2021 (CP), that amongst other things requires high quality development that positively contributes to Westminster's townscape, conserves and enhances heritage assets, without causing harm to them, and ensures development respects the character and uniformity of buildings. The proposed mansard roofs would also be inconsistent with the objectives of the CAA relating to their harmful effects upon the largely unaltered distinctive roofs on these unlisted buildings of merit. In addition, and for similar reasons, together with their window openings being wider than the windows below, the proposals would also be inconsistent with the Westminster

City Council's Guidance on Roofs; A Guide to Alterations and Extension to Domestic Buildings dated 26 November 2004.

Other Matters

16. It is noted that the buildings in question are not listed, and that the proposal would not have harmful effects upon living conditions of nearby occupiers, however, these points are neutral matters that neither weigh in favour or against the proposal.
17. The appellant has advised that the proposed reconfigured flats would offer modest accommodation assisting housing needs in a well-connected, and that the proposals would include sustainable design features. These points are noted but they do not outweigh the identified harm and the conflict with the development plan.
18. I have been made aware of permission being granted for a mansard roof extension at 111 Boundary Road, although this does not relate to the main butterfly roof, instead it relates to a first-floor rear element much lower than the main roof. I do not find that example to be comparable to the appeal situation and it has not led me to conclude differently on the appeal scheme.
19. The appellant has mentioned a recent consultation on changes to the Framework, which offered some support for mansard roofs. However, at the current time there have been no changes made to the Framework following the consultation, I am also unaware of any objections made regarding this proposed change or if Government intends to make such changes. I therefore cannot attach any weight to that consultation at this time.

Balance

20. I have found that the proposed development fails to preserve or enhance the character or appearance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal.
21. I find the harm to the CA to constitute less than substantial harm owing to its effect being localised. Although, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. Paragraph 202 of the Framework requires public benefits to outweigh such harm. In this case, as permission has already been granted for the proposed development other than the mansard roof extensions, and there is no evidence before me that the approval of the mansard roof extensions would be contingent on the other development being undertaken. I have limited my assessment of the public benefits in this case, to those associated with the mansard roof alterations. Those benefits would include economic benefit associated with the construction of the development, which on their own are likely to be limited. As any CIL charge would be required to mitigate the effects of the proposal, I am regarding this as a neutral matter. Against this background, these public benefits are limited and do not outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.

Conclusion

22. The proposed development conflicts with the development plan taken as a whole, and there are no material considerations, including the Framework

which indicate that a decision should be made other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR