



Appeal Decision

Site visit made on 16 May 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/X5990/D/22/3311546

4 Bolney Gate, Ennismore Gardens, City of Westminster, London SW7 1QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by SwissIndependent Trustees SA against the decision of the Council of the City of Westminster.
 - The application 22/05803/HPA, dated 24 August 2022, was refused by notice dated 29 September 2022
 - The development proposed a single storey extension to add an additional floor to a terraced single family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two further appeals have been submitted relating to single storey roof extensions at Nos. 3 and 5 Bolney Gate¹ (the Conjoined Appeals). Each appeal has been considered on its own merits, and forms the subject of a separate decision.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concern relates only to the conditions of paragraph AA.2(3)(a)(ii). This requires consideration of the impact of the development on the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation.
4. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

5. The main issue is whether or not prior approval should be granted, having particular regard to the impact of the development on the external appearance of the dwellinghouse.

¹ APP/X5990/D/22/3311545; APP/X5990/D/22/3311548

Reasons

6. The site is a dwelling with lower ground, ground and first to fourth floor levels, forming part of a terrace at Nos. 1-7 Bolney Gate on Ennismore Gardens. The area is residential, defined by tall groups of properties of varying heights and designs. Nevertheless, Nos. 1-7 Bolney Gate share a largely consistent design and roofscape that appears unaltered from street level.
7. The Knightsbridge Conservation Area (the CA) boundary runs down the middle of Ennismore Gardens, with the Grade II* Listed Russian Orthodox Church located in proximity to the site. The properties inside the CA have a notably traditional appearance. In contrast, those outside of the CA, such as the appeal property, have a more simplistic design and shape, allowing the external details of the CA and in particular the Russian Orthodox Church to be appreciated. For this reason, the simple and consistent appearance of the terraced row at Nos. 1-7 Bolney Gate contributes positively to the area.
8. The proposal is a single storey roof level extension creating an additional floor at the appeal property. It would have a flat roof and be constructed from materials to match the building, with fenestration details replicating those below. However, even acknowledging the slightly stepped nature of the terrace roof, the proposal would cause visual disruption to the group of properties at Nos. 1-7 Bolney Gate. It would alter the uniform scale of the dwellings, and the largely consistent and unbroken roofline which is unimpaired by such extensions. It would read as out of place in the context of the terrace and cause visual harm to the external appearance of the building.
9. As a result of the Conjoined Appeals, other roof extensions are proposed at the middle of the terrace, creating a central feature. Nevertheless, the combination of these structures would further highlight their presence in the otherwise largely homogenous terrace row, which is not characterised by notable roof alterations. As such, even when viewed together, they would read as awkward additions that would fail to respect or represent the character and proportions of the individual properties and the terrace that they are a part of.
10. In assessing the external appearance of the building, consideration must also be given to its context. Reference has been made to the variety of surrounding development, and the appellant has highlighted Nos. 7-11 Princes Gate and No. 2 Rutland Gate. Surrounding development would continue to rise above the appeal property, even with the proposal in place. Nevertheless, both alone and in combination with the Conjoined Appeals, the proposal would visually disrupt the form of the terrace. Alongside the simpler shapes of immediately neighbouring buildings the disjointed roofscape of the terrace would appear out of place despite its lower height.
11. In this case the context of the site also includes the adjacent CA. The site lies outside but directly opposite the CA, which derives its significance from the traditional architecture, including that of the Grade II* Listed Russian Orthodox Church. The fine architecture and ornate detailing of the CA and this listed building contributes to their significance and stands out in the surrounds, such that this significance depends to a degree on the setting.
12. Nos. 1-7 Bolney Gate is viewed from and alongside the CA and listed building. Together with the properties flanking the terrace at either side, its muted and consistent appearance allows the significance of the CA and the listed building

to be appreciated. The proposal, both alone and in combination with the Conjoined Appeals, would render the appeal property more conspicuous in the setting of the CA and the listed building. It would visually compete with, and detract from, these heritage assets by appearing more intrusive than the current situation, failing to preserve their setting.

13. Insofar as it relates to the development and prior approval matters, Policy 40 of the City of Westminster Plan 2019-2040 supports roof extensions where they do not impact adversely on heritage assets and, where part of a terrace with a roof line unimpaired by roof extensions, take a coordinated approach, adding extensions of consistent and appropriate design to each property across the terrace. The proposal would adversely impact on heritage assets and would not add extensions to each property of the terrace. While the appellant refers to supplementary planning guidance, this is guidance rather than policy. Furthermore, the Framework is clear that development should be of a high standard and be sympathetic to local character, which would not be the case.
14. Overall, the external appearance of the dwellinghouse would be unacceptable and the proposal would be contrary to the requirements of paragraph AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

Other Matters

15. The personal circumstances of the appellant are acknowledged, whereby the proposal would add much needed space to a family dwelling. However, personal circumstances will seldom outweigh planning considerations and in this case do not outweigh the harm identified.
16. The parties agree that the proposal would not result in harm to neighbouring amenity, with regard to overlooking or loss of privacy or light. This represents a lack of harm, which is neutral in the overall planning balance.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR