



Appeal Decision

Site visit made on 7 November 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/X5990/W/23/3321970

91 Frampton Street, London NW8 8NA

- 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 Ko against the decision of the City of Westminster Council.
 - The application Ref 22/04738/FULL, dated 15 July 2022, was refused by notice dated 19 December 2022.
 - The development proposed is replacement of existing third floor level and erection of roof extension with terrace for use as 2 residential units; Installation of cladding; replacement of windows and doors; and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the Council's decision notice. I have determined the appeal on this basis, as there is no evidence that the Council's amended wording was opposed by the appellant.
3. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in this appeal. Consequently, I have not sought the views of the parties.

Main Issue

4. The main issue in relation to this appeal is the effect of the proposed development upon the character and appearance of the area including the impact upon the Non-Designated Heritage Assets (NDHA's) of Hatton Street Studios and the housing blocks of the Lilestone Estate.

Reasons

5. The appeal site comprises a former Victorian public house that is not listed or located within a Conservation Area. Whether or not it has been subject to substantial alterations and extensions, it has a generally symmetrical appearance arising from attractive architectural detailing including vertically stacked rusticated quoins, horizontal string courses and one over one sash windows. A diminishing scale of fenestration from ground level, culminates in a small-scale mansard roof, set behind a horizontal parapet. Occupying a corner position at the junction of Frampton Street and Hatton Street, the appeal site bookends a terrace of 4-storey rendered and brick buildings, all of which have composed proportions above ground floor level. Despite the variation of building ages and styles within Frampton Street, they nonetheless share a uniformity to their elevations from a balanced positioning and style of windows and consistent use of materials. As one such building, the appeal site contributes positively to the pleasant character of the street scene.

6. The Council identifies the Hatton Street Studios building as a NDHA. Its significance derives from its age, historic fabric and association with the production of aircraft components during World War II¹. Given its architectural quality it contributes positively to the character and appearance of the area. Frampton House and Tadema House form neo-Georgian housing blocks within the Lilestone Estate. Their significance is obtained from their 5-storey scale set within landscaped gardens, rhythmic fenestration pattern and use of quality materials. Based on the evidence before me and my own observations on site, these buildings have a degree of heritage significance meriting consideration in planning decisions, such that they can be considered as NDHA's.
7. The proposal to replace the existing mansard roof with a full storey and the erection of a flat roofed terminating extension above, would increase the scale and mass of the upper part of the building to enable the provision of 2 additional residential units. The creation of a full 4th storey would bring the development largely in line with the adjacent attractive Georgian building at No 95 Frampton Street. However, the height, position and design of the proposed roof extension would result in an angular and crude step-up from No 95, such that it would sharply break the generally consistent roofline of the wider terrace by an entire storey. In this respect I do not consider that the proposed transition is appropriate or natural, and a roof form, larger and bulkier than a typical mansard roof would endure. The limited set back from the parapet would do little to mitigate the scale of the proposed roof extension or the dominant and jarring impact that would be exerted on public views of the building from within Frampton Street and Hatton Street.
8. The proposal also seeks to install external fibre cement cladding to all floors above ground level, which would remain rendered, along with the replacement of the existing window frames with aluminium alternatives, including both side and top opening lights. These alterations would obscure all of the existing architectural features whilst simultaneously resulting in a building of unbalanced proportions and haphazard fenestration pattern. The cladding would further contrast sharply with the consistent palette of brick or render found locally. The combination of the proposed roof extension and external treatment of the host building would thus result in an incongruous form of development that would irreversibly harm the architectural composition of the host building and its visual relationship with other properties within the terrace.
9. Whilst the ground floor is inharmonious with the existing upper floors of the building due to the recessed openings, the proposal does not seek to alter this part of the building. Even if it did, it would not offset the harm caused to the appearance and scale of the host building overall.
10. The proposed roof extension and alterations to the elevational treatment are said to have been designed to mimic those allowed to the nearby building at No 85 Frampton Street. However, No 85 differs in its context in occupying the full width of the end of a street block. From the evidence before me, whilst the loss of the finer architectural detailing of the previous building is unfortunate, the alteration from brick to render remains consistent with local materials. The retention of the original fenestration pattern and balanced proportions are also positive attributes that reflect the building styles within the street scene. Moreover, No 85 appears to have originally been a lower building adjacent to the much larger scaled structure of Hatton Street Studios, such that an

¹ As evidenced by the plaque on the outside of the Hatton Street Studios building.

increase in height improved the visual relationship between the 2 neighbouring buildings². Consequently, I find that the 2 schemes are not comparable.

11. I acknowledge that corner plots can sometimes provide an opportunity for a building of an increased scale or differing façade treatment. However, in this instance the appeal site forms a terminus to a longer terrace, with which it has an important visual relationship. Based on the evidence before me, there is no particular requirement for the appeal building to be of a statement scale that matches that of No 85 or a bolder appearance more generally. Hatton Street unlike Penfold Street to the north-east which No 85 adjoins, is a minor side road of single vehicle width. The parties have drawn my attention to 2 dismissed appeal decisions for the further upward extension of No 85³. This indicates that there is a limit to the acceptability of such extensions, even on a corner site.
12. Whilst not affecting the NDHA's themselves, the proposal would nonetheless be seen in views of these buildings along Hatton Street and Frampton Street where the incongruousness of the proposed materials and extension would be apparent. However, such views would be at an angle given the differing orientation of the Hatton Street Studios and in the case of the Lilestone Estate, beyond intervening buildings. The scale of the adverse impact on the NDHA's would therefore be modest.
13. For the reasons given, the proposed development would have an adverse effect on the character and appearance of the area including a modest adverse impact upon NDHA's. It would therefore conflict with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040 (2021). These policies seek amongst other things, to conserve NDHA's and to support high quality design that is sensitive in respect of prevailing scale, heights, character, materials, architectural quality and degree of uniformity in the surrounding townscape.

Other Matters

14. Wyatt House is a 6-storey development opposite the appeal site. It forms a set architectural piece set back from the edge of Frampton Street within its own landscaped grounds such that it is not comparable to the context of the appeal building. I acknowledge that No 101-105 Frampton Street is 5-storeys in height. However, it is only marginally taller than the adjacent buildings of No 97 and No 99 Frampton Street, such that this does not provide justification for the height and scale of the proposed development.
15. The parties advise that a planning application is pending consideration for an amended scheme that seeks to overcome the Council's original concerns including relating to a wrap-around terrace to the top floor⁴. Be that as it may, this is a matter for the parties and I am required to determine the appeal proposal before me and with which I have found harm for the reasons given.

Conclusion

16. The proposed development would conflict with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm. Accordingly, the appeal is dismissed.

M Clowes - INSPECTOR

² As shown at Fig 5 of the appellant's statement of case.

³ APP/X5990/W/19/3228327 and APP/X5990/W/20/3253779.

⁴ Planning application reference 23/03343/FULL.