



Appeal Decision

Site visit made on 10 October 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2023

Appeal Ref: APP/X5990/W/23/3320668

66 Marlborough Place, London NW8 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ilya Belyaev, Savills against City of Westminster Council.
 - The application Ref 23/00589/FULL, is dated 10 February 2023.
 - The development proposed is creation of a mansard roof extension to create second floor accommodation.
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issue

2. A split decision was issued for a previous appeal¹ at the site which allowed the erection of a single storey basement extension, single storey side extension, rear bay extension at ground floor, changes to fenestration, installation of rooflights, alterations to front boundary treatment, associated landscaping and plant and cycle storage, and dismissed a mansard roof to create second floor accommodation. The appeal proposal seeks to address the previous Inspector's reasoning for dismissing the mansard roof extension.
3. The appeal was made following the failure of the Council to give notice of their decision on the planning application within the statutory timescale. However, the Council has indicated that had it been in a position to determine the application, it would have refused planning permission. The Council's appeal statement sets out its issues with the proposal and provides an indicative reason for refusal. I have taken this to be the decision that the Council would have made had it been empowered to do so.
4. In light of the above and from the evidence before me, I consider the main issue to be the effect of the proposal on the character and appearance of the St John's Wood Conservation Area.

Reasons

5. As the site is within the St John's Wood Conservation Area (the CA), I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

¹ APP/X5990/D/22/3300719 – Decision Date: 29th November 2022.

6. The CA covers a large area and is characterised by its regular street pattern, clearly laid out in a planned manner, along tree-lined streets which provides a pleasant and leafy character. Much of its significance derives from the suburban and low-density townscape with attractive detached and semi-detached villas and mansion blocks of varying architectural styles. The original external features and layout of the buildings have largely been retained, affording the CA a strong sense of place and history.
7. The appeal building is designated as an unlisted building of merit. It has a symmetrical form and fenestration, retains a hipped roof with a shallow pitch that is partially concealed behind a parapet wall and has two chimney stacks. The roof appears to be slightly shorter than the chimneys and there is a gap between the slope of the roof and the chimneys which allows for the shape and form of the roof to be appreciated and for the chimneys to be seen as prominent and distinctive features. Whilst the design and roof forms of buildings along Marlborough Place differs, the appeal building and No. 1 The Lane, appear to share broad similarities in their appearance in terms of materials, roof form and height. The architectural detailing is reflective of other buildings developed in this part of the CA and therefore makes a positive contribution to the significance of the character and appearance of the CA.
8. The design has been revised following the previous appeal and has reduced some of the scale and massing of the proposed roof. The roof slope would follow the slope of the existing roof, the number of dormers has been reduced and the chimneys would be retained. However, the design would still involve an increase in the height of the roof and would be taller than the existing roof level and chimneys. The additional height, taken together with the inclusion of the dormer windows on each of the roof slopes, would amount to a bulky and top-heavy addition. Even if appropriate materials were to be used, this would not be sufficient to reduce the impact of the additional height and bulk. Due to its height, design and form, the proposed roof would also appear to be taller than the roof at No. 1 The Lane and would therefore disrupt the harmony between these two rooflines.
9. I accept that at the rear of the site, the existing landscaping would largely screen views from neighbouring properties and whilst there is some landscaping to the front of the site, this does not fully screen the roof. I saw that from some views when standing at street level, the roof can easily be seen. As such, the presence of landscaping would not reduce the visual prominence of the proposed roof.
10. The scale, design and massing of the proposed roof would be a bulky and incongruous addition to the appeal building. It would not be subservient or an infill extension and would unacceptably change the existing shallow roof form. This would diminish the positive contribution that the building makes to the CA causing harm to its character and appearance.
11. In accordance with the terms set out in the National Planning Policy Framework 2023 (the Framework), the harm caused to the CA would be less than substantial. Where a development would lead to less than substantial harm to the significance of a heritage asset, this harm must be weighed against the public benefits of the proposal².

² Paragraph 202 of the Framework 2023.

12. There would be some economic benefits arising from the construction process. However, such benefits would be of a small scale and can only be attributed a limited amount of weight. The proposal would provide additional living space, however, this would be a private benefit and would not amount to a public benefit. As such, there are no public benefits that would outweigh the less than substantial harm to the significance of the designated heritage asset.
13. I am aware of a mansard roof extension at No. 4 The Lane. Whilst the appeal building forms part of the group of buildings in The Lane, it is different to No. 4 in that its frontage is towards Marlborough Place and is principally viewed in this context, as opposed to The Lane. Due to its positioning, the appeal building can be seen from public views and is therefore not a direct comparison with No. 4 which is largely hidden from public view. As such, this mansard roof would not be an appropriate example to justify the proposed development. Nevertheless, each proposal should be judged on its individual merits, and I have come to my own view regarding the development.
14. For these reasons, the proposal would have a harmful effect on the character and appearance of the St John's Wood Conservation Area. Consequently, it would conflict with Policies 38, 39 and 40 of the City Plan 2019 – 2040 (2021), with the guidance contained in the Council's Roofs: A Guide to Alterations and Extensions on Domestic Buildings Supplementary Planning Guidance, and with the Framework, in this regard. These policies and guidance, amongst other things, seek extensions that do not disrupt any uniformity and are appropriately designed to ensure that important architectural details that contribute to the significance of heritage assets are conserved and sensitively integrated to avoid harm, whilst also having regard to the character and appearance of the area.

Other Matters

15. I note the appellant's comments regarding the Government's consultation on amendments to the Framework which included new support for mansard roof extensions. As these changes to the Framework are yet to be published at the time of making my decision, I cannot give this any weight.
16. The Council raised no objections regarding the proposal's impact on the living conditions of neighbouring occupiers and there is no evidence before me to reach a contrary view. However, this is a neutral matter and does not weigh in favour of the proposal.

Conclusion

17. The proposal fails to satisfy the requirements of the Act and it would not be in accordance with the development plan when read as a whole. There are no material considerations, including those of the Framework, that have been shown to carry sufficient weight to indicate a decision otherwise in accordance with it. I therefore conclude that the appeal should be dismissed and planning permission refused.

L Reid

INSPECTOR