



Appeal Decision

Site visit made on 15th November 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 06.12.2023

Appeal Ref: APP/X5990/D/23/3324681

13 Catherine Place, London SW1E 6DX

- 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 John Beaumont against the decision of City of Westminster Council.
 - The application Ref.23/01134/FULL, dated 21 February 2023, was refused by notice dated 25 May 2023.
 - The development proposed is the "installation of 1 external air conditioning unit within a noise reducing housing above planned mansard roof extension that will not be visible from street."
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is situated within the Birdcage Walk Conservation Area 'CA'. The main issue in the appeal is whether the proposal would harm the character or appearance of the CA.

Reasons

3. The appeal site is a five storey terraced townhouse including a basement level. The top floor, at the rear, steps back from the main rear elevation and has a small terrace which is accessed from a door on the top storey. The top storey is a mansard roof extension. The house is situated in the Birdcage Walk Conservation Area which includes properties in Catherine Place and properties to the rear (west) including those on Stafford Place and Buckingham Mews. No.15 Catherine Place is to the north of the appeal site and no.11 Catherine Place to its south. Some buildings on Stafford Place which can be seen from the rear of the appeal site are grade II listed.
4. The proposal is to install an external air conditioning unit within a noise reducing casing. The casing would be attached to the flank party wall of no.15 Catherine Place, which rises higher than the roof of the appeal property. The dimensions of the casing are about 1250mm x 875mm x 1235mm and it would be grey in colour. It would sit just above the roof of the mansard storey on its northern rear-facing side. I note that air conditioning unit with casing has demonstrated that it would meet the Council's noise standards and I do not consider potential noise to be a sustainable issue in the appeal.

5. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The part of the CA which comprises a small enclave of houses in Stafford Place, Catherine Place, Buckingham Place, Wilfred Street and Palace Street has a distinct character. This is noted in the Birdcage Walk Conservation Area Audit 'Audit' (2008). There is a consistent palette of materials and the buildings are largely of the same era (early 20th century with a handful of Georgian survivals). Some buildings are in office use but a residential character prevails, with a number of mansard roof extensions in evidence.
7. No.15 Catherine Place is a larger townhouse with a five bay pedimented front. No.13 is identified in the Audit as being an unlisted building of merit which contributes to the quality and character of the local area. The Audit indicates that any unsympathetic alteration to such properties will normally be resisted.
8. The significance of the part of the CA in which the appeal site is situated is found in the architectural details, palette of materials and consistent appearance and general uniformity of the residential buildings.
9. It is unlikely that the proposed development would be glimpsed by pedestrians on Catherine Place. Nevertheless, it would be visible from higher storeys of some buildings in Catherine Place and more clearly from higher storeys of properties at the rear of the appeal site which front Stafford Place. Whilst these would be private views as opposed to views from the public realm, they are nevertheless views which are available of the CA and are important. The proposal is not a particularly small piece of apparatus and it would disrupt the roofscape. It would appear as an incongruous addition to the flank wall of no.15 Catherine Place and also to appeal site's mansard roof (whilst not being attached to it), and would thus harm the significance of the CA.
10. I noted when on my site visit that no.15's flank wall is not flat and to a very limited extent the proposed casing would be concealed by the chimney outline located towards the rear of that wall. Nevertheless, the proposal's size would cause it to look unsympathetic to both no.13 and no.15. It would be contrary to the Council's Roofs Supplementary Planning Guidance which encourages plant to be contained within the roof form or envelope of the building.
11. I have borne in mind that there are other visible condenser units or casings in the CA. There is no information before me which discloses whether these were granted planning permission, have certificates of lawful use or were placed there and have since become immune from enforcement action by the Council. Nevertheless, I do not consider that they are so numerous to have become a characteristic of the CA, and in any event, I have considered this appeal proposal on its own particular merits and find it to be harmful.
12. I conclude that the proposal would harm the character and appearance of the CA. Applying paragraph 202 of the NPPF, the level of harm would be 'less than substantial' but nevertheless the harm has to have convincing justification which it does not. The harm could potentially be outweighed by public benefits flowing from the proposal but in this case there are no public benefits to be put into the heritage balance.

13.I conclude, therefore, that the proposal would unduly harm the character and appearance of the Birdcage Walk Conservation Area and would be contrary to policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (adopted 2021).

Conclusion

14.Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR