



Appeal Decision

Site visit made on 13 September 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/X5990/W/23/3316174

Flat 2, 22 Upper Tachbrook Street, City of Westminster, London SW1V 1SH

- 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 Hon See Tsang against the decision of the City of Westminster Council.
 - The application Ref 22/07250/FULL, dated 26 October 2022, was refused by notice dated 16 January 2023.
 - The development proposed is described as the "erection of mansard roof, 2 chimneys, and a parapet wall extension along the line of junction between no. 20 and 22, removal of redundant chimney stack at rear."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In determining this appeal involving development within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. This now includes a section on supporting opportunities to use the airspace above premises for new homes, including allowing mansard roof extensions. Although this appeal proposal proposes a mansard roof extension, it would not create a new home. Notwithstanding this, both parties have been given opportunity to comment on the revised Framework. I have had regard to any comments received and the revised Framework in my decision. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.
4. I have taken the address in the banner heading above from the planning application form. However, in the interests of clarity, I have amended it by referring to the property name first.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or the appearance of the Pimlico Conservation Area.

Reasons

6. The appeal site lies within the Pimlico Conservation Area (CA), which is characterised by the largely consistent and regular building heights and predominately uniform architectural style and fabric of the built form, including

parapets and terrace rows. Later additions have typically comprised upward extensions, generally in mansard form, that are set back and subordinate to the original street elevations. The significance of the CA is derived from the largely uniform terrace frontages, consistent and regular building heights and subordinate mansard extensions of modest scale.

7. The appeal site comprises an early nineteenth century three storey, end of terrace building, located on a prominent corner. It has a commercial unit at ground floor and a residential flat above, within the first and second floors. Several buildings within the same terrace row as the appeal site have mansard extensions and these are clustered together, away from the appeal site. As a result, there are a number of intervening properties which have not been extended upwards and, together with the appeal building, they maintain a uniform parapet roof line. The appeal site, and associated terrace row, contribute positively towards the character and appearance of the CA, in terms of the largely uniform and consistent frontages, regular building heights and modest mansard roof extensions.
8. The appeal scheme seeks to introduce an upward extension in a mansard form as an extension to the residential flat. Although the proposed development would be partially screened by the retained parapet roof, it would, nevertheless, project significantly above it. Due to the corner location of the appeal site, there would be views of the front, rear and side elevations of the proposal from the street. As a result, the proposal would be highly prominent.
9. The proposed development would be located away from the cluster of mansard extensions located within the terrace row. As such, it would result in an isolated, incongruous and prominent form of development, that would interrupt and distract from the regular building heights and uniform parapet roof line of the buildings within the terrace row that have not been extended upwards.
10. While the proposed development would be viewed in the context of other mansard extensions within the area, its design is not characteristic of these prevailing roof forms. The substantial double doors to the rear of the appeal scheme would be at odds with the modest scale and traditional design of development in the locality. As such, they would result in an incongruous addition that would dominate the roof of the host building.
11. The single window proposed to the front of the mansard extension would not reflect the largely uniform double window arrangement to the front of the host building. As a result, the proposed design would unbalance and detract from the uniform appearance of the host building.
12. While the proposal would have a pitch compliant with the Pimlico Design Guide and seeks to address previous refusals and preserve the original butterfly roof, the proposed development would, nevertheless, be a harmful addition to this prominent end of terrace building.
13. An appeal decision¹ and planning application² have been drawn to my attention, which proposed mansard extensions. In the case of the appeal decision, properties immediately adjoining that site did not benefit from upward extensions. Based on the evidence submitted, these cases are not directly comparable to the appeal scheme. The host buildings in each case comprise

¹ Appeal decision reference APP/X5990/D/20/3247628

² Planning application reference 19/00486/FULL

mid-terrace properties, the designs differ to the appeal scheme, and they predated the Pimlico Neighbourhood Plan 2021-2040 December 2022 (NP). In any case, I have dealt with this appeal on its own merits.

14. Consequently, the proposed development would fail to preserve or enhance the character or the appearance of the Pimlico CA as a whole. As a result, the proposed works would result in harm to the significance of the designated heritage asset.
15. As required by paragraph 205 of the Framework, great weight should be given to the conservation of designated heritage assets, irrespective of the amount of harm identified. The harm to the character and appearance of the CA in this instance would be less than substantial.
16. Paragraph 208 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
17. The appellant contends there are public benefits in respect of the proposed development. The appeal scheme would turn an existing two-bedroom dwelling into a four-bedroom family home and provide a modest contribution towards rebalancing Westminster's housing stock. This would comply with NP Policy PIM 12, which supports mansard extensions when they would produce a family-sized residential unit. The appellant also contends the proposed development would accommodate a growing family and allow them to stay in the city.
18. Consequently, while there are some public benefits associated with the proposed development, these are modest and insufficient to outweigh the great weight I must attach to the harm I have identified to the significance of the designated heritage asset.
19. For these reasons, the proposed development would fail to preserve or enhance the character or the appearance of the CA as a whole. This is contrary to the Act, Policies 38, 39 and 40 of the City Plan 2019-2040 Adopted April 2021 and NP Policies PIM 2 and PIM 3. Collectively, these seek, among other things, high quality design that preserves and enhances the character and appearance of the Conservation Area, including upward extensions. The proposed development is also contrary to the Framework, which seeks to ensure development conserves and enhances the historic environment.

Conclusion

20. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR