
Appeal Decision

Site visit made on 15 February 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/X5990/W/23/3325736

97C Elgin Avenue, LONDON, W9 2DA

- 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 Rankin Management Ltd against the decision of City of Westminster Council.
 - The application Ref 22/05944/FULL, dated 13 October 2022, was refused by notice dated 27 April 2023.
 - The development proposed is: Alterations to the existing rear facade with rear extensions at all levels and a new roof extension in association with the creation of a new residential unit; internal communal bike and bin storage, and installation of external air source heat pumps to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the application form does not have a description of development, I have used the description on the decision notice in the banner above.
3. It is not in dispute between the parties that the building is a non-designated heritage asset (NDHA) and I have considered it as such in my reasoning.
4. The plan of the existing ground floor does not appear to tally with the demolition plans or my observations at the visit. I have used my records as the basis of my reasoning.

Main Issues

5. The main issues are whether the development would preserve or enhance the character or appearance of the Maida Vale Conservation Area (MVCA), and the effects of the development on the significance of a non-designated heritage asset.

Reasons

Maida Vale Conservation Area

6. The development of the largely Victorian Maida Vale area was triggered by the construction of the Regent's Canal and extended residential development into open fields on London's northern edge. The current streetscapes have an attractive consistency and architectural coherence, with a degree of formality arising from the underlying geometry of wide streets lined with long terraces of large 19th century stucco villas and red brick mansion blocks.

7. The junction of Elgin Avenue and Shirland Road is notable for the former Warwick Farm Dairies, owned by J. Welford and Sons (Welford's), which combined animal husbandry with the production and delivery of dairy products, along with a philanthropic approach to its employees which included on-site housing and supporting recreational activities.
8. The dairy complex was begun in 1882 and comprises a series of fine red brick and ornamented buildings extending from a distinctive and turreted four storey corner block, along the frontages of both Elgin Avenue and Shirland Road. The complex included offices and workers' accommodation, with cowsheds and a transportation depot in a large yard to the rear. In its heyday, Welford's was the supplier of dairy products to the royal household, and the buildings were still being used by United Dairies in the late 20th century.
9. Although the form of individual buildings within the dairy complex reflects their function through varied typology and articulation, there is an underlying coherence arising from the use of a limited palette of materials and a consistency of proportion and fenestration. Moreover, the scale, use of materials and detailing is consistent with the nearby residential terraces.
10. Consequently, the dairy complex has strong aesthetic value derived from the high quality and attractive historic fabric forming the street frontages, associative and historic value arising from its links with the royal household and philanthropic employers, as well as social and communal value arising from the physical evidence of model working conditions and innovation in farming, production, and housing. On its street frontages at least, the former dairy complex appears largely unaltered, and it remains a prominent, unified and very harmonious feature within the MVCA.
11. As such, the former dairy complex makes a highly positive contribution to the character and appearance of the MVCA, as well as to its significance. This is derived primarily from the quality, extent and coherence of its built form which reflects the area's social, spatial and economic evolution.

Number 97C

12. Number 97C (No 97C) appears to have been the administrative hub of the dairy complex. The original plans show a building with a notably narrower footprint than the adjoining buildings, which is likely to reflect its position close to the acute angle of the Elgin Avenue and Shirland Road junction. Its two-storey form also contrasts with the three and four storey forms of the adjoining buildings.
13. Nonetheless, the appeal building abuts the corner block, and although of lesser height and scale, its importance within the dairy operations is clearly signalled by its highly decorative three bay red brick elevation with bottle balustrade, terracotta mouldings, quasi-classical symmetry and a central projection with pedimented window on the ground floor. The front lightwell continues the symmetry and geometry with sash windows on each side of a central door. Early sketches indicate that although this highly decorative façade fronts Elgin Avenue, there was no street access when it was built and the current entrance door on the ground floor appears to have replaced a sliding sash window.
14. There are also clear visual links to the prominent corner block through the continuation of a projecting brick string course and parapet base, and the

fenestration of both buildings have similar proportions and geometry. Although there are subtle variations in typology and detailing, No 97C and the corner block appear to have been built as one unit. Notwithstanding the lack of contemporaneous access and the building's smaller scale compared to the corner block and the residential block on the other side, the degree of ornamentation on the road frontage suggests a building of some importance within the overall range.

15. Number 97C's rear elevation is built mainly in London stock brick, and at basement level opens into a sunken area. The original elevation appears to have had piecemeal additions, identifiable by concrete lintels, slightly different materials and degrees of weathering, expansion joints and more contemporary joinery. These additions include the generally sympathetic addition of a fire escape access door and small windows on the top floor, and a two storey extension to the three storey stair tower. There is also a narrow storage area which runs along the width of the building at ground floor level supported by a steel beam, and which obscures the lower half of sliding sash windows at ground floor level, as well as a hefty metal fire escape. The fire escape and storage area detract from appreciation of No 97C's rear elevation.
16. At the top of the stair tower, just below the eaves, a slightly projecting red brick panel with two small sliding sashes and what appears to be the base of a chimney stack is an attractive feature built into the stock brick elevation. Although it has no known function, the panel's positioning on No 97C's rear elevation suggests it was designed to be seen from a distance. Moreover, its lack of known purpose does not diminish its value as a feature as it clearly required investment and represents a degree of ornamentation, even if it was only seen by workers from within the busy rear yard.
17. The significance of No 97C therefore arises from its physical contribution to the appreciation of the range of buildings and activities that comprised the model dairy.

Proposals and effects

18. The development would add an additional storey of accommodation through the building of a mansard roof with dormers on the front elevation to replace the pitched roof, with a vertical upstand and flat roof to the rear. Although the overall roof height would not be altered, the mansard would move the ridge line towards the front, and the new roof's bulk would be marginally more prominent when viewed from street level. Nonetheless, the three dormers would align with the windows below, and would be partially obscured by the balustrade. Although there would be a clear addition to the principal elevation, the balustrade and parapet would provide visual separation from the building beneath, distinguishing between the original built form and the development.
19. At basement level, one side window would be replaced by a door and the central door would become a window. There would be some loss of historic fabric and variation to the underlying symmetry of the original composition on this elevation. Taken together, these effects would erode the contribution No 97C's principal and largely original elevation makes to the distinctiveness of the MVCA, as well as its street scene.
20. To the rear, No 97C's original elevation including the stair tower and the later extensions would be completely removed and the flat elevation of the proposed

fourth floor would extend upwards to the height of the original ridge line. In addition, the new rear wall would be positioned beyond the original, with two further additions. These would comprise a shallow four storey extension that would extend across half of the plot width and a projecting two storey flat roofed extension more or less in the position of the current stair tower. The combination of the additional storey and the extension of the building into the current void would represent a notable increase in bulk and mass at No 97C's rear, across its entire height. There would also be a muddled typology unrelated to No 97C's original form or scale, or to the form of the buildings on each side which were also part of the dairy complex.

21. The understated charm, subservience and scale of the original building which would once have fronted the busy dairy yard would be replaced by a rather bland and incongruous series of flat elevations. These would have a combination of highly contemporary slot windows and more conventional French windows, many of which would have Juliet balconies, which would sit uneasily with each other, and which would in any case be incongruous with the window arrangements of adjoining buildings.
22. There would therefore be a substantial loss of historic fabric and form to No 97C's rear, and its replacement would subsume the existing articulation, distinctive rear void and reduced scale. In combination with the loss of historic fabric and original form on the principal elevation, this would amount to a considerable diminution of No 97C's significance as well as eroding its contribution to the wider MVCA. Moreover, the buffer and separation that No 97C currently provides between the larger scale of the buildings on each side would be lost, diminishing the legibility of the original range.
23. I am unclear what is meant in the evidence by *recasting the quality of the brickwork and form of the host building with regard to the rear*. There would be an increase in No 97C's footprint along with an increase in both scale and bulk at the rear. Moreover, the subservience that is clearly discerned in the dairy's original plan form would be lost, along with features that contribute to distinctiveness and a sense of place. Although I acknowledge that there are rear additions which disguise and obscure what was likely to have been a far simpler rear elevation, the building's rear nonetheless has a distinctive scale and form which contrasts with the larger scale and more unified form of its neighbours, and which reflects its origins.
24. Whilst I appreciate that the rear of No 97C is not now visible from the public domain, when the dairy complex was built there would have been daily activity within the yard and very probably connectivity between the administrative buildings and the yard itself. In any case, lack of visibility from the public domain does not necessarily amount to lack of harm. I also appreciate that features seen on the rear of No 97C such as the clay tile roof, timber sliding sash windows and good quality brickwork may be found elsewhere in the MVCA but this does not diminish the contribution these features make to this particular building or the dairy complex as a whole. In any case, the decorative brick panel appears to be a unique feature and one which is intrinsically related to this location.
25. The substantial loss of historic fabric to No 97C's rear, along with alterations to its frontage would remove features that contribute to an understanding of the layout, form and function of a distinctive former workplace within Victorian

Maida Vale and a reduction in the distinctiveness that contributes to the MVCA's character and appearance. This would reduce significance and amount to less than substantial harm in relation to the MVCA. There would also be diminution in the significance of the NDHA.

Heritage balance

26. Paragraph 208 of the Framework states that where proposals will lead to less than substantial harm to designated heritage assets, this harm should be weighed against the public benefits of the proposal, including securing where appropriate, its optimum viable use. The development would result in the provision of one additional unit on the site and an increase in floorspace for the other three units. It would be supported by the Framework, the London Plan and the local development plan. This would represent a public benefit, but given the scale of additions to local housing stock this benefit carries minor weight only in favour of the appeal.
27. The removal of the existing fire escape would also be a benefit but as this is clearly related to the morphology and configuration of No 97C's rear elevation which would in any case be demolished, I give this no weight.
28. The development would also increase light entry for the accommodation. However, there is nothing before me to indicate that the former office use could not be resumed and the recent application for prior approval for residential use suggests that light entry is not affecting No 97C's use as either office or residential space. The development would also be designed to have more sustainable energy use, but given the scale of the development this carries minor weight in favour of the appeal.
29. Moreover, Paragraph 205 of the Framework states that when considering the impact of development on the significance of a heritage assets, great weight should be given to the asset's conservation. On balance and given the contribution the dairy complex makes to the MVCA, and the importance of No 97C within that dairy complex, I conclude that the public benefits arising from the development would not outweigh the harm to the MVCA.
30. Paragraph 209 of the Framework notes that in weighing applications that directly affect NDHAs, a balanced judgement will be required having regard to any harm or loss and the significance of the heritage asset. For the reasons set out above I conclude that the development would result in a loss of significance to No 97C arising from loss of historic fabric, and its distinctive form, which reflects its former function and spatial position within the extensive dairy complex.
31. As such, the development would fail to preserve or enhance the character or appearance of the MVCA, and would diminish the significance of the NDHA. This would be contrary to Policy 38 of the City Plan (CP) which seeks to ensure that all development will positively contribute to the character and appearance of the existing area, adjacent buildings and heritage assets, amongst other considerations. It would also be contrary to CP Policy 39 which requires development to secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation to avoid harm to their significance, and CP Policy 40 which requires spaces and features that contribute to the significance of a heritage asset to be conserved, enhanced and sensitively integrated within new development.

32. The proposals would also fail to accord with Section 16 of the Framework which is concerned with the safeguarding of heritage assets as well as S72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
33. I appreciate that the development would be supported by other policies, but this does not offset or outweigh the harm I have identified in relation to heritage assets.

Other Matters

34. Number 97C has an extant permission for a change of use from office to residential use. This does not expire until later this year. As such, whilst I appreciate that the Council has concerns in relation to the loss of employment space, at the time of writing the principle of conversion to residential use has been established and as such, I have not considered this further.
35. The argument is advanced that the proximity of the Institute of Psychoanalysis, which was formerly part of the diary complex, reduces the contribution to the MVCA made by No 97C. However, the presence or proximity of harm does not justify extending or increasing that harm.
36. The Council's statement included details of another application submitted by the appellant for this site, but I am concerned only with what is before me.
37. I acknowledge that if the development was allowed, a photographic record of No 97C's rear would be generated but this does not alter my reasoning or conclusions.
38. The appellant has highlighted the granting of permission for a large mixed use block on Shirland Road. However, this appears to be designed to replace a rather dilapidated corner property that has little design merit. The situations are not comparable.

Conclusion

39. The development would fail to accord with the local development plan, the Framework and the Act and there are no material considerations of sufficient weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR