



Appeal Decisions

Site visit made on 16 April 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2024

Appeal A Ref: APP/X5990/W/23/3329895

44 Clifton Hill, London NW8 0QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Slater against the decision of City of Westminster Council.
 - The application Ref is 23/02385/FULL.
 - The development proposed is erection of side extension at lower and upper ground floor level.
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Appeal B Ref: APP/X5990/Y/23/3331510

44 Clifton Hill, London NW8 0QG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Slater against the decision of City of Westminster Council.
 - The application Ref is 23/02386/LBC.
 - The works proposed are erection of side extension at lower and upper ground floor level.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
4. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issues of this appeal, so I have not sought the views of the main parties on this matter.

Main Issues

5. The effect of the proposal upon the significance of the grade II listed building known as 42 and 44 Clifton Hill¹, and whether the proposal would preserve or enhance the character or appearance of the St John's Wood Conservation Area (SJWCA).

¹ List Entry Number: 1219683

Reasons

6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appeal property is a semi-detached dwelling. With its attached neighbour it makes up a single listed building entry and dates from circa 1840. It has a strong form, with an ordered front façade divided into three bays for each dwelling. The overall appearance of the building is elegant and refined, with decorative porches, window surrounds, and a clear piano nobile elevated from street level. Such details reflect its status as a pair of well executed dwellings for the middle classes, standing in an ordered fashion in a street of similar properties.
8. The building is free from side additions, save from modest lower ground level extensions that are not easily viewed from the street. This characteristic, along with the strong form of the low hipped roof, gives the building a simple form appreciable from the street that has seen little change since its original construction. The building's architectural details, its strong form and carefully ordered façade, are characteristics that contribute to its special interest.
9. The building stands in the SJWCA. The area was developed in the 1820s and 1830s as an affluent low density residential development, comprising classical villas, either alone, in pairs or terraces. Most buildings are set back behind formal boundary enclosures and are carefully spaced; the gaps between buildings and sense of spaciousness they provide, as well as the manner by which gaps define the formality of the building's primary facades, are characteristics of the SJWCA that contribute to its character and appearance.
10. The proposal would see an extension added to the side of the appeal property, which would break out from the principal piano nobile level to the side and would tighten the gap between the building and its neighbour. In doing so, the well-defined original form of the building would be eroded and the sense of space between the buildings, which appears to be a carefully considered characteristic of the layout of the street, would be lessened. The dilution of the strong and simple squared form of the semi-detached pair would be eroded by extending out to the side.
11. I accept that the extension would be modest and would not alter the first floor. It would be set back considerably from the front and would allow the fine front façade to retain its prominence. For these reasons the level of harm to the building's special interest would be no more than moderate.
12. Additional harm would arise from moving historic fabric from its original position and reinstating it within the extension. This would include windows and the existing door. Although there is the potential for these elements to be re-used in the extended part, their significance would be eroded by removing them from their original position. I accept that this elevation appears to have seen a reasonable level of intervention over the years, and for this reason the level of additional harm would be low.

13. Nearby buildings that are similar to the appeal building have been extended in a similar way; however, many are quite unsuccessful architecturally, and have diluted the well-defined form of the original building. The recently approved extension at No. 20 Clifton Hill has not commenced, and there are no details before me to allow me to compare it to the appeal proposal. These matters do not therefore persuade me that the proposal should be accepted.
14. In terms of the SJWCA it follows that the proposal would also harm the formal layout of the street and its spatial characteristics by lessening the gap between two of its buildings. However, given the scale of the proposal relative to the size of the SJWCA, the level of harm to its character and appearance would be low.
15. The harms arising from the proposal would therefore be no more than moderate. In terms of the Framework the harms would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
16. The appellant explains that the proposal would meet the needs of his family by providing additional storage, an enlarged utility room and an additional WC and en-suite bathroom so that a ground floor room could serve as a bedroom. These are private benefits that would satisfy the needs of the current occupiers of the dwelling. They can only outweigh the heritage related harm identified if they are of a public nature.
17. The existing dwelling is spacious and well laid out. The lower and upper ground floors include well proportioned rooms, with a WC to each floor and areas for storage. Other permissions exist to extend the dwelling at the rear, thereby providing significant additional accommodation. There is no overriding inadequacy in the layout of the dwelling that would affect its ability to provide a comfortable living environment for its occupants. As such, the proposal is not necessary to secure the continued use of the building as a dwelling, and the benefits that it would deliver would not be of a public nature. There are therefore no public benefits that would outweigh the harm identified.
18. In summary the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and fail to preserve the character and appearance of the SJWCA. It would be contrary to Policies 38, 39 and 40 of the City Plan 2019-2040, which together seek to ensure that development proposals have regard to the character and appearance of the area including the spaces between buildings and ensure that heritage assets are conserved.

Conclusion

19. For the reasons given above the appeals should be dismissed.

A Tucker

INSPECTOR