



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: 21 May 2024

Appeal A Ref: APP/X5990/W/23/3324273

90 Gloucester Terrace, London W2 6HP

- 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 Benjamin Gareh of Instar Properties Ltd against the decision of City of Westminster Council.
 - The application Ref is 23/01751/FULL.
 - The development proposed is the development of the side yard to 90 Gloucester Terrace to create a single dwelling, house over 3 floors.
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Appeal B Ref: APP/X5990/Y/23/3324279

90 Gloucester Terrace, London W2 6HP

- 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 Benjamin Gareh of Instar Properties Ltd against the decision of City of Westminster Council.
 - The application Ref is 23/01752/LBC.
 - The works proposed are the development of the side yard to 90 Gloucester Terrace to create a single dwelling, house over 3 floors.
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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. Amended plans¹ were submitted with the appeal. These seek to make a small number of modest changes to the scheme including changes to the proposed façade. I am satisfied that no party would be prejudiced if I take the amended plans into account. Accordingly, I have determined the appeal on the basis of the amended scheme.
5. Additional amendments were included within the updated design and access statement that was submitted with the appeal. These details were only submitted in extract form as a further design option at page 12, and it is therefore not possible for me to accept this formally as an amended plan.

¹ Reference: PL04

Main Issues

6. The effect of the proposal upon the significance of the grade II listed building known as 90-132 Gloucester Terrace W2², and whether the proposal would preserve or enhance the character or appearance of the Bayswater Conservation Area (BCA).

Reasons

7. 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.
8. The appeal site is a small yard at the rear of No. 90 Gloucester Terrace. 90-132 Gloucester Terrace is a grade II listed building that comprises a row of substantial houses that were built circa 1840. They feature three principal storeys, with prominent full height curved bays to each dwelling, and rich embellishment that includes balustraded parapets above a deep cornice, and projecting porches with Doric columns. The façade of the terrace is uniform through its entire length, and finished in painted stucco.
9. The substantial side wall of the appeal site provides a similarly refined façade to Chilworth Street. It would appear to be part of the original design, with incised stucco and blind openings. It was most likely built to provide an enclosure to the street and limit views of the less refined and ancillary spaces at the rear of the terrace, avoiding a break in the grand built façades. It connects with a similar terrace at the rear. The fine and carefully considered architectural treatment of the outer faces of the terrace, including the side wall that faces Chilworth Street, are primary attributes of the building that contribute to its special interest.
10. The terrace stands in the BCA. This area of the BCA is primarily characterised by a sequence of grand planned residential streets and squares that were laid out by various developers from the early 19th century onwards. The listed building and the return wall associated with the appeal site are good examples of the refined and carefully considered way that the area was developed.
11. The principle of erecting a dwelling at the site by utilising the vacant space behind No. 90 is not disputed by the Council and was accepted by the Inspector who determined the previous appeals³. I see no reason to take a contrary view. What is in dispute is the treatment of the boundary wall that faces Chilworth Street.
12. There is nothing before me to suggest that the screen wall was built with functioning openings. Although a comparable archway opposite is open, it provides access to a row of mews buildings. Whereas an opening in the subject wall would only have provided access to the small rear yard. A full height opening would be oversized for this purpose. A small modern metal door provides current access, but the wall is otherwise solid. Its solid appearance contributes to a strong sense of enclosure to the side of the street.

² List Entry Number 1357034

³ Planning Inspectorate References: APP/X5990/W/21/3287926 and APP/X5990/Y/21/3288100

Notwithstanding these points, numerous openings exist in the adjacent length of enclosing wall, and within the wall opposite; so it should be possible to insert new openings into the existing wall as a matter of principle.

13. The proposal would see a full width glazed opening inserted at a low level within the archway, divided into three parts with a fully glazed door to the centre. Taken together the area of glazing would be substantial and as a result would be prominent to view, even though it would be set partly below street level, and behind items of street furniture. It would draw the eye and the fully glazed door would be at odds with existing solid front doors of the terrace and other nearby buildings.
14. I appreciate that this element of the proposal has been significantly modified since its initial iteration, which proposed glazing the entire area of the arch. However, the current proposal would still see an expansive area of new glazing inserted. It would be prominent and at odds with the solidity of the façade and would fail to respect the secondary nature of this element of the building alongside the principal south facing façade of No. 90. Indeed, the three sections of the opening would be wider than the original opening in the adjacent principal part of the building. This would harm the appearance of the listed building by inserting a new opening that would fail to respect the scale and format of the original design. The level of harm would be considerable.
15. The Council is also concerned about the new circular window that would be inserted above the entrance door. A small circular opening or oculus has the potential to respond well to the semi-circular shape of the archway. Its surrounding edge will need to be detailed carefully, to respond to the refined appearance of the façade, but should be sufficiently discreet and simple so as not to detract from the existing historic detailing. In this respect the proposed treatment of the oculus would not be appropriate, owing to the four projecting keys which would extend the size of the new opening and draw the eye. Therefore, a modest level of additional harm would arise from this element of the proposal.
16. As I have found that the proposal would harm the appearance of a positive building within the BCA, it follows that it would also fail to preserve its character and appearance. The level of harm would however be modest, given the scale of the intervention relative to the size of the BCA.
17. The Council also refers to the design of the screen that would front the bike store. This would be set down low, well below street level. It would be perpendicular to the street and largely obscured by the proposed external staircase. The drawing provided shows an acceptable approach, and further details could be secured by condition if the appeals are allowed.
18. The harms arising from the proposal would be considerable. In terms of the National Planning Policy Framework (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.
19. The proposal would deliver a three bedroom dwelling in an attractive location with very good access to local services and facilities. This is a public benefit that attracts reasonable weight, given the need for additional housing in London. Additional benefits would arise from the improvement to the area to

the front of the site, including the addition of railings, however the weight I give to this is limited by the harmful impacts arising from the design of the proposed glazing that would sit behind these railings.

20. Together the public benefits carry reasonable weight. I need to consider this in the context of paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset. Taking these matters together, the public benefits of the proposal would not be sufficient to outweigh the harm.
21. 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 or appearance of the BCA. It would also fail to accord with 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, are sensitively designed and optimise the positive role of the historic environment.

Other Matters

22. The Council's second refusal reason relates to its uncertainty over the extent of demolition and that the information submitted did not provide it with sufficient clarity to allow it to make a full assessment of the proposal's impact.
23. I note the matters raised by the Council that could be construed as inconsistencies in the proposal. However, it is a clear premise of the proposal to retain the existing wall, and it is not clear that annotations on the engineers' drawings necessarily indicate that sections of the existing wall would be rebuilt. I am not satisfied that these matters need to be considered as a main issue of the appeal; further details of the extent of demolition and making good to the existing structure could be secured by condition if the appeals are allowed.

Conclusion

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

A Tucker

INSPECTOR