



Appeal Decision

Site visit made on 26 June 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/X5990/W/23/3334217

22 Newton Road, City of Westminster, London W2 5LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approve details required by a condition of a planning permission.
 - The appeal is made by Ms Guilda De Douhet against the decision of Westminster City Council.
 - The application Ref 23/07202/ADFULL sought approval of details pursuant to condition No 5 of a planning permission Ref 20/04347/FULL.
 - The development proposed is the demolition and rebuilding of existing single storey rear extension, skidding metal railing gate to front, addition of conservation rooflights to roof and associated alterations.
 - The details for which approval is sought are: 'You must apply to us (the Council) for approval of a sample of the following parts of the development - stone for front entrance stair. You must not start any work on these parts of the development until we (the Council) have approved what you have sent us (the Council). You must then carry out the work according to these samples'. Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, on 19 December 2023 the Government published the revised National Planning Policy Framework (the Framework). I consider that there have been no major changes relevant to the main issue in this appeal. Therefore, it will not prejudice any party by making my decision with regard to the revised Framework.

Main Issue

3. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area, with reference to the Westbourne Conservation Area (the CA).

Reasons

4. This appeal relates to the extension and alteration of the appeal dwelling that was granted permission¹ in 2020 (the original application), and for which details to discharge other conditions² on the original application have previously been approved in 2021. The appeal dwelling is a 19th Century semi detached two storey house, with a raised ground floor with basement. It is located on a street of predominantly 19th Century properties that demonstrates a variety of type, scale and architectural expressions.
5. The Council has recognised this part of the City of Westminster as an important heritage asset through the designation of the CA. The significance of CA rests in the coherence of its architecture and townscape as a predominantly residential area, comprising both terrace and villa developments employing a combination of brick and stucco facades, on a mainly rigid grid pattern. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
6. The details submitted pursuant to this condition comprise Drawing 03-ST-101.1, which includes photographs of a dark grey granite material, and the stone steps to the front main entrance door that have been installed on site. These appear to use the same stone type indicated on the submitted drawing, and the appellant states that the steps were installed in June 2023.
7. From my site visit it is evident that dwellings on the street predominantly have steps to their raised ground floor levels, which are a feature of the local streetscape. These steps demonstrate two predominant materials/finishes, firstly a light stone, which appears to be a fine Portland stone or light sandstone, or secondly a dark grey bituminous coating.
8. This bituminous coating is traditionally used to waterproof and provide slip resistance and is generally applied over original step materials. Where evident, this original material appears to have been a light stone. There are also examples of steps in the street with what appear to be later and non-original tiling in a variety of finishes and colours, including dark grey.
9. The steps to the semi-detached pair to the appeal dwelling uses a light stone material for its front steps. The dark grey tone of the granite material used for the steps to the appeal property stands in contrast to this and does not reflect the architectural expression and period of the appeal dwelling or its semi-detached pair and, consequently, appears as a discordant and incongruous addition.
10. Whilst the dark grey of the stone used for the steps to the appeal dwelling does appear to be similar in tone to both the bituminous coating and dark grey tiling used for other steps to other dwellings in the street, these are of poor quality and non-original materials and finishes, which detract from the character and appearance of the properties on which they are installed and, collectively, detract from that of the CA. I note that the similarity of tone of these other installations to the materials used for the steps to the appeal dwelling, appears closer when they are wet, as demonstrated in the photographs in the

¹ Planning Ref: 20/04347/FULL

² Planning Ref: 21/02319/ADFULL &

appellant's statement. The use of the dark grey granite for the steps to the appeal dwelling adds to the detrimental effect the materials used for steps in the street that I have identified and, therefore fails to preserve the character and appearance of the CA.

11. For the reasons given above, I find that the submitted details and steps as installed have a significantly detrimental impact on the character and appearance of the appeal dwelling site and fail to preserve or enhance that of the CA. In the context of paragraph 208 of the National Planning Policy Framework (2023) (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
12. This conflicts with Policies 38, 39 and 40 of the City Plan 2019-2040 (2021), Policies D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the Framework. These collectively seek to ensure that development is of high quality design, respect the character of existing and adjoining buildings and local town scape and have due regard to the importance of preserving or enhancing heritage assets.

Conclusion

13. There does not appear to be any significant public benefits of the materials use for the steps to the appeal dwelling. In general, planning decisions should be made in the wider public interest. In this context, the harm I have identified, including the less than substantial harm to the significance of the CA outweighs any benefit. Consequently, the appeal is dismissed.

Victor Callister

INSPECTOR