



Appeal Decisions

Site visit made on 5 June 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal A Ref: APP/X5990/W/24/3337631

62 Clifton Hill, London NW8 0JT

- 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 Vic Aswani against the decision of City of Westminster Council.
 - The application Ref is 23/02503/FULL dated 14 April 2023, was refused by notice 7 November 2023.
 - The development proposed is Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.
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Appeal B Ref: APP/X5990/Y/24/3337630

62 Clifton Hill, London NW8 0JT

- 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 Vic Aswani against the decision of City of Westminster Council.
 - The application Ref is 23/02504/LBC dated 14 April 2023, was refused by notice dated 7 November 2023.
 - The works proposed are Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.
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Decision

1. Appeal A is dismissed. Appeal B is dismissed.

Preliminary and Procedural Matters

2. The appeals concern works and development to 62 Clifton Hill, a Grade II listed building (List Entry Number: 1219701) listed on 9 January 1970. The appeal site is group listed with Number 64 Clifton Hill (List entry number 1066992), also listed on the 9 January 1970. In addition, the listed building is situated within St John's Wood Conservation Area (CA). I am therefore mindful of my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
3. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is different, in order to reduce repetition and for the avoidance of doubt I have dealt with both appeals together within a single decision.

Main Issues – both appeals

4. The main issues are whether the proposed works and development would preserve the special interest of the Grade II listed building No. 62 Clifton Hill, or any features of special architectural or historic interest that it possesses, and whether the proposed works would preserve the setting of the heritage asset of the Grade II Listed No. 64 Clifton Hill, and whether the works and development would preserve or enhance the character or appearance of the St. John's Wood Conservation Area (CA).

Reasons – both appeals

5. The significance and special interest of the listed asset of No. 62 Clifton Hill derives from its quality and detailing, and architectural interest. Built around 1850 of two storeys over a basement with an attic, from gault brick and stucco dressings, its design reflects the Tudor/Gothic style that was a popular contrast to the more Classical architectures of the mid-19th Century. No. 62 displays the typical hallmarks of the Tudor/Gothic style with its pointed arches to windows and front facing double gables, inset painted lancet window and square sided crenelated bay window to ground floor and a large trefoil window insert to roofline. Steeply pitched rooves combining a configuration of flat roofs and further crenelations, together with the decorated raised front entrance creates identifiable features representative of this specific architectural style, and adds positively to the significance of the heritage asset.
6. Number 62 is listed as group value with Number 64 Clifton Hill and as a pair of symmetrical houses, shares the same Tudor/Gothic characteristics. As they are experienced as a pair and given their close relationship, they reinforce the local character, appearance and distinctiveness of the area and provide a positive contribution to it.
7. The site is located within the St. John's Wood Conservation Area. The CA encapsulates mainly residential, tree-lined streets fronted by terraces and large villas that grew up as a leafy London suburb during the mid-19th Century. The Council's St John's Wood Conservation Audit (CAA) identifies *'it was the construction of broad avenues of detached and semi-detached villas in substantial grounds which gave St. John's Wood its distinctive character and established a new model of suburban style'*.
8. Located towards the northern boundary of the CA, the appeal site sits within a verdant landscape where large villas are situated in spacious plots. This particular part of the CA is synonymous for its style of housing representing a Tudor/Gothic interpretation that lends an attractiveness to the streetscape with distinctive pointed gables and crenelated bay windows as distinguishing features. The CA as a whole displays diverse architectural styles ranging from Classical/Italianate villas, Gothic villas, Neo-Georgian and Regency influences all combine to form, in the words of the CCA, a 'picturesque' characteristic to the area. The group value of the listed assets are a component part of the built backcloth of the CA that makes a positive contribution to its character and appearance.
9. The works and development includes the erection of a turret roof extension at second floor level over a flat roof terrace to create a bedroom, and extend the existing bathroom between the pointed roof gables, a side extension at lower-ground floor level to enclose an internal stairwell, internal alterations

comprising conversion of an existing bedroom into an en-suite, and internal partitions. As well as this, external alterations to the boundary treatment by way of wrought iron railings together with a comprehensive landscaping scheme are also under consideration as part of this proposal.

10. From the evidence before me and what I viewed on site, there have been some internal plan-form alterations to the appeal site over time with historic fabric removed, as well as the original rear garden being lost to housing development plots. However, from my external inspection, the exterior of the listed building retains significant historic character with limited visible alterations. Overall, No. 62 still retains significant character associated with the Tudor/Gothic revival architecture of the mid-19th Century and is a fine example of this era.
11. The Council raise particular concern regarding the turret extension as well as the new pitched roof configuration spanning the two gables to the south east elevation where the existing bathroom would be extended across. Much of the other works and development that are proposed both internally and externally are deemed to be, on the whole, acceptable by the Council further to the imposition of appropriate planning conditions. From my own assessment of these works and development and my inspection on site, I have no reason to come to an alternative view on the matter.
12. The proposed turret extension would project vertically well above the flat roof of the building, above the pointed gable feature on this side and just below the ridge line of the main roof. As explained above, crenelations are a distinctive and integral feature of the listed asset and contribute to its significance. However, to include them to the proposed extension would, even with the use of traditional Gault brick and complementary stone detailing, as a combination have the effect of creating an uncharacteristic tower formation to the building. The listed asset is located in an area where there is, using the words of the CAA, 'a range of interesting examples of Gothic villas'. There are turret roofs to dwellings that the appellant has pointed to. These are however historic to those particular dwellings and not a commonality throughout the local area. Nor am I pointed to evidence of turret style extensions being approved to dwellings. Furthermore, a large portion of historic external wall would be removed to provide access into the dressing room and en-suite from the proposed new bedroom. The historic plan-form of this floor would be compromised by the opening up of the external wall and a loss of historic fabric would ensue and would be deleteriously lost in perpetuity.
13. The proposed new bathroom extension to span between pointed roof gables would also be an anomaly to the listed asset where this space is traditionally a flat roof. As I have previously commented, high pitched roofs are a typical characteristic of the Gothic architecture particular to this area of St. John's Wood. A new roof set further forward towards the front of the building and at a lower height would be obtrusively visible from street level and would not follow the historic character of the listed asset. Therefore, these proposed alterations to the listed asset would be significantly at odds with its authenticity, weakening its integrity. These works and development would detract from the special interest of the listed building.
14. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the

asset and its surroundings evolve. Both the appeal site and No. 64 read as a pair with their commonly identified characteristics and their status as group value to their listing reinforces this. Their front elevations remain largely unaltered from their historic composition displaying significant cohesiveness as a pair. This has the effect of contributing positively to ones' ability to appreciate both heritage assets. Therefore, to alter the roofscape of the appeal site by virtue of the proposed scheme that would uncharacteristically and adversely imbalance the pair of houses, as a visually intrusive extension, the proposal would directly and negatively affect the setting of the adjacent listed asset and detract from its special interest.

15. As No. 62 sits in a corner position in a prominent location addressing both Abbey Road and Clifton Hill, it is therefore visually exposed to the street scene. The dwelling contains the authentic design traits arising from the architectures of the Tudor/Gothic style, and is experienced within the CA as a striking and imposing building. The scale and bulk of the turret extension would appear as an uncharacteristically dominant addition to this side of the dwelling. Combined with the proposed uncharacteristic new roof to the south east elevation, they would erode the legibility of the historic roof form and detract from the historic character of the dwelling. It would not encapsulate the essence of the special interest of this part of St. John's Wood CA, therefore diminishing its contribution to the significance of the CA.
16. Given my findings above, I am of the view that the proposal would fail to preserve the special interest of the listed building, the setting of the adjacent listed building and fail to preserve or enhance the character and appearance of the CA, as required by the Act. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
17. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
18. With reference to Paragraphs 205 and 206 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the designated heritage assets, I find the category of harm in this instance to be 'less than substantial'. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

20. In terms of public benefits, the additional space the roof extension would provide would be a private benefit to the appellant and not a public benefit. There is no substantive evidence before me to come to the view that it could reasonably be described as a 'high quality' development. Some betterment to the listed asset would be made by way of re-slating the roof and the thermal efficiencies of this as well as incorporated into the extensions proposed and arising from fenestration repairs. Other external enhancements to the dwelling to the chimney stacks, general stone repairs and the insertion of railings to the boundary would better reveal the significance of the listed building. Water efficiency management, biodiversity enhancements brought by the proposal would amount to public benefits. I also note the comments received from local residents who support the proposal and reflects comments from the appellant.
21. There are clear enhancements that would better reveal the significance of the listed asset as well as sustainability improvements that this proposal would bring. However, with regards to the loss of the flat roof and dormer, flat roofs are a characteristic of the listed asset and even in its present condition I do not consider its removal would amount to a public benefit. All things considered, the public benefits are limited as a whole and there is no substantive evidence before me to suggest that these works can only be advanced by the proposal before me. The building was vacant at the time of my visit although there was evidence of construction works having occurred there. Whilst it is a vacant dwelling, there is no substantive evidence before me to come to the view that its viable use is dependent upon this proposal. All things considered, there are public benefits ascribed to the proposal, but they would not be sufficient to outweigh the less than substantial harm that I have found.
22. I have attached considerable importance and weight to the desirability of avoiding any such harmful effects on the listed building in accordance with the Act, which requires that special regard must be given to the desirability of preserving a listed building or its setting. In this regard the proposal would fail to preserve the special historic interest of the Grade II listed building and the setting of the adjacent Grade II listed asset. In addition, the character and appearance of the CA as a whole would not be preserved or enhanced, contrary to the Act.
23. In light of this, I conclude that the proposed works and development would harm the designated heritage assets. It would therefore not comply with the heritage and local character safeguarding aims of Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out within the Council's Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Other Matters

24. There is no concern attributed to its proposed effect upon the living conditions of the local residents and I have no reason to come to an alternative view from that of the Council's on this matter. These things considered are neutral in the overall scheme of things and do not outweigh the conflict I have highlighted.
25. There are a number of consented proposals related to the appeal site that have been brought to my attention by the parties¹ and this includes a glazed

¹ LPA reference 23/01704/LBC Internal alterations and general refurbishments - Approved 5 April 2012. LPA reference 23/07498/LBC, 23/0749/FULL Erection of a second-floor extension, a side extension at lower ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme. Approved March 2024

extension to the roof terrace. However, the scheme before me as a whole is different from these consented schemes and therefore does not directly compare.

26. Also, there are a number of other statutorily listed buildings close to the appeal site that have been brought to my attention by the parties. I have had due regard to these and find the proposal to have no adverse effect upon their significance or special interest.

Conclusion – both appeals

27. For the above reasons and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Alison Scott

INSPECTOR

