



Appeal Decision

Site visit made on 29 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2024

Appeal Ref: APP/X5990/W/24/3339294

96 Clifton Hill, London NW8 0JT

- 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 Gordon Lewis against the decision of City of Westminster Council.
 - The application Ref is 23/01259/FULL.
 - The development proposed is a one storey extension to replace existing mansard roof level, a new flat top mansard roof extension with slate tile cladding and lead roofing, two lead wrapped rear dormers with painted timber sash windows, two conservation roof lights to rear of mansard. Raised parapet walls, side chimney stacks and 2nd floor front and rear elevations to match with existing brickwork.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal the appellant has submitted revised drawings, references 'P08 Rev A Existing North West (rear) elevation' and 'P19 Rev A Proposed North West (rear) elevation'. The revised plans were submitted by the applicant to more accurately show the extent of the existing and proposed ductwork on the rear of the building and to address the council's concerns regarding the window hierarchy. I do not consider that the revised plans are a fundamental change to the proposal or that any party would be prejudiced by my taking it into account and therefore have considered the proposal as revised.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building, a Non-Designated Heritage Asset (NDHA), and the surrounding area, including the setting of the Grade II listed buildings at 92 and 94 Clifton Hill and the St John's Wood Conservation Area, within which the site lies.

Reasons

Character and appearance of Non-Designated Heritage Asset

4. The appeal site is a detached, brick-built property, with basement and mansard style roof. The front part of the building aligns with other properties along the street. A slightly wider wing sits behind this but reads as a subservient element as it has no front facing window openings. The mansard style roof sits over the front wing in between two tall end chimney stacks. The property has four large windows on its main front elevation, with decorative surrounds, with a further

two windows on the mansard extension. These architectural features give the property a well-balanced appearance. The property is included in the St John's Wood Conservation Area Audit as an unlisted building of merit due to its attractive form and reflection of the general design approach of surrounding villa buildings. It is therefore considered by the Council to be a NDHA and this has not been challenged by the appellant and therefore I have considered the appeal on this basis.

5. The ground floor and basement levels are used as "The Clifton" public house with the areas above as residential flats. To the rear there is a small yard area, with a conservatory attached to the public house and a number of extractor fans, including a large chimney duct and an emergency exit staircase to the first floor level.
6. Clifton Hill is a long, straight avenue, comprising a mix of detached, semi detached and terraced houses. Opposite the appeal site there is a detached property, which is a different design and height to other properties along the street. The properties are set back from the road with small, enclosed garden spaces, many of which have trees. Although properties have different styles, many share common architectural features such as fenestration detailing and tall side chimneys, providing a consistent appearance to the street scene. To the rear of the site there is a warehouse building which is accessed via an alley running down the side of the public house. Given its different form, design and use as a public house, the appeal property has a distinctive appearance within this generally uniform street scene.
7. Policy 40(E) of the Westminster City Plan 2019-2040 (2021) (LP) says that roof extensions will be supported in principle where they do not impact adversely on heritage assets and, for an individual building such as this, should be of appropriate design sympathetic to the architectural character of the existing building.
8. From my site visit I saw that mansard roofs do not form part of the local character with the host building being unusual in this respect. The rear wing of the property currently has a proportionate appearance with that of the front wing. The increased height of the rear wing and the expanse of brickwork on its side elevations would increase its overall bulk and massing and dominate the front wing of the property, thereby unbalancing its proportionate appearance.
9. To the rear, the height of the kitchen duct would be increased along with the roof height as shown on revised drawing P19, giving it a much more prominent appearance than currently exists. The revisions also illustrate changes to the size of the proposed new windows at second floor level, which addresses the Council's concerns that they did not diminish in size. Although the proposed changes are now more in keeping with the appearance of neighbouring properties, overall, the cumulative changes would remain harmful to the building's traditional appearance. Although I note the comments from a third party which welcomes the proposed changes to the rear elevation of the building from its current state, for the reasons outlined I do not agree that the proposed changes would be beneficial.
10. The appellant has suggested that the proposed changes would not be visibly prominent within the street scene. Having visited the site I consider that the proposals would be visible in close proximity to the property from street level and from the windows of neighbouring properties, particularly at higher levels.

11. I note that the applicant has suggested that they would be willing to agree to a materials condition requiring provision of a sample panel on site, however this would not address my concerns in relation to the harm caused to the traditional character and appearance of the property.
12. The cumulative effect of the proposed changes would result in the revised rear wing dominating the front wing, thereby harming the building's traditional appearance and significance as a NDHA. The proposal thereby conflicts with paragraph 209 of the National Planning Policy Framework (2023) (the Framework) and Policies 38, 39 and 40 of the LP which seek amongst other things to ensure new development provides high quality, sustainable and inclusive design which reflects local context and ensures heritage assets are conserved and enhanced.

Listed Buildings

13. Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires special attention to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, the Framework requires great weight to be given to the conservation of heritage assets.
14. The neighbouring properties Nos 92 and 94 are a pair of semi-detached houses which were listed in 1987 and date from the 19th century. The pair have several architectural window details, stucco dressings with a projecting porch with square piers, which contribute to their special interest. The formal layout and appearance of the listed buildings play an integral part within the planned layout of Clifton Hill. Although the host property is lower than the adjacent listed buildings, it follows the proportioned, unified formal appearance of the street layout. The simple form, height and proportions of the host property reflects its traditional use and gives it a subservient appearance in comparison to the larger listed properties, which contributes to their prominence within the street scene and has a positive impact on their setting.
15. The proposal would increase the height of the rear wing of the host property, which would change its visual subservience in relation to Nos 92 and 94, drawing the eye away from them and towards the host property. Although the extension would respect the prevailing building height of Nos 98 and 100 it would change the overall composition of the building and how it is viewed within the wider street scene. Despite the gaps between the host property and adjacent properties, the proposed changes would detract from the prominence of the listed buildings within the street scene, thereby eroding the planned, historical built form of the local area.
16. I therefore conclude that the proposal would cause harm to the setting of the listed buildings and would fail to satisfy the requirements of the LBCAA and paragraph 205 of the Framework, which advises that when considering the impact of development of the significance of designated heritage assets and their setting great weight should be given to their conservation. The proposal thereby conflicts with Policy 39 of the LP, which seeks amongst other things to ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance.

Conservation Area

17. Section 72(1) of the LBCAA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The CA encompasses a large suburban area which includes Lords Cricket Ground and has over 450 Listed Buildings, including several along Clifton Hill. Its significance is derived from being the first example of suburban residential development in inner London, which reflected a departure from the dense urban development which had been typical. Given the above, I find that the significance of the CA depends on the tree lined avenues, large villas and the consistent planned layout of streets.
18. The host property retains much of its 19th century character and detailing and therefore makes a positive contribution to the character and appearance of the CA.
19. As I have already described, the proposed increase in height to the property would give it a more prominent appearance when viewed alongside other properties within the street, which were designed to be more prominent, undermining the planned historic layout of the street scene. The change to the height of the appeal property would disrupt the consistent pattern of the street scene and thereby harm the CA.
20. I conclude that the proposal would fail to preserve the character or appearance of the CA. This would fail to satisfy the requirements of the LBCAA and paragraph 203 of the Framework. The proposal thereby conflicts with Policy 39 of the LP which seeks amongst other things to ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance.

Balance and conclusion

21. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of designated heritage assets or from development within their setting and that this should have a clear and convincing justification. Given that the proposal would harm the traditional appearance of the NDHA, which contributes positively to the CA and the setting of the Listed Buildings, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Paragraph 208 of the Framework says that where harm is identified to the significance of designated heritage assets and their setting, it should be weighted against the public benefits of the proposal.
23. I acknowledge that the proposal would provide two additional bedrooms to create a 4-bedroom apartment on the second floor. However, this is a private benefit and not sufficient to outweigh the harm that I have identified. I also note that the public house is a designated Asset of Community Value and that its viability is reliant on the sale of food, which requires a functioning kitchen duct. However, as the additional height of the duct is a direct consequence of the proposal, I give this limited weight. I do not consider that these limited benefits outweigh the significant harm caused by the proposed development.
24. In reaching my decision I have paid special attention to the requirements of the LBCAA. In the absence of any defined significant public benefit, I conclude that the proposal conflicts with the development plan as a whole and the

material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR