



Appeal Decision

Site visit made on 10 September 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 OCTOBER 2024

Appeal Ref: APP/X5990/W/23/3335493

55c Greencoat Place, City of Westminster, London SW1P 1DS

- 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 Miles Richardson against the decision of the Council of the City of Westminster.
 - The application Ref is 23/04419/FULL.
 - The development proposed is the creation of a roof terrace with railings and associated landscaping including new roof hatch door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. The City of Westminster City Plan 2019-2040 (the LP) was adopted in April 2021. A partial review of the LP is emerging. Evidence before me indicates to me that this partial review is at a relatively early stage and that the policies the subject of the review are largely irrelevant to the appeal proposal. Consequently, the emerging partial review of the LP is a matter of very limited weight in my decision.

Main Issues

4. The main issues are the effects of the proposal upon the character and appearance of the host building and upon the Vincent Square Conservation Area, and its effects within the setting of the Westminster Cathedral Conservation Area.

Reasons

5. The appeal site is situated within the Vincent Square Conservation Area (the Vincent Square CA). The statutory duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, in respect to any buildings or other land within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6. Within the centre of the Vincent Square CA there are the Westminster School playing fields and, to their edges, an attractive mix of predominantly residential and institutional buildings laid out in a historic street pattern. The architectural quality of these buildings, and their relationship with the central open space, exudes architectural and artistic interest and it is from this that the significance of the Vincent Square CA as a heritage asset is principally derived.
7. The appeal site is outside of, but adjacent to, the Westminster Cathedral Conservation Area (the Westminster Cathedral CA). The Westminster Cathedral CA is dominated by Westminster Cathedral itself, a Grade I listed building. To the Cathedral's surrounds there is a dense residential enclave of traditionally designed Victorian housing. The Cathedral is of historic interest as it provides evidence of Roman Catholicism in England. The Cathedral, and the traditionally designed residential enclave around it, are also of architectural and artistic interest. The Westminster Cathedral CA's significance chiefly stems from these features and characteristics.
8. No 55c Greencoat Place (No 55c) is a maisonette. It forms a part of a distinctively designed terraced building which displays painted stone quoined surrounds to ground and first floor windows, enlarged keystones and later mansards. Forming a part of a traditionally designed residential terraced property, No 55c is also reflective of the type of building which is prevalent within the Vincent Square CA. Consequently, I find that it makes a positive contribution to the character and appearance of the Vincent Square CA and its significance.
9. When within parts of the Westminster Cathedral CA, neighbouring traditionally designed buildings within the Vincent Square CA are readily visible, and they form a part of its setting. This includes No 55c. The architecture of these traditionally designed neighbouring properties complements that of the buildings within the Westminster Cathedral CA. This setting makes a meaningful contribution to the significance of the Westminster Cathedral CA.
10. Although they would be constructed of wrought iron, the proposed railings would, nevertheless, form a feature with a utilitarian appearance. The proposed railings would protrude above No 55c's mansard roof and the parapets beside it.
11. At street level, in some viewpoints very close-up to the host property, the railings would not be visible due to the height of the terraced building and their set-back from the roof's edge. However, at other viewpoints within the public domain, on Windsor Place and close to its junction with Francis Street, the proposed railings would be prominent. These viewpoints include land within the Westminster Cathedral CA. The railings would also be clearly visible in the private domain from within neighbouring properties.
12. In these views, the proposed railings' utilitarian appearance would form a stark contrast with the architectural distinctiveness and quality of the building they would sit atop of. Furthermore, the proposed railings would protrude above the part of the roof serving No 55c but not the entirety of the terraced building the maisonette forms a part of. Consequently, the cohesive appearance presently exhibited by the terraced building would be eroded and instead a discordance to the building's roofscape would be created. Even though they may not be permanent and may be moveable features,

paraphernalia associated with the rooftop terrace proposed could also add visual clutter and contribute further to the harmful effects of the development.

13. For these reasons, the proposal would have a detrimental effect upon the character and appearance of the host terraced building. As the building makes a positive contribution to the character and appearance of the Vincent Square CA, I also find that this detrimental effect would result in the proposal failing to preserve or enhance the character or appearance of the Vincent Square CA as a whole. The harm to the designated heritage asset would be less than substantial. Even so, having regard to the statutory duty I set out earlier, this harm is a matter of considerable importance and weight in my decision.
14. Furthermore, as the proposal would be visible from viewpoints within the Westminster Cathedral CA, and it would be unsympathetic to the traditional architecture within the setting of the neighbouring conservation area, I also find that less than substantial harm to this significance of this designated heritage asset would also result.
15. There are no public benefits before me, nor any that I consider apply, which would outweigh the less than substantial harm that would be wrought to the two conservation areas. In relation to this main issue, I therefore find that unacceptably harmful effects upon the character and appearance of the host building, the Vincent Square CA and to the significance of the Westminster Cathedral CA would result.
16. For these reasons, the proposed development would conflict with policies 38, 39 and 40 of the LP. In summary, and amongst other matters, these policies require development, including extensions and alterations, to respect the character of existing and adjoining buildings, to be sensitive to Westminster's townscape and architecture, and to preserve or enhance positive features within Westminster's conservation areas and their settings.

Other Matters

17. The appellant has drawn my attention to a number of rooftop features and railings in the area. This includes, but is not limited to, those at 50 Rochester Row and 68 Vincent Square. However, in some instances, the features themselves or the property they are cited on are not very comparable to those in the appeal case. In other instances, the features I saw on site did not make a positive contribution to the character or appearance of the area and set no design precedent which should be followed. The full details of the planning history or the circumstances which led to each of these other features being erected are also not before me. Moreover, I have determined the appeal on its own merits, based on the evidence before me. Consequently, the cited examples of other development in the area are of limited weight in my decision.
18. The appellant submits that plan extracts from a previous planning permission at the appeal site¹ demonstrate that the host building has had very similar rooftop development in the past. However, I find that the plan extracts provided to me are unclear and do not demonstrate that this is the case. Again, therefore, this is a matter of limited weight in my decision.

¹ Planning application reference 03/00568/FULL

19. It may be that the proposed railings would be required to serve the roof terrace in order to comply with building regulations. Nevertheless, in my main issues, I have identified harm would be caused by the railings. Compliance with another regulatory regime does not mean that the development must be implemented, and it provides insufficient justification for the harm to take place.
20. I accept that the proposed outdoor space would be a valuable addition to the property for the occupiers. However, this benefit would be a private one and not of sufficient weight to outweigh the harm I have identified in my main issues. Finally, it may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. Even so, an absence of harm in respect of these matters is a neutral factor in my decision and does not outweigh the harm that I have identified.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR