



Appeal Decision

Site visit made on 8 November 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/X5990/W/24/3347873

Flat 2, 284 Elgin Avenue, City of Westminster, London, W9 1JR

- 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 Eric Bueno against the decision of City of Westminster Council.
 - The application Ref is 24/02226/FULL.
 - The development proposed is a pair of set back pitched dormer windows with an interconnecting double pitched mansard (x 2) + 1 additional skylight in the existing hipped roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the wider Maida Vale Conservation Area.

Reasons

3. The appeal site lies within the Maida Vale Conservation Area (MVCA). The significance of the MVCA is largely derived from the historic origins of its network of streets as well as the generally high quality of its built form. In accordance with the statutory duty established under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the MVCA.
4. The appeal property consists of the top two floors of no. 284 Elgin Avenue, a grand, end of terrace building on the corner of Elgin Avenue and Randolph Avenue. The building is from the late 19th Century and comprises three-storeys plus basement under a hipped roof. The appeal property has historic and architectural interest due to its age and characteristic design, including some fine detailing. It is therefore a non-designated heritage asset that makes a positive contribution to the MVCA as a whole.
5. The proposed dormers would be set well within the roof space on the roof slope facing onto Randolph Avenue. Nevertheless, due to the inclusion of interconnecting mansard elements between the pairs of dormer windows, the proposed development would entail sizeable additions that would not have a traditional appearance. Despite the mansard elements being slightly recessed and chamfered they would still result in the proposal appearing as a rather bulky and awkward arrangement. Furthermore, whilst the proposed

development would incorporate appropriate materials and would also not break the skyline of the property, the dormers with interconnecting mansards would still appear as rather dominant features that would not respect the character or integrity of the host building.

6. Due to their siting on the building's side elevation, views of the appeal proposal from Elgin Avenue would be highly limited. The appeal site's prominent corner location, however, would ensure that the proposed development would remain highly visible from several public vantage points. It would therefore detract from the appearance of the host building and would neither preserve nor enhance the character or appearance of the MVCA.
7. In reaching the above view, I recognise that similar style dormers can be found on a terrace of properties on the opposite side of Elgin Avenue to the appeal site, which includes a dormer facing onto Randolph Avenue. However, this is on a separate block of different architectural style, whereby dormers are set into an existing mansard roof, as opposed to incorporating a rather ill-fitting partial mansard arrangement between the dormers. Nor would the proposal reflect the wider existing roofscape along Randolph Avenue.
8. Additionally, I appreciate that there have been modern dormer additions on other properties along the terrace that the appeal building sits within (nos. 276 – 284 Elgin Avenue). However, as the appellant indicates, very limited views of the proposal would be available from Elgin Avenue and so it would be unlikely to be read alongside these more modern dormers. In any case, I do not consider that past unsympathetic additions to the roof of neighbouring buildings provide suitable justification for the appeal proposal.
9. Given the scale and nature of the appeal scheme I consider it would cause less than substantial harm to the character and appearance of the MVCA. Still, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 208 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
10. The proposed development would provide improved living conditions to the benefit of the owner/occupants of the appeal dwelling. As such, in this instance, I find that there are no public benefits that would outweigh the harm to the designated heritage asset.
11. Accordingly, the proposal conflicts with Policies 38, 39 and 40 of the City Plan 2019 – 2040 (adopted 2021). Together, amongst other matters, these policies seek to ensure that development contributes positively to the streetscape having regard to the character and appearance of the existing area, and that heritage assets and important elements of the townscape are preserved.

Other Matters

12. I have considered the 2011 appeal decision (APP/X5990/A/11/2147906), that allowed for the installation of two dormer windows at the appeal site. However, from the information before me, that scheme involved less dormer windows and the works would have been smaller in scale as the dormers were not conjoined via mansard roofs. As such, the design fundamentally differed from the current appeal proposal. It therefore does not alter my above findings.

13. Although the design of the proposal has been amended following pre-application advice from the Local Planning Authority, for the reasons outlined above it remains unacceptable.

Conclusion

14. The development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that indicate a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR