



Appeal Decision

Site visit made on 18 December 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/X5990/W/24/3345554

44 Marlborough Place, City of Westminster, London NW8 0PL

- 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 S Joory against the decision of City of Westminster Council.
 - The application Ref is 23/08767/FULL.
 - The development proposed is the amalgamation of two self-contained flats into 1 X 3 bed flat and erection of infill extension on upper ground floor level.
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Decision

1. The appeal is allowed and planning permission is granted for the amalgamation of two self-contained flats into 1 X 3 bed flat and erection of infill extension on upper ground floor level at 44 Marlborough Place, City of Westminster, London NW8 0PL in accordance with the terms of the application, Ref 23/08767/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The proposed development would involve the erection of an extension to the rear of the property, together with the amalgamation of the existing two-bedroom unit at lower ground floor level and the one-bedroom unit at ground floor level, to form a duplex three-bedroom unit. The Council raised no specific concerns about the works to create a single flat in place of the two existing flats. Based on the evidence before me, I see no reason to disagree.
4. Therefore, the main issue of the appeal is the effect of the proposed development on the character and appearance of the host building and whether the proposal would preserve or enhance the character or appearance of the St John's Wood Conservation Area (the CA).

Reasons

5. The appeal site, No.44 Marlborough Place (No.44) is a semi-detached property which has been subdivided into flats. No.44 is an attractive brick faced Italianate, semi-detached house set back from the road with front and rear gardens.

6. The appeal site is located within a conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. From the evidence before me¹ and my own observations, the significance of the CA is largely derived from the area's development as an 'Arcadian Suburb', which retains a strong framework of tree lined avenues and large villas set in generous plots, with mature landscaped gardens. The area comprises a mixture of early to mid-Victorian detached and semi-detached villas and terraced houses, interspersed with a variety of twentieth century buildings. The appeal site is a typical example of a semi-detached Italianate villa, which are commonly found within the CA
8. Whilst the principal façade of the appeal property makes a positive contribution to the character and appearance of the CA, the rear elevation is more subdued consisting of facing brickwork, staggered windows in a traditional window hierarchy and half-width 3 storey closet wing. This part of the building has been subject to previous alterations and extensions at the rear. I also observed considerable variety in the architectural design and detailing of the rear elevations of nearby properties. This is a stark contrast from the more uniform appearance of the street facing elevations.
9. The proposed development relates to the lower ground floor and upper ground floor flats within the building and would comprise of an extension to the rear of the building. It would include a modest enlargement in the width of the existing closet wing and a like-for-like replacement of the existing window. It would replicate the form of the flat roof rear closet wing and use materials to match the existing building.
10. Although the appeal site and its adjoining neighbour both have existing rear closet wings, I observed that these are already of different heights. As a result, I find that the proposed development would not lead to a harmful loss of symmetry nor cause harm to the contribution of the appeal building to the significance of the conservation area. Furthermore, the rear elevation of the appeal site is not visible from any public vantage points, and due to the leafy verdant character of the gardens which surround it, the proposed extension would not appear prominent nor discordant in any private views.
11. Therefore, on balance, given the scale of the host dwelling, and the overall modest projection, I find that it would be subordinate to the original building and would not unduly compromise the readability of the rhythm and pattern of the rear elevation of these properties.
12. For these reasons, I find that the proposal would not have a harmful effect on the character and appearance of the host building or surrounding area and would therefore preserve the character and appearance of the CA. Thus, it would accord with Policies 38, 39 and 40 of the City Plan 2019-2040, adopted April 2021 which collectively aim for high quality, sensitively designed developments which ensure heritage assets are conserved.

¹ St John's Wood Conservation Area Audit (adopted 2008)

Conditions

13. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
14. I have imposed standard conditions concerning commencement and compliance with the submitted plans. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. A condition requiring submission of further details of materials and a further condition requiring all other materials used to match the original building are necessary in the interests of design quality and the significance of the CA.
15. A condition requiring further details of the biodiverse green roof is necessary to ensure that it will increase biodiversity and in the interests of design quality and the significance of the CA.
16. A condition which limits the hours in which building works can take place and to prevent the use of the flat roof as a balcony are necessary in order to protect the residential amenity of neighbouring occupiers.

Conclusion

17. For the reasons given above, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 298-NW8 0PL-URB-ZZ-00-DR-A-2001-R1 (Proposed Site Plan);
 - 298-NW8 0PL-URB-ZZ-01-DR-A-2002-R1 (Proposed Lower Ground and Ground Floor Plan);
 - 298-NW8 0PL-URB-ZZ-02-DR-A-2004-R1 (Proposed Roof Plan);
 - 298-NW8 0PL-URB-ZZ-E1-2-DR-A-2101-R1 (Proposed Elevations – E-01 and E-02)
 - 298-NW8 0PL-URB-ZZ-S1-3-DR-A-2001-R1 (Proposed Sections – s-01, S-02 and S-03)

- 3) Prior to their installation, details of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including the windows and glazing, shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

- 4) Prior to installation of the biodiverse green roof, detailed drawings of the buildup (including associated revisions to the design of the roof and parapet), layout, species and maintenance plan shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and thereafter retained in accordance with an approved management plan.

- 5) All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.

- 6) Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).

- 7) The roof of the permitted extension shall not be used as a balcony or for any other purpose, except as a means of escape in the case of an emergency.