



Appeal Decision

Site visit made on 3 December 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/X5990/W/24/3349862

52 and 52A Queensway, City of Westminster, London W2 3RY

- 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 S Kamalanathan against the decision of the City of Westminster Council.
 - The application Ref is 24/00408/FULL.
 - The development proposed is described as “single storey ground floor rear extension; alterations to rear windows; alterations to rear boundaries; rebuilding and alteration of rear closet wing at first and second floor levels (retrospective). New application of London stock brick slips/render to existing elevations; replacement of existing uPVC fenestration with traditional timber framed doors and sash windows; raised parapets with stone copings to accommodate new green roofs to existing extension”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, a revised National Planning Policy Framework (“the Framework”) has been published. Therefore, I have referenced the revised paragraph numbers where necessary.
3. The planning application form refers to 52 Queensway, while the appeal form refers to 52A. The development concerns extensions to both properties and therefore I have included both addresses in the banner heading above.
4. This appeal seeks to retain a ground floor extension and a two-storey replacement extension to the first and second floors and proposes various external amendments. Consequently, the development is part retrospective.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the surrounding area, including the Queensway Conservation Area (“QCA”) and the setting of the Bayswater Conservation Area (“BCA”).

Reasons

6. The appeal building is within the QCA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
7. The QCA is compact in size and linear in shape. It is focused on and includes both sides of Queensway. Queensway is mixed in character with a variety of building

types and styles that are typically occupied by commercial uses to the ground floor with residential uses to the upper floors. Buildings are constructed along the back edge of the pavement and have several storeys, creating an enclosed character and appearance. Queensway has ancient origins as it follows a long-established route across the countryside originally called Westbourne Green Lane. However, it now forms part of the residential suburb of Bayswater that was developed in the early 19th century. The significance of the QCA derives from its historical and aesthetic values.

8. The appeal site's rear boundary adjoins the BCA and therefore, the development has the potential to affect the setting of this heritage asset. The BCA covers a relatively large area immediately to the north of Kensington Gardens and Hyde Park that is predominantly residential. Most of the BCA is formed of terraced buildings of varying heights with architectural details largely of the Italianate style. The significance of the BCA derives from its historical and aesthetic values. The setting of this part of the BCA consists of the rear elevations of the terraced buildings fronting onto Queensway and the gaps in-between.
9. The appeal building is a mid-terrace property consisting of three storeys to the front and four storeys to the rear. A shop occupies the ground floor with storage to the lower ground floor, while the upper floors are in residential use. Rear lower ground floor and ground floor extensions occupy the full width and depth of the appeal site. A replacement first and second floor extension has been constructed to the rear with a smaller footprint than the extensions below.
10. The ground floor extension is similar in scale and design to other extensions constructed to the rear of the terrace and is screened by existing built development. The Council's concerns with this extension could be remedied by a re-skin, render covering and replacement windows, which could be dealt with by conditions if I were minded to allow the appeal. Accordingly, this extension would not harm the character and appearance of the surrounding area, including the QCA or the setting of the BCA.
11. The first and second floor rear extension is clearly visible from Inverness Place and Inverness Mews. It projects a significant distance from the rear of the original building and there are no other first/second floor extensions to the rear of 50-56 Queensway. Consequently, the extension appears as an incongruous addition that detracts from the character and appearance of the existing building, the QCA, and the setting of the BCA.
12. The extension, due to its height and depth, erodes the above ground floor gap between the Berjaya Eden Park Hotel and the terrace of buildings that front onto Queensway. This is highly noticeable from the surrounding roads and harms the appreciation of the separation of the two blocks and the setting of the BCA. I accept there is a wall that projects beyond the rear elevation of 48 Queensway that could also have the appearance of infilling the gap between the two blocks. However, it is positioned significantly further away from Inverness Place, beyond the gap between the two blocks, and therefore it does not have the same harmful effect as the existing extension.
13. The red brick of the first and second floor rear extension contrasts starkly with the London stock brick that is the predominant material to the side and rear of the surrounding buildings. The addition of London stock brick slips to the exterior of the

extension could improve its appearance. However, the northern elevation of the extension abuts the boundary shared with 54 Queensway. Therefore, attaching brick slips to the exterior of this wall would extend the development onto land outside the appellant's control and I do not have a mechanism before me to ensure permission would be given by the landowner.

14. The southern wall of the first and second floor rear extension abuts the windows in the rear elevation of the original building. Consequently, it is unclear how the brick slips could be applied to the exterior of the extension without projecting beyond these window openings and harming the aesthetics of the original building.
15. It is unclear how rendering the first and second floor extension would not pose the same issues as attaching brick slips, as the render would also project beyond the exterior walls. Furthermore, render would likely make the extension more prominent when viewed from the surrounding roads as it would be seen against a backdrop of London stock brick. In any event, the inclusion of brick slips or render to the exterior of the first and second floor extension would not overcome the harm I have found regarding the extension's scale. This is equally true of the amendments to replace the existing uPVC windows and doors with timber, the inclusion of green roofs, and the creation of a parapet with stone copings.
16. I accept that the now demolished extension was not aesthetically pleasing. However, it was more diminutive in scale and therefore, less prominent in views from the surrounding roads and it did not infill the gap between the two blocks to the same degree. Consequently, compared to the existing extension, it was less harmful to the character and appearance of the surrounding area, the significance of the QCA and the setting of the BCA.
17. No substantive evidence has been provided to support the appellant's assertion that there is limited footfall along Inverness Place. Even if footfall was limited, it would not negate the extension's harm to the character and appearance of the surrounding area, the QCA and the setting of the BCA.
18. Photographs, Google Streetview images, and drawings submitted as part of an earlier planning application¹ clearly depict the now demolished first and second floor extension as being smaller than the "pre-existing" extension shown on the submitted drawings. However, this has not prevented me from forming a view on the main issue.
19. For the reasons detailed above, the development would harm the significance of the QCA and the setting of the BCA and would not preserve or enhance their character or appearance. Consequently, the development would cause less than substantial harm. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development.
20. It is unclear from the information before me, whether the first and second floor extension has increased the number of bedrooms within the residential use. Even if this could be demonstrated, the number of additional bedrooms would be small due to the size of the extension and therefore, they would make a modest contribution to the Government's aim of significantly boosting the supply of housing.

¹ Planning Ref 20/03128/FULL

21. I accept some public benefit arose from the removal of the previous first and second floor extension as it detracted from the appearance of the surrounding area and was of poor construction. However, I have found that the replacement extension is more harmful, and I am not persuaded that a less harmful extension could not be constructed. The first and second floor extension provides accommodation for the upper floor residential use. Therefore, it is unclear how it maintains the commercial use of the ground floor or how this is a public benefit. I acknowledge that the appellant has tidied up the rear of the appeal site. However, this could have been achieved without constructing an extension. I therefore attach limited weight to these matters.
22. Given the great weight I must attach to the conservation of the QCA and the setting of the BCA, the harm I have found in respect of the effect of the development on the significance of these Conservation Areas would not be outweighed by the limited/modest public benefits I have identified.
23. In reference to the main issue, the development would harm the character and appearance of the surrounding area, including the QCA and the setting of the BCA. It would conflict with Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040, adopted 2021 which, amongst other things, seek to ensure that all development positively contributes to Westminster's townscape and streetscape having regard to the character and appearance of the existing area, heritage assets, the spaces around and between them, materials and scale; and development will preserve or enhance the character and appearance of Westminster's Conservation Areas.

Other Matters

24. Concern has been raised that should I be minded to dismiss the appeal, the upper floor residential accommodation would become uninhabitable if the Council required the first and second floor extension to be demolished. However, this has not been substantiated with evidence.
25. I acknowledge that letters of support have been received regarding the development; the appellant asserts that the previous first and second floor extension collapsed while constructing the ground floor extension and therefore needed to be re-built; and issues with sourcing bricks during Covid-19. However, these matters do not outweigh the harm I have identified or the development's conflict with the development plan.
26. While the local amenity societies/residents' associations did not object to the planning application, objections to the development were received from the residents' associations during the appeal process. Furthermore, a lack of objection does not imply no objection.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry
INSPECTOR