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## Appeal Decision

Site visit made on 3 January 2025

**by Paul Griffiths BSc(Hons) BArch IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2025**

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### **Appeal A: APP/X5990/Y/24/3350343**

**49 Harrowby Street, London W1H 5ED**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Rabinder Singh Takhar against the decision of the City of Westminster.
  - The application Ref.24/00217/LBC, dated 12 January 2024, was refused by notice dated 10 May 2024.
  - The works proposed are described as 'the addition of a mansard roof extension and internal alterations to the existing two-bedroom maisonette and one-bedroom lower ground floor flat'.
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### **Appeal B: APP/X5990/W/24/3348483**

**49 Harrowby Street, London W1H 5ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Rabinder Singh Takhar against the decision of the City of Westminster.
  - The application Ref.24/00216/FULL, dated 12 January 2024, was refused by notice dated 10 May 2024.
  - The development proposed is described as 'the addition of a mansard roof extension and internal alterations to the existing two-bedroom maisonette and one-bedroom lower ground floor flat'.
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### **Procedural Matters**

1. In their decision notices, the Council referred to the proposals as the erection of a mansard roof to extend the dwelling, and internal alterations. I have dealt with the appeals on that basis
2. The DAS gives details of those internal alterations, some of which I refer to below. It also refers to secondary glazing at first and second floors and suggests that the windows in the rear elevation might be replaced. I have taken account of all this, alongside the plans, which were amended in the course of the application, in dealing with the appeals.
3. That said, I note that the appellant has stated in the appeal submissions that only one window in the rear elevation – the non-original single pane window – is to be replaced. I have proceeded on that basis.

### **Decisions**

4. The appeals are dismissed.

## Main Issue

5. Nos.46-53 (consec.) Harrowby Street, a terrace of houses from the early 19<sup>th</sup> Century, make up a Grade II listed building. The terrace lies within the Molyneux Street Conservation Area.
6. In that context, the main issue to be considered is the effect of the works/development on the special architectural and historic interest of the listed building, and whether they preserve or enhance the character or appearance of the conservation area. In the parlance of the National Planning Policy Framework (the Framework), this can be expressed as the impact of the proposals on the significance of the affected designated heritage assets.

## Reasons

7. While the buildings in the terrace to the north-east of No.49 (Nos.46-48) have been extended upwards with mansard roofs, Nos.49-53, that make up the remainder of the terrace, have not been extended in that way and retain their original composition. From what I saw, these mansard roofs that have been installed have had a markedly unfortunate impact on the terrace, harmfully changing the historic rooftop form, and giving it an unbalanced appearance. Moreover, the dwellings in those parts of the terrace that have received mansard roofs appear 'top heavy', and the effect on the architectural proportions of their frontages has been very damaging.
8. The addition of a mansard roof to No.49, as proposed, would bring further harmful change to the rooftop form, and more imbalance to the terrace. The proportions of its façade would be damaged in a similarly harmful way.
9. I understand that the timber structure of the roof to No.49 is of relatively recent construction so the extension proposed would not result in the loss of historic fabric. That may be so, but the important point is that these relatively new roof timbers respect the historic form of the original terrace roof.
10. In my view, for the reasons set out, the mansard roof proposed to No.49 would have a significantly harmful impact on the special architectural and historic interest of the listed building and fail to preserve or enhance the character or appearance of the conservation area. I note that the Council's Molyneux Street Conservation Area Audit suggests that roof extensions to No.49, and the rest of the terrace, are unacceptable. In my view, that is the correct approach to take.
11. Turning then to the internal alterations proposed, I saw that there have been some changes to the interior of No.49 in the past. However, at ground, first, and second floors, it retains the original cellular plan form, and this is an important aspect of its special interest, and significance. The removal of the ground floor partition between the main, front room, and the rear room, would detract from that cellular form.
12. Moreover, the chimney breasts that run up through the front rooms from lower ground floor<sup>1</sup> up to second floor are very important features of the building's plan form. Their removal, as proposed, would involve the loss of an historic feature, and historic fabric, that would have a most harmful impact on the plan form and proportions of the front rooms.

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<sup>1</sup> I was not able to see the chimney breast at lower ground floor level as access to the flat was not possible during my site visit but one is shown on the relevant drawing.

13. I note that the Council's SPG: *Repairs and Alterations to Listed Buildings* says that chimney breasts are important features that should not be removed. I agree with that.
14. For the reasons set out, these internal changes proposed would have a severe detrimental impact on the special architectural and historic interest of the listed building and its significance as a designated heritage asset.
15. Turning then to the windows, there are no details provided of how secondary glazing might work, and neither are there any details of the proposed replacement window to consider. In that context, I cannot take this aspect of the proposals further.
16. Bringing all that together, I find that the proposals would fall contrary to Policies 39 and 40 of the City Plan 2019-2040 that seek to protect Westminster's heritage, and secure sensitively designed development proposals, respectively.
17. As far as other material considerations are concerned, the Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework distinguishes between the approaches to take when the harm that would be caused to the significance of an asset would be substantial or less than substantial.
18. In this case, bearing in mind that the listed building is the whole terrace, and that the bar for a finding of substantial harm is a high one, I find that the harmful impact of the proposals on the significance of the listed building as a designated heritage asset would be less than substantial but nevertheless considerable. Similarly, given that the conservation area covers an area well beyond Harrowby Street, from where the proposed mansard roof would be most apparent, I find that the harm to its significance would be less than substantial.
19. Where less than substantial harm is found, the Framework says that the harm should be weighed against the public benefits of the proposal. I accept that there might be some limited public benefit in expanding the upper flat into a three-bedroom unit and in bringing the living spaces into line with what are termed modern living requirements.
20. However, bearing in mind the great weight that must be given to the conservation of designated heritage assets, a matter that has statutory force given the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990, I do not consider this limited benefit to be anywhere near sufficient to justify the harm to the significance of the designated heritage assets that would be caused. As such the proposals fall contrary to the Framework as well as the development plan.

## **Conclusion**

21. For all those reasons, I dismiss the appeals.

**Paul Griffiths**

INSPECTOR