
Appeal Decision

Site visit made on 5 February 2025

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/X5990/W/24/3350196

Flat B, 9 Durham Terrace, City of Westminster, London W2 5PB

- 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 & Mrs C Tosar against the decision of City of Westminster Council.
 - The application Ref is 23/06115/FULL.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Throughout the documentation there is reference to the development comprising a “floating” first floor extension. However, an extension has recently been constructed to the unit below and the proposal would sit atop of this and thus would not appear to be floating. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the appearance of the building, including whether or not the proposal would preserve or enhance the character and appearance of the Westbourne Conservation Area.

Reasons

4. The appeal property is a four-storey (above a basement), mid-terrace property. To the rear there is a three-storey closet wing, and this is replicated to the neighbouring properties, albeit that there have been some additions to other closet wings that have increased their height. Notwithstanding this, there is an attractive rhythm to the rear elevations of the terrace, strongly imparted by the projections and reliefs provided by the closet wings.
5. As mentioned above, there is an existing in-fill extension to the space between the closet wing of the host building and that of the neighbouring property, at basement and ground floor level. Nevertheless, as this does not extend higher than ground floor level, the characteristic presence of a gap between closet wings is retained.
6. The proposed development would create an additional infill element above the existing extension that would fill part of the relief that exists between the closet wings. This would serve to disrupt the rhythm of the rear elevation by diminishing the attractive pattern that currently exists. Moreover, the extension would be viewed as a glazed addition at first floor level, which is at odds with the traditional fenestration pattern that is evident across the majority of the rest of the terrace, further highlighting it as an incongruous addition to the building, harmfully at odds with its currently

attractive and relatively simple appearance. I note that the appellant asserts that the scheme would utilise high-quality materials, reflecting those of the existing extension below, however this does not overcome my concerns in respect of the presence of the extension at this position.

7. The appeal site is located within the Westbourne Conservation Area, and I observed that the significance of this designated heritage asset lies, in part, in the quality of the townscape within the vicinity of the site. This was most notably appreciable from the roads in the area which afforded attractive views of building facades and the relationships between buildings.
8. The proposed development would be positioned to the rear elevation of the terrace and would not generally be visible from vantage points in the public realm. I acknowledge that there would be views of the development from residential properties to the rear of the site, however these would be private views and would be over the rear elevation of the terrace only, and not of the wider conservation area or any wider context. In terms of effect therefore, the development would have a very limited degree of prominence. In these terms, there would in my view be no effect on the conservation area when considered as a whole. Accordingly, the proposal would not be detrimental to the conservation area and would thus preserve its significance.
9. While I have found that the proposal would not have a harmful effect on the Westbourne Conservation Area, it would be harmful to the appearance of the building. Thus, the proposal conflicts with policies 38 and 40 of the City of Westminster – City Plan (adopted April 2021). Together, and amongst other things, these policies seek to ensure that development is of a high-quality design and sensitively designed. The scheme would also conflict with the design aims of the National Planning Policy Framework.

Other Matters

10. I note that the proposal would increase the space that is provided within the residential unit of Flat B, and I recognise that this would result in benefits for the occupiers of this unit. Nonetheless, I find that this benefit is not sufficient to outweigh the harm that I have identified.
11. The appellant draws my attention to various examples of additions to the rear of the terrace that have already taken place. However, none of these are directly comparable to that which I am considering. Most notably, these are examples of additions on top of the closet wings or that have taken place at basement or ground floor level. There are no examples that have taken place at first floor level.
12. There are examples put before me of first-floor extensions, but these are located within the wider area and not the terrace of which the appeal site forms part of. As a result, their context and positioning are different and not comparable to the appeal scheme. They are therefore clearly distinguishable from the specific proposal I am considering. As such, none of the cited examples lead me to find differently than I have above.

Conclusion

13. For the reasons given above, the appeal should be dismissed.

Martin Allen

INSPECTOR