



Appeal Decision

Site visit made on 16 May 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2025

Appeal Ref: APP/X5990/W/25/3359184

15E Clifton Villas, London W9 2PH

- 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 Ms Susan Patricia Wolff against the decision of the City of Westminster Council.
 - The application ref is 21/02519/FULL.
 - The development proposed is installation of a 28 mm gas pipe to the front, revision of the balcony parapet at 2nd floor level rear and wider balcony behind, installation of a 1100mm high black steel rail at the rear 2nd floor balcony Flat 15B, installation of a fixed safety rail at rear roof level 1100mm high, and modification of the roof line to include an upstand kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, I observed that the development has already been constructed in line with the submitted plans. I have dealt with the appeal on this basis.
3. The description of development included within the application form stated, "application for approval of minor modifications to planning permission 15/07722". Given that this is unclear, I have used the description referred to within the Council's decision notice (albeit omitted the word retrospective as this is not a form of development). Whilst I have no evidence before me to confirm that the appellant has accepted this revised description, I find the Council's description to accurately describe the development as constructed. I am therefore satisfied that neither party has been prejudiced by this approach.
4. The Council's reason for refusal refers to a flue on the front elevation which the appellant contends is the terminal of a heat recovery ventilation unit. Within their final comments, the appellant has also referred to the materials used on the flat roof. These elements do not form part of the development before me for consideration, so I have not considered them further in my decision.
5. The appeal site is situated within the Maida Vale Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the host building, a non-designated heritage asset, and whether the development preserves or enhances the character or appearance of the Maida Vale CA, and,
- the living conditions of the occupants of neighbouring properties, specifically 14 Clifton Villas, with particular regard to privacy, noise and disturbance.

Reasons

Heritage assets

7. The appeal site is situated within the Maida Vale CA, which is primarily a Victorian and Edwardian residential suburb. The significance of the CA is partly informed by the historic layout and structure of architecturally significant avenues and crescents, which originally related to the geometry of the Grand Union Canal towards the south of the CA.
8. 15 Clifton Villas is a brick and stucco mid-19th century mid-terrace former townhouse formed of a basement, two upper storeys and a mansard. The architectural detailing of the stucco crescents within the CA are some of the most notable features of the area. The Council have identified the building, and the terrace within which it is located, as a non-designated heritage asset which positively contributes to the character and appearance of the CA. As is set out in national planning guidance, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications.
9. The gas supply pipe at the front of the building has a modest diameter painted white to match the front façade. Although I agree that the pipe is on the most visible elevation of the building, its finish and size result in it being a discrete feature which does not obscure important architectural features of the building. In respect to this element of the development I do not find conflict with Policy 40 of the City of Westminster City Plan (CoWCP) (2021), which for alterations seeks to avoid adverse visual impacts.
10. The development to the rear of the building is more substantial. Whilst this may be a secondary elevation, it is still visible in the public realm, including from Bristol Mews. The appellant contends that the previous continuous height of the horizontal parapet was perhaps for convenience during post war reconstruction. Irrespective of this, the wall forming the parapet before the development was relatively consistent in height which, as demonstrated by the photograph provided within the appellant's statement added to the visual uniformity of the row even with the differing mansards. I therefore disagree that the wall holds no architectural value.
11. The Council's supplementary planning document (SPD) titled "Roofs: A guide to alterations and extensions on domestic buildings" specifically recognises the value of mansard roofs in allowing additional accommodation at roof level without having a great impact on the appearance of the façade below. The cut out of the brick to create a terrace in front of the mansard has overexposed the mansard level when compared to the adjoining neighbours. This has created neither a continuous, nor a truly stepped design. Rather than resulting in a hierarchy to the buildings as suggested through the appellant's final comments, the cut out arrangement is incongruous to the established character of the terraced row. This form of

development is at odds with the design of the variety of mansards, flat roofs and balconies in the area.

12. The visual impact of the development is worsened by the excessive extent of railings as well as the safety rail on the roof. I agree with the appellant that the development plan does not ban balconies or railings per se, and that these are seen elsewhere in the immediately surrounding area. However, in this case the development cumulatively adds an unacceptable degree of visual clutter to the host building. The vertical alignment of the windows, doors, balconies and railings does not mitigate the harm associated with the development.
13. The development at the rear has led to an adverse effect on the overall design and appearance of the building and its harmonious relationship with the attached neighbours within the terrace. It causes harm to the character and appearance of the host building, a non-designated heritage asset. It also fails to preserve or enhance the character or appearance of the Maida Vale CA. Instead, it undermines its architectural and historic significance. The appellant suggests that the comments of the CA guide have not been taken into account by the Council, but I find nothing within that document which would lead me to a different conclusion.
14. The development conflicts with Policies 38 and 39 of the CoWCP, which require, amongst other matters, for developments to have regard to heritage assets and ensure that heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance. The development also as a whole conflicts with Policy 40 of the CoWCP through a failure to respect the character of the existing and adjoining buildings.

Living conditions

15. Policy 7 of the CoWCP relates to the need for development to be neighbourly, including in the context of living conditions and preventing overlooking. Policy 33 of the CoWCP partly relates to the health and wellbeing of existing occupiers. It also goes on to require developments to prevent adverse effects of noise, albeit I agree with the appellant's interpretation that this is more in relation to the impacts arising from commercial developments.
16. The use of the second-floor terrace allows the occupiers of the host building opportunity to look into the windows at the rear of 14 Clifton Villas at close proximity. Although I agree that the view is at an oblique line of sight, there is still visibility into the windows of No 14, particularly towards the end of the terrace. This amounts to a loss of privacy through overlooking. I note that the current neighbouring occupiers have shared their support for the development, but any planning permission would go with the land and I find it unlikely that future occupiers would find the relationship acceptable.
17. The level of usage of the terrace is limited by virtue of the size of the flat which it serves as well as the size of the terrace itself. I do not consider that the usage of the terrace would cause noise and disturbance which would be uncharacteristic of the residential context within which the site sits. In respect to noise and disturbance alone, the proposal does not conflict with Policies 7 and 33 of the CoWCP.

18. The appellant's statement refers to the context of the site and the existing relationships between properties, including those where rear gardens are overlooked by higher level flats. My attention has also been drawn to existing balconies at various neighbouring properties. Whilst limited details have been provided, I did observe various other balconies during my site visit. However, I did not observe, nor have I been provided details of any similar balconies in the immediate area which project in a similar design in such close proximity to a neighbouring window. I therefore do not find any of the examples given to be comparable to a degree which would justify the development.
19. It is stated by the appellant that the open trellises on the balcony have been designed to create discrete screening. The trellis is not part of the development before me and so I can only attach its presence limited weight. I have considered the use of a condition to further enhance the level of screening to the windows at No 14, but this would only serve to add further visual clutter to the rear elevation. Thus, whilst it may help to mitigate the harm to living conditions, it would further compound the heritage harm I have identified in relation to the first main issue.
20. For the reasons above, the development has a materially harmful impact to the living conditions of the occupants of neighbouring properties, specifically 14 Clifton Villas, with particular regard to privacy. The development as a whole is therefore contrary to Policies 7 and 33 of the CoWCP, which seek collectively to deliver development which has an acceptable relationship with its neighbours.

Other Matters

21. The appellant has referred to a previous appeal at the site, reference APP/X5990/W/17/3174360 and contends that this is incorrectly summarised by the Council. Nevertheless, having reviewed this decision, it clearly relates to a single window opening rather than the extensive works of the development before me. The previous Inspector found that the proposed detail of that window would not appear particularly obtrusive. The two schemes are materially different in their extent, and I have reached a different conclusion based on the cumulative impacts of the various elements of development combined.
22. The appellant has provided justification for the need of the development including the requirements of building regulations and safety for the railings on the terrace and the roof. However, little evidence has been provided that there are no less harmful means of securing safety or access for maintenance. I note that in the appellant's final comments they have referred to other rooftop railings within the CA, but little detail has been provided to allow me to identify direct comparisons to the appeal scheme before me. From my own site observations such structures do not appear to be a prolific form of development in the area which suggests that they are not strictly necessary.
23. It is also stated that the proposal would allow the adjacent property, 14 Clifton Villas, to consider building an additional storey. I have no further details before me to suggest that this is an intention for the neighbouring property. In any case, this would need to be assessed on its own merits irrespective of the outcome of this appeal.
24. The appellant refers to a lack of weight being attached to the Council's SPD on the Environment. I have not been provided with a full copy of this document albeit sections have been cited in the appellant's statement and final comments. The

relevance to the appeal before me appears to predominantly relate to the benefits associated with additional planting. The appellant states that the biodiversity enhancement achieved through the development exceeds the minimum standard required through the Greater London Authority Urban Greening Factor for residential developments. This represents a minor benefit to the development.

25. Several letters of support have been submitted in relation to the development relating to a wide range of matters. These include the benefits of the development for safety, sustainability, living conditions and biodiversity. It is also stated that the development would not be harmful in relation to either of the main issues discussed above and that the changes are trivial and reasonable in the context of the building. The benefits cited will be weighed in the overall planning balance below.
26. The appellant has referred to an appeal at nearby Clifton Gardens, reference APP/X5990/D/13/2208307. A copy of the decision has been provided. The Council have provided further details of the case in their statement which demonstrate that the proposal is not directly comparable in that there is no cut out to the parapet at the rear. The plans included in the Council's statement also do not appear to show the use of excessive railing as is the case here. I also note that the Inspector in their decision specifically referenced that the rear elevation is not readily visible in public views, which is not the case for the appeal site. I have therefore attached little weight to this decision.
27. The appellant contends that the Council's SPD titled "Roofs: A guide to alterations and extensions on domestic buildings" has been superseded by the policies in the development plan. As the Council has confirmed, this is not the case and the SPD remains to be read alongside the development plan, albeit is not an adopted policy. As above, I have considered the SPD as a material consideration in my decision.
28. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
29. The appellant has referred in their final comments to the representations received, specifically in relation to where the interested parties reside. The comments received have been considered in relation to the planning matters which they raise.

Planning Balance

30. The National Planning Policy Framework (the Framework) describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework is clear 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 also requires a balanced judgement in respect to the effect on non-designated heritage assets.
31. Given my findings above, I find the harm to the CA to be less than substantial, but nevertheless of considerable importance. Under such circumstances, paragraph

215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

32. The Council have clearly weighed the benefits of their proposal in their decision making as referred to in the officer report. The development has some benefits including improving the outlook for the occupiers of the flat in the mansard, creation of additional outdoor amenity space and the opportunity for planting on the terrace which could in turn lead to benefits to biodiversity and a reduction in flood risk. There are also benefits associated with the increased safety that the rails provide. The benefits to the living conditions and safety of the occupiers are largely private benefits. Whilst I agree that the environmental benefits cited are public, they are modest in extent and not sufficient to outweigh the harm to the significance of the CA, to the conservation of which the Framework requires that great weight be given.

Conclusion

33. I conclude that the development fails to satisfy the requirements of the Act, the Framework, and is not in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

L Gardner

INSPECTOR