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## Appeal Decision

Site visit made on 1 June 2022

Holly Sharpley

by **T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

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**Appeal Ref: APP/X5990/W/22/3291118**  
**Flat 2, 22 Foley Street, London W1W 6DT**

- 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 Peter Meadows against the decision of City of Westminster Council.
  - The application Ref 21/05655/FULL, dated 16 August 2021, was refused by notice dated 26 October 2021.
  - The development proposed is erection of new roof room on existing roof terrace with roof access to match neighbour.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the East Marylebone Conservation Area (the Conservation Area).

### Reasons

4. The appeal site relates to an upper flat within a terraced building which sits within a highly urban area which incorporates a diverse range of buildings in different uses set on a largely grid style street pattern. The significance of the Conservation Area sits largely with the form, scale, materials and detailing of its buildings.
5. Whilst the evidence suggests that No.s 21-23 Foley Street may have suffered war time bomb damage and therefore have been subject to repair or re-build, the buildings, whilst incorporating slightly less detail than those neighbouring to the west, are complimentary in their form, scale and materials to those nearby.
6. The roof room would have a box form, incorporating a flat roof. However, it is clear that roof extensions of this style are not characteristic of the Conservation Area.
7. Whilst there are some examples of flat roofs, the adjacent roofscape more commonly incorporates traditional mansard roof forms which contribute positively to the character and appearance of the Conservation Area.
8. The roof room would be a bulky and dominant feature which would sit on top of the existing mansard roof where it would form a visually uncomfortable feature which

- would detract from the appearance of the traditional mansard roof and introduce a roof addition which would be uncommon to the area.
9. Whilst views of the proposal from the street would be limited given the set back of the roof room from the front of the building, the height of the building and the narrowness of the street, the same would not be the case from surrounding buildings from where it would be clearly visible in close and medium range views.
  10. The proposal would therefore detract from the appearance of the property. Subsequently, it would detract from the heritage significance of the Conservation Area which lies in part with the form, scale, materials and detailing of its buildings.
  11. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the Framework requires such harm to be weighed against any public benefits of the proposal.
  12. The benefits of the proposal are likely to be limited to extended living space at the appeal property. However, the benefit of extended space would primarily be a personal one. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, such benefit is not sufficient to outweigh this harm.
  13. The proposal would therefore conflict with policies 38, 39 and 40 of the City Plan (2021) and Policy PR1 of the Fitzrovia West Neighbourhood Plan (2021) which amongst other things require that proposals are of high-quality design and contribute positively to the townscape having regard to the character and appearance of the existing area. There is also a requirement that heritage assets are conserved and enhanced.

#### **Other Matters**

14. I appreciate that No.23 already incorporates a roof room which has a similar appearance to that before me. However, the evidence indicates that this structure was seen as acceptable partly as it replaced an existing albeit smaller structure. That would not be the case at the appeal site where the roof top is lacking in development. I therefore afford this matter limited weight.
15. It is suggested that if this proposal were permitted and a further roof room were developed at No.21 a series of roof extensions could bring a degree of consistency to the roof form of this section of the terrace. However, it is not certain that this would occur to bring about the benefits alleged and I have identified clear harm with this proposal in any event. I therefore afford this matter limited weight.

#### **Conclusion**

16. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

*T J Burnham*

INSPECTOR