



Appeal Decision

Hearing held on 3 April 2012

Site visit made on 3 April 2012

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2012

Appeal Ref: APP/N5660/A/11/2166324

118-120 Westminster Bridge Road, London SE1 7XB

- 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 Yavari Ltd. against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 11/00656/FUL, dated 24 February 2011, was refused by notice dated 29 November 2011.
 - The development proposed is side extension to the existing hotel to provide additional hotel (class C1) accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Unilateral Undertaking, under section 106 of the Town and Country Planning Act 1990, to make various financial contributions. However, as I have dismissed this appeal there is no requirement under Regulation 122 of the Community Infrastructure Levy Regulations 2010 to consider these matters further and I have not done so.

Main Issues

3. From all the representations submitted, and my inspection of the site, I find that the main issues are:
 - (a) whether the proposed development would preserve or enhance the character or appearance of the Lower Marsh Conservation Area;
 - (b) the effects of the proposal on the living conditions of adjoining residents with particular regard to outlook and sense of enclosure.

Reasons

Conservation area

4. The Lower Marsh Conservation Area is centred on the street called Lower Marsh and the section of Westminster Bridge Road between the railway viaduct and the junction with Baylis Road. Lower Marsh itself follows an ancient route into London and is the site of a long-standing street market. The conservation area is characterised by a mix of mostly 19th and 20th century commercial buildings with narrow plots along Lower Marsh but larger buildings to Westminster Bridge Road where the original plots were subject to war-time bomb damage or subsequent clearance.

5. The appeal site is within the conservation area but on its edge, opposite the Baylis Road junction. It occupies what were probably two plots between The Horse public house and the junction and these in turn are surrounded by large, post-modern style residential developments, of which Chamberlain House adjoins the appeal site along Baylis Road.
6. The building at Nos.118-120 was purpose designed for the Lambeth Building Society in 1960 and submitted for a Civic Trust Award. It rises to six storeys and occupies a prominent corner. It is a squat tower with regimented fenestration that is very much of its time. It does have well-thought out proportions and projecting vertical fins between the windows which give it rather more modelling than many contemporaneous buildings. It is finished in high quality materials including Portland stone. Three elevations follow this pattern; that adjoining The Horse is blank. The vertical fins come close together on both corners facing Baylis Road to produce a well articulated 'negative' detail between the three main façades.
7. The consistency on three sides has resulted in a building with strong sculptural qualities above a ground floor 'plinth'. It was undoubtedly meant to be read as an entity, and to make an architectural statement, in contrast with the more continuous streetscene produced by the narrow plots along Lower Marsh. The building was converted to a 'Tune' hotel in about 2010. This included altering the ground floor to a café which has provided a far more active frontage.
8. In my assessment, most of the significance of the conservation area is derived from Lower Marsh. Nevertheless, a portion of Westminster Bridge Road has been deliberately included. Given the degree of thought put into the design of the block at Nos.118-120, the quality of materials, and its prominent location, I find that it makes a small but nonetheless positive contribution to the conservation area.
9. The proposed extension would stand above the service yard which adjoins the hotel along Baylis Road. It would rise to the full height of the existing hotel and generally extend to its front wall. The ground floor would retain an access to the service yard but the brick wall to the road would be replaced with a window and wall to match the café. The façade above would echo the proportions of the storeys and windows of the existing building but would be very slightly stepped, rather than all in one plane, to give some modelling to the elevation. The cornice and recessed top floor would be extended across to match.
10. As a result, I find that the proposed elevation along Baylis Road would have the appearance of one continuous, if slightly disjointed, façade. The extended height cornice, together with the lack of significant set back to the front wall, would lead to the original composition being subsumed into a larger whole. I acknowledge the attempts to model the extension's façade and the wise decision not to try and reproduce the 50 year old original treatment. Nevertheless, by essentially following the front line of the building, I find that the thoughtful articulation around the front corner of the original would be lost. From this angle, it would cease to appear as a single, sculptural entity but as part of a larger, less satisfactory composition. For all these reasons, the extension would detract from the existing building's small but positive contribution to the conservation area and would harm it.

11. The proposal would therefore conflict with policy S9 of the Lambeth Local Development Framework, adopted in 2011, which aims for the highest quality of design in extensions and the public realm and to safeguard the borough's heritage assets. The extension would be contrary to paragraphs 56 and 132 of the *National Planning Policy Framework* (the *Framework*), March 2012, which attach great importance to the design of the built environment, and to the conservation of designated heritage assets which include conservation areas. Insofar as there is no more than limited conflict between these policies and the *Framework* (paragraph 214) the scheme would also be contrary to current adopted policies 31, 33, 36 and 47 of the London Borough of Lambeth Unitary Development Plan (UDP) 2007, which require proposals to respond to, and enhance, the architectural character of the area, be of a high quality design and compatible with architectural compositions, have extensions which would generally be subordinate to the original building, and preserve or enhance the character or appearance of the conservation area.
12. I accept that decision-makers should not try to impose any particular style (*Framework* paragraph 60), but my objections are not to the style or detailing but the design concept. In particular, by proposing an extension on the same building line and height as the original, the design would harm the overall appearance and its positive contribution to the conservation area. The Council has acknowledged that the harm it identified would not meet the hurdle of *substantial harm*, under *Framework* paragraph 133, and for the above reasons I agree. I have therefore considered any other harms and benefits before reaching my overall conclusions.

Living conditions

13. Chamberlain House is set back slightly from the footway and from the front wall to the service yard. It mostly rises to four storeys but is only three storeys high, with a flat roof, adjoining the service yard. This area includes two private roof terraces with access from French windows facing the hotel. The existing building already casts something of a shadow over the flat roof, as well as other open spaces beyond, and blocks some of the views from the terraces. The proposed extended roof would bring the building even closer, restricting sunlight and views across Baylis Road.
14. I accept that the existing residents are fortunate to enjoy a view and would still do so. Unlike sunshine, daylight is a function of the amount of sky which can be seen and I doubt that the levels reaching the terraces or French windows would be reduced significantly. Nevertheless, extending the highest storeys of the building so that they would come much closer to the French windows, and doing so on the building line of the hotel rather than that of Chamberlain House, would result in an outlook onto a mostly blank wall which would appear far more prominent, and overbearing, as it would be much closer to the front of these windows. As a result, I find that the outlook would be significantly affected and become unacceptably oppressive. It would therefore conflict with UDP policy 33, which requires an acceptable standard of privacy, and with *Framework* paragraph 17, which seeks a good standard of amenity for all existing occupants.

Benefits

15. I have noted the improvements the café has made to the active frontage but these have already been carried out. I accept that tidying up and linking the

frontage to the service yard would improve its appearance but this would mostly be apparent at street level, whereas the bulk of the extension would be seen in more widespread views into the conservation area.

16. I have noted that the proposal would offer other benefits, including local employment and additional hotel beds, on an under-used site, in a sustainable location. In these regards, the proposal is supported by paragraphs 18 and 134 of the *Framework*, which encourage economic growth and the optimum viable use. On the other hand, the Council has no objection to the principle of an extension and nor do I. It follows that many of these benefits could be achieved by a design which would not cause the harm I have identified and that consequently the public benefits would not outweigh the harm to the conservation area. I have noted the pre-application discussions with officers, and their recommendation in favour, but also that such advice is given without prejudice and that the Council's reasons for refusal do explain its objections.

Conclusions

17. For the reasons given above, and having regard to all other matters raised, I conclude that the harm to the conservation area and the living conditions of adjacent residents would not be outweighed by the benefits and that consequently the appeal should be dismissed.

David Nicholson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Cooper	Solicitor
Dr Mervyn Miller	
Lee Pickering	Architects Network
Peter Dines	Gerald Eve

FOR THE LOCAL PLANNING AUTHORITY:

Nicholas Linford	London Borough of Lambeth
Seonaid Carr	London Borough of Lambeth
Charleen Henry	London Borough of Lambeth

INTERESTED PERSONS:

Dr John Matthews	Local resident
Richard Woolard	Local resident
David Clarson	Local resident
Jeremy Cross	Waterloo Development Group
Joe Stenson	Local resident

DOCUMENTS

- 1 Letter of notification of Hearing
- 2 Updated statements following publication of the Framework
- 3 Unilateral undertaking

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