
Appeal Decision

Inquiry held on 18 to 21 September 2018

Site visit made on 21 September 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2018

Appeal Ref: APP/X5990/W/17/3191885

William Court, 6 Hall Road, London NW8 9PA

- 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 Mansley Limited against the decision of City of Westminster Council.
 - The application Ref 17/04663/FULL, received by the Council on 26 May 2017, was refused by notice dated 8 August 2017.
 - The development proposed is 3no family dwellings (1 x 3 bed, 1 x 4 bed, 1 x 5 bed) and associated amenity space at William Court, 6 Hall Road, together with landscaped residents' gardens. Associated provision of cycle parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The William Court Core Residents Group (CRG) participated in the Inquiry as a 'Rule 6' party. A draft Planning Agreement was discussed at the Inquiry and a completed version submitted following the close. I have considered its obligations in reaching my decision. I have also taken into account the Statement of Common Ground between the Council and the appellant.

Main Issues

3. The main issues are:
 - the effect of proposed houses 1 and 3 on the character and appearance of the area, with particular regard to the St John's Wood Conservation Area and its setting;
 - the effect of proposed houses 1 and 3 on the living conditions of the occupiers of William Court flats 13 and 16 with particular regard to outlook and daylighting levels;
 - the effect of the proposed parking arrangements on highway safety and convenience.

Reasons

Character and Appearance

4. Hamilton Gardens to the north and Hamilton Terrace, which adjoins the site to the west, fall within the St John's Wood Conservation Area (CA). The parties
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disagree over the extent to which the CA boundary overlaps with the northern boundary of the appeal site. The Council considers that the boundary wall only is within the CA, whereas the CRG considers that a strip of land within the site is also inside the CA. The appellant does not dispute the Council's position and I have no reason to believe that the wall at least is not within the CA. Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is, therefore, engaged. However, even if the CRG position is correct, having regard to the reasoning set out below, it is not determinative in this case.

5. The appeal site accommodates a five storey mansion block which rises above a podium deck at its northern end. The design of the building owes something to the Art Deco style and is finished in brick and stucco. It dates from the late 1930s or early 1940s. The 'I' shaped footprint of the main building extends north from Hall Road towards the southern end of Hamilton Gardens. The podium deck and ancillary areas therefore create space around the building allowing the residential accommodation above to have the appearance of a free-standing block. This arrangement is characteristic of the later mansion blocks adjoining the CA.
6. The space to the west of the block is most apparent from Hamilton Gardens, whilst the space to the east can be appreciated from Hall Road. These spaces contribute to the setting of the block itself. However, in this case they do more than that. William Court sits close to, and within the setting of, the late Victorian brick and slate Hamilton Gardens terrace, as well as the recent terrace at Hamilton Drive, which is more classical in style and finished in white stucco. These three groups of buildings are, therefore, of different ages, built forms and architectural styles. In my view the spaces around William Court provide necessary separation. They allow each building to be read independently, thereby assisting in their legibility and the interpretation of the development of the area over time, including the relationship between the appeal site and the CA.
7. Turning to proposed house 1. As the Council's Conservation Area Audit (CAA) notes, the CA is extensive and has been developed over a prolonged period. The earlier phase, mainly in the north of the designated area, is typified by generously spaced villas surrounded by greenery which gives it an 'Arcadian' character. The later development, including the southern part of the CA closest to the appeal site, has a tighter urban grain in the form of terraced buildings which offer a greater sense of enclosure. Although this part of the CA was a later designation, there is nothing to suggest that it is of lesser heritage value. Hamilton Gardens and Alma Square are examples of this 'slight departure' from the Arcadian character of other parts of the CA and have been described as a 'secluded enclave'¹.
8. There is some evidence to indicate that the way in which the Hamilton Gardens terrace ends was unplanned and that there may have been an intention to continue a terrace south into what is now the appeal site. In any event, the scale and form of William Court, which is prominent in views from the southern end of Hamilton Gardens, now presents a rather abrupt contrast to the scale and form of Hamilton Gardens and Alma Square. The wall and planting on the northern boundary of the appeal site also helps to distinguish it from Hamilton Gardens. However, the wall is fairly low and this allows views over it to the

¹ 1979 Report Westminster City Council recommending the extension of the CA to include Hamilton Gardens and Alma Square.

space around William Court. Together with the greenery present, the view provides visual relief and counterpoint to the imposing presence of William Court. The space also assists in understanding how the areas inside and outside the CA have developed and lends this part of the CA some of its secluded character.

9. These attributes of the space can be appreciated from a reasonable length of Hamilton Gardens and the western end of Alma Square. Whilst these views are not referred to specifically in the CAA, paragraph 4.104 advises that non-specified views contribute to the Arcadian quality of the area and that full consideration should be given to the impact of development on views into and out of the CA. Therefore, although the space to the west of the block may not have been part of the original design intention, I consider that it is now a significant positive contributor to the townscape generally and to the setting of this part of the CA in particular.
10. The single storey element of house 1 would extend from the western boundary of the appeal site to some 1.2m from the flank wall of William Court. A narrower range, a further two storeys high, would sit on the western part of this element. The north eastern corner of the upper floor element would align with 26 Hamilton Gardens, although the elevation itself would be angled slightly forward of that building and there would be a gap of some 4m between the buildings. The ground floor of the house would be below the Hamilton Gardens street level. Nevertheless, the flat roof of the single storey element would be higher than the boundary wall and would be visible from the street. Therefore, except when viewed from close to the appeal site boundary, where the viewing angle would reveal the gap between the new house and No 26, the house would appear to span the space between No 26 and William Court.
11. I recognise that the arrangement of the upper storeys would retain a gap to William Court above ground floor level. However, the volume of the existing space would be reduced considerably, as would views to the greenery which is largely located on the Hamilton Terrace boundary and, therefore, behind the new house in views from Hamilton Gardens. The angled alignment of the upper floor element of the new house, whilst subtle and reflective of a change in the alignment of the terrace further north, would somewhat increase the presence of this part of the house in the street scene. Moreover, the effect of the new built form in appearing to span the gap between No 26 and William Court would, of itself, undermine the separation between buildings which I have found to be an important function of this space.
12. I appreciate that the massing of the house seeks to respond to its setting and that the building is subservient in scale to both No 26 and William Court. However, the resulting form is somewhat contrived and deviates from that of both adjoining buildings. Furthermore, although the house would take pedestrian access from Hamilton Gardens, the building itself does not address the street. Whereas the proposed external materials and, to a degree, the design details of the house would echo those of William Court, by virtue of its siting, the upper floor element in particular would be more closely related to the Hamilton Garden terrace. Consequently, I consider that the massing and appearance of house 1 would appear muddled and discordant in this sensitive location.

13. A glimpse of house 1 would be available in the gap between 78 and 80 Hamilton Terrace when standing on the west side of that road. This view would be from within the CA and the gaps between the large houses in this road contribute to the Arcadian character of the heritage asset. However, the new building would be positioned a considerable distance to the rear of Nos 78 and 80 and the glimpsed view currently includes the side of William Court. As such, I consider that the addition of house 1 in this fleeting view would have a very minor additional harmful effect on the character of the CA.
14. The CRG has also expressed concern that house 1 would harm the setting of the listed buildings at 92 and 94 Hamilton Terrace. There is no inter-visibility between the listed buildings and the appeal site from public view points and likely to be little or none in private views from the rear of the buildings. Whilst I recognise that, historically, the comparative openness of the appeal site (then Verulam House) at the time when the listed buildings were erected may have contributed to their setting, that relationship has been largely, possibly, entirely lost. Nor is there substantive evidence of an historic or functional association between the properties. Consequently, I find that the proposal would preserve the setting of the listed buildings.
15. The pedestrian access to house 1 would require a new opening in the site's northern boundary wall. Subject to satisfactory detailing, which could be controlled by condition, I consider that this fairly minor intervention would not have a harmful effect on the character and appearance of the CA.
16. The existing podium deck to the north of William Court is finished in asphalt and detracts from the immediate setting of the building, particularly in views from the windows of the flats which face it. Soft landscaping, although no tree planting, is proposed in this area. The details of the scheme could be secured by condition and it would improve the appearance of the deck itself and the view from facing flats. However, the deck cannot be seen from the wider CA, except by looking over the boundary wall at close range. Therefore, even if this part of the site falls within the CA as claimed by the CRG, the extent to which the new landscaping would enhance the CA and its setting would be very limited. Nevertheless, since I have also found that the proposal would not harm the northern boundary wall, it would accord with Section 72(2) of the 1990 Act.
17. The appeal site comprises a relatively small part of the setting of the CA as a whole. However, I have found that it makes a particular contribution to that setting and that house 1 would have a substantial impact on that contribution. Consequently, overall I find harm to the heritage significance of the CA and that this should be considered as less than substantial.
18. House 3 would abut the eastern flank wall of the northern end of William Court and extend almost to the eastern boundary of the site. The end wall of the recently constructed Hamilton Drive building sits very close to the same boundary. The house would be set back a considerable distance from Hall Road and the presence of William Court and Grove Hall Court on either side would curtail the field of view from Hall Road. As such, the house would not be prominent in the street scene.
19. Nevertheless, the contribution of the space where house 3 is proposed in separating William Court and Hamilton Drive, as well as offering a glimpse to the rear of 20-22 Hamilton Gardens, can be readily appreciated from Hall Road.

Whilst the house would only rise a single storey above the podium deck, it would effectively fill the space between William Court and Hamilton Drive at that level. It would blur the distinction between these two buildings of very different styles and ages. As with house 1, although the scale of house 3 would be subservient to the surrounding buildings, its built form would be at variance with them. Consequently I find that the effect of house 3 in diminishing the space around William Court and confusing the relationship between it and nearby buildings would be harmful to the character and appearance of the area.

20. Taking the proposal as a whole, I find that it would cause less than substantial harm to the significance of the CA and would have a further detrimental impact on the character and appearance of the area more generally. The proposal would, therefore, conflict with the following development plan policies. Policy S28 of Westminster's City Plan (2016) (CP) to the extent that it requires proposals to incorporate exemplary standards of urban design and architecture. Policy DES1 of the Council's Unitary Development Plan (2007) (UDP) insofar as it requires development to be of a high standard of urban design and architectural quality, to improve the quality of spaces around and between buildings and respect and maintain the character, urban grain, scale and hierarchy of existing buildings. Policy DES9² of the UDP in that it presumes against proposals within the setting of a Conservation Area that would have an adverse effect on the area's recognised special character, including intrusiveness in views into or out of the area.
21. The decision notice also alleges conflict with UDP Policy DES4 which deals with infill development. On a strict interpretation, the policy's definition of infill development does not apply to the appeal proposal. However, the policy's aims are broadly encompassed by the policies cited above and therefore, even if it were to apply, it would add little to my consideration of this issue.
22. Whilst there is no statutory protection for the setting of conservation areas, Framework paragraph 194 requires consideration to be given to any harm to or loss of significance of a designated asset from development within its setting. The proposal would, therefore, conflict with Framework paragraphs 192 and 193 which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and to give great weight to the conservation of the asset according to its importance. As a designated heritage asset, the CA is of considerable importance. The Framework is also clear that great weight should be attached to heritage harm irrespective of whether it is substantial or less than substantial. Paragraph 196 requires less than substantial harm to be weighed against the public benefits of the proposal. I do this in the Planning Balance below.

Living Conditions

23. House 1 would be positioned adjacent to the kitchen and bathroom windows of William Court Flat 16. Directly outside the windows there would be a gap some 2.4m in depth to the single storey element of the house. This would narrow to around 1.2m on either side of the windows. The kitchen is not large enough to accommodate an eating area and an opening (which is about the size of a single internal door, but without a door fitted) provides light and a degree of outlook from the flat's well-lit dining/living area. Nevertheless, although the kitchen window is narrow, it provides a pleasant and fairly open outlook taking

² The Council's statement of case confirms that the decision notice should refer to Policy DES9, not DES10

in greenery and the sky when standing at the sink and adjoining worktops. This is an established element of the enjoyment of the property which supplements the oblique view through the opening to the dining/living area. The appeal proposal would replace it with a close range view of a blank wall, albeit potentially softened by new planting.

24. The appellant's evidence refers to a 'rule of thumb' whereby the effect of a new building on the outlook of neighbouring occupiers would be acceptable if the sky is visible within 45 degrees of typical lines of sight from the affected window. However, little information on the basis of this rule has been provided and, at the Inquiry, it was accepted that it is not supported by any identified source of policy or guidance. Notwithstanding the appellant's view that the kitchen should not be considered as a habitable room because of its size, which I address below, I nevertheless consider that the magnitude of the change to the outlook from the kitchen window of Flat 16 would be harmful to the living conditions of the occupiers.
25. The bathroom window has obscured glazing and, whilst it is openable, the restricted outlook from it when open contributes little to the functioning of the room. Therefore, I consider that the effect of the proposal on the outlook from this window would not harm the living conditions of the occupiers of the flat.
26. House 3 would abut the wall containing the bathroom window of Flat 13 and a modestly sized lightwell would be positioned adjacent to the window. Whilst this arrangement would reduce the outlook from the window, much the same considerations apply here as to the bathroom window of Flat 16. As such, I find that proposal would not harm the living conditions of the occupiers of Flat 13 by reason of loss of outlook.
27. The proposal is supported by a Daylight and Sunlight Report³ which, among other things, assesses the effect of the proposal on the daylight and sunlight reaching the windows of neighbouring properties. Of the 485 windows assessed for daylight, the report finds that only the kitchen and bathroom windows of Flat 16 and the bathroom window of Flat 13 would not comply with BRE Guide⁴. Whilst this represents a 99% compliance rate, it says little about the impact on the properties which are affected.
28. There was broad agreement at the Inquiry that bathrooms are not habitable rooms for the purposes of daylight assessment. The appellant argues that, by virtue of its size, the kitchen of Flat 16 should not be regarded as a habitable room either and has referred to an appeal decision for residential development at the Whitechapel Estate⁵. However, the policy support for this position is derived from definitions in the UDP and the Mayor of London's Housing Supplementary Planning Guidance (SPG) which are concerned with issues of density and dwelling type, rather than living conditions. Reference was also made to the committee report for a development at 1A Sheldon Square⁶ which says that the loss of light to large kitchens is 'of more concern' than the loss to non-habitable rooms such as small kitchens. The basis on which the report distinguishes between large and small kitchens is not clear. However, the report does refer to the BRE Guide. Paragraph 2.2.2 of that document states

³ Malcolm Hollis dated 19 May 2017

⁴ Building Research Establishment Site Layout Planning for Daylight and Sunlight Good Practice Guide

⁵ Appeal reference APP/E5900/W/17/3171437

⁶ Application reference 17/05609/FULL

that its guidelines are intended for use in rooms including kitchens without distinguishing between whether they are large or small. Having regard also to my finding on the contribution of the Flat 16 kitchen window to the enjoyment of that room, it would be reasonable to apply the BRE Guide to the window.

29. The Report finds that the proposal would result in the Vertical Sky Component (VSC) measure for the Flat 16 kitchen window falling from 34.47% to 15.34%, or 0.45 times its former value. The BRE Guide VSC target value is 27%. The Guide also advises that, where the VSC is reduced to less than 0.8 times its former value, daylighting is likely to be significantly affected. The Report did not undertake the No Sky Contour (NSC) (or Daylight Distribution) assessment for the window, although this was produced subsequently. A reduction of less than 1% was found. Nevertheless, paragraph 2.2.21 and Figure 20 of the Guide indicate that such a result does not overcome the non-compliance with the VSC test.
30. The Guide is intended to be applied flexibly, particularly in urban areas. The appellant has drawn my attention to advice in the SPG on this point as well as to proposals where VSC reductions to less than 0.8 times the former value have been found to be acceptable. However, the reduction in this case would be to less than half the former value, which I consider would be significant. Taken together with the impact on the outlook from the window, I find that the proposal would have a harmful effect on the living conditions of the occupiers of Flat 16 by reason of loss of outlook and daylight to the kitchen window.
31. Therefore, notwithstanding that the effect on the bathroom windows of Flats 13 and 16 would not be harmful, the proposal would not accord with Policy S29 of the CP or Policy ENV13 of the UDP insofar as they presume against development that would result in an unacceptable loss of residential amenity, including a material loss of daylight or a significant increase in the sense of enclosure.

Highway Safety and Convenience

32. The proposal would not provide on-site parking for the new dwellings. Policy STRA25 of the UDP seeks to control on and off site parking within the requirements of the traffic reduction policy. The aims of this policy include supporting traffic restraint/reduction, improving road safety and promoting development which supports more sustainable travel choices.
33. Policy TRANS23(A) of the UDP requires off-street parking to be provided at a maximum rate of one or two spaces per unit of three bedrooms or more, where appropriate and practical. It was agreed that a rate of one space per unit would be appropriate in this case. Section (B) of the policy requires the likelihood of additional on-street parking to be taken into account and states that the Council considers that there will be a 'serious deficiency' in such provision where additional demand results in more than 80% of legal on-street spaces being occupied during the day or night. In these circumstances proposals will be resisted unless mitigation is provided.
34. It is common ground that the occupancy of on-street parking in the area around the appeal site is above 80% during the day and night. The assessed area is based on a 200m radius which the Council considers to be a realistic distance for walking from a dwelling to a parking space. Policy TRANS23(B), therefore, requires mitigation to be provided. A Planning Agreement has been

- submitted which would secure annual season tickets for three parking spaces (with 24 hour access) at the Lanark Road car park (or another car park within 400m of the appeal site) for use by occupiers of the proposed dwellings for a period of 25 years. The Agreement would also secure the payment of one standard car club membership for the occupiers of each dwelling for 25 years.
35. The Council considers that the spaces at the Lanark Road car park would not provide suitable mitigation because the car park is too far from the site and the route is inconvenient. Occupiers would, therefore, be likely to try to use on-street spaces closer to the site. This would exacerbate the deficiency of on-street spaces, inconvenience other road users and lead to potentially unsafe vehicle movements.
36. The shortest route from the Hall Road side of the appeal site to the Lanark Road car park is some 500m. The main entrance to house 1 is from Hamilton Gardens and the distance to Lanark Road from that point is in the region of 950m. At the Inquiry it was suggested that a gate from the rear garden of house 1 could be used to allow occupiers to get to Hall Road via the existing communal garden. This would considerably shorten the route to the car park, but would require occupiers to negotiate steep and narrow stairs to get to the road level. Even at its shortest, the route would be more than twice the length which the Council considers to be reasonable. The remainder of the route involves two signal controlled crossings, a slight gradient and is narrow in places. Given the length and nature of the route, I consider that parking at the Lanark Road car park would not be an attractive alternative to on-street parking closer to the site, particularly for those with reduced mobility or children in push chairs. It would, nevertheless, offer those future occupiers who wish to use it with a further choice. The Planning Agreement allows for the parking spaces to be provided at other locations and 1 Hall Road was mentioned at the Inquiry. However, it appears that facility is not currently available and, therefore, I can give it limited weight.
37. Notwithstanding the 80% on street parking deficient threshold used in Policy TRANS23(B), agreed information on parking within 200m of the appeal site (ID11) shows that the number of spaces available ranges from 33 (weekdays 1100-1500) to 133 (Saturday 1100-1500) and averages 68 spaces over the course of a week. These figures exclude 15 spaces which the Planning Agreement for the Hamilton Drive development requires to be made available for local residents. This provision appears not to be enforced by the Council and was not known to members of the CRG, but offers an additional reserve of spaces.
38. Even excluding the Hamilton Drive provision, and taking the lowest end of the range of available spaces, in practical terms, there would be a reasonable choice of conveniently located on-street spaces available to meet the additional demand for three spaces arising from the proposal. It seems to me unlikely, therefore, that drivers would need to tour the area unduly or undertake potentially unsafe manoeuvres in order to find a space. Moreover, the Council was unable to point to any recent accidents in the area, whether caused by drivers seeking on-street parking or not. Nor is there substantive evidence that traffic does not flow freely in the area, having regard to its inner urban location.
39. Furthermore the Hall Road side of the site has a PTAL rating of 5. The Council considers that this does not equate to being 'extremely well served' by public

transport, which is one of the requirements for residential development without on-site parking under Policy TRANS23(D). Nevertheless, a PTAL rating of 5 is generally considered to be very good and shows that future occupiers would have a generous choice of public transport options. The use of car club membership can be added to those options.

40. The Council also considers that it is important to adhere to the 80% availability figure in order to allow the proper control of parking to ensure that individual developments do not result in a harmful effect when considered cumulatively over time. Whilst I recognise those concerns, in this case, there is a reasonable number of spaces available and it seems that the Council has not taken up the option of enforcing the provision of the additional spaces at the Hamilton Drive development. This suggests that there is a more healthy reserve of spaces available in the vicinity of the appeal site than may be the case elsewhere in the Borough.
41. I am also mindful that Framework paragraphs 108 and 110 and CP Policy S41 seek to encourage travel by modes other than the private car. London Plan 2016 (LP) Policy 6.13 seeks to balance promoting new development and preventing excessive car parking. It sets out a maximum parking standard of up to one space per unit in areas with a PTAL rating of 5 or 6. All of these policies post-date the UDP and tend to support the restriction of on-site parking provision.
42. Having regard to all of these considerations, together with the choice offered by the Lanark Road spaces, I find that the proposed parking arrangements would not be detrimental to highway safety or convenience. As such, I consider that it would not conflict with UDP Policy STRA25. Nor would it conflict with Framework paragraph 109 which advises that development should not be refused on highways grounds unless there would be an unacceptable impact on highway safety. Nevertheless, since on-street parking availability around the appeal site is less than 80%, and given my concerns over the use of the Lanark Road parking spaces as suitable mitigation, the proposal would result in a limited breach of Policy TRANS23(B).

Other Matters

43. The application was refused contrary to the recommendation of the Council's professional officers. However, the planning committee was entitled to reach a different conclusion provided that it is based on sound planning reasons. There is nothing to suggest that members of the committee were not fully aware of the appeal site and the issues involved in this case. I have considered the appeal based on the formal reasons for refusal and the cases put to the Inquiry by all sides. My decision is based on the planning merits of the proposal.
44. I have expressed concern regarding the convenience of the Lanark Road car parking spaces to be secured in the Planning Agreement. Nevertheless, both it and the car club obligation are necessary to make the development acceptable, directly related and reasonably related in scale and kind to the proposal. As such, I consider that they meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and have taken them into account.
45. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

46. The appeal proposal would provide three family sized dwellings. Notwithstanding that the Council can demonstrate a five year supply of housing land, policies in the Framework, the LP and the CP all seek to significantly increase the provision of new housing. Policy 3.3 of the LP sets minimum housing targets and Policies 3.4 of the LP and S14 of the CP seek to optimise housing potential. The CP and UDP also provide support for a mix of housing types, including family housing (UDP Policy H5). Framework paragraphs 117 and 118 encourage the use of suitable brownfield land and the development of under-utilised land and buildings. Paragraph 121 requires a positive approach to alternative uses of land where this would help meet an identified need.
47. I recognise that there is a very significant demand for new housing, particularly for families, in London and have no reason to believe that the location and form of housing proposed would not meet that need. Therefore, the policies set out above provide support for the scheme. Furthermore the appeal site's very good accessibility to public transport counts in its favour. That said, the three units proposed would make a fairly small contribution to the needs of the Borough.
48. Even if, as the appellant argues, the site constitutes brownfield land, as I set out in the reasoning for the first main issue, it performs a function in providing a setting for William Court and the CA in its current state. Moreover, for the reasons set out in the first and second main issues, the site is not suitable for the form of the development proposed. Therefore, notwithstanding that part of the site is not in active use, I consider that Framework paragraphs 117 and 118 offer very limited support for the proposal. My conclusions on the first and second main issues also indicate that, rather than optimising the potential of the site by balancing all relevant considerations, the proposal would over-develop the site at the expense of the character and appearance of the area and the living conditions of neighbouring occupiers. Overall therefore, I consider that the provision of additional family housing would provide only a moderate social benefit.
49. The landscaping proposals would also provide a minor benefit in improving the outlook of the occupiers of some of the William Court flats. They would also offer the potential to enhance the bio-diversity value of the site. The appellant argues that the proposal would also benefit William Court and its occupiers by improving perimeter security, giving greater opportunity for recycling and improving the efficiency of the building's envelope and services. However, the claimed benefits have not been quantified and there is no substantive evidence to indicate that any of the matters identified have particular deficiencies or give rise to problems. As such, I give these claimed benefits limited weight.
50. The proposal would bring economic benefits through the creation of construction employment and expenditure, although this would be in the short term only. Moreover, that benefit, along with additional expenditure on building maintenance and by future occupiers in local shops and services could be expected for most housing schemes.
51. There is nothing to suggest that the proposal would not comply with development plan policies for the provision of open space, sustainable construction or the standard of accommodation to be provided. However, the absence of harm in respect of these matters does not amount to a positive benefit in favour of the proposal.

52. I have found that the proposal would cause less than substantial harm to the significance of the CA. I am required to give great weight to the conservation of the asset which, in this case, is of considerable importance. Collectively the identified public benefits of the proposal do not outweigh the harm to the heritage asset. I have also found that the proposal would have further detrimental impacts on the character and appearance of the area more generally and on the living conditions of the occupiers of Flat 16. It would also result in a limited breach of Policy TRANS23(B). The absence of harm to highway safety and convenience does not outweigh these harms. Overall therefore, I find that the proposal does not accord with the development plan as a whole and does not amount to sustainable development for the purposes of Framework paragraph 11.

53. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

Appearances

FOR THE COUNCIL

Saira Kabir Sheikh of Queen's Counsel, instructed by the Council's Solicitor

She called

Tom Burke BA(Hons), MA (Arch Cons), IHBC, MCiFA Head of Design, North Area Planning, Westminster City Council

Ian Morrison GDURP, MPIA Principal Engineer, Westminster City Council

Sarah Whitnall BA (Hons), DIP Area Planning Officer, Westminster City Council

FOR THE WILLIAM COURT CORE RESIDENTS GROUP

Matthew Henderson of Counsel, instructed by David Maddox, Maddox and Associates Ltd

He called

Kaivin Wong MRICS Director, Lumina London Ltd

James Weeks Director, Built Heritage Consultancy

David Maddox BSc(Hons) DipUD, MRTPI Director, Maddox and Associates Ltd

FOR THE APPELLANT

Christopher Lockhart-Mummery of Queen's Counsel, instructed by Matt Richards, Bidwells LLP

He called

Chris Miele IHBC, MRTPI, FRHS Senior Partner, Montagu Evans LLP

Marek Wojciechowski RIBA Owner, Marek Wojciechowski Architects Ltd

Matt Richards BSc, MSc, MRTPI Group Partner, Bidwells LLP

Inquiry Documents

1. Additional representation by the St John's Wood Society
2. Photographs of the land north of the Grove Hall Court site
3. Extracts from the Design and Access Statement submitted with the application
4. Historic England letter dated 12 September 2018
5. Appellant's opening submissions

6. Council's opening submissions
7. CRG's opening submissions
8. Additional representations by interested parties
9. Tom Burke summary of proof of evidence
10. Ian Morrison summary of proof of evidence
11. Additional information on parking availability (revised version)
12. Extracts from the London Plan March 2016
13. Extracts from the Westminster Unitary Development Plan
14. Sarah Whitnall summary of proof of evidence
15. Annotated version of application drawing P_24
16. Sketch 01 showing access to House 1
17. Extract from the BRE Site Layout Planning of Daylight and Sunlight Guide
18. Final draft Planning Agreement
19. Town and Country Planning (Brownfield Land Register) Regulations 2017
20. Mayor of London Housing Supplementary Planning Guidance March 2016
21. Council's closing submissions
22. CRG's closing submissions
23. Appellant's closing submissions

Documents submitted after the Inquiry

1. Completed Planning Agreement