
Appeal Decision

Site visit made on 7 June 2017

by Simon N Hand MA

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

Decision date: 20 June 2017

Appeal Ref: APP/X5990/F/17/3171207

2 Connaught Square, London, W2 2HG

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr A Patel against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice was issued on 2 February 2017.
 - The contravention of listed building control alleged in the notice is the installation of an alarm box on the front elevation of the building behind the first floor balcony.
 - The requirements of the notice are a) remove the alarm box located behind the first floor balcony on the front elevation of the property circled in red in attached photograph A) and; b) make good any damage caused by the installation or removal of the alarm box, ensuring all remedial works are carried out in materials and detailing to match the existing fabric of the building.
 - The period for compliance with the requirements is 1 month.
 - The appeal is made on the grounds set out in section 39(1) (c), (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of an alarm box on the front elevation of the building behind the first floor balcony at 2 Connaught Square, London, W2 2HG.

Background to the Appeal

2. Connaught Square is an attractive square of terraced dwellings from the late Georgian period, with a well treed central park area. Nos 1-15 are listed grade II. The square as a whole displays a sufficient uniformity of design to create a pleasing rhythm and sense of coherence. Arrow headed railings at pavement level around the basement wells and balconies with geometrically designed railings all painted black and the "historic" style lampposts all add to a sense of authenticity with few modern additions to the buildings themselves. As far as this appeal is concerned the significance of No 2 is its role in the ensemble of the terrace with their uncluttered and attractive façades.

The Appeal on Ground (c)

3. This ground is that there has been no contravention of section 9(1). Section 9 of the Act refers back to section 7 which says that no works shall be executed for the alteration of a listed building that "would affect its character as a building of special architectural or historic interest". Given my description of

the appeal building and the terrace as a whole, it follows that modern additions would affect their character and therefore their special architectural interest. Whether that affect is harmful or not I shall deal with under ground (e), but the appeal on ground (c) fails.

The Appeal on Ground (e)

4. The alarm box is located behind the first floor balcony and set down so that it sits on the floor of the balcony. I was able to see there are a number of other alarm boxes on buildings in the square, some of the same pale white background with black lettering as on the appeal box, and others in brighter colours. All the ones I could see were mounted on the brickwork above the more formal ground floor level, generally in the vicinity of the front door. They were all clearly noticeable and stood out, which I presume is one of the objectives of a burglar alarm.
5. The appeal alarm is quite different. Set behind the balcony it is effectively invisible from an angle due to the masking effect of the railings. From head on across the road it can be seen, but is still partly obscured by the railings and because of its low down position on the floor of the balcony. No 2 is close to the south-east corner of the square and so can be seen from the pavement in front of the terrace on the southern side. But from here the views are distant, and due to the masking effects referred to above, it is difficult to see the alarm box unless you are specifically looking out for it.
6. I appreciate that the Council are concerned at the cumulative effects of alarm boxes on the character of the square and have ongoing enforcement investigations for all the other alarm boxes (although no evidence has been provided as to what stage those investigations are at). I agree a proliferation of alarm boxes could well be harmful, especially if they were prominently located. However, as explained above I do not think the appeal alarm box is either prominent or harmful.
7. The 1990 Act places a duty upon the decision-maker to have special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses. There is a clear presumption in this duty that preservation is desirable. The Framework further states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. However, I find that the special interest and the significance of No 2 Connaught Square are preserved by the alarm box and I shall grant listed building consent accordingly.
8. The appeal on ground (h) does not fall to be considered.

Simon Hand

Inspector