
Appeal Decision

Site visit made on 2 July 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/X5990/D/19/3226437

28 Hill Street, London W1J 5NW

- 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 Dr Khalid Bin Thani Al Thani against the decision of City of Westminster Council.
 - The application Ref 18/10171/FULL, dated 29 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is the installation of two security railings to the front windows of the ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of two security railings to the front windows of the ground floor, in accordance with the terms of the application, Ref 18/10171/FULL, dated 29 November 2018 and the plans with drawing numbers 089/P/P72, 089/P/P73 and 089/P/P74 submitted with it.

Procedural Matter

2. At the time of my site visit I saw that the railings had already been erected and therefore I have considered this appeal on this basis.

Main Issue

3. The effect of the development on the character and appearance of the host building and whether the development preserves or enhances the character or appearance of the Mayfair Conservation Area.

Reasons

4. The appeal property is located towards the centre of Mayfair Conservation Area (CA) on Hill Street. It sits within the setting of several listed buildings, notably No 26 Hill Street (Grade II) and 2 listed bollards (Grade II), which are on the junction of Hill Street and Chesterfield Hill. The building typology on Hill Street varies due to brick colour, height, age and design. However, it is typified by 18th Century style terraced properties, which creates a unifying rhythm to the streetscape. Common features of properties within Hill Street and the wider CA, include cast iron balconies on the first floor and railings fronting on to the pavement on the ground floor. I noted that there were several other properties within the CA with security railings on their ground floor windows, including properties on Hill Street and Farm Street. I have been provided with a decision

notice and plans for 14 Farm Street, that show the works to it has approval. However, I cannot be certain of the planning status of all the examples that I saw, and as such this limits the weight that I can give to them in the determination of this appeal.

5. The significance of the CA is derived in part from historical and aesthetic values. The character includes spatial considerations, such as the grid form street layout, which is interspersed with squares and areas of a more informal street pattern. Hill Street is an exemplar of the grid form street pattern, and it connects to Berkeley Square, one of the notable squares in the CA. Despite the variety of uses that are apparent within the CA, the retention of a residential appearance is a key characteristic of the street scenes.
6. The appeal property is an unlisted building. However, it makes a positive contribution to the character and appearance of the CA, as a consequence of the role that it played in the development of the area and the nature of the detailing and design of the building. At the time of my site visit, the security railings to the ground floor of the property were already in position, so I was able to see their effect on the host property and the wider CA. The windows on the ground floor, that feature the railings, appear not to be original, though they respect the original design and proportions of the building and the wider CA.
7. Paragraph 197 of the National Planning Policy Framework (the Framework) advises that the effect of an application, on the significance of a non-designated heritage asset, should be taken into account and that a balanced judgment will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset. The design of the railings seek to reflect the details of the stonework of the existing building and match the colour of the existing railings of the building. Furthermore, they do not obscure from view any original detailing, which make a positive contribution to the character and appearance of the area. Having seen the railings in situ, they do not materially harm the external appearance or detract from the architectural detailing of the host property.
8. As the host property is located within the CA which is a designated heritage asset, paragraphs 193 – 194 of the Framework advise that great weight should be given to a designated heritage asset's conservation, and that any harm to the significance, should require clear and convincing justification. Whilst the installation of the railings has resulted in a minor change within the street scene, they use a material and colour which is common throughout Hill Street, including the listed buildings, and the wider CA. Having seen the railings in situ, there is no harm to the designated heritage assets. The railings in their design and materials have a neutral impact on the character and appearance of the CA and the settings of the surrounding Listed Buildings.
9. I have had regard to my statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, namely section 72(1) which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA; and section 66(1), to have special regard to desirability of preserving the Listed Buildings and its setting. I find that the development would be consistent with the preservation of the character of the CA and the setting of the Listed Buildings.

10. Accordingly, there would be no conflict with Policies S25 and S28 of the Westminster City Plan, adopted in November 2016, Policies DES5, DES9 and DES1 of the Westminster Unitary Development Plan, adopted in January 2007 and Policies 7.4 and 7.8 of the London Plan, adopted in March 2016. These policies collectively seek, amongst other things, to achieve high quality design and preserve or enhance heritage assets.

Conditions

11. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. However, as the railings are already in place, the standard implementation condition and a separate condition relating to materials are not necessary. The plans upon which my decision has been based are specified in the formal decision in paragraph 1.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted.

D Peppitt

INSPECTOR