
Appeal Decisions

Site visit made on 8 August 2019

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal A: APP/X5990/W/19/3229487 23-26 Lancaster Gate, London W2 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval of details required by a condition of a planning permission.
 - The appeal is made by Hapimag Management (UK) Ltd against the decision of City of Westminster Council.
 - The application Ref.18/09861/ADFULL, dated 19 November 2018, sought approval of details pursuant to condition No.5b of a planning permission Ref.17/02860/FULL, granted on 26 July 2017.
 - The application was refused by notice dated 25 January 2019.
 - The development proposed is described as 'variation of Condition 1 of planning permission dated 23 September 2016 (RN: 16/05117) for erection of rear extensions at ground, second and third floor levels; replacement windows at rear in no. 24-25 Lancaster Gate, installation of boiler flue to roof, replacement and installation of rooflights, new plant equipment with associated louvres to lightwell vault doors, recladding of the entrance steps to door entrance at no.23 Lancaster Gate and removal of existing emergency staircase at rear; NAMELY relocation of plant to the basement and associated external alterations to ventilation/extracts outlets also installation of acoustic panels in the rear courtyard, revision to the design of the single storey glazed extension, replacement of existing waste disposal platform lift in the lightwell, alteration to fenestration and installation of new windows at the rear'.
 - The details for which approval is sought are: removal and relocation of Dry Inlet (shown on drawing no G3.414 03).
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Appeal B: APP/X5990/Y/19/3229488 23-26 Lancaster Gate, London W2 3LP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by Hapimag Management (UK) Ltd against the decision of City of Westminster Council.
 - The application Ref.18/09866/ADLBC, dated 19 November 2018, sought approval of the removal and relocation of Dry Inlet (shown on drawing no G3.414 03) pursuant to condition No.8b of listed building consent Ref.17/02861/LBC, granted on 26 July 2017.
 - The application was refused by notice dated 25 January 2019.
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Preliminary Matters

1. The applications that were made to the Council were amended before the Council arrived at its decisions. The original solution to the dry riser inlet (located within the porch return balustrading to No.26) was shown on drawings A.G2.129 Rev.03 and A.G3.451 Rev.03. Unsurprisingly perhaps, the Council did not favour this approach.

2. Discussions followed and alternative approaches were explored. The appellant settled on a solution that located the dry riser inlet on a new platform with rails, located behind an existing gate in the metal balustrading on the frontage of the building. This is shown (in the main) on drawings A.G2.129 Rev.03 and A.G2.129.4 Rev.A. The Council found this solution unacceptable too and as a result, refused the applications.
3. I am proceeding with the appeals on the basis of the solution the Council took its decisions upon and observed at my site visit that it appears to have been implemented.

Decisions

Appeal A

4. The appeal is allowed, and the details of the relocated Dry Riser Inlet submitted pursuant to condition No.5b, attached to planning permission Ref.17/02860/FULL, granted on 26 July 2017, in accordance with the application Ref.18/09861/ADFULL, dated 19 November 2018, and the plans submitted thereafter, are approved.

Appeal B

5. The appeal is allowed, and the details of the relocated Dry Riser Inlet submitted pursuant to condition No.8b, attached to listed building consent Ref.17/02861/LBC, granted on 26 July 2017, in accordance with the application Ref.18/09866/ADLBC, dated 19 November 2018, and the plans submitted thereafter, are approved.

Main Issue

6. Nos.23-35 Lancaster Gate make up a grand terrace of (what were) houses that dates from 1865. The terrace lies within the Bayswater Conservation Area. Against that background, the main issue to be considered here is the effect of the relocated Dry Riser Inlet on the special architectural and historic interest of the listed building, and the character and appearance of the conservation area.

Reasons

7. It is important, first of all, to consider the detail at issue in its proper context. Nos.23-26 which make up part of the grand terrace, are in the process of being converted into a hotel. As even a cursory examination of other hotels in the vicinity that occupy similar buildings shows, this type of use has implications for the appearance of the buildings in the form of signage most obviously, but also other necessities, like Dry Riser Inlets.
8. I recognise that the Council is keen to downplay the impact of such elements and there is nothing wrong with that. However, there are safety considerations dictating that the Dry Riser Inlet should be located at ground floor level, on the external face of the building.
9. Moreover, as other similar hotels in the area demonstrate, in the context of other features associated with a hotel use, they are an element that assimilates relatively easily. In this instance, the appellant has clearly explored various options and arrived at a subtle solution that does not result in the loss of, or damage to, historic fabric.

10. With all that in mind, I conclude that the Dry Riser Inlet would cause no harm to the special architectural and historic interest of the listed building, or the character or appearance of the conservation area. As such, I see no divergence from the principles of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies S25 and S28 of the Westminster City Plan (2016) that deal with heritage and design, Policies DES 1, DES 5, DES 9 and DES 10 of the City of Westminster Unitary Development Plan (2007) that deal with urban design and conservation, alterations and extensions, conservation areas, and listed buildings respectively, or the National Planning Policy Framework.
11. For the reasons given above I conclude that the appeals should be allowed.

Paul Griffiths

INSPECTOR