
Appeal Decisions

Site visit made on 17 December 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 27th December 2019

Appeal A

Appeal Ref: APP/X5990/W/19/3234730

Flat 146, Dorset House, Gloucester Place, London, NW1 5AQ

- 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 Mr Neila Sula against the decision of City of Westminster Council.
 - The application Ref 19/02455/FULL, dated 25 March 2019, was refused by notice dated 26 June 2019.
 - The development proposed is described as "a demountable/removable, retractable awning to external terrace facing Glentworth St".
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Appeal B

Appeal Ref: APP/X5990/Y/19/3234736

Flat 146, Dorset House, Gloucester Place, London, NW1 5AQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Neila Sula against the decision of City of Westminster Council.
 - The application Ref 19/02456/LBC, dated 25 March 2019, was refused by notice dated 26 June 2019.
 - The works proposed are described as "a demountable/removable, retractable awning to external terrace facing Glentworth St".
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Decision

1. The appeals are dismissed.

Procedural Matter

2. The Council changed the description of development to "Installation of two retractable awnings and housings to 8th floor balcony facing Glentworth Street". As this more accurately describes the development, I have also used this description in my decision.

Main Issues

3. The main issues for both appeals are the impact of the proposal on the special architectural and historic interest of the grade II listed building known as Dorset House, and whether the proposal would preserve or enhance the character or appearance of the Dorset Square Conservation Area.

Reasons

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be

had to the desirability of preserving or enhancing the character and appearance of that area. The Council have referred to a number of policies in their decision of which I find DES 9 and DES 10 to be most relevant. Policy DES 9 of the Westminster City Plan seeks to preserve or enhance the character or appearance of conservation areas and their settings. Policy DES 10 aims to protect and enhance listed buildings, their settings and those features of special architectural or historic interest that they possess. Together these policies reflect the National Planning Policy Framework (the Framework) and the requirements of the Act.

5. Dorset Place is a purpose built apartment block. It was purpose built in the 1930's to house shops and a petrol station on the ground floor with flats above occupying 9 further floors. The building occupies the whole block. It was built in the art-deco style with Crittall windows with horizontal metal bars throughout. Details such as the central stone panel between the windows which runs through the building and the iron balcony railings give each façade a uniform appearance which is an important aspect of the building's architecture and so its significance as a heritage asset.
6. The appeal property occupies a corner flat which sits on the 9th floor on the corner of Glentworth Street and Marylebone Road. The balcony to the property is clearly visible in views from Marylebone Road at street level. The appeal relates to the installation of two awnings above the two balcony windows, either side of the centrally placed "ladder" feature which is common to the upper floor flats. The appellant has indicated his intention to ensure that the awnings exactly match the colour of the facade behind, which is a mid brown brick. The fixings would be relatively modest and would not be particularly notable, even from high level flats in the adjacent block. The proposal would also not lead to a loss of original fabric, and could be easily removed.
7. Nevertheless, for the time the awnings were in use they would be visible as an addition to the buildings frontage. Notwithstanding the intention to match the brickwork the structures would be visible in profile and where they obscured the windows behind. Whilst the awnings would not be prominent, they would nonetheless be clearly evident both from flats opposite and from street level from Marylebone Road. In these views they would clutter the front of the building and so erode the uniform appearance of the façade. As this is an aspect of the building design which contributes to its architectural importance, the proposal would harm the significance of the listed building. To a much lesser extent it would also fail to preserve or enhance the character of the Dorset Square Conservation Area.
8. The harm identified would be towards the lesser end of "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme. The proposal would improve the living conditions of the occupiers of the flat by providing a shaded outdoor space. This shading may also reduce the need for air-conditioning in the summer months thereby reducing the carbon footprint of the dwelling. Taking into account the small-scale nature of the proposal, I attribute only some limited weight to these matters as public benefits.
9. I take into account the other examples of awnings put to me by the appellant. The ground floor examples relate to commercial premises and are not strictly comparable. Furthermore, I am not aware of the circumstances which led to

the installation of the other awnings on balcony flats. However, insofar as they clutter the frontage and also erode the uniform appearance of the dwelling they do not justify further harm as identified above.

10. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. I therefore attribute greater weight to the harm which would arise to the significance of the asset as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework and with DES9 and DES10 outlined above.
11. Accordingly, for the reasons outlined above, and having regard to all other matters raised, the appeals are dismissed.

Anne Jordan

INSPECTOR