



Appeal Decision

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/X5990/W/20/3245002

34, Cato Street, London W1H 5HS

- 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 Chris Attey against the decision of City of Westminster Council.
 - The application Ref 19/03468/FULL, dated 7 May 2019, was refused by notice dated 25 October 2019.
 - The development proposed is alterations to the façades, including the replacement of windows, doors and addition of Stucco render at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In response to restrictions that were in place due to the COVID-19 pandemic, I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the submitted information. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
3. The description of development differs between the planning application form and appeal form. The former describes the development as 'elevation amendments with the addition of Stucco style render, new windows and Georgian style detailing'. The latter, which is set out in the banner heading above, correlates with what is specified on the submitted drawings and in the decision notice. Accordingly, the appeal proceeds on that basis.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the host building and that of the Molyneux Street Conservation Area, with particular regard to design.

Reasons

5. The appeal site is located within the Molyneux Street Conservation Area which comprises an early 19th century Georgian grid-iron pattern of development. Both the Council's Molyneux Street Conservation Area Audit (2002) and more recent photographs submitted by the appellant evidence that Cato Street has undergone more recent significant redevelopment, whereby original mews

properties have been replaced with larger scale, modern utilitarian buildings. Notwithstanding this, the design of these replacement buildings still tends to subtly acknowledge the bygone Georgian era, albeit as modern variants. Importantly, the strong sense of enclosure and narrowness of Cato Street has been maintained and continues to provide an air of subservience and intimacy to this part of the Conservation Area. The street's historical association with a political conspiracy plot is evident with the retention of No 1a. The significance of this Conservation Area is both architectural and historical.

6. In its current form, the appeal site represents neither a replica nor pastiche design. Rather, it is a discernably modern, utilitarian building of its own time. The existing character and appearance of the appeal property stems from the employment of a modern hybrid design solution. It draws upon the identity of its surroundings to balance and subtly articulate the original street pattern and architecture of the area. Its design combines a contemporary approach with a very simple reference to the Georgian style in its appearance, including the latter's rhythm of fenestration. It has a modern lateral built form which gives the impression of a terrace of narrow, simple, brick built town houses. The existing facades are recessive in the street scene due to their simplicity.
7. Such an approach resonates with the National Design Guide (October 2019) core characteristic of 'identity'. Contrary to the appellant's assertion, I find that the character and appearance of this building is not non-descript. Rather, I find that its character and appearance have some intrinsic value and sustain the significance of the designated heritage asset within which it is located.
8. The appeal proposal does not lead to the loss of any historically or architecturally significant features. Rather, it would introduce new, traditionally derived, ornate features to the building's façades. The Council has argued that this would introduce features including a continuous portico and balustrading that are inconsistent with the building and uncommon to its context. However, evidence was submitted by the appellant to the contrary in respect to the site's context, albeit by enlarge such references take the form of uncomplicated, modern variants within the vicinity of the appeal site.
9. I find that the proposals would be pastiche and such treatment would significantly alter the appeal property's outward character and appearance, both front and rear. By virtue of their design, the proposed changes would overly embellish and accentuate some parts of the building's existing uncomplicated design and subtle nod to the Georgian era. Although there would not be any significant change to the existing solid to void ratio, the proposals would reverse the recessive nature of the existing building and draw attention to the fact that the 3 bays comprising the front façade are too narrow to comfortably accommodate the features proposed.
10. In addition, I find that the proposed features would be jarring with the plain, modern design approach which would in part be retained and which is reflected elsewhere in the street scene. Furthermore, I do not find that that the changes proposed would necessarily better balance the top heavy nature of the building. The simplicity, honesty and understated nature of the Georgian references of this building would be significantly diminished. Collectively, this would be to an extent that would be incongruous. Moreover, the proposed approach would be inconsistent and detract from the prevailing contemporary utilitarian character of Cato Street.

11. The Council's 'Development and Demolition in Conservation Areas Supplementary Planning Guidance' confirms that there is a place for well-designed new development, including replica and contemporary design solutions. However, paragraph E19 of that guidance is clear that pastiche designs which are pale imitations of historic buildings are neither desirable nor appropriate. Contrary to the appellant's arguments, the proposed flourishes would not be negligible and would compromise the existing character and appearance of the host building, taking it towards a pale imitation of Georgian design, which the Council's supplementary guidance seeks to avoid. The appeal proposal conflicts with this guidance.
12. I have noted the arguments that not all elements of a Conservation Area will necessarily contribute to its significance, the capacity for Cato Street to absorb change and also the fact that the appeal property does not enjoy any designation in its own right. However, it does not necessarily follow that these arguments justify the imposition of harm to the associated designated heritage asset.
13. My attention has been drawn to other buildings within the vicinity of the appeal site which are cited as being overtly 20th century neo-Georgian in appearance and lacking in style and architectural rhythm. However, individually their design treatment is consistent and does not impose the same visual impacts as the appeal proposal nor mitigate the resulting impacts of the appeal proposal. Therefore, they do not justify the imposition of the identified harm.
14. My attention has also been drawn to the positioning of the site, combined with the narrowness of the street and massing of buildings, being such that the appeal site is not overly visible from principal streets within the Conservation Area and would not detract from the hierarchy of development in the area. Nonetheless, its positioning and scale within Cato Street provides a visual presence within this particular part of the Conservation Area and therefore a relevance to the character and appearance of this important designated heritage asset. Given the nature of the identified harm, I find that the changes that would arise from the appeal proposal would visually distract and dominate opportunities to understand and experience the significance of the Conservation Area, including this more contemporary part.
15. For the above reasons, I find that the appeal proposal would be harmful to the character and appearance of the host building and to the Molyneux Street Conservation Area, with particular regard to design.
16. I find that the harm that would arise from the appeal proposal would be less than substantial. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In view of the harm identified, I disagree that a public benefit of conserving the heritage asset would arise in this instance. Furthermore, in the absence of any public benefits that would outweigh the identified harm, the proposal is contrary to paragraph 196 of the Framework.
17. Having regard to the development plan as a whole and given the identified harm, I find that the appeal proposal would conflict with saved Policies DES 1, DES 5 and DES 9 of the 'City of Westminster Unitary Development Plan'. With

particular regard to Conservation Areas, saved Policy DES 1 includes principles of urban design and conservation to achieve architectural quality and maintain the local character of existing buildings. Saved Policy DES 5 sets out criteria to secure appropriate alterations so that they do not visually dominate, and design reflects the style and details of the existing building. Saved Policy DES 9 includes criteria for alterations to unlisted buildings within Conservation Areas, including the reinstatement of missing traditional features and support to modern or innovative forms of design in locally appropriate situations.

18. Furthermore, there would be conflict with Policies S25 and S28 of the 'Revision to Westminster City Plan consolidated with all changes since November 2013'. Policy S25 seeks to conserve the area's heritage assets, including Conservation Areas. Policy S28 requires developments to incorporate exemplary standards of sustainable design and architecture and supports imaginative, modern architecture where it respects the area's heritage and local distinctiveness.
19. I have found that the appeal proposal would be harmful to the character and appearance of the Molyneux Street Conservation Area, with particular regard to design. Furthermore, it would neither preserve or enhance the character or appearance of the Conservation Area. This is contrary to the expectations of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the development plan.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR