
Appeal Decisions

Site visit made on 17 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal A: APP/X5990/W/20/3255483

Basement and Ground Floor Maisonette, 48-49 Gloucester Square, London W2 2TQ

- 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 Michael Menaged against the decision of City of Westminster Council.
 - The application Ref 20/01393/FULL, dated 25 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is described as retention of security gate to door in basement lightwell.
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Appeal B: APP/X5990/Y/20/3255482

Basement and Ground Floor Maisonette, 48-49 Gloucester Square, London W2 2TQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Michael Menaged against the decision of City of Westminster Council.
 - The application Ref 20/01394/LBC, dated 25 February 2020, was refused by notice dated 14 April 2020.
 - The works proposed are described as retention of security gate to door in basement lightwell.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but address separate applications relating to planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The applications were submitted retrospectively, therefore the works outlined within it have already been undertaken. As set out in the Act, it is an offence to execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. In this regard, were Appeal B to be allowed, any consent

granted would be for 'retention' of the works only, and would have no bearing on the legality of their initial execution.

Main Issue

5. The main issue is whether the works have preserved a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses; and whether the works have preserved or enhanced the character or appearance of Bayswater Conservation Area (the Conservation Area).

Reasons

6. The appeal property forms part of 48-49 Gloucester Square, which in turn forms a component of 44-49 Gloucester Square. The latter is the listed building in this case. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its high status mid-nineteenth century terrace design and detailing.
7. The part of the appeal property and listed building in question, lies at basement level. The basement elevation of the building is less architecturally important than the that of the floors above, reflecting the fact that it lies below street level. It nonetheless forms an appreciable component of the front elevation overall.
8. The basement elevation features a series of windows, and a doorway into the property. The windows are externally secured with fixed bars, which, in common with the railings screening the basement lightwell, are formed from thick round-section rods of iron. Window bars are also present at basement level on other parts of the terrace, albeit not all. Though they are not therefore a consistent feature, bars of similar type are very commonly seen on basement windows of terraces of similar date in the surrounding area. In this context they represent a fairly typical historic addition. The same cannot be said of barred gates fixed across basement doors. Where present, such gates are generally recognisable as modern features. Moreover, insofar as examples in the adjacent streets have been referenced within the submissions, their lawfulness has been questioned.
9. The security gate installed across the doorway serving the property is of clearly modern design. It features square-section rods of relatively slim diameter, and is set within a heavy frame. The shape and appearance of the basic components of the gate therefore obviously differ from those of the basement bars, and railings above. Its frame and overall bulk further mean that it dominates the opening, greatly obscuring the door. This makes it highly noticeable, as too would opening and closing it. The fact that it is currently finished in a different colour to that of the door and adjacent walls, highlights its presence further still. The latter could be simply remedied by repainting. However, this would not alter the fact that the gate is an atypical feature, whose design details accentuate its incongruity. As such it detracts from appreciation of the special interest and significance of the listed building as a whole. The listed building has not therefore been preserved by installation of the gate. This is contrary to the expectations of the Act, and conflicts with paragraph 193 of the National Planning Policy Framework (the Framework), which sets out the great weight to be attached to the conservation of designated heritage assets.

10. The listed building is located within the Conservation Area. Insofar as it relates to this appeal, the significance of the Conservation Area resides particularly in the planned historic street layout, including residential squares and crescents, the collection of surviving historic terraces, and the interrelationship between the two.
11. In this context, the listed building is a prominent and architecturally important feature of the historic townscape. It is made all the more so by the extent to which buildings of similar age and character have been lost within the surrounding area.
12. The basement elevation of the listed building is clearly visible from the pavement, and the dimensions of the lightwell are such that the elevation takes no particular effort to view. Given the fact that there is no pavement on the other side of the street, the basement and ground floor elevations are indeed likely to be the parts of the listed building most commonly viewed by passers-by.
13. In this context, and in view of my findings above, the atypical character and incongruous appearance of the gate is clearly appreciable from within the public realm. As too therefore is the harm that the gate causes to the special interest and significance of the listed building. This in turn diminishes the quality of the contribution that the listed building makes to the character, appearance and significance of the Conservation Area as a whole. Consequently, its installation has neither preserved nor enhanced the character or appearance of the Conservation Area, again contrary to the expectations of the Act, and paragraph 193 of the Framework, as set out above.
14. With reference to paragraph 196 of the Framework, I find that the works have caused less than substantial harm to the significance of both the listed building and the Conservation Area. I attach great weight to the harm that has been caused to the significance of the listed building, and considerable importance and weight to the harm that has been caused to the Conservation Area. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour.
15. The principal benefit advanced in this case is one of providing greater security to the property from break-in. Given the context, this is clearly a private rather than public benefit. It is nonetheless claimed that the gate helps to reinforce the appellant's commitment to investing in and maintaining the property, thus sustaining its use. However, I have no particular reason to believe that the property would fall out of use if the gate was removed. I am also not convinced that more sensitive, less harmful ways in which security concerns might be addressed, have been exhausted. As such, the harm caused to the significance of designated heritage assets is not outweighed by public benefits.
16. For the reasons outlined above I conclude that the works have not preserved the special architectural or historic interest of the listed building, and that they have additionally failed to preserve or enhance the character and appearance of the Conservation Area. With regard to Appeal A, and insofar as it is relevant to Appeal B, the works thus conflict with Policies S25 and S28 of the Westminster City Plan which set out the objectives of conserving Westminster's heritage assets and achieving exemplary standards of design, and Policies DES1, DES5 and DES10 of the Unitary Development Plan, which together seek to secure both objectives. In regard to both appeals the works otherwise fail to

satisfy the requirements of the Act and heritage policy set out within the Framework.

Conclusion

17. For the reasons set out above I conclude that Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR