
Appeal Decisions

Inquiry held on 17 & 18 November 2020

Site visit made on 19 November 2020

by Katie Peerless Dip Arch RIBA

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

Decision date: 16 December 2020

Appeal A: APP/X5990/F/19/3221032 **26 Leinster Square, London W2 4NQ**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Boustead Hyde Park Limited against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice, numbered 10/45419/C was issued on 18 December 2018.
 - The contravention of listed building control alleged in the notice is set out in Annex A to this Decision.
 - The requirements of the notice are set out in Annex B to this Decision.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal B: APP/X5990/F/19/3221042 **26 Leinster Square, London W2 4NQ**

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 - The appeal is made by Boustead Hyde Park Limited against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice, numbered 10/45419/C, was issued on 18 December 2018.
 - The contravention of listed building control alleged in the notice is set out in Annex A to this Decision.
 - The requirements of the notice are set out in Annex B to this Decision.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1) (e) (g) (i) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal C: APP/X5990/F/19/3221043 **26 Leinster Square, London W2 4NQ**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Boustead Hyde Park Limited against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice, numbered 10/45419/C, was issued on 18th December 2018.
 - The contravention of listed building control alleged in the notice is set out in Annex A to this Decision.
 - The requirements of the notice are set out in Annex B to this Decision.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1) (e) (g) and (j) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decisions

Appeal A: APP/X5990/F/19/3221032

1. It is directed that the listed building enforcement notice be corrected by the deletion of the original plans and the inclusion of revised plan set B as attached as Annex E to this Decision and varied by the deletion of the original allegations and requirements and the inclusion of the allegations set out in Annex C and the requirements set out in Annex D as attached to this Decision. Photographs P - T, attached as Annex F to this decision, are attached for information only. Subject to these corrections and variations, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal B: APP/X5990/F/19/3221042

2. It is directed that the listed building enforcement notice be corrected by the deletion of the original plans and the inclusion of revised plan set B as attached as Annex E to this Decision and varied by the deletion of the original allegations and requirements and the inclusion of the allegations set out in Annex C and the requirements set out in Annex D as attached to this Decision. Subject to these corrections and variations, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal C: APP/X5990/F/19/3221043

3. It is directed that the listed building enforcement notice be corrected by the deletion of the original plans and the inclusion of revised plan set B as attached as Annex E to this Decision and varied by the deletion of the original allegations and requirements and the inclusion of the allegations set out in Annex C and the requirements set out in Annex D as attached to this Decision. Subject to these corrections and variations, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Main issues

4. I consider the main issues in this case are:

on ground (e), the effect of the alterations on the special architectural character and historic interest of the listed building and if this ground fails (where the following is the aim of the notice):

on ground (g): whether the steps required exceed what is necessary for restoring the building to its former state/condition before the works were carried out

on ground (i): whether the steps required for restoring the character of the building to its former state would achieve that end and

on ground (j): whether the requirements would exceed what is necessary to alleviate the effect of the unauthorised works.

The appeal site

5. 26 Leinster Square is a Grade II listed town house on 6 floors, including a lower ground floor and attic floor. It is one of 4 adjacent properties of similar design in the Bayswater Conservation Area, listed in 1965 for their architectural and historic interest and the group value of the terrace.
6. The house has a chequered history of being used firstly as a single family dwelling and, later, as 'flatlets' or bedsitting rooms within a House in Multiple Occupation and, without permission, as an extension to the adjoining hotel that occupies the other 3 properties in the group. Prior to the opening of the Inquiry, the parties agreed that the use of the building should, at present, be considered as 'nil' and this has led to the withdrawal of 14 enforcement notices against the alleged uses as bedsit and hotel accommodation.
7. The property has been subdivided into a number of en-suite rooms that, at the time of the site visit, appeared to have been kitted out as an hotel or for a temporary letting use. At the rear of the building a number of windows and an external door have been replaced and these form the subjects of Notice A. Some of the internal partitions that have facilitated the installation of the bathrooms within the principal rooms on the ground, first and second floors, together with all the new oak veneered flush doors and surrounds throughout the building are the subjects of Notice B. Notice C concerns the installation of suspended ceilings in the principal front rooms on the ground and first floors.

Planning history

8. As noted above, the property was listed in 1965 and electoral records show that, at that time, it already appeared to be in some form of multiple occupation. The first planning records that have been produced date from 1991 and, at that time, the building was found to be divided into units for short or long-term residential use.
9. In 2006, works of stripping out the building commenced which triggered enforcement investigations by the Council. At that point, work stopped and between October 2007 and October 2008, a number of applications for planning permission and listed building consent were submitted and withdrawn with planning permission and listed building consent for 4 self-contained flats eventually being granted in February 2009 (the 2009 permission).
10. In 2010, enforcement investigations regarding the use of the building as an hotel were undertaken and various inspections and correspondence about the use of the building continued. 4 listed building enforcement notices were issued on 8 October 2018, subsequently withdrawn and re-issued with corrections on 15 October 2018. 3 of these notices are the subject of the appeals.

Procedural matters

11. There are a number of errors on the plans attached to the notices. On those relating to Notice A, the stairwell window in the rear elevation between second and third floors is shown as requiring replacement. At the site visit it was clear that this single glazed window had not been altered during the refurbishment works carried out to the building and now enforced against. It is also the case that 3 windows on the lower ground and ground floors, while shown for removal on the floor plans, do not have matching elevations to accompany them.

12. In addition, 2 of the windows concerned, namely those in the main rear wall on ground and first floor levels do not match the glazing pattern sought through the plans attached to the notice. These windows are now tripartite, with a central sash which results in a wide sash box on each side, whereas those on the elevation appear to show a single 3 over 3 pane pair of sashes.
13. The floor plans are also not accurate in terms of the precise layout of the partitions and this applies to all 3 notices.
14. The Council has therefore submitted suggested revisions to the notices which include revised plans which show the correct existing layout, the tripartite windows on the ground and first floors and the removal of the arched window to the stair well from the requirements. The missing elevations of the windows at ground and lower ground floor level have also now been provided.
15. The Council has also suggested that a number of photographs, which were included in its original appendices, should be attached to Notice A to demonstrate the detail that it would wish to see included in the glazing bars of the replacement windows. Notice A, as issued, does not, in fact, tell the appellants what the profile of glazing bars should be; the elevations are at small scale and only serve to illustrate the glazing pattern used in each particular window.
16. There was discussion at the Inquiry about the French doors on the ground floor rear elevation and the Council suggested that it would be acceptable to provide replacements that have 3 panes in each door to match those in the adjacent property, rather than the 10 panes in each shown on the original rear elevation attached to the notice and this has also now been amended on the revised set of plans and elevations.
17. The Council has also suggested that Notice B should also be amended by the deletion of the requirements to replace the oak veneered doors after they have been removed. It considers it would be acceptable not to replace them whilst the building is in a nil use, pending the approval of a scheme for the re-use of the property. I will consider this option in subsequent paragraphs.
18. Similarly, Notice C needs the accurate plans attached, and also amending to change the word 'Paragraph' in the requirements to 'Photograph' and I will make these corrections.
19. The appellants object to the proposal to amend Notice A in the manner sought by the Council, as they consider that the requirements would then be more onerous and they would therefore be prejudiced by the amendments. They submit that the amendments have been suggested only after the submission of all the evidence and the site visit and that there has not been a fair opportunity to address them.
20. I agree with the Council that the original glazing bars would have been more finely detailed than the modern equivalents used and that the replacements do not accurately reflect what, from the examples in the front elevation of the property and nearby buildings, have been taken out. Although the matters were discussed in detail at the Inquiry and the appellants must now be clear that the Council want to see the windows replaced to match exactly those that were taken out, I consider that I do not have the authority to make all the suggested alterations to the notice.

21. Nowhere in the original wording of Notice A is there a requirement to match the exact detail of the previous windows; all that is noted is that they must match their '*size and appearance*', with reference only to the small scale elevation drawing, and be single glazed.
22. At present, the windows do, in general, match the size of the originals. They fit in the unaltered openings and the top, side and bottom rails of the sashes are, I consider, in most cases close enough in size to match the originals, as measured against those in the front elevation, which are not enforced against.
23. In my professional opinion as an architect, and from what I saw at the site visit, it could be possible to re-glaze the replacement windows with single glazing without changing the glazing bars. There would then be no need to completely remake the windows in order for them to comply with the notice as originally written. Consequently, adding further requirements relating to the precise details of the glazing bars at this stage would be more onerous and thereby prejudice the appellants. I will not, therefore, amend the notice to require this.
24. Although I have concluded that it is not now possible to require the profile of the replacement glazing bars to be changed through Notice A, I will, however, attach photographs P to T to the notice so that, where they are missing or could not be retained if the double glazing were changed to single, there is guidance given on the preferred detailing.
25. I will also, for completeness, include the side and (revised) rear elevations of the closet wing and which show the elevations of the 3 missing windows, the removal of the arched window from the requirements and the tripartite windows on the ground and first floors. This will not prejudice the appellants as the number of windows now marked for replacement are reduced, there is no addition to the windows already marked on the plans and the glazing patterns match what is presently on site. The correction to include the tripartite windows would be beneficial to the appellants as it would be easier to re-glaze these windows, rather than replace them in their entirety, as would be needed if the original elevation was required to be followed.
26. With reference to the French doors, the current requirements call for 10 panes in each door, whereas at present there are single panes in each. Although there is little conclusive evidence as to the previous glazing pattern of the French doors, it was unlikely to have been a single pane in each door. There is an example of a pair of doors with 3 panes in each in the rear closet wing of No. 23, which is in the same group of houses as No. 26. I therefore consider it would be reasonable to use this as a template for any replacement and, as this would be less onerous than requiring doors each divided into 10 panes, I consider this would not be prejudicial to the appellants.
27. Therefore, whilst I will not vary the notices exactly in line with the suggested wording, which would cause injustice, I will make some factual corrections and include the amended plans and elevations, which will not increase the scope of the requirements and will ensure that the situation on site is accurately represented. I will attach the photographs for information only and I will also delete a window to the ground floor which was still shown on the revised plan submitted by the Council but which does not actually exist, as can be seen from Photograph A as attached to Notice A.

Reasons

Appeal A

Ground (e)

28. The Council considers that the double-glazed replacement windows have harmed the architectural character and historic interest of the building and, as noted above, wants to see them replaced with single glazed versions with glazing bars that match those that were previously there.
29. The appellants, however, consider that the windows are broadly similar to those they replaced and that it is, in essence, only the double glazing that is different. They submit that the issue of double glazing versus single glazing is not harmful enough to outweigh the benefit of the better thermal insulation that it provides.
30. The windows and doors that were removed were typical of the era in which the building was constructed and, apparently, matched those on the other similar properties in the terrace. They were elegant and gave the building a special character, even on the albeit less prominent rear elevation, and could be seen from a number of properties in Kensington Gardens Square to the east, all within the Bayswater Conservation Area.
31. As discussed in previous paragraphs, the plans attached to the notice do not specify details of the glazing bars that would need to be incorporated into the replacement windows and doors and I have already explained why I consider that the notice cannot be amended to require more detailed works than originally called for. I have also noted, however, that most of the main components of the windows have been constructed to very similar dimensions (within a few millimetres) of those removed and it is only the glazing bars and the double glazing that is different.
32. Nonetheless, the double glazing has a different visual quality to single glazing and I considered this to be noticeable in comparison with adjacent buildings when I saw the windows at the site visit. It is also very visible internally and will be apparent to any future users or occupants of the property. This has changed the architectural character of the building and diminished its historic interest.
33. There are other means by which thermal insulation can be improved without relying on double glazing and I consider that the harm caused by this departure from the historic detail of the building is not outweighed by any thermal benefits.
34. The appellants consider that the 2009 permission granted a blanket consent to replace all the windows in the building. I have been given an agreed series of annotated plans and the Design and Access Statement from that consent with the aim of setting out what was, and was not, permitted in respect of the windows. The plans are not totally clear, but it does seem that it was envisaged that most of the windows could be replaced.
35. However, that consent was never implemented, it was for a scheme that is not before me in this case and dates back to a different policy regime from more than 10 years ago. In current times, consent for any wholesale replacement of windows would be very unusual and would, I consider, only be likely to be

granted if the windows were in a state which put them totally beyond repair. I have seen no evidence to suggest that was the case at 26 Leinster Square before the works took place. I therefore give only limited weight to the 2009 permission in this respect.

36. The windows and doors, at present, harm the character of the listed building, contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA). The harm caused may be less than substantial but, as set out in the National Planning Policy Framework (the Framework), any harm carries significant weight and consent for the replacements could only be granted if there were public benefits that outweighed that harm.
37. I have already concluded that would not be the case and the removal of the windows and doors therefore also conflicts with Strategic Policy 25 from the Westminster City Plan, saved Unitary Development Plan policy DES10 and London Plan policy 7.8, which carry forward the aims of the LBCA. The appeal on ground (e) consequently fails.

Ground (j)

38. Ground (j) should only be pleaded when the notice requires steps to alleviate the effect of the unauthorised works (section 38(2)(b) of the LBCA) and these steps exceed what would be required to do this. It does not apply in cases where restoration, as referred to in section 38(2)(a), is called for and is only for when restoration would not be desirable or reasonably practical.
39. At the Inquiry, the Council confirmed that it intended Notice A to be issued under section 38(2)(a) and that the requirements of the notice are intended to restore the building to its former state by replacing the windows and door with copies of what were previously there. The appellants nevertheless claim that, as the original historic fabric has been lost, it would now be impossible to '*restore the building to its former state*' and the notice must therefore be intended to alleviate the effect of the works.
40. However, it was open to the appellants to appeal on ground (i) against this notice, which they have not done. Section 39(1) of the LBCA states that this ground is the ground that '*the steps required by the notice for the purpose of restoring the **character** of the building to its **former state** would not serve that purpose*'. (My emphasis). As restoration to the '*former state*' can only be required through s.38(2)(a), this must envisage that the '*character*' of the building can be the purpose of such a restoration as well as the replacement of the original feature itself. The restoration of the character must be able to be achieved through the installation of an exact replica of a lost feature, otherwise that wording would not have been included in the Statute in this form.
41. The original windows and doors cannot now be put back and the best option for returning the character of the building to its previous state would be to install modern copies that replicate as closely as possible those that were removed. These would never be able to fully match the originals; the quality of modern timber is different from that available in the mid-19th century and the glass that would have been used at that time had very different reflective qualities from the float glass produced today. Whilst it is still possible to obtain Crown glass manufactured in a traditional way, this is not called for in the listed building enforcement notice. However, replicating the windows and doors would now be the best way of restoring the historic character of the building.

42. Nevertheless, even if the arguments put forward by the appellants are considered relevant to an appeal on ground (j) appeal, which I doubt they are, they do little more than repeat the submissions made in favour of the grant of listed building consent. The effect of the works is the harm caused through the loss of the original windows and the requirements of the notice do not exceed what is needed to alleviate that loss. Any appeal considered under ground (j) in this case would consequently fail.

Appeal B

Ground (e)

43. This ground of appeal seeks consent for the retention of the partitions and internal doors. The partitions enforced against are only those new insertions sub-dividing the principal rooms on the ground, first and second floors. Although these rooms were previously divided prior to the stripping out works in 2007, the new partitions enforced against are not in the same positions as those removed as part of those works.
44. It is not disputed that the alteration of the partitions was undertaken without listed building consent and the new partitions need such consent to authorise them. Under this ground of appeal, I must take into account the effect of the new partitions and doors on the architectural character and historic interest of the listed building.
45. The principal rooms are important spaces with grand proportions that reflect the original design of the house and were reception spaces intended to receive visitors and demonstrate the status of the owners. The new partitions mean that it is no longer possible to appreciate these proportions and appear awkwardly positioned in relation to the fireplaces, which were originally the focal point of the rooms, thereby harming their architectural character. Consequently, the works conflict with the duty in the LBCA to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
46. The appellants have made the submission that the works that have taken place since 2007 should be considered as one operation and that the baseline against which the works should be considered is the condition of the building at that time. They consider that any comparison with the condition after the stripping out in 2008 should not be made, as that state was unlawful. They point to the condition in 2007 as being the last 'authorised' state of the building and that the merits of the appeal on ground (e) should be judged against the building in that state.
47. However, I consider that this is not the correct approach to take in this case. Although the principal rooms were no longer in their original form when the works were undertaken, there is no definitive layout available for their state at the date of listing or to confirm that the 2007 layout was present in 1965. In any event, whether or not this was the case and even if the current layout is considered to be better than that previously found, it nonetheless still causes harm.
48. The 2009 permission for four flats did not sub-divide the rooms on these floors and this indicates that this would not necessarily need to happen to facilitate a suitable future use of the building. I have not been referred to any public benefits of the existing layout and it seems to me that, with no specific use agreed for the property at this stage, there is no justification for the sub-division of the principal rooms in this way.

49. I therefore consider that it would be perverse to permit works which have been carried out without consent, are therefore able to be enforced against and which cause, or repeat, harm to the historic form of the building.
50. This finding also applies to the doors. The new doors can be enforced against and there is only tenuous evidence of painted flush doors possibly being present at the time of listing. This evidence is limited to 2 undated photographs and only shows 3 doors in total. This does not, to my mind, necessarily indicate that there were similar doors throughout the building or that they were present in 1965.
51. Once again, the oak veneered doors are not typical of those found in a building of this age and contribute to the current contemporary treatment of the interior that detracts from the architectural style of the building as a whole.
52. I have considered whether a condition requiring the painting of the doors would be an acceptable alternative. However, given that there is no current use for the building that might indicate that such doors were acceptable, even if painted, I will not use this option.
53. As with Appeal A, there is harm caused by the works to the character of the listed building, contrary to the provisions of the LBCA and they also conflict with Strategic Policy 25 from the Westminster City Plan, saved Unitary Development Plan policy DES10 and London Plan policy 7.8. The appeal on ground (e) consequently fails and listed building consent is refused.
54. I note however, that the notice gives a compliance period of 12 months and the appellants have undertaken an obligation to pursue pre-application discussions on the future use of the building with the Council within 2 months of the date of this Decision. Following the outcome of those discussions they have also agreed to submit a planning application for a change of use of the building and, presumably, a listed building consent application for associated works would follow. This would allow the Council to review the situation again and to decide whether the retention or modification of any of the partitions or doors would then be justified.

Ground (g)

55. At the Inquiry, the Council confirmed that it intended the notice to be issued under section 38(2)(b). An appeal on ground (g) only applies where the requirements of the notice call for the building to be restored to its former state as set out in section 38(2)(a) and it is claimed that the steps would exceed what is necessary to do this.
56. The appellants submit that, as the Council has suggested the removal of requirements (d) and (e) there are therefore no 'further works' required to alleviate the effect of the works enforced against and the notice should now be considered under section 38(2)(a).
57. However, I disagree with this conclusion as I consider that 'works' in these circumstances would, in the normal sense of the word, refer to any demolitions or alterations to the building and would cover the removal of both the partitions and the doors. The notice remains to be considered as issued under section 38(2)(b) and an appeal on ground (g) is not, therefore, appropriate in this case.

Ground (i)

58. As with ground (g), ground (i) is only appropriate when the steps required by the notice are for restoring the character of the building to its former state as stated in section 38(2)(a) of the LBCA. As noted by the appellants, the former state is its state prior to any contravention, not just the contravention which is the subject of the appeal. However, where the notice is seeking works of alleviation, the appropriate ground of appeal would be (j), not (i). As this notice was issued under section 38(2)(b), ground (i) is consequently not the appropriate ground of appeal. I will therefore deal with the arguments put forward under ground (j).

Ground (j)

59. As noted previously, an appeal on ground (j) claims that the steps required under s38(2)(b) exceed what is necessary to alleviate the effect of the works. A listed building enforcement notice may not call for works to improve the building over and above the condition it was in at the time of listing, but that would not be the case here. All that is required is the removal of features that have been installed without consent and which harm the architectural character and historic interest of the building.
60. Also as previously noted, the listed building enforcement notice does not have to require the building to be returned to its former state. Even though the removal of the existing partitions should have been the subject of an application for consent, now that this work has been carried out, the Council is able to effectively under-enforce by requiring only some of the new partitions to be removed and by not requiring the building to be returned to the layout that existed before the works began.
61. In a similar vein, it is possible to call only for the removal of the doors and not to require their replacement with panelled doors of the same type as found in an adjacent building. As the building has a nil use, the removal of the doors would be acceptable and not cause any further harm. I will amend the listed building enforcement notice to this extent.
62. Therefore, I find that the requirements to remove the unauthorised features do not exceed what is necessary to alleviate the effect of the works and the appeal on ground (j) fails.

Appeal C

Ground (e)

63. The suspended ceilings have been installed in the front rooms at ground and first floor level. They have obscured the original plaster cornices in these rooms which are important decorative features of the building and which add to its architectural character and interest. Although I am told that the cornices are still largely in place, they are now obscured and, if listed building consent were to be granted for the ceilings, there is little likelihood that they would be uncovered in the foreseeable future.
64. The appellants state that the ceilings are required for fire and sound separation between the floors of the building, but as the building presently has a nil use, there is currently no justification for, or benefits accruing from, the lowered ceilings. Unless and until they could be shown to be required for a future beneficial use of the building, I consider that they should be removed.

65. I have considered whether the suggested condition relating to the insertion of additional cornices could overcome the harm but in the absence of any other justification for the ceilings, I conclude it would not.
66. My previous comments on the 12 month compliance period apply and I consider that this allows time for the parties to negotiate an acceptable scheme for the future use of the property and, if then found to be justified, a grant of listed building consent for the ceilings would then override the requirements of the notice.
67. However, as things stand and as with Appeals A and B, there is harm caused by the works to the character of the listed building, contrary to the provisions of the LBCA and they also conflict with Strategic Policy 25 from the Westminster City Plan, saved Unitary Development Plan policy DES10 and London Plan policy 7.8. The appeal on ground (e) consequently fails and listed building consent is refused.

Ground (g)

68. This ground is pleaded on the ground that the cornice has not been removed and the requirement to replace it is consequently unnecessary. At the site visit, I was able to see only a small portion of the cornices through a trial hole formed in the suspended ceiling but consider it reasonable to assume that they are largely intact. Nevertheless, as noted above, I do not have conclusive evidence that no sections have been removed, so I will vary the requirements to make clear that, if any sections of cornice have been removed or damaged by the installation of the ceilings, they are to be replaced to match the existing. The appeal on ground (g) succeeds to this extent.

Ground (j)

69. As the listed building enforcement notice was served under s.38(2)(a), as explained in preceding paragraphs, ground (j) does not apply and this has been accepted by the appellants.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Victoria Hutton	Of Counsel
She called	
Charles Rose BA (Hons)	The Heritage Practice

FOR THE LOCAL PLANNING AUTHORITY:

Charles Streeten	Of Counsel
He called	
John Wilman BA (Hons) Dip European Urban Conservation, Cert Urban Design	Area Urban Design and Conservation Office Westminster City Council

DOCUMENTS

- 1 Notes of Mr Streeten's opening Statement
- 2 Notes of Ms Hutton's opening Statement
- 3 Notes on approved drawings for 2008_09194/FULL and 2008_09195_LBC
- 4 Notes on amended plans attached to Listed building enforcement notices
- 5 WCC's suggested amendments to Notice A, including plans
- 6 WCC's suggested amendments to Notice B, including plans
- 7 Suggested conditions
- 8 Closing submissions from Westminster City Council
- 9 Closing submissions from Boustead Hyde Park Limited
- 10 Confirmation of withdrawal of enforcement notices 1 - 14

PLANS

- A Approved plans and DAS from 2008_09194/FULL and 2008_09195_LBC
- B Revised Plan Set B

Annex A

Allegations of Listed Building Enforcement Notices A, B and C

Notice A:

Without the benefit of listed building consent and after the date the building was listed:

- i) the removal of single-glazed timber-framed double-hung sash windows in the rear elevation at lower ground floor level to fourth floor level;
- ii) the removal of a set of single-glazed timber-framed French doors in the rear elevation at ground floor level;
- iii) the installation of replacement double-glazed timber-framed double-hung sash windows at lower ground floor level to fourth floor level; and
- iv) the installation of a set of double-glazed timber-framed French doors at ground floor level.

Notice B:

Without the benefit of listed building consent and after the date the building was listed:

- i) the installation of the internal walls shaded red on Plan Set B: GF, 1F and 2F at ground floor to second floor level; and
- ii) the installation of varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at lower ground floor level to fourth floor level within the Property (shown highlighted by red and green crosses on Plan Set B: LG, GF, 1F, 2F, 3F and 4F).

Notice C:

Without the benefit of listed building consent and after the date the building was listed, the installation of suspended ceilings in the principal rooms at the front of the ground floor level and first floor level.

Annex B

Requirements of Listed Building Enforcement Notices A, B and C

Notice A:

- a) Remove the double-glazed timber-framed double-hung sash windows from lower ground floor level to fourth floor level at the rear elevation of the Property, from the positions shown outlined by blue lines on Plan Set B: LG, GF, 1F, 2F, 3F and 4F and on the Rear Elevation Plan (examples shown in Listed Building Current Photographs A to C);
- b) Remove the double-glazed timber-framed French doors at ground floor level at the rear elevation of the Property (shown in Listed Building Current Photograph D) from the position shown outlined by purple lines on Plan Set B: GF and on the Rear Elevation Plan;
- c) Install white-painted, timber-framed, single-glazed double-hung sash windows from lower ground floor level to fourth floor level at the rear elevation of the Property in the positions shown outlined by blue lines on Plan Set B: LG, GF, 1F, 2F, 3F and 4F, and on the Rear Elevation Plan, to match the size and appearance of the windows shown outlined by blue lines on the Rear Elevation Plan;
- d) Install white-painted, timber-framed, single-glazed French doors at ground floor level at the rear elevation of the Property at the position shown outlined by purple lines on Plan Set B: GF, to match the size and appearance of the French doors shown outlined by purple lines on the Rear Elevation Plan; and
- e) Make good any damage caused to the building by the unauthorised works or caused by the required restoration works detailed in Steps a) to d) above, using matching materials, finish and appearance.

Notice B:

- a) Remove the internal walls shaded red on Plan Set B: GF, 1F and 2F;
- b) Remove the varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at ground floor level to second floor level within the Property, from the positions shown by red crosses on Plan Set B: GF, 1F and 2F (examples shown in Listed Building Current Photograph E to G);
- c) Remove the varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at lower ground floor level to fourth floor level within the Property, from the positions shown by green crosses on Plan Set B: LG, GF, 1F, 2F, 3F and 4F;
- d) Install white-painted softwood four-panel doors at the positions shown by green crosses on Plan Set B: LG, GF, 1F, 2F, 3F and 4F to match the example internal door shown in Listed Building Current Photograph H;
- e) Install white-painted timber door surrounds at the positions shown by green crosses on Plan Set B: LG, GF, 1F, 2F, 3F and 4F to match the example internal door surround shown in Listed Building Current Photograph H;

f) Make good any damage caused to the building by the installation or removal of the unauthorised works, as set out in Steps 1) to 5) above, using matching materials, finish and appearance.

Notice C:

- a) Remove the suspended ceilings from the principal rooms at the front of the ground floor level and first floor level, shown shaded yellow on Plan Set B: GF and 1F and shown in Listed Building Current Photographs I to L;
- b) Restore or reinstate cornice to the principal rooms at the front of the ground floor level and first floor level, to match the design and appearance of the cornice shown in Paragraph M; and
- c) Make good any damage caused to the internal fabric of the building by the removal of the unauthorised works, using matching materials, finish and appearance.

Annex C

Revised wording of Listed Building Enforcement Notice allegations

Notice A:

Without the benefit of listed building consent and after the date the building was listed:

- i) the removal of single-glazed timber-framed double-hung sash windows in the rear elevation at lower ground floor level to fourth floor level, in the positions shown outlined by blue lines on revised Plan Set B: LG, GF, 1F, 2F, 3F and 4F, on the Rear Elevation Plan, and on the Side Elevation Plan, attached as Annex E to this Decision;
- ii) the removal of a set of single-glazed timber-framed French doors in the rear elevation at ground floor level, in the position shown outlined by purple lines on Plan Set B: GF, and on the Rear Elevation Plan as attached in Annex E to this Decision;
- iii) the installation of replacement double-glazed timber-framed double-hung sash windows at lower ground floor level to fourth floor level; and
- iv) the installation of a set of double-glazed timber-framed French doors at ground floor level.

Notice B

Without the benefit of listed building consent and after the date the building was listed:

- i) the installation of the internal walls shaded red on revised Plan Set B: GF, 1F and 2F at ground floor to second floor level as attached in Annex E to this Decision; and
- ii) the installation of varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at lower ground floor level to fourth floor level within the Property (shown highlighted by red and green crosses on revised Plan Set B: LG, GF, 1F, 2F, 3F and 4F) as attached in Annex E to this Decision.

Annex D

Revised wording of Listed Building Enforcement Notice requirements

Notice A:

- a) Remove the double-glazed timber-framed double-hung sash windows from lower ground floor level to fourth floor level at the rear elevation of the Property, and at the side elevation of the rear closet wing, within the positions shown outlined by blue lines on revised Plan Set B: LG, GF, 1F, 2F, 3F and 4F and on the Rear Elevation Plan and on the Side Elevation Plan, attached as Annex E to this Decision (examples of the unauthorised works shown in Listed Building Current Photographs A to C).
- b) Remove the double-glazed timber-framed French doors at ground floor level at the rear elevation of the Property (shown in Listed Building Current Photograph D) from the position shown outlined by purple lines on revised Plan Set B: GF and on the Rear Elevation Plan B as attached in Annex E to this Decision;
- c) Install white-painted, timber-framed, single-glazed double-hung sash windows from lower ground floor level to fourth floor level at the rear elevation of the Property and at the side elevation of the rear closet wing, in the positions shown outlined by blue lines on revised Plan Set B: LG, GF, 1F, 2F, 3F and 4F, and on the Rear Elevation Plan and on the Side Elevation Plan, attached as Annex E to this Decision, to match the size and appearance of the windows shown outlined by blue lines on the Rear Elevation Plan as attached in Annex E to this Decision. Photographs P to T attached as annex F to this Decision included for guidance only.
- d) Install white-painted, timber-framed, single-glazed French doors at ground floor level at the rear elevation of the Property at the position shown outlined by purple lines on revised Plan Set B: GF, to match the size and appearance of the French doors shown outlined by purple lines on the Rear Elevation Plan B as attached as Annex E to this Decision, or as shown in Photograph P attached in Annex F to this Decision;
- e) Make good any damage caused to the building by the unauthorised works or caused by the required restoration works detailed in Steps a) to c) above, using matching materials, finish and appearance.

Notice B:

- a) Remove the internal walls shaded red on revised Plan Set B: GF, 1F and 2F;
- b) Remove the varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at ground floor level to second floor level within the Property, from the positions shown by red crosses on revised Plan Set B as attached as Annex E to this Decision: GF, 1F and 2F (examples shown in Listed Building Current Photograph E to G);
- c) Remove the varnished flush oak-veneer flush-panel internal doors, the varnished oak-veneer internal doors with glazed panels, and the varnished oak-veneer door surrounds at lower ground floor level to fourth floor level within

the Property, from the positions shown by green crosses on revised Plan Set B: LG, GF, 1F, 2F, 3F and 4F as attached in Annex E to this Decision;

d) Make good any damage caused to the building by the installation or removal of the unauthorised works, as set out in Steps a) to c) above, using matching materials, finish and appearance.

Notice C

a) Remove the suspended ceilings from the principal rooms at the front of the ground floor level and first floor level, shown shaded yellow on revised Plan Set B as attached in Annex E to this Decision: GF and 1F and shown in Listed Building Current Photographs I to L;

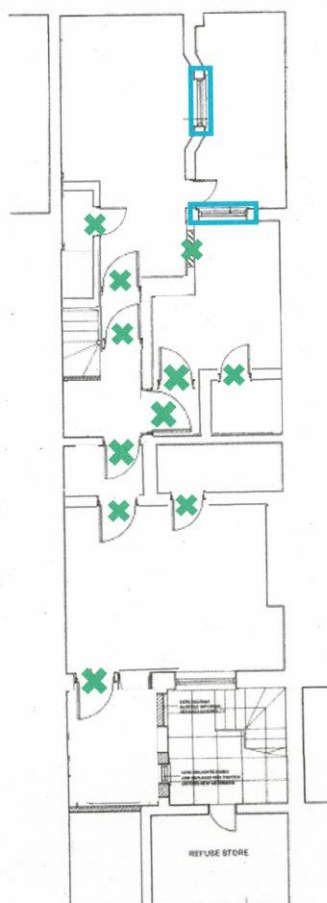
b) Restore or reinstate any sections of cornice to the principal rooms at the front of the ground floor level and first floor level that have been damaged or removed in connection with the installation of the ceilings, to match the design and appearance of the cornice shown in Photograph M; and

c) Make good any damage caused to the internal fabric of the building by the removal of the unauthorised works, using matching materials, finish and appearance.

Annex E

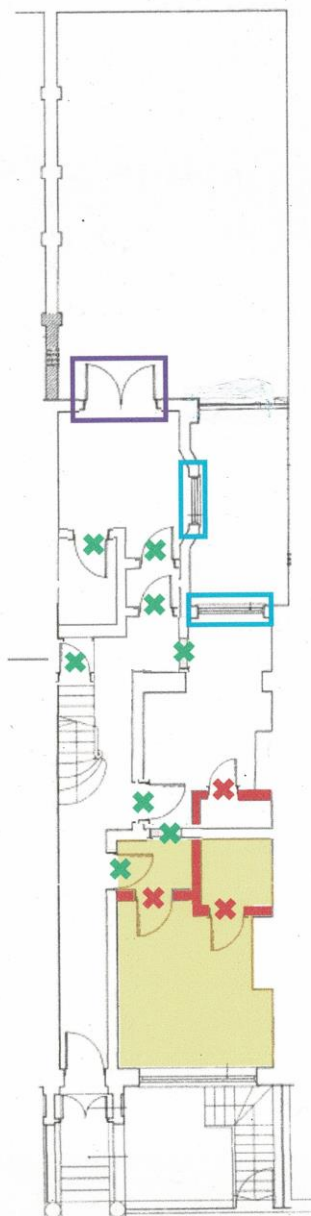
Revised Plan Set B

Plan Set B: LG Lower Ground Floor



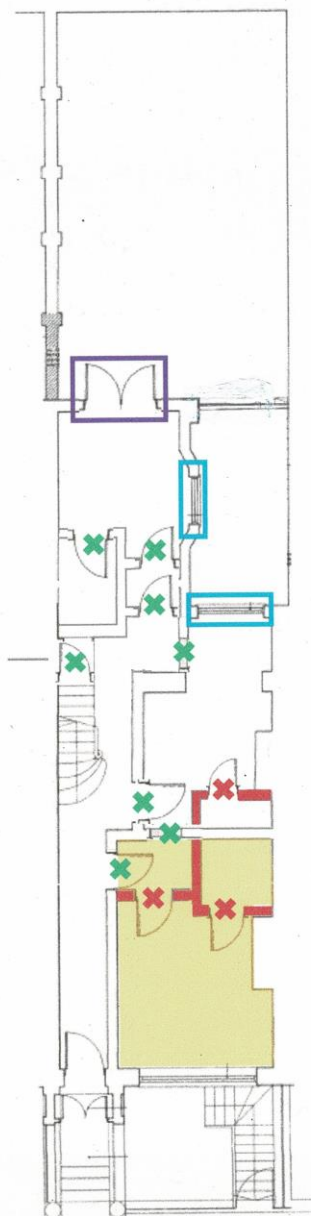
NOT TO SCALE

Plan Set B: GF Ground Floor



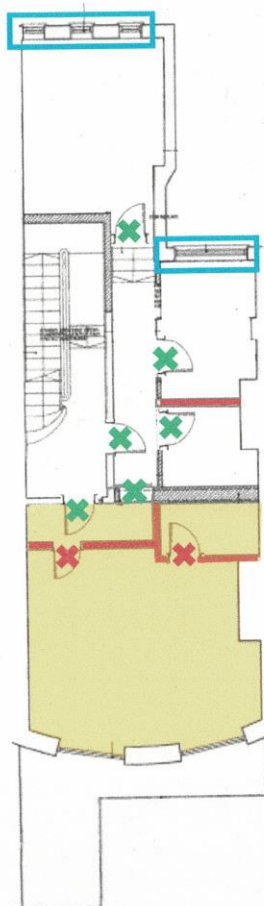
NOT TO SCALE

Plan Set B: GF Ground Floor



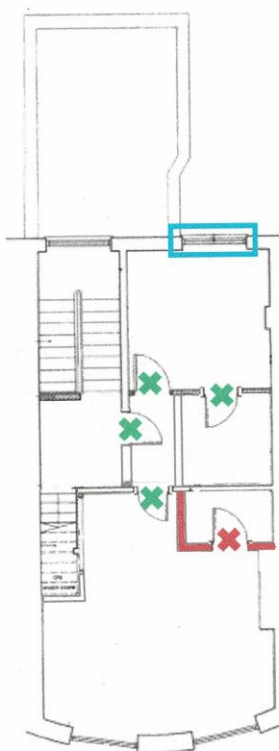
NOT TO SCALE

Plan Set B: 1F First Floor



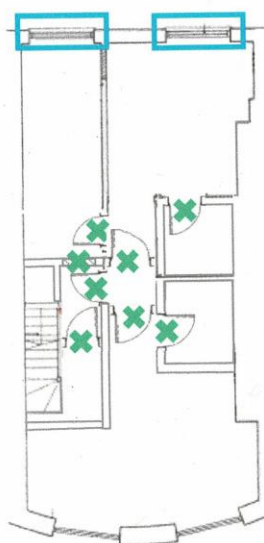
NOT TO SCALE

Plan Set B: 2F Second Floor



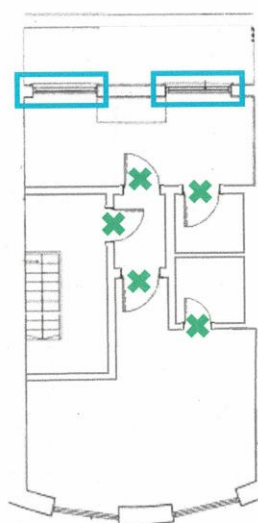
NOT TO SCALE

Plan Set B: 3F Third Floor



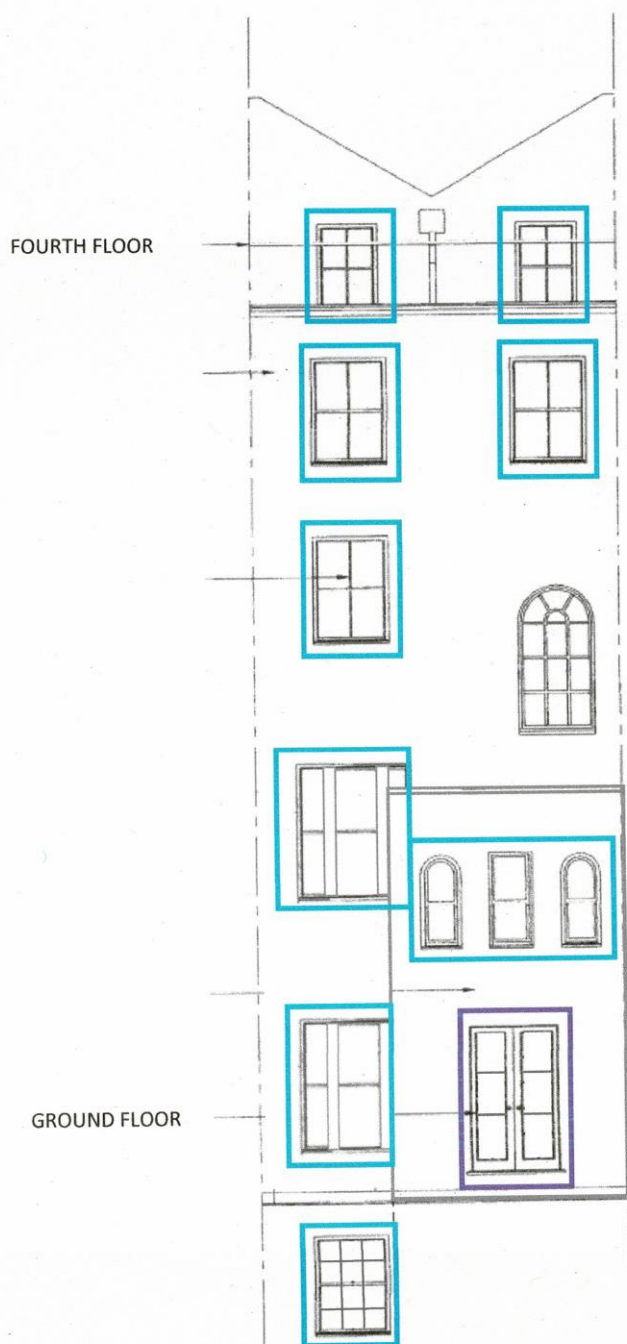
NOT TO SCALE

Plan Set B: 4F Fourth Floor



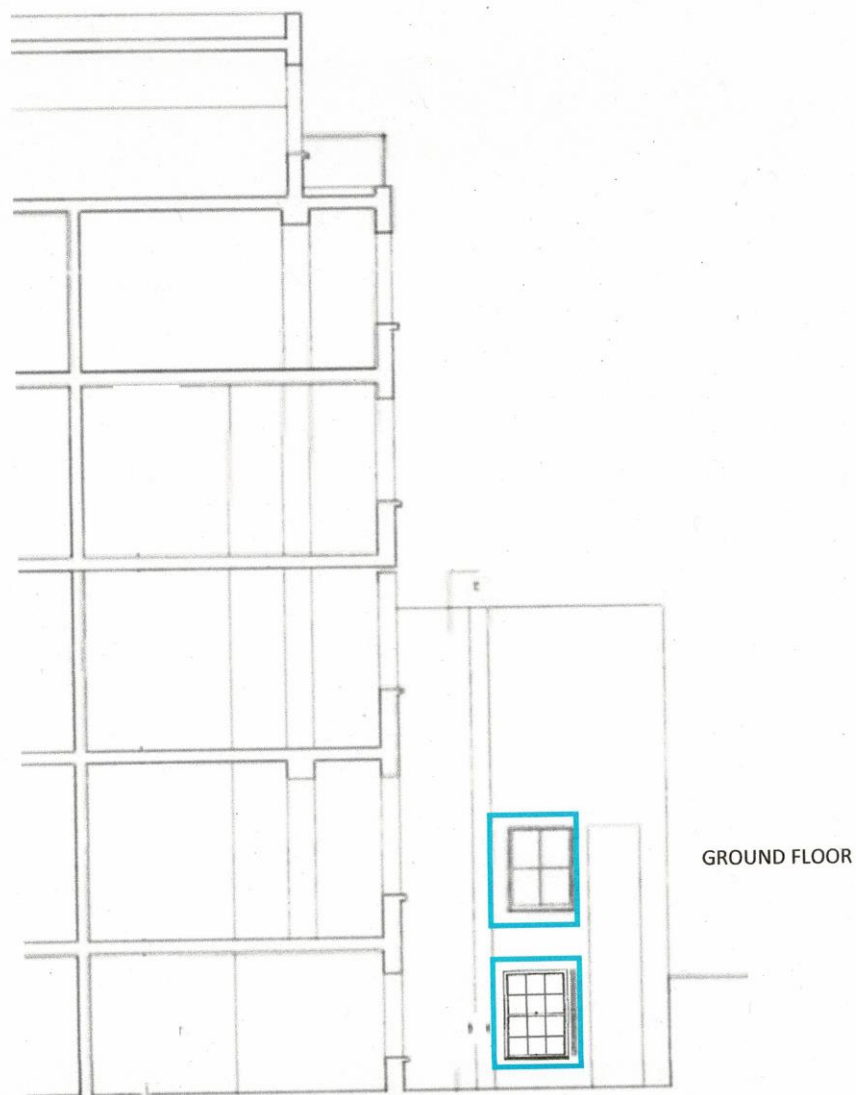
NOT TO SCALE

Rear Elevation Plan



NOT TO SCALE - INDICATIVE PURPOSES ONLY

Side Elevation Plan

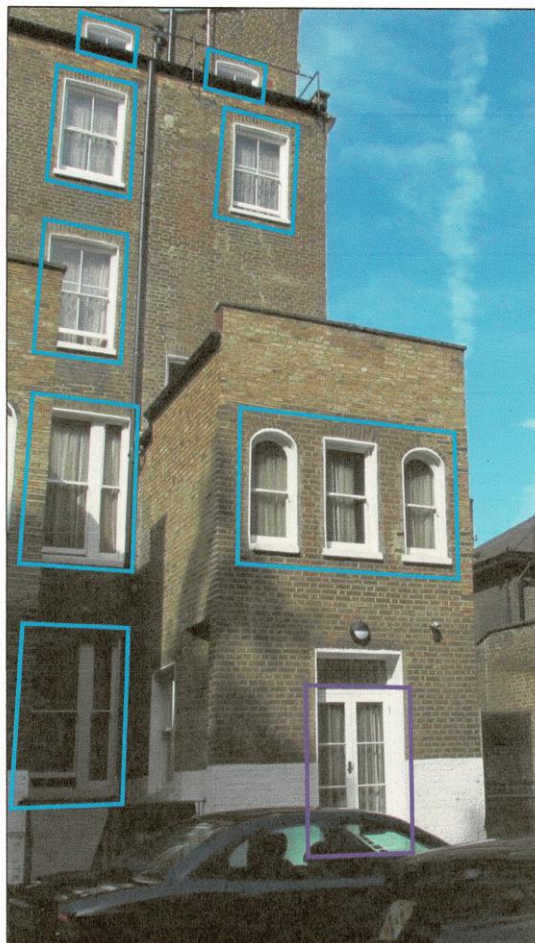


NOT TO SCALE - INDICATIVE PURPOSES ONLY

Annex F

Photos P – T

Photograph P



Rear facing windows and French doors at ground to fourth floor level at No. 26 Leinster Square to match the single glazed windows and French doors shown above at No. 23

Photograph Q



**Rear facing tripartite windows at lower ground and ground floor level
at No. 26 Leinster Square to match the single glazed tripartite window
shown above at No. 23**

Photograph R



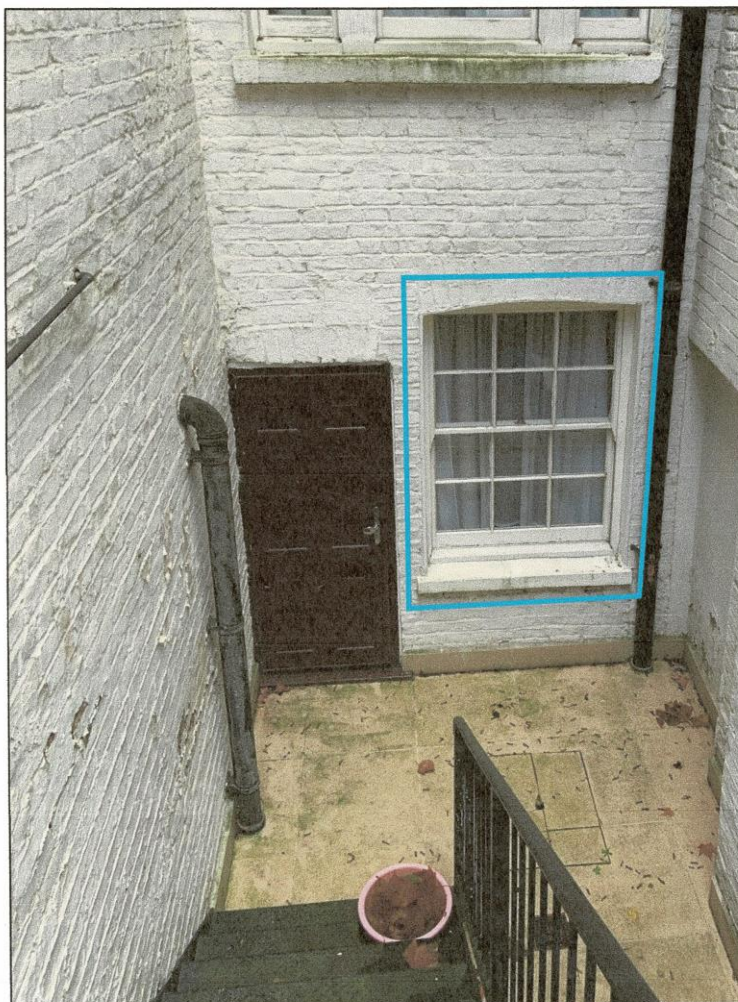
Rear facing triple windows at ground floor level in the rear closet wing at No. 26 Leinster Square to match the single glazed triple windows shown above at No. 23

Photograph S



Side facing window at ground floor level at No. 26 Leinster Square to match the single glazed window shown above, at ground floor level in the side elevation of the closet wing at No. 23

Photograph T



**Rear facing and side facing windows at lower ground floor level at No. 26
Leinster Square to match the single glazed window shown above, at lower
ground floor level at No. 25**