
Appeal Decisions

Site visit made on 12 April 2021

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an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal A: APP/X5990/W/20/3260201

17 Hanover Terrace, London NW1 4RJ

- 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 Russell Jacobs against the decision of City of Westminster Council.
 - The application Ref 20/03374/FULL, dated 1 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is described as alteration to rear elevation to incorporate - sliding patio doors at ground floor level, reconfiguration of ground floor layout, reconfiguration of second floor bedroom layout.
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Appeal B: APP/X5990/Y/20/3260202

17 Hanover Terrace, London NW1 4RJ

- 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 Russell Jacobs against the decision of City of Westminster Council.
 - The application Ref 20/03375/LBC, dated 1 June 2020, was refused by notice dated 26 August 2020.
 - The works proposed are described as alteration to rear elevation to incorporate - sliding patio doors at ground floor level, reconfiguration of ground floor layout, reconfiguration of second floor bedroom layout.
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Decisions

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 they address separate applications for 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.

Main Issue

4. The main issue is the effect of the scheme on designated heritage assets, including: whether it would preserve a Grade I listed building, or any of the features of special architectural or historic interest that it possesses, and preserve or

enhance the character or appearance of Regent's Park Conservation Area (the Conservation Area).

Reasons

5. The appeal property is 17 Hanover Terrace, which forms part of the consecutively numbered 1-20 Hanover Terrace, which is the listed building in this case. As the building is listed at Grade I, it is a designated heritage asset of the highest significance. In this regard paragraph 193 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater this weight should be.
6. Insofar as it is relevant to the Appeals, the special interest and significance of the listed building lies in its early nineteenth century date, and its design by John Nash, featuring a long, classically configured palace front, and prominent position overlooking Regent's Park. In this regard interest and significance also lies in the building's association with other contemporary elements of the Regents Park Crown Estate development.
7. The listed building is located within the Conservation Area, which takes as its particular subject Regents Park and adjacent development. Again, insofar as it is relevant to the Appeals, the special interest and significance of the Conservation Area thus lies in the historic character, layout and interrelationship of open space and buildings both within and adjacent to the Park. In this context the listed building makes a strongly positive contribution.
8. As is common, the original rear elevation of the terrace is of contrasting appearance to that of the front. This appears to have originally featured a largely if not wholly flat back and simple brick finish, which remains appreciable above later additions to lower floors. Though the Council notes the original presence of 'half width extensions', none is apparent at No 17 or to the rear of adjacent parts of the terrace, where additions appear to be relatively modern. In this regard the size, character, and sympathy of additions, both in terms of their design and construction, varies greatly.
9. In this regard No 17 has been previously extended between basement and ground floor level. The extension carries a rendered finish which incorporates a crude composition of applied classical detailing. This incorporates pilasters and an entablature at ground floor level, above a rusticated finish at basement level. As a whole this creates an appearance starkly at odds with the simple character of the original rear elevation, and can be considered in no way comparable to the quality of the front elevation.
10. At ground floor level the extension features 3 regularly arch topped openings which are roughly modelled on the appearance and proportions an original window serving the stairs. This establishes some sense of relationship with the original rear elevation. Nonetheless, clear scope for improvement exists in both this and the above regards, and so too the opportunity to better reveal the significance of the listed building.
11. The proposed works would see the removal of the pilasters and insertion of a single opening in place of the 3 current openings. As the pilasters are an unsympathetic detail, their removal could potentially be of benefit. However, in this case their removal would occur in isolation, leaving a disembodied

entablature floating above the new opening, with the rustication remaining below. This fragmentation of the detailing would cause it to appear even less architecturally sympathetic and coherent than it does at present.

12. The proposed new opening would feature an unbroken sequence of 5 glazed panels. The proportions and emphasis of the opening and panels would not directly correspond with those of openings and glazing within the original rear elevation. This would be particularly apparent in contrast with openings within the original rear elevation which are fitted with French doors. Nor would the glazing design directly reflect that of the French doors, or that of any other historic opening within the original rear elevation. Again, the proposed treatment would therefore appear somewhat less sympathetic than at present.
13. The fact that rear of the terrace features other extensions of differing design, which may relate poorly to the original rear elevation, does not in itself justify the negative effects to which the scheme would give rise.
14. Internally, the Council has raised objection to works proposed to the ground floor only. In this regard the removal of a section of the original back wall between the dining room and extension is proposed. As the proposed opening has not been shown in section, the full nature of the proposal is unclear. The plans however show that the opening would be of substantial width, and off-centre, and it appears that there would be little scope for its edges to be suitably finished. The opening would clearly not reflect the proportions of the window opening once present within the wall, and nor would it reflect the proportions of double door openings present within other parts of the ground floor. The opening would not therefore achieve any clear sense of relationship with openings, both existing and historic, whilst the extent of fabric removal would erode the identity of the dining room as an important component of the historic plan form of the building.
15. The insertion of modern spotlighting within the dining room would accentuate the harm identified above. It would also appear incongruous within a historic part of the building. Though the Council has raised no objection to the spotlighting scheme upstairs, this is on the basis of its existing presence. The context within which it was introduced is however unclear, and in any case, I see no reason why its presence should justify the harm that would arise were it to be installed within a part of the building from which it is currently absent.
16. As a whole, the scheme would therefore fail to preserve the special interest of the listed building. As such it would conflict with the expectations of the Act, and paragraphs 193 and 194 of the Framework, which, as outlined above, set out the great weight to be attached to the conservation of designated heritage assets, and also the need for clear and convincing justification for any harm.
17. Having regard to the Conservation Area, and insofar as the scheme would entail external alterations, these would be appreciable from adjacent properties, but would not be generally visible from within the public realm. The contribution made by the listed building to the special interest and significance of the Conservation Area however extends beyond the appearance of the front elevation, to the character and quality of its architecture considered in the round. As such, given my findings above, the scheme would also fail to preserve or enhance the character or appearance of the Conservation Area, giving rise to further conflict with the Act and Framework as outlined above.

18. In view of my findings, and with further reference to paragraph 196 of the Framework, the scheme would, as a whole, cause less than substantial harm to the significance of the listed building and the Conservation Area. I attach great weight to the harm that would be caused to the significance of the listed building, and considerable importance and weight to the harm that would be caused to the significance of the Conservation Area. In accordance with the Framework, it is necessary to balance this harm against any public benefits the scheme would deliver.
19. In this case the benefits of reconfiguring the accommodation would be private, and therefore attract no weight in themselves. Work would be generated for contractors, however the broader economic benefits of this would be very limited in scale, and thus attract only very limited weight. Consequently, the public benefits of the scheme would be insufficient to outweigh the harm that it would cause.
20. For the reasons outlined above, I conclude that the scheme would not preserve the special architectural or historic interest of the listed building, and that it would additionally fail 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 scheme would thus conflict with Policies S25 and S28 of the Westminster City Plan 2016 which set out the objectives of conserving Westminster's heritage assets and achieving exemplary standards of design; saved Policy DES1 of the Unitary Development Plan (UDP), which seeks to secure both objectives; and saved Policies DES5 and DES10 part (A) of the UDP which together seek to secure sympathetic alterations. With regard to both appeals, the scheme would otherwise fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Conclusion

21. The scheme would fail to preserve designated heritage assets, and in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR