

Appeal Decision

Site Visit made on 29 June 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2021

Appeal Ref: APP/X5990/W/21/3268863

1 Bourne House, St Vincent Street, London, W1U 4DB

- 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 Mrs Andrea Merrington (Howard de Walden Estate Ltd) against the decision of City of Westminster Council.
 - The application Ref 20/01723/FULL, dated 27 February 2020, was refused by notice dated 6 October 2020.
 - The development proposed is erection of a new roof pavilion and roof terrace space on Bourne House in connection with the Class B1 office use at 1 St Vincent Street.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the refusal of the application, the Council adopted a new City Plan 2019-2040 on 21 April 2021. This has replaced the Unitary Development Plan (2007) (UDP) and the previous City Plan (2016). Policies S25 and S28 of the City Plan 2016 and saved Policies DES 1, DES 6 and DES 9 of the UDP, cited in the reasons for refusal, have therefore been superseded and no longer have weight. The Council has advised that the relevant policies of the new City Plan are Policies 38, 39 and 40. The appellant has had the opportunity to comment on these new policies.
3. In addition, The London Plan 2021 was published on 2 March 2021, replacing The London Plan 2016. The parties have had the opportunity to comment on the new London Plan and I have determined this appeal in the context of the current development plan.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host building and the area, with particular regard to the Harley Street and Portman Estate Conservation Areas.

Reasons

6. The host building is within the Harley Street Conservation Area (the HSCA), the western boundary of which runs around three sides of the building. This boundary is contiguous with the eastern boundary of the Portman Estate Conservation Area (the PECA) and so the building is within the setting of this

Area. In assessing the effects of the proposal, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the HSCA as the conservation area in which the host building is sited.

7. The revised Framework sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets and any harm to a designated asset requires clear and convincing justification. Harm to heritage assets can arise from development within their setting. Any less than substantial harm to a designated asset should be balanced against the public benefits of the proposal.
8. The centre of the HSCA is characterised by a tight-knit network of terraced townhouses of a consistent scale with generally narrow plots set in a regular grid street layout. Consequently, the central area has a dense, urban feel with a predominantly residential character. However, the western part of the HSCA, either side of Marylebone High Street, including St Vincent Street, has a different character with more commercial uses and a more informal layout. St Vincent Street comprises buildings and plots of varying sizes in a range of uses, including residential and commercial. The roof profiles of properties in the HSCA contribute to its character and appearance.
9. The PECA has a generally homogenous character due to the survival of substantial parts of the original late 18th century grid layout of streets and squares, with a harmonious rhythm of coherent blocks of historic terraced buildings. The secondary spaces to the east side of the PECA form a buffer between the formal layout of the Portman Estate and the more organic plan form of Marylebone to the east.
10. The host building is sited on the corner of St Vincent Street and Cramer Street with substantial elevations to both. It is a relatively simple, unadorned residential building of 5 storeys including a lower ground floor and with a flat roof dating from the 1930's. The regular pattern of multi-paned timber sash windows to each floor is a notable feature of the building. It makes a small but positive contribution to the character and appearance of the HSCA and is consequently identified within the HSCA Audit as an 'Unlisted Building of Merit'.
11. The proposed roof pavilion would infill a gap between an existing stair riser on the roof of the host building and an approved mansard roof to the adjoining property, No 110 Marylebone High Street (also known as 1 St Vincent Street). The pavilion would also have a mansard elevation to St Vincent Street and be approximately 1.2 m higher than the existing stair riser but lower than the top of the flank wall to the mansard on No 110.
12. Although identified as a property where a roof extension would not normally be acceptable in the HSCA Audit the Council acknowledges that an addition to the roof of the host building is acceptable in principle. However, the Council has concerns over the proposed design. In this regard, the use of a stock brick for the mansard would match the appearance of the main façade but brick is not a traditional mansard material. Whilst lead roofing would not necessarily be out of keeping with other roofs in the HSCA, the combination of the brick and lead would not harmonise fully with either the host building or the mansard at No 110.

13. The proposed windows in the front elevation of the pavilion would have the vertical emphasis of and align with the existing windows below. However, the windows would be narrower relative to their height than the windows directly below them and not sash windows. The proposed steel frames and single panes would be at odds with the wooden frames and style of the existing fenestration.
14. The proposed clerestory would be an additional roof element unrelated to the existing or adjoining property. The mixture of roof forms would detract from the existing clean, simple lines of the host building and be out of keeping with other predominantly simpler roof forms in this part of the HSCA.
15. Overall, therefore, the proposals would result in incongruous additions to the building, diminishing its positive contribution to the character and appearance of the HSCA. The continuation of the mansard form of No 110 would be truncated and the combination of the roof styles and materials in the proposals would not unify the architectural character of the host building and No 110.
16. Due to the narrowness of St Vincent Street, it is unlikely that the proposed pavilion would be visible from street level when stood in front of the host building or, at most, there would only be a very limited view. The flank wall to the mansard on No 110 would hide the proposed pavilion in views from St Vincent Street and Marylebone High Street to the east. The pavilion would be set back from Cramer Street and so would not be visible from this street level.
17. The only ground level view of the proposed pavilion would thus be from the western end of St Vincent Street and Aybrook Street at the junction of the two streets, within the PECA. From here there is currently a clear view of the western elevation of the host building. However, planning permission has been granted for the erection of a new building with six storeys above ground on a former car park between Cramer Street and Aybrook Street¹.
18. I noted during my site visit that excavation works are underway on this site and I have no reason not to believe that the development will be completed in due course. When that is so, it would leave only a limited oblique view of the proposed pavilion from the end of St Vincent Street and Aybrook Street. It has not been put to me that this view out of the PECA / into the HSCA is of particular significance, but the proposals would affect the setting of the PECA.
19. The proposed pavilion would also be visible in part or as a whole from the upper floors of properties on the opposite side of St Vincent Street. Whilst these elevated views would be private rather than public, they allow an appreciation of the contribution of rooftops to the character and appearance of the Area. From these viewpoints the incongruity of the design of the proposed pavilion would be apparent.
20. I therefore conclude that the proposals would result in harm to the character and appearance of the host building, of the HSCA and of the setting of the PECA. This harm would be localised and therefore limited, but the proposals would fail to preserve or enhance the character or the appearance of the HSCA.
21. Accordingly, in this respect, the proposals would conflict with Policies 38 (A) and (B), 39 (A), (B) and (K) and 40 (A), (B), (D) and (E) of the City Plan 2019-2040. In combination and amongst other things, these policies require

¹ Ref 14/10918/FULL

development to be of high quality and sensitive design, have regard to the character and appearance of an area and of the existing building and to conserve and enhance heritage assets, including conservation areas. However, I find no conflict in this respect with Policy 38 (C) which relates to people and places.

22. I consider the harm to the conservation areas would be less than substantial and it therefore needs to be weighed against any public benefits of the proposals in accordance with paragraph 202 of the revised Framework. The provision of outdoor space might have some public benefit in relieving the pressure on existing outdoor spaces in the area, but this would be very limited and the outdoor space would principally be a private benefit accruing to the workers in the offices at No 110.
23. The limited additional office floorspace would be of very little, if any, tangible public benefit. The proposed green wall would be a benefit to biodiversity and could thus be considered to be a public benefit, but again this would be limited. Moreover, I am not persuaded that these benefits could not be provided by a more sympathetic scheme. I therefore find that the public benefits of the proposals would not outweigh the harm to the conservation areas, given the great weight that should be given to their conservation. Consequently, there is no clear and convincing justification for that harm. The proposals would thus also fail to accord with the historic environment policies of the Framework.

Conclusion

24. I have found above that the proposal would conflict with the development plan taken as a whole. There are no considerations that indicate that a decision should be made other than in accordance with the development plan in this case.
25. For this reason, the appeal is dismissed.

Martin Small

INSPECTOR