



Appeal Decision

Site visit made on 6 July 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/X5990/W/21/3269761

Apartment 801, 1 Ashburton Place, London W1J 8AS

- 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 Lu against the decision of the Council of the City of Westminster.
 - The application Ref 20/05563/FULL, dated 3 September 2020, was refused by notice dated 27 October 2020.
 - The development proposed is the erection of an extension at roof level to create a winter garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised during the appeal. Both parties were given the opportunity to comment on any implications for the appeals.

Main Issues

3. These are the effect of the development on the Mayfair Conservation Area (CA), as well as on the settings of Green Park and the Royal Parks CA.

Reasons

The significance of the designated heritage assets

4. Part of the significance and the charm of the Mayfair Conservation Area, in which the appeal building stands, is the shifting patterns of development in both its street and block morphology as well as the scale of the buildings and their townscape. The architectural twists and turns between buildings, and the shifting alignments of the grid-iron street layout betray its historical development.
 5. Within the space of a hundred metres or so, the scale can change from the narrow, bustling passages of Shepherd Market, enclosed by C18 or C19, 2-storey or 3-storey terraces, to the wide and tall blocks of the more recent buildings which command the space of Piccadilly and enclose the northern aspect of Green Park, a grade II* registered park and garden.
 6. Aside from its intrinsic historic and landscape interest, Green Park is part of the series of historic royal parks including Hyde Park, Kensington Gardens,
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St. James's Park, and Palace Gardens which date from the C16 and C17 and which form a distinctive and continuous chain of historic, designed landscapes, in an urban setting, covered by the Royal Parks Conservation Area.

7. The appeal building is one of three large buildings which enclose this side of Green Park. Both of its neighbours to the east have been dressed to impress. Laden with C20 classical influence and palazzo style, their architecture is characterised by ordered symmetry and layering, both in the building forms, as well as in the arrangement of their architectural language. For instance; double-height, columnated ground storeys, attic storeys, rusticated bays, deep entablatures and heavy cornices. Though each has a different appearance, and though alteration or the pragmatism of their development may have introduced departing elements, the overall symmetry of their forms, the architectural unity of their principal elements, and the balance and proportion of their elevations are design characteristics which they share.
8. Standing beside these older buildings, the appeal building reflects some of their key features; the double height ground storey on the Park elevation; similar eaves height and attic storey height; hints of rustication and references to a columnar order; the upper section of the main facade differentiated from the lower storeys; as well as the use of Portland stone reflecting its neighbours. The appeal building has less affinity with the buildings to the west. These have less height and width, and less architectural ambition than their grander neighbours.
9. Nonetheless, the synergy of the architectural order, in particular the heights, widths and Park elevation symmetries, of the appeal building and the two, large buildings to its east make a cohesive, formal, urban street block enclosure to the open landscape within Green Park which enriches its spatial significance as a green oasis in the heart of a city, as well as the architectural significance of the Mayfair CA.

The effect of the development on the significance of the designated heritage assets

10. I appreciate the attention to detail in the proposal and the effort to make it, when considered as an isolated element, architecturally compatible with the materials and detailing of the existing building. However, the formal order and balance of the existing building, which together with its classically influenced neighbours to the east command this section of Piccadilly, depends on the clear, symmetrical arrangement of the elevations.
11. Like its neighbours, the building has a strong, clean parapet line stopping the main symmetrical façade to the Park and a set-back, symmetrical, principal attic storey above it, sensitively differentiated from it by the arrangement of its openings and its use of similar materials. The upper attic storey, where the extension is proposed, lacks the symmetry of the rest of the Park elevation, but its building line is set substantially back from the front, which diminishes its bearing on the unity of the whole elevation.

12. The proposed extension would bring the building line closer to the front and exacerbate the lack of symmetry at this level in the elevation. The symmetrical imbalance of this upper attic storey would disrupt the architectural order and unity of the whole front elevation as well as the architectural synergy of the formal balance of the elevations across the three buildings. It would be prominent in views from the east on Piccadilly, and in views from within Green Park, particularly from the formally laid out walkways which lead around it, towards this quarter.
13. I do not identify harm from the extension to the architectural order of the flank elevations. Their stepping form diminishes the strength of symmetry in their arrangement, where the proposal would be visible.
14. I acknowledge the appellant's point that buildings along Piccadilly have a variety of roof interventions, with plant enclosures, terraces and additions, including on this building. I note the extension on the roof of Stratton House too, though it appears further from the edge of the storey below it than this proposal. Moreover, these buildings are not characterised by roof extensions. They do not diminish the overwhelming order and characteristic symmetry of the facades enclosing Piccadilly which are part of the architectural significance of the Mayfair CA, and which this proposal would undermine.
15. The development would thus fail to preserve the appearance of the Mayfair CA, to the desirability of the preservation or enhancement of which I am required to pay special attention. Because the building, alongside its two neighbours to the east, has such a strong bearing of ordered, architectural enclosure on Green Park, and its front elevation such prominence in views from the Park, it would undermine the architectural unity of part of its city setting.
16. Thus the proposed extension would harm the appearance of the Mayfair CA. It would also harm the setting of the registered park and garden and the Royal Parks CA, and thereby an important component of their spatial significance.
17. It would conflict with policies 38, 39 and 40 of the City Plan 2019-2040. These require development to preserve or enhance the character and appearance of conservation areas and to conserve features that contribute positively to their significance and their settings. They protect the settings of registered historic parks and gardens, and they require roof extensions to be sympathetic to the architectural character of the existing building, and for development not to disrupt any uniformity, patterns or rhythms that contribute positively to Westminster's distinctive townscape.

Other Matter

18. I have had special regard to the desirability of preserving the setting of the listed buildings in the vicinity of the appeal site. The Council raised no objections in this regard, and I have no reason to disagree with its conclusions.

Planning Balance

19. The Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset or from development within its setting.
20. Given my findings above, I find the harm to the Mayfair CA and to the setting of Green Park and the Royal Parks CA to be less than substantial, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. I understand that the extension has been designed by the accomplished architect of the original building, and I acknowledge that the development would not harm the living conditions of surrounding occupiers. These factors though, are neutral in the balance. I recognize too that the extension would provide additional, useful space for the occupiers of the flat, though this would be a private benefit rather than a benefit to the public at large. There would be some economic benefit from the construction work. However, this public benefit would not outweigh the harm to the significance of the CA, to the conservation of which the Framework requires that great weight be given, and should require clear and convincing justification.

Conclusion

22. I conclude therefore that the proposal would fail to satisfy the requirements of the Act, paragraph 197 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR