



Appeal Decisions

Site visit made on 29 March 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal A Ref: APP/X5990/W/21/3284963

Garage, 2 Wimpole Mews, London W1G 8PE

- 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 DMM Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref 21/04531/FULL, dated 5 July 2021, was refused by notice dated 25 August 2021.
 - The development is the installation of a replacement garage door.
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Appeal B Ref: APP/X5990/Y/21/3284962

Garage, 2 Wimpole Mews, London W1G 8PE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by DMM Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref 21/04532/LBC, dated 5 July 2021, was refused by notice dated 25 August 2021.
 - The works are the installation of a replacement garage door.
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Decisions

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

Preliminary Matters

3. Both appeals seek to regularise the replacement garage door that has already been installed within the garage adjacent to 2 Wimpole Mews. The appeal site is located to the rear, and within the curtilage of 69 and 71 Harley Street, a Grade II* listed building, and within the Harley Street Conservation Area. I am mindful of the duties in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues – both appeals

4. The main issues are (1) whether the works and development have preserved the Grade II* listed building known as 69 and 71 Harley Street (List Entry Number: 1066673) and any of the features of special architectural or historic interest that it possesses and (2) the extent to which the character or appearance of the Harley Street Conservation Area has been preserved or enhanced.

Reasons – both appeals

Significance and special interest

5. 69 and 71 Harley Street were listed in 1966 and comprise part of a terrace of Georgian townhouses of four storeys plus basements that front the west side of Harley Street. Although just an aid to identification, the statutory list description identifies 69 and 71 Harley Street as being part of the Portland Estate development from c.1773-74 and featuring channelled stucco ground floor; stock brick upper storeys; semi-circular arched doorways topped by a large fanlight; first floor cast iron balconies supported by decorative brackets; and cast iron area railings.
6. Wimpole Mews is a secondary mews street running parallel to Harley Street fronted by modest, two storey plus attic properties that historically had an ancillary functional relationship with the principal townhouses. 2 and 4 Wimpole Mews relate in terms of plot width to 69 and 71 Harley Street and, being clearly subordinate in scale and appearance in relation to the higher status main houses, continue to reflect their traditional functional purpose, particularly in the large openings at ground floor level.
7. I consider the significance and special interest of the listed building is largely derived from its considerable aesthetic interest as a fine example of Georgian town housing. This is reflected in the building's principal Harley Street elevation, architectural consistency, execution and materials that are components of a wider, deliberately planned townscape. Significance and special interest also comes from the building's layout and the interplay between the higher status frontage and more modest, ancillary mews development to the rear.
8. In spite of changes over time, the form, historic fabric and ancillary, functional appearance of 2 and 4 Wimpole Mews and the associated garaging continues to reflect something of the ordered physical layout and hierarchy established in Georgian housing. Thereby, the functional, vernacular appearance of 2 and 4 Wimpole Mews partly underpins the special interest of the Grade II* listed building and its significance as a highly graded heritage asset.
9. The Harley Street Conservation Area (CA) is a large conservation area which includes most of the Howard de Walden (formerly Portland) Estate. This began in 1717 with Cavendish Square and slowly progressed northwards. Harley Street itself is an important thoroughfare on a broadly north/south axis that extends through a central part of the CA, characterised by its tight-knit network of terraced townhouses, mostly set within a regular grid layout. The hierarchy of the grid layout is an important quality of the CA, with mews streets contrasting with roads of greater status. As such, formal grander and public frontages of the principal buildings are evident along wider roads, which contrasts with lower status properties in side streets and the intimate scale of subordinate, more functional properties lining the mews.
10. Wimpole Mews development directly addresses the setted street and several of the ground floor units retain side hung wooden coach/garage doors with traditional ironmongery. Notwithstanding some variation and changes over time, Wimpole Mews has retained the sense of it having a low key and functional character, common to Georgian mews developments. In this way

Wimpole Mews forms an important part of the built backcloth that characterises the CA as a whole and its significance as a designated heritage asset.

The effect on the listed building and conservation area

11. Plans and the accompanying photographs show the pre-existing garage doors at the appeal site to comprise a vertical timber boarded, side hung pair of doors with a painted finish and surround. Additional details include 'Collinge' hinges top and bottom and a smaller timber access door within the right-hand door. From the evidence before me, I judge that the traditional material, finish, method of opening and detailing of the pre-existing garage doors would have been commensurate with the ancillary and functional appearance of this part of the listed building. In addition, the garage doors would have been read in conjunction with other traditionally detailed carriage/garage doors nearby. Therefore, the pre-existing garage doors at the appeal site would have reinforced the special interest and significance of the listed building and the CA as a whole.
12. The replacement garage door, as built, is made of metal with a single up an over door, horizontal metal cladding, metal clad reveals and surround, and a central access door. The use of horizontal sections and absence of a central partition convey a horizontal rather than vertical emphasis. Even with a painted finish and surround, the use of non-traditional material and method of opening results in a noticeably more modern precise finish and profile. Furthermore, these alterations disrupt the proportions of how the opening reads within the frontage, especially when seen in the context of more traditional doors. In addition, notwithstanding the replacement door features a smaller access door, there is a reduction in traditional materials and detailing, including hinge ironmongery and vertical timber boarding. Consequently, the extant replacement garage door has an almost sterile, manufactured appearance by comparison to the visual richness of the doors it replaced.
13. I cannot agree that the extant door matches the composition of the previous doors, even in general terms. Rather than being an accurate reproduction, the replacement is an unsympathetic alteration that lacks authenticity and undermines the aesthetic qualities of the listed building, to the detriment of its special architectural and historic interest. Accordingly, I find that the detrimental and discordant impact of the garage door has failed to preserve the special interest of the Grade II* listed building. This runs counter to the expectations of section 16(2) and 66(1) of the Act.
14. For the reasons already outlined, the harmful impact of the garage door is apparent from Wimpole Mews. By undermining the aesthetic quality of a listed building and feature that contributed positively to the significance of the CA, the proposal has failed to preserve the special interest of the CA as a whole. Conflict therefore also arises with section 72(1) of the Act. In failing to preserve the special interest of the listed building and CA, it follows that there has been some harm to the significance of each as designated heritage assets. However, given the relatively minor nature of the proposals, this has been limited in extent. Consequently, the degree of harm caused to the listed building and CA respectively is less than substantial.
15. Nevertheless, paragraph 199 of the National Planning Policy Framework (the Framework) stipulates that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their

conservation; while paragraph 202 of the Framework requires this harm be weighed against the public benefits of the proposal.

Heritage and planning balance

16. In support of the proposal the appellants state that the poor condition of the previous garage doors detracted from the listed building and wider area. The case has also been put that the deteriorated condition of the pre-existing doors potentially threatened security and were a hinderance to safe egress in the event of an emergency. I also note that the up and over opening facilitates a safe exit when cars are parked, unauthorised, directly in front, which ostensibly occurs regularly¹.
17. Even if it were the case that there was no alternative but the wholesale replacement of the previous doors, it does not follow that the proposal before me was the only means by which to address the matter. Indeed, it seems plausible that material, fire and security upgrades could have been achieved using more authentic material and design, potentially avoiding the degree of harm identified. Improvements to fire safety, security and emergency access are in general terms, public benefits and supported in the London Plan 2021. Nevertheless, based on the evidence before me, I am not assured that the proposals would be the only way to achieve these aims, nor that a more sensitive restoration or reproduction would fall short of the requisite fire safety standards necessary for the building. Therefore, limited weight is attributed to these public benefits.
18. For these reasons, I do not consider the sum of wider public benefits sufficient to outweigh the great weight that the less than substantial harm caused to the heritage assets carries. Conflict therefore arises with the historic environment protection policies in the Framework. The works and development also conflict with policies 38, 39 and 40 of the City Plan 2019-2040, April 2021. Amongst other things, these policies seek to conserve and enhance the historic environment as part of Westminster's townscape; seek to ensure that works to listed buildings will preserve their special interest and relate sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric; and in relation to conservation areas, seek to conserve features that positively contribute to their significance.

Other matters

19. My attention is drawn to several examples² of other garage doors in Wimpole Mews, including modern metal, up and over garage doors near to the appeal site. In some instances, I observed that a standardised appearance and modern materials makes little concession to the historic context. Other examples relate to modern infill development that may not have affected a Grade II* listed building and where I judge modern materials and fittings to be more appropriate to the period of the building. Therefore, although I note that there is some variety in the design of garage doors in the vicinity, I am not persuaded that they provide an appropriate design cue in this case nor justify the harm I have identified.

¹ Appendix 2, Appellants' Statement of Case

² Appendix 1, Appellants' Statement of Case

20. The appellants point out that the replacement door cannot be seen in the same views as the listed building's grander Harley Street frontage. Be that as it may, the Wimpole Mews elevation has a clearly subordinate relationship commensurate with its secondary function and appearance. A lack of visibility from Harley Street does not equate to a lack of harm. Neither does the absence of a specific reference to the rear garage doors in the list description, which is not exhaustive and intended to enable identification.

Conclusions

21. I find that the works and development conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as the heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified; and, in relation to Appeal A, material considerations do not indicate I should make a decision other than in accordance with the development plan.
22. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

Inspector