
Appeal Decisions

Site visit made on 4 July 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal A: APP/X5900/W/21/3285585

Apartment 24, Harcourt House, 19 Cavendish Square, London W1G 0PL

- 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 Phillipe Lerouge against the decision of Westminster City Council.
 - The application Ref 21/05201/FULL, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is erection of external awning.
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Appeal B: APP/X5900/Y/21/3285587

Apartment 24, Harcourt House, 19, Cavendish Square, London W1G 0PL

- 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 Mr Phillipe Lerouge against the decision of Westminster City Council.
 - The application Ref 21/05202/LBC, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The works proposed are erection of external awning.
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Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for the erection of an external awning at Apartment 24, Harcourt House, 19 Cavendish Square, London W1G 0PL in accordance with the terms of application ref: 21/05201/FULL, dated 29 July 2021 and subject to conditions set out in the attached schedule.
2. Appeal B: The appeal is allowed and listed building consent is granted for the erection of an external awning at Apartment 24, Harcourt House, 19 Cavendish Square, London W1G 0PL in accordance with the terms of application ref: 21/05202/LBC, dated 29 July 2021 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

3. Harcourt House, a grade II listed building, is situated on the western side of Cavendish Square, within the Harley Street Conservation Area.
4. The main issues are whether or not the proposal would preserve the special interest of the listed building and, linked to that, whether or not the proposal would preserve or enhance the character or appearance of the Harley Street Conservation Area.

Reasons

5. Harcourt House consists of a pair of joined, mirror image mansion flats which were completed in 1909. The list description sets out that the special interest, or significance, of the building includes its architectural interest, the quality of the craftsmanship, the external decoration, the internal planning and artistic interest and the degree of intactness. The building is located within the Harley Street Conservation Area, the character and appearance of which is informed by the scale, age, detailing and regular layout of the buildings, a high proportion of which are listed buildings. Harcourt House makes a significant, positive contribution to the character and appearance of the area.
6. The building has been recently altered and extended by way of, amongst other things, two symmetrical roof extensions to provide additional accommodation for the upper floor flats. Finished in smooth stone with a large proportion of glazing and bronze window frames and screen, the extensions have modern, contemporary appearance and a simple form. They are well considered in terms of their design and appearance such that their clean lines and minimal detailing contrast favourably with the ornate detailing of the original building and as such do not visually compete with it, particularly given they are set back from the front façade of the building.
7. Apartment No 24 is a duplex apartment occupying the 6th and 7th floors of the north-east corner of the building, incorporating one of the new pavilion extensions. The proposed awning would be fixed to the east side of the extension above an existing opening and when extended would provide shade to an external dining area. The frame of the awning would be of powder coated metal in grey and the fabric would be a similar coloured grey.
8. The starting point for the consideration of the proposals is Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. In terms of the conservation area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.
9. The awning would be located on a new part of the building and would not therefore affect any historic fabric. When retracted the awning's housing would not project significantly from the face of the building. Moreover, it would be read a dark band and, whilst not symmetrically positioned, would occupy a limited proportion of the façade as a whole. The awning itself would be more apparent when extended. Nevertheless, given it would have a contemporary appearance it would not be out of place on the modern part of the building. It seems to me that the awning, and its fixings, would be read as a functional adjunct to the extension and as such would not detract from the quality of the architecture or the contribution that symmetry makes to its appearance. Furthermore, I noted on site that a large freestanding parasol shades another part of the terrace. Although not fixed to the building it is close to it and seems to me would have a similar effect when extended. In that context the proposed awning would not be harmful to the character and appearance of the building.
10. From what I saw on my site visit, the top of the awning would be glimpsed from within the public realm around Cavendish Square but, sited on the 7th floor and set back from the front façade of the building, it would not be a

readily visible or prominent feature in the streetscene. Nevertheless, it is likely that it would be seen from the upper floors of neighbouring buildings albeit at a distance. Whilst the grey colouring would not reflect the bronze of the window frames and screen, it would reflect the grey slate of the building's mansard roof. Again, in the context of the existing domestic use, trees and paraphernalia already on the roof terrace the awning would not appear incongruous. As such the character of the Conservation Area would be preserved and the proposal would comply with the statutory duty as set out in s72 (1) of the Act.

11. However, notwithstanding this, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public. Harcourt House is a substantial building, listed, as set out above, for its many qualities. Whilst it is a symmetrical building, it seems to me that in the context of the ornate detailing and quality of the frontage which spans some 6 floors, the recessed position and modern appearance of the pavilion, the proposal represents a very modest change to the building as a whole. There would be a limited change to the building's symmetry but for the reasons set out the building and its special interest would be preserved. In that way the proposal would also comply with the statutory duty as set out in s16 (2) and s66 (1) of the Act.
12. For the same reasons, the proposal would comply with Policies 38, 39 and 40 of the City Plan (2021) which in various ways seeks to ensure that new development is in keeping with its context and preserves heritage assets.

Conditions

13. I have considered the conditions suggested by the Council in the event of the appeal being allowed. I have modified the conditions where necessary to be precise and relevant to the proposal, in line with advice in the Planning Practice Guidance.
14. In terms of Appeal A, the statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. In order to protect the living conditions of neighbouring residents a condition specifying the hours during which the building work can take place is also necessary.
15. In terms of Appeal B, the Council has suggested that the work matches the existing building unless differences are shown on the approved drawings. As the proposed unit would not match the existing building, and the details of it are set out in the approved documents, such a condition is not necessary. In addition, as the listed building consent relates solely to the details of the drawings submitted, a separate condition specifying the approved plans is not necessary. However, in order to provide certainty, the standard time limit condition is necessary.

Conclusion

16. Therefore, for the above reasons and taking all other matters raised into account, including the comments of a neighbouring resident, the appeals are allowed and planning permission and listed building consent are granted.

S Ashworth

INSPECTOR

APPEAL A CONDITIONS SCHEDULE

1. The development hereby permitted shall begin no later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the drawings Nos 7345/01; 7345/02; 7345/03; 7345/04; 7345/05; 7345/06; 7345/07; 7345/08; 7345/09; 7345/10; 7345/11; 7345/12; 7345/13; 7345/14; 7345/15; 7345/16; 7345/17; 7345/18; 7345/PH; X212029 SK01 Rev P01; 58551/2A 1.2; 58551/2A 2.2; Design and Access Statement June 2021; Heritage Statement July 2021.
3. Any building work which can be heard at the boundary of the site shall only be carried out between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; not at all on Sundays, bank holidays and public holidays.

APPEAL B CONDITION

1. The works hereby approved shall begin no later than 3 years from the date of this permission.