



Appeal Decision

Site visit made on 28 September 2022

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th October 2022

Appeal Ref: APP/X5990/D/22/3300086

10 Ogle Street, London, W1W 6HT

- 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 Elena Paitra against the decision of City of Westminster Council.
 - The application Ref 21/08706/FUL, dated 20 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is 3no. AC condenser units surrounded by an acoustic enclosure at main roof level.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as '3no. AC condenser units surrounded by an acoustic enclosure at main roof level' at 10 Ogle Street, London, W1W 6HT in accordance with the terms of the application, Ref 21/08706/FUL, dated 20 December 2021, subject to the conditions set out in the Schedule at the end of this Appeal Decision.

Main Issues

2. The main issues in this case are:
 - whether the proposed development would preserve or enhance the character or appearance of the East Marylebone Conservation Area.
 - the effect of the proposed development on the setting of the Grade II listed Church of St Charles Borromeo and St Charles Presbytery.

Reasons

3. Ogle Street is a relatively short and narrow road situated in a busy, central location. It contains tall buildings of mixed ages and architectural styles, typical of the surrounding area. The appeal property, No 10 Ogle Street, is part of a terrace of older style properties which all share a similar design. Immediately to the north is the Grade II listed Church of St Charles Borromeo and St Charles Presbytery, which maintain a very distinctive historic appearance. Ogle Street is part of the East Marylebone Conservation Area, the significance of which lies mainly in the quality of the historic buildings it contains and their arrangement within the urban landscape.
4. The front elevation of No 10 Ogle Street is similar to No's 12-16 with four main storeys plus a basement level. However, No 10 has an additional level on top which appears to be a later addition to the original building. Although partially

visible from street level, it is not easily seen due to the height of the building and the extent to which it is set back from the frontage. Considering that the proposed air conditioning enclosure would be set even further back from the frontage, it would not be easily discernible from ground level. As such, it would have no meaningful impact on how the listed buildings or Conservation Area would be seen from public vantage points.

5. That said, the proposed enclosure would be seen from the upper storeys of some surrounding buildings. But even from here its visual exposure would be somewhat limited. When the roof of No 10 is viewed directly from the south, the enclosure would be largely hidden from view behind the chimney. Seen directly from the north, it would be mainly blocked by the listed buildings. Therefore, direct views of the enclosure would be mainly limited to the upper floors of private properties which face the front and rear elevations of No 10, as well as any that look down onto the wider roofscape.
6. Although the enclosure would add extra development to the roof, it would not result in visual clutter due to its modest size and placement next to the chimney stack. I am also mindful that No 10 has already been extended at roof level and so does not maintain a consistent appearance with the adjoining properties in the terrace. Indeed, the form of roofing in this part of the Conservation Area is relatively varied and evidence has been provided of similar air conditioning units on other buildings in the locality.
7. Hence, in places where the enclosure could be seen, it would represent a small and unobtrusive feature in the context of the both the host building and wider Conservation Area. Similarly, it would have little bearing on the setting of the Church of St Charles Borromeo and St Charles Presbytery.
8. I therefore conclude that the proposal would preserve the character and appearance of the East Marylebone Conservation Area. I also conclude that the proposal would have an acceptable effect on the setting of the Grade II listed Church of St Charles Borromeo and St Charles Presbytery. There would be no conflict with Policies 38, 39 and 40 of the City Plan¹. Together, these seek to protect heritage assets and achieve appropriate standards of design.

Conditions

9. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect character and appearance there is also a condition requiring the external surfaces to be painted grey. To protect the living conditions of neighbouring occupiers, there is also a condition which limits the hours of construction and demolition in line with the Council's suggestions. However, as this particular scheme would require limited demolition, I have not imposed separate hours for demolition works.
10. To further protect the living conditions of neighbouring occupiers, there is also a condition requiring that noise and vibration from the air conditioning units is minimised. The Council's suggested conditions are highly detailed in their wording, and I have not been provided with all the evidence to demonstrate that they are necessary in this case. Therefore, I have simply imposed a

¹ City Plan 2019-2040, Adopted April 2021, City of Westminster.

condition which requires the Council to approve a scheme for noise and vibration mitigation in advance of the condensers coming into use.

Conclusion

11. For the reasons given above, the appeal is allowed.

C Cresswell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PLA206 EX 02, PLA215 PL 07, PLA215 PL 08, PLA215 PL 09, PLA215 PL 10.
3. The external surfaces of the development hereby permitted shall be painted in grey and subsequently maintained in that colour.
4. Demolition or construction works shall take place only between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
5. Before the air conditioning condensers hereby approved are first used, they shall be enclosed and mounted in way which will minimise transmission of sound and vibration in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.