
Appeal Decisions

Hearing Held on 12 October 2022

Site visit made on 12 October 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 November 2022

Appeal 1: APP/X5990/Y/22/3304123 13-17 Montpelier Street, London SW7 1HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details of works required by a condition of a listed building consent.
 - The appeal is made by Monte London Ltd against the City of Westminster Council.
 - The application Ref 21/06228/ADLBC, dated 10 September 2021, sought approval of new windows and doors pursuant to condition No 7 of listed building consent Ref 20/07401/LBC granted on 20 July 2021.
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Appeal 2: APP/X5990/Y/22/3304129 13-17 Montpelier Street, London SW7 1HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details of works required by conditions of a listed building consent.
 - The appeal is made by Monte London Ltd against the City of Westminster Council.
 - The application Ref 21/06229/ADLBC, dated 10 September 2021, sought approval of new shopfronts pursuant to condition No 9 of listed building consent Ref 20/07401/LBC granted on 20 July 2021.
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Appeal 3: APP/X5990/Y/22/3304908 13-17 Montpelier Street, London SW7 1HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for approval of details of works required by conditions of a listed building consent.
 - The appeal is made by Monte London Ltd against the City of Westminster Council.
 - The application Ref 21/06227/ADLBC, dated 10 September 2021, sought approval of windows and doors pursuant to condition No 7 of listed building consent Ref 21/01234/LBC granted on 20 July 2021.
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Decisions

Appeal 1

1. The appeal is allowed and the window and door details submitted pursuant to condition No 7 attached to listed building consent Ref 20/07401/LBC granted on 20 July 2021 are approved in accordance with the application dated 10 September 2021, the plans submitted with it, and any revised versions of those plans.

Appeal 2

2. The appeal is allowed and the shopfront details submitted pursuant to condition No 9 attached to listed building consent Ref 21/01234/LBC granted on 20 July 2021 are approved in accordance with the application dated 10 September 2021 and Revision A of the plans submitted with it.

Appeal 3

3. The appeal is allowed and the window and door details submitted pursuant to condition No 7 attached to listed building consent Ref 20/07401/LBC granted on 20 July 2021 are approved in accordance with the application dated 10 September 2021, the plans submitted with it, and any revised versions of those plans.

Procedural Matters

4. These appeals are against the Council's failure to determine 3 applications for discharge of conditions attached to 2 different listed building consents. All relate to the same site.
5. The Council has confirmed that it does not wish to contest the appeals, and that, notwithstanding its failure to determine the applications in time, it would have subsequently approved them. Whilst interested parties raised no objections at the Hearing, written representations were made in opposition.
6. In relation to Appeals 1 and 3 a few revised plans were submitted to the Council, and in relation to Appeal 2, a full set. My decisions above are based on the revised plans where applicable.
7. Insofar as concerns have been raised over the approval of details relating to works which might also require planning permission, listed building consent and planning permission are separate entities. A grant of one does not constitute a grant of the other. Whilst ensuring consistency between decisions is important, the acceptability of details submitted in relation to a listed building consent can be properly considered whether or not any required planning permission has also been granted.
8. An application for costs was made by Monte London Ltd against the City of Westminster Council in respect of all 3 appeals. This application is the subject of a separate Decision.
9. I also dealt with 3 other appeals relating to this site at the Hearing, reference numbers APP/X5990/W/22/3290244, APP/X5990/W/22/3290247, and APP/X5990/Y/22/3290246. These are the subject of a separate decision.

Main Issue

10. The main issue is whether the details submitted in clearance of the conditions in question are acceptable in relation to works previously granted listed building consent at 13-17 Montpelier Street.

Reasons

11. In considering whether to grant listed building consent decision makers are required by the Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest

which it possesses. Here the acceptability of the works subject of the conditions in question has already been established by the Council in its grant of the 2 listed building consents to which they are attached. The merits of these listed building consents fall beyond the scope of the appeals. As established above, it is otherwise agreed by the main parties that the details required by condition in relation to the approved works are acceptable. I see no reason to reach a different view.

12. Representations by interested parties cover a broad range of issues. Aside from seeking to reopen consideration of the listed building consents, these concerns include impacts on living conditions, allegations of unauthorised works, traffic and disturbance caused by ongoing works, and use of the restaurant. As these concerns have little if any direct relevance to the subject matter of the appeals, they do not alter my findings above.
13. I therefore conclude that details submitted in clearance of the conditions in question are acceptable.

Conclusion

14. For the reasons set out above I conclude that Appeals A, B and C should allowed.

Benjamin Webb

INSPECTOR