



## Appeal Decision

Site visit made on 21 June 2023

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 July 2023**

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**Appeal Ref: APP/X5990/W/23/3314858**

**37-41 Mortimer House, Mortimer Street, City of Westminster, London W1T 3JH**

- 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 37-41 Mortimer Limited LP against the decision of City of Westminster Council.
  - The application Ref 22/03493/FULL, dated 26 May 2022, was refused by notice dated 19 July 2022.
  - The development proposed is described as 'the installation of a roof awning at roof level'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the East Marylebone Conservation Area (CA).

### Reasons

3. The significance of the CA primarily derives from the historic origins of the network of streets and the generally high quality of its built form. The City of Westminster East Marylebone Conservation Area Audit Supplementary Planning Guidance (SPG) confirms that the CA has a prevailing densely developed urban character which is characterised by its diverse townscape and the range and interest of its buildings and uses. There is a rich mix of building types and styles and buildings are more often of a large scale. The SPG notes that 'despite this range of styles and uses, buildings within the CA are universally characterised by their use of high quality materials, fine craftsmanship and, in many cases, vivid colour'.
4. No 37 – 41 'Mortimer House', Mortimer Street resonates with some of these characteristics and is an attractive art-deco style corner building. It has a regular gridded pattern of large windows set within a stonework façade and a steeply pitched mansard roof which has inset dormers. Its splayed corner bay incorporates more decoration than the main facades and is topped by a tall gabled dormer with a stylized gable at its pinnacle. It is identified as an 'unlisted building of merit' in the SPG. Indeed, from my own observations the symmetry and cohesiveness of the building's principal elevations, including the general consistency of its roof profile, make a positive contribution to the street scene and add to the significance of the CA.

5. The proposal relates to an existing roof terrace serving the sixth floor of Mortimer House. While some of the taller vertical elements on this floor are not entirely homogenous with the design of the principal elevations of Mortimer House, those particular elements are set substantially back from the main ridgeline. Together with the screening provided by the mansard roof, this ensures the current structures at that level have an understated presence in the street scene.
6. However, the awning's black powder coated aluminium support structure would extend closer to the ridgeline of the mansard roof. Together with its height, which would be considerably taller than the existing roof level balustrade, it would have a conspicuous presence against the skyline. Moreover, when the awning is in use, the cream fabric finish of the canopy would emphasise the contemporary design of the awning and its form and appearance would not be sympathetic to the architectural character of the existing building.
7. From my observations on site, and as illustrated in the Computer Generated Imagery provided by the appellant, the proposal would have an incongruous presence in views of the building's roofscape from the Mortimer Street/Great Titchfield Street junction, which is identified as a local view in the SPG, and from the north along Wells Street. The proposal would also be clearly evident in other views within the CA, including from the upper floor windows of nearby buildings.
8. The appellant suggests that the materials proposed draw influence from the retractable canvas awnings at ground floor level and the existing black metal framed windows and balustrades. However, awnings are a more common sight at street level and the building's existing black metal features bear no resemblance to the design of the appeal proposal. Therefore, these factors do not persuade me that the structure would be a cohesive addition to the building's roof.
9. Having regard to the requirements of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the character and appearance of the CA. The Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
10. According to the appellant, the proposal would enable the roof space to become fully operational all year round by those who use the building. However, there is nothing to suggest that the specific design of the proposal before me is necessary to make optimal use of the terrace. The shading provided by the awning has the potential to reduce the carbon footprint of the building in terms of reducing reliance on powered fans. Overall, I attach some limited weight to these matters as public benefits. Therefore, there are not public benefits in this instance, sufficient to outweigh the less than substantial harm to the character and appearance of the CA.
11. I conclude, the development would not preserve or enhance the character or appearance of the CA. In that regard, it would conflict with the design, context and conservation requirements of Policies 38 (Design principles), 39 (Westminster's heritage) and 40 (Townscape and architecture) of the City of Westminster City Plan (2021) and the Framework.

## **Conclusion**

12. The proposal would not preserve or enhance the character or appearance of the CA. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

*M Russell*

INSPECTOR