



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: 18 July 2023

Appeal Ref: APP/X5990/W/22/3303300

Flat 22, Stone House, 9 Weymouth Street, City of Westminster, London W1W 6DB

- 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 Andy Tilsiter - Shakib & Co Limited against the decision of City of Westminster Council.
 - The application Ref 22/03577/FULL, dated 30 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is alteration to parapet wall.
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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 Harley Street Conservation Area (CA).

Reasons

3. The City of Westminster Harley Street Conservation Area Audit Supplementary Planning Document (2008) (SPD) confirms that most of the Harley Street Conservation Area is characterised by its tightly planned, regular grid layout of cross-cutting streets, as established by its initial development in the 18th century. The CA is densely developed and there is much consistency in terms of the scale of built form and the often high quality of its architecture. These elements are fundamental to the significance of the CA.
4. The appeal site is located on Weymouth Street which reflects the common characteristics of the CA. The vista east/west along this street is identified as an important local view within the CA in the SPD. Stone House sits within this vista and is a mansion block characterised by decorative stone detailing. The base of the building is faced in stonework and the upper floor facades incorporate red brick with stone dressing and a prominent stone cornice line. The building's distinctive end and corner bays are stepped forward of the main façades and have stone quoins and stone parapets. The shared characteristics of these bays, including their materials, give the building a distinct symmetry and are integral to the cohesive appearance of this building.
5. The appeal flat is located at roof level on the corner bay which addresses the junction of Weymouth Street and Hallam Street. Alterations that have taken place at roof level, including the provision of the host flat 'pavilion', are not highly discernible from the ground. The building therefore appears as a relatively unmodified and unified composition in views from street level. While

not listed, the high quality of the architecture on Stone House makes a positive contribution to the CA, adding to the CA's significance.

6. The removal of the identified sections of stone and their replacement with alternative materials would differentiate the composition of the parapet on this corner from the stone parapets on the building's other bays. The appellant suggests that either wrought iron railings or obscure glass could be utilised within the identified sections of the parapet. Either way, these options are not consistent with the building's architectural detailing and would result in an alternative parapet design which would detract from the uniformity of the building.
7. On my site visit, I observed that the respective sections of the parapet are visible against the skyline in views from the street. While I accept that public perception of the development would be limited to some extent due to its height above street level, the harmful effects of the development would also be appreciable from the upper floor windows and balconies of other buildings in the vicinity of the site within the CA.
8. In addition, the composition of the proposed replacement sections would have the potential to reveal the roof level 'pavilion' to a greater extent in the identified views. This would further emphasise a disparity with the appearance of the other bayed sections of the roofline and would compound the harm identified.
9. The appellant has drawn my attention to paragraph 4.145 of the SPD which refers to 'a wide range of cast iron balconies' in the CA. However, the SPD mentions that such balconies became a characteristic of 19th century terraced houses. Therefore, while they may be an established feature on such buildings in the area, this does not mean that they are acceptable in all cases, particularly where they disrupt the cohesive appearance of a building as would be the case in this instance. Similarly, railings along the footpath and other street furniture are also not comparable to the specific effect of the proposal on the roofline of Stone House.
10. A condition requiring details of the precise design of any wrought iron railings would not overcome my overriding concern that the principle of railings would appear incongruous in this particular instance.
11. 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.
12. The proposal would result in a private benefit for occupants of the flat. However, any potential improvements in terms of light and openness experienced on the balcony are likely to be limited. In any case, there are no public benefits in this instance which would outweigh the less than substantial harm to the character and appearance of the CA.
13. 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,

townscape 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

14. 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