



Appeal Decision

Site visit made on 16 April 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 1st May 2024

Appeal Ref: APP/X5990/W/23/3332698

Grosvenor House Apartments, Park Lane, London W1K 7TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Grosvenor House Apartments Ltd against the decision of City of Westminster Council.
 - The application reference is 23/03926/FULL.
 - The development proposed is replacement and erection of entrance canopies fronting Park Lane and Mount Street at Grosvenor House Apartments – South Block. Removal of existing white signage on both elevations, above fenestration. Replacement and erection of entrance canopies fronting Park Lane and Mount Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and the local area bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Mayfair Conservation Area (the Mayfair CA) and the effect of the proposed development on the setting of the Royal Parks CA (the Royal Parks CA).

Reasons

5. The appeal site lies on the corner of Park Lane and Mount Street, on the edge of the Mayfair CA. Park Lane, in the vicinity of the site, is dominated by massive blocks in residential and hotel use of various, but modern, designs and styles. Mount Street, in contrast, is more typical of the rest of the Mayfair CA, with buildings of lesser massing and beyond the site, architecture of a more traditional late 19th century Flemish renaissance design. Opposite the site,

across Park Lane lies Regents Park, an open, green space which itself lies within the Royal Parks Conservation Area.

6. The significance of the Mayfair CA, in so far as it relates to this appeal, derives from its aesthetic value found in the high quality of design of the buildings. The character and appearance of Park Lane is that of a spacious, bustling commercial urban street, generally fronted by buildings of imposing scale of varying, but pleasing, design. Mount Street, however, in the vicinity of the site has the character and appearance of a busy side street, though still fronted by attractive buildings, but of a more consistent, traditional, architectural style.
7. The significance of the Royal Parks CA, in so far as it relates to this appeal, derives from its aesthetic value found in its high-quality open space which provides a peaceful retreat within the city environment. The setting of the Royal Parks CA is characterised by the dense urbanisation and the bustling main roads which surround it, which provide a counterpoint to the more peaceful, verdant environment within the parks.
8. The site forms the southern block of Grosvenor House. Whilst the site is not a statutory listed building, it is, by virtue of its scale and architectural detailing, an imposing, attractive building. The ground floor façade of the building incorporates a number of architectural details, including Corinthian pilasters, and these are prominent at street level when passing the building. These are features contributing positively to the appearance of the building.
9. Given the prominent position of the site, it, together with the complimentary northern block of Grosvenor House, makes a significant positive contribution to the street scene of the area and thus the character and appearance of the Mayfair CA, and thereby its significance.
10. Given the prominent position of the building and its scale the building, through its attractive appearance makes a positive visual contribution to the setting of the Royal Parks CA, whilst, as a commercial enterprise, the comings and goings, associated with the contribute to the general bustle of the urban setting.
11. The site has a number of canopies projecting over the thoroughfare of Park Lane, and a single canopy projecting over the footway of Mount Street. The existing canopies, whilst varying in scale, are of a simple, angular design and are all associated with accesses into the building. The scale of the canopies reflects the prominence of the access to the building, and those on the corner of Park Lane/Mount Street, permitted by the Council as an addition to the building in 2008¹, are relatively modest. The new canopies would be sited above the doors and extend across the wide windows adjacent to the entrance. Whilst canopies are not, of themselves, unexpected on hotels, I have considered the detailed effect of the proposal before me on the host building and, consequently, the Mayfair CA. In this particular case they would create an incongruous feature on the building, seemingly indicating a principle entrance to the building where there isn't one, undermining the architectural integrity and the consistency of the building on both façades.
12. Whilst I note that the Park Street frontage accommodates canopies of significant size, these are associated with principle entrances and their width is

¹ Council Ref: 08/06708/FULL

limited, and appropriate to, the width and importance of the doorways above which they site.

13. Mount Street lacks the presence of the large, monolithic blocks that dominate Park Lane, and the prominent canopies on the frontages of the hotels that lie on it. Unlike Park Lane, Mount Street is not a principal through route and has a more intimate, quieter character and appearance. The large canopies would intrude to a greater degree within this more intimate streetscape. Additionally, Mount Street falls noticeable away from Park Street and the projection of a wider canopy, extending for some distance along the street, would be more visible when viewed from pedestrian eye-level as you approach along the street. Whilst there is already a projection, of similar design, in the form of the existing canopy, this is of limited width and does not provide the same degree of visual intrusion.
14. Views toward Hyde Park are currently framed by vertical features: the façades of the buildings and tall street furniture, such as street lighting columns. The dark-coloured horizontal projection into the view of the park would be a notable and incongruous addition..
15. The changes to the building would be clearly visible to passers by on Park Lane and Mount Street, both on the footway and the carriageway. There would be further views from the park itself, where the footpath and bridle path run close to the boundary. Whilst views from the park are, to a degree, screened by intervening trees and traffic, that traffic is intermittent, whilst the trees are deciduous, allowing greater visibility across the street during winter, and their canopies sufficiently high to allow views across Park Lane for pedestrians and horse riders within the park. Whilst these views are not designated views, that does not mean that they are without value, or merit. Although the effect of the works is most readily apparent on the appeal building, its prominence in the street scene would affect the appearance of the wider Mayfair CA
16. However, whilst affecting views into and out of the park, the proposal, by adding relatively minor structures to an already imposing building, would not noticeably affect the important features of the setting of the Royal Parks CA which I have identified above: the degree of urbanisation of the site would be unaffected and the contrast between the two environments would remain.
17. My attention has been drawn to other buildings fronting onto Park Lane which have large canopies, including those on the Dorchester Hotel, the London Hilton, 60 Park Lane, 53 Park Lane and 55 Park Lane. These are all associated with significant entrances to the buildings. The designs of the canopies and their host buildings differ from the appeal site and the effect of the canopy details have differing implications on their host buildings.
18. I have also been directed to 45 Park Lane (No 45), which has a wrap-around canopy. No 45 is a striking building of modern design. The canopy is an integral part of that design, which has strong horizontal features wrapped around the building. In that case the wrap around canopy reflects and complements the overall design of the host building. That is not the case with the proposal before me.
19. My attention has also been drawn to other canopies in the wider area. However, these are some distance from the appeal site and do not inform the local context within which it sits. I have in any case determined this appeal on

its own merits in regard to the effect of the proposal on the host building and its locality.

20. My attention has been drawn to two appeal decisions². I do not have full details of the planning history of these sites and, in any case, in reaching my decision I have had regard to the specific merits and effects of the proposal before me.
21. There is agreement between the parties, that the Esso Garage, which is on the opposite corner of the Park Lane/Mount Street junction has a negative contribution to the streetscape, and thereby, the appearance of the Mayfair CA. Whilst I agree that the Esso Garage detracts from the aesthetic appearance of the area, and makes a negative contribution to the character and appearance of the Mayfair CA, its presence does not justify the new harm to the appearance of the Mayfair CA. However, the proposal would not have a significant effect, overall, on the character of the Mayfair CA.
22. The applicants have sought to address concerns raised by the Council in response to an earlier application³ by splitting the proposed canopies into individual canopies above the doors and windows. As will be seen above, I have still found resultant harm to the appearance of the building and, thereby, to the appearance of the Mayfair CA.
23. I therefore find that the development would cause material harm to the appearance of the Mayfair Conservation Area. Thus, the proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also be contrary to Policies 38, 39 and 40 of the City of Westminster City Plan 2019-2040 (2021).
24. These policies jointly, amongst other things, require new development to positively contribute to Westminster's townscape and streetscape, having regard to the character and appearance of the existing area and heritage assets and secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance. They require that development should preserve or enhance the character or appearance of Westminster's Conservation Areas, respect the character of the existing building, and avoid adverse visual and amenity impacts. Policy 39 specifically seeks to safeguard Westminster's registered historic parks' special historic interest, integrity, character and appearance, and protect significant views from and towards these spaces.
25. Whilst predating the current Framework, these policies are in close conformity with the aims of Sections 12 and 16, with which the proposal would also be in conflict, and therefore carry significant weight.
26. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the Mayfair CA insofar as it would neither preserve nor enhance the character or appearance of the Mayfair CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the Mayfair CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 208 of the Framework

² PINS Refs: APP/X5990/Z/17/3191853 and APP/X5990/W/15/3017325

³ Council Ref: 22/08615/FULL

- directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
27. The development would provide remove the signage currently on the building façades close to the junction. Were I minded to grant planning permission, this could be secured by an appropriately worded condition. These are stark and out-of-keeping with the mellower materials of the building. They do not make a positive contribution to the buildings appearance and this would be improved by their removal. However, their removal could be carried out without installation of the canopies.
28. There would be likely minor benefits to the local economy in terms of short-term employment in the construction industry. However, benefits would be limited by the scale of the development.
29. The proposed canopies would provide shelter for guests, visitors, and staff during arrivals at the hotel. Passers-by would also benefit from shelter from the sun and rain. However, such shelter would only be transitory for passers-by and the shelter for visitors and employees of the hotel would be limited in duration. In this case, this is a public benefit attracting moderate weight overall.
30. The canopies would provide solar shading to windows to help reduce solar gain, therefore reducing the energy requirements of the entrance area and parts of the ground floor associated with cooling the building. The Framework, at paragraph 164 advises that local planning authorities should give significant weight to the need to support energy efficiency improvements to existing buildings. However, in this case, the benefits would only accrue to a small part of the building and, on the evidence before me, it has not been demonstrated that the introduction of canopies over the windows is the only, or most effective potential solution to solar gain for the building and that other, less visually intrusive interventions are impractical. I therefore, in this particular case, reduce the weight of this public benefit accruing from this proposal to moderate.
31. Whilst the Framework, in paragraph 85 advises that significant weight should be placed on the need to support economic growth and productivity, there is no evidence before me to demonstrate that, in the absence of the development, the business would fail, or suffer significant detriment. The proposal does not provide additional hotel accommodation or enhance existing facilities within the hotel. I therefore, in this case give any public benefit accruing from the enhancement of the business very limited weight.
32. The benefits of the proposal would be of moderate weight overall. The proposal would result in a high level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the Mayfair CA. I afford considerable importance and weight to this statutory duty. This does not amount to a direction to refuse proposals that harm, and thus fail to preserve, designated heritage assets, but it provides a strong presumption in favour of preservation.
33. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with paragraph 206 of the Framework as harm to designated heritage assets

would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.

Other Matters

34. The appeal site lies close to Listed Buildings at 54 Mount Street (No 54) and 14-22 Park Street. 54 Mount Street is a Grade II* Listed Building, whilst 14-22 Park Street is Listed as Grade II. Both are handsome buildings demonstrating a high quality of design and detailing and I find that the settings of these buildings, insofar as they relate to this appeal, are primarily related to the contribution they make to the appreciation of the architectural quality of the attractive buildings.
35. However, both the LBs are located some distance from the proposal, and with the exception of long views along Mount Street featuring No 54, would not, by virtue of intervening built form, be visible in views encompassing either of the LBs and the proposal. In long views along Mount Street, the proposed canopies would appear in the distance beyond an oblique view of the main façade of No 54. They would not be seen in relation to No 54 and are separated to a degree that, in these circumstances, the proposal would have a neutral effect on the significance of the LBs.

Conclusion

36. The proposed development would fail statutory requirements and be contrary to the Development Plan and the Framework, when read as a whole, and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR