



Appeal Decision

Site visit made on 9 July 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/X5990/W/24/3338479

57 Harley Street, City of Westminster, London W1G 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by The Harley Street Hospital against the decision of the City of Westminster Council.
- The application Ref is 23/06106/FULL.
- The development proposed is first-floor rear extension, increase in height of existing rear ground floor roof, infill of existing rear lightwell at ground and lower ground floors and associated internal alterations to provide additional medical (Class E(e)) floorspace.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Harley Street Conservation Area.

Reasons

3. 57 Harley Street lies within the Harley Street Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') provides, at section 72(1), that with respect to any buildings or other land, in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
4. The Conservation Area Audit – Harley Street (the CAA) is an adopted Supplementary Planning Document. It details the historic development of the area and the characteristics which are of special architectural or historic interest. The CAA notes that Harley Street has, since the 1890's, been a location for medical facilities. Insofar as it is relevant to the appeal, I consider that the significance of the conservation area is mainly derived from the strong grid pattern of roads and buildings, the tight-knit terraced townhouses built of a consistent scale and on narrow plot widths and their associated rear mews buildings. The area has a dense, urban, feel but is softened by pavement trees. The buildings consistent height and plot sizes, but with variety in features and building materials also contribute positively to the character and appearance of the conservation area as a whole.
5. The CAA notes that Harley Street is the most important through route in the Conservation Area and the appeal site is a building of merit which provides a positive contribution to the character and appearance of the conservation area. It is a terraced townhouse set within a group of similar buildings. The frontage is red brick with a three-storey bay window and prominent brick stepped gable

roof. At the rear is a two-storey bay window which sits at second and third floor levels. The rear elevation is finished in lower quality brick but continues to have interesting features and window detailing. Both the frontage and the rear of the building retain historic interest and contribute positively to the character of the Conservation Area.

6. Both main parties have drawn my attention to previous planning applications¹ at the site, the latest of which was for a single storey extension at the rear ground floor level, increase in height of the existing rear ground floor roof, infill of existing rear lightwell at ground and lower ground floor and associated internal alterations to provide additional medical (Class E(e)) floorspace. All three of the previous planning permissions remain valid as a fallback position and there is a realistic possibility that the developments as approved would take place should the appeal before me fail. I have, therefore, given substantial weight to the fallback schemes in considering this appeal.
7. The majority of the works proposed in the appeal before me are the same as approved under the previous application. The difference is the introduction of a pitched roof over the rear extension and a first floor linking corridor to the existing building. The proposal would allow for the creation of an additional treatment room in the proposed roof space.
8. My attention has also been drawn to a similar pitched roof extension on a nearby property, which is visible from the rear of the appeal site. This other extension, albeit single storey brick and tile, has a glazed link connecting the pitched roof part to the main building. Moreover, the rear of the host building, at that site, does not include any bay windows and the link connects to the rear elevation in a lightweight and simple way. Consequently, that extension does not interrupt any historic features of the building and is, therefore, materially different to the appeal scheme.
9. The proposed linking corridor in the appeal before me, would be built of brick and with a flat roof. Albeit matching the materials of the existing building it would break through the existing bay window. This would result in the loss of part of the second floor bay window and disrupt the fenestration of the rear elevation of the existing building. Albeit that two-thirds of the bay would be retained the view of the bay would be interrupted by the addition of the link. The bay above would be retained but the proposal would result in harm to the first floor bay, which is part of the historic features of the rear of the building. This would conflict with the requirements of Policies 39 and 40 of the City of Westminster City Plan 2019-2040 (the City Plan) which seek to conserve features that contribute positively to the Conservation Area and require alterations and extensions to not obscure important architectural features.
10. That part of the bay could still be seen and that observers of the rear elevation would still be able to understand that there was previously a whole bay window at first floor would not justify the harm that would result from the proposed link extension. The proposal would be harmful to the character and appearance of the existing building and would not preserve nor enhance the character or appearance of the Conservation Area.
11. The proposed addition of a pitched roof over the previously approved extensions and alterations at the appeal site would replicate the other, nearby,

¹ Council reference 22/03917/FULL, 23/06596/FULL & 23/06128/FULL

pitched roof extension which is at a similar level. From the evidence before me, it would also be lower than the adjacent, flat-roofed, rear extension. Although the proposal would infill most of the gap between the main building and the Mews at the rear this has already been approved under the fallback scheme. Furthermore, the loss and reduction of the gaps between the principal buildings and the Mews has been established through other developments.

12. Although the proposal would add a new form of roof to the appeal site it would not add a new form of roof to the rear of this terrace of buildings. The rear additions to the terrace block, as a whole, already include a variety of roof forms and, in my view, this adds to the character of the Conservation Area. In my judgement, the addition of the pitched roof in the appeal proposal would not be out of keeping with other alterations within the rear of this terrace block and would not be detrimental to the character or appearance of the existing building or the Mews at the rear.
13. However, although I have found no harm from the proposed pitched roof extension this would not mitigate the harm that would arise from the proposed link and the loss of part of the bay window. The development would result in less than substantial harm to the significance of the Conservation Area. This harm must be attributed great weight within the context of the Framework and the Framework advises that such harm should be weighed against the public benefits of the proposal.
14. The benefits of bringing the appeal property back into use and for a medical use, which is supported in Harley Street, are positive. I also accept that properties need to adapt to enable modern uses and that the proposed extension would provide one additional treatment room. Nevertheless, I have no substantive evidence to show that the extension, with the linking corridor as proposed, is necessary to allow the building to be brought back into use. I have had regard to the fallback position in coming to this view. In my judgement, the appeal before me would be substantially more harmful to the character and appearance of the existing building and the Conservation Area than the fallback scheme. Moreover, I have no substantive evidence to indicate that the fallback scheme could and would not be implemented, and that the addition of the proposed treatment room is required to enable the building to be modernised, adapted, and brought back into use. Overall, the public benefits, taken together, would not outweigh the harm to the Conservation Area.
15. The appellant contends that the proposal has been significantly reduced from the scheme that was previously submitted to the Council but withdrawn. However, I must assess the proposal on its own merits, not as a comparative exercise with a different, unconsented scheme.
16. For the reasons given above, I find that the proposal fails to preserve or enhance the character or appearance of the Harley Street Conservation Area. I have had regard to the Act as detailed above. As such the proposal is contrary to Policies 38, 39 and 40 of the City Plan which, taken together seek to ensure that all new development is of a high quality and sensitively designed, benefitting Westminster's heritage amongst other matters, positively contributing to townscape and streetscape, preserves, or enhances the Conservation Areas, conserves features that contribute positively, and integrate with and not obscure important architectural details and features.

Other Matters

17. The neighbouring building, 59 Harley Street, is a Grade II listed building. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. The setting in which 59 Harley Street is appreciated includes the street scene of Harley Street, the rear elevations of the properties, and the Mews buildings at the rear. The proposed development would not physically affect 59 Harley Street, but the proposed rear extension would be viewed within the setting of it. However, the setting of 59 Harley Street is already read alongside other rear extensions. Given this existing setting the appeal proposal would preserve the setting of this listed building and the contribution it makes to its significance.

Conclusion

19. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR