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# Appeal Decision

Site visit made on 23 October 2024

**by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 October 2024**

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**Appeal Ref: APP/X5990/C/23/3326130**

**59 Bathurst Mews, London W2 2SB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the 1990 Act).
- The appeal is made by Mr Charles Biss of Maplewood Financial Corporation against an enforcement notice issued by City of Westminster Council.
- The notice was issued on 21 June 2023.
- The breach of planning control as alleged in the notice is the installation of a roller shutter garage door together with its associated frame and guide rails on the ground floor of the Property, as shown outlined in red in Photograph 'A'.
- The requirements of the notice are to:
  - a) Remove the roller shutter door together with its associated door frame and guide rails from the entrance to the garage of the property, shown outlined in red in Photograph 'A' attached.
  - b) Install a timber door frame and timber doors to match the design and appearance of the previous doors as shown in Photograph 'B' attached.
  - c) Remedy any damage to the Property and remove all resulting debris caused by the undertaking of these requirements.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

**Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decision.**

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## Main Issue

1. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for the installation of a roller shutter garage door together with its associated frame and guide rails on the ground floor of the property.
2. The appeal property is located within the Bayswater Conservation Area. The main issue is the effect of the proposal on the character and appearance of the host property, and the extent to which it would preserve or enhance the character or appearance of the Bayswater Conservation Area.

## Reasons

3. The Bayswater Conservation Area covers a relatively large area encompassing the predominantly residential suburb to the north of Hyde Park. Its significance is derived from the unity of the townscape, which is reflected in the regular layout of streets and squares, and the scale and architectural style of the buildings.

4. The Council's Conservation Area Audit: Bayswater (2000) identifies the mews developments, with their more modest buildings, as "absolutely essential to the character of the overall development. They offer a contrast of scale and style and at the same time are quiet havens from the bustle of the surrounding roads".
5. Bathurst Mews is a typical example of its kind. It retains its historic character as a traditional mews that functioned as a service area to the surrounding buildings. There is a unity of form and design across the terraced mews, many of which are now in residential use. The historic stone setts remain at ground level, which reflects its historic function. The properties feature a variety and individuality of façades but share common materials, such as painted and rendered surfaces, and stock brickwork. Door and window materials are mostly painted timber and, while colours vary, there is a simplicity in the design detailing that contributes to the area's quality. Overall, the Bathurst Mews makes a positive contribution to the Conservation Area and is part of its defined significance.
6. The appeal building is a two-storey residence with a painted brick frontage. The former timber, part-glazed garage door has been replaced with a solid, roller shutter door in a different colour. The use of modern materials, combined with the colour and solid design of the door is incongruous within the historic streetscape and it contrasts sharply with the features of the host building. It is a harmful alteration that erodes the quality of this part of the Conservation Area.
7. The appellant argues that the Mews has evolved over time as evidenced by the addition of TV aerials, benches and other domestic alterations that are not reflective of its former function. I accept that there are differences in the fenestration, colours and materials used and this contributes to the area's unique character. However, the use of modern materials is uncommon, and the overall design of the roller shutter door fails to respect the historic setting and it appears out-of-place in the street scene.
8. It is also argued that the use of glazing in the garage doors is a relatively new design detail that has emerged as garages have been converted into habitable space. However, it is not just the solid appearance of the replacement door that is harmful, but also its colour and modern materials which are not appropriate to the area or sympathetic to the host building. I observed that the replacement garage door is clearly visible from nearby properties and from the Mews itself. It is thus capable of harming the wider character and appearance of the Conservation Area.
9. Given the above, I find that the proposal would fail to preserve the significance of the Conservation Area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration of those assets and that this should have a clear and convincing justification. Given the relatively localised impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

10. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. No such benefits have been substantiated and cannot outweigh the harm that I have identified.
11. Given the above and in the absence of any defined substantiated public benefit, I conclude that the proposal would fail to preserve the character or appearance of the Bayswater Conservation Area and the host building. This would fail to satisfy the requirements of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 203 of the Framework and conflict with Policy HC1 of the London Plan (2021), and Policies 38, 39 and 40 of the Westminster City Plan (2021), and the Council's Supplementary Planning Guidance: Development and Demolition in Conservation Areas (1996) which, among other things, seek to ensure development conserves and enhances the significance of heritage assets and contributes positively to the streetscape.
12. As a result, the proposal would not be in accordance with the development plan.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

### **Formal Decision**

14. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

*D Moore*

Inspector