



Appeal Decision

Site visit made on 6 November 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/X5990/W/24/3348731

27-28 Harcourt Street, City Of Westminster, London W1H 4HR

- 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 GAM Rentals Ltd against the decision of City of Westminster Council.
 - The application Ref is 24/01735/FULL.
 - The development proposed is installation of a glazed lift enclosure to the rear of the main building and extension to the main stair enclosure from lower ground to third floor levels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on application form states please refer to Planning Statement and supporting documents/drawings. Section E of the appeal form states that the description of the development has not changed from that stated on the application form. Nevertheless, a different description is stated, which reflects that used by the Council in their decision notice. In my banner heading above, I have used this revised description as it more accurately describes the proposed development.
3. The appellant's submission refers to an alternative lift mechanism that would enable the size of the lift shaft to be reduced. A set of revised plans have been provided in their appeal submission, stating that they would be willing for these updated plans to be considered as part of this appeal. The Procedural Guide for Planning Appeals is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. Under the principles established by the Courts in *Holborn Studios Ltd*¹ to consider such a modification would be a substantive difference and procedurally could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, I have determined the appeal on the basis of the plans that were before the Council when it made its decision.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and a Written Ministerial Statement. While these proposed changes can only be given limited weight at this stage, those parts most relevant to the appeal are not proposed

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

to be amended. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issue

5. The main issue is whether or not the proposed development would preserve or enhance the character and appearance of the Portman Estate Conservation Area.

Reasons

6. Nos 27-28 Harcourt Street, known as Harcourt House, is a substantial building, comprising five stories, including accommodation at lower ground floor and a mansard storey. Harcourt House comprises a mix of office accommodation and residential properties.
7. The Portman Estate Conservation Area (CA) encompasses the appeal site. The CA is characterised by a hierarchal grid of streets, squares and mews of 19th century origins and the many fine examples of Georgian architecture found within it. I observed buildings in the locality of the site to be of a range of scale and height. As per other mansion blocks within the CA, the front façade of the appeal building is of a uniform appearance with traditional proportions and materials of construction. I observed the rear of the building to be of a more utilitarian appearance. It is understood that the rear of the building was used as a warehouse. Although the appeal property is not identified as a landmark building within the CA, nevertheless, the building contributes positively to the overall character and appearance of it.
8. The proposal would extend to the rear of the building and would not be visible from Harcourt Street.
9. The rear elevation of the appeal property lacks the consistency of the terrace's front aspect, presenting a more functional appearance in clear contrast to its principal elevation. The existing rear projection, which accommodates the stairs, would be replaced with a larger extension the full height of the building to house a deeper stair landing at each level and a lift, albeit a modest increase. While the lift enclosure would sit below the existing roofline it would project above the eaves line. This increase in height would be an ungainly addition and would not sit comfortably with the host building or the wider roofscape.
10. The rear elevation of the stair would be rebuilt in brick whilst the lift enclosure would be glazed with a steel frame. Owing to its glazed and lightweight structure the existing fenestration of the rear elevation would continue to be visible. Accordingly, the proposed extension would not erode the appearance of the original building. Furthermore, the juxtaposition of the original building and the contemporary addition proposed would not result in an unduly dominant visual relationship which would harm the host property or the group value of the terraces as a whole. This, however, does not eradicate the harms identified in respect to its incongruous height.
11. Given the prevailing high density urban grain, the rear of the appeal site is largely obscured from the view of other buildings within the CA. Oblique glimpses would likely be possible from the adjoining listed buildings and the upper storeys across from the rear of the unlisted buildings on Homer Street.

12. Against the scale of the group of buildings and the street, I acknowledge the degree of harm to the significance of the CA would be limited. Nonetheless, the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails. The harm to the significance of the heritage asset would be less than substantial.
13. The Framework states that great weight should be given to the asset's conservation, irrespective of whether the harm to the significance is substantial or less than substantial. This harm must be weighed against any public benefits of the proposal. In this regard, I recognise that the purpose of the application was to provide step free access between the floors that serve both office and residential accommodation. However, these would not be of a nature or scale to be of benefit to the public at large. Consequently, they do not amount to the public benefits which the Framework advises can be weighed against the harm in the planning balance.
14. For the reasons stated above, I conclude that the proposed development would fail to preserve the character and appearance of the Portman Estate CA. It would fail to satisfy the requirements of the Act and conflict with Policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (City Plan). Collectively these policies seek to respond positively to historic character and local distinctiveness and to preserve or enhance the character or appearance of the conservation areas by respecting and reinforcing the established, positive characteristics of the area. Similarly, conflict arises with the Framework which seeks to ensure developments are sympathetic to local character and history.

Other Matters

15. It is not disputed that the appeal site is highly accessible, being proximate to public transport nodes. It is recognised that the use of a glass enclosure minimises the impact of light, thereby safeguarding living conditions of occupants. However, these are neutral matters.
16. Whilst Policy 38 of the City Plan is supportive of developments that are inclusive and create accessible spaces and places, proposals must also have regard to other criterion, which amongst others includes responding to local context.
17. I have had special regard to whether the settings of nearby listed buildings would be preserved, notably, Nos 17-26 and Nos 29-31 Harcourt Street. These comprise Grade II terraces, with their significance derived from their age, character, and appearance which display many strong architectural features, typical of its period, although the listing notes these properties are much altered. The location of the appeal scheme, and the nature of the proposals relative to these listed buildings, leads me to the view that their settings would be preserved.

Conclusion

18. For the reasons given above I conclude that the proposal conflicts with the development plan when read as a whole, as well as the content of the Framework. I therefore conclude that the appeal should be dismissed.

R. Gee INSPECTOR