
Appeal Decisions

Site visit made on 3 January 2025

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal A: APP/X5990/Y/24/3353809

87-88 & 89 Mount Street, London W1K 2SR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by the Birley Group against the decision of the City of Westminster.
 - The application Ref.23/04394/LBC, dated 27 June 2023, was refused by notice dated 11 July 2024.
 - The works proposed are described as the installation of awnings with logos.
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Appeal B: APP/X5990/W/24/3353811

87-88 & 89 Mount Street, London W1K 2SR

- 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 the Birley Group against the decision of the City of Westminster.
 - The application Ref.23/04480/FULL, dated 30 June 2023, was refused by notice dated 1 August 2024.
 - The development proposed is described as the retention of the external raised timber decking to accommodate tables and chairs, planters, glazed screens and awnings for use in association with the existing private members' club.
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Appeal C: APP/X5990/W/24/3353805

32 South Audley Street, London W1K 2PQ

- 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 the Birley Group against the decision of the City of Westminster.
 - The application Ref.23/04469/FULL, dated 30 June 2023, was refused by notice dated 27 June 2024.
 - The development proposed is described as the installation of a new glazed rooflight to the front lightwell.
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Appeal D: APP/X5990/Y/24/3353806

32 South Audley Street, London W1K 2PQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by the Birley Group against the decision of the City of Westminster.
 - The application Ref.23/04470/LBC, dated 30 June 2023, was refused by notice dated 27 June 2024.
 - The works proposed are described as the installation of a new glazed rooflight to the front lightwell.
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Procedural Matters

1. In the absence of any useful indication on the application forms, I have taken the description of works (Appeals A and D) and development (Appeals B and C) from the Council's decision notices. I have dealt with the appeals on the basis of those descriptions.
2. I noted at my site visit that the works and development that are the subject of these appeals have already taken place. I would also record that at the time of my site visit, there were roadworks underway at the junction between Mount Street and South Audley Street. Nevertheless, I was able to see all I needed to see from the public realm.
3. There are two 'schemes' at issue in the appeals. The first is the subject of Appeal A and B. The latter relates to the raised timber decking that accommodates tables and chairs, planters and glazed screens, for use in connection with the existing private members' club. Appeal A is concerned only with the fixed canopy or awning that is located on the Mount Street/South Audley Street corner of the building and attached to it.
4. The second scheme is the subject of Appeals C and D and relates to the installation of a roof-light over the lightwell at the front of No.32 South Audley Street which has the effect of making the newly enclosed space part of the lower ground floor area of the private members' club.
5. I set these matters out in this way because while they involve alterations and additions to the same building, the two 'schemes' are not connected to each other. On the basis that they are severable, I intend to deal with each in turn.

Decisions

Appeals A and B

6. The appeals are dismissed.

Appeals C and D

7. The appeals are dismissed.

Main Issues

8. Nos.87-102 Mount Street and 26-33 South Audley Street is a terrace that dates from 1889 to 1895. The terrace is a Grade II listed building that lies within the Mayfair Conservation Area.
9. In that context, the main issue to be considered in both schemes is the effect of the works/development on the special architectural and historic interest of the listed building, and whether they preserve or enhance the character or appearance of the conservation area.
10. In the parlance of the National Planning Policy Framework (the Framework), this can be expressed as the impact of the proposals on the significance of the affected designated heritage assets.
11. There is a further issue in relation to Appeal B namely the effect of the scheme on pedestrian movement/comfort.

Reasons

Appeals A and B

12. The frontage of the listed building is built in red brick and terracotta in the highly ornamented Flemish Renaissance style. Many of the buildings on Mount Street share these characteristics. The listed building 'turns the corner' into South Audley Street using the device of a tower. The building on the opposite corner does likewise and these towers 'frame' the entrance into the eastern part of Mount Street.
13. The external seating area, with its attendant planters and glazed screens, has a significant visual presence that largely obscures the ground floor of the listed building. It appears bulky and incongruous and prevents any proper appreciation of the ground floor elements of the building. Most damagingly, it robs the viewer of an appreciation of how the corner tower, and the entrance within it, meets the ground.
14. I recognise that the original grants of permission/consent for the private members' club included retractable canopies over the shopfronts. It is not altogether clear from the representations whether the existing awnings either side of the corner awning that is the subject of Appeal B are authorised. Nevertheless, I would observe that the awning before me, in Appeal B, further obscures the base of the corner tower and adds to the damaging impact of the external seating area that it provides cover for.
15. Viewed together, the external seating area and the canopy have led to an imbalance with the opposite side of the junction so that the framing device at the entrance into the eastern part of Mount Street, from the western part of Mount Street, and South Audley Street, has been undermined.
16. All this, in my view, has caused harm to the special architectural and historic interest of the listed building and failed to preserve or enhance the character or appearance of the conservation area. This brings the 'scheme' into conflict with Policies 38, 39 and 40 of Westminster's City Plan (the City Plan) that require high standards of design and the protection of the historic environment.
17. As far as other material considerations are concerned, the Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework distinguishes between the approaches to take when the harm that would be caused to the significance of an asset would be substantial or less than substantial.
18. In this case, bearing in mind that the listed building is the whole terrace, and that the bar for a finding of substantial harm is a high one, I find that the harmful impact of the proposals on the significance of the listed building as a designated heritage asset would be less than substantial, but nevertheless considerable.
19. Similarly, given that the conservation area covers an area well beyond the junction of Mount Street and South Audley Street, from where the 'scheme' would be most apparent, I find that the harm to its significance would be less than substantial, at the lower end of the scale.

20. Where less than substantial harm is found, the Framework says that the harm should be weighed against the public benefits of the proposal. I accept that there might be some limited economic benefit to the operator of the private members' club from the outside seating area and the corner canopy, which is a public benefit.
21. However, bearing in mind the great weight that must be given to the conservation of designated heritage assets, a matter that has statutory force given the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990, I do not consider this limited benefit to be anywhere near sufficient to justify the harm to the significance of the designated heritage assets that has been caused. As such the proposals fall contrary to the Framework as well as the development plan.
22. On top of that, the external seating areas have led to a narrowing of the pavements around the corner of Mount Street and South Audley Street in a way that seemed to me uncomfortably restrictive. I note that the Council may have adjusted these pavements in the past to provide for on-street parking, and they may not carry as much footfall as pavements in some other areas of Westminster, but nevertheless, Policy 25 of the City Plan sets out that development must prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm particularly in areas of kerbside stress.
23. The 'scheme' fails to achieve that, and this conclusion adds weight to what I set out above in terms of the impact on designated heritage assets.

Appeals C and D

24. I accept that the lightwell that was in place before the installation of the rooflight is a relatively new feature – the area having been enclosed previously. Given that lightwells of this sort are an important characteristic of the listed building, and other similar buildings in the conservation area, this reintroduction of the lightwell undoubtedly enhanced the special architectural and historic interest of the listed building, and both the character and appearance of the conservation area.
25. Infilling the lightwell once again has removed that benefit. Moreover, the framing of the rooflight that has been used to form the infill has been formed in a material – aluminium – that is incongruous, in relation to the more traditional materials used in the listed building. Moreover, its dark blue colour is rather jarring set against the red/orange hues of the brick and terracotta.
26. As such, this rooflight has had a harmful impact on the special architectural and historic interest of the listed building. While it is not readily visible, it has nevertheless, failed to preserve or enhance the character or appearance of the conservation area. It falls contrary to Policies 38, 39 and 40 of the City Plan.
27. In Framework terms, the harm it has caused to the significance of the designated heritage assets affected is less than substantial, at the lower end of the scale. Some economic and thereby public benefit may have resulted from the scheme but in my view, this is not sufficient to outweigh the (less than substantial) harm that has been caused to the affected designated heritage assets; harm that must attract considerable importance and weight.

Conclusion

28. For all those reasons, I dismiss the appeals.

Paul Griffiths

INSPECTOR