



Appeal Decision

Site visit made on 7 January 2026

by **T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/X5990/W/25/3374135

34 Fouberts Place and 25 to 32 Marshall Street, Soho, London W1F 7QQ

- 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 34 Fouberts Place Ltd against the decision of City of Westminster Council.
 - The application Ref is 25/03469/FULL.
 - The development proposed is Refurbishment, alteration, and extension of the existing office building at 34 Foubert's Place and 25-32 Marshall Street, including internal reconfiguration and external alteration, sustainable design enhancements, and rooftop extension following the demolition of the existing mansard. Change of use of part of ground floor and basement to Retail/F&B (Class E). The proposals also deliver landscaped terraces, improved accessibility including the creation of level access, the delivery of cycle parking and end-of-trip facilities alongside all ancillary and related works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council originally had concern as to whether sufficient information had been provided to demonstrate that the development would not result in excessive noise and vibration nuisance to neighbouring residents.
3. However, the Council, in noting that the appeal was accompanied by an acoustic report, consider that the proposal could accord with the development plan on related matters subject to the addition of conditions. I have no reason to disagree and therefore refusal reason 2 falls away. I will not consider this matter further.

Main Issues

4. The main issues therefore are the effect of the proposal on the setting of the grade II listed 33-36 Marshall Street and grade II listed 2-10 Newburgh Street as well as the effect of the proposal on the character and appearance of the Soho Conservation Area (the Conservation Area).

Reasons

33-36 Marshall Street

5. These are a set of 19th Century townhouses with shopfronts that sit immediately adjacent to the appeal site on Marshall Street. Their significance sits largely with their scale, form and materials. They are reflective of the often more intimate scale of nearby development of this style and period. They incorporate butterfly roofs behind a parapet and they have a broad consistency between themselves in their appearance, materials, detailing and height in views from Marshall Street. The

height of the buildings in views from Marshall Street is consistent with the strong parapet line and perceived height of the appeal building.

6. The appeal site currently includes accommodation within the basement, ground, first and second floors with a third floor provided within a mansard roof. The existing mansard is set back from the main elevation of the building to Marshall Street.
7. The proposal seeks to replace the mansard roof at third floor level with a full third floor. As part of this, the third floor would be extended outward on the Marshall Street elevation to broadly align with the main elevation of the building below.
8. The adjacent listed buildings are well framed in views along Marshall Street by the appeal building. Whilst differing conclusions are reached elsewhere within the evidence¹, the Statement of Heritage Significance² acknowledges as much and notes that the appeal building makes a positive contribution to the setting of 33-36 Marshall Street, amongst other things as a result of its consistent parapet level. It notes that although the appeal building is of a larger footprint, it has been embedded into the formal urban block composed of listed townhouses of a similar construction date. I agree with its conclusions on this particular matter.
9. However, as a result of the replacement of the mansard roof extension a full storey would effectively be introduced where the existing mansard is set back from the front elevation. The existing parapet, whilst retained, would become somewhat confused and the alterations would see a notable increase in scale for the appeal building in views from Marshall Street.
10. This alteration and the associated increase in scale for the building would serve to visually overwhelm the more intimately scaled 33-36 Marshall Street, detracting from its significance as a result of the proposed development within its setting.
11. There would be some benefit to the setting of 33-36 Marshall Street given the existing brick plant overrun would be removed, but this is a fairly recessive feature set back and away behind the chimney stack and as such any benefit would be very limited.
12. Overall, the proposal would harm the significance of 33-36 Marshall Street. This harm would be less than substantial. The harm would however be towards the higher end within the less than substantial category given that the harm would be visible along a stretch of Marshall Street which forms part of a well-used public area within a busy part of central London. This harm should be weighed against the public benefits of the scheme.
13. The proposal would conflict with policies 38, 39 and 40 of the City Plan (CP) (2021) which amongst other things require development to positively contribute to the townscape and streetscape having regard to adjacent buildings and heritage assets, to seek to ensure the settings of heritage assets are conserved and enhanced and to seek alterations and extensions which respect the character of adjoining buildings.

¹ Townscape and Heritage Appeal Statement – The Townscape Consultancy.

² No. 34 Foubert's Place, Soho, Statement of Heritage Significance Prepared for Bywater Properties May 2025.

2-10 Newburgh Street

14. Bearing some similarities to 33-36 Marshall Street, 2-10 Newburgh Street form a set of late Georgian Shophouses. Their significance sits largely with their scale, form and materials and their more intimate scale when compared to some buildings within the immediate area.
15. The existing plant screen on top of the appeal building is in part visible along Lowndes Court in a reasonably narrow view from Carnaby Street immediately above part of the terrace forming 2-10 Newburgh Street.
16. The Statement of Heritage Significance suggests that the appeal building detracts from the setting of 2-10 Newburgh Street given that the plant screen that lines this side of the roof is visible above the rooftop of the listed buildings in eastward views along Lowndes Court. The modern plant screen forms a contrast with the established listed building and I do not disagree with that conclusion.
17. I did however observe on my site visit that the existing plant screen is of rather subtle appearance and recessive in views along Lowndes Court and is likely to rather blend into the sky at times given its grey colouring.
18. That view would be replaced with one of the revised mansard roof at the appeal building. Given that development of modern form can already be seen above 2-10 Newburgh Street, the impact would be neutral. I do not consider that the proposal would cause any additional harm the setting of 2-10 Newburgh Street when viewed from Carnaby Street along Lowndes Court. There would therefore be no conflict with the development plan in this regard.

Conservation Area

19. The significance of the Conservation Area sits largely with the scale, form, materials, detailing and layout of its buildings. However, the Conservation Area includes buildings of varying size, scale and materials including some elements of modern design.
20. With this in mind, neither the extensions proposed to the building which has been significantly altered throughout its lifetime nor the materials proposed would appear out of place with regard to the context of the Conservation Area.
21. The existing plant on the roof has limited visibility from public areas. I do not consider on that basis that the proposal which would seek to rationalise and screen plant on the roof would offer enhancement to the character and appearance of the Conservation Area. The changes at ground floor level and other changes including those to elevations and windows would have a neutral impact on the significance of the Conservation Area.
22. As a result, the proposal would have a neutral impact on the significance of the Conservation Area and would as a result preserve its character and appearance. There would therefore be no conflict with the development plan in with regard to this particular matter.

Other Matters

23. My attention has been drawn to other buildings which include attic stories above existing cornices, although there is nothing to indicate they exist in the same

context as the site before me, and I therefore afford those matters limited weight. The same is the case for approved applications at both 45 Fouberts Place and 72 Broadwick Street.

24. My attention has been drawn to Policy 43 of the City Plan Partial review (CPPR). Given the advanced stage of the City Plan partial review, the Council suggests that the policies within it should be afforded significant weight when determining applications. I have no reason to come to any other conclusion.
25. Amongst other things, the Policy seeks to prioritise the re-use of existing buildings and support responsible retrofitting. However, the supporting text is clear that the significance of any heritage assets affected remains relevant and therefore national and local policies for the conservation of heritage assets will apply. Policy 43 of the CPPR, even accounting for its advanced stage, does not alter my conclusions.
26. I do not find conflict with Policy 3 of the Soho Neighbourhood Plan (2021) which seeks to support mixed use developments subject to certain principles.

Planning Balance and Conclusion

27. There would be public benefits to the scheme. These would include the provision of improved and increased open modern office accommodation and I was able to observe the more dated nature of the existing accommodation on my site visit.
28. The proposal would be carried out using modern construction techniques incorporating a high level of sustainability. An external roof terrace would be provided as would cycle parking and end of trip facilities whilst the servicing and waste arrangements would be rationalised. There would be other economic and social benefits that would usually be associated with a scheme of this type.
29. The proposal would also include the delivery of an accessible retail/F&B unit which would improve activation of the site from the public realm and reintroduce public access to the site. There would be public benefits associated with the scheme. The proposal would preserve the character and appearance of the Conservation Area and there would be no harm to the setting of 2-10 Newburgh Street.
30. However, I have found that there would be less than substantial harm to the setting of 33-36 Marshall Street, harm which would be towards the higher end within the less than substantial category.
31. I must give considerable importance and weight to the desirability of preserving the setting of listed buildings. The benefits of the proposal do not outweigh the harm. The proposal would conflict with policies 38, 39 and 40 of the CP. There are no considerations that indicate a decision other than in accordance with the CP with which the proposal would conflict. The appeal should therefore be dismissed.

T Burnham

INSPECTOR