



Appeal Decisions

Site visit made on 3 February 2026

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2026

Appeal A Ref: APP/X5990/W/25/3375035

43-49 Harley Street, City Of Westminster, London, W1G 8BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Queen's College London against the decision of City of Westminster Council.
 - The application Ref 25/01884/FUL was approved on 13 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is Repositioning of four air conditioning condenser units in the inner light-well and at the rear of the building at 43 Harley Street.
 - The condition in dispute is No 6 which states that: You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Installation of an acoustic enclosure to the two repositioned air conditioning units at the rear of the building at 43 Harley Street (including detailed drawings and specification of colour and materials). You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details. You must install the acoustic enclosures and other acoustic attenuation measures shown on the approved drawings before you use the condensers. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.
 - The reason given for the condition is: To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 – 2040 (April 2021). (R26FE)
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Appeal B Ref: APP/X5990/Y/25/3375033

43-49 Harley Street, City Of Westminster, London, W1G 8BT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the grant of listed building consent subject to conditions.
 - The appeal is made by Queen's College London against the decision of City of Westminster Council.
 - Listed building consent Ref 24/08546/LBC was granted on 13 May 2025 subject to conditions.
 - The works proposed are Repositioning of four air conditioning condenser units in the inner light-well and at the rear of the building at 43 Harley Street.
 - The condition in dispute is No 3 which states that: You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - Installation of an acoustic enclosure to the two repositioned air conditioning units at the rear of the building at 43 Harley Street (including detailed drawings and specification of colour and materials). You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details. You must install the acoustic enclosures and other acoustic attenuation measures shown on the approved drawings before you use the condensers. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.
 - The reason for the condition is: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)
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Appeal A Decision

1. The appeal is allowed and the planning permission Ref 25/01884/FUL for repositioning of four air conditioning condenser units in the inner light-well and at the rear of the building at 43 Harley Street at 43-49 Harley Street, City Of Westminster, London, W1G 8BT granted on 13 May 2025 by the City of Westminster Council, is varied by deleting condition 6.

Appeal B Decision

2. The appeal is allowed and the listed building consent Ref 24/08546/LBC for repositioning of four air conditioning condenser units in the inner light-well and at the rear of the building at 43 Harley Street at 43-49 Harley Street, City Of Westminster, London, W1G 8BT granted on 13 May 2025 by the City of Westminster Council, is varied by deleting condition 3.

Preliminary Matters

3. Both appeals relate to Queen's College, 43-49 Harley Street, which forms part of a Grade II listed building¹, Queen's College, 43-47 Harley Street, W1, situated within the Harley Street Conservation Area (CA). The conditions in dispute contain the same requirements for both appeals and the issues within the appeals are similar. As such I have dealt with them within the same Decision Letter. I have, however, set out two separate formal Decisions in the interests of clarity.
4. As required by sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. On 21 January 2026 the Council adopted Westminster's City Plan 2019-2040. I have determined the appeals in line with this document as it represents the up-to-date development plan for the Council. The updated City Plan does not appear to have altered the content of the Policies which the Council have relied on and has simply changed their numbers from Policies 38, 39 and 40 to Policies 42, 44 and 45. I have taken the representations made by the parties, which are in accordance with my findings set out above, in respect of the 2026 plan into account during my consideration of the appeals.

Background and Main Issue

6. In May 2025 Planning Permission (PP) and Listed Building Consent (LBC) were granted for the repositioning of four air conditioning condenser units in the inner light-well and at the rear of the building at 43 Harley Street subject to a number of conditions.
7. The National Planning Policy Framework (The Framework) makes clear that planning conditions should be kept to a minimum and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The

¹ National Heritage list for England number: 1066671

appellant believes that condition 6 of the PP and condition 3 of the LBC do not meet the tests set out in the Framework.

8. The Council have stated that these conditions have been imposed in order to protect the special architectural or historic interest of Queen's College and to make sure the development and works contribute positively to the character and appearance of the Harley Street Conservation Area.
9. As such, the main issue is whether or not condition 6 of planning permission reference 25/01884/FUL and condition 3 of listed building consent reference 24/08546/LBC meet the tests set out in the Framework with particular regard to whether the conditions are required in the interests of preserving the listed building or any features of special architectural or historic interest which it possesses and, linked to that, whether the conditions are required in order to preserve or enhance the character or appearance of the conservation area.

Reasons

Special interest and significance

10. The appeal property was a group of terraced town houses constructed in around 1760 which were subsequently combined following the foundation of Queen's College as the first women's college in 1848. The property is constructed of stock brick with stuccoed ground floor to the architecturally prominent and intricate front elevation. The rear and side elevations of the building are visible along Harley Place, a fairly narrow cobbled side street which leads to a rear access door to the building. These elevations are constructed of stock brick with large windows spaced throughout and do not possess a single dominant style and have a mixed appearance. The building has been altered and extended over time with later additions discernible at the rear. The notable 2005/2006 rear addition is clearly of modern construction and though it contains inset brickwork and is set forward at first floor level to add visual relief it is nevertheless a modern extension with blanked window apertures and a functional appearance. This element of the building is a neutral factor and does not contribute, in my view, to the significance or special interest of the building as a whole.
11. In my view, the significance of the heritage asset, in so far as it relates to these appeals, is derived in part from the architectural quality of the building and the historic fabric which remains and from the historic and social importance of the building.
12. The appeal site is situated within the Harley Street Conservation Area (CA). The Harley Street Conservation Area Audit, 2008 (CAA) sets out that Harley Street today is characterised by its tight-knit network of terraced townhouses, most set in a regular grid street layout. The CAA goes on to say that built form is of a consistent scale, and generally occupies narrow plot widths leading to a dense, urban feel, with very few open spaces and little greenery. Within The CAA Harley Street is identified as a secondary street/space whilst Harley Place is considered an intimate street/space.
13. The CA draws its significance, in part, from the cohesive groups of attractive listed buildings and the architectural quality of buildings in the area. As an example of a prominent, high quality building set within a close-knit urban grain, the listed building adds positively to the significance of the CA.

Effects of the proposals

14. The conditions in dispute require the submission of details showing an alteration to the approved scheme to include the installation of an acoustic enclosure to the two repositioned air conditioning units at the rear of the building at 43 Harley Street (including detailed drawings and specification of colour and materials). The parties, and the evidence before me including the Plant Noise Impact Assessment Report by es acoustics dated 15 February 2025, indicate that noise emissions from the repositioned air plant units would be sufficiently below the background sound level so as to have a low likelihood of any adverse impact in this respect. Further conditions have been attached to the approved schemes which control this element of the schemes. As such, the acoustic enclosures which have been requested are solely in the interests of concealing the appearance of the plant units and are not necessary in the interests of protecting neighbouring amenity in respect of noise and disturbance.
15. The principal of relocating the plant units to the proposed new location has been established by the grant of planning permission. I concur with the assessment of the Council as set out within the Officer's Report which holds that the plant has been repositioned to minimise its visual impact and has been designed to suit the appearance of the building. Conditions requiring the materials, construction methods and finished appearance of the proposed units to match the existing original work have been imposed. As such, these appeals relate to whether it is necessary, in the interests of protecting the special architectural or historic interest of the listed building and preserving or enhancing the character or appearance of the CA, for the plant units to be enclosed.
16. The proposed units would be affixed to a 2005/2006 extension to the listed building. The plant units would be sited above a utilitarian, clearly rear, doorway in the corner of the building. This elevation of the building addresses a small "dog leg" section of Harley Place which is largely used as a service area. This area contains bicycle racking, ventilation and other paraphernalia associated with the functional usage of the building. This part of the building comprises a number of clearly modern elements, including the extension and the bicycle racking. The plant units would be seen in this context and would not appear at odds with their surroundings. Neither would they be prominent in views from along Harley Place.
17. Each unit would be around 770mm in height, 900mm in width and 320mm in depth and would be mounted a minimum of 200mm from the wall to allow a free air flow. The proposed units would be visible on approach to the rear of the building. Though enclosing them, as required by the conditions in dispute, may contribute to creating an enhanced sense of visual coherence the plant units would nevertheless stand proud of the wall to which they are attached and their enclosure would not lead them to appear as anything other than what they, by their very nature, would be. The means of enclosure may well, in fact, lead to the units appearing to project further from the wall and could increase their visual prominence.
18. Furthermore, the entrance to this part of the street is narrowed by the 2005/2006 projection and views towards the proposed location of the plant units are extremely limited and only possible at close range once one has turned the corner towards the rear access door.

19. Notwithstanding the above, it is important to note that the host building is Grade II listed and its designation is not based solely on the visibility of it, or any part of it, within the surrounding townscape. Listed status reflects a range of architectural and historic considerations and the significance of the asset derives from these factors rather than from its presence in public views. However, in this instance, in addition to their lack of visibility the proposed plant units would be affixed to a modern extension which has limited value in respect of its contribution to the significance of the heritage asset.
20. In my view, as the principle of installing the plant units at the proposed location has been agreed and the units would be positioned in a discreet location, characterised by its function, and affixed to a modern extension the proposals would preserve the listed building or any features of special architectural or historic interest which it possesses and would not harm its significance. The architectural quality of the building and the historic fabric which remains and the historic and social importance of the building would not be affected by the schemes.
21. The proposed units would be visible from within the CA. I note that the CAA expressly states that, when carelessly sited, mechanical equipment and associated additions can have a negative impact on individual buildings and the wider street scene. However, in this instance the siting of the proposed plant has been agreed by the parties and there is no suggestion that this was done carelessly. Rather, the proposed units would be discreetly sited within an area used as a service yard. In locations such as this such equipment is to be expected. Furthermore, views would be limited only to those visiting the very rear corner of the building. Views from Harley Street itself would not be possible and views from Harley Place would be extremely limited.
22. Moreover, the elements of the CA which contribute in the most profound ways to its significance, for example the cohesive groups of attractive listed buildings and the architectural quality of buildings in the area, would not be affected by the proposals. The proposed units would sit comfortably within the dense urban feel which is said to characterise the CA. As such, I consider that the proposals would preserve the character and appearance of the CA as a whole and not harm its significance.
23. For the reasons set out above, in the absence of the disputed conditions, the proposals would preserve the listed building and any features of special architectural or historic interest which it possesses and would preserve or enhance the character or appearance of the conservation area. The proposals would, therefore, accord with the statutory presumptions of s.16(2), s.66(1) and s.72(1) of the Act. The proposals would also comply with Policies 42, 44 and 45 of the Westminster City Plan 2019–2040 (adopted January 2026). Together, and amongst other things, these policies seek high quality, sensitive design which has regard to its context and seek to preserve the special interest of the borough's listed buildings and preserve or enhance the character or appearance of the borough's conservation areas.
24. The proposals would also accord with guidance contained within the City of Westminster Supplementary Planning Guidance Repairs and Alterations to listed buildings which states that external services or fittings must be necessary and designed and located to minimise their impact.

25. In my view, given that the acoustic enclosures would not be required to ensure that the noise emissions would be acceptable and my findings set out above, condition 6 of planning permission reference 25/01884/FUL and condition 3 of listed building consent reference 24/08546/LBC are not necessary or reasonable and do not meet the tests set out within the Framework.

Conclusion

26. For the reasons set out above, and having regard to all other matters raised, I allow the appeals.

L J O'Brien

INSPECTOR