
Appeal Decision

Site visit made on 12 December 2016

by **Susan Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th January 2017

Appeal Ref: APP/X5990/W/16/3158033

Methodist Central Hall, Storey's Gate, London SW1H 9NH

- 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 Rev Martyn Atkins against the decision of the City of Westminster Council.
 - The application Ref 15/10373/FULL, dated 6 November 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a sculpture outside Westminster Central Hall on Storey's Gate.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are whether the proposal would preserve or enhance the character or appearance of the Westminster Abbey and Parliament Square Conservation Area and the effect of the proposal on the setting of Methodist Central Hall which is a Grade II* listed building.

Reasons

3. Westminster Abbey and Parliament Square Conservation Area includes numerous important Grade I and II* listed buildings including the Methodist Central Hall. The character of the area, and its significance as a heritage asset, is defined by these buildings and the spaces around them which form their setting. Methodist Central Hall is an impressive, symmetrically composed building dating from 1905-11, faced in Portland stone with a lead clad dome. The central entrance is set in a projecting bow which fronts Storey's Gate.
 4. The proposal is for the installation of a cast bronze sculpture entitled 'Homeless Jesus'. The sculpture would be positioned on the pavement outside the building, adjacent to a recess on the front elevation.
 5. Under s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Under s.66 (1) I am obliged to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest. The glossary to the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as 'the
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surroundings in which a heritage asset is experienced' and confirms that 'significance derives not only from the asset's physical presence but also from its setting'. I have considered the scheme in the light of these weighty statutory requirements. In addition, Paragraph 132 of the Framework states that great weight should be given to the conservation of a heritage asset and any harm to its significance should require clear and convincing justification.

6. In line with the statutory duty set out in the Act, Policy S25 of the Westminster's City Plan 2013 requires that the extensive heritage assets in Westminster are conserved. In order to assist in achieving this and to provide guidance to developers, the Council adopted the 'Statues and Monuments in Westminster Supplementary Planning Document' (the SPD) in 2008. The appellant maintains that there is no record that Methodist Central Hall Westminster (MCHW) was consulted on the SPD and questions the evidence base for it. Nevertheless, the document has been adopted guidance for some time and is a material consideration in the determination of the appeal.
7. My attention has been drawn to Chapter 5 of the document, which sets out the policy for new statues and monuments. The guidance explains that the royal and governmental heart of Westminster, along with the Royal Parks, is the focus for the majority of new memorial applications, whilst such installations are underrepresented in the rest of the Borough. Accordingly the Council has established a 'Monument Saturation Zone' where new applications for statues and memorials will not be permitted unless there is an exceptionally good reason. The main parties agree that the site falls within the Monument Saturation Zone and there is nothing in the evidence before me to demonstrate that the policies in Chapter 5 are not relevant in the consideration of this appeal.
8. An 'exceptionally good reason' seems to me to set a very high bar for new statues and monuments within the identified zone. Accordingly there needs to be sound analysis and clear and convincing, reasoned justification for the proposal.
9. The sculpture, 'Homeless Jesus' has been offered to MCHW by the sculptor Timothy P Schmalz. I acknowledge that the sculpture would reflect the work and mission of the Church and would demonstrate support for the homeless in the community. The Council suggested that the sculpture might be placed inside the Hall. However, I saw that there is limited opportunity inside the building and moreover, due to its nature and message, it seems to me that the sculpture is more appropriate in an outdoor location.
10. I understand that similar sculptures have been erected in leading world cities, and in that respect the proposal would be consistent with a wider movement. I also note that this would be the first Methodist Church to be involved in such a project. However, the appellant advises that MCHW is 'one of the two' of the most prominent Methodist Churches in London although there is no analysis of any other potential site before me. Moreover there is nothing before me to demonstrate why the sculpture would not be equally appropriate outside a church with similar aims and values located beyond the Monument Saturation Zone. I am therefore unconvinced that the sculpture would have

'a clear and well-defined historical or conceptual relationship with the proposed location' which is a test set out at 5.1 of the SPD.

11. In the area immediately around MCHW and the Queen Elizabeth Centre there are currently few free-standing monuments, although I note that the exterior of the Hall itself is detailed with architectural sculpture. I accept that the proposal would add to the diversity of structures in the area and would be of a small scale. However, these matters are not tests of the SPD. Moreover, the proposal would introduce an additional element into a historic environment where space makes a significant positive contribution to the character and quality of the area. In addition, it seems to me that acceptance of the proposal, without clear justification, would conflict with the aims of the SPD and make it difficult for the Council to resist other statues and monuments in Monument Saturation Zone in the future.
12. Consequently, I conclude that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area. In addition, sited immediately in front of the listed building, it would cause some, albeit limited, harm to the setting of the listed building. Accordingly the proposal would not meet the statutory tests set out in the Act and would conflict with Policy S25 of Westminster's City Plan.
13. Given the small scale of the development and its impact on only part of the Conservation Area, the harm to the significance of the heritage assets would, in accordance with the approach in the Framework, be less than substantial. In that case, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. I acknowledge the level of support for the proposal from members of the public from around the country. I also accept that the sculpture would be thought provoking and would be relevant to the role of MCHW within the community. However, these matters do not equate to public benefits sufficient to outweigh the harm I have identified, harm that given the requirements of the Act carries considerable weight.
15. Although an objection was raised by the Westminster Rough Sleeping Team, there is no evidence before me to support the assertion that the sculpture may lead to further problems of rough sleeping/begging. This matter therefore has no bearing on my decision. I have taken into account Policy DES7 of the City of Westminster Unitary Development Plan 2007, referred to by the Council in its decision notice. However, as this policy relates to visual arts within development or redevelopment proposals it is not relevant to the proposal before me.
16. Notwithstanding this, for the reasons set out, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR