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## Appeal Decision

Site visit made on 6 May 2015

by **Roger Pritchard MA PhD MRTPI**

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

Decision date: 4 June 2015

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**Appeal Ref: APP/X5990/W/15/3010451**  
**16- 22 Wigmore Street, London, W1U 2RG**

- 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 Gevacaco International Limited against the decision of City of Westminster Council.
  - The application Ref 14/06883/FULL, dated 15 July 2014, was refused by notice dated 14 October 2014.
  - The development proposed is internal alterations, a rear extension and associated works to create 1 x 2 bedroom, 6 x 3 bedroom and 1 x 3/4 bedroom residential apartments with the installation of a lift and associated structures.
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### Decision

1. The appeal is allowed and planning permission is granted for internal alterations, a rear extension and associated works to create 1 x 2 bedroom, 6 x 3 bedroom and 1 x 3/4 bedroom residential apartments with the installation of a lift and associated structures at 16- 22 Wigmore Street, London, W1U 2RG in accordance with the terms of the application, Ref 14/06883/FULL, dated 15 July 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with [the following approved plans: Drawings Nos 200B, 201C, 202C, 203B, 204B, 205C, 206A, 207B, 208B and 209.
  - 3) No development shall take place until full details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These shall include samples of the type and colour of the brickwork to be used, the type of pointing to be used, and the form and materials to be used in window frames, coping, rainwater goods and other external finishes. Development shall be carried out in accordance with the approved details.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no machinery, ducts, tanks, satellite or radio aerials or associated equipment, other than those expressly authorised by this permission, shall be erected on the roof of Nos 16 – 22 Wigmore Street.

## Main Issue

2. I consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Harley Street Conservation Area.

## Reasons

3. The proposed development would reconstruct a group of late Victorian buildings located on the corner of Wigmore and Wimpole Streets within the Harley Street Conservation Area. Their current use is a mix of commercial and residential but the purpose of the development would be to create eight modernised residential apartments with commercial and retail uses continuing on the ground floors.
4. The Council have no objection in principle to the reconstruction of the appeal buildings to provide additional residential space. The number of units proposed would not be greater than the current position but the total floorspace available for residential use would be significantly increased and more modern amenities such as a lift would be installed.
5. The Wigmore Street facades of the buildings would be largely retained, save for some minor changes to existing shop fronts, to which there is no objection. However, the rear of the buildings would be substantially remodelled in order to increase the floorspace available for residential use. The remodelling would involve some demolition but principally comprises a full height, rear extension with changes to the rear roof form, including the installation of new dormers.
6. The application that led to this appeal followed an earlier proposal, granted consent by the Council in 2013 (Council Ref 13/03069/FULL), for a more limited scheme for a rear extension up to second floor level at 18 – 22 Wigmore Street but excluding No 16.
7. The reasons for refusal make clear that the central issue for the Council is the potential impact of the proposed development on the character and appearance of the Conservation Area. I agree. There is no suggestion that it would result in material harm to the living conditions of the occupants of neighbouring buildings.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. That duty is reflected in the policies of the adopted development plan and the advice in the Government's National Planning Policy Framework ('the Framework').
9. Strategic objectives for the quality and design of housing developments and the sustaining and enhancing of heritage assets are found, respectively, in Policies 3.5 and 7.8 of the London Plan. Those objectives are carried forward in the Council's adopted Core Strategy, particularly Policies S25 and S28 which deal respectively with heritage issues and design, and 'saved' policies DES 1, 5 and 9 of the City of Westminster's Unitary Development Plan. The first of these deals with design principles, the second with extensions and alterations, and the third with Conservation Areas. The last is reinforced by the adopted Harley Street Conservation Area Appraisal Supplementary Planning Document (SPD), which focuses on the assessment of the character and appearance of the

Conservation Area. Finally, although not referred to in the reasons for refusal, the Council has also adopted supplementary planning guidance (SPG) on *'Roofs; a guide to alterations and extensions on domestic buildings'* and on *'Development and demolition in Conservation Areas'*. It has drawn on both in its appeal statement.

10. Nos 16 – 22 are identified as *'Buildings of Merit'* in the Council's Audit of the Harley Street Conservation Area but are not nationally listed. (No 22, however, shares a party wall with 3 Wimpole Street, which is Grade II listed, although the orientation of Nos 16 – 22 mean that there would be no material impact on the setting of that listed building.) Nevertheless, they are, without doubt, interesting buildings whose frontage represents that *'Jacobethan'* pastiche style particularly associated with parts of the West End as rebuilt around the turn of the last century. They extend up six or seven storeys (including basements and rooms in the roof space) and are constructed of red brick with stone dressings. They represent a coherent and distinctive composition, largely unaltered in their facades, that contributes positively to the street scene and to the character and appearance of the Conservation Area.
11. It is also clear to me, however, that it is principally the frontages of these buildings that make that contribution. In this respect, I agree with the assessments made by the appellant's heritage advisors that with no significant change proposed to the facades of Nos 16 – 22, it is the remodelling of their rear elevations with which the Council is most concerned.
12. In a densely developed area, however, there are no views of the rear of Nos 16 – 22 from the public realm. Nevertheless, the Council specifically cites paragraph 10.115 of its UDP, which comments on the potential significance of views from surrounding buildings, including views above street level. The rear of Nos 16 – 22 can be seen from the rear of properties in Wimpole Street and from Wigmore Place, the mews that lies to the east of the appeal site. Notwithstanding this, the Council has accepted the principle of a rear extension through the previous consent (Ref 13/03069/FULL), although it has also made clear, including in pre-application advice to the appellant, that it considers the 2013 consent has achieved the maximum scale of change to the rear of Nos 16 – 22 that would be acceptable.
13. At the heart of the dispute between the appellant and the Council is the respective value that each places on the rear elevations of Nos 16 – 22 and the contribution these make to the Conservation Area. The Council describes the rear of the buildings as *'...more modest...'* than their facades but claims that they display clear architectural quality and legibility, retaining intact features such as a unified parapet line, a common elevation plane and similarity of materials and detailing.
14. Whilst accepting much that the Council claims for the existing rear elevations, I do not share completely its enthusiasm for their existing architectural character. Taken as a whole, the rear of No 16 has been significantly altered with an incongruous and unattractive box dormer that is an intrusive feature and a ground floor extension constructed in entirely different materials and in an entirely different style. The Council, itself, concedes these changes are *'...unsympathetic...'*

15. The existing treatment of the upper floors of Nos 18 – 22 is also somewhat out of harmony with the rest of the elevation with the fenestration at this level bearing little relationship to that of the rest of the elevation and what I presume was the original treatment. Furthermore, the rear elevations are cluttered with extraneous additions - pipework, air conditioning units etc. I accept that these are minor features that should not detract from the essential character of the rear elevations but they contribute to a visual impression that whatever the original character, a hundred years of *ad hoc* accretions and alterations have not enhanced their value. I also note that rear elevations are not specifically referred to in the Conservation Area Appraisal, except to point to examples of those unattractive additions on which I have just commented.
16. I accept that individual elements of the proposed remodelling of the rear elevations of Nos 16 – 22 may conflict with individual criteria of the policies that I have set out above. As example, the extension to the rear of No 16 does rise above the penultimate storey as advised against by Policy DES 5 (although it replicates the existing elevation that the Council appears keen to retain). Nevertheless, I am convinced that the proposed development must be assessed as a whole in its impact on the rear of Nos 16 – 22, rather than picking apart disparate elements of the design.
17. On this basis, I disagree with the Council's conclusion that the proposed alterations would lead to a '*...clear loss of unifying architectural unity of composition...*' I am dubious that such unity currently exists to the degree that the proposed development would put it at risk. On the contrary, the proposed alterations seem to me to represent a coherent approach that, whilst it introduces new elements – such as the chamfered bay – does nothing to harm what is an elevation of limited value on unlisted buildings whose interest is primarily concentrated in the appearance their facades present to the street frontage.
18. In these circumstances, I consider the material harm to the Conservation Area to be so minimal as to be incapable of recognition. Furthermore, with appropriate treatment of detailing and complimentary materials, I see no reason why the proposed development should not enhance the appearance of the rear of the appeal site by removing much of the clutter that currently mars its visual impact. The effect would thereby be to enhance the appearance of the Conservation Area.
19. I therefore conclude that the proposed development meets the statutory test of preserving the character and appearance of the Conservation Area. Furthermore, although there may be minor conflicts with individual elements of adopted policies, I equally conclude that these are outweighed by the overall effects of the proposed development, including its benefits.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed.

### **Conditions**

21. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies towards conditions as now set out in the Government's Planning Practice Guidance (PPG) and the model conditions included in the still extant Annex to

Circular 11/95, *The Use of Conditions in Planning Permissions*. In this case, apart from the standard conditions that set a time limit on the development and ensure that it is carried out in accordance with the submitted plans, conditions are required that full details of the materials to be used in the development are submitted to and approved by the Council before development takes place, and that any permitted development rights to erect structures on the roof are withdrawn. These seem to me to be critical to the acceptability of the proposal within the Conservation Area and I shall impose both.

*Roger Pritchard*

INSPECTOR

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