



Heritage Statement

37 Marshall Street,
Westminster

May 2021 | Project Ref 6550A

HCUK Group is a multi-disciplinary environmental practice offering expert advice in archaeology, heritage, landscape, arboriculture, and planning. It began life in 2010 as Heritage Collective LLP, before becoming Heritage Collective UK Limited in 2014. In the coming years diversification saw the addition of Archaeology Collective, Landscape Collective and Planning Collective, before all strands came together to be branded under a single umbrella: HCUK Group, based on the acronym for the original company. A home working company since the beginning, we are pleased to employ a talented workforce of consultants and support staff, who are on hand to advise our clients.



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1. Introduction

1.1 This Heritage Statement has been prepared by HCUK Group on behalf of Shaftesbury PLC. It relates to an application for planning permission and listed building consent for change of use and physical alterations to 37 Marshall Street, a grade II listed building. Westminster City Council (WCC hereafter) are the determining authority.

1.2 37 Marshall Street is a grade II listed building, designated as part of a wider terrace also including 2-8 Ganton Street and 1 Newburgh Street, which dates from c.1820. The application site is also located within the Soho Conservation Area.



Figure 1: 37 Marshall Street (grade II)

1.3 In accordance with the requirements of Paragraph 189 of the National Planning Policy Framework (2019) this statement describes the significance of the identified designated heritage assets.



Figure 2: Site location plan

Relevant Background and Proposals

- 1.4** At present, 37 Marshall Street comprises a small shop unit occupying part of the ground floor and the basement level with the remaining ground floor areas and upper floors being in office use. Proposals seek to convert the office areas into a single residential unit providing living accommodation, two bedrooms and a study. Physical alterations necessary to facilitate the conversion are wholly limited and involve the sensitive refurbishment of the building and introduction of two bathrooms into the second and third floors. There are no external alterations proposed.
- 1.5** The proposed development is based on a thorough understanding of the historic development, character and significance of the listed building. Proposals seek to

provide the building with a functional use consistent with its conservation while respecting the unique heritage values of the site.

- 1.6** While the site is located within the Soho Conservation Area and setting of a number of other listed buildings, as the proposals are entirely internal in nature, these assets would not be affected and have been scoped out of this assessment. As such, this report will concentrate on the effect of the effect of the proposed development on the significance of 37 Marshall Street and the wider terrace only.

Purpose of this Statement

- 1.7** The purpose of this Heritage Statement is to assist with the determination of the applications by informing the decision makers on the effects of the proposed development on the historic built environment. Value judgements on the significance of the heritage assets affected are presented and the effects of the proposals upon that significance are appraised. The heritage assets affected have been observed and assessed by the author following a site visit in March 2021. Specifically, this report assesses the significance of the listed building and the effect of the works on that significance. The report sets out how the proposal complies with the guidance and policy of the NPPF and local planning policy.

2. Relevant Planning Policy Framework

- 2.1** The decision maker is required by sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas.
- 2.3** For the purposes of this statement, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England’s Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.4** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.5** The NPPF requires the impact on the significance of the designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 195 and 196 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁴ The Scale of Harm is tabulated at Appendix 1.

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137. This principle has recently been confirmed, albeit in a lower court, in R (Wyeth-Price) v Guildford Borough Council.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

⁴ Bedford Borough Council v SCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

2.6 Paragraphs 195 and 196 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 195 or 196 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

2.7 Paragraphs 193 and 194 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

2.8 Relevant local planning policy documents includes Westminster's City Plan (adopted 21 April 2021). The following policies are relevant:

2.9 **Policy 38 Design Principles:** This is an overarching design policy which requires new development to be of exemplary standards of sustainable and inclusive design. It requires development to positively contribute to Westminster's townscape having regard to the character and appearance of the area, materials, building lines, scale, height and massing among other factors.

2.10 **Policy 39 Westminster's Heritage:** Part A of this policy note that Westminster's unique heritage will be valued and celebrated and Part B notes that development must optimise the positive role of the historic environment and will:

- Ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance;
- Secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs and mitigate and adapt to climate change;

- Place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

2.11 The policy goes on to note that works to listed buildings will preserve their special interest relating sensitively to the building and that, in conservation areas, development will preserve or enhance that area's character and appearance.

2.12 The London Plan 2021 is the spatial development strategy for greater London and as such a piece of relevant planning policy. Of specific relevance is policy HC1 Heritage Conservation and Growth which notes that "*Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.*"

3. Background and Development

3.1 The area of land which Ganton Street and Marshall Street now occupy was first developed in 1593 as a 'Pest-House Field' where infected or sick people would have been taken to be quarantined and studied. The pest house and field played a vital part in attempting to quarantine the plague outbreak in 1665. The area showing the field can be seen on the 1685 Blome Map (**Figure 3**).

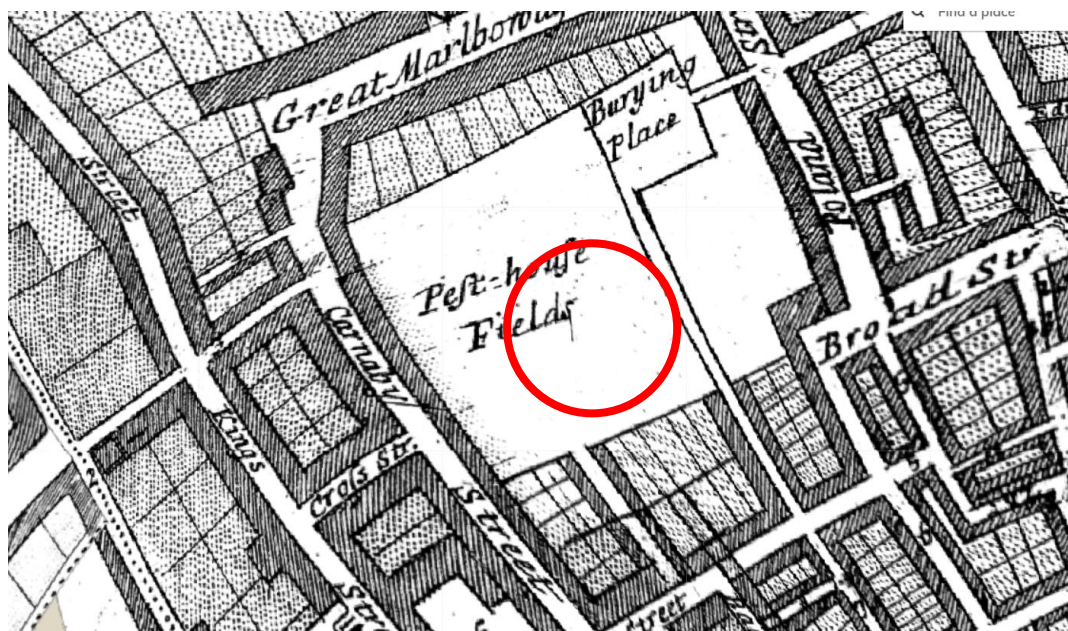


Figure 3: 1685 Blome Map © Layers of London

3.2 By the mid 18th century the land once forming the pest-house field had been developed over and was in use as the 'Marlborough or Carnaby Market' (**Figure 4**). The 1799 Horwood Map (**Figure 5**) shows this arrangement in more detail and lists the market as 'Carnaby Market'.



Figure 4: 1746 John Rocque's Map of London © Layers of London



Figure 5: 1799 Horwood Map © Layers of London

3.3

2-8 Ganton Street (including the return properties on Newburgh Street and Marshall Street) were not constructed until the early 19th century, c.1820. The first map that built form of this area is seen is the 1828 C and J Greenwood Map (**Figure 6**). On this map Ganton Street appears to be named South Row and Newburgh Street appears to be named West Street.

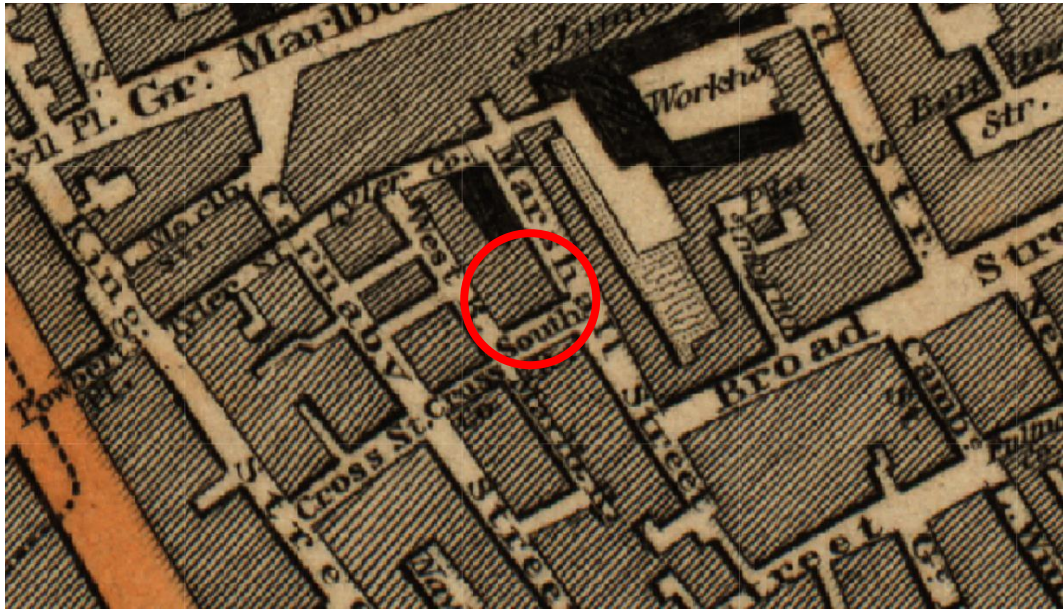


Figure 6: C and J Greenwood Map of 1828 © Layers of London

3.4

This terrace was constructed following the redevelopment of Carnaby Market either by or under the supervision of Thomas Finden. As noted by the Survey of London (Volume 31) the terrace was:

"...uniformly planned, small in area and scale, but forming to-day an unusually pleasant oasis for pedestrians, and offering facilities for shopping away from the through streets. There is accommodation for shop-keepers over the shops, as well as for chamber trades such as tailoring."

"The prevailing form was the four-storey terrace house fronted in stock brick, two windows wide with plain window-openings, and a continuous plain parapet with stone coping. The windows, most of which have their original narrow glazing-bars, have stone sills. The ground floors were built as shops from the beginning, for this was the period of the planned shopping street. At street corners and at the entrances to pedestrian courts, as was common in such terraces, the angle of the upper face was rounded with a stopped quadrant, the projecting shop fascias following this curve with the shop entrances splayed beneath. Nos. 1 Newburgh Street and 37 Marshall Street have frontages to Ganton Street with wider than average single windows on the upper floors, and beside each corner shop is a plain house-front with one window by the front door, which at No. 1 Newburgh Street has a glazed fanlight and reeded jambs."

3.5 The 1870 First Edition Ordnance Survey (OS) map (**Figure 7**) provides the first large scale view of the application site.



Figure 7: 1875 OS Map (surveyed 1870). Reproduced with permission of the National Library of Scotland

3.6 In this map 37 Marshall Street is visible as the corner property between South Row (now Ganton Street) and Marshall Street. It is shown as a single block of built form. Later mapping all show a similar arrangement given the landlocked nature of the building prohibiting any extensions etc.

3.7 The building was listed as part of the wider terrace in January 1973 and the list description provides a good description of the structure reading:

"Terrace houses with shops. c.1820 with some alterations. Uniform row with stock brick fronts, inset bowed corners. 4 storeys. Each front 2 windows wide. Nos. 1 Newburgh Street and 37 Marshall Street have 1 window fronts and 3 windows returns. Wooden shop fronts with pilaster frames and entablature carried right across, display windows altered; square headed shop and house doorways with rectangular fanlights and panelled doors; Nos. 4 and 8 with small pane margin glazed fanlights. Upper floors have recessed glazing bar sashes under flat gauged arches. Returns of Nos. 1 Newburgh Street and 37 Marshall Street have semicircular arched doorways with pilaster jambs, radial fanlights

and flush and fielded panel doors; glazing bar sashes etc. on upper floors. Uniform parapet with coping. Interiors with simple early C19 moulding and geometrical wooden stairs. Part of Carnaby Street, Newburgh Street early C19 redevelopment. Survey of London; Vol. XXXI."

4. Statement of Significance

Assessment of Significance

- 4.1** This chapter of the report establishes the significance of the relevant heritage assets in the terms set out in the NPPF. This chapter should be read in conjunction with Chapter 5 (Heritage Impact Assessment) and with the tabular methodology at Appendix 1.
- 4.2** It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain aspects or elements could accommodate change without affecting the Government's objective, which includes the conservation of heritage assets and which seeks to ensure that decisions are based on the nature, extent and level of significance of heritage assets. Change is only considered to be harmful if it erodes an asset's significance. Understanding the significance of any heritage asset affected (paragraph 189 of the NPPFs) is therefore fundamental to understanding the scope for and acceptability of change.
- 4.3** An assessment of the significance of the grade II listed 37 Marshall Street and the wider terrace is provided below. In accordance with paragraph 189 of the NPPF, the descriptions are proportionate to the asset's significance and are sufficient to understand the nature of any impact the proposals may have upon that significance.

2-8 Ganton Street, 1 Newburgh Street and 37 Marshall Street (grade II)

- 4.4** The significance of the listed building is as a result of a combination of its special architectural and historic interest.
- 4.5** The architectural interest of the terrace most strongly relates from the building's external form and appearance as a good quality example of an early 19th century modest terrace designed as a row of shops to the ground floor with accommodation above. The design and formally arranged composition of the coherent street frontage is of considerable architectural interest. The continuous timber shopfront

which extends across the entire terrace has been altered but remains as a characterful and traditional shopfront. Of particular value is the presence of separate doors leading to the residential upper floors which helps to reveal the original arrangement of the buildings and their uses.



Figures 8 and 9: Elevations of 37 Marshall Street fronting onto Ganton Street (left) and Marshall Street (right)

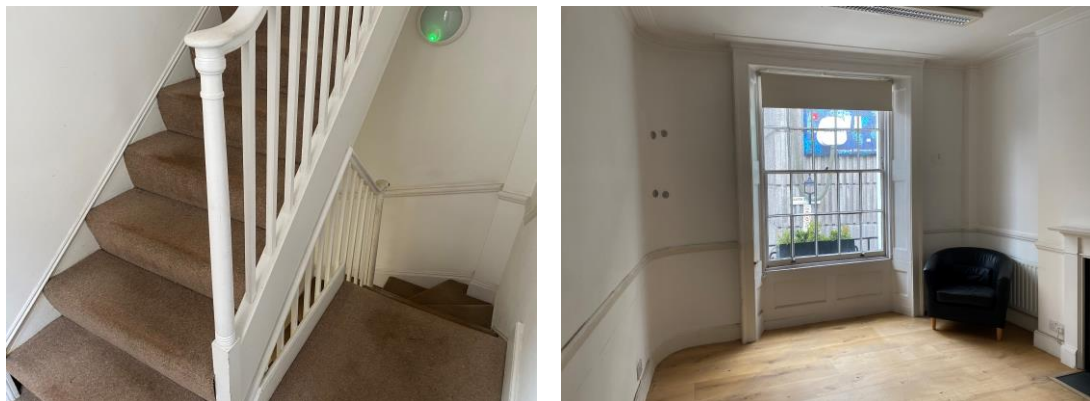


Figures 10 and 11: Details of the Marshall Street elevation

4.6 37 Marshall Street forms a stop to the eastern end of the terrace and features an attractive curved brickwork corner to the upper floors. There is a continuation of the shopfront east onto Marshall Street but then the building takes on a more residential character for its final two bays featuring a decorative doorcase and fanlight for the entrance to the upper floors and eight-over-eight sash at ground floor.

4.7 Internally, 37 Marshall Street has undergone some alteration over time. However, the plan form of the building appears almost entirely intact with a two room plan to each floor with the central staircase rising between the rooms. The early 19th century simplistically detailed timber wider staircase survives (though treads and risers have been covered over to protect them from heavy office traffic).

4.8 Elsewhere in the building some historic surface fabric survives with simple early 19th century windows surrounds and shutters (to the windows facing Ganton Street only) and plain lined cornices. Some limited areas of skirting boards survive in situ but otherwise these and dado rails present all date from the mid to late 20th century. Each room has been furnished with a fire surround, but these are all modern replicas. While often suiting the period and age of the building some examples better relate to a late 19th or early 20th century aesthetic.



Figures 12 and 13: Timber staircase (left) and typical room (right) showing window surrounds and shutters



Figures 14 and 15: Window surrounds and in keeping modern fire surround present within 37 Marshall Street



Figures 16 and 17: Out of keeping style of fire surround present within the building

4.9

Within the ground floor northern room and top floor northern room kitchen fittings electrical equipment (respectively) have been introduced. These later features prohibit a proper appreciation of the proportions and character of the listed building and detract from the ability to appreciate its significance.



Figures 18 and 19: Ground floor northern room with kitchen fittings (left) and top floor northern room with electrical equipment (right)

4.10 The historic interest of the terrace stems primarily from its 'illustrative' value as a tangible, residual element of the past, through which connections with the past can be made. It represents an important element in the history of Soho having previously been the site of a pest-house and field and the Carnaby Market.

4.11 The terrace is of limited artistic interest with its aesthetic values relating to its architecture, material composition and the group value which it holds with the remaining terrace buildings and surrounding, coherent development associated with the early 19th century development of Soho. The building is of some archaeological interest due given the way in which it has the potential to provide evidence about the past.

5. Heritage Impact Assessment

5.1 This chapter of the report assesses the impact of the proposed development on the significance of the heritage assets identified in the previous chapter, namely 37 Marshall Street. It should be read in conjunction with the preceding chapter.

Impact Assessment

5.2 The proposed development seeks to change the use of part of the ground floor and upper floors of 37 Marshall Street from its current office use to a single residential unit providing two bedrooms and two bathrooms. As identified in Section 3 of this report the building, along with the wider terrace, was constructed c.1820 as a terrace of houses with shops to the ground floor. Over time, while the ground floor commercial units have survived, the uses of the upper floors have altered such as in the case of 37 Marshall Street.

5.3 Converting those office areas back to a residential use is a wholly appropriate one that would reinstate the building's original use which is entirely consistent with the conservation of the asset. This use is also likely, in conjunction with the ground floor commercial spaces, to amount to the optimum viable use of the building. Overall, the reinstatement of a residential use to part of the ground floor and upper floors of 37 Marshall Street would amount to a benefit to the significance of the grade II listed building, in particular the structure's historic legibility as row of shops with residential use above.

5.4 Further evidencing the appropriateness of the change of use is that physical alterations required to facilitate the change of use are wholly limited. These works can be summarised as:

- General refurbishment of the building;
- Removal of kitchen units from the proposed ground floor study;
- Introduction of new kitchen units at first floor; and
- Introduction of new bathrooms to the second and third floors.

- 5.5** It is important to note that there are no changes to the building's plan form or layout proposed as part of the works. As such, the compartmentalised arrangement of the building and the contribution that this makes to the asset's significance would remain unaltered and would be preserved.

General Refurbishment

- 5.6** As noted in the preceding section, 37 Marshall Street contains a number of historic features including the main staircase, joinery details, cupboards and fire surrounds (though the majority of these are appropriate replicas rather than original features). In accordance with the proposed plans these features would all be retained as part of the general refurbishment works and, where required, repaired and redecorated appropriately. As such, no important historic fabric would be lost by way of the proposals and the refurbishment works would preserve the significance and special interest of the building.

Removal of Kitchen Units from the Ground Floor Study

- 4.12** Within the ground floor area proposed to be converted to residential use, the small room currently features a large number of kitchen cupboards and desks having been used as the office kitchenette (**Figure 19**). These modern features prohibit a proper appreciation of the proportions and character of the listed building and detract from the ability to appreciate its significance. Proposals seek to remove these features and reinstate the original proportions and clear line of sight to the projecting chimney breast and chimney piece. These works would amount to a modest enhancement to the significance of the building, specifically its architectural and historic values.

Introduction of Bathrooms to the Second and Third Floors

- 5.7** In order to introduce sufficient bathroom facilities for a residential dwelling of this scale proposals entail the conversion of two existing rooms (to the second and third floors) into family bathrooms. While new bathroom facilities will be introduced to these spaces, their proportions, projecting chimney breasts with chimney pieces and overall character with existing joinery details etc. would be preserved. While new services etc. would need to be introduced these would be relatively minor as a whole and not result in the loss of large areas of significant historic fabric.

- 5.8** Within the third floor space are various electrical cupboards etc. which prohibit a proper appreciation of the proportions and character of the listed building and detract from the ability to appreciate its significance. The removal of these features and their replacement with more appropriate domestic bathroom fittings would represent a slight enhancement to the appreciation of this room.
- 5.9** Overall, the introduction of bathrooms into these spaces would not affect the significance of the grade II listed building and would enhance its functionality as a single family dwelling in the 21st century.

Summary and Policy Compliance

- 5.10** Overall, the proposed development is based on a thorough understanding of the history, significance and character of the grade II listed building and wider terrace. Proposals seek reinstate the original residential use to the building's upper floors while being sensitive to, and where possible, enhancing, the significance of the building.
- 5.11** On the basis of the assessment above, it is clear that the proposals would preserve and enhance the significance of the grade II listed building through the change of use and removal of inappropriate modern cupboards etc. As such, the proposed development falls outside the remit of paragraphs 195-196 of the NPPF insofar as there would be no harm caused to the asset's significance. There would be preservation for the purposes of the decision makers duty under sections 16 and 66 of the Planning (Listed Building and Conservation Area) Act 1990.
- 5.12** On this basis, the proposed development also accords with relevant local planning policies namely, Policy 38 and 39 of Westminster's City Plan and relevant policies of the London Plan 2021.

6. Conclusions

- 6.1** This Heritage Statement has been prepared in accordance with paragraph 189 of the NPPF and supports an application for planning permission and listed building consent for the change of use and alteration of the grade II listed 37 Marshall Street. This report provides a proportionate assessment of the significance of the application site and this is followed by an assessment of the effect of the proposals on that significance.
- 6.2** 37 Marshall Street is grade II listed as part of a wider terrace including 2-8 Ganton Street and 1 Newburgh Street. The building and wider terrace dates to the early 19th century and is of architectural and historic interest as part of a set piece of late Georgian/early Victorian Classical architecture constructed as shops to the ground floor with residential accommodation above. Internally, 37 Marshall Street retains its original staircase and plan form and a number of features including doors, windows and joinery.
- 6.3** The proposals entail the change of use of part of the ground floor and upper floors back into a residential use and minor physical alterations to facilitate this. Section 5 of this report concludes that the proposed development would wholly preserve and enhance the significance of the grade II listed building reinstating its original use and removing modern features which prohibit an understanding of the proportions and spaces of various rooms.
- 6.4** In summary, the proposed works to the grade II listed building are considered to be proportionate and compliant with relevant policies contained within Section 16 of the NPPF and relevant local planning policy and guidance. The proposed development falls outside the remit of paragraphs 195-196 of the NPPF insofar as there would be no harm caused to the asset's significance. There would be preservation for the purpose of the decision maker's duty under section 16 of the Act.

Appendix 1

Scale of Harm (HCUK, 2019)

The table below has been developed by HCUK Group (2019) based on current national policy and guidance. It is intended as simple and effect way to better define harm and the implications of that finding on heritage significance. It reflects the need to be clear about the categories of harm, and the extent of harm within those categories, to designated heritage assets (NPPF, paragraphs 195 and 196, and guidance on NPPG).⁵

Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

HCUK, 2019

⁵ See NPPG 2019: “Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.” Paragraph 018 Reference ID: 18a-018-20190723.

Standard Sources

<https://maps.nls.uk>

<https://historicengland.org.uk/listing/the-list>

www.heritagegateway.org.uk

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www.history.ac.uk/victoria-county-history

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Historic England (2017 edition)

Planning (Listed Buildings and Conservation Areas) Act, 1990

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National Planning Practice Guidance, 2019

Conservation Principles, Policies and Guidance, Historic England (2008)