

## United Kingdom House, 164-182 Oxford Street, London W1D 1NN: Heritage appraisal

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### Introduction

- 1 This report has been prepared by KMHeritage on behalf of Flametree Properties Ltd to support applications for listed building consent and planning permission for the alteration of United Kingdom House, 164-182 Oxford Street, London W1D 1NN, involving the alteration of the upper level of the building to create a single large residence.

### The listed building<sup>1</sup>

- 2 The property at 164-182 Oxford Street is a Grade II listed building, designed by Robert Frank Atkinson and constructed in 1902-6 for the furniture company Waring and Gillow in a Wrennaissance style. It was among the first large scale department stores to appear on Oxford Street. The building was steel framed, allowing the structure to be carried independently of the external walls, a form of construction that had previously been pioneered in Liverpool.

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<sup>1</sup> Information in this section is drawn from *Heritage Statement: United Kingdom House, 164-182 Oxford Street, London W1D 1NN*, CgMs, October 2102

- 3 The Waring-White Building Company was set up as a subsidiary construction company to take charge of this method of construction, which was relatively advanced for the time, and following the construction of 164-182 Oxford Street, it went on to use the new steel frame technology in the construction of the Ritz Hotel (1906) and Selfridge's Oxford Street store (1909). R. Frank Atkinson was also involved in the design of Selfridge's, having been recommended to Gordon Selfridge by Samuel Waring. The development of large steel framed buildings across Edwardian London usually bore some relation with those involved in the Waring and Gillow project.
- 4 It has since undergone various periods of extension and rebuilding, the two most significant of which were in 1933 to the designs of the London architects Elcock and Sutcliffe, and involved the incorporation of the surviving earlier building on the corner with Great Titchfield Street into the main building and the completion of Elcock's design. In 1977-8 by Seifert and Partners were responsible for the arrival of the building at its present condition: only the most elaborate facades of Atkinson's original designs were retained and the steel frame was removed. Almost the entire core of the building was removed, and a new plan introduced, with two courtyards separated by a large central office block. The 1977 scheme further included the complete rebuilding of the entire north eastern corner of the site
- 5 The building has been referred to by various names, being referred to variously as the Waring and Gillow Building, Cussins House and United Kingdom House, among others.

### **Location and heritage status**

- 6 164-182 Oxford Street occupies the urban block bounded by Oxford Street, Great Titchfield Street, Eastcastle Street and Winsley Street. It is located on the southern boundary of the East Marylebone Conservation Area. The boundary runs along Oxford Street. The boundary of the Soho Conservation Area also runs along Oxford Street, but returns south along Poland Street, approximately 55 metres to the east of Winsley Street. The East Marylebone Conservation Area was first designated in 1982 and extended in 1990 to include the Middlesex Hospital. The present conservation area appraisal was issued in 2006, and identifies 164-182 Oxford Street as a Landmark Building. Nearby Unlisted Buildings Of Merit include 142-144, 146, 148-150, 192, 196, 198 and 200 Oxford Street; 1-3, 8, 10, 10A Great Titchfield Street; 32-42 Eastcastle Street; and 4-13, 14-17 Market Place.
- 7 There are a number of other listed buildings in the vicinity of 164-182 Oxford Street: on the east side of Winsley Street 156-162 Oxford Street is Grade II\*, the Pantheon (169 - 173 Oxford Street) on the opposite side of Oxford Street to the south is Grade II, and No. 30 Eastcastle Street (The Welsh Baptist Chapel) is Grade II.

- 8 The building further lies within the setting of a number of listed buildings namely no. 147, nos. 156-162 and nos. 169-173 Oxford Street and buildings of Local Merit as identified by the Conservation Area Audit published in March 2006. The property itself is further identified within the Audit as a Landmark Building and is prominent in views along Oxford Street and surrounding streets.
- 9 The view north along Winsley Street from Oxford Street is illustrated on the local views map (page 46 of the conservation area appraisal) but not included in the list of local views at Paragraph 4.61 of the appraisal (page 44).

### **Heritage significance**

- 10 The East Marylebone Conservation Area and the listed buildings mentioned above are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF). The Unlisted Buildings of Merit are 'non-designated heritage assets' or 'undesigned heritage assets'. 'Significance' is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The English Heritage 'Planning for the Historic Environment Practice Guide' puts it slightly differently – as 'the sum of its architectural, historic, artistic or archaeological interest'. 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.
- 11 164-182 Oxford Street, the other listed buildings in its vicinity, the Unlisted Buildings of Merit and the part of the East Marylebone Conservation Area in the vicinity of 164-182 Oxford Street possesses these heritage values to a considerable degree. The contributing elements of the significance of the area are: the nature of listed and unlisted buildings of merit and their contribution to the historic streetscape, and the manner in which buildings of different periods, styles and scales combine to form a varied townscape character. 164-182 Oxford Street and the listed buildings near it have, by definition, special architectural and historic interest. The special architectural and historic interest of 164-182 Oxford Street has to do with its surviving Edwardian exterior and its history; as explained earlier, the interiors and the majority of the elevations to Eastcastle and Winsley Streets are of recent date and no particular quality.
- 12 In respect of change to 164-182 Oxford Street that might affect its special architectural and historic interest and that of other listed buildings their setting, that special interest has to do with their external architectural design, their scale, massing and roof profiles. 164-182 Oxford Street has no internal special interest,

and internal special interest of its listed neighbours would clearly not be affected by the alteration of 164-182 Oxford Street.

- 13 164-182 Oxford Street has ‘architectural’ and ‘artistic interest’ (NPPF) or ‘aesthetic value’ (‘Conservation Principles’). In respect of design, ‘Conservation Principles’ says that ‘design value... embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship’. These qualities are found solely in the part of 164-182 Oxford Street facing Oxford Street and Great Titchfield Street, and in the short returns of original elevation on Eastcastle and Winsley Streets.

### **The policy context**

#### *The National Planning Policy Framework*

- 14 The National Planning Policy Framework (NPPF) says at Paragraph 128 that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

- 15 An outline description and analysis of the heritage significance of 164-182 Oxford Street and its context is provided earlier in this report, and in due course a more detailed analysis will be provided.

- 16 At Paragraph 131, the NPPF says that:

*In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

- 17 Paragraph 132 advises local planning authorities that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.

18 The NPPF says at Paragraph 133 ‘Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.’ Paragraph 133 says:

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

19 Paragraph 134 says that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

20 Further advice within Section 12 of the NPPF urges local planning authorities to take into account the effect of an application on the significance of a non-designated heritage asset when determining the application. It says that ‘In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

21 Paragraph 137 of the NPPF advises local planning authorities to ‘look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably’.

22 Paragraph 138 says that:

*Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than*

*substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

23 The NPPF incorporates many of the essential concepts in Planning Policy Statement 5 'Planning for the Historic Environment'. PPS5 was accompanied by a 'Planning for the Historic Environment Practice Guide', published by English Heritage 'to help practitioners implement the policy, including the legislative requirements that underpin it'. The 'Guide' gives, at Paragraph 79, a number of 'potential heritage benefits that could weigh in favour of a proposed scheme' in addition to guidance on 'weighing-up' proposals in Paragraphs 76 to 78. These are that:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting;
- It reduces or removes risks to a heritage asset;
- It secures the optimum viable use of a heritage asset in support of its long term conservation;
- It makes a positive contribution to economic vitality and sustainable communities;
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment;
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

24 Paragraph 111 of the Guide sets out the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 that local planning authorities when making decisions must 'have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses' and 'pay special attention to the desirability of preserving or enhancing the character or appearance' of a conservation area.

#### *Westminster's Local Development Framework*

25 The City Council formally approved the Westminster City Plan: Strategic Policies on 13 November 2013. This document follows a review and revision of the Core Strategy published in January 2011. From 13 November the Core Strategy has no effect and will not be taken into account in taking planning decisions.

26 Strategic Policy S25 deals with heritage matters, and states:

*'Recognising Westminster's wider historic environment, its extensive heritage assets will be conserved, including its listed buildings, conservation areas, Westminster's World Heritage Site, its historic parks including five Royal Parks, squares, gardens and other open spaces, their settings, and its archaeological heritage. Historic and other important buildings should be upgraded sensitively, to improve their environmental performance and make them easily accessible.'*

27 Westminster's saved UDP Policy DES 5 deals with alterations and extensions, and the relevant part says:

*(A) Permission will generally be granted for development involving the extension or alteration of buildings in the following circumstances:*

- 1) where it is confined to the rear of the existing building*
- 2) where it does not visually dominate the existing building*
- 3) if it is in scale with the existing building and its immediate surroundings*
- 4) if its design reflects the style and details of the existing building*
- 5) if the use of external materials is consistent with that of the existing building*
- 6) where any necessary equipment, plant, pipework, ducting or other apparatus is enclosed within the external building envelope, if reasonably practicable*
- 7) where external apparatus such as surveillance equipment is needed it is located so that visual or any other impact on amenity is avoided or minimised.*

*(B) Permission may be refused for development involving the alteration or extension of buildings in the following circumstances:*

- 1) where an extension rises above the penultimate storey of the existing building (excluding roof storeys)*
- 2) where it occupies an excessive part of the garden ground or other enclosure*
- 3) where any added floorspace is obtained by the roofing over or physical enclosure of basement areas*
- 4) where it involves the loss of significant gaps between buildings*
- 5) where it involves the installation of entrance canopies which either obscure or are at variance with the architectural features of the building.*

28 Westminster's saved UDP Policy DES 6 deals with roof level alterations and extensions, and says:

*(A) Permission may be refused for roof level alterations and extensions to existing buildings (which may include the installation of conservatories, roof terraces, telecommunications equipment or solar collectors) in the following circumstances:*

- 1) where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings*
- 2) where buildings are completed compositions or include mansard or other existing forms of roof extension*
- 3) where the existing building's form or profile makes a contribution to the local skyline or was originally designed to be seen in silhouette*
- 4) where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels*
- 5) where unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost by such extensions.*

*(B) Permission may be granted for new roof structures or additional storeys on existing buildings in the following circumstances:*

- 1) where the proposed development or form of alteration is in sympathy with the existing building's architectural character, storey heights and general elevational proportions*
- 2) where the form and detailing of the extension either repeats or reflects the form, detailing or use of materials found in the existing building*
- 3) where the proposed design accords with (or establishes an acceptable precedent for) similar extensions within the same group of buildings*
- 4) where the design of extension avoids any infringement of the amenity or reasonable visual privacy enjoyed by the occupants of adjacent or nearby buildings.*

29 Westminster's saved UDP Policy DES 9 deals with conservation areas. Saved Policy DES 10 deals with listed buildings. Sub-section (A) says:

*Applications for development involving the extension or alteration of listed buildings will where relevant need to include full details of means of access, siting, design and external appearance of the proposed development in order to demonstrate that it*

*would respect the listed building's character and appearance and serve to preserve, restore or complement its features of special architectural or historic interest.*

30 Sub-section (D) of the policy deals with the setting of listed buildings. It says:

*Planning permission will not be granted where it would adversely affect:*

*a) the immediate or wider setting of a listed building, or*

*b) recognised and recorded views of a listed building or a group of listed buildings, or*

*c) the spatial integrity or historic unity of the curtilage of a listed building.*

### **The proposed scheme and its effect**

31 On Friday 28 March planning permission and listed building consent (refs 12/10820/FULL and 12/10821/LBC respectively) was granted in respect of 164-182 Oxford Street for the following proposals:

*Infilling of internal lightwells at second to seventh floor level in association with the existing office use (Class B1), creation of extension at roof level to provide an eighth floor level for use as residential (Class C3) comprising 2x2 and 2x3 bedroom flats with associated terraces; installation of plant enclosure at eighth floor level; creation of separate ground floor entrance on Great Titchfield Street for residential access and associated internal alterations.*

32 The same applicant now wishes to reconsider the residential element of the permitted scheme to create a single, large, lateral residence at the upper level of the building. The proposals are illustrated in the drawings and Design & Access Statement of TP Bennett Architects.

33 It is strongly felt by both client and architect that the permitted scheme can be improved. The permitted scheme, recently approved, sets clear parameters within which a new scheme must work. The new scheme is for a different scale and type of residential unit, and it seeks to both accommodate this practical consideration while producing a better and more attractive architectural solution than that which has been approved. It goes further than the permitted scheme in reducing rooftop clutter and improving the appearance of the listed building.

34 The proposed scheme sets the penthouse façade further back from the street to allow an increase in its height, whilst remaining within the permitted building envelope. It creates a continuous perimeter mansard roof line and reduces the apparent height of the extension compared that has been permitted. In order to do this it will build over the areas of the office roof permitted to extend into the

existing atriums, in order to set the penthouse façade further back from the street frontage below. The scheme will reduce and rationalise the mass of the fire escape stairs and lifts and remove further clutter from the existing roof line.

- 35 The Design and Access Statement provides an extensive and detailed comparison of what is now proposed with the permitted scheme, using verified views from a wide range of position, and illustrating both daytime and night time views. This exercise makes clear that, throughout the day, what is proposed will either represent very little change to what has been recently approved, or will reduce the visual effect of the permitted scheme. The permitted scheme had regular slots indented into the mansard extension, that revealed the penthouse fenestration and exposed its reflections, whereas this proposal has a shallower continuous slot but with the glazing set further back and totally shaded by the slate blades, such that it will not reflect sunlight and in this way it will better conceal its presence. This is possible because the proposed scheme seeks to design the new work using a roof shape that has been sculpted to limit views of the new work from ground level. It also provides - unlike the permitted scheme - a continuous band of slated roof to form a single unifying element at the highest level of the mansard extension, thereby creating a consistent profile against the sky. This roof shape, though clearly modern, echoes a traditional approach to the top of a large Edwardian building that is somewhat missing from the permitted scheme
- 36 The building is of a considerable height in relation to the width of surrounding streets (including Oxford Street), thus inherently limiting the ready availability of views of the top of the building. The view exercise contained in the Design & Access Statement make clear that from many of the view points the proposed scheme will be barely visible. The nature and scale of the urban fabric in the vicinity of 164-182 Oxford Street, along with its height, mean that such views are glimpsed along streets (such as in View 6) when seen 'in elevation', and oblique in other circumstances (such as in any of the views along Oxford Street or in View 9). When the proposed scheme is visible there is a tangible and satisfying reduction in mass and bulk compared to the permitted scheme, as well as an improvement in the appearance of the new roof elements.
- 37 Though 164-182 Oxford Street is a listed building and as such proposals must be considered holistically, the most important test of whether the proposed scheme preserves and enhances its special architectural and historic interest lies in the assessment of views from street level. This is because its special interest is related principally to the surviving Edwardian facades. In order to affect what is of special architectural and historic interest about 164-182 Oxford Street, the setting of other listed buildings and unlisted buildings of merits, and the character and appearance of the East Marylebone Conservation Area, what is proposed needs to be seen; otherwise no effect on heritage significance is caused, as 164-182 Oxford Street

does not contain anything of special architectural and historic interest beyond its Edwardian facades. The views exercise that has been carried out makes clear that the significance of these heritage assets is preserved by what is proposed.

- 38 Any sensible townscape or heritage analysis allows for the effect of a range of sensory factors on the perception of built form, not just visual perception - in much the same way that English Heritage guidance on the setting of heritage assets does. The pedestrian experience of Oxford Street is not stationary - it is one of constant movement in what is one of the most important streets in London. The pedestrian is almost certainly making their way to and fro along the pavement or in and out of shops. In addition, the street is - always, day and night - extremely busy with people and traffic. It is - always, day and night - very noisy. As one of London's principal shopping streets, it is replete with visual interference in the form of shop fronts and their contents, as well as the paraphernalia of traffic management. It is full of distractions. It is not a space in which the eye easily wanders to seek out what is already hard to discern at the upper reaches of buildings.
- 39 The effect of the proposed roof form on the overall listed building is modest and extremely low in terms of its visual effect on other heritage assets. That effect, where it is discerned, is positive. It is a relatively minor intervention in the highly varied and altered roofscape of this part of the conservation area, and in a particular part of the conservation area with differing building heights and no consistent roof style. The proposal does not visually dominate its context or draw the eye from the main elevations of value in 164-182 Oxford Street, from other listed buildings or have any meaningful visual effect on this specific part of the conservation area.

### **Compliance with policy**

- 40 In terms of national policy guidance, the proposed scheme therefore does not cause either substantial or less than substantial harm to either the conservation area, the host listed building or adjacent listed buildings. While it alters the appearance of 164-182 Oxford Street, the conservation area and the settings of other buildings of heritage value, this effect does not have anything approaching such an impact as to be harmful and is indeed positive, improving as it does the appearance of a presently unattractive roofscape. At planning committee it was widely recognised by Members when debating the (now permitted) scheme that the roofscape would be greatly improved, and the current proposal makes significant further improvements in reducing the mass of both the stair and lift overruns through the mansard roof. By having a positive effect on its surroundings, the proposal preserves and enhances the special architectural and historic interest of 164-182 Oxford Street, the character and appearance of the conservation area and the settings of listed and unlisted buildings for the reasons given above. The proposed scheme thus complies with the NPPF.

41 For the same reasons, the proposed additional roof level complies with the relevant parts of Westminster City Council's saved Policies DES 5 and 6. It 'does not visually dominate the existing building' and it 'is in scale with the existing building and its immediate surroundings'. It does not involve 'the loss of significant gaps between buildings'; and it does not 'adversely affect either the architectural character or unity of a building or group of buildings'. No 'unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost' in the proposed scheme. As required by Policy DES 6, 'the proposed development or form of alteration is in sympathy with the existing building's architectural character, storey heights and general elevational proportions'. For these reasons also the proposed scheme complies with Policy DES9 and 10 regarding conservation areas and the setting of listed buildings.

## Conclusion

- 42 The proposed scheme is a modest intervention in a context characterised by visual heterogeneity. It offers all the positive measures that the permitted scheme offers, but with additional work to remove clutter and negative visual features. It will have a modest but positive visual impact on the host listed building and other heritage assets, but has no significant effect on nearby listed buildings or on the conservation area. Its effect, where it is possible to discern it, is enhancing. For that reason it does not cause any harm to the heritage assets in its surroundings.
- 43 The scheme will preserve and enhance the special architectural and historic interest of 164-182 Oxford Street and the contribution that it makes to the conservation area and the setting of nearby listed buildings, and the overall character and appearance of the East Marylebone Conservation Area, and thus it fully satisfies the national and local policy and guidance regarding listed buildings and conservation areas that is set out above.

Kevin Murphy B.Arch MUBC RIBA IHBC  
Monday, 17 November 2014

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The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in urban and building conservation. Kevin Murphy was included for a number of years on the Heritage Lottery Fund's Directory of Expert Advisers.



## Appendix A: List description

TQ 2981 SE CITY OF WESTMINSTER OXFORD STREET W1 (south side) 57/20 Nos. 164 to 182 15.6.73. (even) - II Former department store, now offices. 1905-06 by Frank Atkinson with advice from R. Norman Shaw (viz. R.A. Library drawing) for Waring and Gillow's. Red brick and lavish stone dressings, slate roof, in a free Renaissance with riotous application of Hampton Court inspired "Wrenaissance" details well suited to the Empire-wide pretensions of the store. 4 lofty storeys (including ground floor/mezzanine podium) and 2 tiers of dormered attics in steep hipped roof with centre bay of 11 windows raised to 5 storeys under segmental pediment; return elevations with similar detailing run back to plainer rear on Eastcastle Street. Ground floor display windows bronze framed and articulated with mezzanine by stone arcade. Upper floors have elaborately carved stone window surrounds, those on 3rd floor as giant oeil-de-boeuf with foliage enrichment; arcaded top floor. Deeply carved and projecting modillion eaves cornice.

Listing NGR: TQ2922181319

# KMHeritage

72 Pymer's Mead

London SE21 8NJ

T: 020 8670 9057

F: 0871 750 3557

[mail@kmheritage.com](mailto:mail@kmheritage.com)

[www.kmheritage.com](http://www.kmheritage.com)

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