



20 Albion St, St George's Fields, London W2 2AS

HERITAGE IMPACT ASSESSMENT

Ref: Joo4521

November 2023

Contents

1.0 Introduction

2.0 History

3.0 Proposals

4.0 Assessment

5.0 Summary

6.0 Sources

Cover: 20 Albion Street

1.0 Introduction

Purpose

- 1.1 WS Heritage Ltd. has been commissioned to undertake this Heritage Impact Assessment by FS Group Ltd. This addresses the extension and/or alteration of the rear of 20 Albion Street, London, and first sets out the historic background of the site and locale, before discussing works undertaken at the application site and the potential for the significance of relevant heritage assets to be affected.

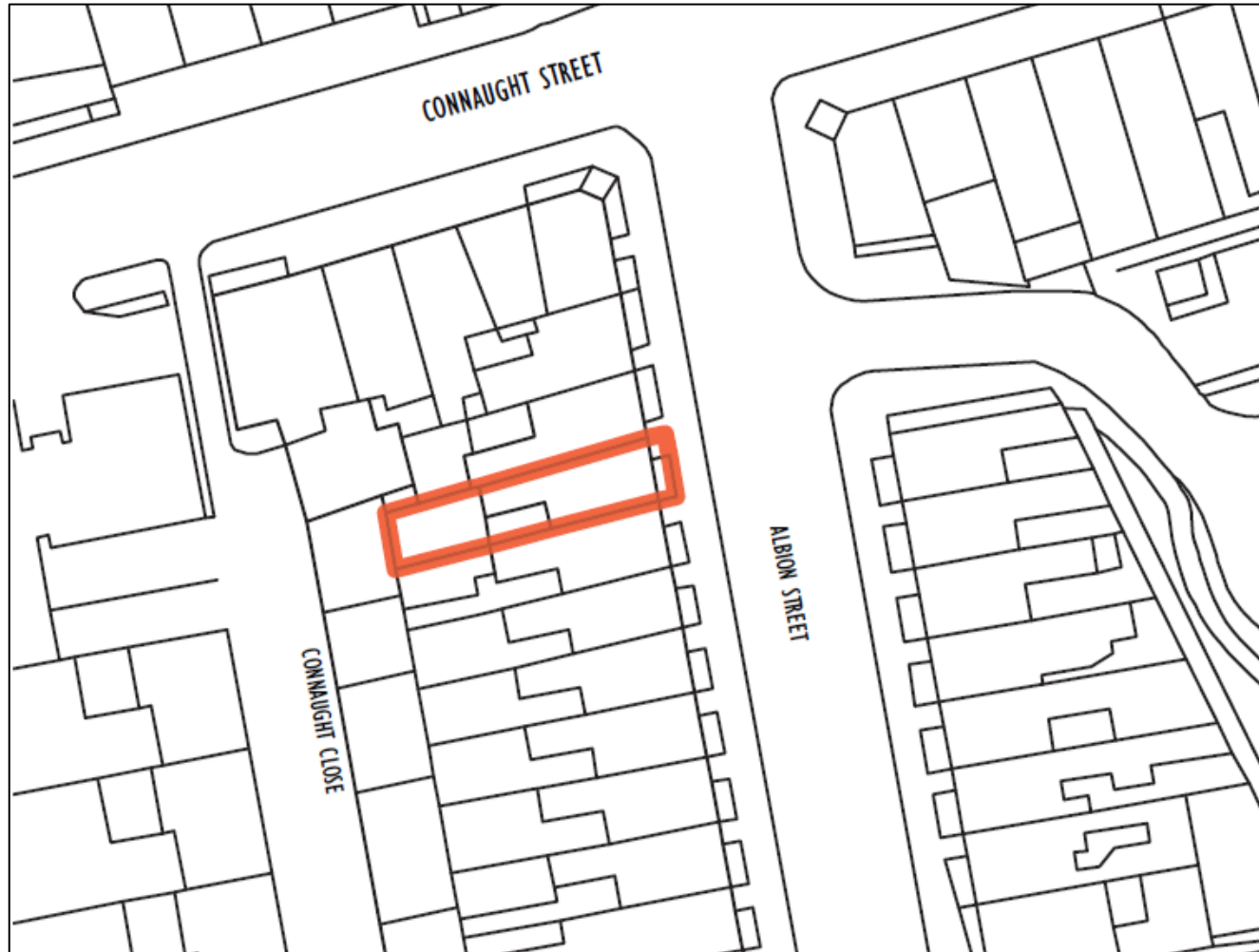


Figure 1: Site Location

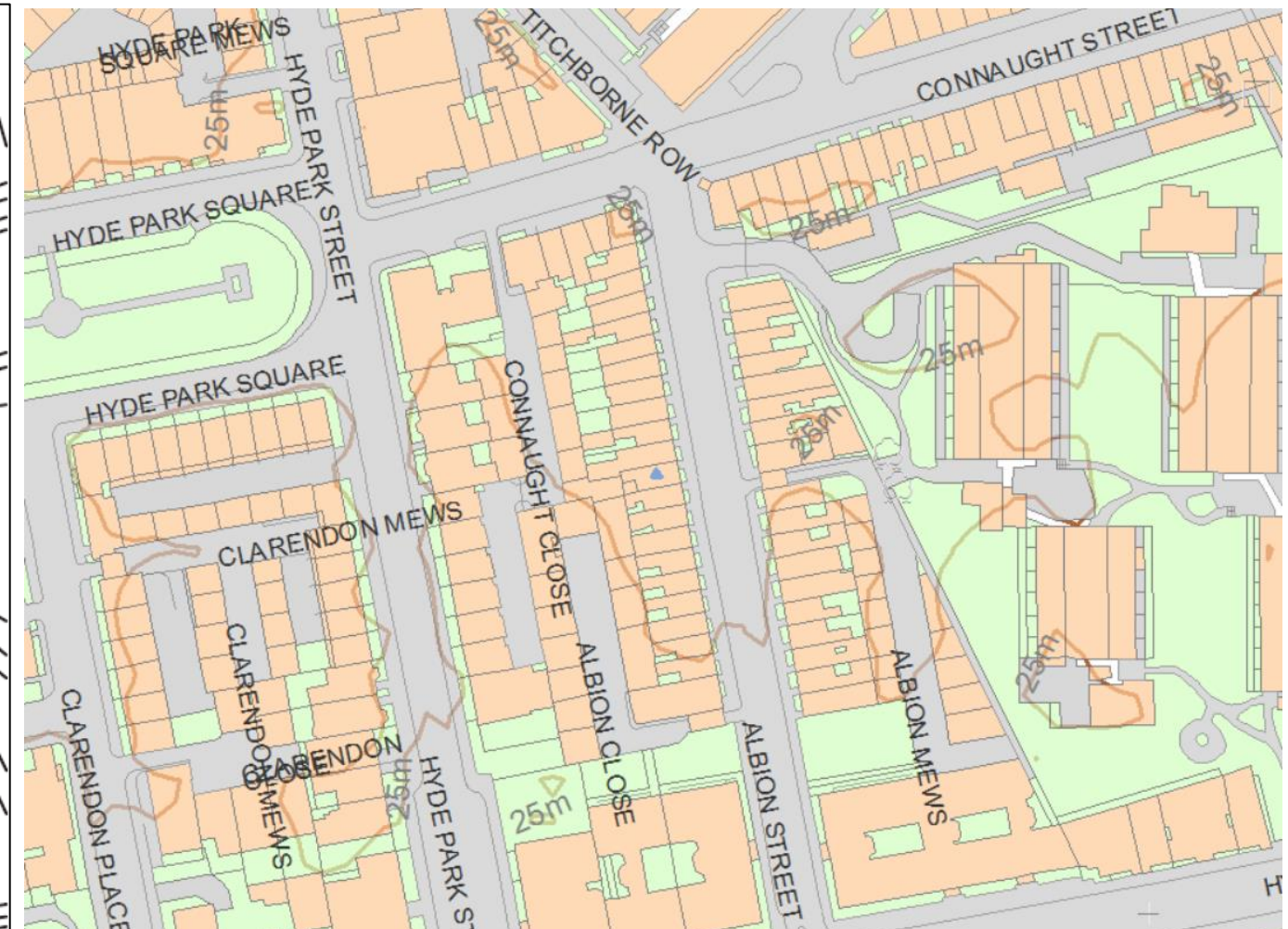


Figure 2: Location of the Listed Building (Historic England)

Proposals

- 1.2 The application seeks approval for the extension and/or alteration of the host property's rear elevation. Planning was permitted and listed building consent granted for these changes in 2014 (Westminster City Council (WCC) Ref: 14/10702/FULL & 14/10703/LBC), however, the local planning authority (LPA) consider the resultant implementation of works to have departed from these approvals, thus requiring regularisation; a process agreed via subsequent consultation with WCC officers (see **paragraph 1.8**, below).

Heritage Assets

- 1.3 The application site comprises part of the Grade II listed terrace 1-23, *Albion Street W2* (List Entry Number: 1209917). This was first listed on the 9th January 1970 and the list description for the site may be summarised as follows:

'Range of terraced houses. c.1830-35, some alterations. Probably by George Gutch. Brown brick with channelled stuccoed ground floors, slate roofs. 4 storeys and basements. Each front 2 windows wide. Entrances principally to right hand of fronts. Semicircular arched doorways with panelled doors and patterned fanlights. Recessed sash windows, a few with glazing bars, those on upper floors under flat gauged arches. Platband finishing off stucco ground floors, 3rd floor sill band and stucco cornices with blocking courses. Cast iron geometric patterned 1st floor balconies. Cast iron spear head railings. Part of the early phase of the Tyburnia development planned by S. P. Cockerell in 1827 for the Bishop of London's Estate (Church Commissioners), but laid out to a modified plan by Cockerell's successor George Gutch.'

1.4 In turn, the application site resides within *Bayswater Conservation Area*, first designated in 1967 before being extended in 1978, 1990, 2002 and 2010. An associated *Conservation Area Audit* was adopted as supplementary planning guidance on the 13 July 2000.

1.5 However, it is understood that the consideration of impacts with respect to listed nos. 1-23, *Albion Street* is sufficient to gauge the effects of said works upon the built and/or historic environment more generally; particularly where physical and therefore visual impacts remain restricted to the application site itself (where, in turn and as a matter of ratio, the site forms merely one component part of a much greater whole), and do not unduly extend into, nor therefore impinge upon, either the near setting of 28-45, *Albion Street W2*, or the overriding conservation area.

Historic Environment Record (HER)

1.6 N/A

Archaeological Potential

1.7 N/A

Consultations Undertaken

1.8 Pre-application discussions with Westminster City Council (WCC reference: P23/00002) (see **paragraph 1.2**, above), the written response to which was received from WCC on the 20th February 2023.

Planning History

1.9 The relevant planning history of the application site as follows:

- 1) CONSERVATORY ADDITION. Ref. No: 86/00005/FULL | Status: GP.
- 2) ADDITION OF CONSERVATORY ON EXISTING TERRACE. Ref. No: 86/00756/LBC | Status: LB.
- 3) INFILLING LIGHTWELL PROVIDING ADDITIONAL ACCOMMODATION. Ref. No: 90/05779/FULL | Status: Application Permitted.
- 4) INFILLING LIGHTWELL; ALTERATIONS TO DOOR OPENINGS AT REAR. Ref. No: 90/05780/LBC | Status: Application Permitted.
- 5) Demolition of rear conservatories at ground and first floor and construction of new rear extension. Re-configuration and re-decoration of internal areas. Ref. No: 14/10702/FULL | Status: Application Permitted.
- 6) Demolition of rear conservatory and closet wing, and erection of three storey rear extension, internal alterations and associated works. Ref. No: 14/10703/LBC | Status: Application Permitted
- 7) Variation of Condition 1 of planning permission dated 10 December 2014 (RN: 14/10702/FULL) for the demolition of rear conservatories at ground and first floor and construction of new rear extension. Re-configuration and re-decoration of internal areas from RN 14/10702/FULL. NAMELY, alterations to rear extension including fenestration changes and alterations to roof treatments. (Linked to 18/00284/LBC). Ref. No: 17/05449/FULL | Status: Application Permitted.
- 8) Installation of air conditioning plant within an acoustic enclosure together with hard and soft landscaping (linked to 17/10681/LBC). Ref. No: 17/10680/FULL | Status: Application Permitted.
- 9) Variation of Condition 1 of listed building consent dated 6 October 2017 (RN: 17/05451/LBC) which varied Condition 1 of the listed building consent dated 10 December 2014 (RN14/10703/LBC) for demolition of rear conservatory and closet wing, and erection of three storey rear extension, internal alterations and associated works. NAMELY, alterations to rear extension including fenestration changes and alterations to roof treatments. (Linked to 17/05449/FULL). Ref. No: 18/00284/LBC | Status: Application Permitted.
- 10) Details of plaster mix, mortar mix and brick lintels pursuant to conditions 3, 4 and 5 of listed building consent dated 14 February 2018 (RN:18/00284/LBC). Ref. No: 22/00911/ADLBC | Status: Application Refused.

Approach

1.10 In accordance with *paragraph 194* of the *National Planning Policy Framework (NPPF, 2023)* this Heritage Impact Assessment describes the significance of those heritage asset(s) with the potential to be affected; in a manner proportionate to both the assets' importance, and an understanding of the potential for impacts upon that significance.

Methodology

1.11 A number of published guidelines were adhered to, including:

Statements of Heritage Significance: Analysing Significance in Heritage Assets - Historic England Advice Note 12. Historic England, 2019. (**Appendix 2**);
The Setting of Heritage Assets - Historic England Good Practice Advice in Planning Note 3 (Second Edition). Historic England, December 2017; and
Conservation Principles for the Sustainable Management of the Historic Environment. (Consultation Draft). Historic England, November 2017.

2.0 History

Bayswater

- 2.1 The name Bayswater is a derivation of *Bayard's Watering Place*, which was first recorded in 1380. This referenced the location of a stream, later to be called the Bayswater rivulet, which passed under the Uxbridge Road. The name is further understood to denote a location where horses were led to water, either from the stream itself or from a nearby spring.
- 2.2 By the 17th century, Bayswater comprised a modest hamlet and formed part of a wider context of small, scattered settlements surrounding the City of London. The rural landscape would then have been occupied by a variety of farmsteads surrounding both Bayswater and the common fields of Westbourne, where a limited number of houses are also noted to have been built.



Figure 3: OS Map Extract Bayswater, 1862



Figure 4: OS Map Extract Bayswater, 1893

- 2.3 During the 18th century, Bayswater remained predominantly rural, with the majority of properties being focused upon Westbourne Green. Several inns also populated the area, likely due to the importance of the Uxbridge Road and its associated through traffic.
- 2.4 During the latter part of the 18th century, the first phase of speculative building along Uxbridge Road was commenced by John Elkins. Elkins also obtained land near Paddington Green and built several 'double brick' houses which became known as Elkin's Row.
- 2.5 After 1809, speculative building by Edward Orme was widespread throughout the locale, with Orme also funding the 1818 Bayswater Chapel. This served new housing attributed to Orme at Petersburg Place, which led north from the Uxbridge Road and linked to a road called Moscow Road. The names of these streets are thought to commemorate Orme's business dealings with Russia.
- 2.6 Orme owned a large amount of property along the Uxbridge Road which was to subsequently undergo substantial development during the early-mid 19th century. Orme Square, the south side of which was defined by Uxbridge Road, was built in 1823 when Orme purchased land to the east of Petersburg Place.
- 2.7 More significant development of an explicitly urban nature began to be constructed in the mid-19th century, with large estates being built around Leinster and Prince's Squares in 1856. Further developments were also commenced at Kensington Gardens Square, whilst mews were developed behind Moscow Road.

- 2.8 The Ordnance Survey map of 1862 (**Figure 3**) shows development covering the whole of the Bayswater area by this time, with the eastern emphasis of this being significant for following a more regimented, uniform pattern of development. This contrasts with much of the suburbanisation of outer-London in the period, which tended to follow the former field boundaries of previously arable land.
- 2.9 The Bayswater area proved one of the fastest growing suburbs around London, although little observable development occurred between 1862 and 1893 (**Figure 4**), where this was restricted to the more piecemeal replacement of individual properties, following the expiration of leases.
- 2.10 The social composition of the locale was to also change significantly in the late 19th century, this being best evidenced by the consecration of a synagogue in St. Petersburg Place in 1879, and the establishment of the Greek Orthodox cathedral of Moscow Road in 1882. Wealthier residents began to populate the area, with Bayswater becoming renowned for its high-quality architecture.

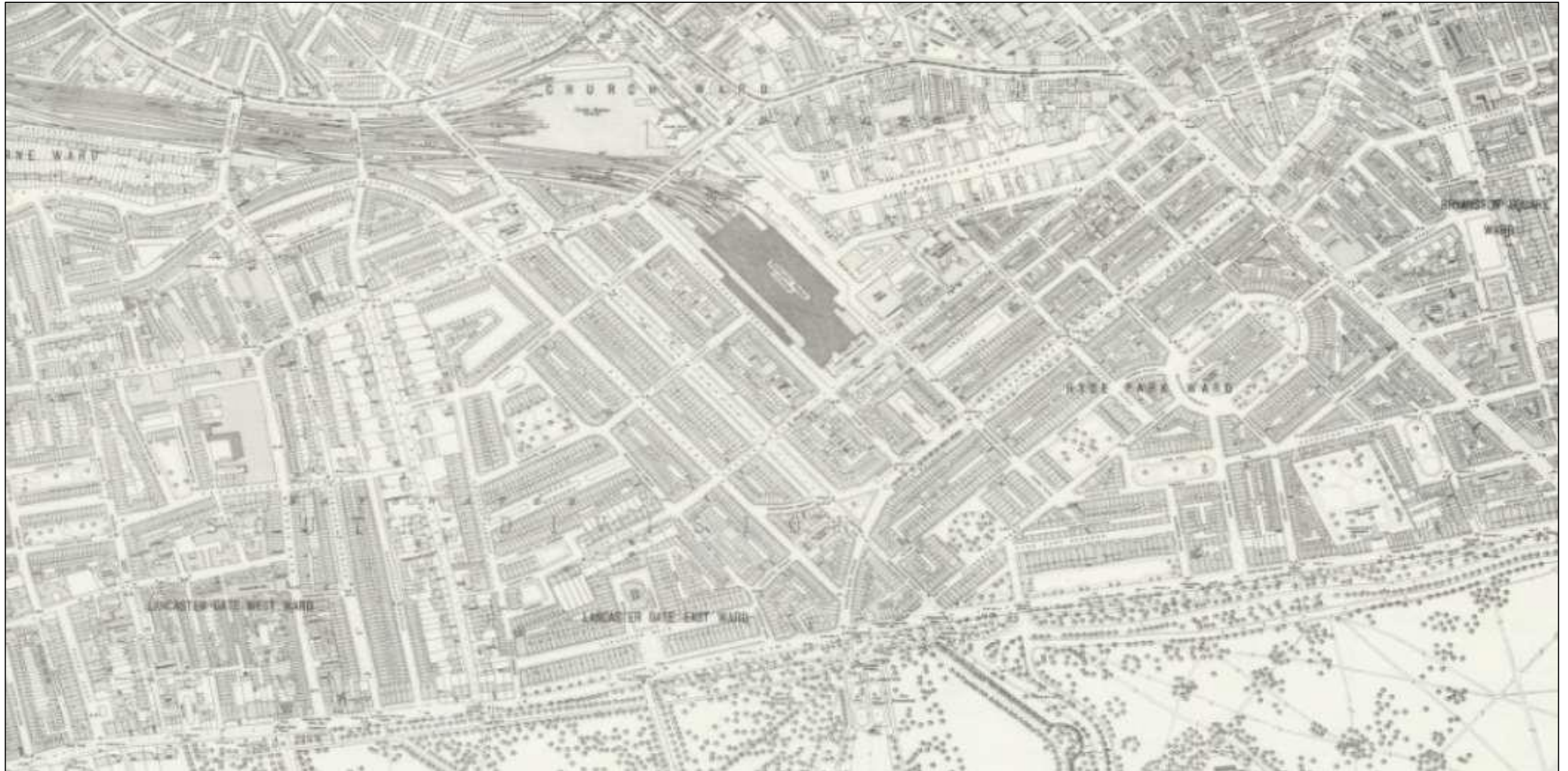


Figure 5: OS Map Extract Bayswater, 1914

- 2.11 The early 20th century was characterised by the emerging predominance of shop fronts along principal routes, particularly along Queen's Road. Uxbridge Road, now referred to as Bayswater Road, saw the subdivision and provision of apartments above such shops, where a large majority of properties faced directly onto these thoroughfares.
- 2.12 However, the rebuilding and/or conversion of individual structures remained the main pattern of development during the early 20th century, and as such, there is still little observable change by 1914 (Figure 5). During the inter-war period, the area remained expensive, with most of Bayswater Road continuing to be gradually converted to flats and hotels.
- 2.13 Over the 1950's-60's, a series of new developments comprising blocks of flats and offices were constructed on Bayswater and Moscow Roads, which saw the demolition of several groups of buildings. Intermittent, scattered instances of rebuilding were to occur there throughout the 1980's, however, Bayswater's Victorian layout may be seen to have largely survived.

20 Albion Street

- 2.14 The terraced houses of Albion Street, including no.20, were constructed between 1830-35. These have been attributed to the architect George Gutch and were part of the early phase of the Tyburnia development planned by S.P. Cockerell in 1827 for the Bishop of London's Estate. These were laid out to a modified plan by his successor, George Gutch.



Figure 6: OS Map Extract Albion Street, 1862



Figure 7: OS Map Extract Albion Street, 1893

- 2.15 20 Albion Street has undergone numerous alterations over its more recent history, thereby indicating an already compromised significance. In 1986, a conservatory was approved for the rear of the property (Ref: 86/00756) and in 1990, an application was permitted for the infilling of a lightwell to provide additional accommodation (Ref: 90/05779/FUL).
- 2.16 In 2014, an application for the demolition of the rear conservatory and erection of a three-storey rear extension with associated internal alterations was permitted (Ref: 14/10703/LBC). Several iterations of this scheme were subsequently submitted and a variation of conditions permitted in 2018 (Ref:18/00284/LBC).

2.17 In 2022, an application seeking to discharge conditions concerning the requisite plaster mix, mortar mix and brick lintels was refused (*Ref:22/00911/ADLBC*), thus leading to the application at hand, which, as noted, follows lengthy consultation with Westminster City Council officers, thus seeking to regularise the present status of the designated heritage asset and works more recently undertaken there.

3.0 Proposals

3.1 Discussion below relates to the application site comprising Grade II listed 20 Albion Street (i.e. designated as part of Grade II listed terrace 1-23, *Albion Street W2*). This responds to a refusal of the 'Detail of plaster mix, mortar mix and brick lintels pursuant to conditions 3, 4, and 5 of listed building consent dated 14 February 2018 (RN: 18/00284/LBC)', whilst seeking to regularise works actually undertaken, following subsequent discussions and associated advice received from Westminster City Council officers.

3.2 *Schedule 1* of the approved development to which these conditions relate reads 'Variation of Condition 1 of listed building consent dated 6 October 2017 (RN: 17/0542/LBC), which varied condition 1 of the listed building consent dated 10 December 2017 (RN14/10703/LBC) for demolition of rear conservatory and closet wing, and erection of three storey rear extension, internal alterations and associated works. Namely alterations to rear extension including fenestration changes and alterations to roof treatments (Linked to 17/05449/FULL)'.

3.3 Conditions 3, 4 and 5 of the listed building consent comprise:

'Condition 3 – Internal walls shall be plastered using traditional lime and sand plaster. You must apply an appropriate plaster mix to the Council for agreement before works commence.

Condition 4 – External walls shall be jointed and pointed using a traditional lime and sand mortar. You must supply an appropriate mortar mix to the Council for agreement before works commence.

Condition 5 – you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme (a) Retention of the brick lintel located above the ground floor door to the rear of the closet wing. (b) Retention of the brick lintel located above the ground floor window on the side wall of the closet wing. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.'

3.4 Associated reasons for refusal comprise:

'1. Because of the use of materials and detailing, the works have harmed the appearance and integrity of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet Policy 38, 39 and 40 of the City Plan 2019-2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2. While the submitted information was not acceptable, in addition, your submission did not include enough details of: Internal lime plaster specification; pointing mix and arch positions, for us to fully assess how your works would have affected the building. This would not meet Policies 38 and 39 of the City Plan 2019 – 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'.

3.5 The associated informative to these reasons reads:

'1. The conditions are 'conditions precedent' details and cannot be discharged retrospectively. However, notwithstanding that, the proposed details would not be acceptable. The submitted photographs shows the use of cement pointing with weather struck pointing and soldier arches, which neither complies with the conditions stated, nor the standard conditions. No lime mix is given for the internal walls. As the works have been completed without consent, they are unauthorised. Accordingly, you are advised of the City Councils powers of enforcement in relation to listed buildings and the rectification of unlawful works, which are an offence under the Town and Country (Listed Building and Conservation Areas) Act 1990'.

3.6 At this juncture, it is necessary to note correspondence from DRK Planning Ltd., addressed for the attention of Mr. Alistair Taylor of Westminster City Council and dated 14th September 2022. This sought to address the aforementioned approval and associated informative etc., reasonably setting out that samples will in due course be obtained to establish the acceptability of materials used. It is reasonably considered that this exercise may be carried out over the course of the application's determination, or is otherwise addressed by condition.

3.7 However, as an aside, it is necessary to further note that in general terms and as a matter of best conservation practice – principally for reasons of authenticity and an associated legibility of phasing – the requisite 'traditional lime and sand plaster' is not considered either necessary or beneficial for new-build elements; even if attached to a listed building and/or located in a conservation area. On the 3rd November 2022, Mr. Taylor responded to correspondence from DRK Planning Ltd. by email, noting that:

'Condition 3 of the approved 18/00284/LBC application required that the areas within the building shown in the application to be proposed for replastering were to be undertaken in traditional lime and sand plaster. It was noted that application 22/00911/ADLBC did not contain details of a lime mix, and this was one rationale for that application being refused. Your letter of 14th September states that your client is in the process of obtaining a sample of the internal plaster for testing. The process of testing existing internal plaster may be instructive, and I note that the Lime Centre may be involved in this work which would be welcomed,

however since not necessarily all of the internal plaster is original/traditional lime plaster then other samples tested may not necessarily provide full and appropriate details of new plaster to follow. The advice would be to approach the Lime Centre to advise on an appropriate lime based mix for internal plasterwork, and to then submit that for consideration under a new approval of details application related to condition 3 of the approved 18/00284/LBC.'

We are now in a position to update officers on these points (see associated submission from then Lime Centre (dated 020822), which correctly notes that the sample was taken from the wall of the house and not the garden wall (as previously stated)).

- 3.8 Concerning *Condition 4*, the aforementioned correspondence from DRK Planning Ltd. notes that the delegated report to the refusal states '*...this appears to be a Portland cement and sand mix executed in a weather struck pointing design this neither meets the requirements for condition 4 or the standard condition on words to match existing*'. Whilst an untested assumption, it is necessary to point out that the degree or extent of any mortar's lime or cement basis and the degree to which each has or has not been utilised is often unclear from colouring, tone and texture etc.
- 3.9 On this point, DRK Planning Ltd. further notes that a sample of mortar has been submitted for testing with The Lime Centre and that this found that '*The sample is a medium strength, dark brown lime mortar. The sample is made up of approximately 1-part lime binder and other calcareous materials to 1.33 parts aggregate by weight. The aggregate is made up of brown sand graded from 0 to 1mm. The aggregate makes up 57% of the sample by weight*'.
- 3.10 This therefore accords with *Condition 4* and was confirmed by the applicant by letter to WCC dated the 16th November 2020. Here, Mr. Fahad Sultan Ahmed writes '*I have been advised by the construction development manager Mr Iain Steel, appointed of the above project that the pre planning conditions 3 and 5 (sic – 5 should read 4) were to the best of their knowledge satisfied by the contractor, as follows:*
- *Condition 3: A traditional 3:1 mix with a Feb Mix additive*
 - *Condition 4: The company used is London Lime Plasters and they have used traditional lime mix 3:1'*
- 3.11 DRK Planning Ltd. also reasonably point out that *Condition 4* does not in fact direct the applicant to any particular type of pointing, but only a specific mortar mix. By way of explanation for the approach adopted, it is clarified that *Condition 2* of the original consent specifies that all new work should match '*existing original adjacent work in terms of the choice of materials, method of construction and finished appearance*' (this being the only explicit guidance on this point). However, in relation to the specific type of pointing required, this is nowhere referenced in the approved details to the original consent. Furthermore, should '*existing original adjacent work*' be considered, it is clear that most C19 rear elevations that may be viewed from the rear garden of 20 Albion Street (i.e. on both Albion Street and Connaught Street) have already been relatively recently repointed.
- 3.12 Neither is this repointing particularly accomplished work, and this therefore exhibits joints that are extremely difficult to distinguish between those that are flush pointed and those that are weather struck. Indeed, the only commonality across the pointing of all rear elevations is that it is largely modern and poor. Therefore the need to implement weather struck pointing - where virtually all '*existing original adjacent work*' is recent and so poorly applied that the actual types of joints utilised are fundamentally indistinguishable - would not have been necessarily clear to contractors. Neither was the requisite type of pointing anywhere specified; it is assumed because – as a new addition - the proposed development was not merely contemporary in terms of its period of construction, but correctly and unambiguously contemporary in its styling and ethos and therefore character and appearance etc.
- 3.13 Indeed, as a matter of best conservation practice and the need for authentic legibility, it *should* contrast with its more historic host. That the contemporary design of proposals is entirely appropriate is again best practice with respect to new development in the historic environment and best evidenced by the fact that no legislation, policy or guidance directs pastiche approaches towards new development in relation to heritage. That the design was/is a suitable approach to its location and host resides in the fact that this was ultimately permitted/consented. Fundamentally, contemporary built form should appear as such in order that it is not merely authentic to its time, but clearly legible with respect to the honest evidencing of phasing etc. Again, this is principally achievable by means of development that is unambiguously of the present day with respect to not only form, features and styling, but also, materiality and detailing (as in this instance).
- 3.14 With respect to *Condition 5* and the requisite retention of the brick lintel located above the ground floor door and that of the brick lintel located above the ground floor window, this would appear to contradict the original planning permission and listed building consent (14/10702/FULL and 14/10703/LBC), that has been given for works described as the (my underlining) '*Demolition of rear conservatories at ground floor and first floor and construction of new rear extension. Re-configuration and redecoration of internal areas*' (14/10702/FULL); and, the '*Demolition of rear conservatory and closet wing, and erection of three storey rear extension, internal alterations and associated works*' (14/10703/LBC).
- 3.15 Importantly, this description of development makes no reference to, nor makes any allowance for, the retention of any of the original conservatory and/or closet wing or associated fabric at ground and first floors but indicates said structures' demolition in totality. As such, the required retention of the brick lintel located above the ground floor door and that of the brick lintel located above the ground floor

window is without basis and fundamentally contradicts the in-principle permission and/or consent already given. That this is the case is best evidenced by the manner in which *Condition 5* squarely contradicts preceding conditions under 14/10703/LBC (*Condition 1 and Condition 2*). Here, it is stated that (my underlining):

'1. The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.'

2. All new works and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission.'

- 3.16** In this respect, a contradiction exists because drawings do not anywhere show the retention of the brick lintel located above the ground floor door or that of the brick lintel located above the ground floor window. Conversely, said drawings clearly illustrate the rear extension as built. Neither is such a scenario superseded by drawings or other documents attached to successive permission 17/05449/LBC, and, although *Condition 1* and *Condition 3* of 17/05449/LBC replicate *Condition 1* and *Condition 2* of 14/10703/LBC verbatim, *Condition 5* as attached to 14/10703/LBC and the requirement to retain the two brick lintels is omitted entirely from the 2017 decision and associated conditions. Associated drawing 2243 PL004 A of the 2017 submission also directs the 'Existing closet wing to be retained where possible' (my underlining).
- 3.17** *Condition 5* and the requirement to retain the two brick lintels is again reintroduced with 18/00284/LBC but once more remains to be borne out by associated drawings, as per the direction of both *Conditions 1* and *2*. Predictably, these again require the permitted and consented development to be undertaken 'in accordance with the drawings and other documents listed on this decision letter...unless differences are shown on the approved drawings', which again note that the 'Existing closet wing (is only) to be retained where possible' (my underlining). Given the lack of clarity and inconsistency exhibited by the various decisions, conditions and associated material as this is described above, *Condition 5* is therefore found to be entirely without basis. Neither should it be, as it is difficult to envisage how C19 fabric may be credibly retained as part of the permitted/consented (and already implemented design), without wholly compromising the integrity of this as a successfully high quality, contemporary scheme.
- 3.18** Particularly where it is to be assumed that this contemporary ethos and quality was the very basis upon which the various permissions and consents were based; a basis upon which the retrospective implementation of C19 features into a contemporary structure would prove - if not impossible – then extremely difficult and a consequently jarring, poor design that would have a far greater and far more negative impact upon the historic environment than the highly successful scheme that has been implemented. And not merely as a matter of design and visual integrity, but also as a matter of more straightforward structural integrity. C19 lintels do not belong with such a structure, either physically or visually, and - as unfortunate as it may be - original C19 fabric has been allowed to be removed and – being irreplaceable, given its embodied significance – should not be replicated at the application site under any circumstances.
- 3.19** Therefore with respect to the reasons for refusal pertaining to this attempted discharge of conditions, it is not agreed that 'Because of the use of materials and detailing, the works have harmed the appearance and integrity of this grade II listed building; a scenario that is directly attributable to the contradiction and lack of clarity embodied by the planning history pertaining to this permitted/consented proposal. Regarding the view that 'It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area', it is again necessary to stress that the design is of exceptional quality, and an explicitly physical and visual improvement of the *status quo*, and therefore permitted/consented as such.
- 3.20** In its present form and in contrast to this *status quo*, the scheme as implemented is thereby understood to definitively *enhance* the conservation area as per the directives of s.72 of the *Planning (Listed Building & Conservation Areas) Act 1990*. Conversely, should a replica of C19 lintels be implemented, this would be definitively harmful as per the key tests of the *NPPF* in relation to the historic environment (*paras. 199-202*). For the very many reasons already given, the scheme at hand is not. With respect to *Reason for Refusal 2* – again when considered against the account given above – neither is it possible to agree that 'the submitted information was not acceptable' and that the 'submission did not include enough details'.
- 3.21** In view of such an interpretation, it is therefore considered that the further requirements of *City Plan Policy 38* have been met, where high quality design and exemplary standards have been achieved, and in a manner which makes a positive contribution toward Westminster's townscape and streetscape, promoting sustainable design and promoting excellence in contemporary design. As has *City Plan Policy 39*, which seeks to ensure that Westminster's heritage assets are conserved and enhanced in a manner appropriate to their significance. Here, the importance of securing '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', has been fully acknowledged.
- 3.22** With respect to overarching matters of 'townscape and character', concerning 'alterations and extensions', *City Plan Policy 40* directs that 'Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.'

3.23 In short, it is considered that the scheme as built (i.e. the rear extension of the dwelling at lower ground, ground and first floor) has been constructed in accordance with drawings submitted and approved in applications 17/05449/FULL and 18/00284/LBC, whilst - for the very many reasons given above - the various departures from which are considered *de minimis* and without undue impact, except insofar as their retention would result in harm, yet without clear and convincing benefit to either the application site or the wider historic and/or built environment.

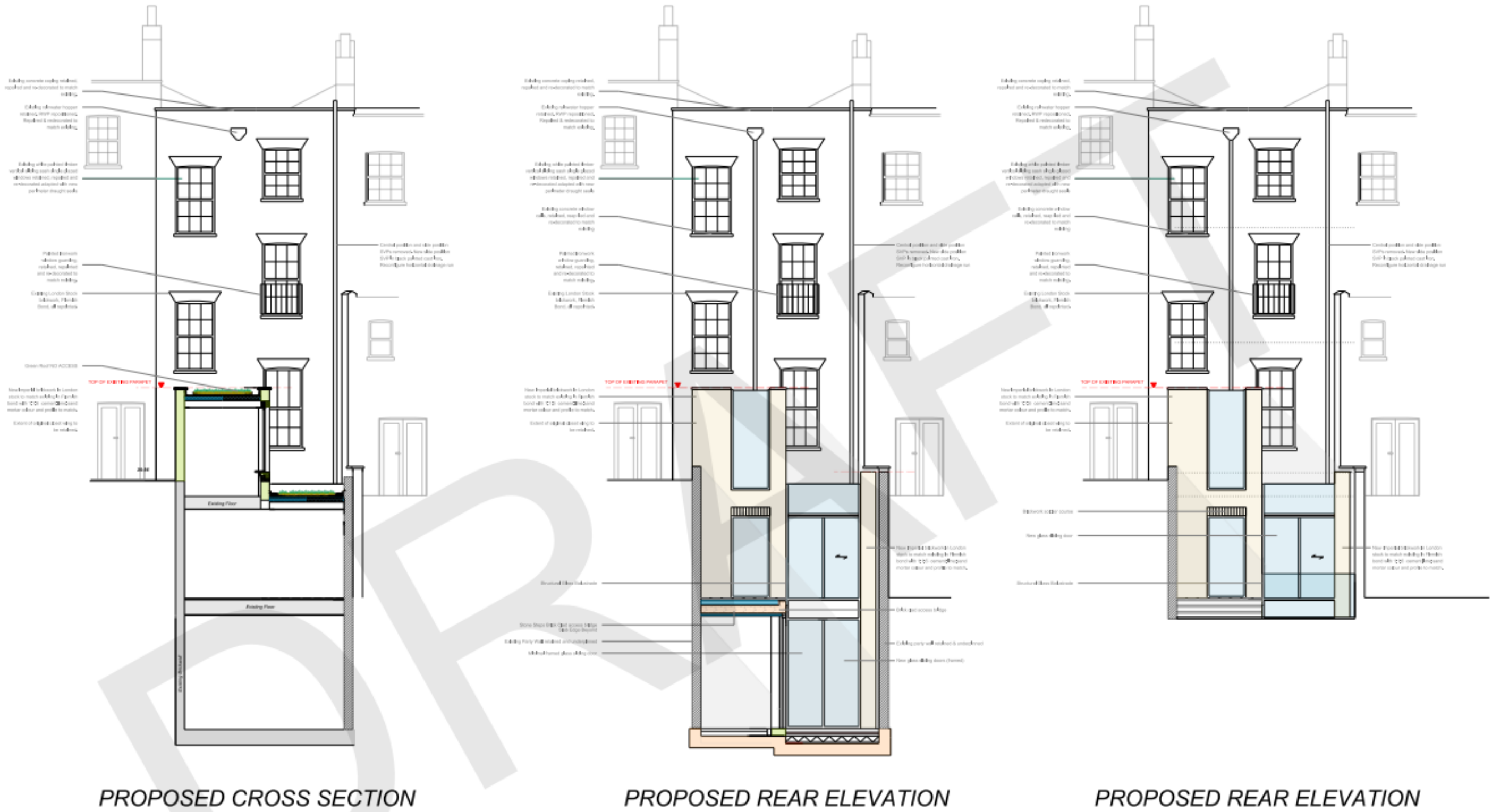


Figure 8: The *In Situ* Scheme

4.0 Assessment

4.1 The following table sets out all heritage assets established to be relevant to proposals; their distance from the proposed application site if relevant; the degree of 'interest' they exhibit; their inherent significance; and, how the application site presently contributes towards this. The potential for impacts upon recognised significance is then identified, along with an assessment of how such impacts are able to be mitigated.

Heritage Asset	Interest	Significance	Impact on Significance	Avoiding Impacts	Justification	Recording
<p>Asset: <i>Grade II listed 1-23, Albion Street W2</i></p> <p>List Entry Number: 1209917</p> <p>Date of Designation: 9th January 1970</p>	<p>Archaeological, Architectural & Artistic Interest</p> <p>Such interest is clearly identifiable in the design, styling, form, features, detailing, materiality and associated means of construction residing with this terraced housing dating to c.1830-35.</p> <p>Historic Interest</p> <p>Historic interest is similarly identifiable in its contribution toward the early phase of Tyburnia's development as planned by S. P. Cockerell in 1827 for the Bishop of London Estate, whilst being laid out to a modified plan by Cockerell's successor George Gutch. The development is further noted to be altered and therefore evolved.</p>	<p>The significance of this heritage asset is considered medium by virtue of its Grade II designation.</p> <p>As indicated, the interest and therefore significance of 20 Albion Street principally resides in its contribution toward early Tyburnia development first planned in 1827 by Cockerell for the Bishop of London Estate, prior to modification by Gutch, Cockerell's successor.</p> <p>This has resulted in a dwelling that forms part of much greater, early nineteenth century, planned whole on behalf of a major landowner in the period, and that was actually constructed over c.1830-35, prior to further, subsequent evolution that has continued up until the present day.</p> <p>Much of this incremental growth has typically occurred to the rears of component dwellings, which exhibit not merely a variety of approaches to the extension and/or alteration of such property, but therefore considerable phasing and/or evolution that is obviously of evidential value in relation to each successive period, both architecturally and historically.</p>	<p>The application site comprises a single dwelling forming a component part of the Bishop of London's Estate's early nineteenth century development as part of wider Tyburnia.</p> <p>Typically, except to the front elevation, the property is considerably evolved, particularly over recent decades, and, as may be inferred from the approval of applications 17/05449/FULL and 18/00284/LBC, a scenario that was desirous of <i>enhancement</i> for the benefit of not merely the listed building in question, but also the setting of this (including the overriding conservation area).</p> <p>Such a scenario was attributable to not merely the design value of earlier additions and changes to the listed building, but also the resultant condition of these, which were demonstrably deteriorated at the point of their removal, thus resulting in a negative impingement upon not merely the listed building but also the wider, designated historic environment (i.e. to include both the settings of other adjacent listed buildings and the overriding conservation area).</p>	<p>As noted, given the poor character, appearance and condition exhibited by the <i>status quo</i>, the in-principle acceptability of proposals has already been established via the approval of applications 17/05449/FULL and 18/00284/LBC, which correctly sought to improve and therefore <i>enhance</i> not merely the listed building itself, but also the immediate setting of this and the contribution made by each toward the wider conservation area and its significance.</p> <p>As such, approved proposals sought to remove poorly implemented additions from the lower rear façade of the listed building and replace these with an extension of an authentically contemporary design ethos that was not merely of a high quality, but one that as such sought to effect an appropriately legibility of phasing.</p> <p>Over and above such considerations, questions pertaining to the nature and extent of minor departures from the approved scheme are considered <i>de minimis</i> and therefore negligible in impact, given that the scheme as implemented - i.e. constructed as designed in what is an honest and authentically contemporary design ethos – is not merely a clear <i>enhancement</i> of the conservation area and setting of the listed building, but importantly, one that been focused upon an already evolved aspect of the listed building, whilst seeking to <i>preserve</i> aspects that remained largely or more intact (i.e. the principal host).</p>	<p>With respect to the discussion above, the approval of works as implemented would result in a beneficial impact, given that – as built and without conflicting stylistic treatment and/or detailing etc. that may be seen to depart from the fundamentally contemporary ethos of the scheme and therefore overriding quality of this – a beneficial impact is considered to result.</p> <p>Here, in contrast to the poorly designed, implemented and deteriorated <i>status quo</i>, approval would result in the overarching <i>enhancement</i> of the site and its environs. This by means of what is a high quality, considered and therefore sensitive and sympathetic scheme that make a positive contribution toward local character and distinctiveness in accordance with <i>paragraph 197</i> of the <i>NPPF</i>, where, in further accordance with <i>paragraph 199</i> of said document, <i>great weight has been given the conservation</i> of all heritage assets (and their settings) in question.</p> <p>More peripherally, the scheme as built has taken full account of <i>paragraph 206</i> of the <i>NPPF</i>, which states that local authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance.</p> <p>Although no level of harm is acknowledged to result from the minor details in question, it is considered that the scheme as built would nevertheless serve the objectives of achieving public benefit in the form of <i>optimum viable use</i> at the property (as per of the <i>NPPF</i>), by means of long term, committed ownership (as borne out by original approvals).</p> <p>With further respect to the Planning (Listed Buildings & Conservation Areas) Act 1990 – in particular s. 16, s.66, s.72 - and the wider regulatory context more generally, proposals would result in a positive outcome with respect to <i>preserving</i> the special interest of 20 Albion Street, whilst further <i>enhancing</i> its near setting.</p>	N/A

				<p>Such an approach is not merely <i>enhancing</i>, but equally biased toward long-term, sustainable <i>preservation</i> and, as a means to achieve these benefits, the better, more practical functioning of the application site by means of its <i>optimum viable use</i>.</p> <p>Therefore the approval of works as these have been implemented (i.e. where the materiality and/or detailing in question wholly accords with the contemporary design ethos and quality of these) would result in a definitively positive impact.</p>	<p>Again, proposals as built would further respond positively toward City Plan Policy 38 by means of achieving high quality design and exemplary standards in a manner that makes a positive contribution towards the city's townscape and streetscape, promoting sustainable design and promoting excellence in contemporary design.</p> <p>This would also apply to <i>City Plan Policy 39</i>, which seeks to ensure that Westminster's heritage assets are conserved and enhanced in a manner appropriate to their significance.</p> <p>Here, the importance of securing '<i>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</i>', has been fully acknowledged.</p> <p>Equally, the objectives of <i>City Plan Policy 40</i> would be met, where '<i>Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.</i>'</p>	
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5.0 Summary

- 5.1 The application seeks approval for the extension and/or alteration of the host property's rear elevation, as constructed. Planning was permitted and listed building consent granted for these changes in 2014 (Westminster City Council (WCC) Ref: 14/10702/FULL & 14/10703/LBC), however, the LPA consider the resultant implementation of works to have departed from these approvals, thus requiring regularisation; a process agreed via subsequent consultation with WCC officers.
- 5.2 The application site comprises one component part of the Grade II listed terrace 1-23, Albion Street W2, whilst further residing within *Bayswater Conservation Area*. The terraced houses of Albion Street, including no.20, were constructed between 1830-35. These have been attributed to the architect George Gutch and were part of the early phase of the Tyburnia development planned by S.P. Cockerell in 1827 for the Bishop of London's Estate. These were laid out to a modified plan by his successor, George Gutch.
- 5.3 20 Albion Street has however undergone numerous alterations over its more recent history, thereby indicating a more recently compromised significance. In 1986, a conservatory was approved for the rear of the property and in 1990, an application was permitted for the infilling of a lightwell to provide additional accommodation. In response to the undesirable effects of these alterations and a deteriorated condition more generally, in 2014, an application for the demolition of the rear conservatory and erection of a three-storey rear extension with associated internal alterations was permitted.
- 5.4 Several iterations of this scheme were subsequently submitted and a variation of conditions permitted in 2018. In 2022, an application seeking to discharge conditions concerning the requisite plaster mix, mortar mix and brick lintels was refused (Ref:22/00911/ADLBC), thus leading to the application at hand, which, as noted, follows lengthy consultation with Westminster City Council officers, thus seeking to regularise the present status of the designated heritage asset and works more recently undertaken there.
- 5.5 Given the discussion set out above, it is however considered that the scheme as built (i.e. the rear extension of the dwelling at lower ground, ground and first floor) has been constructed in accordance with drawings submitted and approved in applications 17/05449/FULL and 18/00284/LBC, whilst - for the very many reasons given above - the various perceived departures from this are considered *de minimis* and without undue impact, except insofar as their retention would actually result in harm, yet without clear and convincing benefit to either the application site or the wider historic and/or built environment.

6.0 Sources

General

Conservation Principles for the Sustainable Management of the Historic Environment. Consultation Draft, Historic England, November 2017

National Planning Policy Framework, 2021

Planning (Listed Buildings and Conservation Areas) Act, 1990

Statements of Heritage Significance: Analysing Significance in Heritage Assets. Historic England Advice Note 12, Historic England, 2019

The Setting of Heritage Assets Historic England Good Practice Advice in Planning Note 3 (Second Edition), Historic England, December 2017

Westminster

T. F. T. Baker, Diane K. Bolton and Patricia E. C. Croot, 'Paddington: Bayswater', in *A History of the County of Middlesex: Volume 9, Hampstead, Paddington*, ed. C R Elrington (London, 1989), pp. 204-212. *British History Online* <http://www.british-history.ac.uk/vch/middx/vol9/pp204-212> [accessed 6 September 2023].

Bayswater Conservation Area Audit, Westminster City Council, 2000.

Bayswater Conservation Area Extension, Westminster City Council, 2010

Mini Guide – o6 Bayswater, Westminster City Council, 2004

Appendix 1.0 Designation Records for Heritage Asset(s)

Official list entry

Heritage Category:

Listed Building

Grade:

II

List Entry Number:

1209917

Date first listed:

09-Jan-1970

List Entry Name:

1-23, ALBION STREET W2

Statutory Address 1:

1-23, ALBION STREET W2

Location

Statutory Address:

1-23, ALBION STREET W2

The building or site itself may lie within the boundary of more than one authority.

County:

Greater London Authority

District:

City of Westminster (London Borough)

Parish:

Non Civil Parish

National Grid Reference:

TQ 27287 81005

Details

TQ 2781 SW and CITY OF WESTMINSTER ALBION STREET W2 2780 NW 53/50 ;66/4 Nos 1 to 23 (consec.) 9.1.70 GV II

Range of terraced houses. c.1830-35, some alterations. Probably by George Gutch. Brown brick with channelled stuccoed ground floors, slate roofs. 4 storeys and basements. Each front 2 windows wide. Entrances principally to right hand of fronts. Semicircular arched doorways with panelled doors and patterned fanlights. Recessed sash windows, a few with glazing bars, those on upper floors under flat gauged arches. Platband finishing off stucco ground floors, 3rd floor sill band and stucco cornices with blocking courses. Cast iron geometric patterned 1st floor balconies. Cast iron spear head railings. Part of the early phase of the Tyburnia development planned by S. P. Cockerell in 1827 for the Bishop of London's Estate (Church Commissioners), but laid out to a modified plan by Cockerell's successor George Gutch.

"The History of Tyburnia"; G. Toplis, Country Life 15, 22 November 1973

Listing NGR: TQ2728781005

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:

208523

Legacy System:

LBS

Sources

Books and journals

'Country Life' in Country Life, (1973)

'Country Life' in 22 November, , Vol. 15, (1973)

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official list entry

Appendix 2.0 Methodology

- 2.1 Historic England also provides relevant guidance in their 2019 document *Statement of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12*. This document seeks to provide information on the analysis and assessment of heritage significance in line with the National Planning Policy Framework (NPPF), and thus relevant methodologies are applied across this Statement of Significance to appropriately and clearly assess interest across relevant heritage assets.
- 2.2 *Advice Note 12* sets out general advice on assessing significance of heritage assets. This can be summarised as follows:
1. *Understand the form, materials and history of the affected heritage asset(s), and/or the nature and extent of archaeological deposits*
 2. *Understand the significance of the asset(s)*
 3. *Understand the impact of the proposal on that significance*
 4. *Avoid, minimise and mitigate negative impact, in a way that meets the objectives of the NPPF*
 5. *Look for opportunities to better reveal or enhance significance*
- 2.3 These five steps effectively fulfil the requirements of *paragraph 194* of the *NPPF*. Such a staged approach – whereby significance is assessed before a scheme is developed – effectively ensures proposals mitigate identified negative impacts upon significance, enhancing significance where possible, and thereby evidencing how any residual harm is justified.
- 2.4 Given this preferred staged approach set out above, *Advice Note 12* also provides a '*suggested structure for a statement of heritage significance*'. This structure – to be adapted and applied across this Heritage Impact Assessment – can be summarised as follows:
1. **Introduction**
 - a. Purpose
 - b. The nature of the proposals
 - c. Designation records for the heritage asset
 - d. Reference(s) in the local Historic Environment Record (where relevant)
 - e. Archaeological potential (where relevant)
 - f. Planning history
 - g. Consultations undertaken (where relevant)
 - h. Approach and methodology
 2. **The Heritage Asset and its Significance**
 - a. Understanding the form and history of a heritage asset – set out an understanding of the heritage asset following:
 - i. Familiarity with the asset itself, developed through visiting the site, carrying out, where necessary, documentary research, architectural historic and archaeological investigation, including, where necessary, fabric and comparative analysis, desk-based assessment and, if necessary, a field evaluation;
 - ii. Compilation of photographs (both historic and present); elevations; historic drawings; etc of the heritage asset
 - iii. An understanding of the proposals, directed towards those matters crucial in terms of the changes proposed, and therefore the impact on significance
 - iv. In the development of proposals, investigative works may be carried out which increase the understanding of the heritage asset, such further understanding may usefully be noted here.
 3. **Assess the Significance of the Heritage Asset – Table 1**
 - a. For each heritage asset, describe the following interests:
 - i. Archaeological interest – there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point;
 - ii. Architectural and artistic interest – there are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, such as sculpture;
 - iii. Historic interest – An interest in past lives and events, heritage assets can illustrate or be associated with them. Heritage assets with historic interest provide a material record of historic but also a meaning for communities derived from their collective experience of a place.

- b. Assess the level of the general significance of the heritage asset and the particular contribution to that significance of any features which would be affected by the proposal.
- 4. **Impact on the Significance – Table 2**
 - a. Where the proposal affects the historic fabric of the heritage asset, specify the effect on that fabric including loss or concealment of historic features and fabric which contribute to significance – both internally and externally, proposed removals and demolitions and the impact of alterations and extensions, where proposed etc;
 - b. In some cases, condition and structural surveys may usefully be quoted as a means of explaining why a particular course of action has been chosen.
 - c. Where the proposal affects the setting, and related views, of a heritage asset, or assets, clarify the contribution of the setting to the significance of the asset, or the way that the setting allows the significance to be appreciated. This may include the impact of the location of new development within the setting, of the impact on key views, the impact on the relationship of the heritage asset to its setting, etc.
 - d. Where the proposal impacts both on the heritage asset directly and on its setting, a cumulative assessment of impact will be needed. Impacts both harmful and beneficial should be noted.
- 5. **Avoid Harmful Impact(s) – Table 3**
 - a. The NPPF stresses that impacts on heritage assets should be avoided. Therefore, show how the impact is to be avoided or minimised, for instance by the proposal being reversible.
 - b. In some circumstances, the ability to appreciate significance may be enhanced or otherwise revealed by the proposal; this should be outlined here.
 - c. As this may be a matter of the way the proposal has been designed, reference in the Design and Access Statement (where appropriate) is likely to be useful.
- 6. **Justification for Harmful Impacts – Table 4**
 - a. This is the opportunity to describe the justification for the proposals.
- 7. **Recording**
 - a. Where there would be an impact on the significance of the heritage asset, any further archaeological analysis and recording proposed should be detailed.
- 8. **Summary**
 - a. Succinct explanation of the impact of the proposal on significance of heritage asset(s) and how impact on significance, both positive and negative, has been avoided, by continuing to follow the staged approach - impact on the significance, avoid harmful impact(s), justification for harmful impacts, need for recording
 - b. A clear and succinct explanation of the effect of the proposal on significance of the heritage asset, and how any harm to its significance has been avoided and/or mitigated, can be helpful, as a summary of the proposal.

2.5 Stages 3 to 6 are supported by the following tables:

Table 1: Significance of the Heritage Asset

Level of Sensitivity	Designation Status
Very High	International heritage assets of outstanding universal value which fulfil the criteria for inclusion on the UNESCO World Heritage List.
High	Heritage assets of exceptional interest, and fulfil the criteria for designation at a high grade including Scheduled Monuments, Listed Buildings of Grade I or II* designation, Registered Battlefields, Registered Historic Parks and Gardens, which are considered to be nationally important.
Medium	Heritage assets of special interest that fulfil the criteria for listing and / or designation otherwise including Grade II listed buildings / Registered Park and Garden, Registered Battlefield or Protected Wreck Site or Conservation Areas. Regionally important archaeological features and areas (as defined in the Historic Environment Record).
Low	Heritage assets of moderate interest that fulfil the criteria for local listing as set out by local authority guidance or Historic England’s advice note on Local Listing (2016b). Broadly defined, such assets possess architectural or historical interest that notably contributes to local distinctiveness or possesses archaeological interest that greatly contributes towards the objectives of a regional research agenda. This can include a non-designated heritage asset.
Very Low / Negligible	Sites and features noted as locally important. Other, non-designated features of cultural heritage significance. Badly preserved / damaged or very common archaeological features / buildings of little or no value at local or other scale.

Table 2: Impact on Significance

Impact on Significance	Description
High	The application site and / or element is fundamental to the key interest/s that define the significance of the asset, and of potential high or very high significance in its own right.
Medium	The application site and / or element makes an important contribution to the significance of the asset, comprising a feature of medium significance that have been affected by loss and erosion of the baseline situation.
Low	The application site and / or element makes a slight contribution to the significance of the asset, comprising a low significance and has been subject to substantial loss and erosion of baseline situation.
Neutral	The application site and / or element does not contribute to the significance of the asset.
Negative	The application site and / or element represents negative impingement which detracts from the significance of the asset.
Uncertain	Impact uncertain, more information required.

Table 3 – Avoiding Impacts

Impacts	Description
Very Positive	Following implementation and establishment of the site, the scheme will significantly better reveal, preserve or enhance the contribution the application site makes to the significance of the heritage asset and/or setting, and / or substantially contribute to the conservation of the asset.
Positive	Following implementation and establishment of the site, the scheme will better reveal, preserve or enhance the contribution the application site makes to the significance of the heritage asset and/or its setting, and / or contribution towards the conservation of the asset.
Neutral	Following implementation and establishment of the site, the scheme will preserve the contribution the application site makes towards the significance of the heritage asset and/or its setting.
Negative	Following implementation and establishment of the site, the scheme will result in the partial loss of the contribution the application site makes to the significance of the heritage asset and / or its setting, and / or will have a detrimental impact upon the conservation, preservation or enhancement of the asset.
Very Negative	Following implementation and establishment of the site, the scheme will result in the total loss of the contribution the application site makes to the significance of the heritage asset and / or its setting, and will have a significant detrimental impact upon the conservation of the heritage asset.
Uncertain	Impact uncertain, more information required.

Table 4 – Justification of Impacts

Classification	Description
Substantial Harm	The proposed change will seriously negatively alter, damage or result in significant loss to the historic and/or original fabric / setting / character and appearance, severely impacting upon the way in which the heritage asset is appreciated.
Less Than Substantial Harm	The proposed change will slightly alter, damage or result in minor loss to the historic and/or original fabric / setting / character and appearance, marginally impacting upon the way in which the heritage asset is appreciated.
No Harm / Negligible	The proposed change will cause no harm to the significance of the heritage asset, or its setting. Change will not alter the current understanding and/or significance or enhance this.
Benefit	Change will improve the current understanding of significance and how this is appreciated. Change will preserve or enhance the significance of the heritage asset.

- 2.6 Here it is pertinent to note that *Advice Note 12* states that *'the level of detail in a statement of heritage significance should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposals on their significance'*.