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Director of Town Planning and Building Control
Westminster City Council
Westminster City Hall
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FAO Holly Sharpley

Our ref: NLA/TEY/U0019456

19 February 2023

Dear Madam

**Town and Country Planning Act 1990 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990
Application for Listed Building Consent
41-43 Hay's Mews, London, W1J 5QA**

On behalf of the Applicant, Dr Peter Harf, we write to submit an application for listed building consent for essential works to the roof structure which are required following the stripping of the roof, as permitted by listed building consent ref. 23/02878/LBC, and subsequent detailed assessment of the condition of the exposed roof timbers at 41-43 Hay's Mews, London ('the Site').

Listed Building Consent is sought for the following:

"Repair and restoration of roof structure to R5 and R6; replacement of all roof slate with new to match; and associated internal and external works in connection with works approved under listed building consents dated 18.08.2023 (RN: 23/02878/LBC) and 24.02.2023 (RN: 22/08168/LBC)."

Site and Surroundings

Nos. 41-42 and 43 Hay's Mews were originally built as stables and groom's accommodation to service the grand 18th century terraced town houses of Berkeley Square and Hill Street. No. 43 dates from the mid-late 19th century and is of relatively modest construction. Nos. 41-42 were rebuilt in 1900 with more focused architectural aspiration, particularly internally, which is reflected in the notable residents of the property. Architect Oliver Hill transformed No. 43 during the late 1930s into a theatrical, yet impractical, London home, with the former service yard becoming an Italianate garden courtyard, leading to a double-height library.

Notable decorator John Fowler, largely known for his work on country houses, was appointed during the 1950s to redecorate various areas of the house. Drue Heinz, philanthropist and sponsor of the RIBA Heinz Gallery purchased the property following the completion of the Fowler scheme and in 1982 purchased Nos. 41-42, which had been occupied

as a car showroom. Although the properties were amalgamated poorly in 1986, the works featured the creation of a ballroom with trompe l'oeil frescos of an Italian garden by Renzo Mongiardino.

Current Building and Surroundings

Nos. 41-43 Hay's Mews has since been occupied as a single residential building having been amalgamated in 1986. The property is set primarily over basement, ground and first floor level, with a small second floor level to the eastern corner comprising of a single ensuite bedroom. The property is accessed via both elevations to Hay's Mews but primarily from the north eastern elevation, which faces the rear of properties fronting Berkeley Square, including Annabel's.

The site is located within the Core Central Activities Zone (CAZ) of the City of Westminster, the Mayfair Conservation Area and within the Mayfair Neighbourhood Area. The site is also within the Great Estates Archaeological Priority Area (Tier 2) and a Surface Water Flood Risk Hotspot.

The site was recently listed (Grade II) and is within the Mayfair Conservation Area, which includes a high number of statutorily listed buildings. On Hay's Mews, nos. 4, 44 and 45 are all listed (Grade II). While nos. 5, 7, 9 and 11 Hill Street are also listed (Grade II). A number of the properties fronting Berkeley Square are also listed (Grade II). No. 47 Berkeley Square is Grade II*.

Background

The application site comprises of two previously amalgamated buildings, 41-42 Hay's Mews and 43 Hay's Mews. Following pre-application discussions with officers and the submission of applications in December 2022, on 24 February 2023 planning permission (ref. 22/08167/FULL) was granted for:

"Refurbishment of 41, 42 and 43 Hay's Mews, including the demolition at first floor level to create an enlarged terrace and internal linkage, installation of trellising and planting; installation of double glazing to all windows and secondary glazing at ground floor level; installation of 2no. condenser units and 1no WC extraction at roof level; installation of security features, including CCTV cameras; and associated works."

Listed building consent (ref. 22/08168/LBC) was granted for:

"Restoration and refurbishment of 41, 42 and 43 Hay's Mews, including the demolition at first floor level to create an enlarged terrace and internal linkage, restoration of the ballroom and drawing room; removal of internal partitions to facilitate reconfiguration; partial raising of ground floor level, installation of sesame lift at ground and first floor level and replacement lift to provide level access throughout; installation of double glazing to all windows and secondary glazing at ground floor level; installation of secondary security doors at ground floor level; installation of 2no. condenser units and 1no WC extraction at roof level; installation of security features, including CCTV cameras; and associated works."

Design development led to a small number of changes to the approved scheme being proposed. An application for non-material amendments to planning permission ref. 22/08167/FULL was granted on 16 May 2023 for the following development:

"Amendments to planning permission dated 24th February 2023 (RN:22/08167/FULL) for Refurbishment of 41, 42 and 43 Hay's Mews, including the demolition at first floor level to create an enlarged terrace and

internal linkage, installation of trellising and planting; installation of double glazing to all windows and secondary glazing at ground floor level; installation of 2no. condenser units and 1no WC extraction at roof level; installation of security features, including CCTV cameras; and associated works. NAMELY: revised trellis design, replacement glazing to terrace dome, and associated works”.

The associated listed building consent (ref. 23/02878/LBC) was granted on 18 August 2023 for the following development:

“Restoration and refurbishment of 41, 42 and 43 Hay's Mews as approved under 22/08168/LBC, including the demolition at first floor level to create an enlarged terrace and internal linkage, with additional works: Restoration of courtyard; removal of internal partitions to facilitate reconfiguration at ground and first floor level; installation of new joinery; new ceilings in some places; installation of secondary glazing at first floor level to F27; restoration of the first floor and second floor domed roof lights. (Linked with 23/02877/NMA)”.

The Proposals

The planning permission and listed building consent have been implemented and works have progressed on-site. Part of the consented works was to remove the existing roof covering and insulate the roof before replacing the coverings and reusing the existing materials wherever possible. The existing coverings have been removed and the timber structure has been exposed. Through a careful examination of the structure by experts, it has become clear the structure is in such a serious state of disrepair, through a combination of poor historic alterations and repairs, fungal decay and wood-boring beetle degradation, that some must be replaced and strengthened with new supporting steelwork. In addition, a full inspection of the existing slate tiles has been undertaken and it has been concluded that they are unsuitable for further reuse and must be replaced with new slates to match.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise. Accordingly, the proposals are assessed against the policies of the London Plan (2021) and Westminster’s City Plan (2021).

Whilst not forming part of the Statutory Development Plan, the following documents remain important material considerations:

- National Planning Policy Framework (‘NPPF’) (2021); and
- National Planning Practice Guidance (‘NPPG’) (as amended).

Planning permission is required if the work being carried out meets the statutory definition of ‘development’ which is set out in Section 55 of the Town and Country Planning Act 1990, including, building operations and material changes of use of land and buildings. Categories that do not constitute development, and therefore do not require planning permission are set out in Section 55(2) of the Act.

Operations which, “do not materially affect the external appearance of the building,” are not taken to involve development of the land, therefore the amendment to the planning permission only incorporates external changes to the proposals.

Listed building consent is required for any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest, irrespective of whether planning permission is also required. Westminster City Council does not accept amendment applications to existing listed building consents so the proposed amendments to the permitted scheme must be approved as a separate 'layered' listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Policy Assessment - Heritage

Paragraph 203 of the NPPF is clear that local authorities, in determining planning applications, should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF at Paragraph 205 is clear 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and taking their surroundings into account.

Policy 39(B)(2) of Westminster's City Plan seeks to 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.

Policy 39(G) of Westminster's City Plan states that works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric. Policy 39(I) explains that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

Policy 39(K) states that development will preserve or enhance the character and appearance of Westminster's conservation areas.

The Site is Grade II listed and located within the Mayfair Conservation Area, meaning that it is important to sustain and enhance both the building itself and character of the conservation area.

The proposals permitted under the extant listed building consent, ref: 22/08168/LBC and subsequently ref. 23/02878/LBC were considered to be acceptable. The elements for which consent is now sought are essential repair and replacement works to strengthen and therefore preserve the building for the long term. The on-site team have been supported by Hutton & Rostron who provided the submitted Condition Report which assess the state of roofs 5 and 6, which are located in the north-eastern corner of the site. The Hutton & Rustron report identifies a number of serious defects in the structure of these roofs. Some are the result of historic water ingress and consequent fungal decay; some have been caused by wood-boring insect infestation; some are the unintended consequences of later alterations and repairs. While the defects mostly relate to the rafters, there are also concerns about the ridge-pieces and purlins, which have suffered decay at their bearing ends and are also likely to be poorly supported at intermediate points as a result of periodic works to the building through its life.

To remediate the defects to the roof structure and in turn ensure the long-term preservation of the heritage asset as a whole, it is proposed to firstly replace the defective rafters and, secondly, to install new steel elements where necessary at intermediate points. The load for these new steel elements will be taken down to existing masonry walls and as a result some underpinning will be required. The proposed works are described in full in the supporting Design and Access Statement, prepared by Seiferman, and in the Structural Statement, prepared by Expedition.

Donald Insall Associates, who are retained to provide heritage advice, have reviewed the proposals and this application for listed building consent is supported by a Heritage Statement Addendum (HSA). The HSA notes that the existing roof structure is crude and unsound and that the proposal to replace defected timbers with new, leaving as much sound material in-situ as possible will ensure the impact on historic fabric is minimised. The roof form will be preserved, and thus there will be no visual impact of the proposals on the exterior of the building.

The second element involves the insertion of steelwork to support the purlins at various points which in turn requires some underpinning of internal walls. However, these works will be focused towards the north east of the building, which is known to have been characterised by service and back of house operations and are therefore of lesser significance, and which has undergone considerable change throughout the twentieth century. The works will avoid areas of the building which have been identified as containing the most significant interiors. The proposals have been designed such that the steel work is hidden within existing and consented walls and will therefore not require any departure from the consented plan form. It is acknowledged that this element of the proposals is a relatively large intervention into the historic structure, however, as has been demonstrated by the Hutton & Rostron Condition Report and the Seiferman Design and Access Statement, there are serious concerns with the longevity of the roof structure in its current form and without additional support it is considered a danger to the building. The proposed works are absolutely necessary and will have significant long-term benefits for the preservation of the heritage asset. As concluded in Donald Insall Associates' HSA, **"the benefits of providing the significant interiors with a sound envelope will balance any harm to significance that might be caused through alterations and additions to the historic fabric"**.

In addition to the works described above, a detailed assessment has been undertaken by Coniston of the existing roof slates which were identified for reuse where possible. The roof is currently clad in mixture of Penrhyn Heather Red Welsh Slates and later Spanish Slates. Coniston's finding is that all slates of roofs 1 to 6 require replacement with new. This is due to the existing having a high degree of delamination, having been reused more than once and have more than four nail holes per slate. They are unsuitable for further use due to being fragile and likely to snap. They would also allow water ingress upon fixing due to requiring two further holes resulting in six holes per slate. It is proposed to replace all slates with new Penrhyn slates. New slates omit the risk of water ingress due to having not having pre-existing nail

holes which provides for protecting the heritage asset for the long term. Additionally, the move to all new Penrhyn slates would restore the roof to its original, consistent appearance.

Donald Insall Associates' HSA considers that the existing slates make a negligible contribution to the significance of the listed building, which is rooted in its surviving twentieth-century schemes of interior decoration and its history of adaptation. It is acknowledged that the replacement of the historic roof coverings will result in a slight change to the appearance of the building, however this change will be minimal, as new slates will be matched to old with a high degree of accuracy. It is concluded that this part of the proposals will cause no harm to either the significance of the listed building or the character and appearance of the Mayfair Conservation Area.

The proposed works are considered essential following the commencement of works on-site under extant listed building consents refs. 22/08168/LBC and 23/02878/LBC and the subsequent condition reports and assessments that have been undertaken by experts. The proposed works will preserve the special interest of the listed building, restoring the historic fabric and repairing any areas of deterioration in line with Policy 39(G) and enhance the character and appearance of the Mayfair Conservation Area in accordance with Policy 39(K). The works are in line with Policy 39(B)(2) of Westminster's City Plan in securing the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation and avoiding harm to their significance.

In considering the impact on the listed building and the Conservation Area, a Heritage Statement Addendum has been prepared by Donald Insall Associates. The Report confirms that the proposed amendments and works have been sensitively designed and overall would sustain the significance of the listed building. Furthermore, it is considered that the proposals will deliver the overriding benefit of which is ensuring the beneficial long-term and active use of the heritage asset.

Donald Insall Associates also consider that the proposed amendments would preserve the special architectural and historic interest of the listed building, and the character and appearance of the Mayfair Conservation Area, in accordance with the statutory duties set out in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with Policies 38 and 39 of the Westminster City Plan 2019-2040 and Policy HC1 of the London Plan and, on that basis, the proposals are considered to comply with the requirements of the Act and policies within the Development Plan.

Application Documentation

In line with Westminster City Council's validation requirements, the following documents, along with this cover letter, have been submitted via Planning Portal:

- Completed application form and Certificate A;
- Site Location Plan, prepared by Seiferman;
- Existing, demolition and proposed roof plan and pitch sections, prepared by Seiferman;
- Planning Amendments Design and Access Statement, prepared by Seiferman;
- Heritage Statement Addendum, produced by Donald Insall Associates;
- Condition Report, prepared by Hutton & Roston; and
- Structural Note, prepared by Expedition.

Applications for listed building consent do not carry a statutory application fee.

We trust that the information submitted as part of these applications is sufficient, but should you have any queries, please do not hesitate to contact Natalie Rowland (0207 333 6220) or Tom Eyres (0207 333 6429). We look forward to receiving notice of your receipt and validation of these applications.

Yours faithfully

A handwritten signature in black ink that reads "Gerald Eve LLP". The signature is written in a cursive, flowing style.

Gerald Eve LLP