

# Heritage Statement

## 20 Manchester Street, London W1U 4DJ

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**Author:** Ignus Froneman B Arch Stud ACiFA IHBC

**Date:** 11 March 2024

**Client:** MUC Capital Ltd

**Ref:** 0827

### 1.0 INTRODUCTION

1.1 This Heritage Statement has been prepared by Ignus Froneman, Director at Cogent Heritage, in consultation with the Applicant and 4H Architecture. The report accompanies applications (listed building consent and planning permission) for proposed minor internal changes to the terraced house at 20 Manchester Street, which is part of a grade II listed terrace at 18-27 Manchester Street. Replacement of the non-original single-pane sash windows with more appropriate multi-pane sashes to the façade is also proposed.

1.2 The author of this report is a qualified heritage consultant with over 20 years of experience in the historic environment. This includes regular appearances as an expert witness at public inquiries, on behalf of both appellants, public bodies and local planning authorities.

### Purpose of the report, site inspection and research

1.3 The Heritage Statement assesses the effects of the proposed changes on the heritage significance of the listed building. The application site falls in the Portman Estate Conservation Area. Insofar as there would be any effect(s) on the conservation area, the assessment is undertaken on the basis that the acceptability of the changes in relation to the listed building would apply equally to the character, appearance and significance of the conservation area (and, similarly, enhancements to the listed building would enhance the character, appearance and significance of the conservation area).

1.4 The Heritage Statement was informed by site visits (in September 2023 and January 2024), and desk-based documentary research. The inspection was non-intrusive, i.e. no surface/decorative treatments were removed to expose underlying fabric, although on the second site visit carpets had been removed and some exposure of fabric had been carried out, following a 'soft strip'. The areas of fabric that was exposed has informed some parts of the assessment. Photos

were taken on the initial site visit (September 2023), a selection of which have been included to illustrate the report; they have not been altered, aside from cropping or annotation in some instances.

- 1.5 The purpose of the documentary research was to establish readily available sources of information about the history and evolution of the building. This is intended to be informative, but it is not intended to be comprehensive/exhaustive and it is therefore possible that other sources of information relating to the building exist.

### **Legislation and policy summary**

- 1.6 The section below summarises the key provisions of s.66 & s.72 of the Planning Listed Buildings and Conservation Areas Act 1990, the National Planning Policy Framework and the Development Plan policies.

- 1.7 **Legislation:** Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) of the Act sets out the statutory duty in relation to development affecting the setting of listed buildings: and section 72(1) sets out the statutory duty in relation to any buildings or other land in a conservation area.

- 1.8 It is a well-established concept in case law that 'preserving' means doing no harm for the purposes of the 1990 Act. The Court of Appeal's decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] (EWCA Civ 137) established that, having 'special regard' to the desirability of preserving the setting of a listed building under s.66, involves more than merely giving weight to those matters in the planning balance. There is a strong statutory presumption against granting planning permission for any development which would fail to preserve a listed building or its setting (and the same for conservation areas). In cases where a proposed development would harm a listed building or its setting (or a conservation area), the Barnwell decision has established that the duty in s.66 of the Act requires these must be given "*considerable importance and weight*".

- 1.9 The key legal principles established in case law are:
  - i. 'Preserving' for the purposes of the s.66 and s.72 duties means 'to do no harm'<sup>1</sup>.

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<sup>1</sup> *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141 per Lord Bridge at p.146E-G in particular (obiter but highly persuasive).

- ii. The desirability of preserving the setting of a listed building, or the character or appearance of a conservation area must be given 'considerable importance and weight'<sup>2</sup>.
- iii. The effect of NPPF paragraphs 205-208 is to impose, by policy, a duty regarding the setting of a listed building that is materially identical to the statutory duty pursuant to s.66(1) regarding the setting of a listed building (and s.72 in relation to the character and appearance of a conservation area)<sup>3</sup>.
- iv. NPPF paragraph 208 appears as part of a 'fasciculus' of paragraphs, which lay down an approach corresponding with the s.66(1) duty (and similarly the s.72 duty)<sup>4</sup>.
- v. If harm would be caused, then the case must be made for permitting the development in question, and the sequential test in paragraphs 206-208 of the NPPF sets out how that is to be done. If that is done with clarity, then approval following paragraph 208 is justified. No further step or process of justification is necessary<sup>5</sup>.
- vi. In cases where there may be both harm and benefits, in heritage terms, great weight has to be given to the conservation and enhancement of a listed building, and its setting, and the preservation and enhancement of a conservation area. It is, however, possible to find that the benefits to the same heritage assets may be far more significant than the harm<sup>6</sup>.
- vii. An impact is not to be equated with harm; there can be an impact which is neutral (or indeed positive)<sup>7</sup>.

**1.10 The National Planning Policy Framework:** Section 16 of the revised (December 2023) National Planning Policy Framework (the NPPF) deals with conserving and enhancing the historic environment, in paragraphs 195 to 214. Paragraph 195 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.

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<sup>2</sup> *Bath Society v Secretary of State* [1991] 1 WLR 1303, at 1319 per Glidewell LJ and *East Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor), at [22-29] per Sullivan LJ.

<sup>3</sup> *Jones v Mordue* [2015] EWCA Civ. 1243 per Sales LJ [at 28].

<sup>4</sup> *Jones v Mordue* [at 28] per Sales LJ.

<sup>5</sup> *R (Pugh) v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin) as per Gilbart J [at 53].

<sup>6</sup> *R (Safe Rottingdean Ltd) v Brighton and Hove CC* [2019] EWHC 2632 (Admin) as per Sir Duncan Ouseley [at 99].

<sup>7</sup> *Pagham Parish Council v Arun District Council* [2019] EWHC 1721 (Admin) (04 July 2019), as per Andrews, J DBE [at 38].

- 1.11 According to paragraph 200, applicants should 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.
- 1.12 According to paragraph 205, which applies specifically to designated heritage assets, great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be). This reflects the provisions of the 1990 Act in that it applies irrespective of whether it involves total loss, substantial harm, or less than substantial harm to significance.
- 1.13 Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It then deals with substantial harm to, or total loss of significance of, different types of designated heritage assets. Paragraph 207 continues on the subject of substantial harm.
- 1.14 Paragraph 208, on the other hand, deals with less than substantial harm. Harm in this category should be weighed against the public benefits of the proposal. The National Planning Practice Guidance (NPPG) describes public benefits as "*anything that delivers economic, social or environmental progress*".
- 1.15 The **Development Plan** is the London Plan (2021) and Westminster's City Plan 2019–2040.
- 1.16 **The London Plan:** Policy HC1, entitled "*Heritage conservation and growth*" is the most relevant of the policies in Chapter 7. Parts A and B of the policy deals with strategic considerations/requirements and these are not relevant to determining planning applications.
- 1.17 Part C deals with development proposals affecting heritage assets, and their settings. This part of Policy HC1 requires development proposals to conserve the significance of heritage assets, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also requires the cumulative impacts of incremental change from development on heritage assets and their settings to be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.
- 1.18 **Westminster's Local Plan:** Policy 39 (Westminster's heritage) requires development to optimise the positive role of the historic environment in

Westminster's townscape, economy and sustainability. Part B1 of the policy requires heritage assets and their settings to be conserved and enhanced, in a manner appropriate to their significance.

- 1.19 Part B2 requires proposals 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*".
- 1.20 Part G requires works to listed buildings to 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.

## **2.0 ASSESSMENT OF SIGNIFICANCE**

### **Summary Historic Background**

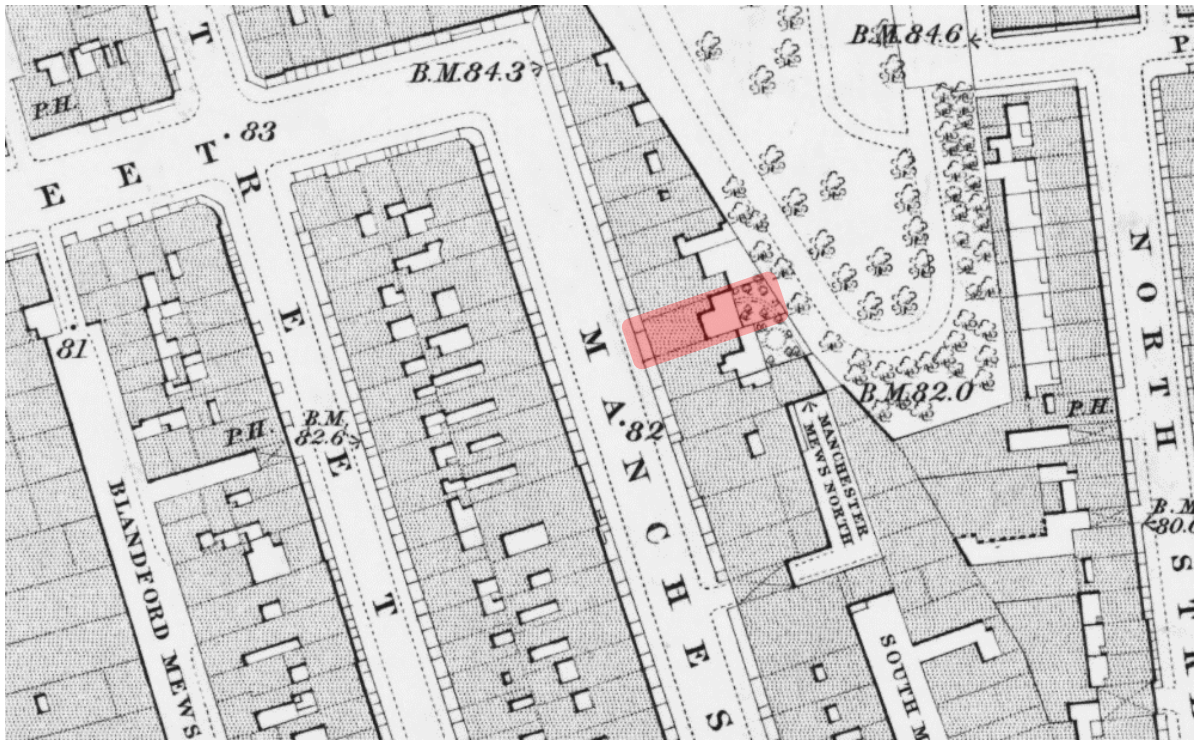
- 2.1 There is an overview of the history of the area in the Portman Estate Conservation Area Audit (27 March 2003) from which the below background is partially drawn.
- 2.2 Until the mid-C18, the Portman Estate was mostly open fields, although development along the lines of Oxford Street (a Roman Road) and to a lesser extent along the Edgware Road (Roman Watling Street) had begun much earlier.
- 2.3 The Estate originally comprised about 270 acres and extended from the present-day Oxford Street northwards to a line approximating to the course of the Regent's Canal and eastwards from Edgware Road. Various parts of the estate have been disposed of, and today only the portion of the original land lying south of the east-west line of Bryanston Place, Montagu Place and Dorset Street remains largely under the ownership of the Portman Family Settled Estates.
- 2.4 Henry William Portman Esq succeeded to the estate in 1761, and began the development of the Estate by laying out Portman Square and the surrounding streets. The main streets running east and west were extensions of existing streets in adjoining estates. Land was then leased by the Estate to private or speculative developers, who erected buildings and were responsible for the paving of carriageways and pavements and the laying of sewers. Leases and buildings licenses contained provisions to ensure that the Estate retained control over the building after completion. The terms of the covenants affected the design, construction, maintenance and the use of land and buildings.

- 2.5 Gradually a highly disciplined, hierarchical grid of streets, squares and mews were laid out. This hierarchy was mirrored by the hierarchy in the design of the terraced houses with the 'first' and 'second' and occasionally 'third' rate houses on the main roads and squares and ancillary domestic quarters in the mews. The buildings range in height from three, four or five storeys, above basement for principal buildings, to two and three storeys for the service buildings. By 1820 the development of the estate was complete. Many of the original buildings, together with much of the original street layout, still survive.
- 2.6 Manchester Square was first planned in 1770, but building did not begin until 1776, with the Duke of Manchester's house on the north side. The square was largely built by 1784.
- 2.7 The first sourced map to depict 20 Manchester Street is Horwood's map of 1792-9 (**Fig 1**). This shows the east side of this section of Manchester Street developed with uniform terraced houses, although the detail of the map is perhaps not entirely accurate/reliable.



**Fig 1:** An extract of Horwood's map of 1792-9, with 20 Manchester Street highlighted red.

- 2.8 The next map in the sourced sequence is the 1865 Ordnance Survey map (**Fig 2**). It shows 20 Manchester Street in more detail, with a rectangular frontage block and with a small rear closet wing projection (a range of different projections can also be seen on the neighbouring houses in the terrace, with no apparent consistency).



**Fig 3:** An extract of the 1865 Ordnance Survey map, showing 20 Manchester Street in red.

2.9 By the 1895 Ordnance Survey map (**Fig 3**), the house had been incorporated into a hotel, which took in three properties (numbers 18-20). The southern rear projection, with the angled wall, can by now be seen. The 1934 Ordnance Survey map shows the building similarly, and it has not been reproduced here.



**Fig 3:** An extract of the 1895 Ordnance Survey map, showing 20 Manchester Street in red.

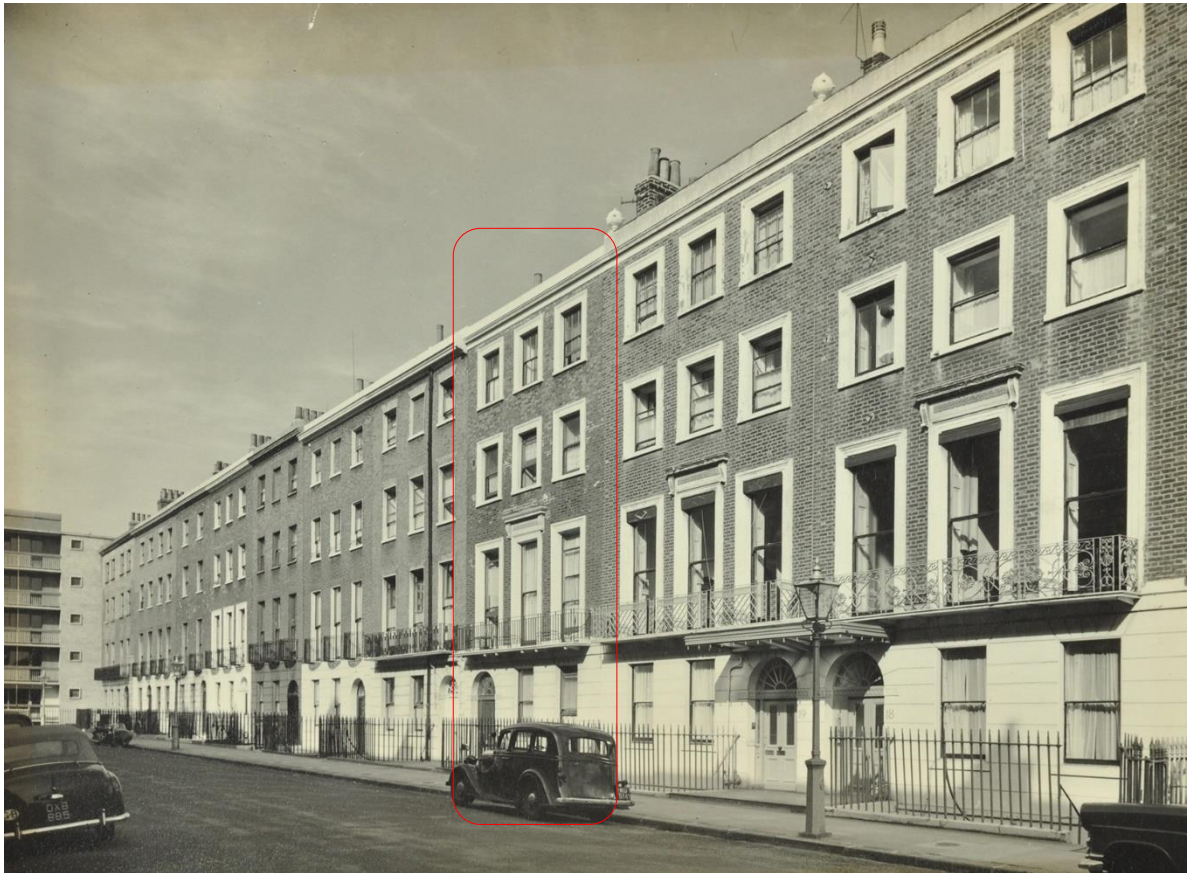
2.10 A 1946 aerial photo records the area (**Fig 4**), and although the roof form and rear extension can be seen, the image quality is not good enough to make further meaningful observations about 20 Manchester Street at this time.



**Fig 4:** An extract of a 1946 aerial photo, showing 20 Manchester Street in red.

2.11 The London Metropolitan Archives has a few photographs of Manchester Street, in which 20 Manchester Street can be seen obliquely. The earliest of these is the 1956 photo at **Figs 5 & 6**. The building, like its neighbours, is recorded with the non-original single-pane sash windows already in place at this time, as well as the simple railing to the *piano nobile* windows.



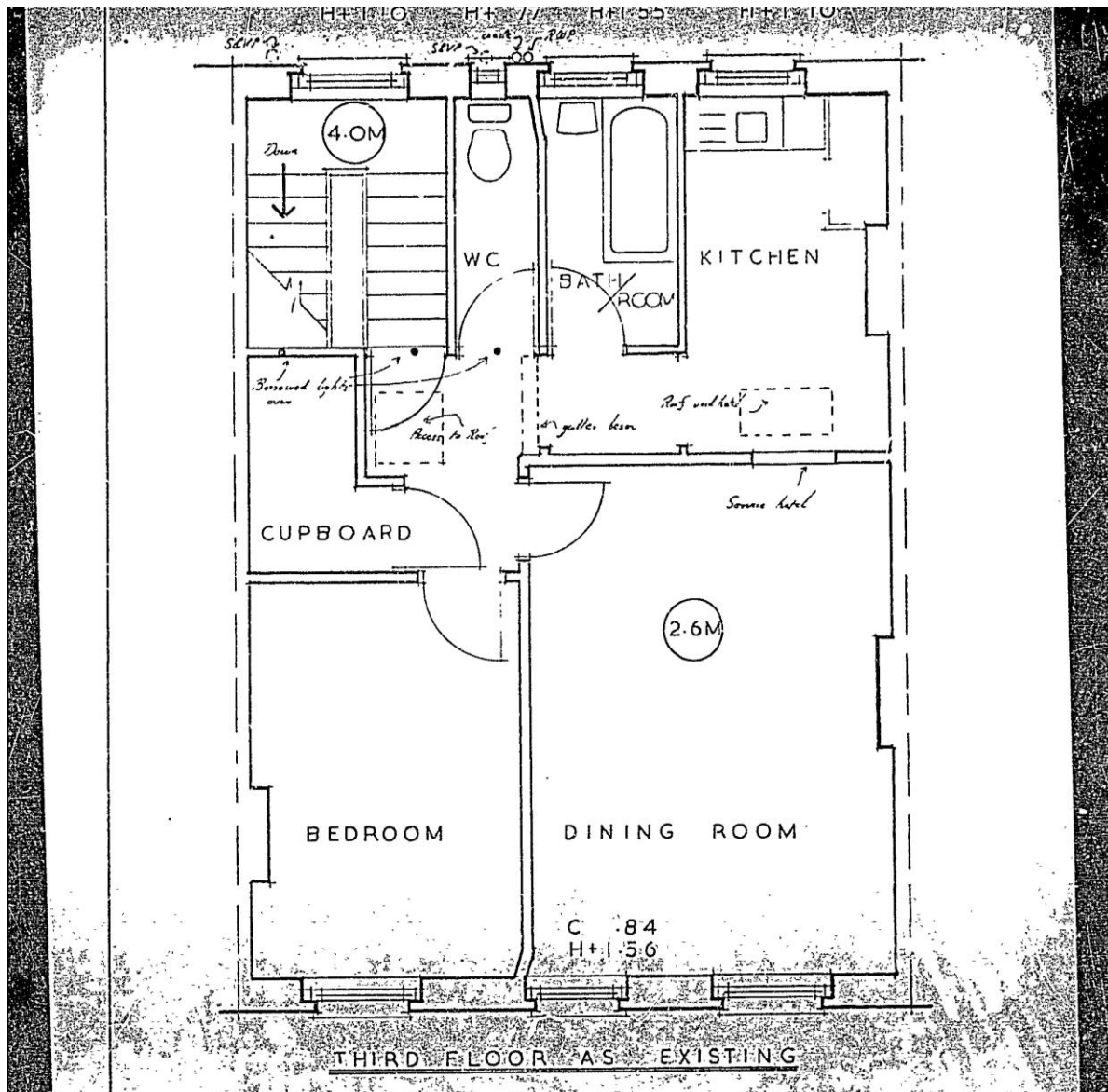


**Fig 5:** An extract of a 1956 photo, showing Manchester Street, with 20 highlighted. © London Metropolitan Archives

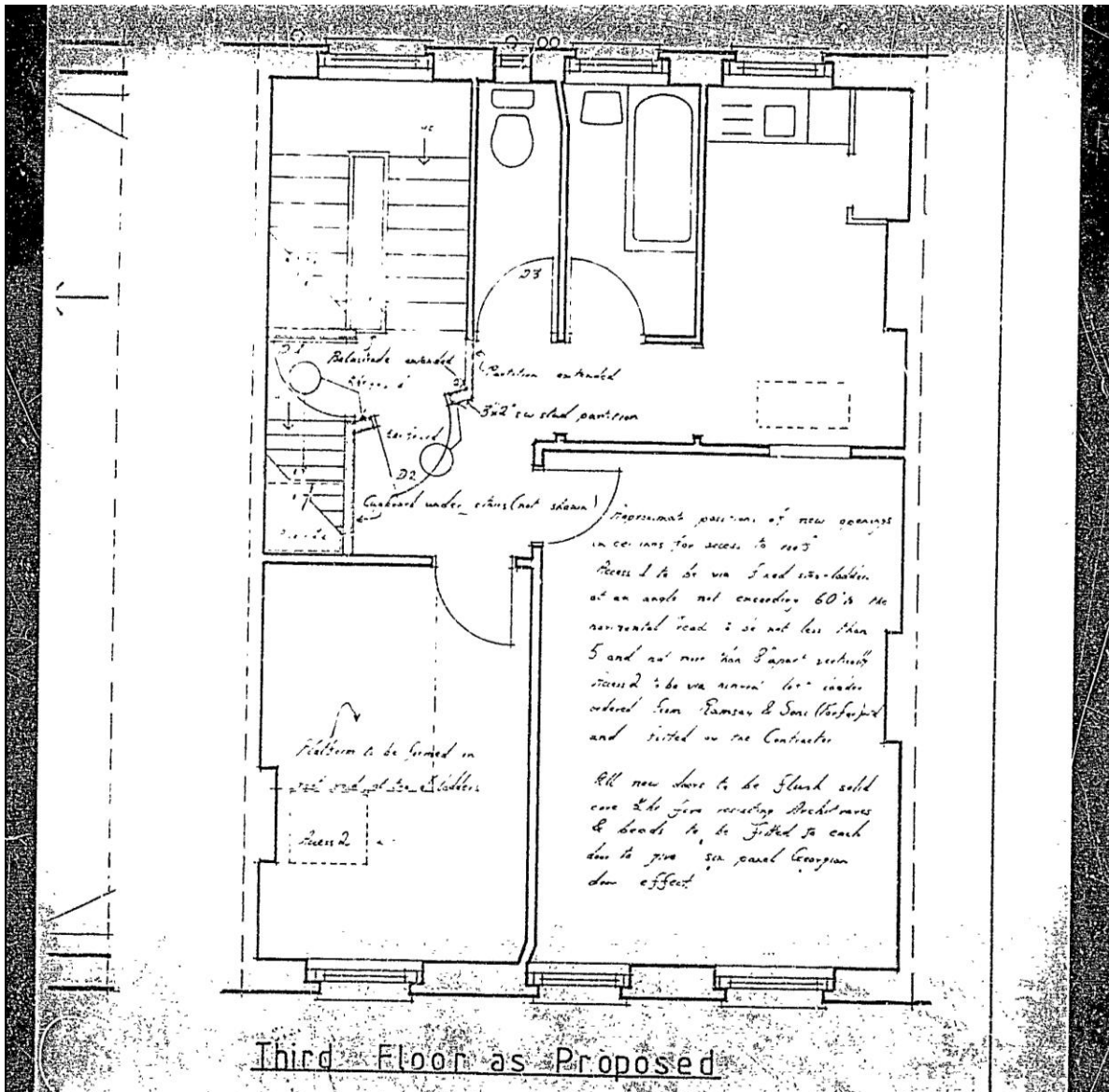


**Fig 6:** A detailed extract of the 1956 photo, showing 20 Manchester Street. © London Metropolitan Archives

2.12 More recently, applications have been granted for internal alterations to 20 Manchester Street. The first of these was in 1983, for the provision of a fire escape at the third floor, by means of a staircase and roof access (**Figs 7 & 8**). This staircase is no longer in place and it is not known whether the consent was ever implemented. However, it is clear from the room labelling of the existing plan that the third floor at this time was a self-contained flat, and it can reasonably be assumed that the whole of the building had already been divided into flats, as it is presently, with a separate flat on each floor.



**Fig 8:** An extract of the existing third floor plan of 20 Manchester Street, submitted in 1983 under ref 83/01576/LBC.



**Fig 8:** An extract of the proposed alterations to the third floor of 20 Manchester Street, granted in 1983 under ref 83/01576/LBC.

2.13 In 1998 consent was granted for alterations at the basement level (ref 98/07650/LBC), though there are no drawings accompanying the application. In 1999 consent was granted for alterations at the second floor level (ref 99/10339/LBC), though there are again no drawings accompanying the application.

### Assessment of significance

2.14 According to its list description on Historic England's National Heritage List, the terrace at 18-27 Manchester Street was listed on 5 February 1970 and the typically brief list description has not been amended since then; the descriptive text is quoted in full below:

*"Terraced houses. c.1790 Portman Estate development following on Manchester [sic] Square and contemporary with Baker Street. Stock brick, with channelled stucco ground floors (some plain); concealed slate roofs. 4 storeys and basements. Principally 3-window fronts (4 windows to Nos. 26 and 27). Semicircular arched doorways, adjoining at Nos. 18-19 and 20-21, to right on rest except centre left doorway to No. 26; guilloche, rosette or flute decorated Coade impostes and banded head keystones; panelled doors, moulded doorheads and fanlights, some retaining radial pattern. Recessed sashes under flat gauged red brick arches to upper floors, those of Nos. 18, 19 and 20 with stucco surrounds throughout and stucco surrounds to 1st floor windows of No. 24. 1st floor plat band. Crowning stucco cornices and blocking courses. Cast iron geometric patterned balconies across 1st floor. Cast iron area railings with urn finials."*

- 2.15 It can be seen from the list entry that the buildings were not internally inspected at the time of listing. *Pevsner* briefly mentions the street, but does not describe any of the individual buildings in the listed terrace.
- 2.16 The terrace can lay claim to historic interest in its age, and as part of the development of the Portman Estate, and in the wider context it is representative of London's expansion in the late-C18. Much of the significance of the terrace lies in its interest as a relatively intact (externally, at least) example of a good quality, respectable late-C18 speculative terraced housing as part of the wider estate development.
- 2.17 The façade of the terrace displays late-Georgian sensibilities and reflects the style that was dominant at the time (**Photo 1**). The façade of 20 Manchester Street is relatively intact, although as can be seen from **Photo 1** below, the original multi-pane windows have been replaced with plate glass 1/1 sashes (3/1 at the top floor) and these are of no great age. The multi-pane windows to the adjacent houses illustrate the positive effect that the replacement of these non-original windows would have at 20 Manchester Street.



**Photo 1:** A frontal view of 20 Manchester Street, seen alongside the neighbouring houses.

2.18 Turning to the interior, the basement flat was not accessed, but the remainder of the building generally has a modern character and an absence of historic features. The ground floor has original shutters, but the chimneypiece is a modern replacement (**Photo 2**) and the only other features of note are architraves, and Victorian or Edwardian-looking fluted pilasters to a large opening that was inserted between the front and rear rooms (but now blocked and surviving as a recess only). Despite some changes, the layout of the front and rear rooms, and the entrance hall and stairwell has survived legibly. The staircase appears to be original, but the entrance hall is largely absent of features (**Photo 3**). The late C19 rear extension has a kitchen/bathroom with a modern character.



**Photo 2:** The ground floor front room.



**Photo 3:** The ground floor entrance hall and staircase.

2.19 The first floor has a modern character, complete with modern doors, skirting boards, plasterboard stud walls and off-the-peg covered cornices (**Photo 4**). The floor has evidently been modernised, perhaps at the time that the house was converted to flats. There is a simple chimneypiece, adorned with a relatively plain Adamesque motif at the front room, which could perhaps be original (**Photo 5**). The front windows have surrounds that appear to be original, despite the windows themselves clearly being later replacements. There is a simpler Regency style chimneypiece to the rear room (**Photo 6**).



**Photo 4:** The first floor front room.



**Photo 5:** The simple chimneypiece, adorned with a relatively plain Adamesque motif at the front first floor room.





**Photo 6:** The simpler Regency style chimneypiece to the rear room.

2.20 The first floor plan form is still relatively legible, despite the insertion of a partition to create two rooms within what was once the grand front room of the *piano nobile*, and the creation of a lobby at the stairwell (**Photo 7**). The front door to the flat is roughly where the entrance to the principal front room would have been, and the door to the rear room, off the landing, has been blocked and relocated. The late C19 rear extension has been converted to a kitchen/bathroom, the dividing partition of which is concrete blockwork. Internally the rear extension has a modern character.



**Photo 7:** The entrance lobby at the first floor flat.

2.21 The second floor layout is similar to the first floor, although a corridor has been driven through the rear room, to connect with the kitchen/bathroom in the rear extension (**Photo 8**). The space is again modern in character; there are fewer features of note than at the first floor. Features include the plain, unmoulded shutters/surrounds to the front room windows, and a mock-Regency chimneypiece with a later cast iron insert.



**Photo 8:** The second floor front room, looking towards the rear where a corridor connects with the rear extension.

2.22 At the third floor, which does not have the rear extension, a bathroom has been inserted into the rear room, compartmentalising the space. There are two front rooms, as on the floors below, but on the third floor these appear to reflect the original/historic arrangement. The difference with the floors below is that there is a chimneybreast to the smaller room (**Photo 9**), indicating this would historically have been a heated room, and therefore the subdivision would have been historic. That would also reflect the typical hierarchy of buildings such as this, with low status, smaller rooms at the top floor. The simple surround and arched cast iron fireplace looks to be Victorian.



**Photo 9:** The chimneypiece to the small front third floor room.

2.23 **Summary:** In summary, whilst externally the building has a relatively intact appearance, aside from the non-original plate glass sashes, the interior is disappointing and largely featureless, aside from the few historic features noted above. Generally, the plan form has remained legible, but has been compromised in places by reconfigurations associated with the creation of a series of self-contained flats.

### **3.0 IMPACT ASSESSMENT**

#### **Overview of the proposals**

3.1 Externally, the only changed proposed is the replacement of the non-original sash windows with appropriately designed and traditionally detailed double glazed sash windows.

3.2 The proposed internal alterations are summarised below:

#### **First Floor (Flat 3)**

- i. New door panels, architraves, skirting and cornices.
- ii. Modern radiators replaced with new, same location.
- iii. Enhanced acoustic and fire separation to building fabric.
- iv. Form new door opening between front and rear rooms, with a lightweight, glazed partition forming a corridor.
- v. Alter non-original separation between kitchen and bathroom enhancing functionality.

#### **Second Floor (Flat 4)**

- vi. New door panels, architraves, skirting and cornices.
- vii. Modern radiators replaced with new, same location.
- viii. Enhanced acoustic and fire separation to building fabric.
- ix. Alter non-original separation between Kitchen and Bathroom enhancing functionality.

#### **Third Floor (Flat 5)**

- x. New door panels, architraves, skirting and cornices.
- xi. Modern radiators replaced with new, same location.
- xii. Enhanced acoustic and fire separation to building fabric.
- xiii. New fire rated pocket door to kitchen.

#### **Assessment**

3.3 The proposed replacement of the non-original sash windows with appropriately designed and detailed, double glazed sash windows would enhance the significance of the listed terrace, and the conservation area. The glazing bars would be thin – measuring only 16mm – and they would be integrated not (i.e. cosmetically applied), with a traditional putty finish. The historic background has shown that both neighbouring houses had similar plate glass windows to the

existing ones at 20 Manchester Street, and it can be seen from the photo below (**Photo 10**) how the reinstatement of multi-pane sashes to these have markedly enhanced the buildings. The proposed sashes would similarly enhance 20 Manchester Street.



**Photo 10:** The multi-pane sashes of the buildings adjoining 20 Manchester Street.

- 3.4 The internal changes are now assessed on a floor-by-floor basis, starting first with those alterations that would occur on all floors. The alterations proposed for all floors (first floor, second floor and third floor) are:
- i. new doors, architraves, skirting and cornices;
  - ii. modern radiators to be replaced with new ones, in the same locations; and
  - iii. acoustic and fire separation between floors.
- 3.5 The replacement/reinstatement of the non-original doors, architraves, skirting and cornices would have no effect on the significance of the building. The exception is the reinstatement of cornices to the main rooms, which would enhance the significance of the building.
- 3.6 The replacement of the modern radiators with new ones in the same locations would leave the significance of the building unaffected.

- 3.7 The acoustic separation would be in the form of acoustic wool insulation, accommodated within the floor voids. This would leave the significance of the building unaffected.
- 3.8 The fire separation would be achieved by replacing the existing plasterboard ceilings with two plies of 15mm fire-rated plasterboard. There are no lath & plaster ceilings that would be removed or affected. The significance of the building would remain unaffected by this minor upgrade in fire separation.
- 3.9 **First floor - new door opening between front/rear rooms, with a lightweight, glazed partition forming a corridor:** The partition walls are faced in plasterboard, though it is assumed that the studwork could be original. This removal of a small area of studwork and the minor plan form change in the form of an inserted doorway would cause a low degree on less than substantial harm. The glazed corridor would allow for a visual appreciation of the room, while improving fire safety for the occupants of the flat. It would also be reversible. This would have only a very slight effect on the plan form of the building, though it would be reversible.
- 3.10 **First floor – alteration of the non-original wall separating the kitchen and bathroom:** The reconfiguration of this non-original partition, within a later extension with a modern character, would leave the significance of the building unaffected.
- 3.11 **Second floor - alter non-original separation between kitchen and bathroom:** The reconfiguration of this non-original partition, within a later extension with a modern character, would leave the significance of the building unaffected.
- 3.12 **Third floor - new fire rated pocket door to kitchen:** This reconfiguration of a non-original door within an inserted partition would leave the significance of the building unaffected.
- 3.13 **Overall summary:** The assessment above shows that, aside from the proposed new door and glazed corridor at the first floor, the effects of the proposals would be either enhancements, or neutral. When considered on the whole, the enhancements would be clearly and decisively outweigh the very limited harm. To the extent that there would be some limited harm in heritage terms, the benefits are far greater in number, and in terms of the significance of the areas

affected, leaving a strong net heritage benefit that weighs heavily in support of the application.

#### **4.0 CONCLUSIONS**

- 4.1 This Heritage Statement presents a proportionate understanding of the significance of the listed building, and contains an assessment of the potential impacts of the proposals. The proposals have been carefully designed to avoid impacts on the building fabric and enhance the building's significance.
- 4.2 The assessment has demonstrated that there would be an instance of low level of harm, as well as notable enhancements to the listed building (internally and externally), and the character, appearance and significance of the conservation area would be enhanced by the reinstatement of multi-pane sashes similar to that of the adjoining houses.
- 4.3 The enhancements are material, heritage-specific benefits, which attract great weight in the planning balance in the same way that harm does. The enhancements to the listed building would comfortably outweigh the harm.
- 4.4 Overall, this leaves a weighty net heritage enhancement in the heritage balance, which attracts great weight in favour of the proposed development in the overall planning balance.
- 4.5 This means paragraphs 199-202 of the NPPF are not engaged and the provisions of s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) are satisfied. The proposals satisfy Policy 3 of Westminster's Local Plan, Part B2 of which notably requires proposals 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*".
- 4.6 In accordance with the NPPF, the net heritage-specific benefits of the scheme should be brought forward into the overall planning balance, and given the appropriate 'great weight'.