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**Heritage Statement and Design and Access Statement**

Supporting retrospective applications for planning consent and listed building consent for replacement of pre-existing window with a timber external door at Flat 2, 49 Montagu Square London W1H 2LW



**Aerial view of the application site**

Get Planning & Architecture  
Report Audit

<u>Date</u>	<u>Rev</u>	<u>Author</u>	<u>Check by</u>	<u>Comment</u>
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Get Planning and Architecture Ltd. 7 Tudor Court, Brighton Road, Sutton SM2 5AE

Tel: 020 8770 3962 www.get-planning.co.uk info@get-planning.co.uk

Registered in England No: 07572104. Registered Office: 21/23 Croydon Road, Caterham, CR3 6PA. Vat No: 113143076

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Note: all maps are oriented with north up the sheet, unless stated otherwise.



## 1. Get Planning & Architecture – Chartered Planners

1.1. Get Planning & Architecture are RTPI Chartered Planners and an RIBA Chartered Practice with a proven track record of delivering expertly prepared Heritage Statements, appeals and other planning statements relating to designated and non-designated heritage assets.

## 2. Introduction

2.1. This Heritage Statement has been prepared by Get Planning & Architecture to accompany both a planning and a listed building consent application for the proposed retention of a recently-installed external door at Flat 2, 49, Montagu Square. This Statement will review the planning history, will set out an overview of relevant planning policy, describe the significance of the Grade II Listed Building and the surrounding Portman Estate Conservation Area and then assess the impact of the proposals on the significance of designated and non-designated heritage assets. The Statement has been prepared with regard to paragraph 194 of the National Planning Policy Framework (2021).

2.2. Our balanced analysis demonstrates how the development should be supported, and thereby subject to a grant of listed building consent and full planning permission, with the inclusion of planning conditions where appropriate and necessary.



Location Plan (not to scale)





*Aerial view of the application site, (49 highlighted with a green dashed line and the location of the new door highlighted with a red dashed line)*

### 3. Site description and historical development

3.1. The application site comprises a Georgian 5-storey plus basement and attic, grade II listed terraced house situated on the West side of Montagu Square. It is located within the Portman Square Conservation area and within Bryanston and Dorset Square Ward of Westminster City Council. The subject building was listed as Grade II in 1987, as part of a small group of 3 terraced houses 47-49 Montagu Sq.

## 47-49, MONTAGU SQUARE W1

List Entry Number: 1223269

Heritage Category: Listing

Grade: II

Location: 47-49, MONTAGU SQUARE W1, Non Civil Parish, MARYLEBONE, City of Westminster, Greater London Authority

3.2. The property, 49 Montagu Square, backs onto Montagu Mews West. Montagu Mews

West is a two way cobbled dead end street that runs north from George Street. Number 49 sits at the north end of the Mews adjoining some low rise infill housing built in the late 1990's as part of the Ellerton House development on Bryanston Square, which defines the end of Montagu Mews West and Bryanston Mews East beyond. 49 Montagu Square has been subdivided into 6 flats. This application concerns Flat 2, 49 Montagu Square, which partially occupies the lower ground and ground floor levels with frontage onto the Mews. The houses in Montagu Mews West are a mixture of original small scale mews houses connected to the Montagu Square houses to the east, and some later infill across the mews and post war rebuilds to the west; the mews is predominately two storey however there a number of mansard extensions on the west side. The listing description, extracted from Historic England website on 6<sup>th</sup> February 2024, reads as follows:

### 3.3.

#### Details

TQ 2781 SE CITY OF WESTMINSTER MONTAGU SQUARE, W1 54/9 (West side)

Nos. 47 to 49 consec.

G.V. II

Terraced townhouses. c.1810-11 (front of No. 47 rebuilt in facsimile), by J.T. Parkinson as part of his Montagu-Bryanston Square development for the Portman Estate. Stock brick with channelled stucco ground floors; slate roofs concealed except for No. 49. Nos. 47 and 48 of 4 storeys, No. 49 of 5 storeys with dormered mansard, on basements. 3-window wide fronts. Semicircular arched doorways to left at No. 47, others to right; inset Greek Doric columns, panelled doors, entablature doorheads, and fanlights. Recessed sashes, most with glazing bars, under flat gauged arches to upper floors. Plat band finishing off ground floor stuccowork, stucco sill band to 3rd floors and one to 4th floor of No. 49. Crowning stucco cornices and blocking courses. Continuous, bracketed, cast iron geometric patterned balconies to 1st floor. Cast iron area railings with acorn finials.

Listing NGR: TQ2778181484

- 3.4. Flat 2 is situated on the lower and upper ground floor, with the living space facing Montagu Mews to the West. The flat has bedrooms at the lower ground floor level which are served by light wells. The new door which has been inserted serves the living space and gives access to an enclosed flat roof area, screened from the mews by an exceptionally high brick wall.





*ABOVE: Front View of 47-49 Montagu Sq, 49 on the left.*

3.5. The context of flat 2 is the rear mews at the rear, see picture below:



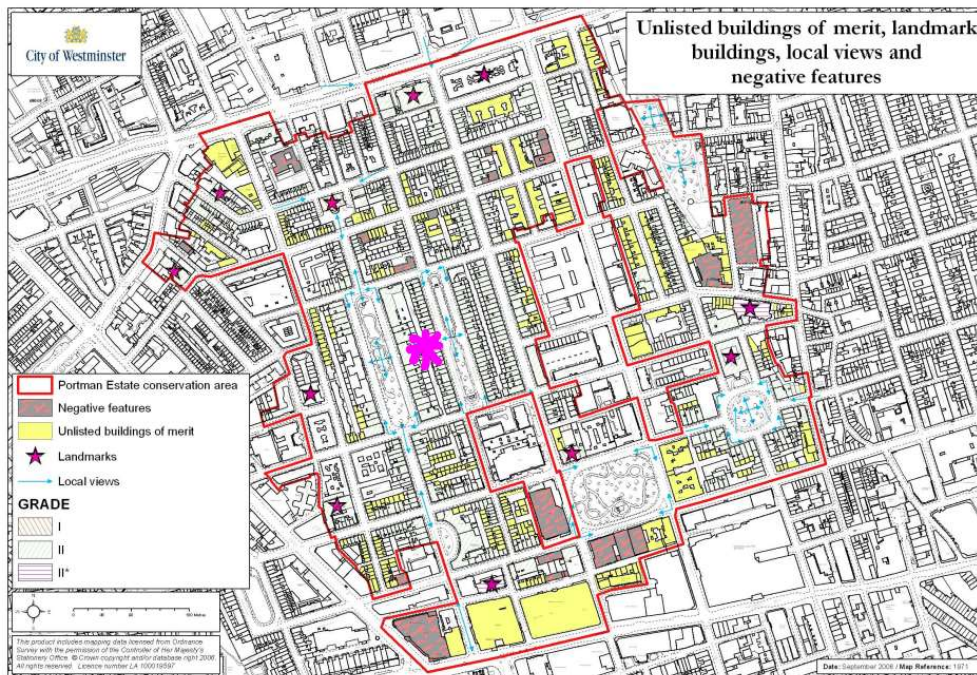
*ABOVE: Flat 2 from Montagu Mews, the doorway, subject of the applications, is located behind the high brick wall on the right, therefore not visible from the public realm*



ABOVE: new doorway exiting the living room in order to access the flat roof over the bedrooms of Flat 2, the window serves the kitchen.

3.6. Portman Square Conservation Area and historical development of Montagu Square:  
The Portman Estate is a large conservation area, first designated in 1967. The CA audit can be found at the following link:

<https://www.westminster.gov.uk/media/document/portman-estate-conservation-area-audit-spg>



ABOVE: Portman Square Conservation Area, the site marked with an asterisk



3.7. Montagu Square and the mews to the rear were built on land leased from the Portman Estate by David Porter, who was reputed to have been the “chimney-sweeper to the village” of Marylebone. Porter first built Montagu Square between 1805 and 1815, and then the more ambitious Bryanston Square commencing in 1811 to the designs of the architect, Joseph Parkinson. Works were completed in Bryanston Square by 1821. Montagu Square was a “luxury” development and in Booth’s Map of Poverty of 1889 is definitively “Upper-middle and Upper classes. Wealthy.” The Square and its mews have retained their integrity although a number of properties, including number 47 were damaged ‘beyond repair’ in the war. Number 47 was rebuilt as a facsimile

3.8. PLANNING HISTORY:

There are a number of entries on the Council’s planning website and the 4 highlighted below are the only ones with any relevance to these current applications:

**Creation of two doors at either end within existing lightwell opening onto private amenity space in connection with the existing residential use.**

Flat 2 49 Montagu Square London W1H 2LW

Ref. No: 16/02323/FULL | Received: Tue 15 Mar 2016 | Validated: Tue 15 Mar 2016 | Status: Decided

**Creation of two doors at either end within existing lightwell opening onto private amenity space in connection with the existing residential use.**

Flat 2 49 Montagu Square London W1H 2LW

Ref. No: 16/02324/LBC | Received: Tue 15 Mar 2016 | Validated: Tue 15 Mar 2016 | Status: Decided

**Internal alterations to existing flat including: levelling of floor; reconfiguration of kitchen; widening two doorways and installing new ensuite bathroom.**

Flat 5 49 Montagu Square London W1H 2LW

Ref. No: 14/10941/LBC | Received: Tue 04 Nov 2014 | Validated: Tue 04 Nov 2014 | Status: Decided

**REFURBISHMENT OF 7 NO. EXISTING UNITS**

49 Montagu Square London W1

Ref. No: 87/01664/FULL | Received: Fri 01 May 1987 | Validated: Fri 01 May 1987 | Status: Unknown

**REFURBISHMENT OF EXISTING FLATS**

49 Montagu Square London W1

Ref. No: 87/01665/LBC | Received: Fri 01 May 1987 | Validated: Fri 01 May 1987 | Status: Unknown



#### **4. Assessment of significance**

- 4.1. The building was refurbished in its present arrangement of 6 flats around 1987. The flat known as number 2 was refurbished at this time and there is little internal historic fabric and plan form is not of particular significance.
- 4.2. Flat 2 has a main elevation facing the Mews to the West and this elevation will be unaffected. The location of the new door is behind an exceptionally high wall and unseen from the public realm. Therefore it is contended that the elevations in the immediate vicinity of the new door do not carry great significance, perhaps excepting the large double-hung window, (see pictures above), which serves the kitchen of Flat 2.
- 4.3. Given the enclosed nature of Flat 2, there is little significance relating to the site of the proposal on either the listed building or then CA.

#### **5. Planning Policy and Legislation**

##### **5.1. Relevant Legislation**

The legislation context managing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act of 1990. Section 66(1) of the Act requires decision makers to "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" when determining applications that affect a listed building or its setting. Section 72(1) of the Act requires decision-makers with respect to any buildings or other land in a conservation area to pay "special attention... to the desirability of preserving or enhancing the character or appearance of that area."

##### **5.2. National Planning Policy Framework 2021 (NPPF)**

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is an important material consideration in decision-making. Section 16 (Conserving and enhancing the historic environment) sets out how heritage assets should be conserved in a manner appropriate to their significance.

- 5.3. The approach set out in Section 16 is based on the applicant providing a description of the significance of any heritage assets (para 189). Local planning authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected (para 190). LPAs should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 192). LPAs should give great weight to the asset's conservation (para 193).

- 5.4. Paragraph 200 of the NPPF states that local planning authorities should look for

opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. It continues that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

5.5. Annex 2 of the NPPF defines significance as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting.

5.6. A proposal that would cause harm should only be permitted where there are strong countervailing planning considerations that are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras. 199-208). Where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### 5.7. Local Planning Policy Context

The adopted Statutory Development Plan for the site includes the London Plan and Westminster's City Plan 2019-2040. The Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies and Development Plan Documents. The adopted Statutory Development Plan comprises:

- London Plan (2021)
- Westminster City Plan (2021)

#### 5.8. The London Plan 2021

The London Plan is the overall strategic plan for London. According to Policy HC1 (Heritage conservation and growth), Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

#### 5.9. Westminster's City Plan 2019-2040 (2021)

According to Policy 39 (Westminster's Heritage): Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. The policy requires development to ensure:

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

5.10. The policy has two relevant provisions for Listed Buildings:

*G. 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.*

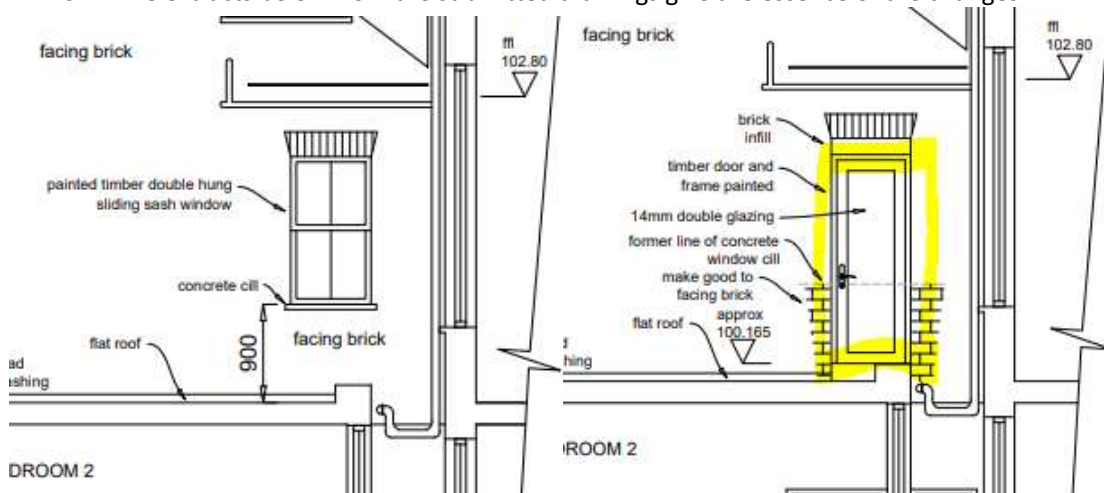
*Changes of use to listed buildings will be consistent with their long-term conservation and help to restore, retain and maintain buildings, particularly those which have been identified as at risk.*

## 6. The Proposal

6.1. The proposal is to retain changes that were carried out in August 2023 and these consist of:

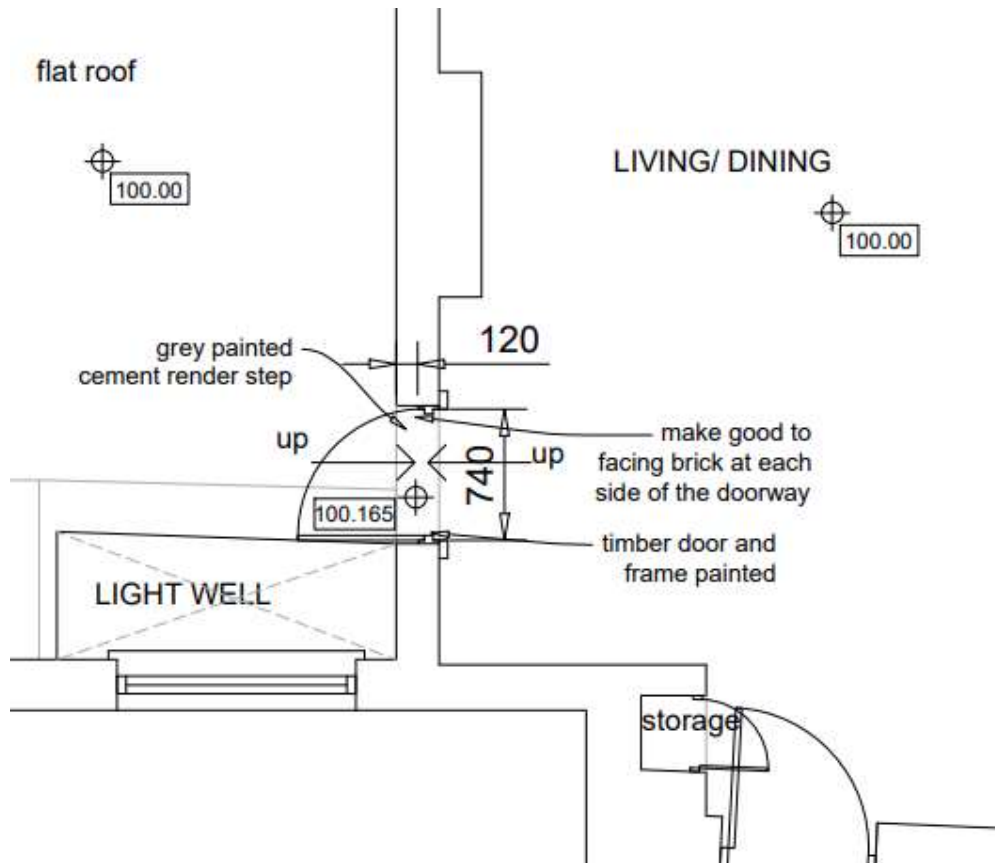
- Removal of one double-hung sliding sash window, (not believed to be original, but within an original opening with brick voussoir, which is retained)
- Removal of an area of facing brick below the former window
- Insertion of a new timber door and frame with
- Slimline double glazing in the new door
- Making good to the brickwork where the opening has been enlarged to form the doorway

6.2. The extracts below from the submitted drawings give the essence of the changes:



*ABOVE, left is the pre-existing window, right the door as existing, (no further change is proposed)*





*ABOVE: extract from submitted drawing showing plan of the external door as built*

## 7. Assessment of the impact of the works

- 7.1. The reason why the applicant carried out this work was in order to create a convenient access to the fairly large flat roof area, (which is, of itself, not historic or of any heritage significance), but requires regular cleaning. Previously it had been necessary to climb through the pre-existing window because no other means of access was available to the flat roof area.
- 7.2. Consideration was given to the details of the door and as a result it is of an appropriate design and constructed in a traditional manner, of timber. In addition, the new door is double glazed and offers a greater degree of thermal insulation and draught-proofing than the former window. It is understood that Westminster are accepting of double glazing on rear elevation in this type of context.
- 7.3. The applicant carried out the work in 2023 and was not aware that a listed building consent was required for such a small change, taking into account that the door is entirely screened from view.

## 8. Conclusion

- 8.1. The elements of no. 49 Montagu Sq. that are affected by the works are quite limited. The siting of the enlarged opening and new door is completely screened from view by an exceptionally high wall. The historic large window next to the subject door is unaffected by the works and that large window serves the kitchen of Flat 2. There is little internal historic fabric or elements of historic significance affected apart from existing kitchen window.
- 8.2. The development is considered to fully comply with the requirements of national planning and listed building legislation and Westminster City Plan policies. The proposals are considered to preserve the special architectural and historic interest of the listed building in line with statutory requirements. The proposal also accords with the provisions of the NPPF by ensuring that the significance of the listed building is sustained. This application should therefore be considered acceptable by the Council; thus, it is requested that listed building consent is granted.

*Statement authored by Brian Gatenby RIBA MRTPI*



Get Planning and Architecture Ltd. 7 Tudor Court, Brighton Road, Sutton SM2 5AE

Tel: 020 8770 3962 [www.get-planning.co.uk](http://www.get-planning.co.uk) [info@get-planning.co.uk](mailto:info@get-planning.co.uk)

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