

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>20 Hanover Terrace, London, NW1 4RJ</b>		
<b>Proposal</b>	Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.		
<b>Agent</b>	Ms Elizabeth Smith		
<b>On behalf of</b>	Hanover Terrace Limited		
<b>Registered Number</b>	16/10363/FULL and 16/10364/LBC	<b>Date amended/ completed</b>	28 October 2016
<b>Date Application Received</b>	28 October 2016		
<b>Historic Building Grade</b>	I		
<b>Conservation Area</b>	Regent's Park		

## 1. RECOMMENDATION

Refuse permission and listed building consent.

## 2. SUMMARY

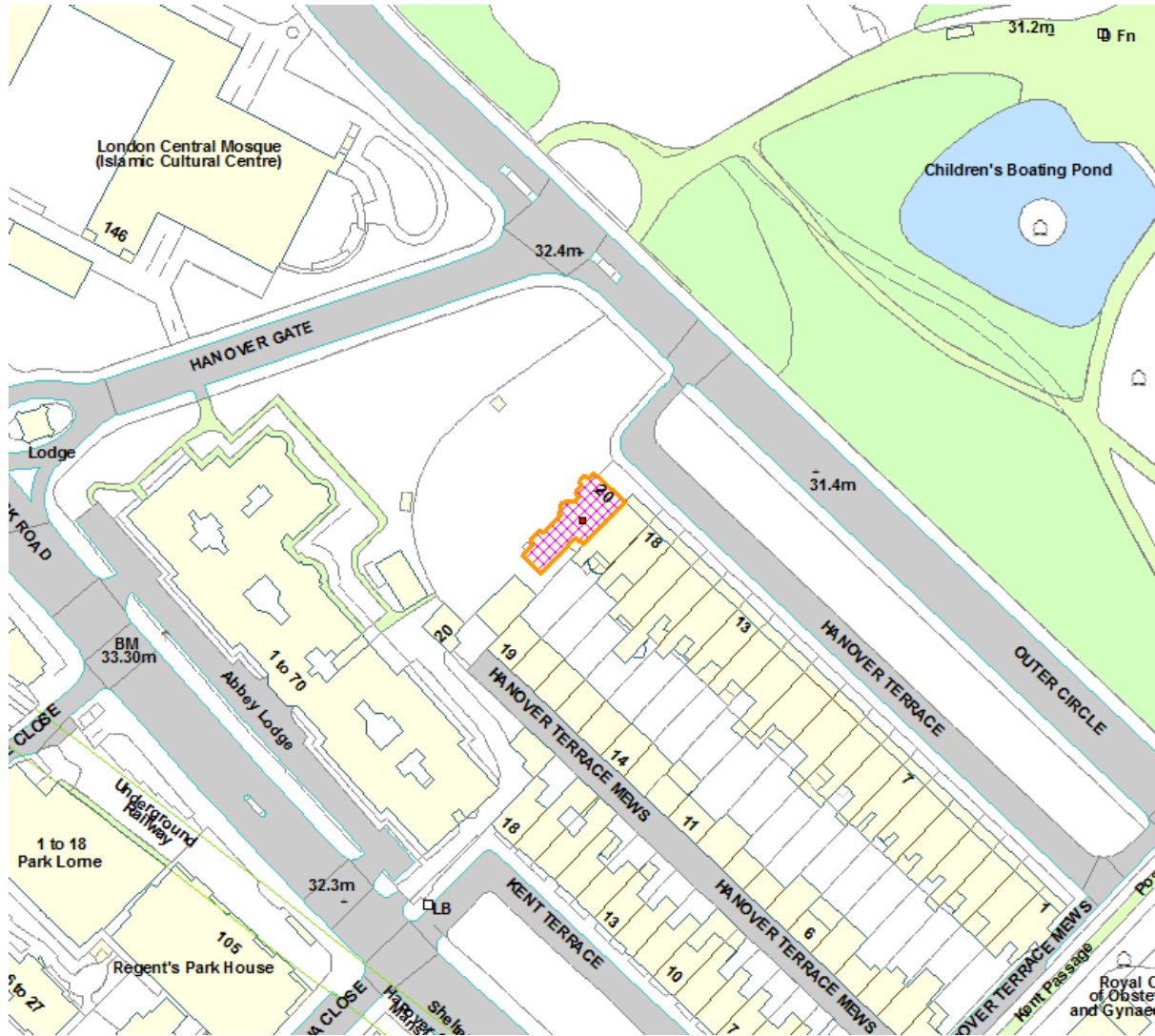
20 Hanover Terrace forms part of a grade I listed terrace, dating to the early 1820s. It also lies within the Regent's Park Conservation Area. The building is in use as a single family dwelling. Planning permission and listed building consent have already been granted for a large basement extension beneath the garden and for alterations and extensions to the main house and its outbuildings. These approved works include the installation of lift between the new basement storey and the lower ground, ground and first floor levels of the main house. This application seeks permission and consent to install a passenger lift in a slightly modified position to that approved, but also to extend it so that it projects as an external lift shaft at second and third floor levels.

The key issues for consideration are:

- The impact of the proposal on the special interest (or significance) of the listed building and upon the character and appearance of the Regent's Park Conservation Area.
- The impact of the proposal on the amenity of adjacent occupiers.

The proposal is considered to have a harmful impact upon the listed building and upon the conservation area and there are not public benefits which would outweigh this harm.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Top – Front facade facing towards Regent's Park;

Bottom – Side and rear facades viewed from within garden.



## 5. CONSULTATIONS

### CLLR DAVIS:

Request that the application is determined at a planning committee.

### CLLR RIGBY:

Agrees with officer recommendation, and requests that the application is determined at a planning committee.

### HISTORIC ENGLAND:

Consider that harm is caused by the proposal. The harm would be in the category of 'less than substantial harm' in the terms of the NPPF. However, this should not be equated with harm which is unimportant or inconsequential. They note that a finding of harm to a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. However, it is not irrebuttable and it can be outweighed by material considerations powerful enough to do so. They conclude by indicating that they are unable to support the granting of listed building consent and as such no authorisation to determine the listed building consent application has been sent to the City Council.

### THE ST MARYLEBONE SOCIETY:

Consider the extension to be very bulky and sits uneasily with the adjacent curved bay. Concerned about loss of two rear windows. Are aware of other applications where lifts running up the rear walls of listed Georgian buildings have been refused. Consider that the same standards should be applied to this building.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 81

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

20 Hanover Terrace forms part of a grade I listed terrace, dating to the early 1820s. It also lies within the Regent's Park Conservation Area. There are two detached outbuildings to the rear which in part are contemporary with the original house. The main house and outbuildings have been altered and extended, with perhaps the most significant intervention occurring in c.1911/12 when a remodelling of the interior occurred and a two storey extension was added to the rear. The rear double-height stable block was also altered at this time. The rear 'caretaker's cottage' (20 Hanover Terrace Mews) was altered and extended in the late 1940s. The wall and gate entrance at the northern end of Hanover Terrace Mews provides access into the rear service buildings and while likely to contain some original 1820s fabric has been modified to accommodate larger entrance openings.

Other listed buildings in the vicinity of the development proposal, include the grade II\* listed Kent Terrace approximately 50m to the south and the grade II\* listed Hanover Gate Lodge over 100m away to the north east.

## 6.2 Recent Relevant History

### 15/06788/FULL

Excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      2 December 2015

### 15/06789/LBC

Excavation of basement extension below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      2 December 2015

### 15/09445/FULL

Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      23 February 2016

### 15/09446/LBC

Excavation of basement extension including swimming pool below garden and former stable block, internal and external alterations to existing buildings, demolition of former gardener's house to rear of site and replacement with building containing lift to basement level and utilities, erection of glazed link structure between main house and former stable block, demolition and replacement of bay window extensions to garden elevation of main house and infill extension at ground floor level between main house and boundary wall with No.19. Alterations and extensions to enlarge existing dwellinghouse.

Application Permitted                      23 February 2016

### 15/11755/FULL

Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

Application Refused                      2 March 2016

15/11756/LBC

Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

Application Refused                      2 March 2016

Appeals had been lodged against the two applications which were refused on 2 March 2016 but were subsequently withdrawn by the applicant.

## **7. THE PROPOSAL**

This proposal is to install a passenger lift which would connect to the newly approved basement and would be located within the original 1820s part of the lower ground and ground floors; and within the 1911/12 extension at first floor level. Above first floor level the proposal is for an external lift shaft to run up the full height of the rear façade of the building.

The proposal is very similar to the scheme which was refused permission and consent in March 2016, but there are differences and also the applicant has sought to demonstrate that the fabric affected by the proposed works is of lesser significance than had been presented in the earlier refused scheme.

The changes from the refused scheme are that the lift shaft is repositioned slightly further into the building so that when the shaft becomes an external structure, above first floor level, it is set back 925mm further back from the north facade than in the refused scheme. Another change is that the size of the externally expressed lift shaft is smaller than in the refused scheme, 1.7m x 3.5m compared with 2.1m x 4.1m. The external section of the lift shaft will be finished in render to match the external facades and will feature a string course and cornice detail to match that of the north facing facade.

The new lift will provide access to all floors of the building and at second and third floor levels will involve forming a door opening in the rear wall, to link the lift lobby with the existing rooms.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing building is a single residential dwelling and this proposal would have no implications for this land use.

### **8.2 Townscape and Design**

Hanover Terrace forms part of John Nash's Crown Estate development of Regent's Park. The scheme which was developed during the second decade of the nineteenth century comprised stuccoed terraces of houses, each a grand composition in classical style, ringing the park, with a highly contrived 'natural' landscape within which were set

several villas. Hanover Terrace was one of the finer and more expensive of the developments and was constructed between 1822-23 to Nash's design. It comprises twenty houses contained in a palace front, with a pedimented central bay and end wings. The terrace lies on the west side of the park and there are very attractive views of the terrace from the park. Unlike the other buildings in the terrace, no.20 was associated with a large garden to the north-west and originally a driveway and the main entrance to the house was through this area of landscaping, with the entrance to the house contained within the north façade.

While there have been additions to Regent's Park and its setting, John Nash's design still dominates the character and appearance of the Regent's Park Conservation Area and it is considered that the work of Nash should be afforded the highest level of significance, in terms of positive contributors to the conservation area.

A detailed history of Hanover Terrace and no.20 in particular are set out within the applicant's heritage statement. This demonstrates that the building was constructed in 1822-23 to Nash's design by the builder John Mackell Aitkens and was partially financed by Mr Alexander Birnie. The terrace comprises a group of twenty houses (nos.1-20) and as originally designed the end houses - no.1 and no.20 – had their entrances in the side elevations, distinguishing them from the other 18 houses. No.20 was further distinguished by being associated with a large private garden to the north, the extent and layout of which are shown in a plan of 1827 which is reproduced in the heritage statement. This plan also reveals something of the layout of the building, at a point in time very close to its original construction. This shows that the bowed bay in the north façade was facing directly towards the garden and centred on the turning circle of the carriage drive; and the plan also shows a second bowed bay facing towards the rear of the site. Thus this north façade of no.20 effectively formed its front façade, containing its main entrance door and accessed via its private carriage drive and thus what might be regarded as the rear was in effect performing the function of a side elevation.

A series of alterations took place to the property in c.1912 and these included the addition of a 3 storey (basement, ground and first) rear extension, which abuts the two bowed bays; other works included a reconfiguration of the main entrance, including a re-ordering of the staircase at ground floor level; and the addition of a ground floor canted bay extension. These changes led to the more formal establishment of the eastern, park-facing façade, as the one which contained the front door to the house. The extent of the garden associated with 20 Hanover Terrace had also been reduced by this time, with some of the grounds now associated with Abbey Lodge to the north.

An interesting characteristic of the rear (or west-facing) façade of no.20 is that it has a rendered stucco facing. This is not typical to the terrace and indeed all the other 19 properties have a brick-faced rear façade. The reasons for this can only be speculated upon, but the two most likely are: i) that because the front of the house was originally the north façade, which was approached from the north via a carriage drive through a private garden, that the rear or west façade appeared as a side elevation and thus the render treatment was run round onto this façade to provide a more complementary and consistent treatment to the exterior; or ii) that in building the 1912 extension which is rendered on all sides, that the decision was taken to include the rear of the main house in the same treatment.

The two bowed bays to the north and west facades of the application site are considered to be important architectural elements of the building. It is believed that they are both original and formed part of Nash's initial design. Their presence distinguishes them from the rest of the terrace, where for the most part the rear is flat at upper levels. The projecting wings which do exist do not generally rise above first floor level (and in all likelihood these are later extensions, as suggested by the 1827 plan). The exceptions to this are the two centre properties – nos.11 and 12 Hanover Terrace, which feature the central pediment to their front façade, but also have full height canted brick bays on the rear façade. These are considered to be original features and are certainly evident on Ordnance Survey maps of the nineteenth century. Thus the only properties where historic full height rear projections exist are those at nos.10, 11 and 20, and in each case they are serving as an architectural embellishment to the building.

The importance of the bowed bays in no.20, should also be considered in the context of their date and architect. These were designed by perhaps the foremost Regency architect and in their form and finish can be categorised as one of the architectural features which define and distinguish Regency architecture. Indeed Nash was not averse to incorporating this diversion from the flatter classical treatment applied to earlier Georgian buildings, in his Regent's Park development. The more prominent examples of the use of bowed bays can be found at Ulster Terrace and the caryatid embellished bow to no.1 Cornwall Terrace – the latter having similarities with 20 Hanover Terrace, in that the bow is on the side façade and was associated with an end house which had its own larger private garden.

The proposed lift extension would project on the western, rear façade of the main house, thus when viewing the house from the private garden it would appear to the right of the main bowed bay and adjacent to the rear western bowed bay. It is considered that this extension would have a harmful impact upon the significance and special interest of this grade I listed building. The extension would introduce a prominent full height extension to this property which would affect the appearance of both the north and the west facades. The extension compromises both the appearance and massing of the original Nash house and in particular it harmfully disrupts the relationship of the two full height bowed bays. As already indicated these bowed bays, a significant Regency feature, appear to be original components of the Nash house and would have been seen together as part of the experience when originally approaching the front of this property. While this access arrangement has changed, this does not erode the historic interest and significance of their visual connection.

The proposed extension, while finished in stucco and featuring moulded cornice and string course to minimise the visual intrusion, will project further from the back wall of the house than the smaller bow and will be wider than it, thus reducing the architectural pre-eminence of this bow; furthermore it will visually separate the bows. Its orthogonal shape will clash with the curved forms, with its close proximity to the western bow creating an uncomfortable junction and with its absence of windows will appear as entirely incongruous and harmfully assertive addition.

The applicants have sought to differentiate this current proposal from the refused scheme by slightly re-positioning the lift shaft and changing its dimensions, but also downgrading the significance of the rear façade. In the refused scheme the rear western wall, including the bowed bay was identified as fabric of 'high significance', primarily



based on the assessment that it was original 1820s fabric of Nash design. However, in the current application this part of the house is downgraded to being of 'medium significance' and this is based on several factors, including: doubt over the relationship between the north and west bows as originally built; that the west (rear) of the terrace as a whole should be regarded as of lesser significance than the east (front) façade and of the north façade to no.20; the loss of original context i.e. the original garden approach and northern entrance to the house no longer exists; physical alterations which have taken place to the west façade and its fabric, including the use of modern materials and insertion of modern windows.

This distinction and downgrading of significance is considered to represent a strained attempt to justify acceptance of the proposed extension. It is considered that all three external facades of 20 Hanover Terrace make a major contribution to the significance of this grade I listed building and that the full height bowed-bays and their visual relationship are of particular importance, reflecting an original and typically Nash-style.

In the terms of the NPPF, the degree of harm is considered by both officers and Historic England to be in the category of 'less than substantial'. However, as Historic England observe "this should not be equated with harm which is unimportant or inconsequential", they go on to say "it is to recognize that a finding of harm to a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one".

Where the identification of 'less than substantial harm' occurs then the NPPF indicates that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. While the lift would clearly provide a private benefit, improving access within the building, it should be noted that a lift which extends as far as the first floor (i.e. the degree of alteration that has been approved) would allow access between four floors of the property, including access to a lower ground floor ensuite bedroom, a first floor principal bedroom and all main function rooms within the house. Thus the degree of change that has already been permitted is considered to have struck an acceptable balance between improving access while maintaining the significance of the listed building. Furthermore, there is no evidence that the use of the building as a residential dwelling would be threatened by refusal of this proposal.

The statutory duty is 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. It is considered that by allowing the proposed extension and causing harm to the listed building (an impact identified by officers and by Historic England), would not accord with this duty. The proposal is also considered to be contrary to design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 9 and DES 10 of the UDP.

### **8.3 Residential Amenity**

Due to its location set away from the boundary with No. 19 Hanover Terrace, the proposal does not give rise to any amenity issues.

### **8.4 Transportation/Parking**

The proposal does not give rise to any parking or transportation issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

The proposed lift would provide access to all floors of the house.

### **8.7 Other UDP/Westminster Policy Considerations**

There are no other policy issues which arise from this proposal.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

As the application for planning permission relates solely to the lift shaft to second and third floor levels, this would be less than 100 sqm of extension and as such the proposal would not be CIL liable.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from The St Marylebone Society, dated 15 November 2016
3. Response from Historic England, dated 23 November 2016
4. Response from St Marylebone Society, dated 13 December 2016.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

**10. KEY DRAWINGS**

Existing Photo and photomontage of the proposed lift extension.



Existing Photo (top) and photomontage of the proposed lift extension (bottom).



### Existing Elevation



### Proposed Elevation



**DRAFT DECISION LETTER**

**Address:** 20 Hanover Terrace, London, NW1 4RJ

**Proposal:** Erection of extension to accommodate new lift and lift shaft to serve second and third floor levels.

**Reference:** 16/10363/FULL

**Plan Nos:** 100/A; 101/A; 102/A; 103/A; 104/A; 105/A; 106/A; 107/A; 108/A; 111/A; P5\_001/B; P5\_200/B; P5\_201/B; P5\_202/B; P5\_203/B; P5\_204/B; P5\_205/B; P5\_206/B; P5\_207/B; P5\_208/B; P5\_209/B; P5\_210/B; P5\_211/B; P5\_212/B.

For information: Design and Access Statement, October 2016; Planning Statement, October 2016; Heritage Impact Assessment Issue 5, October 2016; Supplementary Statement, January 2017.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s)**

- Reason
- 1 Because of its location and height the proposed lift shaft extension would harm the special interest / significance of this grade I listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Regent's Park Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2016 and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

**DRAFT DECISION LETTER**

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