



City of Westminster

PLEASE NOTE

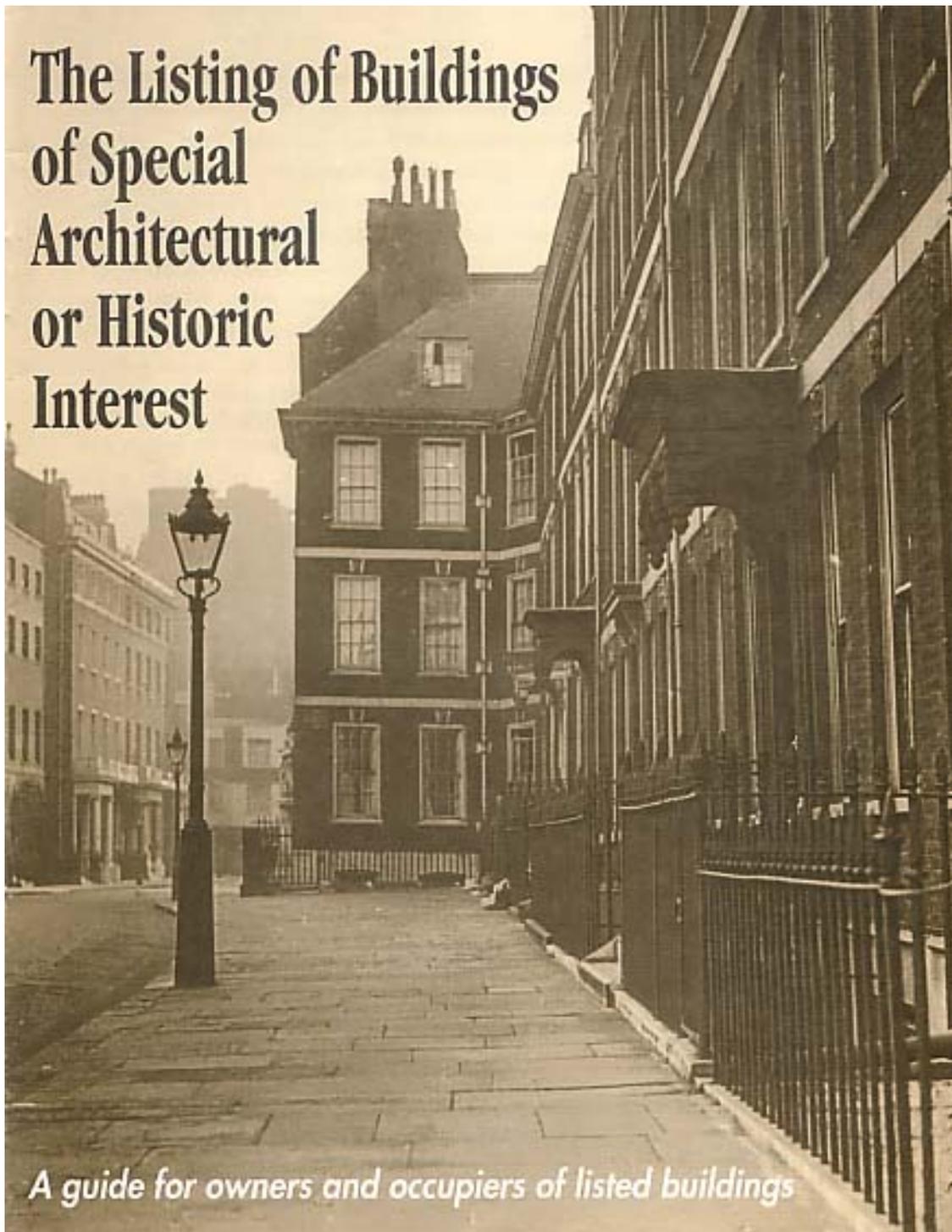
The Unitary Development Plan (UDP) policies and planning, building control and other legislation and regulations referred to in the text of this guide were current at the time of publication. Because this guidance is an electronic version of the printed guidance as approved and adopted, these references have NOT been changed. For ease of contact; names, telephone numbers and locations have been regarded as non-material editorial changes and have been updated.

As UDP policies and government legislation may have changed over time, before carrying out any work, it is recommended that you consult the current UDP

<http://www.westminster.gov.uk/planningandlicensing/udp/index.cfm> for policy revisions and you may wish to check with planning and/or building control officers about your proposals.

The Listing of Buildings of Special Architectural or Historic Interest

A guide for owners and occupiers of listed buildings



Queen Anne's Gate, SW1. An important listed terrace of Queen Anne town houses, 1700-04. The cast iron 19th century lampstandards and the wrought iron railings are also listed.

Contents

Introduction

1. Why keep a list?
2. How are buildings listed?
3. The criteria used
4. How far does the listing extend?
5. The implications of listing
6. VAT on works to Listed Buildings
7. Can owners be made to maintain their Listed Buildings?
8. Can a Listed Building be taken off the list?

Contacts

Further information

INTRODUCTION

The purpose of this guide is to explain to owners and occupiers of properties which have been listed, what listing means and how it may affect them. The list of buildings of special architectural or historic interest is a national register recording the best of our built heritage. It comprises a wide variety of structures, not all of which we might normally think of as beautiful (some are included purely for their historic value). Within the City of Westminster there are over eleven thousand fine buildings and structures of local as well as national and international architectural and historic importance.

The City's historical development and the presence of the Crown, Government and Church has led to the construction of buildings which reflect the grandeur and importance of the activities within them. Most of these buildings are listed and they form an important part of Westminster's heritage. They include the Houses of Parliament, Buckingham Palace, Westminster Abbey and Westminster Cathedral. Other items on the list reflect the diversity of Westminster's development, mostly over the last 350 years, and include railway stations, theatres, houses, shops, offices, churches, schools and even individual walls, telephone kiosks and small artefacts such as mile stones, lamp posts and railings.

There are a significant number of listed twentieth century buildings which range in character from underground station to municipal housing estates. However, the majority of Listed Buildings in Westminster are terraced houses, dating from the eighteenth and nineteenth centuries, usually laid out as part of planned estate developments in areas such as Mayfair, Belgravia, Pimlico, Bayswater and Marylebone.

1. Why keep a list?

We need to be able to identify the best of our heritage in order to conserve and appreciate it. Under the Planning (Listed Buildings and Conservation Areas Act) 1990, the Secretary of State for Culture, Media and Sport has a statutory duty to list buildings of special architectural or historic interest. The list is a register; it identifies those buildings which are of special interest and gives local authorities additional powers to protect them, as well as imposing special responsibilities upon their owners.

2. How are buildings listed?

The Department for Culture, Media and Sport is responsible for compiling the list. A rolling programme of surveys takes place throughout the country by professional inspectors. The City of Westminster was last resurveyed in 1987 and several amendments (additions, re-gradings, etc.) have been made by the

Department of the Environment and the Department of National Heritage, as the departments responsible in the past, since then. Sometimes, it is necessary for buildings which were overlooked at the survey, to be added to the list at a later stage. This procedure is known as 'spot-listing' and these buildings have the same status as other Listed Buildings. Sometime spot-listing is preceded by a Building Preservation Notice which is served by the Council and has the effect of listing for six months, during which the Department for Culture, Media and Sport must consider the property for permanent listing. The complete updated list for Westminster is available for inspection at the Council offices (see 'Contacts').

3. The criteria used.

All the properties inspected are judged according to a set of national criteria approved by the Department of Culture, Media and Sport's professional inspectors at English Heritage, who are also responsible for seeing that the standards are applied nationally in the course of the survey. The criteria are set out and explained in the Department of the Environment/Department of National Heritage's Planning Policy Guidance Note 15 (see 'Further Information').

The following are the main criteria which the Secretary of State applies in deciding which buildings to include in the statutory list:

Architectural interest: The list is meant to include all buildings which are of importance to the nation for the interest of their architectural design, decoration and craftsmanship also, important examples of particular building types and buildings displaying technical innovation or virtuosity in building methods and techniques or significant internal layout plan forms, are included in the list.

Historical interest: this includes buildings which display important aspects of the nation's social, economic, cultural, technological or military history.

Close historical associations with nationally important people or events.

Group value, especially where buildings comprise together an important architectural or historical unity or a fine example of town planning (e.g. squares, terraces or model villages).

A particular building may qualify for listing under more than one of these criteria; also, some of these criteria may not apply in an individual case.

Very broadly, the following types of buildings (and other structures) are listed:

- a) All buildings built before 1700 which survive in anything like their original condition.
- b) Most buildings of 1700 to 1840, though some selection is necessary.
- c) For buildings from the period between 1840 and 1914, greater selection is necessary to identify the best examples of particular types, and only buildings of high quality and character are listed.
- e) Only selected buildings from the period after 1914 are listed; buildings which are less than 30 years old are normally only listed if they are of outstanding quality and under threat. Buildings which are less than 10 years old are not listed.



***St. Martin's-in-the-Fields,
Trafalgar Square.
Grade I, 1722-26, by
James Gibbs.***

The City of Westminster has more Listed Buildings than any other Local Planning Authority, with over 11,000 buildings and other structures which satisfy the national standards and are included in the statutory list. Approximately 500,000 buildings are currently listed in England (see 'Further Information', DNH: 'What Listing Means').

The buildings are classified in grades to show their relative importance. This does not, however, mean that more effort should be made to preserve a Grade I Listed Building, than a Grade II (the grading was originally meant mainly for grant allocation purposes). The classification is as follows:

Grade I - These are buildings of exceptional interest (only about 1.4% of Listed Buildings in England currently are in this grade).

Grade II* - These are particularly important buildings of more than special interest (some 4% of Listed Buildings in England).

Grade II - These are buildings of special interest, which warrant every effort to preserve them. They represent approximately 95% of all Listed Buildings in England.

4. How far does the listing extend?

Buildings are listed in their entirety. The whole of a listed building and its curtilage is protected, including interiors as well as exteriors; there is no such thing as just a listed façade or interior.

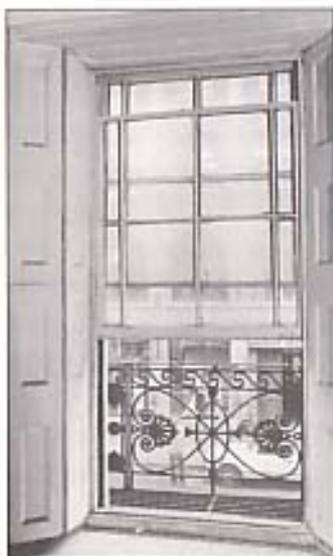


Interior of the Grade II Charing Cross Station Hotel, 1863-64, by E. M. Barry.



Albert Memorial, Kensington Gore, SW7, Grade I, 1862-75, by George Gilbert Scott.

Some parts of a Listed Building, however, may be more important than others. This could be significant when owners are thinking of applying for Listed Building Consent for partial demolition or alteration of a Listed Building. The description in the statutory list is intended only for identification purposes. It does not provide a comprehensive or exclusive record of all the features of importance. In addition, any architectural feature or structure fixed to a listed building or a pre-1948 feature or structure within the grounds of the building, even if not fixed to the building, is included in the listing. These features or structures cannot be altered, demolished or removed without Listed Building Consent.



Detail of the interior of a Grade II listed house, 5 Prince's Street, W1, c.1720-30.

Interior of St. Mark's Church, North Audley Street, W1. Grade I, 1825-28, by Gandy - Deering.

5. The implications of listing.

A Listed Building may not be demolished, extended or altered, internally or externally, in any way that, in the opinion of the Local Planning Authority, affects its special architectural or historic interest, without having been granted Listed Building Consent. This is in addition to any Planning Permission required. Applications are determined by the City Council after consultation with English Heritage, who must also give their approval before any Listed Building Consent can be granted. Listed Building Consent may even be required for the painting of the exterior (and in exceptional circumstances, even of specific parts of the interior) of a Listed Building, if this would affect its special character. In addition to matters relating to the building as such, the setting of a listed property is often an essential part of its character, especially if a garden or grounds have been laid out to complement its design or function. When granting Listed Building Consent, the City Council can attach special conditions to require that the works must be carried out according to particular specifications.

It should be noted that certain of the alterations, additions, etc. relating to dwellinghouses, which are referred to in the Town and Country Planning General Permitted Development Order as 'Permitted Development', may not apply to Listed Buildings.

There is a presumption in favour of preserving all Listed Buildings. The Secretary of State has advised local authorities to give consent for the partial or total demolition of a Listed Building, only in exceptional circumstances, after every possible effort has been made to retain it.



Belgrave Road, SW1. A group of four cast iron, K6 telephone kiosks. Grade II, by Giles Gilbert Scott.

However, the fact that a building is listed does not necessarily mean that it must be unaltered for all time; buildings can be adapted and altered, provided their special architectural and/or historic character is safeguarded.

If it is not possible to retain the building under its original use, every effort should be made to find a suitable alternative use for it. Proposals for the change of use of a Listed Building must not diminish its architectural or historic value. Any alterations should, wherever possible, be done in a way which would enable the building to be converted back to its original form should this opportunity occur in the future. In

some instances, the reversal of a Listed Building back to its original use may be welcomed, if in the past it has been converted to accommodate different uses.

It is a criminal offence to demolish, alter or extend a Listed Building without first obtaining Listed Building Consent; the penalties for this can be heavy, usually in the form of a large fine or even imprisonment.

Listed Building Consent will be granted only if the Council is satisfied that all proposed work is necessary and not detrimental to the architectural or historic integrity and detailing of the exterior or interior of the building. Wherever possible, existing detailing and original features of the building should be preserved, repaired or, if missing, re-instated.

All works, whether repairs or alterations, should be carried out in a correct architectural manner, in accordance with the period, style and detailing of the building. Works to Listed Buildings require a very high standard of craftsmanship and professional skill. In view of this, the appointment of a suitably qualified architect and other specialists is essential. The City Council has published a series of advisory guides giving design and technical advice on specific aspects of alteration and repairs, many of which relate to historic buildings (see 'Further Information', especially 'Repairs and Alterations to Listed Buildings').

The structure of any Listed Building can be disturbed by major works. The Council must be provided with sufficient information so that it can be satisfied that any proposed work can be carried out without danger to the fabric and structure of the building or to adjoining historic properties. Where necessary, the Council can impose conditions on a Planning Permission or Listed Building Consent in order to supervise any aspect of work to a Listed Building (see 'Further Information', especially 'The Protection of Historic Buildings in Westminster').

For advice on the implications of listing on a particular Listed Building or on the need for Listed Building Consent and the procedures for applying for it, please consult the City Council's Conservation Officers before starting works (see address and telephone numbers, under 'Contacts').

6. Grants for repairs and restoration works to Listed Buildings.

In some cases grants for the repair of buildings of outstanding architectural or historic interest (which usually means Grade I and some Grade II* buildings, and occasionally others) may be available from English Heritage, as long as the application is made before the work has started; grants may also be made to non-listed buildings in certain Conservation Areas.



The Law Courts, Strand. Grade I, 1868-82, by G. E. Street.

7. Value Added Tax on works to Listed Buildings.

Some work on certain types of Listed Buildings enjoy a better position regarding the payment of Value Added Tax, than works on non-listed buildings. Repairs and alterations to Listed Buildings are subject to

VAT at the standard rate. However, alterations to Listed Buildings that are designed as dwellings or used for qualifying residential or non-business charity purposes (together with those that are being converted to such uses) are not subject to VAT. This is as long as the work is done by a VAT-registered builder and under a Listed Building Consent issued by the City Council. This relief applies only to alterations to qualifying Listed Buildings, carried out with the appropriate consent. VAT remains payable on repairs and other works which do not require consent and also on alterations carried out to any other non-qualifying Listed Building.

8. Can owners be made to maintain their Listed Building?

Yes, the City Council has the power to serve a Repairs Notice on the owner of a Listed Building which becomes dilapidated. These notices, are used only as a last resort. In all cases, repairs and alterations must be carried out with materials which are in keeping with the original building. In general, there are a number of steps that can be taken if a listed building is falling badly into disrepair:

The Council's Conservation Officers can help you with both practical and technical advice.

If the property remains neglected for a long time, the Council may serve a Repairs Notice on the owners, specifying what work needs to be done. In extreme cases, if it is appropriate, a Dangerous Structures Notice may be served by the District Surveyor but Listed Building Consent is still required for any subsequent works.

If the owners fail to comply with the notice, the Council can compulsorily acquire the property.

In the case of unoccupied Listed Buildings, if it is necessary, the Council can carry out works itself to make a building weather-proof and can then recover the costs from the owner. There is a right of appeal to the Secretary of State against recovery.

9. Can a Listed Building be taken off the list?



Police Call Post, Piccadilly Circus. Grade II, recently reinstated, following the theft of the original.

There is no statutory right of appeal against listing but if the owners of a Listed Building feel that their property does not possess special architectural or historic interest, they may ask to have it taken off the list by writing to the Department for Culture, Media and Sport, Listing Branch (see address and telephone number under 'Contacts'). But remember: it is the building's special architectural or historic interest that concerns the Department and they normally cannot take into account any other factors. A Guide on this subject is available from the Department for Culture, Media and Sport, and more details can be found in the publication 'Planning and the Historic Environment' Planning Policy Guidance (PPG 15).

Note: The general information and advice contained in this Guide is based principally on the Department of the Environment/Department of National Heritage Planning Policy Guidance Note 15 'Planning and the Historic Environment' and on the Department of National Heritage Guide 'What Listing Means'.

The City Council's policies on Listed Buildings are contained in Chapter 9 of the 'Westminster Unitary Development Plan' and are explained in more detail in the Council's Supplementary Planning Guidance

(SPG) publication 'Repairs and Alterations to Listed Buildings'. The SPG also gives more information on the procedures of listing as well as on the procedures which are necessary for the granting of Listed Building Consent.

For more specific advice on individual proposals, contact the City Council's Conservation Officers or English Heritage (see 'Contacts', at the end of this booklet).

Contacts

This leaflet is designed to answer only general queries. Further information and advice on planning permission, listed building consent and general design advice can be obtained from the Conservation Officers in Development Planning Services, Department of Planning City Development (click below for details)

CLICK HERE FOR LINK TO
WESTMINSTER CITY COUNCIL
CONTACTS LIST

Department for Culture, Media and Sport (Listing Branch)
2-4 Cockspur Street
London SW1Y 5DH

Tel: **(020) 7211 2361** or Fax: **(020) 7211 2389**

For specialist advice on listed buildings contact English Heritage:

English Heritage
London Region
23 Savile Row
London W1X 2HE

Tel: **(020) 7973 3000**

Further information

The main Acts of Parliament relating to Listed Buildings are:
Planning (Listed Buildings and Conservation Areas) Act 1990
Town and Country Planning Act 1990

Guidance on Listed Buildings policy and procedures is included in:

Planning Policy Guidance 15; Planning and the Historic Environment,
published by the Departments of National Heritage and of the Environment, September 1994
What Listing Means; A Guide to Owners and Occupiers,
published by the Department of National Heritage, October 1994
City of Westminster Pre-Inquiry Unitary Development Plan as agreed by Cabinet on 29 August 2002
with modifications May 2004 (**Chapter 10: 'Urban Design and Conservation'**), published by Westminster
City Council (current, 2004)
Repairs and Alterations to Listed Buildings, Supplementary Planning Guidance',
published by the Department of Planning and City Development, Westminster City Council (1996).

The following guides, published by the City Council's Department of Planning and City Development, contain information and advice relating to Listed Buildings:

Shopfronts, Blinds and Signs

Advertisement Design Guidelines

Mews: A Guide to Alterations

Roofs: A Guide to Alterations and Extensions on Domestic Buildings

Stucco: A Guide to Care and Maintenance

Facade Cleaning

Conservatories

Architectural Theft

Lighting-up the City

Access for All

Public Art in Westminster

Security Cameras and other Security Equipment

Front Garden Parking

Strategic Views in Westminster

The Protection of Historic Buildings in Westminster - A Guide to Structural Alterations

The Planning Enforcement System in the City of Westminster

Note: The Westminster Unitary Development Plan (see above) is a statutory document. All Supplementary Planning Guidance publications and advisory guides produced by the City Council supplement and explain policies contained in the Unitary Development Plan and derive their advisory status from that Plan.

Department of Planning and City Development, Development Planning Services, February 1996