



## 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.

## **HISTORIC PARKS AND GARDENS IN WESTMINSTER**

# HISTORIC PARKS AND GARDENS IN WESTMINSTER



## CONTENTS

### ***Introduction***

#### ***The Origins of Westminster's Parks and Gardens***

The Royal Parks

Westminster's squares

Communal gardens, recreation grounds and other open spaces

Churchyards

Private gardens

#### ***Legislation***

The National Heritage Act 1983 - The Register of Historic Parks and Gardens

The London Squares Preservation Act 1931

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Permission

Listed Building Consent

Conservation Area Consent

Trees - Consent for works

## **Unitary Development Plan Policies**

### ***i) Works to Historic Parks and Gardens***

SOC 12 Public and private open space  
DES 11 Controlling development on or adjacent to open spaces  
DES 7 Conservation Areas: preservation and enhancement  
DES 8 Protection of listed buildings  
DES 12 Trees  
DES 13 Signs and advertisements  
DES 15 Street furniture  
DES 16 Railings, walls, hardstandings and paving  
DES 17 Public art  
DES 18 Archaeology

### ***ii) Works Which Affect the Settings of Historic Parks and Gardens***

DES 11 Controlling development on or adjacent to open spaces  
DES 3 Local views  
DES 4 High buildings throughout Westminster  
DES 13 Signs and advertisements

## **Grant Aid**

## **Further Information**

**Appendix 1** Squares in Westminster protected by the London Squares Preservation Act 1931

## **Other Guidance**

## **INTRODUCTION**

Westminster has a rich heritage of historic parks and gardens. Within the City are five Royal Parks - Hyde Park, Regent's Park, Green Park, St. James's Park and part of Kensington Gardens - and over 70 garden squares, as well as many other gardens and churchyards of historic interest. These open spaces are as important a part of the environmental heritage of Westminster as its buildings and monuments, and contribute greatly to the quality of life of visitors and of those who live or work in the City.

The City Council aims to ensure that its historic parks and gardens are protected and enhanced. The purpose of this guidance leaflet is to:

provide information about historic parks and gardens in the City of Westminster.

explain the relevant legislation, including the Register of Historic Parks and Gardens and the London Squares Preservation Act 1931.

outline the City Council's policies within the Unitary Development Plan, and provide planning guidance for applicants wishing to make planning applications affecting one of the parks, squares or gardens in the City.

## **THE ORIGINS OF WESTMINSTER'S PARKS AND GARDENS**

The development of the City of Westminster has resulted from the steady westerly and northerly expansion of the capital since the 16th century, around the court and centre of government. Gardens and other open spaces have always been an intrinsic part of this development; indeed, the churchyards and burial grounds in Westminster can be traced back to the earliest settlements. The earliest large open space to be enclosed were the Royal Parks, which were, with the exception of Kensington Gardens, originally hunting forests for Henry VIII. With the spread of speculative housing in areas such as Soho and Mayfair, the residential square evolved to form recreation space for the residents. In the mid 19th century private communal gardens behind houses succeeded the garden square. In addition many new public spaces were developed, from the grand scale of Victoria Embankment Gardens and Paddington Recreation Ground to the modest works of turning redundant churchyards and burial grounds into public gardens.

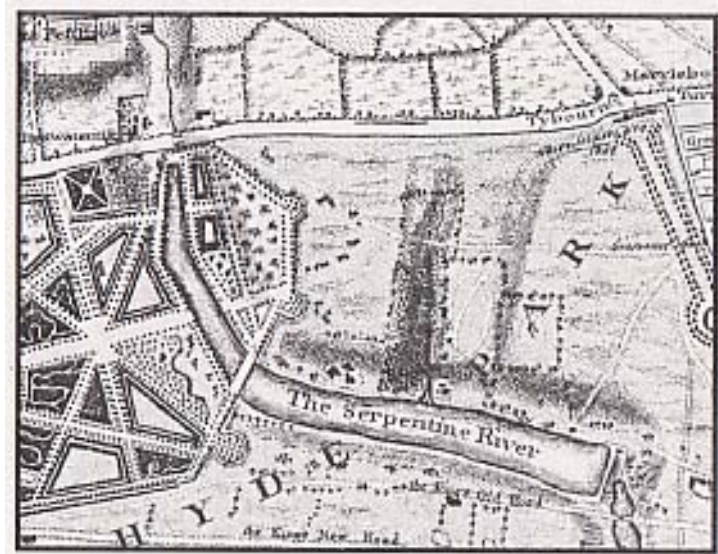
## **Royal Parks**

Despite their different histories, all the Royal Parks - except Kensington Gardens - were originally enclosed by Henry VIII as royal hunting forests in the 16th century. St. James's Park was part of the Tyburn water meadows before it was enclosed. The park was well known in the time of James I for its menagerie, which included two crocodiles, and aviaries that are remembered in the street name Birdcage Walk. It was remodelled by Charles II between 1660 and 1662 in the formal French style fashionable at that time, with a straight canal and avenues of elms and limes, and he opened it to the public. This formal layout was overlaid in the early 19th century, when Nash remodelled the park in the 'picturesque' style, replacing the formal canal with the present lake. Alterations in this century include the widening of the Mall and the creation of the Queen Victoria Memorial Garden.

The neighbouring Green Park (originally Upper St. James's Park) was probably enclosed at the same time as St. James's, and was also altered by Charles II who had several avenues laid out, and snow and ice houses constructed. There have been alterations to this layout since, but it has remained an informal landscape.



**St. James's Park, SW1**



**Above: Map showing Hyde Park in the mid 18th century. Reproduced courtesy of Westminster Archives.**

Kensington Gardens were originally the gardens of Nottingham House, which was bought by William III, who suffered from asthma exacerbated by the damp conditions at Whitehall. The house provide a palace relatively close to Whitehall, which was retained for state and ceremonial purposes. The grounds appealed to the King and his Queen, both of whom were keen gardeners - there other gardens were at Hampton Court and Het Loo in the Netherlands. The original Nottingham House burned down, and Sir Christopher Wren was employed to design the replacement. William's wife, Queen Mary II, had the gardens laid out in the formal Dutch style. Her sister Queen Anne, who came to the throne in 1702, continued the programme of improvements, which included the construction of the Orangery, reputedly designed by Nicholas Hawksmoor. A less formal landscaping project was undertaken for George II's wife, Queen Caroline, in the 1730s, and remains relatively intact today. It is an example of a departure from the very formal Dutch landscape to a more 'Elysian' landscape as promoted by Charles Bridgeman and William Kent, both of whom are known to have worked on these gardens. The formal elements of the scheme were the basin and cross avenues, and the ha-ha and bastions which then enclosed the whole garden, separating it clearly from Hyde Park. The ha-ha was only removed in the First World War. The informal elements of the scheme included the creation of the Serpentine by the connection of nine existing ponds, and the winding paths and dense planting between the avenues. In Queen Victoria's reign several features were added to the landscape, most notably the Albert Memorial and the Italianate Water Gardens.

The neighbouring Hyde Park was owned by the Church until the Reformation. The land was then claimed by Henry VIII and enclosed in 1536 as a deer park. It was opened to the public in 1637, and the park became one of the most important recreational areas for all society in London. It was at that time 340 acres, but in 1728 some of the land was absorbed into the re-landscaped Kensington Gardens.



**Above: Screen by Decimus Burton (1825) at Hyde Park Corner, W1**



**Above: Serpentine Bridge by George Rennie (1826) Kensington Gardens, W2**

In 1768 the last deer was hunted and in 1825 Decimus Burton was commissioned to replace the brick wall around the park with railings, improve the paths, and erect a screen near Hyde Park Corner and several gate lodges. Alterations since then include the bridge across the Serpentine, built in 1826. In the 19th century the park was the site for the Crystal Palace, constructed for the Great Exhibition of 1851 and later moved to Crystal Palace Park. Like Green Park, Hyde Park has retained its informal character.



**Left: Regent's Park, NW1**

Regent's park was formerly the convent lands of Marylebone Park, which was fenced in by Henry VIII in the 16th century. Few alterations then took place until the early 19th century, when the area became the site for Nash's scheme to create a new summer residence for the Prince Regent and an area of grand crescents and terraces of houses, lodges and villas set around the circular picturesque landscape of the park. Regent's Park, as it was then renamed, was transformed from having a flat, uniform appearance into an undulating romantic landscape with a boating lake and curved canal. From 1828 the Zoo was based here, its original buildings being designed by Decimus Burton. The Royal Botanic Society leased 18 acres of land from 1838 until the 1930s, after which the area was replanted as Queen Mary's Gardens and opened to the public. In 1864 the Avenue Gardens were created by W A Nesfield; these have recently been restored, as has the more secluded garden to St. John's Lodge. Alterations this century have included the construction of the open air theatre.

The Royal Parks, and the roads in them, are still owned by the Sovereign in right of the Crown. Under the 1851 Crown Land Act, responsibility for managing them on behalf of the Crown was passed to the Commissioner for Public Works (now the Secretary of State for National Heritage) who, since 1993, has delegated the operational management of the Royal Parks to the Royal Parks Agency.

### **Westminster's squares**

The residential garden square is a unique feature of historic urban areas in this country and is an intrinsic part of the townscape of Westminster; there are over 70 such squares in the City. These are typically a formal arrangement of four symmetrical terraces of neo-classical houses, with a garden area in the middle, enclosed by railings and separated from the houses by a road. They were an integral feature of the



speculative residential developments on the Great Estates and other areas within Westminster. These developments were planned to have a mixture of houses of different size and quality with smaller houses and mews for the servants and horses. Crucial to the success of these areas was the provision of facilities: shops, churches and the open space of the square which, as well as being aesthetically pleasing, provided light and ventilation for the houses around it and a place for recreation for the residents.



**Etching reproduced courtesy of Westminster Archives**

The first London square was the Piazza in Covent Garden, designed by Inigo Jones in the 17th century. It is said to have been inspired by the main square of Livorno in Italy and the Place des Vosges in Paris. Apart from Jones's, St. Paul's Church none of the original buildings around it survive, but its character of a formal cobbled square is still intact. This continental model only served as an approximate prototype for those to come in this country, as it contained no central garden or area.



**St. James's Square, SW1**



**Berkeley Square, W1**



**Right: Map showing Hanover Square and Cavendish Square in the late 18th century.**

The development of squares in Westminster follows the pattern of development in the City, and the squares can be grouped together both by age and by area. After Covent Garden the oldest squares are those in Soho - Soho (1684), Golden Square (1684), Leicester Square (1690) - and also St. James's Square (1684), south of Piccadilly. Engravings dating from the early 18th century show the layout and

features of many of these early squares. Soho Square had railings enclosing a garden, which was divided formally into squares of grass with a central fountain, and small clipped trees. St. James's Square was similar except for a basin in the centre, and Golden Square had an octagonal lawn enclosed by railings.

The early development of Mayfair began in earnest in the early 18th century. In Rocque's map of 1745 most of the squares can already be seen - Hanover Square (1717), Grosvenor Square (1725) and Berkeley Square (1740). Contemporary engravings show their layouts to be very similar to that of the earlier squares. North of Oxford Street development began with Cavendish Square which was laid out in 1717. The Portman Estate development followed which was the first estate to construct a number of squares rather than just one: Portman Square (1764) and Manchester Square (1766).

In 1813 Bryanston and Montagu Squares were made as a pair, and Dorset Square was built in 1820. As garden design moved towards the picturesque, this was reflected in a less formal approach to the landscaping of the squares.

In the early to mid 19th century Belgravia and Pimlico were developed in the south, by Thomas Cubitt for the Grosvenor Estate. The stucco fronted terraces were arranged around the main squares - Belgrave Square, Chester Square and Eaton Square in Belgravia; Eccleston Square, Warwick Square and St. George's Square in Pimlico and Victoria Square in Victoria. Belgrave Square is a surviving example of the layout of these squares, and includes beds of shrubbery around the perimeter railings, and a perimeter path and central lawn. Vincent Square, also laid out in the early 19th century, lies to the northeast of Pimlico in Victoria.

### **Communal gardens, recreation grounds and other open spaces**

In the 18th and early 19th centuries one of the main restraints on the planning of residential developments, and thus on the form of the square, was the need for extensive stabling close to the main houses. The usual solution was to have the mews positioned at the rear of the main building which allowed easy servicing, yet kept it relatively hidden from the main streets and views of the area. In the mid 19th century it became common practice to hire coaches and horses, and therefore the amount of nearby private stabling required was reduced. This allowed greater freedom in the planning of new residential developments, and one of the main changes was to move the gardens from the centre of the square to behind the houses, to provide private communal gardens. Example of these gardens in Westminster include Crescent Gardens, Formosa Gardens and Triangle Gardens in Maida Vale; and in the south of the City, Prince's Gate.



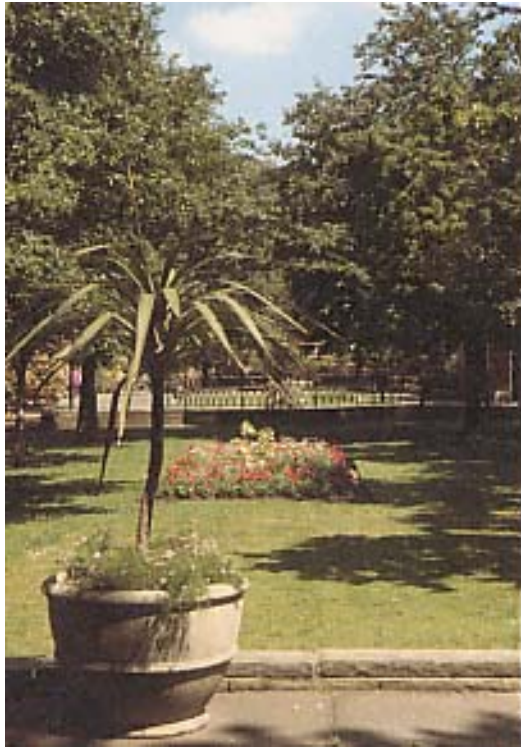
***Cheyemore Memorial, Victoria Embankment Gardens, WC2***

Victoria Embankment Gardens, which stretch from Richmond Terrace to the Temple, are public gardens bounded by the Embankment on the river side. They were created in the 1860s as part of a major civil engineering project designed to provide London with a new sewer system. The project was undertaken by the engineer, Joseph Bazalgette. Over 37 acres of reclaimed land were laid out to create the gardens over the sewers and the new underground railways which both formed part of the new Embankment. The gardens were developed in stages; the last sections to be laid out were the two southwest sections which were opened in 1875.

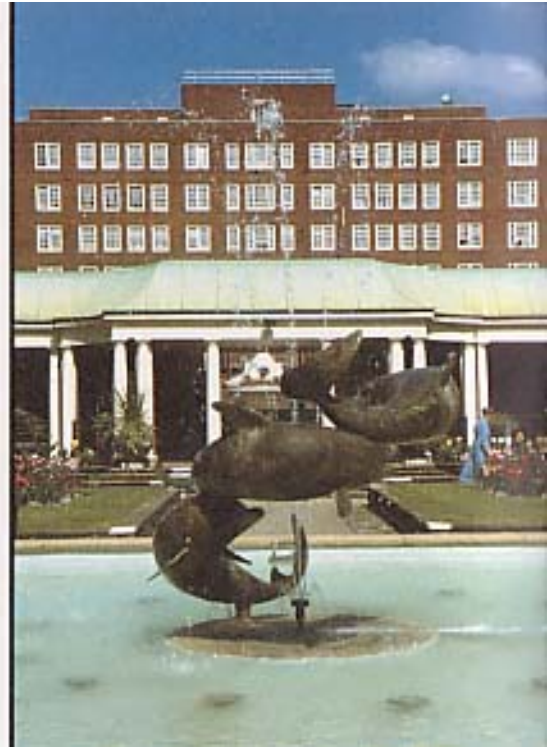
Paddington Recreation Ground was created in the late 19th century, partly to provide work at a time of unemployment, and also to provide a large open space for sports and the recreation of the local community, particularly the Paddington Cricket Club which had already used the land for a number of years. The remaining undeveloped lands of Maida Vale, between Shirland and Portsdown Road, were used to create a football pitch, cricket grounds, outdoor gymnasiums, children's playgrounds and garden areas. These were extensively re-landscaped in the early 1990s.

The concept of providing communal space in housing was continued in public and private residential developments of the latter part of the 19th century and much of the 20th century. The Millbank Estate (1897-1902), behind the Tate Gallery, was built by the London County Council. Central to the layout of the estate is a rectangular public garden. In Dolphin Square in Pimlico, a block of luxury flats constructed in the early 1930s, there is an inner garden courtyard, which appears to have originally been turfed but is now elaborately landscaped. The Hallfield Estate in Bayswater, the first phase of which was completed in 1955, is a pioneering modern housing development set in an informal landscape of lawns and trees. There are many other examples in Westminster of housing developments where landscaping and public recreation space are integral to the design. One of the more interesting ones is the Water Gardens on Edgware Road, a 1960s development by Trehearne and Norman, where the towers of flats are linked by lower slabs, enclosing gardens designed by Philip Hicks.





***Public Gardens, Millbank Estate, SW1***



***Central courtyard, Dolphin Square, SW1***

### **Churchyards**

Churchyards and burial grounds are amongst the oldest and most historic open spaces in Westminster. Most of the burial grounds were full by the mid 19th century, and were often converted into gardens by the Metropolitan Public Gardens Association, founded in 1880, as part of their programme to increase the amount of open space in urban areas. The degree of alterations varies but usually the graves were cleared, the paths refurbished and beds of planting and shrubs laid out. These public gardens largely survive and are an important part of the City's heritage of historic gardens.

St. Margaret's, adjacent to Westminster Abbey, is apparently the oldest churchyard in the City, dating back to the 9th century. The 12th century saw the creation of the burial ground on the site of Christchurch Gardens on Broadway, Victoria Street; and the churchyard of St. Mary's, Paddington Green. The Queen's Chapel of the Savoy was built between 1510 and 1516, and the churchyard is of the same age. It was deconsecrated in the mid 19th century, when it was modified to form a garden and the present railings erected.

Often churchyards and burial grounds are older than the churches or chapels associated with them. That of St. Anne's, Soho once surrounded a building of 1686 with a tower added in 1801. The church was destroyed by a bomb in the Second World War, but the tower still stands. The churchyard was full by the mid 19th century, so the church bought land outside the parish for use as a burial ground. In 1869 the former churchyard in Soho was tidied up to make a garden.

Burial grounds (consecrated ground which is associated with a church and used for its burials, though not adjacent to the church) are relatively common in Westminster. When St. George's, Hanover Square was built, the area around was already developed, and there was no space for a churchyard. Therefore some land was purchased to the west of the church, which now forms Mount Street Gardens. By 1763 this was full, and a further 4 acres were bought in the country beyond the Tyburn, on the Uxbridge Road (now the Bayswater Road). This was then closed in 1854 and became St. George's Fields, which survives today as an attractive garden. It appears that the land around St. John's, Smith Square was never intended for use as a churchyard, for three years after the church was built in 1731, land was purchased on the Horseferry Road for use as a burial ground. The land became very overcrowded, and overlaying was practised, in which more soil was added on top of the existing ground to allow further layers of coffins. It was eventually closed in 1853, and the land was cleared and landscaped and opened as a garden in 1885.



**Gardens on the site of the old chapel,  
Marylebone High Street, W1**



**Churchyard of St. John's Wood  
Chapel, Park Road, NW8**

The burial grounds of Marylebone Old Church, in Marylebone High Street and Paddington Street, have a similar history. The original parish church was built in the 12th century to the south end of Marylebone Lane, near Oxford Street. In 1400 a new church was constructed on a site at the north end of Marylebone High Street. In 1772 additional land was consecrated in Paddington Street as a burial ground. By the beginning of the 19th century neither the church nor the churchyard could cope with the pressures of the rapidly developing area. Yet more land was then purchased in St. John's Wood in 1807, and the Paddington Street burial ground was closed in 1814 and opened as a public garden in 1886. Meanwhile a new church was consecrated on land on the Marylebone Road and opened in 1817. The old church survived as a chapel until 1949, when it was demolished. The site was landscaped and opened as a garden in 1954.

In 1814 a chapel was constructed for the burial ground in St. John's Wood. The ground continued in use until 1855 and was then opened as a garden in 1886. The chapel became St. John's Wood Parish Church in 1952.

St. Martin's-in-the-Fields, in Trafalgar Square, has unfortunately lost most of its churchyard in various road widening schemes. Nearby St. Paul's, Covent Garden, which is traditionally the actor's church, was consecrated in 1638. The churchyard dates from then and was in use for over 200 years until 1853, when the ground was closed for burials. It was then altered and stone gateways have been reinstated in front of the churchyard, to match the original ones designed by Inigo Jones.

### **Private gardens**



**Map showing Burlington House in the  
late 18th century**

Since the latter half of the 18th century, terraced town houses in Westminster have nearly all been constructed with private gardens at their rear. The resulting thousands of private gardens at their rear. The resulting thousands of private gardens are an integral part of the townscape of Westminster. Before then, houses of this size tended just to have a rear paved yard, whose primary function was to contain the privy. Private town gardens had been limited to the grounds of the palaces or the town mansions, such as Burlington House or Leicester House.

Very few of these large town gardens have survived, as the intense pressure for development meant that they were usually sold off for housing land.

Early examples of the development of the terraced house garden can be seen in the 18th century terraces of Mayfair. Most of the early gardens survive in one form or another, though the house has often been extended over at least part of them. Very little is known of their original layouts. However, in South Audley

Street and Upper Brook Street, several gardens retain original architectural features, such as pedimented arches, which were built on the blind wall of the mews or stable at the end of the garden, to terminate the vista from the back windows of the house.

With the development of the City in a northern and westerly direction, the pattern of terraced houses with proportionally sized gardens continued. At the end of the 18th century, more terraces were set behind front gardens, particularly on main roads, as development pushed out into the suburbs where land prices were lower and a more spacious setting for house, with wider streets, could be afforded. In the early 19th century, following John Nash's example of development in Park Village East and West, the romantic notion of *rus in urbe* was expressed in the tree lined avenues and semi-detached villas of areas such as St. John's Wood. The houses were set in as near rural a setting as possible, with both generous front and rear gardens, often partly hidden behind tall boundary walls.

## LEGISLATION

### **The National Heritage Act 1983- The Register of Historic Parks and Gardens**

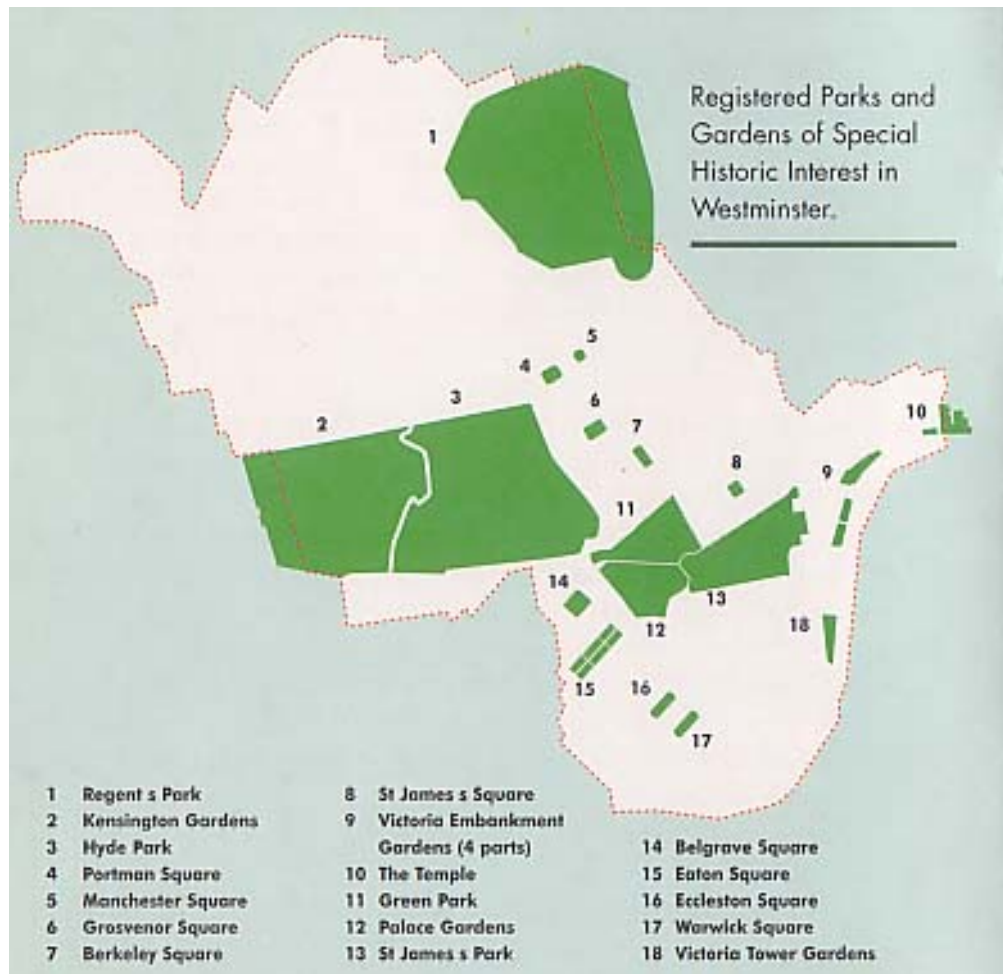
The National Heritage Act of 1983 enabled English Heritage to compile a register of gardens and other land of special historic interest, which forms the Register are graded according to their interest: sites of exceptional historic interest are Grade I, those of great historic interest Grade II\* and those of special architectural interest Grade II. The criteria for selection include the age of and layout of its degree of survival; any significant historic association with events or persons; any influence on the development of taste through its reputation or witnessed by a reference in literature; and whether it is an integral part of the layout surrounding a major house, or part of a town planning scheme.

Eighteen of the entries on the Register are in Westminster, although it is currently under review in Greater London, which may lead to the addition of extra sites. The existing entries are shown on the map on the following page.



***The Grade I  
Registered  
landscape of Hyde  
Park***





*Four of the Royal Parks - Kensington Gardens, Regent's Park, Hyde Park and St. James's Park - are registered Grade I, with Green Park registered Grade II. Buckingham Palace Gardens and Victoria Embankment Gardens are listed Grade II\*. The remainder are all Grade II: Belgrave Square, Berkeley Square, Eaton Square, Eccleston Square, Grosvenor Square, Manchester Square, Portman Square, St. James's Square, The Temple (Gardens of Inner Temple and Middle Temple - only a very small area of which is in Westminster), Victoria Tower Gardens and Warwick Square.*

Unlike listed buildings, there is no statutory protection in planning law for those historic parks and gardens included on the Register. However, Government policy as expressed in Planning Policy Guidance no. 2.24, 'Planning and the Historic Environment', states, in section 2.24, that **'the effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application'**. The guidance also states that the local planning authority should protect registered parks and gardens in preparing development plans and determining applications.

Other protection for registered parks and garden includes a statutory duty on the local planning authority to consult with the Garden History Society in respect of all proposals affecting the setting of all parks and gardens on the Register, and English Heritage in respect of developments affecting Grade I or II\* parks and gardens.

### London Squares Preservation Act 1931





The London Square Preservation Act pre-dates planning legislation, and was designed to protect certain squares, gardens and enclosures in Greater London. A complete list of all the squares in Westminster covered by the Act is in Appendix 1. It includes almost all the squares in Westminster. The Act provides greater statutory control than the planning regulations by limiting the use of London Squares to 'ornamental pleasure grounds or grounds for play, rest and recreation', and the only building and structures allowed are those which are 'necessary or convenient for, and in connection with, the use and maintenance of such squares.'

***St. James's Square, SW1, is one of the squares within Westminster covered by the London Squares Preservation Act 1931***

However, the Act does not prohibit development under squares. In considering such applications the City Council would consider whether the works would cause any material encroachment on the surface or interfere with the amenity of the protected squares or its enjoyment or maintenance for any of the purposes authorised above.

### **Planning (Listed Building and Conservation Areas) Act 1990**

Works to parks and gardens become a planning matter when they constitute development under the Town and Country Planning Act 1990, or when they are alterations to, or within the curtilage of, a listed building or structure, or when they involve demolition within a conservation area. In these cases, applications for planning permission, conservation area consent or listed building consent may be necessary. If the works are proposed by the Crown, consultation under the procedures laid out in Circular 18/84 is required. (Crown exemption from planning controls is currently under review by central Government.)

### **What works require planning permission, conservation area consent or listed building consent? PLANNING PERMISSION**

Planning permission is required for any works which constitute 'development', as defined in s.55 of the Town and Country Planning Act 1990, except those works that are permitted by the Town and Country Planning (General Permitted Development Order) 1995. The following guidelines are very general and if you are in doubt as to whether permission is required please contact the relevant area team, whose telephone numbers are given at the end of this leaflet.

Works which constitute development are generally those which involve works to the 'hard' landscape elements, which may include the realignment of paths, the erection of any structures including statues and monuments, the creation of sports facilities, installation of lighting units and any works of excavation.

Works that do not generally require permission are alterations to the 'soft landscaping'; for example, alterations to the planting schemes and shrub or replacement of bedding plants.

### **The Town and Country Planning (General Permitted Development) Order 1995 (GPDO)**

Under the GPDO several types of works related to parks and gardens are exempted from the need to obtain planning permission. The following are specifically relevant:

- 1. The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house (Part 1, Class F).*
- 2. Repairs to an unadopted street or private way or works required for the maintenance or improvement of the street or way (Part 9, Class A1).*
- 3. The erection or alteration of a gate or fence or wall of less than 2m in height, or 1m if adjacent to a highway (Part 2, Class A).*

### **LISTED BUILDING CONSENT**

Many historic parks and gardens have listed buildings or structures within their curtilage. Listed building consent, from the City Council (in conjunction with English Heritage), is required for any works which affect the special architectural or historic interest of the listed buildings or structures.

Listed building consent may also be required for works to any unlisted structures within the gardens which fall within the curtilage of the listed building or structure.



***The Grade II\* Dell Restaurant (1964)  
by Patrick Gwynne, in Hyde Park.***

### **CONSERVATION AREA CONSENT**

Demolition, including partial demolition, or unlisted buildings or structures within a conservation area will normally require conservation area consent.

### **TREES - CONSENT FOR WORKS**

If you wish to fell or undertake works to a tree within a conservation area, it is necessary for you to give notice to the City Council, under section 211 of the Town and Country Planning Act 1990. The City Council then has six weeks to consider making a tree preservation order. You must not proceed with the works during this period unless the City Council has given its specific consent in the meantime.

### **UNITARY DEVELOPMENT PLAN POLICIES**

Section 54A of the Town and Country Planning Act 1990 requires that applications for planning permission are determined in accordance with the policies set out in the statutory development plan. Decisions should only depart from the Unitary Development Plan policies where other material considerations suggest that a departure is justified.

There are a number of policies within the City Council's Unitary Development Plan which are relevant to historic parks and gardens.

They broadly cover two main issues:

Works to the gardens themselves  
Works which affect the setting of gardens

### **WORKS TO HISTORIC PARKS AND GARDENS**

#### ***Public and private open spaces - Policy SOC 12***

***A) To encourage owners, in suitable circumstances, to make private open space available for public use, particularly in relation to areas lacking sufficient or adequate provision and to consider any such offers made.***

***C) Planning permission for the carrying out of development on or under public or private open space of amenity, recreational or nature conservation value, will not normally be granted except where it is ancillary to its recreational use as open space.***

***E) Planning permission resulting in the loss of sporting activities which have close historic or cultural associations with central London will not normally be granted.***

***G) To encourage the enhancement of open space with public access when opportunities arise.***



***Kiosk, Victoria Embankment Gardens WC2. A well designed kiosk appropriate to the character and appearance of the gardens.***

Ancillary development in historic parks and gardens, such as garden sheds or kiosks, should be kept to a minimum, as visual clutter can significantly detract from the appearance of the landscape. If the structures are shown to be necessary, they should be designed and positioned to be appropriate for the character, appearance and historic importance of the landscape.

Development under open space has usually taken the form of underground car parks. These car parks can have a detrimental impact on the character and appearance of the open space and its setting, as they usually require intrusive features such as entrances and exits, signage, air vents, attendants' cabins and access points. The excavation involved in their construction will usually also have archaeological implications. Such applications will often be contentious, especially where they involve a registered park or garden, or a garden of historic interest. All applications for such works should be accompanied by full archaeological surveys, and full details of the impact of both the car park itself and the extent of associated structures.

#### ***Controlling development on or adjacent to open spaces - Policy DES 11***

***A) The City Council will safeguard the appearance, historic integrity and wider setting of all parks, public and private squares, including the Royal Parks, London Squares and Parks and Gardens of Special Historic Interest. In particular, views into and out of these spaces will be protected and buildings seen from within these spaces should not project above the existing building and tree lines.***

Landscaping proposals which affect a historic park or garden should usually be supported by documentary evidence of historic landscapes and their degree of survival.

Often parks, squares and gardens will retain hard landscaping features, such as their path layouts, railings, statues, steps or fountains, which are either original to the space or are part of later landscaping schemes. The City Council considers that many of these features are of historic interest and will seek to ensure that they are preserved and that any landscaping schemes are designed to be in keeping with these surviving features. Where there are substantial survivals of a historic landscaping scheme or where clear evidence exists of the remainder of such a scheme, it may be appropriate to complete the historic layout. In some gardens, all the features of historic interest will have been lost. In certain circumstances - for example, if these gardens are related to listed buildings, or are of historic importance and good evidence survives of the original layouts - the City Council would welcome the reinstatement of historic features and layouts.

In certain gardens which are of little historic interest, or have a more modern character, a good quality, contextual modern landscaped scheme may be appropriate.

(Reference should also be made to Section B below regarding the issues of wider setting of parks and gardens referred to in the policy above.)

***B) The City Council will normally refuse applications for development on public or private gardens which form an important element in the townscape, part of a planned estate or street layout, contribute to the character or appearance of conservation areas or enhance the setting of a listed building.***

Public and private gardens are an integral part of the historic importance of conservation areas. Even if not visible from the street, public and private gardens contribute to the character and appearance of the conservation area. Since the early 18th century, town houses have been constructed with gardens and many of these private front and rear gardens have survived. The pattern of terraced housing or detached housing with front and/or rear gardens is very important to the character of many of the conservation areas in Westminster. Therefore the City Council will protect this character and normally resist any proposals for development in front gardens. There may be more scope for small extensions at the rear of the properties, but proposals to build on all, or a major part, of the rear garden are likely to be unacceptable.

**Conservation areas: preservation and enhancement - Policy DES 7**

**A) The City Council will seek to secure the preservation or enhancement of the character and appearance of conservation areas.**

Conservation areas are designated areas of special architectural or historic interest; squares, parks, public and private gardens are often an integral part of this interest. The use of conservation area status is endorsed by the advice given in Planning Policy Guidance No. 15. These range from the Royal Parks Conservation area, whose character and appearance is largely that of an 18th to mid 19th century picturesque landscape, to the St. John's Wood Conservation Area, whose character as an arcadian suburb is as much dictated by the landscaped gardens of the villas, as by the villas themselves.

Applications will be assessed in terms of their effect on both the appearance and the character of the part of the conservation area in question. Where a change of use to a park or garden is involved the character of the open space can be detrimentally affected, even if the changes to the appearance are relatively minor. In considering such applications the City Council will seek to ensure that the character of conservation areas, as much as their appearance, is protected.

**Protection of listed buildings - Policy DES8**

**A) To preserve buildings of special architectural or of historic interest, their settings and features of architectural or historic interest by using all available powers.**

**Setting of listed buildings - Policy DES8**

**I) Developments which adversely affect the setting of a listed building or important views of a listed building will not normally be permitted.**

Many historic parks and gardens contain listed buildings or structures. The presumption will normally be for their preservation in situ, as they were often placed in settings designed to complement them. In assessing proposals which affect the setting of a listed structure, the City Council will normally have regard to the historic layout and the design intentions of the sculptor, architect or developer. The City Council has detailed policies on alterations to listed buildings and structures under the remainder of DES8 in the Unitary Development Plan, and has published supplementary planning guidance on repairs and alterations to listed buildings.



Historically, in Westminster, gardens and squares were often laid out in relation to a building or buildings. The relationship between a square and its surrounding houses or a private garden and its house can be of great importance. For example, John Nash's designs for Regent's Park were for Neo-classical stuccoed terraces, surrounding extensive landscaped parkland, containing isolated villas and an ornamental lake. The park therefore provides the setting for the listed buildings and vice versa. In such areas, the City Council will seek to ensure that any alterations to a landscape, which affect the setting of listed buildings, are entirely in accordance with the special architectural or historic interest of the buildings.

**The Grade II\* listed statue of Peter Pan by Sir George Frampton (1912) in Kensington Gardens.**

**Trees - DES 12**

**A) To continue with making tree preservation orders whenever necessary and protect all trees that are the subject of tree preservation orders.**



***B) To continue to replace and plant new trees and shrubs. Such planting may be required as a condition of a planning permission.***

***C) To resist the loss of trees unless dangerous to the public or in rare circumstances when felling is required as part of a replanting programme.***

***D) To refuse planning permission for developments likely to result in the damage to or loss of a tree which makes a significant contribution to the character and appearance of the area.***



Trees and shrubs are fundamental to historic parks and gardens in Westminster and the City Council is committed to their preservation, protection and enhancement.

Whenever it becomes necessary to renew plant stocks in an historic landscape, careful selection of species will be required to ensure continuity of historic planting and of the site. Although reinstatement of the historically correct species is encouraged, it is accepted that any new designs will necessarily be 'in the spirit' of historic layouts, given that original plants may be inappropriate to present day conditions.

***Hyde Park, W2***

***Signs and advertisements - Policy DES 13***

***B) Signs and advertisements will not normally be acceptable on street furniture in conservation areas, London squares, or adjacent to the Royal Parks, listed buildings or other sensitive locations.***

***Street furniture - Policy DES 15***

***B) In conservation areas the City Council will seek to ensure that street furniture is of a traditional design compatible with the character of the area.***

***C) The City Council will seek the preservation of historic street furniture and other structures.***

Street furniture in gardens and parks, such as benches, bollards, planters and litter bins, has an important impact on the appearance of the space; and an excessive amount of, or badly designed, furniture can have a detrimental impact on both the character and appearance of the park or garden.

Therefore the City Council will seek to ensure that all street furniture in parks and gardens is necessary and is designed to be appropriate to the character, appearance and historic importance of that space. For example, in a square which has a very informal layout, a simple wooden bench may be most appropriate. Where a garden has more formal character, with a Victorian landscape scheme for example, a more ornate cast iron bench is likely to be more appropriate. The City Council produces a street furniture manual which gives details of different types of street furniture and the different circumstances where they are most suitable.



**Examples of appropriately designed street furniture in historic parks and gardens in Westminster.**

**Railings - Policy DES 16**

**A) In conservation areas where railings form an important feature of the townscape the City Council will require the retention of traditional railings. Where appropriate, the City Council will encourage the erection of replica railings or, in some areas, of new railings of an appropriate design.**

**B) The City Council may make a financial contribution towards the reinstatement, repair and maintenance of traditional railings enclosing private squares open to the public, as and when funds are available. The City Council will continue to reinstate railings in squares for which it has responsibility.**



***Railings, York Gate, NW1.***



***The Queen Mother Gates in the south-east corner of Hyde Park where a modern design approach was adopted.***

Since the mid to late 18th century, railings have been the traditional method of enclosing open spaces in Westminster and therefore they are an important and often historic feature of most of the City's squares and parks. Where the original railings survive, the presumption will be for their retention and repair. However, many of the City's original railings were lost in the Second World War, when they were requisitioned for scrap metal to make armaments. Good evidence usually survives of the design of the original or historic railings, and the City Council will normally expect any new railings and gates to replicate them as appropriate to the age of the surviving features or layouts in the garden or the surrounding buildings. In certain circumstances, the City Council may consider applications for high quality railings of a modern design, where it is considered that the character of the park or garden justifies this approach.

#### ***Walls - Policy DES 16***

***C) In conservation areas where characteristic boundary walls form an important feature in the townscape, their demolition or unsuitable replacement will not normally be permitted (where these are subject to planning control).***

#### ***Hardstandings - Policy DES 16***

***D) Permission will not normally be granted for development, including the creation of hardstandings where such work requires consent, on front gardens which are important to the character or appearance of a conservation area or to the setting of a listed building or a uniform terrace or group of buildings. In particular, the City Council will discourage any proposal to create an off-street parking space if it would involve the loss of over half of the original front garden, trees of amenity value, front garden walls or railings or would lead to an unsightly breach in an otherwise uniform means of enclosure to a terrace or group of buildings.***





***St. John's Wood NW8. The front gardens of some of these houses have regrettably been lost to create hardstandings.***

Front gardens can be of great townscape value and often were integral to the original layout of an area. They make a valuable contribution to the character and appearance of conservation areas. The loss of the garden is unlikely to preserve or enhance the character or appearance of a conservation area, and is therefore likely to be unacceptable. The City Council will consider the designation of Article 4 directions where appropriate in order to safeguard the visual amenity of an area.

***Paving - Policy DES 16***

***E) The City Council will use suitable paving materials in all areas and will require the sensitive treatment of paving in private schemes to accord with the character of adjacent buildings and surrounding areas.***

The use of unsuitable paving materials can have a very detrimental impact on the character and appearance of historic parks and gardens. The City Council will encourage the replacement of such surfaces with more sympathetic materials. Where appropriate in landscapes or gardens of historic importance, the City Council will usually encourage the use of historically correct materials for paths, such as hoggin, gravel or York stone. Where original or historic paving materials have survived, the presumption will be for their retention.



***Hoggin and York stone paths in Berkeley Square, W1.***

***Public art - Policy DES 17***

***The City Council encourages proposals for public art, where appropriate, in the provision and enhancement of buildings and open spaces. All proposals must be of a high standard of design and quality.***

Statues, monument and such garden features as fountains and sundials are often an integral part of an historic park or garden and add greatly to their character and appearance. However, poorly designed or sited public art can have a detrimental impact on an historic landscape and can add inappropriate clutter. Therefore, the number of new statues, monuments and other features in historic parks and gardens should be limited, and any proposals will be assessed on their effect on the existing landscape and their relevance to and appropriateness for the proposed site.





**Public Art Past and Present - Memorial to Sir Arthur Sullivan by W.Goscombe John (1903) in Victoria Embankment Gardens, WC2 and two pieces of art in Christchurch Gardens, Victoria Street - Memorial to Henry Purcell entitled 'The Flowering of the Baroque' and a tribute to the Suffragette Fellowship.**

**Archaeology - Policy DES 18**

**A) The City Council will promote the conservation, protection and enhancement of the archaeological heritage of Westminster and its interpretation and presentation to the public. Where development may affect land of known or potential archaeological importance, the City Council will expect applications to properly assess and plan for the archaeological implications of their proposals. The policies in B and C below may appear elsewhere the archaeological evidence suggest that this would be appropriate.**

**B) Within the City Council's areas of special archaeological priority a written assessment of the likely archaeological impact of development (archaeological statement) will normally be required as part of the documentation needed to complete a planning application, whenever it is proposed to carry out any excavations or other ground works.**

**C) Within the areas of special archaeological priority the City Council may request, where necessary information cannot be supplied by other means, that an on-site assessment by trial works (archaeological field evaluation) is carried out before any decision on the planning application is taken.**

**D) The City Council will seek to ensure that nationally important archaeological remains and their settings are permanently preserved in situ and where appropriate are given statutory protection. In such cases, if preservation in situ is both desirable and feasible, the City Council will require the development design to accommodate this objective.**

**E) Where the preservation of archaeological remains in situ is inappropriate, the City Council will require that no development takes place on a site until archaeological investigations have been carried out by a reputable investigating body. Such investigations shall be in accordance with a detailed scheme to be approved in advance by the City Council.**

The archaeology of historic parks and gardens often provides an invaluable source of information on both the previous historic layouts of the garden in question and, more broadly, on the art of garden design.

Therefore, notwithstanding the policies above, where any works involving excavation are proposed in a historic park or garden, the applicant may be asked to provide a written assessment of the archaeological impact of the works. All registered historic parks and gardens are included on the Sites and Monuments Record, which is kept by English Heritage, and provides information about locations where archaeological remains are known or thought likely to exist.

In registered historic parks and gardens, and some of the London squares, where it is proposed to reinstate a historic landscape scheme, the presumption will be for the use of documentary and archaeological evidence, as appropriate, to ensure accuracy of reinstatement.

### **WORKS WHICH AFFECT THE SETTINGS OF HISTORIC PARKS AND GARDENS**

Historic parks and gardens cannot be viewed in isolation, and unsympathetic development adjacent to them can have as detrimental an impact on their character and appearance as works to the landscape itself. Open space in Westminster has often been enclosed and laid out as part of a planned development, and often the views out of the space are of great importance. This is particularly true of the squares where the best views of the buildings in the square are often from the central gardens.

The 'setting' of a historic park or garden refers to the area surrounding it. This is not a specified size, but it is generally interpreted as any area visible from the park or garden. It can include a new building fronting the park or garden, or one which is some distance away, if there are views of it from the park or garden. The backdrop or view beyond the park or garden may also be of great importance.

#### ***Controlling development on or adjacent to open spaces - Policy DES 11***

***A) The City Council will safeguard the appearance, historic integrity and wider setting of all parks, public and private squares, including the Royal Parks, London Squares and Parks and Gardens of Special Historic Interest. In particular, views into and out of these spaces will be protected and building seen from within these spaces should not project above the existing building and tree lines.***

#### ***Local views - Policy DES 3***

***The City Council will normally refuse permission for any development which will have a detrimental effect on local views of listed or other landmark buildings or groups of such buildings and monuments, in their setting and/or adjacent the skyline. Views through and from the Royal Parks, London squares (including Covent Garden Piazza), River Thames, Regent's Canal and Grand Union Canal are particularly sensitive.***



***Various examples of the impact of high buildings outside Royal Parks on the landscapes and views within them.***

#### ***High buildings throughout Westminster - Policy DES 4***

***A) Proposals for buildings or structures that are significantly higher than their surroundings, or will have an adverse visual impact on the settings of listed buildings, on the character or appearance of conservation areas, squares and the Royal Parks, will normally be refused. In addition where***

**groups of high buildings already exist, any increase in their numbers will be resisted where they would have an adverse effect on the character or appearance of the locality or on strategic or local views.**

**D) Proposals for high buildings will be assessed with reference to local views and with particular reference to the sightlines of the strategic views.**

All applications, including those for telecommunications equipment, which the City Council considers are likely to affect an historic park or garden should be accompanied by supporting material, demonstrating the likely effect, including views of the new development from the historic park or garden, in both winter and summer.

#### **Signs and advertisements - Policy DES 13**

**D) Signs and advertisements should be carefully related to the character, scale and architectural features of the building on which they are placed. In conservation areas and residential areas, illuminated box signs and projecting signs will not be permitted unless they can be successfully related to the design and detailing of the building and do not detract from the special character or a group of buildings or a street. Areas adjacent to the Royal Parks and some London squares will normally require low level or non-illuminated advertisements.**

Any high level or illuminated signs adjacent to or visible from historic parks and gardens can have a very damaging effect, particularly at dusk or at night. In areas such as the Royal Parks, an illuminated sign can be visible from a long distance and will have an obtrusive effect on the character and appearance of the historic park or garden. Such signs are therefore almost always unacceptable.

#### **GRANT AID**

English Heritage offers grants under the Historic Buildings, Monuments and Designed Landscapes Grant Scheme. More details are available on the English Heritage website: english-heritage.org.uk or telephone (020) 7973 3000.

Lottery funding has also been made available to help preserve and enhance urban parks. The Heritage Lottery Fund's Public Parks Initiative has been set up with the intention of stimulating applications for projects aimed at preserving, enhancing and widening public access and enjoyment of urban parks and gardens and other urban spaces. Further details are available from The Heritage Lottery Fund, 7 Holbein Place, London SW1W 8NR or telephone (020) 7591 6042.

#### **FURTHER INFORMATION**

**CLICK HERE FOR LINK TO  
WESTMINSTER CITY COUNCIL  
CONTACTS LIST**

#### **Useful Addresses**

##### **English Heritage**

London Division  
23 Savile Row  
London W1X 1AB

Tel: **(020) 7973 3000**

##### **The Garden History Society**

70 Cowcross Street  
London EC1M 6EJ

Tel: (020) 7608 2409

**The London Historic Parks and Gardens Trust**

Duck Island Cottage  
c/o The Store Yard  
St. James's Park  
London SW1A 2BJ

Tel: (020) 7839 3969

**APPENDIX 1**

Protected Squares in Westminster as listed in Schedules I-III of the London Squares Preservation Act 1931.

**South Area**

**(Postal Areas SW1, SW7, WC2, EC4)**

Belgrave Square  
Bessborough Gardens\*  
Carlton House Terrace and Gardens\*  
Chesham Place  
Chester Square  
Dean's Yard  
Eaton Square  
Ebury Square  
Eccleston Square  
Ennismore Gardens  
Inner Temple Gardens  
Knightsbridge Green  
Leicester Square  
Lower Grosvenor Gardens  
Middle Temple Gardens  
Montpelier Square  
Princes Gardens  
Prices Gate Gardens  
Rutland Gate Gardens  
St. George's Square  
St. James's Square  
Trevor Square  
Upper Grosvenor Gardens  
Warwick Square  
Wilton Crescent

**Central Area**

**(Postal Area W1)**

Berkeley Square  
Bryanston Square  
Cavendish Square  
Golden Square  
Grosvenor Square  
Hanover Square  
Harley House Enclosure (between Harley House and Marylebone Road)  
Manchester Square  
Montagu Square  
Park Crescent  
Portman Square  
Soho Square

**North Area**



**(Postal Areas W2, W9, W10, W11, NW1, NW6, NW8)**

Alma Square  
Cambridge Square  
Cambridge Terrace  
Clarence Terrace\*  
Cleveland Gardens  
Cleveland Square\*\*  
Connaught Square  
Craven Hill Gardens  
Dorset Square  
Gloucester Square\*\*  
Hanover Terrace  
Hyde Park Gardens  
Hyde Park Square (Junction of Prince Albert Road)  
Kensington Gardens Square  
Kent Terrace\*  
Kildare Gardens  
Lancaster Gate  
Lancaster Gate Gardens  
Leinster Square  
Norfolk Crescent  
Norfolk Square  
Nottingham Terrace\*  
Orme Square (Triangle)  
Oxford Terrace  
Paddington Green  
Palace Court  
Park Road  
Park Square\*  
Porchester Square\*\*  
Princes Square  
Queen's Gardens  
Randolph Gardens  
St. James's Terrace  
St. Petersburgh Gardens  
St. Petersburgh Square  
Sussex Gardens  
Sussex Place\*  
Sussex Square  
Talbot Square  
Ulster Place\*  
Westbourne Gardens  
Westbourne Square  
Westbourne Terrace

\*Land at the time of the Act in Crown ownership and thus exempted from the provisions of the Act.

\*\*Small parts of these squares are exempted from the Act as set out in Paragraph 13 of the Act.

**OTHER GUIDANCE**

The City Council's Development Planning Services has produced a number of publications dealing with various design and conservation matters, as well as other matters of development and associated planning procedures.

Archaeology and Planning in Westminster (1995)  
Front Garden Parking - A Guide to Legislation and Design (1992)  
Map of Designated Conservation Areas (1994)  
Strategic Views in Westminster (1994)  
Trees and other Planting on Development Sites (1996)

These can be obtained from the **One Stop Services**, click on contacts list above for details.

(A charge of £2.00 may be made for some of these publications, to cover their printing cost.)

Department of Planning and City Development, Development Planning Services, March 1997