
Appeal Decision

Site visit made on 9 September 2016

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/K5600/F/15/3141883

30 Earl's Court Square, London, SW5 9DQ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Betty Raw against a listed building enforcement notice issued by The Council of The Royal Borough of Kensington & Chelsea.
 - The enforcement notice, numbered E/15/00777, was issued on 19 November 2014.
 - The contravention of listed building control alleged in the notice is without listed building consent, unauthorised alterations to the front steps comprising the removal of marble treads and diamond tiles and replacement with diamond tiles of differing pattern and black tiles on the riser.
 - The requirements of the notice are to restore the steps of the building to their former state with a tiling pattern of materials to match their former appearance as shown in photograph 1 attached to the notice.
 - The period for compliance with the requirements is three months.
 - The appeal is made on the grounds set out in section 39(1) (c), (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - **Summary of Decision: appeal allowed, notice quashed and consent granted.**
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Site and surroundings

1. The appeal property is a four storey terraced residential building containing four flats. It is Grade II listed and is located on the south-east side of Earl's Court Square which has been designated as a Conservation Area.
2. The appellant states that the front steps had fallen into disrepair over a long period with tiles cracking and the steps becoming a hazard to users.

The appeal on ground (c)

3. An appeal on this ground is that the matters alleged do not constitute a contravention.
 4. The appellant claims that as the alterations to the steps is so close to the appearance of the original steps they could not reasonably be considered to affect the character of the listed building.
 5. The Council considers that harm has been caused to the special architectural and historical interest of the building as a result of the loss of original materials (marble tiles) and architectural detailing (the tiling pattern). Black tiles have been used on the risers, rather than a marble riser. A raised profile tread has been laid on the edge of each step. The border of black tiles is of a different dimension to those existing on other properties in the Square. With the existing
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historic steps, the triangular tiles laid against the black border are white on both sides of the step. The replacement work has white on one side and black on the other. This disrupts the design of the steps as previously existed.

6. The character of the building results from a range of features relating to its architectural style, its design and the materials employed. Although the works to the steps are minor in the context of the building as a whole and have some regard to the original design and materials, the works have nevertheless affected the character of the listed building particularly in respect of the use of black tiles as risers.
7. The appeal on this ground fails.

The appeal on ground (e)

8. An appeal on this ground is that listed building consent should be granted.
9. The main issue in the ground (e) appeal is whether the works subject to the notice preserve the listed building or its setting or any features of special architectural or historic interest it possesses.
10. The appellant contends that the renewed steps are very close in design and appearance to the original steps and the quality of workmanship is high. Any departure from the original design is insignificant and does not result in any material harm to the listed building or to the Conservation Area although it is acknowledged that the only significant difference between the original and reconstructed steps is the use of black rather than white risers. The appellant contends that if harm is caused, this is negligible and does not even amount to 'less than substantial harm' in the context of paragraph 134 of the National Planning Policy Framework.
11. The Council considers that the replacement work is not a satisfactory replication of traditional materials and design detailing previously existing and fails to preserve the architectural or historic interest of the property, contrary to Consolidated Local Plan Policy CL4 which requires the protection of the heritage significance of listed buildings, resists the loss of features of architectural importance and the preservation of original architectural features. The Council considers that although the listing description makes no reference to the entrance steps, they are nevertheless an integral part of the architectural interest of the building.
12. The work has been carried out to a high standard and it is only on close inspection that the variation in the border pattern can be observed, but this in itself does not look out of place. The black raised profile safety treads are barely noticeable. The black tile risers are more obvious and they clearly contrast with the appearance of the white marble that they replaced although from the photograph attached to the Appendix 2 of the Council's statement, the white marble is so dirty or discoloured that the risers are very dark in appearance.
13. I have looked at the steps of other properties in Earl's Court Square where there is a wide variety of steps in terms of style, colour and materials, as illustrated in the appellant's submitted photographs. However, in the block on the south-east side of the Square, of which the appeal property forms part, there appears to be a greater number of original tiled steps with white marble

risers. Notwithstanding this, I do not consider that the altered steps at the appeal property are contextually out of place.

14. Although I have found under the appeal on ground (c) that the works have resulted in a change to the character of the listed building, I do not consider that the works have caused any significant harm. Despite the loss of some of the original fabric, it appears that this was in poor condition and the repair or replacement of the steps was necessary. Any harm caused to the listed building or to the character and appearance of the Conservation Area is minimal. I therefore conclude that works subject to the notice preserve the listed building, its setting and features of special architectural or historic interest it possesses.

15. For the reasons given above I conclude that the appeal should succeed.

The appeal on ground (h)

16. As I have allowed the appeal on ground (e), it is unnecessary to consider the appeal on ground (h).

Decision

17. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of alterations to the front steps comprising the removal of marble treads and diamond tiles and replacement with diamond tiles of differing pattern and black tiles on the riser at 30 Earl's Court Square, London, SW5 9DQ.

P N Jarratt

Inspector