

Appeal Decision

Site visit made on 11 October 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 28 October 2016

Appeal Ref: APP/X5990/Y/16/3151376

83 Eaton Square, London SW1W 9AG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Starshine Management Co Ltd against the decision of City of Westminster Council.
 - The application Ref: 15/09182/LBC, dated 22 September 2015, was refused by notice dated 21 December 2015.
 - The works proposed are the removal of existing grilles and shutters and their replacement by internally fixed shutters.
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Decision

1. The appeal is dismissed and listed building consent is refused for the removal of existing grilles and shutters and their replacement by internally fixed shutters.

Preliminary Matters

2. As the works are in a Conservation Area and affect a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. For reasons of clarity and accuracy I have used the post code that was on the appeal form and indicated as the correct version in subsequent correspondence for the purposes of this appeal.

Main Issues

4. The main issues are whether or not the proposed works would preserve a Grade II* listed building, 83-102 Eaton Square, and any of the features of special architectural or historic interest that it possesses and the extent to which such works would preserve or enhance the character or appearance of the Belgravia Conservation Area.

Reasons

5. The Belgravia Conservation Area (CA) was originally designated in 1968. It covers a large area that encompasses an aristocratic, residential quarter largely comprising early 19th century dwellings. Its highly distinctive character is derived from its classically proportioned stucco terraces, spacious streets and verdant garden squares around which a significant proportion of the most opulent buildings are arranged. Eaton Square typifies this character and has a highly cohesive and well-preserved architectural appearance. Given the above
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the significance of the CA, insofar as it relates to this appeal, is primarily associated with its largely intact, grandiose, 19th century residential façades.

6. The appeal building was listed in 1958 and is part of a grand terrace by Thomas Cubitt and Sons situated on the northern side of Eaton Square. It was constructed around 1830 and is of high architectural merit with a continuous Greek Doric colonnade on the ground floor surmounted by a stucco balustrade. Three giant, fluted Corinthian porticos span the 1st and 2nd floors at the centre of the terrace and the penultimate dwellings at each end. The 3rd and 4th floors are defined by elaborately moulded cornices whilst the 5th floor is set back from the main façade within a low mansard roof. Square-headed sash windows and French casement windows characterise the fenestration of the terrace. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the cohesiveness of its fenestration in terms of its design detail and overall appearance.
7. The appeal property is situated at the south-western end of the terrace on the corner of Eaton Square and Lyall Street. Consequently, it has a high degree of prominence with a frontage facing each of these roads. The property has external grilles and internally fixed metal shutters on the majority of windows. The former is present on most of the 3rd and 4th floor windows whilst the latter is present on the ground and 1st floor windows. The internal metal shutters are screwed to the window reveals. These comprise recessed, panelled wooden shutters.
8. Two types of internal metal shutter are present. The first comprises a concertina shutter, which is present on the ground floor, whilst the second comprises a white powder-coated shutter with rectangular subdivisions, which is present on the 1st floor. The appellant wishes to retain the 1st floor shutters and replace all existing grilles and shutters with ones conforming to this design.
9. Whilst less prominent than the external grilles and concertina shutters, I nevertheless find the proposed shutters would be a highly incongruent, alien feature which would seriously disrupt the residential character of both the listed building and the CA. The existing grilles and shutters have led to a wholly inappropriate, fortified appearance and the proposed works would perpetuate this harm in my judgement. The enhancement to the building that would occur through the removal of the external grilles would not outweigh the harm that I have identified in relation to the internal shutters.
10. Given the above, I find that the works would fail, on balance, to preserve the special interest of the listed building and the significance of the CA. I consequently give this harm considerable importance and weight in the planning balance of this appeal.
11. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the extent of the proposed works, I find the harm to be less than substantial in this instance.
12. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use. The appellant is of the opinion that

the works would be beneficial because they would lead to a greater consistency of appearance and are necessary to meet the security needs of the occupants. However, the continued viable use of the property as a residential dwelling is not dependent on the proposed works as the building has an ongoing residential use that would not cease in its absence irrespective of any perceived security risks. Furthermore, I have no substantiated evidence before me concerning why the use of metal shutters is the only way in which such risks could be effectively managed. The greater consistency of appearance would not benefit the CA because the building would still retain a fortified appearance.

13. Whilst the harm to the significance of the heritage assets would be less than substantial, I have no evidence before me to suggest that any public benefit would outweigh that harm. I therefore conclude that the works would fail to preserve the special architectural and historic interest of the Grade II* listed building. They would also fail to preserve or enhance the character or appearance of the Belgravia Conservation Area. This would conflict with paragraph 134 of the Framework and local policies insofar as they seek to implement the Act.

Other Matters

14. The appellant has drawn my attention to the potential scope of any enforcement action in relation to the status of the external grilles. However, issues relating to enforcement matters are not for me to determine in the context of an appeal made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The appellant has suggested that the Council implicitly accepted the suitability of various shutters on the basis of a letter dated 10 February 2014. However, the case officer's report makes no such distinction and this is reflected in the decision notice. In any event, whether or not the Council found some of the shutters acceptable is immaterial prior to determination as this appeal relates to a refusal for consent on clear and specific grounds.
16. The appellant contends that similar shutters at unspecified locations can be found elsewhere in the CA. However, I am not fully aware of the circumstances under which they were installed or whether they predate current policies and guidance. In any event, existing harm is not a justification for further harm.
17. I note one of the reasons for refusal relates to a lack of detail on how the shutters will be attached to the window reveals. Given the simple nature of the fixings I am satisfied that this has been clearly demonstrated on the plans and could be ensured through a suitably worded condition. Whilst not determinative in my decision making I do, however, note that there is a lack of detail regarding the magnetic release mechanism and the way in which it would be fixed to the windows and wired into the electrical supply.

Conclusion

18. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR