
Appeal Decisions

Site visit made on 27 September 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 24 November 2016

Appeal A: APP/X5990/W/16/3151225

74 Eaton Place, London SW1X 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kapital Estates Ltd against the decision of City of Westminster Council.
 - The application ref: 16/01191/FULL, dated 11 February 2016, was refused by notice dated 6 April 2016.
 - The development proposed is a three storey rear extension at 74 Eaton Place to enable the provision of an internal lift within the building.
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Appeal B: APP/X5990/Y/16/3151227

74 Eaton Place, London SW1X 8AU

- 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 Kapital Estates Ltd against the decision of City of Westminster Council.
 - The application ref: 16/01192/LBC, dated 11 February 2016, was refused by notice dated 6 April 2016.
 - The works proposed are a three storey rear extension at 74 Eaton Place to enable the provision of an internal lift within the building.
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Decisions

1. **Appeal A:** *the appeal is allowed and planning permission is granted for a three storey rear extension at 74 Eaton Place to enable the provision of an internal lift within the building at 74 Eaton Place, London SW1X 8AU, in accordance with the terms of the application, ref: 16/01191/FULL, dated 11 February 2016, subject to the conditions listed at the end of this decision.*
2. **Appeal B:** *the appeal is allowed and listed building consent is granted for a three storey rear extension at 74 Eaton Place to enable the provision of an internal lift within the building at 74 Eaton Place, London SW1X 8AU, in accordance with the terms of the application ref: 16/01192/LBC, dated 11 February 2016, subject to the conditions listed at the end of this decision.*

Procedural Matter

3. Notwithstanding the development description on the application forms it is apparent from the submitted plans and supporting information that the proposals also include some internal works such as restoration of original
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ceiling heights and provision of new doors. I have determined Appeal B on the basis that the application includes all those proposed internal alterations.

Reasons

4. No. 74 is a Grade II listed building in the Belgravia Conservation Area (CA). The **main issue** in these appeals is the effects of the proposals on the special architectural and historic interest of the listed building, on the character and appearance of the (CA) and on the significance of these heritage assets.
5. As noted in the Council's information leaflet for this CA its key features include a high degree of townscape uniformity and a formal street pattern. Much of it was laid out in the early to mid 19th century, with many long terraces originally of uniform mass, height, classical style and detailing, often with mews buildings to the rear. These features and the CA's historical role in the development of this area of London contribute to its character and appearance and to its significance as a heritage asset.
6. No. 74 is a substantial property which has four main storeys together with basement and mansard attic levels and is currently occupied as three flats. It is within one of the long terraces which contribute to the CA's character, appearance and significance. The special interest of no. 74 and its neighbours lies primarily in their original style, scale, proportions and detailing. As is characteristic in such terraces, the principal front elevations in white stucco are grander and more elaborate than the more modest and plain stock brick elevations at the rear.
7. Over time the building has been altered internally and externally, as noted in the appellant's heritage statement, including by the addition of a single storey rear projection which is modest in both depth and width. Glazing across its rear elevation includes a door giving access to the outside via the half landing between ground and first floor levels¹. The proposed extension would be in the form of a closet wing of matching dimensions, retaining the existing glazing at first half landing level and extending up a further two storeys². Internal alterations to facilitate the lift installation would include removing a box feature at the first half landing which does not appear to be original. This, together with works to restore the original ceiling height, would help to restore the original landing form.
8. Externally the carefully considered scheme would result in a closet wing of modest proportions terminating below the penultimate storey and featuring two additional windows on its rear elevation, one existing³ and one new⁴. This would replicate the fenestration pattern of the building's existing rear elevation and help to minimise loss of historic fabric to a very modest amount. Combined with the use of glass for both the lift entrance doors and its front and back panels the proposed works would still allow the original landing window arrangements to be understood, as well as maximising natural light levels on the landings. Taking account of all these features I find that the

¹ I refer to this subsequently as the 'first half landing' and to those above it as the second half landing (between first and second floors) and the third half landing (between second and third floors)

² As such it would be materially different from a previously refused scheme for a closet wing extending up for three additional storeys

³ Relocated from the third half landing

⁴ Matching the existing one on the second half landing, which would remain in situ

- proposals would not harm the character, appearance or special interest of no. 74, or its significance as a heritage asset.
9. The Council's concerns appear to relate primarily to the effect of the proposed extension on the character of the terrace of fourteen properties as a whole (with only passing reference to loss of historic fabric). However, given the variations in existing features along the terrace, including three examples of rear extensions rising above ground floor level, I find its character to be varied rather than uniform. Moreover a closet wing as proposed would not be untypical or inappropriate on such a terrace, and this particular proposal would be a much more sympathetic addition than those at numbers 76 and 78. Given the proposed extension's modest proportions and sympathetic design, I find that it would not harm the character, appearance or setting of other buildings in the listed terrace of which it is part.
 10. A suggestion in the Council's appeal statement that these appeal proposals "raise an in principle objection with regards to extending to the rear of the appeal site" is not supported by any additional detailed explanation. In relation to saved UDP⁵ Policy DES 5 (Alterations and Extensions) the proposed extension would accord with the criteria in part (A) and would not conflict with those in part (B). The explanatory paragraphs refer to retaining features that are important elements in the townscape or contribute to the architectural integrity or proportions of a building or group of buildings, but there is no blanket prohibition on rear extensions in this development plan policy or in saved UDP Policies DES 10 (Listed Buildings) and DES 9 (Conservation Areas).
 11. Given UDP Policy DES 10 (A) expects new development to respect a listed building's character and appearance, and to preserve, restore or complement its features of special architectural or historic interest, I find no conflict here or with part (D) relating to the setting of listed buildings. Taking account also of additional criteria in UDP paragraph 10.133 (and subsequent explanatory paragraphs) I find the overall effect of the proposals would not be detrimental to the architectural or historic integrity or detailing of the listed building or its neighbours in the terrace.
 12. That being the case it follows also that I find the proposals would at least preserve the CA's character and appearance, without harming its significance as a heritage asset. I find no conflict in this respect with UDP Policy DES 9. Nor do I find any material conflict with Policies S25 and S28 of Westminster's City Plan: Strategic Policies (2013), with policy guidance in the *National Planning Policy Framework* which is an important material consideration, or with the Council's 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' (1996).
 13. I conclude therefore that both appeals should succeed and that approvals should be granted subject to conditions. In each appeal a condition specifying the approved plans is necessary for the avoidance of doubt and conditions to ensure the new external work matches existing original work are needed to protect the building's special architectural and historic interest. Planning conditions to specify times when works may take place and to restrict use of the extension's flat roof are appropriate to protect neighbouring occupiers' living conditions. The conditions which follow are based on those suggested by the Council, but with some variation in the interests of clarity.

⁵ The City of Westminster Unitary Development Plan (2007)

14. Therefore, in **Appeal A: *planning permission is granted subject to the following conditions:***

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: site location plan and drawing nos.
0678-200A; 0678-201; 0678-202A; 0678-203; 0678-204A; 0678-205; 0678-206A; 0678-207; 0678-208; 0678-209; 0678-210; 0678-211; 0678-212.
- 3) All new work to the outside of the building shall match existing original work in terms of choice of materials, method of construction and finished appearance, unless otherwise indicated on the plans hereby approved.
- 4) All facing brickwork shall match existing original work in terms of colour, texture, face bond and pointing, unless otherwise indicated on the plans hereby approved.
- 5) Building works audible at the boundary of the site shall be carried out only between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 on Saturdays. No such works shall take place outside these hours or at any time on Sundays, bank or public holidays.
- 6) The roof of the extension hereby permitted shall not be used for sitting out or for any other purpose other than to escape in an emergency.

15. In **Appeal B: *listed building consent is granted subject to the following conditions:***

- 1) The works hereby authorised shall begin before the expiration of three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with the following approved plans and details: site location plan and drawing nos.
0678-200A; 0678-201; 0678-202A; 0678-203; 0678-204A; 0678-205; 0678-206A; 0678-207; 0678-208; 0678-209; 0678-210; 0678-211; 0678-212.
- 3) All new work to the outside of the building shall match existing original work in terms of choice of materials, method of construction and finished appearance, unless otherwise indicated on the plans hereby approved.
- 4) All facing brickwork shall match existing original work in terms of colour, texture, face bond and pointing, unless otherwise indicated on the plans hereby approved.

Jane Miles

INSPECTOR