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## Appeal Decisions

Site visit made on 17 January 2017

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 30<sup>th</sup> January 2017**

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### **Appeal A Ref: APP/X5990/W/16/3157460**

#### **Flat 1, 18 Rutland Gate, City of Westminster, London SW7 1BB**

- 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 Blackmor Trader Ltd against the decision of City of Westminster Council.
  - The application Ref 16/00094/FULL, dated 4 January 2016, was refused by notice dated 19 April 2016.
  - The development proposed is construction of new flat roof single storey extension to rear elevation including infill of existing rear lightwell.
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### **Appeal B Ref: APP/X5990/Y/16/3157463**

#### **Flat 1, 18 Rutland Gate, City of Westminster, London SW7 1BB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
  - The appeal is made by Blackmor Trader Ltd against the decision of City of Westminster Council.
  - The application Ref 16/00095/LBC, dated 4 January 2016, was refused by notice dated 19 April 2016.
  - The works proposed are described as construction of new flat roof single storey extension to rear elevation including infill of existing rear lightwell.
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### **Decisions**

1. The appeals are dismissed.

### **Procedural Matter**

2. The address on the application form does not refer to a particular flat, whereas that on the appeal form refers to Flat 1. Given the evidence before me, it appears clear that the proposal relates to Flat 1, and therefore for the avoidance of doubt and to provide clarity I have used Flat 1 in the above header.

### **Main Issues**

3. The main issues are whether the proposed works would preserve the special architectural or historical features of the Grade II listed building, and whether the proposed development would preserve or enhance the character or appearance of the Knightsbridge Conservation Area.
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## Reasons

4. The appeal building, Flat 1 18 Rutland Gate, is a mid-terrace building dating from approximately the late 1830s. It is a seven storey, including basement and attic levels, three bay building. As detailed within the appellant's heritage statement dated July 2016, the front elevation has retained many features that one would expect to see on properties from this period such as pediments above windows and Doric style columns supporting front porches. I saw during my site inspection that the interior of Flat 1 appears to be fairly modern, with an absence of ornate detailing that one would expect from the 1840 and 50s.
5. To the rear of the terrace, there have been a number of alterations and extensions. In particular, at No 18 there is a three storey stepped closet wing style extension, with winter garden at first floor level. There is also extension on the first and second floors which is suspended above the lightwell and French doors providing access out into the garden area from Flat 1. It is clear from the differences in brickwork, finishes and fenestration arrangements that these extension are not contemporaneous to the original building. Nevertheless, it is still possible to see how the building has evolved from its original rear depth to how it appears now. It is from aspects such as these, that the special architectural features of the listed building and the character of the conservation, and therefore their significance, derive.
6. The appeal schemes seek the erection of a single storey flat roofed extension which would increase the overall footprint of the existing rear extension to the full width of No 18. The appellant's heritage statement considers that the proposal would not affect the core special architectural and historic interest of the listed building as it would affect a modern part of the listed building<sup>1</sup>. However, this is to misunderstand the fact that it would result in further erosion of the rear elevation of the building, which has already been subject to a number of changes in the 20<sup>th</sup> Century. What is more, those additions in the 20<sup>th</sup> Century add to aiding how the building has evolved over time, to suit the needs of its occupants.
7. Whilst the appellant is seeking to undertake a similar objective here, the problem is that the single storey flat roof extension with the canted bay would introduce further clutter to the rear elevation of the terrace. This is demonstrated, in part, by the fact that the proposal would require an architecturally awkward 'walk on glass' floor, as shown on drawing TWP15-RG-006. This seeks to retain an understanding of where the original lightwell may well have been, but it would completely obscure the legibility of this part of the building, and what is likely to have been its original rear elevation. This would be further compounded by the overall depth and width of the single storey extension, which with its full width appear as a plain and lacklustre addition when compared to the stepped wing closet formation on the left hand side of the rear elevation. As a result of these factors, the proposal would fail to preserve the special interest of the listed building and would fail to preserve the character of the conservation area.
8. I note the appellant's view that the proposal would not be easily visible from the public realm and that this reduces any impact on the conservation area. However, it would be visible from a number of adjoining properties and also from an area of open space to the rear of the appeal site. Whilst these help

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<sup>1</sup> Page 18, Para. 3.5

- mitigate in part the visibility of the extension in conservation area terms, it would still be visible and therefore there would be some harm from this extension.
9. Paragraphs 131 to 134 of the *National Planning Policy Framework* (the Framework) set out degrees of harm to significance namely; 'substantial' and 'less than substantial'. Although neither term is specifically defined, for substantial harm to occur one would typically expect the significance to be lost altogether or vitiated – that is not the case here given that the historic core of the building and its front elevation would be mainly unaffected. I therefore consider that the proposal would result in less than substantial harm. Nonetheless, I am required to give considerable importance and weight to the desirability to preserve the listed building and the conservation area, as set out in Sections 16(2), 66(1) and 72(1) of the PLBCA.
  10. Paragraph 134 of the Framework indicates that where identified this should be weighed against the public benefits of the proposal. In this case, the appellant's heritage statement only suggests as a benefit the heritage benefit of the scheme in ensuring the long term sustainability of 18 Rutland Gate in its 'optimum viable use' as a large residence in Knightsbridge<sup>2</sup>. However, it is clear that Flat 1, 18 Rutland Gate is already occupied as a residence and I have not been provided with any evidence that the proposal is essential to secure the optimum viable use of the building. In any case, this is primarily a private benefit restricted to the occupiers of the flat. In this case I do not find that there are any public benefits which would outweigh the less than substantial harm I have identified.
  11. I therefore conclude that the proposals would fail to preserve the special architectural or historical features of the Grade II listed building and fail to preserve the character of the Knightsbridge Conservation Area. Accordingly, the proposal would be contrary to Policies S25 and S28 of the *Westminster City Plan 2016*, and Policies DES1, DES5, DES9 and DES 10 of the *Unitary Development Plan 2007*, which amongst other aims seek to ensure that proposals respect the listed buildings character and appearance and serve to complement its features. It would also fail to accord with the Policies of the Framework, which beyond those aforesaid include conserving heritage assets in a manner appropriate to their significance.
  12. For the reasons given above, I conclude that both appeals should be dismissed.

*Cullum J A Parker*

INSPECTOR

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<sup>2</sup> Page 22, Para. 3.17