
Appeal Decisions

Site visit made on 17 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6th February 2017

Appeal No.1: Appeal Ref: APP/K5600/Y/16/3159220
9 Alexander Place, London SW7 2SG

- 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 Mr and Mrs Natasha and Christopher Harrison against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/04492, dated 15 July 2016, was refused by notice dated 13 September 2017.
 - The works proposed are re-configuration of internal walls at top/3rd floor level with the introduction of 2no. rooflights at main roof level.
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Appeal No.2: Appeal Ref: APP/K5600/W/16/3161161
9 Alexander Place, London SW7 2SG

- 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 Mr and Mrs Natasha and Christopher Harrison against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/04491, dated 15 July 2016, was refused by notice dated 13 September 2017.
 - The development proposed is re-configuration of internal walls at top/3rd floor level with the introduction of 2no. rooflights at main roof level.
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Decisions

Appeal No.1: Appeal Ref: APP/K5600/Y/16/3159220

1. The appeal is allowed and listed building consent is granted for re-configuration of internal walls at top/3rd floor level with the introduction of 2no. rooflights at main roof level at 9 Alexander Place, London SW7 2SG in accordance with the terms of the application Ref LB/16/04492 dated 15 July 2016 and the plans submitted with it subject to the conditions set out in the first schedule at the end of this decision.

Appeal No.2: Appeal Ref: APP/K5600/W/16/3161161

2. The appeal is allowed and planning permission is granted for re-configuration of internal walls at top/3rd floor level with the introduction of 2no. rooflights at main roof level at 9 Alexander Place, London SW7 2SG in accordance with the terms of the application, Ref PP/16/04491, dated 15 July 2016, subject to the conditions set out in the second schedule at the end of this decision.

Procedural matter

3. Subsequent to the determination of the applications the subject of these appeals the Council has acknowledged it has granted consent for the removal of the partition and doorway at third floor level and their relocation in the revised position. The Council therefore advise they no longer wish to defend the first reason for refusal on the Listed Building Consent Decision Notice. I have taken this into account in my determination of that appeal.

Main Issue

4. This is, in the case of both appeals, whether the proposed works and development would preserve the Grade II listed building known as 9 Alexander Place (listed as 9-19 odd Alexander Place) or any features of special architectural interest that it possesses.

Reasons

Significance

5. The special architectural interest and significance of No. 9 Alexander Terrace is most evidently expressed in the classical proportions, architectural detailing and fabric of its principal elevation. This can be seen as part of the wider terrace of which it forms an integral part and the terrace opposite, which reflects its Group Value status on the list description. This special interest also resides in the structural fabric of the house behind, its plan form defined by the principal habitable spaces and common areas, and the surviving historic decorative finishes within.
6. Special interest also lies in the secondary elements of the structure. The basement and upper floor also inform us of the more functional or service components of the mid C19 town house and how it worked as a domestic social unit. In this regard therefore alterations to these areas too have the capacity to affect the character of the dwelling as a building of special architectural and historic interest.

The proposals

7. The residual works and development comprise the insertion of the two rooflights themselves, necessitating the trimming of rafters and the creation of light shafts connecting the inner roof slope and the bathroom spaces below.

Effect on special interest

8. The respective pairs of rafters would have to be trimmed to accommodate the rooflights and this would of necessity result in a loss of some historic fabric. However, these roof members a very plain spans of narrow pit-sawn timber and though very likely of the main phase of construction, are not remarkable in any other respect. The extent of loss of fabric is not such that, taking the structure of the roof as a whole, this would result in a degree of material harm to the special interest of the building.
9. The lights would stand slightly proud of the face for the roof pitches. However, they would be concealed from general view by the front parapet and any other views from private dwellings in the vicinity would be at most fleeting.

10. It is the case that the creation of the shafts to allow light to the bathroom spaces would create voids in the existing ceiling finishes. However, these, along with much of the other finishes and structure at this level, appear to be of recent date. Neither is it correct to say these form a 'cave capping to the cellular spaces' as the Council suggest. Both the landing and the current room ceilings accommodate access hatches to the roof void and the bedroom ceilings both incorporate vent openings, presumably for environmental management purposes.
11. In my view although not a traditional means of either lighting or venting these upper floor utilitarian spaces, this is a simple, spare approach to adapting these spaces for modern use. Moreover, the openings/shafts would be experienced very much within the confines of these contemporary spaces, the creation of which the Council has already accepted. Given the general prevalence of modern finishes and space configuration, in addition to existing apertures within the ceilings on this floor, I conclude no material harm to the character of this part of the interior of the building would result.
12. For all these reasons I conclude the proposed development and works would preserve 9 Alexander Place in accordance with the expectations of the Act and would also meet the requirements to conserve it as a designated heritage asset as defined in paragraph 132 of the National Planning Policy Framework. For the same reasons also it would accord with local development plan policy that seeks to underpin these national statutory and policy objectives.

Conditions

13. Both appeals being allowed I attach conditions in respect of appeal No.1 requiring that works of making good should match the existing and that the rooflights so installed are of traditional conservation type, both to ensure the preservation of both in interior and exterior special interest of the building. I attach conditions in respect of appeal No.2 requiring the same in respect of the exterior and the rooflights, and add a further condition requiring the development be carried out in accordance with the approved plans, to assure certainty.
14. For the reasons given above and having considered all matters raised, I conclude that both appeals should succeed.

David Morgan

Inspector

Schedule of Conditions

Schedule 1

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile.

- 3) The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.

Schedule 2

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans Nos: TRS053_P_010 DEMO, TRS053_P1_011, TRS053_104, TRS053_105, TRS053_P1_200, TRS053_P1_201, TRS053_P1_300 TRS053_P1_301 and TRS053_P1_302 .
- 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile.
- 4) The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.