
Appeal Decisions

Site visit made on 16 January 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 09 February 2017

Appeal A: APP/X5990/W/16/3156992 **57 Chester Square, London SW1W 9EA**

- 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 57CS Ltd against the decision of City of Westminster Council.
 - The application Ref 16/03990/FULL, dated 20 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is described as 'Erection of new mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above. Basement excavation to create plant room. Redevelopment of rear extension at lower ground and ground floor levels with terrace above. External alterations including replacement rear fenestration and alterations to front elevation'.
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Appeal B: APP/X5990/Y/16/3156993 **57 Chester Square, London SW1W 9EA**

- 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 57CS Ltd against the decision of City of Westminster Council.
 - The application Ref 16/03991/LBC, dated 20 April 2016, was refused by notice dated 6 July 2016.
 - The works proposed are 'Erection of new mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above. Basement excavation to create plant room. Redevelopment of rear extension at lower ground and ground floor levels with terrace above. External alterations including replacement rear fenestration and alterations to front elevation. Associated internal alterations'.
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Appeal C: APP/X5990/W/16/3160593 **57 Chester Square, London SW1W 9EA**

- 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 57CS Ltd against the decision of City of Westminster Council.
 - The application Ref 16/07163/FUL, dated 25 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is described as 'Erection of a three storey mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above, excavation of basement to create plant room, redevelopment of existing rear extension at lower ground and ground floor levels to link to mews, replacement rear fenestration, and improvements to the front elevation including new portico, and removal of pipework, extension of existing closet wing to 2nd floor, internal alterations to the listed building and associated works'.
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Appeal D: APP/X5990/Y/16/3160596
57 Chester Square, London SW1W 9EA

- 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 57CS Ltd against the decision of City of Westminster Council.
 - The application Ref 16/07164/LBC, dated 25 July 2016, was refused by notice dated 28 September 2016.
 - The works proposed are 'Erection of a three storey mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above, excavation of basement to create plant room, redevelopment of existing rear extension at lower ground and ground floor levels to link to mews, replacement rear fenestration, and improvements to the front elevation including new portico, and removal of pipework, extension of existing closet wing to 2nd floor, internal alterations to the listed building and associated works'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for 'Erection of new mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above. Basement excavation to create plant room. Redevelopment of rear extension at lower ground and ground floor levels with terrace above. External alterations including replacement rear fenestration and alterations to front elevation' at 57 Chester Square, London SW1W 9EA in accordance with the terms of the application, Ref 16/03990/FULL, dated 20 April 2016, subject to the following conditions:
 - 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 following approved plans: 1414-000A, 000B, 101-P, 102-P Rev A, 103-P Rev A, 104-P Rev A, 105-P Rev A, 106-P Rev A, 107-P Rev A, 108-P, 109-P Rev A, 110-P, 111-P Rev A
 - 3) Any building work which can be heard at the boundary of the site shall be carried out only between 08:00 and 18:00 Monday to Friday; between 08:00 and 13:00 on Saturday and not at all on Sundays, bank holidays and public holidays.

Appeal B

2. The appeal is allowed and listed building consent is granted for 'Erection of new mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above. Basement excavation to create plant room. Redevelopment of rear extension at lower ground and ground floor levels with terrace above. External alterations including replacement rear fenestration and alterations to front elevation' at 57 Chester Square, London SW1W 9EA in accordance with the terms of the application Ref 16/03991/LBC, dated 20 April 2016 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
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- 2) No development shall commence until a sample panel of the brickwork to be used in the construction of the external surfaces of the extension hereby permitted has been provided on site and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved samples.
- 3) Notwithstanding condition 2 no works shall take place until details of the proposed window at a scale of 1:5 and 1:10 (as appropriate) have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition 2 no works shall take place until construction details of the proposed infill extension have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Appeal C

3. The appeal is allowed and planning permission is granted for 'Erection of a three storey mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above, excavation of basement to create plant room, redevelopment of existing rear extension at lower ground and ground floor levels to link to mews, replacement rear fenestration, and improvements to the front elevation including new portico, and removal of pipework, extension of existing closet wing to 2nd floor, internal alterations to the listed building and associated works' at 57 Chester Square, London SW1W 9EA in accordance with the terms of the application, Ref 16/07163/FUL, dated 25 July 2016, subject to the following conditions:
 - 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 following approved plans: 1414-000A-P4, 000B-P4, 101-P4, 102-P4, 103-P4, 104-P4, 105-P4, 106-P4, 107-P4, 108-P4, 109-P4, 110-P4, 111-P4.
 - 3) Any building work which can be heard at the boundary of the site shall be carried out only between 08:00 and 18:00 Monday to Friday; between 08:00 and 13:00 on Saturday and not at all on Sundays, bank holidays and public holidays.

Appeal D

4. The appeal is allowed and listed building consent is granted for 'Erection of a three storey mews building within rear garden area, comprising lower ground, ground and first floor levels, and terrace above, excavation of basement to create plant room, redevelopment of existing rear extension at lower ground and ground floor levels to link to mews, replacement rear fenestration, and improvements to the front elevation including new portico, and removal of pipework, extension of existing closet wing to 2nd floor, internal alterations to the listed building and associated works' at 57 Chester Square, London SW1W 9EA in accordance with the terms of the application Ref 16/07164/LBC, dated 25 July 2016 and the plans submitted with it subject to the following conditions:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No development shall commence until a sample panel of the brickwork to be used in the construction of the external surfaces of the extension hereby permitted has been provided on site and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved samples.
- 3) Notwithstanding condition 2 no works shall take place until details of the proposed window at a scale of 1:5 and 1:10 (as appropriate) have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Procedural matters

5. The descriptions used in the banner headings above and my formal decisions have been taken from the Council's decision notices, which although varying slightly from those on the original application forms more accurately and concisely describe the proposals.
6. Planning and listed building appeals have been submitted in respect of two schemes. All the appeals relate to the same property, 57 Chester Square, which is a Grade II listed building and which is located in the Belgravia Conservation Area. During my decision I refer to the proposals covered by appeals A (planning) and B (listed building consent) as scheme 1 and those addressed in appeals C (planning) and D (listed building consent) as Scheme 2.
7. In considering these appeals I have had regard to sections 16(2) and 66(1) of the planning (listed building and conservation areas) act 1990 and my statutory duties to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore as the property is located within a conservation area I have had regard to section 72 of that Act and my statutory duty to preserve or enhance the character or appearance of a conservation area. Section 38(6) of the Planning and compulsory Purchase Act requires any determination of a planning application to be undertaken in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in the determination of these appeals.

Main Issues

8. The main issues in these appeals are:
 - The effect of the proposals on the architectural or historic interest of this grade II listed building, in relation to all the appeals; and
 - The effect of the proposals on the character and appearance of the Belgravia Conservation Area, in terms of appeals A and C only.

Reasons

Listed Building

9. No 57 Chester Square is listed as part of a group including 46-63 Chester Square. The list description describes the properties as early C19 stucco

terraced houses which form an integral part of planned layout of Chester Square. The property derives its significance from its architectural quality and contribution to the comprehensive arrangement of the square. The quality of the building also includes significance for its historical development and therefore its internal layout and arrangement and rear elevation add to that significance.

10. There have been significant alterations at the lower floors which have obliterated much of the original significance of those parts of the building and the site no longer contains a mews building. All other properties have a mews building and the Council consider that there was probably originally a mews building associated with this property. I see no reason to disagree with that assessment, although I note the comments expressed by a third party related to this matter.
11. Scheme 1 proposes the construction of a new mews building in the rear garden to replace the existing two storey boundary wall and re-instate an historical element that both main parties accept was once there. The proposals also include basement excavations and links between the mews building and main house remodelling of the lower and ground floor levels. Much of these areas have already been subject to significant change and the significance of the remaining layout and detail in these areas is compromised. Whilst the proposed mews building and link would bring the new building up to the main building the use of architectural detailing, including the use of glazing and the provision of the proposed light well, would in my view provide a reasonable degree of legibility and separation between the new and historic elements of the building. I am satisfied that these elements would not compromise the significance of the listed building and indeed the restoration of the mews building would assist in better revealing the significance of the building and the relationship it would have had to the mews behind.
12. The proposals also include internal alterations to the listed building, replacement fenestration on the rear of the building, a new portico to the front along with works to the front elevation. I agree with the Council that these matters do not affect the significance of the listed building and would not harm its architectural quality or historical interest; indeed I would suggest they result in minor improvements.
13. Scheme 2 incorporates proposals for a new mews building, this is reduced from that under scheme 1 and the Council do not object to it in this scheme. As I have already accepted that the larger mews building is acceptable it follows that I agree with the Council that this building would also be acceptable.
14. Scheme 2 also incorporates a number of the minor works proposed under scheme 1 including the portico, improvements to the front elevation and fenestration works. Again I consider these acceptable for the reasons given previously. They result in minor improvements to the appearance of the listed building and therefore its architectural quality.
15. In scheme 2 the Council are concerned with the increased height of the rear closet wing. This is increased by approximately one storey to accommodate additional lift access internally. The increase in height in the closet wing was not incorporated in scheme 1 although it was proposed to rebuild it. Given that there have been significant alterations to the rear closet wing and it was

accepted that it could be re-built under scheme 1 there are no issues concerning the loss of historic fabric or original detailing. The primary concern relates to the scale, bulk, mass and height of the wing on the rear elevation becoming an overly assertive element. A number of the properties in the terrace have had alterations to the closet wing and it represents a modest element on the rear elevation. In the context of the property the closet wing still retains a subservient appearance and is well below the height of the building. Given the other examples of changes to the closet wings in the surrounding area this does not detract from the architectural or historic interest of the building and thereby its significance.

Conservation Area

16. The Belgravia Conservation Area gains its special quality and significance from the listed buildings and architectural quality of the buildings and the form and arrangement of those in the general area. This leads to a street scene and area of high architectural quality.
17. Scheme 1 provides for the re-instatement of a mews building behind the appeal property and fronting the rear mews. The existing high blank wall does in my view detract from the existing appearance of this mews elevation and is the only property without such a building. It is evidently a piece that is missing from the set piece and thereby reduces the effect and appearance of it. The re-introduction of the building, in appropriate materials and appearance, is a positive contribution to the street scene and appearance of the mews. The relationship of the mews building with the listed building would not be readily apparent from the street and would appear much as the others in the street. The Council raise concerns with high level private views, but these would give views to many of the existing mews buildings which are disparate in form and depth and include examples of similar relationships. The proposals would not harm the character and appearance of the conservation area which would therefore be preserved. Indeed the other minor works replacement fenestration, portico and other works would make minor improvements to the appearance of the building and would enhance the appearance of the building and its contribution to the conservation area.
18. The Council's concern with scheme 2 revolves around the additional height being proposed on the rear closet wing. The closet wing would only be glimpsed and with the mews building in place would not be readily apparent from close views in the mews. There are a number of properties in the locality which have had alterations to their closet wings and this does not significantly change the character and appearance of the conservation area. The closet wing retains its subservience on the rear elevation and is in-keeping with the height and scale of other examples in the area. I am satisfied that this would not harm the appearance of the property or its contribution to the conservation the appearance of which would therefore be preserved.

Public benefits

19. The proposals would re-introduce a mews building which both main parties suggest was an original feature. The proposals would result in improvements to the front elevation and the introduction of a portico which would improve the appearance of the building. These are public benefits as they would safeguard and improve the listed building, a heritage asset.

Overall conclusions and conditions

20. I conclude that both schemes are acceptable and therefore that planning permission and listed building consent should be granted for each. I am satisfied that the proposals would not result in harm to the significance of the heritage assets and therefore are not required to balance the public benefits. However, the scheme does result in public benefits and it is right that these should also be considered in the balance. The proposals would not therefore conflict with policies S25 and S28 of the Westminster City Plan or policies DES1, 5, 9 10 and 11 of the Unitary Development Plan which collectively seek to secure the highest quality of design and protect heritage assets.
21. In terms of appeal A an approved plans condition is appropriate as good practice. A condition on working hours is required to protect the amenities of adjoining residents. In terms of appeal B the decision includes reference to plans and therefore such a condition is not required. Conditions are required in terms of a sample panel of brick work and detailed plans at a scale of 1:5 and 1:10 of the proposed window and the proposed infill extension in the interest of the listed building. These latter conditions are only imposed on the listed building consent as duplication is not necessary.
22. Similar conditions on appeals C and D are required as for appeals A and B respectively for the same reasons with the exception of that related to the infill extension in scheme 1 which is not appropriate in respect of appeal D.
23. For the reasons given above I conclude that all the appeals should succeed.

Kenneth Stone

INSPECTOR