
Appeal Decisions

Site visit made on 27 June 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 8th August 2017

Appeal A: APP/K5600/W/17/3168360 **18 Upper Cheyne Row, London SW3 5JN**

- 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 Simon Kidston against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref: PP/16/05817, dated 5 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed are internal alterations at second floor level and external alterations at the lower ground floor level, including conversion of the front pavement vault and creation of a link with main dwelling.
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Appeal B: APP/K5600/Y/17/3168359 **18 Upper Cheyne Row, London SW3 5JN**

- 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 Simon Kidston against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref: LB/16/05818, dated 5 September 2016, was refused by notice dated 8 November 2016.
 - The works proposed are internal alterations at second floor level and external alterations at the lower ground floor level, including conversion of the front pavement vault and creation of a link with main dwelling.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for internal alterations at second floor level and external alterations at the lower ground floor level, including conversion of the front pavement vault and creation of a link with main dwelling.

Preliminary Matters

3. As the proposal is in a conservation area and relates to 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).
4. The proposal had been partially implemented at the time of my site visit. More specifically, an internal link between two under-pavement vaults had been

blocked and an external opening into one of them had been reinstated on the lower ground floor level. Furthermore, plant related to the heating and water system had already been installed in one of the vaults. I have seen the effect and I am satisfied that the works have been carried out according to the plan that has been submitted (Ref: 18UCR-2-102).

5. I observed that some of the proposed works had also been carried out on the second floor. This comprised an increase in the height of a doorway between the bedroom and an en-suite bathroom and the replacement of an associated door. This is in accordance with the plan that has been submitted insofar as it relates to that particular doorway (Ref: 18UCR-2-113). This is the basis upon which these appeals have been determined.
6. The Council has an emerging plan that is yet to be adopted. Consequently, these appeals will be determined in accordance with the extant development plan, having regard to the emerging policies, insofar as they may be relevant, as well as the National Planning Policy Framework 2012 (the Framework).

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, 18 Upper Cheyne Row (Ref: 1265580), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Cheyne Conservation Area.

Reasons

8. The appeal property is a three storey, terraced dwelling over a lower ground floor and is situated in a residential area. The proposal is seeking to make alterations at the basement and second floor levels. More specifically, the appellant wishes to raise the height of two doorways leading from a second floor bedroom and create an extension to link a lower ground floor bedroom with an under-pavement vault. The floor level of this vault would be lowered to accommodate an associated en-suite bathroom. The other vault has already been adapted to accommodate a heating and water system. The link would require alterations to an existing doorway and window opening on the front elevation. The extension would project beyond the edge of the main entrance steps that span an open, lower ground lightwell.
9. The Cheyne Conservation Area (CA) fronts onto the River Thames to the south and is bounded by the King's Road to the north. It is an area of significant historical interest with a high diversity of fine buildings, mostly dating from the 18th and 19th centuries. It has a varied townscape with terraced, uniform housing and 'palace' frontages of later Victorian origin predominating. Upper Cheyne Row was extended in the 19th century and is characterised by Regency and early Victorian architecture. Lightwells, with wrought iron railings, are a commonly occurring and important architectural feature throughout the CA with main entrance steps typically unenclosed at lower ground level. They create a distinct visual separation between the private and public domain and help to maintain the historical legibility of the buildings by revealing their past organisation. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the architectural and evidential contribution that lightwells make to historic buildings.

10. The building was listed in 1954 and dates from the 18th century with later additions. Its main façade was re-fronted in the early to mid-19th century. It is double-fronted with a rusticated, stucco ground floor and lower ground floor. It is faced with yellow London stock brick and the upper floor windows have stucco dressings. The main entrance is offset with railings on either side, extending around a narrow lightwell. Two vaults are situated on the opposite side of the lightwell which project under the adjoining pavement. These have previously been converted for use as utility areas. The lightwell is accessed externally via a cast iron stair case from street level and internally via French doors. Internally, wood panelling forms a prominent architectural feature in most of the principle rooms on the ground and first floors. It also characterises the intact stair casement up to the second floor level. Whilst the house has been subject to internal alteration, a range of original fabric and features nonetheless remain. 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 its historic fabric and original architectural features.
11. Turning to the second floor, I note that the appellant recognises that the door to the landing is a typical four panel door associated with service areas and the lower status rooms that would have been present on this floor. I also observed that it has similar proportions to the nearby door which has been sealed. As such, the door itself and the reduced height of the opening have a clear evidential value despite having been moved from their original position in 1998. Whilst I accept that this floor has been subject to extensive alteration, the door is nevertheless one of the few surviving architectural features indicative of its past organisation. As such, the loss of the door and its diminutive opening would have a negative impact on the special interest that would add to the cumulative loss of original features in this building. This is not the case for the door to the en-suite bathroom as undisputed evidence has established that this was a modern addition. Consequently, I do not find any negative impact has arisen from its replacement.
12. The appellant has suggested that the historic door and architrave could be altered to suit a taller opening to the landing through the use of a suitable condition. However, this would alter the proportions of the door and consequently disrupt its relationship with the sealed door. This would not only significantly reduce its evidential value but would also cause direct harm to the fabric of the door.
13. Turning to the lower ground floor, I observed that the alterations would have little effect on original fabric given its past reconfiguration and the installation of unsympathetic French doors. The Council found the proposed changes to the doorway and window acceptable, subject to agreement, and I agree. However, this was not the case for the extension or changes to the level of one of the vaults. I observe from the plans and my site visit that the extension would only project beyond the main entrance steps by a limited amount and that the majority of the lightwell would consequently remain intact. I also observed that the vault lacks any original architectural features or detailing, save for a rendered, vaulted brick ceiling.
14. Whilst I accept that the steps would be enclosed, thus affecting an original architectural feature, the evidential value of the lightwell would nevertheless be maintained. This is because the basement windows would remain clearly visible, thus revealing the past organisation of the house. I acknowledge the

generic Historic England advice on the enclosure of cross-overs that extend into open basement areas and need to limit alterations to vaults. However, advice is just that and each case must be determined on its individual merits. Moreover, I have no specific objection before me from Historic England regarding these matters.

15. In terms of the effect of the proposal on the vault, I note that the ceiling would be retained and the original height would remain clearly evident in the other, already converted, vault. Their ancillary character would remain intact despite the difference in level and number of steps. Consequently, I do not find that either the completed or proposed elements would have a negative impact on the special interest of the listed building in this particular instance.
16. In terms of wider impact, I observed that the extremely narrow width of the lightwell is such that it does not play a prominent role in the immediate street scene. Moreover, I observed that similar links or extensions are not only widespread along Cheyne Row but also present at an adjoining property. Given the local dominance of this form and the evolving historic character of the immediate area, I do not find that the link would be detrimental to the significance of the CA.
17. Given the above, I find that whilst the proposal would preserve the significance of the CA it would, on balance, fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
18. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development 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 that the harm relates to a single door, I find it to be less than substantial in this instance but nevertheless of considerable importance and weight.
19. 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 of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it would improve the 'use-ability' of the building and make it a 'more attractive' for use as a family home. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. Furthermore, these are private rather than public benefits.
20. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy CL4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 that seeks, among other things, to ensure that development protects the heritage significance of listed buildings. As a result the proposal would not be in accordance with the development plan.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeals should be dismissed.

Roger Catchpole

INSPECTOR