



Appeal Decision

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: 10 August 2017

Appeal Ref: APP/K5600/Y/17/3167957
9a Wilbraham Place, London SW1X 9AE

- 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 Ms M Potgieter (The Wilbraham Place Practice) against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref: LB/16/06920, dated 16 October 2016, was refused by notice dated 14 December 2016.
 - The works proposed are internal works to ground floor and fixing of non-illuminated signs to the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the works are in a conservation area and relate 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).

Main Issues

3. The main issues are whether the proposal would preserve a Grade II listed building, 9, 9a & 9b Wilbraham Place (Ref: 1067394), and any of the features of special architectural or historic interest that it possesses and the extent to which such works would preserve or enhance the character or appearance of the Sloane Square Conservation Area.

Reasons

4. The appeal property is situated on the ground floor of a residential terrace that fronts onto Wilbraham Place. The proposed works comprise the installation of commercial signage and the removal of an internal pier to create an open plan area. I observe from the plans and my site visit that the works would also lead to the removal of a lowered section of wall adjoining the pier.
5. The Sloane Square Conservation Area (CA) is principally focussed on the commercial area of Sloane Square and incorporates a number of adjoining residential streets. Its character is largely derived from buildings constructed in the late Victorian and Edwardian periods with earlier terraced houses constructed from stock brick and stucco giving way to later terraced houses and mansion blocks constructed from red brick with terracotta, stucco or stone

- dressings. The architectural treatment of mansion block entrances has created a key architectural feature that signifies the monumental nature of these buildings and helps to create a clearly defined legibility. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the historic form and fabric of building entrances.
6. The building was originally listed in 1999 and was built around 1896. It is constructed from red brick with stucco dressings and a modern tiled roof with a stone finial, corner turret. Although each of the three constituent buildings has a varying architectural treatment, it nevertheless forms a unified composition in terms of its materials and architectural detailing. The building in which the appeal property is located comprises five stories with a lower ground floor and attic. Its façade has three curved, bow windows that extend across all floors with brick aprons to the windows which are moulded on ground floor level. The front entrance has a door casement with a double, open fanlight and steps to the street. The simplicity of its design contrasts with the grand entrance of the adjoining property, No 9, with its four Tuscan columns on piers supporting a frieze, cornice and bottle balustrade. Internally, the ground floor layout of No 9b is largely intact with original cornices and doors still evident despite some modern alterations. 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 the subservient detailing of the main entrance to the appeal property and its compartmentalised layout.
 7. I observed that the predominant character of Wilbraham Place is residential despite the presence of two shop frontages at the junction of Sloane Street and a small number of less prominent commercial premises. The associated signage is minimal and does not disrupt the traditional building façades of the street. I accept that the proposed signage in the windows would not be detrimental to either the listed building or the CA but do not find this to be the case for the lettering above the doorway, despite a similar sign on the adjoining building. This is because it would detract from the simple design of the door casement by the creating a visually distracting feature that would draw the eye to one part of this feature, thus eroding its overall architectural integrity. Whilst I acknowledge that it would be mounted in a similar fashion to the sign on the adjoining property, it would still partially obscure and disrupt a feature of architectural significance. As I am not aware of the full circumstances of the existing signage, I can only give its presence limited weight in the planning balance of this appeal. In any event, each case must be judged according to its individual merits and the specific architectural features what are affected.
 8. Turning to the internal alterations, I accept that the pier rises into a false ceiling that extends across a significant part of the ground floor. However, I do not have any substantiated evidence before me to suggest that the pier and adjoining wall are '20th century inserts' as opposed to surviving features indicative of an original layout. I note the presence of a structural report and a heritage statement but find that the former merely indicates that the pier is non-loadbearing whilst the latter relies upon the presence of an already altered layout to justify the proposed changes. These were acknowledged by the appellant as having a 'minor adverse impact'. However, small impacts nevertheless have a cumulative effect and existing harm is not a justification for further harm.

9. I acknowledge the plan associated with a previous application for a Certificate of Lawfulness from the RBKC website that identifies the pier as part of '20th century partitioning'. However, this carries little weight because it lacks any context or reasoned justification and merely indicates the layout at that particular point in time. The status of this feature remains equivocal as a result and this fact is not altered by the Council's appeal statement given the lack of evidence that is before me. Although the appellant suggests that the property originally functioned as a doctor's surgery, this has little bearing on the evidential value of the wall and pier as a compartmentalising feature indicative of a historic pattern of use.
10. Paragraph 128 of the National Planning Policy Framework 2012 (the Framework) requires applicants to describe the significance of any heritage asset that may be affected by a proposal. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise. In this particular instance I find that the heritage assessment was undertaken in a cursory fashion and consequently lacks sufficient information upon which determine the potential harm that would be caused. I note that the appellant is of the opinion that the internal wall and associated layout are not part of the special interest because they are not mentioned in the listing. Whilst I accept that these features are not described, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
11. Given the above and in the absence of substantiated evidence to the contrary, I find that the works would be detrimental to both the listed building and the CA. I consequently give these harms considerable importance and weight in the planning balance of this appeal.
12. Paragraph 132 of the Framework advises that when considering the impact of a proposal 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 the extent of the signage and potential loss of original fabric, I find the harm to be less than substantial in this instance. 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. The appellant is of the opinion that the works would be beneficial because they would remove part of the false ceiling, provide a more efficient layout and improve corporate branding. However, the continued viable use of the property is not dependent on the proposed works as the building has an ongoing use that would not cease in its absence and neither would any benefits accrue in relation to the CA.
13. Whilst the harm to the significance of the heritage assets would be less than substantial, I am not satisfied that any public benefit would outweigh that harm. I therefore conclude that, on balance, the works would fail to preserve the special architectural and historic interest of the Grade II listed building and would also fail to preserve or enhance the character or appearance of the Sloane Square Conservation Area. This would conflict with paragraph 134 of the Framework and local policies insofar as they seek to implement the Act.

Other Matters

14. The appellant has drawn my attention to works that have been carried out in the flat directly above the appeal property. However, I am not fully aware of the circumstances and whether or not it predates current policies and guidance. Consequently, this matter carries little weight in favour of the proposal.
15. The appellant is of the opinion that the signage would avoid confusion and the disturbance of occupiers of the neighbouring flats by new clients. However, I observed that the number of the appeal property is prominently displayed on the pilasters of the door casement. Furthermore, I am not satisfied that alternatives, such as clearer directions, are incapable of solving this problem. Consequently, this matter carries negligible weight in favour of the proposal.

Conclusion

16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR