



Appeal Decision

Site visit made on 27 June 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 23rd August 2017

Appeal Ref: APP/K5600/Y/17/3171633

Flats 4 and 5, 19 The Vale, London SW3 6AG

- 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 David Price against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/05211, dated 8 August 2016, was refused by notice dated 26 October 2016.
 - The works proposed are internal and external alterations including insertion of three conservation roof lights to replace existing velux roof lights in rear roof slope, reconfiguration of internal floor plan and provision of new bathroom and shower room facilities.
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Decision

1. The appeal is allowed and listed building consent is granted for internal and external alterations including insertion of three conservation roof lights to replace existing velux roof lights in rear roof slope, reconfiguration of internal floor plan and provision of new bathroom and shower room facilities at Flats 4 and 5, 19 The Vale, London SW3 6AG in accordance with the terms of the application Ref LB/16/05211 dated 8 August 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A planning application was submitted alongside the current application for listed building consent in relation to the replacement of the two velux roof lights in the rear roof slope with three conservation style roof lights. This application was successful¹. Due to the discrete location of the rooflights my view is that this aspect of the proposed works would preserve the character and appearance of the Chelsea Park/Carlyle Conservation Area.
3. Prior to the determination of the listed building consent application the appellants submitted a revised plan relating to the proposed internal alterations to Flat 4, referenced 2796 – 200B. This illustrated the addition of *purpose made half height built in draws and bookcase* which would serve to conceal drainage pipework. This plan is not referred to in the Council's decision notice. However, a different version of 2796 – 200B has been approved as part of a subsequent application for listed building consent for an amended scheme which excludes the proposed addition of an en-suite bathroom to bedroom 1 in Flat 4². Therefore, in the interests of clarity, I have determined the current appeal on the basis of the plans listed in the Council's decision notice.

¹ PP/16/05210

² LB/17/02044

Main Issue

4. The main issue is whether the proposed works would preserve this Grade II listed building, or any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

5. The Vale is a terrace of three and four storey houses built between 1910-1925. This was part of an area intended for occupation by artists, architects, musicians and writers, with the integration of artists' studios a notable feature of the locality. It is located within the Chelsea Park/Carlyle Conservation Area.
6. The terrace as a whole was designed in the Queen Anne revival style, and whilst each property is of individual appearance, there is a cohesive street scene overall. The appeal property, No 19, is listed as part of a group with No's 3-29 (odd). This terrace is noted as *perhaps the conservation area's most interesting single architectural composition*³. The appeal property forms the centre of a symmetrical design with Nos 17 and 21, with features of its front elevation including its projecting portico and stone detailing around the front door and central first floor window. As such, much of the special architectural interest and heritage significance of the appeal property lies in the appearance of its front elevation as part of the design composition of the wider terrace.
7. Very little information is provided about the original plan form of this property, though it is clear that this was based on a balanced arrangement of four similarly proportioned rooms with a central hallway and chimney breast on the shared boundary with No 21. This latter feature, cutting diagonally across the inner corners of the two rooms which share a boundary with No 21, is redolent of an 18th century form of chimney breast.
8. The conversion of this property into flats during the post-war period included the creation of attic accommodation, the removal and blocking up of fireplaces, some re-configuration of floorplans and the sub-division of the original central landing areas with partition walls to create entrance doors to the flats.
9. The appeal site relates to Flat 4 which occupies the second floor and Flat 5 which occupies the third floor and the converted former attic above. Details of floor plans and interiors have only been presented for these parts of the building. From this information, and what I was able to see on site, it is apparent that other incremental changes have taken place, including the insertion of two rear facing velux windows, the sub-division of one room in each Flat to create a kitchen/bathroom, the loss of much of the original cornice and the insertion of false fireplaces. Nevertheless, much of the plan form and some elements of the original fabric of this part of the building remain and contribute to the appreciation and therefore special interest and significance of this heritage asset.

The proposals

10. The proposed works involve a number of small scale mostly internal alterations to both flats, which the appellants suggest would be to meet the evolving needs and expectations of residential occupiers. The Council has indicated its view that with

³ Chelsea Park Carlyle Conservation Area Appraisal 2017, 3.44

the exception of the drainage provisions for the front en-suite bathroom linked to Flat 5 bedroom 1, and the insertion of the en-suite bathroom in Flat 4 bedroom 1, the works overall would preserve the special interest of the listed building. This view is consolidated by the recent granting of listed building consent for an application which in many respects is identical to the appeal case, apart from the removal of these two elements. In granting this consent the Council's view is that the benefits gained from the reinstatement of various elements of the interior of this building have been taken into consideration.

11. I have no reason to take a different view on the consented works. I turn therefore to the remaining areas of contention between the parties.
12. The existing built in and full height cupboards to bedroom 1 of Flat 4 partly enclose the chimney breast and extend along the party wall, thereby altering the original proportions of the room. The proposals would remove these cupboards, reinstate the cornice in its original position and include the addition of an en-suite bathroom in the form of a phase change glass enclosure. This enclosure would be positioned in front of the chimney breast covering its width and thereby obscuring most views of this feature. As this addition would be positioned close to the entrance to the bedroom its presence would create a somewhat awkward turning area.
13. However, whilst the en-suite would have a degree of solidity by virtue of the screen and associated sanitary ware, overall it would be a lightweight structure, transparent when not in use, and it would not reach full ceiling height. These elements of the proposal would mean that when viewed from inside the room its original shape and proportions would be reasonably visible. Overall, the effects of the proposed en-suite on the plan form of this room would be comparable to that of the current built in cupboards and so this aspect of the scheme would be of neutral effect.
14. The en-suite would be served by the drainage pipes passing from the front en-suite in Flat 5 dropping down into this enclosure. The vertical and horizontal journey of these pipes through this bedroom would therefore be visible, though boxed in, above the enclosure and along the bottom of the south eastern wall. I accept that low level cupboards running along the lower part of the wall could disguise this latter element. However, my view is that by cutting through the cornice line the drainage pipes above the enclosure would be harmful to the appearance of this feature. However, acknowledging this concern, the appellants have indicated that as a result of the alternative drainage design which has been approved as part of the more recent listed building consent, there is a viable alternative.
15. The approved drawings illustrate that the drainage pipes associated with the Flat 5 Bedroom 1 en-suite would not run towards the rear of the building but rather connect to the drainage on the other side of the building. As it appears that a horizontal drainage route through Flat 4 bedroom 1 to serve the adjacent kitchen has already been approved as part of this recent consent, it would be reasonable to assume that a connection could be made to this foul drainage to serve the en-suite with little additional disruption. It therefore appears the concerns about the vertical piping could be addressed through a suitably worded condition, should these works be acceptable overall.
16. I also note that there would be a ceiling grille above the enclosure but do not consider this to be a significant addition.

17. I have noted that the special interest and significance of the listed building lies in part with its plan form and internal features. The insertion of the en-suite would alter the visibility of the chimney breast, enable the re-instatement of the original position of the cornice and instead of full height built in cupboards there would be a sizable semi-solid structure. My view is that overall a comparable level of appreciation of the original form and features of this room would be achieved and therefore harm to the significance of this heritage asset would not result.

Consideration

18. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving or enhancing the building or its setting, or any features of special architectural or historic interests it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
19. Additionally the Council refers to Policy CL4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 which requires that any works of alteration should preserve the heritage significance of listed buildings, including the preservation of original architectural features, and later features of interest, both internal and external, taking opportunities to reinstate features of significance and remove features that harm significance. The Council also makes reference to the advice from Historic England relating to the importance of the plan form of listed buildings, noting that in some cases this can be its most significant feature⁴. Therefore internal alterations, including new services can, often cumulatively, impact on this significance.
20. In this case I have noted that the plan form of this building does form part of its significance, though this is not its most notable feature. Whilst I accept that cumulative alterations must be carefully controlled, the matter of contention between the parties in this case would not on balance harm the special interest and significance of this heritage asset. Therefore I find that the proposed works would preserve the special architectural interest of the Grade II listed building having regard to the requirements of statute, the Framework and Policy CL4.

Conditions

21. A condition specifying approved plans is required as this provides certainty. Conditions relating to the need for works to match the existing fabric and painting of the Flat 5 kitchen door are required to protect the special architectural and historic interest of the building. The conditions relating to the approval of additional details of drainage, the double doors in Flat 4 and the rooflights are required prior to the commencement of these works in order to ensure that the special interest of this building is protected.

Conclusion

22. For the reasons set out above I conclude that the appeal should be allowed.

AJ Mageean

INSPECTOR

⁴ Historic England Advice Note 2: *Making Changes to Heritage Assets*, paragraph 45

Schedule of Conditions

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 2) The works shall be carried out in accordance with the following approved plans: 2796 – 100; 2796 – 110; 2796 – 200A; 2796 – 210A; 2796 – 220; 2796 – 230; 2796 – 240.
- 3) Notwithstanding condition No.2 no works shall take place until details of the revised internal drainage scheme which would avoid visible drainage boxing within bedroom one of Flat 4 have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with approved details.
- 4) 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 the colour, material, texture and profile.
- 5) Detailed drawings in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the work shall not be carried out other than in accordance with the details so approved and shall thereafter be so retained:
 - (a) the double doors in Flat 4 which shall be painted timber;
 - (b) the rooflights which shall be fitted flush to the roofslope.
- 6) The new single leaf door for the kitchen in Flat 5 shall be painted timber to match those existing and shall be so retained.