



Appeal Decisions

Site visit made on 14 June 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/K5600/W/18/3209915

46 Paultons Square, London SW3 5DT

- 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 A Hunter against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/02706, dated 9 May 2018, was refused by notice dated 9 July 2018.
 - The development proposed is the extension of rear closet wing and glazed in-fill extension.
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Appeal Ref: APP/K5600/Y/18/3209917

46 Paultons Square, London SW3 5DT

- 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 A Hunter against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref LB/18/02707, dated 9 May 2018, was refused by notice dated 9 July 2018.
 - The works proposed are the extension of rear closet wing and glazed in-fill extension.
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Decisions

Appeal A Ref: APP/K5600/W/18/3209915

1. The appeal is dismissed.

Appeal B Ref: APP/K5600/Y/18/3209917

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - whether the proposal would preserve the Grade II listed building 34-56 Paultons Square, and any of the features of special architectural or historic interest that it possesses; and,
 - whether it would preserve or enhance the character or appearance of the Cheyne Conservation Area (CA).
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Reasons

The significance of the listed building and the CA

5. This house is part of a long terrace of tall, brick and stuccoed 'third-rate' pattern-book houses built in around 1840 and listed for its group value. The terrace reflects those on the opposite, long side of the square and beside its short side which enclose a formal garden square.
6. The front of the terrace has particular architectural and historic special interest with its raised, central section and its Classical proportions and detailing. The back of the terrace is also significant, though its character is more utilitarian and plain by comparison. It is distinctive for the number and architectural unity of the solid rear closet wings, many of them extended, and the more delicate infill extensions between them.
7. The majestic length and intact splendour of this building, together with the other terraces enclosing Paultons Square, the only formal garden square in the area, adds to the rich variety of architecture in the CA which spans 300 years of development and to whose landscape, townscape and historic significance it is an essential part.

The proposals

8. The appellant proposes to demolish the rear wall of the closet wing and extend it both towards the garden, and upwards for an additional room. The return wall of the closet wing would be altered, and the space between the closet wing and the party wall enclosed to form an additional living space over two levels. I will consider first the proposed extension and infill, and then the demolition, which is the central issue between the parties.

The effect of the extension and infill

9. The height and depth of the extension and the incorporation of a window at first floor would be similar to the extension behind the adjoining house, and similar to many closet extensions behind the terrace. The materials of the extension, the parapet treatment, and the design of the new window would tie the wing visually to the house. Though it would be deeper and higher than the original wing, it would be sensitively deferential in scale to the house.
10. The continuous, crisp delineation of the enclosure and structure of the glazed shorter infill extension, and the smooth regularity of its finishes would sensitively differentiate it from its historic counterpart. It would not disrupt the balance of mass behind the terrace or the significance of the arrangement of openings in its back wall. It would be similar in size and design to many infill extensions behind this terrace.
11. The alteration to the lower section of the external stair from the closet wing would include the replacement of 2 concrete treads with stone to match the original stair. The reconfiguration of the stair and the new treads would not in isolation undermine the significance of the back of the terrace. While a small part of the back of the terrace would change, the proposed extension and infill would be sensitive in their scale, form and detailing to its historic and architectural significance.

12. The design of the proposed extension and the infill beside it would not harm the special architectural or historic interest of the listed building or the character or appearance of the CA. There would be no conflict with policy CL3 of the Consolidated Local Plan 2015 (LP) which requires development to preserve or enhance the character or appearance of the conservation area, or with LP policy CL11 which requires development to protect and enhance views that contribute to the character and quality of the area.

The effect of the demolition

13. The rear wall of the closet wing would be demolished, and part of its return wall would be removed. The demolition would be a substantial proportion of the closet wing, but in the context of the house, the back of the terrace, and the overall listed building, the amount of demolition would not be extensive. In respect of LP policy CL3, which resists substantial demolition in conservation areas, there would be no conflict from the proposal.
14. Notwithstanding this, the appellant submits that the demolition of the rear wall of the closet wing would result in harm to the listed building, though at the very lower end of the scale of less than substantial harm.
15. In terms of its form, given the coherence and number of consented closet wing redevelopments on the same elevation, which are now also part of its character, and the consents¹ to extend the closet wing upwards, I agree that its aesthetic contribution to the architectural and historic significance of the building is limited. Nonetheless, it retains evidential value and historic significance as a surviving example of the original closet wing.
16. In terms of its fabric, while the opening-up work has revealed that the rear closet wall contains some modern materials, this appears to be limited. I acknowledge the variety of materials and the bricks different from those in the house used in the closet wall, though this was not unusual practice in less prominent locations in secondary structures. I have also taken into account that the back of the house and the closet wing have been altered. These factors have a bearing on its historic significance, but they do not deny its evidential value, which for the most part remains intact.
17. Both the Council and the appellant have found harm to the listed building from the demolition of the rear closet wall. It follows therefore, that its demolition would fail to preserve the Grade II listed building 34-56 Paultons Square, and its features of special architectural and historic interest. It would conflict with LP policy CL4 which requires extensions to listed buildings to preserve their heritage significance or any features of special architectural or historic interest. It would also be at odds with LP policy CL3 which requires development to protect the special architectural or historic interest of the area, as well as to preserve or enhance its character or appearance.

Planning Balance

18. The proposal would fail to preserve the special architectural and historic interest of the listed building and the architectural character of the CA, contrary to the clear expectations of the Act. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight

¹ LPA Ref: PP/18/01608; LPA Ref: LB/18/01609

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. Although I agree with the parties that the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.

19. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would improve the utility of the closet wing with its low ceiling, and it would improve the accommodation in the house as well as upgrading its thermal and fire safety performance. While I understand the motivation behind the proposal, and recognise the environmental and social benefits, they would be of limited benefit to the public at large. Moreover, there is no substantive evidence that a more sensitive solution could not bring similar benefits, or that without the extension the residential use of the building would cease. In any event, the benefits do not outweigh the harm to the listed building nor the failure to meet the statutory expectations that the building be preserved, a consideration the courts have determined is a matter of considerable importance and weight.
20. I conclude that the proposal would fail to preserve the special historic and architectural interest of the Grade II listed building. It would not satisfy the requirements of the Act, the development plan, and paragraph 192 of the Framework.

Conclusion

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

Patrick Whelan

INSPECTOR