



Appeal Decisions

Site visits made on 14 June 2019 and 8 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/K5600/W/19/3223711

30 Egerton Crescent, London SW3 2EB

- 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 Jason Campbell-Mackenzie against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/06191, dated 8 October 2018, was refused by notice dated 7 December 2018.
 - The development proposed is the erection of rear extension to form lift shaft, partial demolition of modern conservatory and flat roofed extension at basement level and replacement with new basement level extension. Internal alterations to accommodate new domestic lift and rearrangement of existing modern bathrooms to suit.
-

Appeal Ref: APP/K5600/Y/19/3223716

30 Egerton Crescent, London SW3 2EB

- 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 Jason Campbell-Mackenzie against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/06192, dated 8 October 2018, was refused by notice dated 7 December 2018.
 - The works proposed are the erection of rear extension to form lift shaft, partial demolition of modern conservatory and flat roofed extension at basement level and replacement with new basement level extension. Internal alterations to accommodate new domestic lift and rearrangement of existing modern bathrooms to suit.
-

Decisions

Appeal A Ref: APP/K5600/W/19/3223711

1. The appeal is dismissed.

Appeal B Ref: APP/K5600/Y/19/3223716

2. The appeal is dismissed.

Preliminary Matters

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).
 4. The applicants have confirmed that the appeals should proceed under the name of the appellant given above. At my first site visit I was unable to open all of the electronic drawing files, so returned with paper prints.
-

Main Issues

5. The main issues are:

- whether the proposal would preserve the Grade II listed building, given as 26 and 27, 28-30 Egerton Crescent, 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 Thurloe/Smith's Charity Conservation Area (CA).

Reasons

The significance of the listed building and the CA

6. The impressive street presence of No 30's form and height, the formal order of its white stuccoed front and flank elevations, and its grand approach through a front garden to a wide stair under a projecting porch reflect the design of the other houses in the short terrace of which it is a part. The terrace, in turn, stands as one of two flanking wings to a long, gently curving crescent of houses, which together form the grand, C19 garden square development of Egerton Crescent. All 3 sections are listed Grade II and have group value.
7. The consistent modelling of its quoins and stucco work, the similar scale and relief of its openings, as well as the detailing of joinery within them, reinforce the architectural coherence of this house in the group and the significance of this speculatively developed, architectural set-piece. The effect of the resplendent tall, white stuccoed, palace fronted houses behind the green foreground of their front gardens and the central garden which form their high status setting adds a landscape dimension to the significance of the group.
8. The Garden Square is a defining feature of the CA. There are 2 curved garden squares close to Egerton Crescent and many rectangular examples. Though the area is characterised by streets and buildings developed in small isolated areas through the Georgian and Victorian eras, the high quality of the townscape and landscape of each enclave shares its individual character and appearance in the rich architectural tapestry of the whole CA.

The effect on the listed building

9. The internal alterations to incorporate the proposed lift would result in only limited loss of historic fabric. Sited clear of the principal spaces which characterise its London townhouse plan, the significance of its internal layout would not be undermined by the alterations to access the shaft. The basement plant room, and ground floor study would be lost to the lift, but they appear to be modern extensions. The relationship of the side vestibules at first and second floors to the rest of these floors would change, but this minimal spatial disturbance to the plan form would not harm the historic significance of the building.
10. I have taken into account that the architectural character at the back of the listed building is humbler than the more opulent front and flank. It includes brick elevations rather than stucco, closet wings and modern extensions, crossed by soil pipes and rainwater downpipes. However, the elevations to which the shaft would be attached incorporate large window openings and continue the stucco work, cornicing and quoining of the front and flank

elevations. I appreciate that the flank elevation is dog-legged as it returns to the rear by this proposal. However, this section of the flank has sufficient status in the architectural order of the building from its decorative openings and rendering, and from its bearing in the street scene, that the special architectural character of the building here, though less sensitive than the front and closer flank section, is nonetheless high.

11. The first and second floor windows give the elevation purposeful order and lightness, both in terms of their lack of solidity, as well as from their reflections of skylight. Their loss would harm that architectural character. The erection of a blind shaft in this position extending to the second floor would appear as an insensitive interruption in the formal elevations of this section of the building. I note that the shaft would stop short of the second floor cornice, and short of the quoining. However, these ornamentations need a greater degree of plain wall around them to maintain their architectural effect. The proposed shaft would reduce their resonance in the elevations. The width of the shaft, which I appreciate is no more than is absolutely necessary to accommodate the lift, would diminish the harm identified above, but it would not reduce it to an acceptable degree.
12. The proposal includes a glass screen to replace the metal balustrade enclosing the ground floor terrace. Though this would be uncharacteristically plain in the context of the finer grained texture of the materials and detailing at the rear of the house, a notwithstanding condition could secure a more sensitive design. The replacement of the modern conservatory and the minor internal alterations to the bathrooms on the second and third floors would not harm the significance of the building. I acknowledge that the present design has reduced the amount of works compared to previous schemes. However, this does not lessen the harm I have identified from this proposal.
13. I conclude that the proposal would not preserve the special architectural and historic interest of the Grade II listed building, contrary to the clear expectations of the Act. It would conflict with policies CL1, CL2 and CL4 of the Consolidated Local Plan 2015 (LP) which require development to be of the highest architectural quality which respects the existing context and in the case of alterations to listed buildings, preserves the heritage significance of the building and any features of special architectural or historic interest.
14. Paragraph 193 of the National Planning Policy Framework 2018 (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. Though I find the harm to be less than substantial, this does not equate to a less than substantial planning objection, particularly so where the statutory test is not met.

The CA

15. From Crescent Place, behind the terrace, the proposed lift shaft would be barely visible. From the front, it would have only a very marginal volumetric effect on the gap, as viewed from the street, between the wing terrace and the curving terrace. Notwithstanding this, the shaft would be visible in views from Egerton Crescent. It would reduce the present contribution of the rear quoin and cornicing to the townscape of the flank of the terrace. The order and

arrangement of the front and flank elevations of the listed building contribute significantly to the sum of architectural and historic interest of the CA.

16. Against the scale of the group of buildings and the street, I acknowledge the degree of harm to the significance of the CA would be limited. Nonetheless the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails. The proposal would not preserve the appearance of the Thurloe /Smith's Charity Conservation Area. It would conflict with LP policies CL1 and CL2, and with LP policy CL3 which requires development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.

Conclusion

17. The proposal would preserve neither the special architectural and historic interest of the listed building nor the appearance of the CA. Paragraph 194 of the Framework advises that significance can be harmed or lost through the alteration or destruction of those assets, and that any harm to the significance of a designated heritage asset should require clear and convincing justification.
18. In this regard, I have borne foremost in my mind that the purpose of the applications was to provide step free access between the basement and second floor. I do not underestimate the fragility of good health and the difficulty of stairs, and I recognise the benefits the proposal would bring to the ability of the occupiers to use their house. However, these would not be of a nature or scale to be of benefit to the public at large. They do not amount to the public benefits which paragraph 196 of the Framework advises can be weighed against harm in the planning balance.
19. I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, as well as the appearance of the CA. It would fail to satisfy the requirements of the Act and the development plan, as well as paragraph 192 of the Framework. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR