



Appeal Decision

Site visit made on 28 June 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/A5840/Y/18/3213088

19 West Square, London SE11 4SN

- 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 Mrs Julia King against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/1691, dated 21 May 2018, was refused by notice dated 18 July 2018.
 - The works proposed are internal works to basement, ground and first floors. The replacement of a round window with a rectangular sash window to the rear elevation. Repair and brick staining to rear elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the cutting back of any nibs and any walls save as shown on the first floor; and dismissed insofar as it relates to the removal of the circular window and its proposed replacement, and the proposed brickwork treatment.
 2. The appeal is allowed insofar as it relates to the other works, and listed building consent is granted for the works on the first floor; the works within the rear extension including the removal of the toilet and utility room, the cutting-back of the upper floor and lowering of the lower ground floor and the insertion of a stair; the insertion of a sliding door on the first floor; and, on the lower ground floor, the enclosure of the stair and the formation of a larder and a utility room, at 19 West Square, London SE11 4SN, in accordance with the terms of the application Ref 18/AP/1691, dated 21 May 2018, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) The works and finishes and works of making good to the retained fabric included in the works hereby approved shall match the existing adjacent work with regards to the methods used and to material, colour, texture and profile and shall be maintained as such thereafter.
 - 3) Before the cutting-back of the upper floor within the extension, a report by a structural engineer to demonstrate that this element of the works will not affect the structural stability of the building shall have been submitted to the local planning authority and approved in writing.
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Preliminary Matter

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

Main Issue

4. The main issue is whether the proposed works would preserve the building, listed Grade II in 1972, as West Square (west side) Nos. 6-19 (consecutive) and attached railings, and any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

5. No 19 is part of a smartly dressed neo-Classical terrace with raised ground floors on the west side of one of the earliest surviving Georgian squares in south London. It reflects the terraces on the other sides of the square, built between 1794 and 1810 and which together form a group. Notable in the historical development of this terrace is its conversion into flats following the housing shortage after World War II. This involved the loss of some original staircases and front doors. In 1996, a scheme to convert the flats back into houses, which included rear extensions to the lower ground and ground floors, was granted planning permission, with the extensions implemented in all but 2 of the houses.
6. While the frontage of the terrace is of particular importance, the rear elevation, with its regular pattern of the modern closet wings also contributes significantly to the architectural character of the building and to the appearance of the conservation area. Though the interior of No 19 may have been altered, that does not mean that it does not contribute to the building's significance. It retains evidence of the historic layout and reveals how it was occupied and used. The features which add to its special historic interest should be preserved wherever possible. No 19 is also significant for its association with the chemist John Newlands, who devised the Periodic Table, and who was born and schooled here.
7. Despite the demolition of Nos 1-5 West Square for a school in 1884, the distinctive townscape of the terraces, their relationship with the enclosed, public garden, and their part in the pattern of C18 urbanisation following the construction of Blackfriars Bridge add to the significance of the conservation area which is named after this most handsome of London squares.

Works inside the original house

8. The existing staircase from the lower ground floor appears to be modern. Its enclosure would not harm the spatial significance of its position or its arrangement. Similarly, the formation of a larder and a utility room in the kitchen on the lower ground floor would not undermine the historic plan form or remove historic fabric.
9. The reconfiguration of the first floor bathroom to form a dressing room would not result in a harmful loss of historic fabric or disturbance to the plan form. It

would be comparable to the layout for which listed building consent¹ was granted in 2018. The removal of the C21 toilet and utility room in the extension would not harm the significance of the building, nor would a sliding door across the opening in the living room on the upper ground floor.

10. Notwithstanding this, the cutting back of the nibs of the openings in the back and front walls of the house, on both lower ground and ground floors, the removal of the nib beside the lower ground floor chimney breast, and the cutting back of the cross wall on the lower ground floor are less sensitive proposals. The width of the openings in the back wall retain something of the architectural character of the original building and reveal the construction and living standards of an earlier time. While the cross wall is already partially opened, reducing it further would diminish the legibility of the 2-room plan form of the town house. Aside from the loss of historic fabric, the cutting back of the walls and nibs would diminish the special historic interest of the building.

External works

11. The modern extensions to the terrace are distinguished from the original houses as much by the non-Classical proportions of their openings as by their mono-pitched forms. The displaced circular windows and the side lights to the rectangular windows in the modern extensions are part of that strategy of distinction. The removal of the circular window would undermine the cohesive architectural order shared by the extensions to the terrace and the differentiation boldly marking two significant, discrete phases of development.
12. Further, the window of six panes over six proposed to replace it would be so similar to the proportions of the original windows at the back of the house as to weaken the legibility of the two phases of development. It would undermine the special architectural interest of the building while removing a small but important part of the phase of development which adds to its historical significance.
13. I appreciate that when the Council considered a planning application for the replacement of the circular window in the extension with a larger, rectangular opening, it found the replacement to be in keeping with the others in the house, and that it would match them. However, as the split decision demonstrates, where I have found that the special interest of the building would not be harmed, I have allowed these elements of the works. For the reasons above, the window replacement would harm the special architectural interest of the building. It would fail to accord with the provisions of the Act.
14. I appreciate the intention to address visual inconsistency across the brickwork of the rear elevation at high level. Because of the lighting conditions at my visit I was unable to see the areas highlighted in sufficient detail. Without any details of the extent of the areas for attention, and the precise nature of any intervention, I am unable to conclude on the sensitivity of this element of the proposals to the special historic and architectural interest of the building. For this reason, a planning condition would be inappropriate.
15. I can see no harm from adjustments to the length of the doors and windows in the main opening at lower ground floor resulting from its lowering, the sensitive finishing of which could be secured by condition.

¹ LPA Ref: 18-AP-0032

Works inside the rear extension

16. Though the two room plan form with stairway to one side is still recognisable, the lower ground and ground floor cross walls have been partially removed to make enlarged single volumes of space on these floors. Moreover, the rear extension after 1996 has lengthened the footprint of the house. In this context, the works to open up the extension with a cut-back floor around a stairway would not disrupt the original plan form of the house or the legibility of the 1996 extension. Similarly, the steps up from the floor of the main section of house to the rear extension appear to have less architectural or historical significance than they do technical compliance with construction standards. The lowering of the lower ground floor in the extension would not harm the significance of either the original house or its extension.
17. The significance of the extensions to the houses appears to be concentrated more in the incorporation of additional space in a repeated, unified form sensitive to the special architectural and historic interest of the terrace than anything distinctive in the general arrangement of the space within them. The works within the rear extension would not harm the special architectural or historic interest of the building.

The Planning Balance

18. There would be no harm from the internal rearrangements on the first floor or from the spatial changes within the extension, including the removal of the toilet and utility room, the opening-up of the floor, and the insertion of a stair. However, the cutting back of nibs and walls and the loss of the circular window and its proposed replacement would fail to preserve the special architectural and historic interest of the listed building, contrary to the clear expectations of the Act.
19. 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 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 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.
20. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. The appellant claims that the works would improve the standard of accommodation bringing it to the level expected by modern users. However, the continued use of the building is not dependent on these works as the present residential use would not cease in their absence. They do not amount to a public benefit.
21. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works to cut back the nibs and walls and the removal of the circular window and its proposed replacement would fail to preserve the special historic and architectural interest of the Grade II listed building. They would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and development plan policies insofar as relevant.

22. Notwithstanding this, the internal rearrangements on the first floor, the removal of the toilet and utility room on the lower ground floor, the opening-up of the upper ground floor inside the extension, and the insertion of a stair would not harm the special architectural or historic interest of the building. As the elements are clearly separable, I intend to issue a split decision.

Conditions

23. I have considered those conditions suggested by the Council, which are relevant to the elements of the appeal to be allowed, in the light of national policy and guidance and for succinctness and clarity and have amended them accordingly where necessary. In addition to the usual commencement condition, it is necessary, to preserve the listed building, for a condition requiring materials and methods of making good the fabric to match the existing. I have no evidence regarding the effect of the partial floor removal on the extension or the back wall of the house, in which case the cautious approach of the Council for confirmation of it not affecting the stability of the house is reasonable.

Conclusion

24. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

Patrick Whelan

INSPECTOR