



Appeal Decision

Site visit made on 26 June 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/X5990/Y/19/3220665

28 Wilton Place, London SW1X 8RL

- 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 T Matthews (Ocral Enterprise Inc) against the decision of City of Westminster Council.
 - The application Ref: 18/03674/LBC, dated 2 April 2018, was refused by notice dated 17 July 2018.
 - The works proposed are internal alterations for installation of cooling and heating system.
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Decision

1. The appeal is allowed and listed building consent is granted for internal alterations for installation of cooling and heating system at 28 Wilton Place, London SW1X 8RL in accordance with the terms of the application Ref: 18/03674/LBC dated 2 April 2018 and the plans submitted with the appeal subject to the following condition:
 - 1) All new work and work of making good inside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings submitted with the appeal.

Preliminary Matters and Background

2. As the appeal relates to a building which forms part of a listed terrace, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).
3. The Framework was updated in February 2019, after the application was determined by the Council. However, the parties have been able to take account of any relevant changes during the course of the appeal.
4. Revised plans were submitted with the appeal. The appellant wishes the appeal to be considered on the basis of those plans. Given that the differences between the revised and original plans are minor with regard to the cooling and heating system, I am satisfied that no party would be prejudiced by me accepting them. It is also relevant that the works are substantively complete. The appellant is seeking to regularise the position to enable the retention of the works. I have considered the proposal as if the work had not been undertaken.

5. The original application plans also included unrelated works in connection with a passenger lift, which were considered under a separate application and are subject to a related appeal, which I have dealt with in a separate decision.¹
6. The Council has clarified that its second reason for refusal in relation to this application and appeal should refer to the 'cooling and heating system' rather than the 'lift'. It also included a third reason for refusal relating to the lift, as it was shown on the original plans, now superseded. However, that aspect is dealt with under a separate application and related appeal, as stated above.

Main Issue

7. The main issue is whether the works preserve the special architectural and historic interest of the Grade II listed terrace at 9-12 and 14-28 Wilton Place, of which the appeal property forms a part.

Reasons

8. The Grade II listed terrace, of which the appeal property at 28 Wilton Place forms a part, was built in the early 19th century. The houses along the terrace are constructed of stock brick with stuccoed ground floors. No 28 is 5 storeys plus a basement. It stands at the end of the terrace where it joins Wilton Crescent. In contrast to the other houses in the terrace, it is 4 bays wide rather than two. However, its panelled door, semi-circular fanlight, regular fenestration and first-floor wrought iron balcony, along with its overall form, reflects the generally consistent, elegant, classically-influenced design of the terrace. The appeal property also lies within the Belgravia Conservation Area (BCA).
9. Internally, the building has an unusual wedge-shaped form dictated by its plot position adjoining No 15 Wilton Crescent. There have been changes to the interior of the building over time, including the recent consented replacement of previous internal partitions and, at some point, alterations at lower ground floor level. A dumb waiter serving the various floors was also installed during the 20th century, which would have involved the removal of some historic fabric, such as sections of floorboards and parts of ceilings. Nevertheless, the house retains elements of its basic plan form with the larger principal rooms at ground, first and second floor levels facing the street and smaller secondary rooms in the rear part of the house, although with limited internal historic decoration.
10. Given the above, I consider the special interest of the building to be associated primarily with its role as part of an elegant, classically-influenced Georgian terrace of largely consistent form and design. Internally, it has undergone change, but its unusual shape, basic plan form and the considered proportions of its principal rooms all contribute to its significance.
11. In its first reason for refusal the Council states that the appellant has provided insufficient information about the works, particularly with regard to *'the pre-existing condition internally and any underlying historic fabric'*, for an assessment of the effects on the building to be made. Nevertheless, it then proceeds to make such an assessment, with its second reason for refusal indicating that the works have led to a loss of historic fabric and adversely affected the historic floor plan and internal spatial character of the building.

¹ 18/08467/LBC and APP/X5990/Y/19/3221689

12. Aside from the complex planning history, the unauthorised nature of some works and related enforcement investigations, the Council's specific concerns relate, amongst other things, to the presence of a dropped ceiling and clarity about the fabric and features which may have been removed to accommodate the cooling and heating system and its service runs.
13. Paragraph 6.30 of the Council's 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' (SPG)² states: *'New services such as air conditioning, extract ducting, computer trunking, and heating systems, must be carefully designed to minimise their impact on the fabric and appearance of historic interiors. This is often achieved by using non-conventional solutions. Suspended ceilings concealing air conditioning ducts, for example, will not normally be acceptable in historic interiors. The installation of air-conditioning in a historic building may be acceptable if the necessary pipework or trunking, the external cooling equipment and internal units can be sensitively integrated with the building. Such installations should be clearly specified and described as part of any application for refurbishment, so that their appearance and impact can be fully understood.'*
14. With regard to the pre-existing condition of the interior of the building, it is accepted that unauthorised works have taken place but the appellant advises that the works were carried out without the appellant's knowledge and prior to the appointment of the current contractors and design team.³ Whilst that does not affect the position regarding liability for unauthorised works prior to any actual consent⁴, it does provide a context in which the practicality and difficulties involved in supplying precise information, about the pre-existing condition of parts of the building before the works, can be considered.
15. The appellant advises that a number of 20th century radiators have been removed. Whilst it is not clear when precisely these radiators were installed, there is some photographic evidence, which although undated, appears to show 1970s or 1980s style radiators within the building. Some of these radiators were subsequently, according to the appellant, replaced without consent between 2015 and 2017. It appears that a number of these radiators were located beneath windows and boxed to limit potentially adverse visual effects.
16. There is a dropped ceiling with a void at second floor level. The appellant advises that on-site investigation revealed that the walls within the void comprise exposed brick with no finishing material. which is supported by photographs with in the appellant's Design and Heritage Statement. Therefore, the relevant section of wall is unlikely to have been part of the visible interior of the house. That would, on the balance of probability, support the view that the lowered ceiling had been in place for some time or that such a ceiling was present historically. In any event, given the location of the dropped ceiling, to the rear of the house above smaller secondary rooms, it does not have a material impact on the special interest of the building.
17. The works appear to use largely existing service runs and routes of previous pipework, including the void within the dropped second floor ceiling. Most of the radiators appear to replace previous radiators, with a condensing unit within an existing vault at lower ground floor level. Many of the radiators are

² Adopted 7 December 1995

³ Statement of Case, paragraph 2.6

⁴ s.8(3) Planning (Listed Buildings and Conservation Areas) Act 1990

below windows and housed within bespoke timber cabinets to minimise any visual impact. Given their low level and design, they do not have a significant effect on the proportions or visual impression or appreciation of the interior rooms. Moreover, photographs indicate that there were boxed radiators previously within the house, which are likely to date from the 20th century, and potentially prior to the listing of the terrace.

18. A careful consideration of the above factors leads me to conclude, on balance, that the works do not have an adverse effect on the special interest of the listed terrace, of which the appeal building forms a part. It follows that they satisfy the requirements of the Act and paragraph 192 of the Framework. They would also comply with policies S25 and s28 of the Westminster City Plan⁵ and policies DES 1 and DES 10 of the Council's Unitary Development Plan⁶ which seek, amongst other things, to ensure that listed buildings are conserved and upgraded sensitively whilst meeting high quality design standards. The works also appear to broadly follow the advice contained within the SPG.

Other Matters

19. Given that the works relate principally to the interior of the building and I have found no harm, I am satisfied that the character and appearance of the BCA would be preserved.
20. There is dispute between the main parties about whether external alterations to one of the vaults (numbered 4 on the submitted plans), involving the widening of a doorway and the installation of vents, would also require planning permission. My role is to consider the listed building consent appeal before me, so that aspect is a matter between the parties. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Town and Country Planning Act 1990. Any such application would be unaffected by my determination of this appeal.

Conditions

21. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure compliance with the tests contained in the Framework⁷ and the Planning Practice Guidance (PPG). A condition requiring new works and work of making good to match existing work is necessary to safeguard the special interest of the building, which forms part of a listed terrace. A separate condition suggested by the Council relating to the plans or drawings is not necessary as the formal wording of the decision refers to the plans submitted with the appeal.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR

⁵ November 2016

⁶ Adopted January 2007

⁷ Paragraph 55