
Appeal Decision

Site visit made on 21 March 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/K5600/Y/19/3232742

Flat A & B, 35 Queen's Gate, London SW7 5JA

- 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 Leila Govi against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref LB/19/02484, dated 5 April 2019, was refused by notice dated 10 June 2019.
 - The works proposed are described as "*retain existing works as per attached heritage statement.*"
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Leila Govi against the Royal Borough of Kensington and Chelsea. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the works preserve the special architectural or historic interest of the listed building.

Reasons

4. The appeal property forms part of a grade II listed terrace at Nos 27-35 Queen's Gate. Dating from the mid-19th Century, these are 5 storey in height, painted stucco with string courses, with slated mansard roofs and basements. There are sliding sash windows of different scales and shapes with segmental pediments to the first floor windows and floating cornices to upper floors. The listed terrace also has Ionic porticos and panelled doors and cast iron railings.
5. No 35 forms end of the terrace and occupies a corner plot with Elvaston Place. Originally built as a townhouse, it was converted into self-contained apartments in 1925 with associated internal changes and the installation of a lift into the central stairwell at this time. Flats A and B are located to the ground floor and first floor of No 35. These were combined into a single unit in 2009. The appeal property benefits from its own private entrance with Ionic porch from Elvaston Place.
6. There is a complex planning history at the site from over the last 20 years. The appeal proposals seek the retention of works which were carried out to the

property between 2009-2011 when Flat A and B were linked. It follows the approval in 2018 for alterations to rectify the unauthorised works that had taken place at the property which were conditional on being undertaken within a specified time period. There was also a recent appeal¹ which sought to remove this condition. This was dismissed as the Inspector found that the disputed condition was reasonable and necessary to safeguard the special architectural and historic interest of the listed building.

7. In refusing consent for the current scheme, the Council's concerns were two-fold; firstly, it was considered that the proposals could not be fully understood from the plans submitted and secondly, that the works have harmed the significance and special interest of the listed building.
8. On the first matter, there is debate between the parties in terms of the scope of the works for which consent was sought. The Council held that the application did not deal with all the unauthorised works as well as raising concern that there are no before and after plans, no elevations and ceiling plans. The appellant has raised their own concerns in the Council's conduct of the application and they cite that the Council have listed a number of breaches which are not correct or do not form part of the application.
9. For proposals affecting heritage assets, paragraph 189 of the National Planning Policy Framework (the Framework) requires a level of detail sufficient to understand the effects of the proposal on significance. Given the site history and the works that have been carried out, I consider that the original submitted information is somewhat ambiguous in terms of what interventions had been made and it would have been helpful if this was made explicit by the appellant.
10. However, it has been clarified in their appeal statement that the works they are seeking to be regularised relate to the dressing room wardrobe cornicing and the kitchen works including the layout of the pocket doorway, cornicing and sliding doorway between the kitchen and family room. I also have been provided copies of previously approved plans and a chronology of works at the property from both parties.
11. For clarification, my determination of the appeal relates to the dressing room cornicing and kitchen works only. I am satisfied that I have now been provided with enough detail to understand the proposals in this regard.
12. Matters relating to other alleged works such as the removal of single leaf door, insertion of recessed ceiling lights, and the removal of and the cutting in of radiators do not form part of the works before me. Other breaches asserted by the Council and disputed by the appellant (namely items 4-6 in paragraph 9.4 of the Officer Report) relate to the Council's recommendation that an enforcement notice be served and are thus separate to my determination of the appeal made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the avoidance of doubt, any future application or action on other such matters would be unaffected by my determination of this appeal.
13. I now turn to the effect of these works upon significance. The significance of the property relates to its architectural and historic interest as part of a classical row of London townhouses. I also consider it has some historic

¹ APP/K5600/Y/18/3209654

interest relating to the conversion of No 35 during the 1920's, reflecting the changing housing and social needs of that time. The lift installation into the stairwell also gives some architectural interest as part of those works.

14. I have no details of the layout of the flatted units in the rest of the building, nor the interventions which were undertaken in 1925 to create them, but I do accept that the internal circulation and hierarchy is likely to have been changed. That said, the building was listed after such changes in 1969 and the remaining internal features of the structure and layout are also of material importance to the legibility of the building's design.
15. Flats A & B have been subject to many changes as part of the initial conversion and through later works. As they occupy what would have been the principal floors of the original townhouse, the rooms are high status with generous proportions including large windows and high ceilings and richly ornamented traditional detailing such as cornicing.
16. The kitchen serving the appeal property has been retained at first floor level when amalgamated. From the chronology of floor plans of this room, this had been subject to subdivision, forming a corridor to the rear rooms and the insertion of a mezzanine floor. A large opening was also created between the kitchen and family room.
17. The layout today is more akin to the original layout of this room, however the kitchen installation has resulted in key changes in its form from the approved 2018 scheme. A pocket doorway and sliding door into the kitchen from the landing area serving the internal stairwell and bedrooms has been installed. This gives a symmetrical formation to the room with the pantry and w/c to the other side of this room. However, this elongates the rear corridor and cuts into this corner of the main room, altering its proportions.
18. All of the access points into the kitchen are served by sliding doors. I note that the opening between the kitchen and family room was already widened as evidenced by the 2004 plans². This also depicts the use of a sliding door in the approved plans. This opening was reduced in size from the works approved in 2009³ and sliding door removed, although the area appears to have been left open with no replacement door depicted on the plans. In general the sliding door design is a contemporary means of arrival into the kitchen which, in my view, disrupt the definition of this principal room and the sense of separation with other rooms on this level. The fact that a sliding door was once used in the wall should not justify their form and use in the property today.
19. Ornate cornicing has been installed directly above full height wooden kitchen cabinets, rather than following the original walls. This also follows the new form of the pocket doorway and pantry area. Photographs of this room prior to the current works having commenced have been provided which show the mezzanine floor installed. These also show the historic cornicing around the perimeter of the room. While the room has suffered from a number of alterations over the years, including the harmful mezzanine floor, the survival of the original cornice feature at least allowed occupants and visitors to appreciate the original formation of the room.

² LB/04/02809

³ LB/09/02391

20. It is unclear as to whether the installation of the high level kitchen units necessitated the removal of this historic cornice, or whether it remains in-tact behind as the submitted information is vague on this matter. If the original cornice has been lost, the permanent loss of historic fabric is a concern. Moreover, while I accept that the new cornice is high quality and appears to match the historic design, its arrangement is dictated by the modern kitchen installation. The overall result of this, along with the pocket door and sliding doors is to significantly dilute the legibility of the room, causing harm.
21. Similar to the kitchen, the cornice in the dressing room which is located to the rear of the ground floor has been installed around the floor to ceiling wardrobes along the rear party wall. Here, no 'before' photographs have been provided but it is understood from the submissions made that there is no loss of historic fabric with the removal of a former cornice. Nonetheless, the installation of a cornice around the wardrobe gives a false impression of the original layout. Here in particular the dressing room is a rear secondary room, and the use of matching ornate cornice design of the principal rooms is further confusing as it is conjectural and gives an illusion of a once much grander space.
22. Any gap between the top of a typical wardrobe or indeed kitchen units and cornicing behind this at the perimeter of walls would be consistent with the character of historic rooms and its furniture. Thus I do not accept that such an arrangement would be incongruous in this regard.
23. The development and works fail to comply with paragraph 193 of the Framework which states that great weight should be given to conserving a designated heritage asset's significance. The harm may be quantified as less than substantial in terms of paragraph 196 of the Framework, and I consider that the removal of the mezzanine floor in the kitchen and the reinstatement of the altered wall between the kitchen and family room are beneficial to the integrity of the listed building and thus would amount to public benefits. However, these could have been achieved independently of the works subject to this appeal and thus do not justify the cornices and altered layout of the kitchen and dressing room.
24. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm and the works do not accord with the Framework. I therefore conclude that the works fail to preserve the special architectural and historic interest of the grade II listed building; the desirability of preservation is a matter to which I am required to have special regard by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The works also conflict with Policy CL4 of the Consolidated Local Plan (2015) which requires the preservation of architectural features.

Conclusion

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

C Searson

INSPECTOR