
Appeal Decisions

Site visit made on 21 October 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal A Ref: APP/X5990/W/19/3233527

8 South Eaton Place, London SW1W 9JA

- 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 Bianca Ladow Property Trust against the decision of City of Westminster Council.
 - The application Ref 19/01518/FULL, dated 26 February 2019, was refused by notice dated 8 May 2019.
 - The development proposed is a rear closet wing extension and minor internal reconfiguration to accommodate small passenger lift.
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Appeal B Ref: APP/X5990/Y/19/3233528

8 South Eaton Place, London SW1W 9JA

- 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 Bianca Ladow Property Trust against the decision of City of Westminster Council.
 - The application Ref 19/01519/LBC, dated 26 February 2019, was refused by notice dated 8 May 2019.
 - The works proposed are a rear closet wing extension and minor internal reconfiguration to accommodate small passenger lift.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for a rear closet wing extension and minor internal reconfiguration to accommodate small passenger lift at 8 South Eaton Place, London SW1W 9JA in accordance with the terms of the application, Ref 19/01518/FULL, dated 26 February 2019, subject to the attached schedule of conditions.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for a rear closet wing extension and minor internal reconfiguration to accommodate small passenger lift at 8 South Eaton Place, London SW1W 9JA in accordance with the terms of the application Ref 19/01519/LBC, dated 26 February 2019 and the plans submitted with it subject to the attached schedule of conditions.

Procedural Matter

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issues

4. The main issues are:

- a) whether the proposed works and development would preserve the grade II listed building or any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character and appearance of the Belgravia Conservation Area (Appeals A and B); and,
- b) the effect of the proposed development upon the living conditions of neighbouring occupants at No 6 South Eaton Place in terms of outlook and light (Appeal A).

Reasons

Heritage Assets

5. No 8 South Eaton Place is a grade II listed mid-terrace building. The property forms part of a listed terrace at Nos 2-24 which date from the mid-19th Century. In architectural terms, the terrace comprises of classical London townhouses with stucco frontages, Doric porches, balconies and sash windows of different scales with different header treatments which denote a vertical hierarchy of rooms. The terrace forms a set piece and has a richness and uniformity of architectural details befitting of its grade II status.
6. The rear elevation is more modest in architectural details with exposed stock brick and closet wings. There is variation across the terrace in terms of the size and rhythm of its closet wings. A number of properties also benefit from infill extensions between the closet wings as well as basement extensions, which reveals the evolution of the terrace over time. The closet wing at the appeal property appears to be original, with an upwards extension at fourth floor level. The appeal property has a basement level extension with garage which is accessed from Minera Mews to the rear and kitchen extension to the ground floor which encloses the closet wing at these levels.
7. The site is also located within Belgravia Conservation Area (CA) which is a predominantly residential area with a large number of terraced properties dating from the Georgian and Victorian periods. While streets vary from each other in terms of architectural style and scale, there is much uniformity and rich detail in individual streets and terraces. The rear elevation of the terrace is visible from the CA as it is experienced from Minera Mews. These are properties which are of a smaller and intimate scale with the rears of the terraced properties visible above.
8. The special interest and significance of the listed terrace and CA is greatly informed by its architectural and planning interest as a fine example of an early 19th Century London terrace set within a planned estate of similar housing. Unlike the uniformity of the front elevations, the rear elevation of the appeal terrace has more variety in terms of alterations and extensions as part of its evolution over time but it does make a positive contribution to the special interest and significance of the row and CA.
9. Consent is sought to erect an extension to the existing closet wing from lower ground floor level to the third floor. The extension has been designed to house a small lift which would be accessed from the stair landings.

10. The extension would be around 1.4m in depth and the overall depth of the closet wing would increase to around 3.6m. I find that this limited scale would ensure that it would be a sensitive and modest addition to the building which would be broadly consistent in terms of its scale and stepped approach with the similar 21st Century closet wing extensions found at Nos 10 and 12 South Eaton Place.
11. It would be in matching materials and bond and the existing windows would be reinstalled in the new extension to good effect. Some historic masonry would be lost, but internally the plaster, panelling and skirting is all modern, albeit in a traditional design. The loss of historic fabric would therefore be minimal.
12. The closet wing is already enclosed at lower ground floor and ground floor levels with the window to the half-landing between ground floor and first floor levels already foreshortened and limiting the light received to the staircase between the principal rooms of the house.
13. The lift would have glazed doors and thus would have an overtly modern character. However, this has been designed to allow light through into the stairwell from the relocated windows to the half-landings between the first, second and third floor levels. In my view the glazed doors to the lift would have a simple and honest appearance as an insertion into the original back wall of the closet wing. I am also mindful that the precise details could be conditioned to give control over their detailed design. The internal elevational details also show that the traditional joinery design to the wall of the stairwell would be maintained.
14. Moreover, based on the limited depth of the lift shaft, the glazed doors play an important function in allowing for the natural illumination of the ornate staircase. The illumination levels would be filtered but would not be reduced to any great effect and would continue to allow the historic staircase to be experienced and understood.
15. Overall, the extension would preserve the character of the CA as it would be understood as a further incremental small-scale and subordinate change. Given the variation in the rear closet wings as viewed from Minera Mews, the development would maintain the general character of the rears of the terraces and would not be incongruous in this regard. The development would accord with Policy DES 9 of the Unitary Development Plan 2007 (UDP) which aims to preserve and enhance the character or appearance of conservation areas.
16. In terms of the listed building, I consider that the proposed lift extension has been carefully considered and designed in order to minimise the harm to its special interest. Although this would be quantified as 'less than substantial' in terms of the National Planning Policy Framework (the Framework), this would be very minor relating to the small loss of historic fabric. I am, however, mindful that I must give great weight to any such harm.
17. The increased accessibility of the property would constitute a public benefit, although this itself would be limited as users would still need to use some stairs to access the main accommodation due to the lift access and egress at the half-landing areas of the stairwell. The works would not therefore ensure the property was fully accessible.

18. That said, the harm is very limited and it is my view that the proposals strike an appropriate balance in the conservation of heritage assets through providing accessibility improvements without prejudicing the character and overall special interest of the building. In this case I am therefore satisfied that the limited public benefits would outweigh the very minor level of harm from the loss of fabric. The development and works are therefore justified in terms of paragraph 196 of the Framework.
19. There would be slight conflict with UDP Policy DES 10, however due to its age, this policy is silent in terms of how assessments should be made in the case of harm and the balance with public benefits. In undertaking this exercise in accordance with the Framework, I am satisfied that the conflict with DES 10 would be acceptable in this instance.
20. There would however, be no conflict with UDP Policy DES 1 which sets out broad principles of urban design and conservation including architectural quality and sustainability. There would also be no conflict with Policy S25 of the Westminster City Plan 2017 (CP) which requires sensitive upgrading of historic buildings for accessibility and Policy S28 in terms of general inclusive design.
21. Finally, I also note the concerns regarding the setting of a precedent for similar developments and works, but I have had regard to the specific circumstances of the site and each proposal would need to be assessed on its own merits.

Living Conditions

22. In order to address the Council's concerns regarding the loss of light, the appellant has submitted a Daylight and Sunlight Assessment as part of the appeal. This identifies some reduction in lighting to No 6 South Eaton Place but that these are within acceptable limits in terms of the BRE guidelines. Where adverse effects were identified below BRE levels at first floor level and lower ground floor level, these areas are served by more than one window and as such are compliant.
23. The Council raise concerns relating to the calculation of these which are based on the assumption that the boundary wall between Nos 6 - 8 is solid whereas there is a trellis fence separating the two.
24. I saw on site that No 8 has a trellis but there is also a further separate fence with trellis to No 6, giving a double boundary treatment. Based on the submitted photographs, I accept that light does permeate through this boundary and more light reaches the windows of No 6 than would if this was a solid boundary wall. That said, light is filtered by these boundary treatments and I am satisfied that any such updated change ratios would be within the BRE guideline limits and thus there would be no harmful effects in this regard.
25. In terms of enclosure the increase in depth to the adjacent closet wing would be perceptible from habitable rooms at No 6 including from first floor windows and the ground floor areas. However, the ground floor area is already somewhat enclosed due to the way the property has been extended in the past and in my view the increase of around 1.4m depth is minimal. In an urban context the development would therefore not give rise to harmful levels of enclosure to ground floor or first floor habitable rooms.

26. While other objections were also made in terms of noise and privacy by neighbouring residents, I am satisfied that there would be no overlooking from the development and given that the machinery to operate the lift would be contained within the lift shaft, there would be no adverse effects in terms of noise and disturbance.
27. In conclusion on this matter I consider that the living conditions of neighbouring residents at No 6 South Eaton Place would be preserved. The development would accord with UDP Policy ENV13 and Policy S29 of the CP which, in combination, seek to protect residential amenity.

Conditions

28. Conditions on both appeal decisions setting a time limit for the commencement of the extension is necessary for compliance. A condition attached to the Appeal A decision requiring it to be carried out in accordance with the approved plans is also necessary for clarity and compliance.
29. It is also necessary to impose conditions on each decision relating to materials and works, including existing features and lift doors and the windows, in order to preserve the special interest of the listed building and the character and appearance of the CA. The Council suggested separate conditions for each decision relating to joinery, but I consider this is already covered by conditions imposed requiring matching work. Finally, I have imposed conditions on each decision restricting hours of operation for building works, in order to protect the living conditions of the neighbours.

Conclusion

30. Overall the works and development is justified in heritage terms and there would be no harm to living conditions of neighbouring residents. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be allowed.

C Searson

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A Ref: APP/X5990/W/19/3233527

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Location Plan Drwng No. 100 Rev. C, Existing Site Plan Drwng No. 101 Rev. B, Existing Lower Ground & Ground Floor Plans Drwng No. 119 Rev. B, Existing First & Second Floor Plans Drwng No. 120 Rev. B, Existing Third & Fourth Floor Plans Drwng No. 121 Rev. B, Existing Roof Plan Drwng No. 122 Rev. B, Existing Sections Drwng No. 125 Rev. B, Proposed Lower Ground & Ground Floor Plans Drwng No. 919 Rev. A, Proposed First & Second Floor Plans Drwng No. 920 Rev. A, Proposed Third & Fourth Plan Drwng No. 921 Rev. A, Proposed Roof Plan Drwng No. 922 Rev. A, Proposed Sections Drwng No. 923 Rev. A, Proposed Lift Shaft Section Drwng No. 924 Rev. 0.
- 3) All new work and improvements inside and outside 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 or are required in conditions to this permission.
- 4) You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.
- 5) No development shall take place above slab level until details of the design of the internal lift doors elevations and sections at 1:10 and a method statement for the careful removal and reuse of the window units have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) With the exception of piling, excavation and demolition, no building work shall take place on the premises before 08:00 on Mondays to Fridays and 08:00 on Saturdays nor after 18:00 on Mondays to Fridays and 13:00 on Saturdays, or at any time on Sundays or on Bank or Public Holidays.

No piling, excavation and demolition shall take place on the premises before 08:00 on Mondays to Fridays nor after 18:00 on Mondays to Fridays, or at any time on Saturdays, Sundays or on Bank or Public Holidays.

Appeal B Ref: APP/X5990/Y/19/3233528

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) All new work and improvements inside and outside 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 or are required in conditions to this permission.
- 3) You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.
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