



Appeal Decisions

Site visit made on 7 February 2020

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an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal A Ref: APP/X5990/W/19/3239620

38 Lower Belgrave Street, London SW1W 0LN

- 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 Tim Hyde against the decision of the Council of the City of Westminster.
 - The application Ref 19/04310/FULL, dated 3 June 2019, was refused by notice dated 29 July 2019.
 - The development proposed is the removal of non-original roof and creation of new fourth floor to replace a lost historic one with an addition in keeping with the style, scale, form and materials of the removed one with minimal impact on the building.
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Appeal B Ref: APP/X5990/Y/19/3239621

38 Lower Belgrave Street, London SW1W 0LN

- 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 Tim Hyde against the decision of the Council of the City of Westminster.
 - The application Ref 19/04311/LBC, dated 3 June 2019, was refused by notice dated 29 July 2019.
 - The works proposed are the removal of non-original roof and creation of new fourth floor to replace a lost historic one with an addition in keeping with the style, scale, form and materials of the removed one with minimal impact on the building.
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Decisions

Appeal A Ref: APP/X5990/W/19/3239620

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/Y/19/3239621

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal concerns a listed building in a conservation area, 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).
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Main Issues

4. The main issues are:

- whether the proposal would preserve the grade II listed building 16-46 Lower Belgrave Street, 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 Belgravia Conservation Area.

Reasons

The listed building and the Belgravia Conservation Area (CA)

5. Nos 16-46 are a terrace of early C19 houses of 4-storeys plus basement, save No 44 which has 5 storeys, listed for group value. They are distinctive for the continuity and architectural coherence of their frontage which presents an elegant array of individual facades 2 windows wide, set in mellow, open-textured brickwork, above arched openings in a rusticated stucco ground floor below slender balconies cantilevered from the first floor, with delicate ironwork balustrading.
6. The terrace front displays subtleties in its development, such as external stucco architraves set around the openings of some of the houses, obscuring the brick arches, or in some cases the arches appear to have been removed. Many of the houses have added Doric porches beside the railings enclosing the front light wells, and some have added first floor balconies to the street façade supported on simple iron brackets some of which have been elaborated into the architectural language of the façade.
7. The buildings of the CA share a formal and coherent neo-Classical architecture in white stucco or brickwork, set along a formal, grid pattern of streets and squares laid out in the early-mid C19. The Council's draft Conservation Area Audit¹ describes how the most elaborately detailed, first-rate houses were built around Belgrave Square and Eaton Square, with the intermediate streets enclosed by terraces of smaller scale, second-rate houses. The CA has historic significance as a planned, aristocratic quarter, an example of high-class speculative development which influenced similar developments in London.
8. In this historic and architectural context, the listed building marks the prosperity of the area and how housing to meet the growth in population, and in particular the professional classes, was provided for in a planned model development. It retains stylistic and fabric evidence important to the significance of both the listed building and the CA.

The effect of the proposal on the listed building

9. The appellant describes the proposal as the replacement of the lost, original fifth storey to No 38, together with the internal stairway which would have led to it. He has provided a lease plan and a historical photograph to show that Nos 34-38 were once 5 storeys high above street level. However, these only confirm the fifth storey in position at 1919 and 1930 respectively. I appreciate that the uppermost window and raised parapet at the back of No 36 suggest

¹ Draft Belgravia Conservation Area Audit 2013, City of Westminster (CAA)

that the stair continued above the fourth floor, but there is no substantive evidence that this is original, and I have not been able to inspect it.

10. The houses beside Nos 34-38 share the façade order of the second rate house as pictured in the Practical Builder², with the characteristic decreasing vertical dimension of the openings as far as the uppermost window, which has a square proportion. In contrast, the uppermost windows of Nos 34-38 share the taller proportion which suggests, against the architectural pattern book, that the fifth storey above them, with square openings, may have been original. Further, the appellant points out that the street parapets of Nos 34-38 are higher than those of their neighbours and their roof structures are different from them too.
11. The Council disputes that the fifth storey was original, referring to the design of the typical, second-rate house. Certainly, the evidence suggesting a fifth storey at the time of construction is not compelling, but the evidence against this is even less definitive. Notwithstanding this, even if the appellant's position is correct, and the house originally had a fifth storey, or whether it was added sometime afterwards as suggested by the Council, the determining consideration is the effect of its restoration on the listed building today, and whether it would erode its authenticity and diminish its integrity to the degree that its special historic and architectural interest would be harmed.
12. The appellant suggests that these three houses originally had a fifth storey as an architectural device of order and emphasis in the centre of the row of shorter houses. The proposal would not restore the original form across the three houses, leading to an apparently historic entity that had not previously existed. This would lack historic integrity.
13. Furthermore, there is no evidence as to why the fifth storey was removed in around 1955. As it spanned three houses, the circumstances which led to its loss, after 1930, may have been significant. Indeed, the appellant surmises that this may have been as a result of war damage, which given its location close to targets such as Victoria Station, is not unreasonable. Without evidence of why or how the fifth storey came to be lost, doubts remain that it did not follow a historically significant event.
14. The restoration would also obscure part of the record of past change to this significant building, a change which may be historically important, reducing its evidential value, as well as undermining the aesthetic value and architectural order of the group as it stands today and as it stood previously. The heritage value of the restored fifth storey to the significance of the listed building, and particularly the isolation of this singular proposal, would not decisively outweigh the significance of the values which would be lost.
15. Restoration would not be limited to the fifth storey. The proposal includes the widening of the windows at the two intermediate landings between the first and third floors, the justification for which is unclear. I appreciate that the openings for these windows may originally have been wider, however, the back wall of the house appears to have been rebuilt which suggests that there may have been a purpose behind this change to narrower windows. There is no substantive evidence of what led to the rebuilding and the change to the shape of these openings, or when this was completed. Their presently uncharacteristic width is part of the historic development of the building, and

² CAA p35 [The New and Practical Builder, Peter Nicholson, 1823]

- they bring another dimension to its historic significance, which would be lost in this proposal. As above, the restoration of these openings too would not better reveal the historic significance of the building, but erode its authenticity and diminish its integrity, harming its special historic and architectural interest.
16. I note the appellant's point that a portico to No 36, unlikely to have been an original feature of the building, was granted consent by the Council. However, the issue in this case is one of restoration rather than alteration, and that change has a much lower order of significance in terms of its impact on the special historic and architectural interest of the building. It does not justify the harm which would result from this proposal.
17. The proposal would extend the internal stairway which would result in the loss of historic fabric in breaking through the existing roof. Apart from this depletion in material which appears not to be of particular historic significance, the stairway would follow the general pattern of the existing and its detailing and materials could be secured by condition. Notwithstanding the sensitivity of the stairway leading to the fifth storey, the proposed restoration is unacceptable.
18. I appreciate that No 44 has a fifth storey. However, its third floor windows, unlike No 38, are square. The historical photo shows their cills to align with the prevailing parapet level, whereas the cills of the windows then in Nos 34-36 were well above. The order of its fenestration does not follow the established pattern in the terrace, or the architectural rationale sought to justify this proposal, which limits its bearing on the historic and architectural significance of the row of houses, including No 38.
19. The proposal would not preserve the grade II listed building, and its features of special architectural and historic interest described above. It would conflict with strategic policies S25 and S28 of the Westminster City Plan consolidated with all changes since November 2013 (November 2016) (WCP) which seek the conservation of heritage assets and the highest standards of architecture. It would run against saved policies DES1, DES5, DES6 and DES10 of the City of Westminster Unitary Development Plan 2007 (UDP) which reflect those strategic aims, and which require development, including at roof level, not to adversely affect the architectural character or unity of a group of buildings, and to preserve, restore or complement the features of special architectural or historic interest of a listed building, and to preserve or enhance the townscape of Westminster.

The effect of the proposal on the CA

20. I have identified above the harm to the special architectural and historic interest of the listed building which is a prominent feature of the terrace in the street, and which is reflected in the terrace opposite. The architectural order and coherence of the neo-Classical influenced buildings reflect the formality and regularity of the street layout in the CA.
21. The proposal would undermine the architectural and historic integrity of the building which makes a substantial contribution to the historic and architectural significance of the whole CA. Moreover, its isolated form would disrupt the architectural order and coherence of the terrace, diminishing the cohesive unity of the CA.

22. 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. It would conflict with WCP policies S25 and S28, and with saved UDP policies DES1 and DES6, and DES9 which require development to maintain the character of existing buildings and historic streets, and to preserve or enhance the character or appearance of conservation areas.

Other Matters

23. This section of the street contains numerous listed buildings, to the setting of which I have had special regard. However, as I am dismissing the appeals on the main issues, I have not considered this further.

Conclusion

24. I have found that the proposal would not preserve the special architectural and historic interest of the listed building. Furthermore, it would fail to preserve the appearance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals.
25. 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. Although the degree of harm I have identified would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met.
26. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant claims that the proposal would improve the amenity of the house and sustain its use, enhance its significance, and improve the character of the CA, replacing a 1950s roof. However, the continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence. The additional internal space for the occupiers of the house would not amount to a public benefit. I have found harm to the CA, and there is no evidence that the removal of the 1950s roof is needed or justified. These factors do not amount to a public benefit.
27. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special architectural and historic interest of the grade II listed building, as well as the appearance of the CA, the requirements of the Act, paragraph 192 of the Framework and the requirements and objectives of the development plan. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR