



Appeal Decision

Site visit made on 29 April 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/A5840/Y/20/3261936

16 Trafalgar Avenue, London SE15 6NR

- 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 Graham Smith against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/0871, dated 20 March 2020, was refused by notice dated 12 June 2020.
 - The works proposed are an internal remodel scheme.
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Decision

1. The appeal is allowed, and listed building consent is granted for an internal remodel scheme at 16 Trafalgar Avenue, London SE15 6NR, in accordance with the terms of the application Ref 20/AP/0871, dated 20 March 2020, and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) Before the works are begun, engineering drawings and calculations to demonstrate the stability of the listed building when incorporating the works shall have been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the approved engineering drawings.
 - 3) Notwithstanding the proposed wall arrangement on drawing 16-002 PROPOSED BASEMENT PLAN, a floor to ceiling nib of the same depth as the nib to be retained in the cross wall of the basement at its junction with the party wall, shall be retained in the stairwell wall where it joins the back wall of the house.
 - 4) All new works, finishes, and works of making good shall match existing adjacent work in respect of materials, execution, and finished appearance.

Preliminary Matters

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

Main Issue

3. The main issue is whether the proposed works would preserve the grade II listed building, whose statutory address is 16-24 Trafalgar Avenue, and any features of special architectural or historic interest that it possesses.
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Reasons

Significance of the listed building

4. Historic: Insofar as it has a bearing on this proposal, the terrace of which No16 is a part has historic significance as one of several elegant terraces of upper-middle-class houses developed in the mid-C19 in part of a smart, new street leading off the Old Kent Road. The development of the terrace reflects the changing economic circumstances in London at that time, the expanding population, and the growth of middle-class housing in its suburbs.
5. The plan form, or the walls, openings, stairs, and floors of the house form its spatial skeleton, while the arrangement of these spaces provide the circulation for the heartbeat of its occupation. The basement was likely a service level to the house. There are two distinctive features of its layout. First, the stairwell is fully enclosed at the basement. Second, the basement is split into two main rooms by a stout cross wall, each room once served by a fireplace, the chimneys of which are still visible, positioned centrally on the party wall. The spatial arrangement inside the house is the mistress of its external expression, reflecting here the social structure of the C19, and demonstrating how the functional requirements of a family home at that time were so effectively accommodated.
6. Architectural: Despite the close, horizontal grain in the spacing of the front openings of this house, their proportions are characteristically vertical, and the Classically styled order has not been spared any delight in the flamboyant detailing of its façade. Particularly relevant to this appeal is the distinctive modelling around its openings revealing the hierarchy of its floors and the spatial arrangement within, notably the most delicate regula and guttae under the upper openings set between guilloche moulded pilasters rising to lion's head capitals holding the eaves. The graceful movement of these repeated elements across the façade of the whole terrace, listed for its group value, balanced by the unifying effect of the continuity of its cornice, tenia, and rusticated ground floor, make an outstanding and beautiful, formal enclosure to the street, part of the array of terraces and the public house on this side which form a group.

Effect of the proposed works

7. Historic plan form: The local planning authority (LPA) rightly points to the importance of the legibility of this layout in distinguishing the house type, the spatial organisation of which is part of the significance of the listed building. I understand its reluctance to allow the loss of the stairwell wall and the cross wall.
8. However, it has already granted listed building consent to partially demolish the stairwell wall and most of the cross wall in the basement. The difference between the consented arrangement and this proposal is the omission of the retained nib in the stairwell wall, and the omission of the short section of the retained cross wall which includes the door opening to the front room, an incongruous spatial anomaly wherein a door stands to be opened into a space which is more directly entered by simply passing around. The proposal would retain a similar cross wall nib to that already consented at its junction with the party wall. A condition could secure the retention of a similar nib in the stairwell wall at its junction with the back wall of the house, to indicate its former presence.

9. In the light of the extant consent which would change the historic plan form by reducing the enclosure of the stairwell, the proposal to demolish the cross wall save for two nibs, and for the demolition of the stairwell wall, save for a similar nib at its junction with the back wall, would not undermine the significance of the spatial arrangement of the house. The plan form would remain sufficiently legible, but without the architectural paradox of a door opening into a space one is already within. The single space, though larger than the present two rooms, would not, given its location at basement level, its low ceiling height, and its utilitarian sized external openings, appear so grand as to disrupt the spatial hierarchy of the house.
10. The engineering drawings and calculations show how the upper floors are proposed to be supported after the wall demolitions. While these need to be checked by an engineer, there is no evidence to suggest that given the limited extent of the works, and subject to a precautionary condition to secure this, the design approach would not preserve the listed building.
11. There are no sections through the beam replacing the cross wall to show whether the ceiling would run flush or whether a small downstand would be needed. A downstand would reinforce the inference of the historic cross wall in the layout, but given the retained nibs, a downstand is unnecessary to maintain the legibility of the historic plan form.
12. Historic fabric: I acknowledge that there may be some loss of historic fabric by removing these additional sections of wall. However, the material significance is not so high, or the extent of the additional removed sections so great, that the historic integrity of the building would be undermined, or any significant evidential value lost.

Other Matter

13. I have had regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Trafalgar Road CA, to the distinctive settlement pattern and street enclosure of which the form, materials and detailing of this listed building makes a significant contribution. These internal works would not affect the significance of the CA, the character and appearance of which it would preserve, in accordance with the Act. They would ensure its conservation, as required by paragraphs 192-194 of the National Planning Policy Framework.

Conditions

14. Conditions 1, 3 and 4: As well as the statutory time condition (1), for the reasons discussed above, a notwithstanding condition to secure a nib in the stairwell wall (3) is necessary to maintain the legibility of the plan form of the house which is part of the historic and architectural significance of the listed building. A condition for new work and making good to match the adjacent (4) is necessary to preserve the appearance of the building, though given the prevalence of modern finishes in the basement and the nature of the works, the tailpiece suggested by the LPA is unnecessary.
15. Condition 2: As the works would remove most of the cross wall and most of the stairwell wall in the basement, it is essential, in order to preserve the house and the terrace, that the loads from above continue to be transferred to the ground and that the stability of the listed building is not harmed without these walls.

16. To this end, the appellant has submitted drawings and calculations prepared by a structural engineer. The drawings show a steel box-frame in place of the cross wall, which would also provide a bearing for a steel beam in place of the stairwell wall. Whilst the drawings reassure me that the rationale of this approach, in its spatial sensitivity, would not harm the special architectural or historic interest of the listed building, I am not qualified to assess the structural mechanics of the proposal. As this information was only submitted after the LPA had made its statement, it has not had an opportunity to review the structural information and to comment on it.
17. Given the location of the walls in the building, their indicated role in its structure, the extent of their demolition, and without the soundness of the proposed structural design being verified, it is not possible to conclude that the works would preserve the building.
18. Furthermore, the submitted engineering information is based on the stairwell wall being completely demolished, whereas in order to make the works acceptable, condition (3) requires a nib to be retained in that wall. The present engineering information would therefore no longer reflect the consented works. In all these circumstances, and given the special regard to the desirability of preserving the building which the Secretary of State is required to have in considering whether to grant listed building consent, as set out in section 16(2) of the Act, this would lead to the appeal being dismissed.
19. Notwithstanding this, the principle of the insertion of a box frame and secondary beam is not an unusual approach. A condition (2), similar to that suggested by the LPA, to secure its approval of the engineering drawings and calculations which demonstrate the structural soundness of this design would make the otherwise unacceptable works acceptable. As the works are basically the demolition of the two walls in question, the condition plainly needs to bite before the works begin. The condition is necessary to ensure the preservation of the building, directly related to the works of demolition, and being structural drawings and calculations describing and proving the stability of those works for the approval of the LPA, fairly and reasonably related to them in scale and kind.
20. I have taken the appellant's views regarding condition 2, many of which are considered above, into account. While I appreciate his frustration about the risks of delay in discharging conditions, the Planning Practice Guidance advises that conditions requiring the submission and approval of further details extends to aspects of the development that are not fully described in the application.
21. Moreover, it also explains how, to reduce potential delays, an applicant may seek approval at the application stage for matters which may otherwise have been the subject of conditions, whereas the engineering drawings and calculations were only submitted after the LPA had made its statement of case. I understand the sense in avoiding the duplication of approval processes, however, condition 2 seeks only part of the information that may also be sought under other legislation.
22. The appellant's suggested condition that the works are carried out in accordance with the structural package already in the possession of the Inspector and the LPA would not provide the certainty that the structural design and calculations are sound. Nor is it clear that those engineering drawings and calculations would reflect the layout as amended by condition 3.

23. The suggested condition to send to the LPA, for information only, a copy of an approval under other legislation before starting the works, aside from there being no information or certainty before me to confirm what such an approval would cover, or what the considerations in relation to the desirability of preserving the building may be in that regime, would not, in any event, secure the structural scheme presented here.

Conclusion

24. I conclude that, subject to conditions, the works would preserve the special architectural and historic interest of the listed building, thus satisfying the requirements of the Act, paragraph 192 of the National Planning Policy Framework, and development plan policies insofar as relevant. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Patrick Whelan

INSPECTOR