



Appeal Decision

Site visit made on 10 February 2021

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24/06/2021

Appeal Ref: APP/K5600/Y/20/3250090

33 Onslow Gardens, London SW7 3AQ

- 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 Ms Anca Cristache against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/19/07538, dated 5 November 2019, was refused by notice dated 31 December 2019.
 - The works are described as '*removal of non-original stud partition wall and double doors between front room and hall at ground floor level*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The appeal property comprises a maisonette on the basement and ground floors of 33 Onslow Gardens. The appeal seeks 'retrospective' consent for the works described in the banner heading above, which the application form records were undertaken in May 2013. Therefore, the main issue in this case is the effect of the works on the special historic and architectural interest of 33 Onslow Gardens, as a Grade II listed building.

Reasons

3. 33 Onslow Gardens is one of a terrace of Grade II listed town houses (nos. 25-34), located on the north-west side of Onslow Gardens. The terrace is of special historic interest as part of the development of South Kensington into a fashionable residential neighbourhood during the late Georgian and early Victorian periods. It was built by Sir Charles James Freake, a prominent Kensington developer, between 1863-78, based on designs by architect George Basevi, who is renowned for his design of many of the smartest streets and squares in central west London from that era.
4. No. 33 and its group stand four storeys high, with basement and attic storey accommodation. In common with its neighbours, the front elevation is two bays wide and constructed of gault brick and stucco. The façade retains its original design features, including a Doric portico over the main entrance, Regency style decorative iron railings to a first floor balcony accessed from tall French casement windows with stucco surrounds, timber two over two sliding sash windows to its second and third floors, a bracketed cornice below the top

storey and a balustrade parapet to the mansard roof. It is an attractive and grandly styled town house, the original front elevation of which has been well preserved and makes an important contribution to the architectural integrity and special interest of the terrace.

5. Internally no. 33 has been subject to considerable alteration. Originally, a single house, it would have comprised a cellular layout typical of Victorian terraces, with separate front and rear family rooms on the ground and first floors subdivided by a spine wall, with a staircase leading off the entrance hallway to the upper floors, and service rooms contained in the rear wing. However, the original family house was converted into flats in the 1950s, with further consents and changes in 1985, 2004 and 2012, which have resulted in the current more open plan layout on the ground floor of the appeal property. The intrusion of a lift shaft into no. 33 to serve upper floor flats, has, in particular, compromised the integrity of the historic plan form at ground floor level, leading to the loss of the original spine wall between the front and rear rooms, the shortening of the front reception room and the uncharacteristic L-shape of the rear dining room.
6. Nonetheless, elements of the plan form remain evident on the ground floor. The entrance hall is relatively intact, with most of what is either the original masonry wall or a later wall in the same position, separating it off from the front and rear rooms. As a result, it is possible to read the likely original outline of the front and rear rooms, apart from the position of the spine wall which would have separated them. However, prior to the implementation of the works which are the subject of this appeal, a stud wall and double doors enclosed the front room. This is illustrated in the submitted photograph (Photo 1) of the stud wall and double doors as they existed before the works were undertaken. Whilst they were not original or on the same line as the original spine wall, the stud wall and doors provided a semblance of the cellular layout that characterised the historic plan form on this floor.
7. The street frontage of no. 33 and the history of the property's development are the most important components of the special interest and heritage significance of the listed building. However, the plan form of a listed building is also often one of its most important characteristics and internal partitions are likely to form part of its significance. In this case, because of the extent of alteration that has taken place internally, the surviving elements of the historic plan form are even more critical to the heritage significance of the building in revealing its history. It is also true that more modern elements, which replace historic fabric but continue to reflect the historic character of the internal layout, as did the stud wall and doors, contribute to an understanding of the way the building was originally designed to be used. As such, I find that the stud wall and doors to the front room made a positive contribution to the significance of 33 Onslow Gardens.
8. The removal of the majority of the stud partition wall and double doors has significantly increased the open plan layout and appearance of the ground floor, which is at odds with the historic cellular plan form. I note that the listed building consent for internal alterations to the flat granted in April 2012¹, allowed an enlargement of the double doors and the opening in the stud wall, from that shown in Photo 1. However, what was permitted would still have

¹ LPA Reference: LB/12/00753

retained the sense of enclosure of the front room, which is an important part of its historic character and form. The works undertaken have removed the sense of enclosure from the front room and its separation from the rear dining room, and as such fail to preserve the remaining special historic and architectural interest of the interior of the building. On this basis, I consider that the removal of the stud partition wall and doors has caused harm to the heritage significance of the listed building.

9. In terms of the scales of harm identified in the National Planning Policy Framework (the Framework), notwithstanding the importance of preserving what remains of the original plan form, I consider that the harm caused to the significance of the heritage asset in this case is less than substantial. Paragraph 196 of the Framework requires that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal.
10. In terms of the weight to be attached to the harm, the parties refer to a broader spectrum of harm and the Planning Practice Guidance (PPG) advises that the extent of harm within each category (of substantial or less than substantial harm) should be clearly articulated². However, the Shimbles judgement³, establishes that there is no support in the language of the Act or in the Framework for this approach and that the two categories of harm are more than adequate in enabling the weighted balance exercise to be carried out. Moreover, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether the harm amounts to substantial or less than substantial harm. In light of this and the statutory requirement to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, I attach considerable weight to the harm the proposal would cause to its heritage significance.
11. In terms of public benefits, the PPG advises that they should be of a nature or scale to be of benefit to the public at large and not just a private benefit, but that works to a listed private dwelling which secure its future as a designated heritage asset would be a public benefit. In this case, although the creation of a more open plan layout is of private benefit to the occupants of the flat, this does not amount to a public benefit, and none have been advanced.
12. The appellant contends an absence of harm and that this should weigh in favour of allowing the works to be retained. On this point, I have also been referred to the previous appeal decision for this property⁴, which concerned the loss of sections of the wall between the hallway and rear dining room, in which the Inspector found that if the fabric of the wall was of a significantly later date [than the original construction of the house], this would potentially weigh in favour of the appeal scheme. However, in this case, it is not the age of the stud partition wall and doors which determines their significance, but the role they played in preserving the cellular plan form and character of the ground floor of the building. Therefore, the fact that they are not original, does not in my view outweigh the harm caused by their removal.

² Paragraph: 018 Reference ID: 18a-018-20190723

³ R on behalf of Simon Shimble v City of Bradford MBC [2018] EWHC 195 (Admin)

⁴ Reference APP/K5600/Y/18/3209233

13. Accordingly, I conclude that there would be insufficient public benefit to outweigh the identified harm to heritage significance or the special regard to be had to the preservation of the listed building under the Act. As such, the works also conflict with Policy CL4 of the Kensington and Chelsea Local Plan (2019), which requires any works for alterations to listed buildings, to preserve the heritage significance of the building.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should fail.

M Hayden

INSPECTOR