



Appeal Decisions

Site Visit made on 12 October 2021

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal A Ref: APP/K5600/W/20/3250887

Flat 4, 50 Queen's Gate, London, SW7 5JN

- 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 M Moosa against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/19/08302, dated 11 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is to reconfigure and refurbish the existing layout of the Flat 4 (located at No.50 Queen's Gate) to create a more efficient plan suitable for family use as well as upgrading existing finishes and services.
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Appeal B Ref: APP/K5600/Y/20/3250923

Flat 4, 50 Queen's Gate, London, SW7 5JN

- 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. M Moosa against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref LB/19/08303, dated 11 December 2019, was refused by notice dated 10 February 2020.
 - The works proposed are Reconfigure and refurbish existing layout of Flat 4 (located at No.50 Queen's Gate) as well as upgrading existing finishes and services; alterations to certain external fenestration.
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Decision Appeal A Ref: APP/K5600/W/20/3250887

1. The appeal is dismissed.

Decision Appeal B Ref: APP/K5600/Y/20/3250923

2. The appeal is dismissed.

Main Issues

3. The main issues in these appeals are firstly in terms of heritage matters, whether the proposed development preserves the listed building or any features of special architectural interest that it possesses and whether it preserves or enhances the character or appearance of the Queen's Gate Conservation Area and secondly, the effects on the living conditions of neighbouring properties in relation to noise.

Reasons

Heritage matters

4. The appeal property located to the rear of No.50 Queen's Gate comprises one of 6 flats within No.50, which were converted some time ago, according to the Council, without consent. The split-level flat occupies the ground and first floors of the five-storey terraced house, itself within the Grade II Listed Building comprising the terrace of No's.47-52. The terrace dates from the mid C19th. "The Albert" houses are described in the listing schedule as an extremely grand stuccoed terrace with intricate colonnades to ground storey supporting individual first-floor ionic porticos and intricately designed balustrades to balconies which all contribute to providing a richly decorated front façade.
5. The highly ornamental architectural style, traditional materials and cohesiveness are important components that create the aesthetic and architectural interest of this listed terrace. The historic interest of the Listed Building, amongst other things, is formed by its age, its intricate detailing and its role along with other streets and squares as key features in the original layout of Queen's Gate. These features combine to identify the special architectural and historic interest and significance of the Listed Building.
6. That said, the rear elevation bears no resemblance to the front and most of the properties have seen a number of elevational changes and extensions leaving, in this case, a substantially changed and somewhat modern external rear facade. Moreover, from the evidence, there is general agreement between the main parties that there have been considerable changes to the interior of the appeal property overall. As a result, and from the photographs provided, the Council accepts that the appeal property has already lost many of its historic period features and that there is little historic fabric remaining.

Effect on Listed Building

7. The proposed works appear to have already taken place. At first floor, the existing staircase, itself of modern provenance has been replaced by an elliptical, sweeping staircase. The appellants explain that this has been built over the top of the old staircase; however, I was unable to view this arrangement during my site visit. The proposals also show the re-configuration of the internal space, including provision of an open plan kitchen, separate utility room and an additional bedroom. The windows and patio doors have been replaced with double glazed windows/doors.
8. From what I saw of the rear of this terrace, the windows are a mix of traditional sash and modern equivalents. The replacement and new windows and external patio doors that have been installed fail to replicate the traditional form. The windows appear very different to a single glazed traditional sash in that they have different light reflectivity with double register effect and draw the eye casting a modern hue to the windows. However, they are not unacceptable given their location but do undermine the provenance of this Listed Building to a degree. I noted that some other properties within the terrace have replaced the original windows with modern equivalents.
9. It may well be the case that in purely visual terms, there would be no significant or material harm to the aesthetic value of the building as a result of the works. None of the works can be readily seen from the street. However, this would fail to take account of the evidential value of the original internal layout, staircase and windows. The contemporary modern living spaces that

have been created and modern staircase and windows fail to provide a clear and legible register of the building's former arrangement.

10. Furthermore, no details have been submitted in terms of the design or location of the proposed air conditioning units. Thus, an assessment of the effects on the Listed Building cannot take place.
11. In conclusion therefore, I consider that the works would fail to preserve the special architectural and historic interest of the Listed Building, contrary to the expectations of the Planning (Listed Building and Conservation Areas) Act 1990, the desirability of which is a matter of considerable importance and weight. Moreover, it would fail to accord with the expectations of paragraph 199 of the National Planning Policy Framework which anticipates great weight being afforded to the conservation of designated heritage assets. It would also conflict with Policy CL4 of the Royal Borough of Kensington and Chelsea Local Plan (2019) (Local Plan), which sets out amongst other things, to require all works to listed buildings to preserve the heritage significance of such buildings and to take opportunities to reinstate internal and external features of architectural and historic significance.

Effect on Conservation Area

12. The property is located within the Queen's Gate Conservation Area. The appeal property and the terrace are located within the central area of this designated heritage asset. The wider area comprises of residential dwellings in a similar style with imposing neo-classical frontages accentuating the late Georgian-early-Victorian architecture of this part of London. While I have found harm to the Listed Building, due to the scope and scale of the works, which has harmed the evidential value of the building, I do not find that the works would cause harm to the Conservation Area and, in this regard, the appearance is at the very least preserved. This is also true of the proposed air conditioning units, which due to a lack of prominence from the street, would not impinge unacceptably on the character or appearance of the Conservation Area. Again the appearance of the Area would be preserved.

Living conditions – noise

13. The appellant has failed to provide information of the type and location of the proposed air-conditioning units. Given the tightly knit arrangement of residential flats that adjoin the site, such equipment has the potential to cause unacceptable noise and disturbance to adjoining property owners. Whilst I accept that the Council might have chosen to discuss this further with the appellants during the application process, in adopting a precautionary approach, I cannot be certain that unacceptable noise levels would be prevented.
14. Accordingly, the proposal would be contrary to Policy CL5 of the Local Plan, which amongst other things, seeks to ensure that new developments achieve good living conditions for existing occupiers and that they are not harmed through noise and disturbance.

Planning balance and conclusion

15. Having identified harm to the Listed Building, it is for the decision maker to consider its magnitude. In this case, I conclude that the proposal would lead to less than substantial harm when assessed against the significance of the asset

as a whole. In accordance with the Framework, any such harm should be assessed against any public benefits the works might offer.

16. The proposed development and works in so far as their environmental benefits are concerned may, in principle, be considered as public benefits given that they might well result in thermal efficiency thus reducing carbon emissions. However, the environmental gains are not quantified by the appellants or set against less invasive alternative approaches to demonstrate that they are such an optimal approach meriting weight as a public benefit. The appellants maintain that the works would result in a more practical layout suitable for a family. However, this is a private rather than a public benefit.
17. Notwithstanding the limited public benefit that could arise, these can only carry very limited weight and do not outweigh the significant harm to the special interest that has been identified. Less than substantial harm does not mean less than substantial planning objection where the statutory duty to preserve the Listed Building has not been met.
18. For the above reasons I conclude that both appeals should fail.

Gareth W Thomas

INSPECTOR