



Appeal Decisions

Site visit made on 21 February 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal A Ref: APP/X5990/W/21/3278017

53 Lower Belgrave Street, London SW1W 0LP

- 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 Harold against the decision of City of Westminster Council.
 - The application Ref 21/01389/FULL, dated 5 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is extension to existing modified rear closet wing to provide lift access within the property.
-

Appeal B Ref: APP/X5990/Y/21/3278019

53 Lower Belgrave Street, London SW1W 0LP

- 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 Harold against the decision of City of Westminster Council.
 - The application Ref 21/01390/LBC, dated 5 March 2021, was refused by notice dated 12 May 2021.
 - The works proposed are extension to existing modified rear closet wing to provide lift access within the property, and internal alterations at third floor.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The joint application form refers to the internal alterations at third floor. As these works only need listed building consent, I have deleted reference to them from the description of the development proposed in the heading relating to Appeal A against the refusal of planning permission.
4. Alternative proposals to provide a lift for the appeal property were dismissed on appeal¹ in November 2020. The Inspector's decisions on this are material, and also provide a good description of the special qualities of both the listed building and Conservation Area. Having carefully read the decisions and representations and visited the site I agree on these matters and have therefore utilised them where appropriate.

¹ APP/X5990/W/20/3244524 & APP/X5990/Y/20/3244523

5. 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.

Main Issues

6. The main issues in both appeals are:
- (i) whether the proposal would preserve the special architectural and historic interest of the listed building and its setting; and
 - (ii) the effect on the Belgravia Conservation Area.

Reasons

The significance of the heritage assets

7. The National Planning Policy Framework (the Framework) defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The national Planning Practice Guidance also notes² that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.
8. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
9. The appeal building falls within a terrace of early nineteenth century, second-rate houses listed for their group value. They have classical frontages, set back from the footway with cast iron railings and shallow lightwells and provide a stylish enclosure to Lower Belgrave Street. The rear elevations of the terrace can be seen from the side through a gap above a single storey property in Chester Square³ and from Eaton Mews South to the rear of the property.
10. The rear elevations are noticeably more utilitarian than the front and have been altered over time. However, they have significant architectural interest in the interplay between the hierarchies of front and back and demonstrate the historic value between languages of the front and back. In respect of the appeal property, from the rear, the left hand closet wing steps down from the main roof, from a section to the eaves, to a four storey (including lower ground) element with a lean-to roof, and a lower ground element across the whole width. To my mind, for the purposes of this appeal, the elements set out within this paragraph provide the special qualities and thus the significance of the listed building.
11. The Conservation Area is made up with buildings and spaces, Squares, set out in formal grid-like pattern and laid out in the early- and mid-nineteenth century. There are more elaborately detailed first-rate properties around the Squares, with the intermediate streets, such as this part of Lower Belgrave Street, enclosed by smaller scale, second-rate properties. The Conservation Area has historic significance as a planned, aristocratic quarter built

² Reference ID: 18a-006-20190723

³ More accurately from a spur leading to Chester Square itself, but entitled "Chester Square".

speculatively and which had an influence throughout London. Where the more utilitarian rear elevations can be seen, they act as a foil to the formal front elevations and add to the significance of the Conservation Area.

The effect on the listed building

12. The proposal is to construct an additional storey on the existing rear closet wing on the left hand side so that it would be to eaves level. It is also proposed to extend this wing so that it would be the same depth as the lower ground floor element with this additional depth being used to facilitate a lift between the floors at the rear of the property. The proposals would involve the loss of some of the existing closet wing rear elevation and some internal works. A series of windows would be installed on the rear elevation, one for each floor, and on the side elevation facing towards Chester Square, an additional window would be installed in the additional storey.
13. Increasing the height of the closet wing would increase its importance in the hierarchy of building elements on the rear elevation. Further the provision of the formal and regular disposition of windows in that rear elevation would also increase its importance. This would be contrary to the current, and historically and architectural important, situation whereby the closet wing appears as a subordinate utilitarian element in the overall composition. The current more seemingly haphazard built form and window arrangements demonstrate the lesser importance when compared with the formal composition on the front elevation. The additional height, even when set against the taller elements on the adjoining property to the side, would further emphasize this. The proposals would therefore harm the architectural and historic interest of the listed building and its significance and lessen how the listed building is perceived.
14. The proposal would involve the loss of some historic fabric to facilitate what would be internal access from the new extension into the existing dwelling. This fabric probably dates from the mid twentieth century and thus is not part of the original dwelling. However, it has some interest as part of the history of the building, but within the overall consideration of these appeals is of lesser weight. This also applies to the proposed facilitating internal works.
15. In addition to the direct harm to the listed building, as the revised rear elevation could be seen from both Chester Square and Eaton Mews South, the increase in importance would be harmful to the setting of the listed building.
16. Taken together, I am of the view that the proposal would cause harm to the architectural and historic interest of the building as a listed building. This should be given special attention and great weight. Within the terms of the Framework this would represent less than substantial harm to the significance of the listed building. That being the case, paragraph 202 of the Framework states this harm should be weighed against the public benefits of the proposal. I will do this below.
17. Consequently, the proposal would be contrary to Policies 38, 39 and 40 of the City Plan 2019 - 2040 (the City Plan) which require development to positively contribute to heritage assets, preserving and enhancing heritage assets, and not obscure important architectural features.

The effect on the Conservation Area

18. As my Colleague in the earlier appeals noted the listed building makes a substantial contribution to the historic and architectural significance of the Conservation Area; I agree. Increasing the importance of the rear elevation would therefore result in harm to the character and appearance, and thus significance, of the Conservation Area as it would raise the relative importance of the rear elevation in the Area. Given my assessment should be made against the whole of the Conservation Area this harm would be quite small and would represent less than substantial harm. However, it should still be given special attention and great weight. Again, the proposal would be contrary to Policies 38, 39 and 40 of the City Plan as set out above. I will weigh this against the public benefits below.

Other Matters

19. The appellant considers that the provision of a lift into the property would provide a public benefit, in that it would make the building more accessible and that while level access would not be available to the whole building, the rooms at the rear of the property would, together, provide “effectively a self-contained element of living”. The appellant notes that paragraph 130 of the Framework states that planning decisions should create places that are safe, inclusive and accessible. He also refers to Policy 10 in the City Plan which refers to meeting the needs of older people in making buildings accessible and adaptable, and to similar policies in the London Plan.
20. It seems to me that the principal benefit of the proposal would be private in that they would be for the occupiers of the dwelling rather than the general public. I do agree that allowing level access around the building to facilitate the occupation of the building by a lesser or non-ambulant person would be a public benefit in meeting the policy aims set out above. This is due some weight. However, this is tempered by the fact that much of the building would not have flat access due to the existing configuration of the building with its main levels and half levels. I therefore give this benefit very limited weight.
21. The appellant also considers that the proposal would represent a design improvement in that it would rationalise the “variety of window placements and designs”. For the reasons given above I do not agree with this; the current windows and their positions are part of the architectural history and significance of the building.
22. I would accept that the provision of the works themselves would be public benefit in that they would provide an economic and social benefit for those undertaking the work. However, as these would only be temporary for the duration of the works, I only give them very limited weight. There is nothing to show that the property does not have a continuing viable use as a dwelling.
23. Looked at together, I conclude that the public benefits are insufficient to outweigh the harm to the significances of both the listed building and Conservation Area as designated heritage assets that I have identified above.

Conclusion

24. The proposal would be harmful to the listed building and its setting and to the Conservation Area in which it sits. The public benefits do not outweigh those harms, and in respect of the appeal against the refusal of planning permission,

the proposal would be contrary to the development plan taken as a whole, and there are insufficient material considerations to indicate a decision otherwise than in accordance with the plan.

25. For the reasons given above I conclude that the appeals should be dismissed.

RJ Jackson

INSPECTOR