
Appeal Decisions

Site visit made on 20 April 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13/05/2022

APPEAL A

Appeal Ref: APP/A5840/Y/21/3279037

13 Colnbrook Street, London, SE1 6EZ

- 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 Joel Resare against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/1291, dated 14 April 2021, was refused by notice dated 2 June 2021.
 - The works proposed are alterations to the ground floor to add a spiral wine store under the existing floor level with an access hatch.
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APPEAL B

Appeal Ref: APP/A5840/Y/21/3282025

13 Colnbrook Street, London, SE1 6EZ

- 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 Joel Resare against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/2338, dated 5 July 2021, was refused by notice dated 27 August 2021.
 - The works proposed are alterations to the ground floor to add a spiral wine store under the existing floor level with an access hatch.
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APPEAL C

Appeal Ref: APP/A5840/Y/21/3286314

13 Colnbrook Street, London, SE1 6EZ

- 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 Joel Resare against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/2339, dated 5 July 2021, was refused by notice dated 6 October 2021.
 - The works proposed are alterations to the ground floor to add a spiral wine store under the existing floor level with an access hatch.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and listed building consent is granted for alterations to the ground floor to add a spiral wine store under the existing floor level with an access hatch at 13 Colnbrook Street, London, SE1 6EZ in accordance with the

terms of the application Ref 21/AP/2338, dated 5 July 2021 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) All new internal/external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent. All external pipework to be colour matched to existing building.
- 3) Detailed drawings (scale: 1:5/10) for the setting out of the ventilation pipes indicating the relationship with the existing historic fabric, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

3. Appeal C is dismissed.

Application for costs

4. An application for costs was made by Joel Resare against the Council of the London Borough of Southwark. This application is the subject of a separate Decision.

Preliminary Matters

5. Each of the above appeals involve the same proposed spiral wine store in the same location. The only difference between the various appeal proposals is the location of the associated ventilation pipes. Appeal A seeks to attach the pipes to the front face of the dwelling; Appeal B to the rear face of the dwelling; and Appeal C to the pavement vault face within the front light well.
6. I have considered each of the appeal proposals on their own merits but to avoid duplication have dealt with them together in this decision.
7. As the proposals are in a conservation area and relate to a listed building 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).
8. Paragraph 194 of the National Planning Policy Framework 2021 (the Framework) requires applicants to describe the significance of any heritage assets that may be affected by a proposal. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise. The Council considers that this requirement has not been met for Appeals B and C, but having regard to the totality of the information submitted in support of the appeals I am satisfied that the level of information provided is proportionate and sufficient to assess the schemes.

Main Issues

9. The main issues are whether the proposals would preserve a Grade II listed building, 13 Colnbrook Street, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the West Square Conservation Area.

Reasons

10. The West Square Conservation Area was designated in 1971 and derives its significance from being a notable surviving example of high-quality 18th and mid-19th century townscape, with a number of original features such as windows, door cases, doors and railings. The layout of the area arises from its rapid growth through the urbanisation of London during the 18th and 19th centuries, and from the construction to the north of Blackfriars Bridge which provided direct access to the City. The appeal property is consistent with the wider conservation area, as a relatively unaltered building from this period, and contributes to its holistic significance.
11. The appeal property forms part of a terrace of 17 houses (Nos. 2-18 (consecutive) Colnbrook Street). The houses were constructed c.1849-52 by the architects Garland and Christopher, along with those found in Gladstone Street. The houses were statutory listed Grade II in June 1989. So far as these appeals are concerned, there is special interest in the common arrangement in the terrace, comprising steps up to front doors over a light well surrounded by railings and sharply painted stucco dressings to lower floors. These are classic and important architectural features of the period.
12. The proposed wine store would be located in the front room at lower ground level which is to become the kitchen as part of works already granted listed building consent by the Council. As part of these works, the appellant sets out that the existing floor is to be lifted. As such, the current appeal proposal would be likely to have little impact on the fabric of the building, simply requiring the solid ground beneath the floor to be dug out before the floor is re-laid. The access hatch to the store would be covered with the same floor material as the remainder of the room, appearing as a trap door.
13. I do not share the Council's concern that the cellar would be interpreted as another floor to the property given its modest proportions and discrete siting concealed below the floor. It seems to me that the wine store, which would only be apparent upon opening the hatch, would be appreciated as a more modern addition to the building and seen in the context of modern appliances and alterations in the property. As such, I do not consider that the wine store, in itself, would harm the listed building, its significance, or any features of special architectural or historic interest.
14. That said, the store requires ventilation which necessitates the proposed pipework on the external elevations of the building. Again, their passage under the floor at lower ground level would have little impact on historic fabric internally, subject to detailed plans of their proposed setting out being secured by condition and suitable making good as required.
15. Externally, two aluminium pipes would be affixed to the walls, one of which would rise to around 2m in height. Subject to being painted a suitable colour, the pipework is unlikely to appear prominent, but it would nonetheless clutter the formal front elevation and appear incongruous in the context of the largely unadorned stucco dressings across the listed terrace. This would be particularly so for Appeal A where the pipes would be visible through the railings to passers-by. In Appeal C, they would be seen to a lesser extent but would still be apparent in glimpsed views, including from within the listed building itself when looking through the front window into the light well. This

would harm the special historic interest of the listed building and the character and appearance of the West Square Conservation Area.

16. Although the harm would be less than substantial in the terms of the Framework, the appellant does not accept that any harm would result and has not sought to identify any public benefits to be weighed in the balance. The wine store is not required for ongoing use of the property and as a private facility, no public benefit arises. The identified harm is not justified. Appeals A and C fail to satisfy the requirements of the Act, paragraph 197 of the Framework and development plan policies insofar as relevant.
17. The appellant suggests that a caravan could be sited within the curtilage of the property without planning permission and has sought a lawful development certificate from the Council accordingly. The implication is that this could be used for wine storage and would be more harmful to heritage assets than the proposals. As a fallback position, I attach this suggestion very little weight as the prospect of the appellant doing so with the intention of storing wine is very unlikely in my view, not least because of the inherent unsuitability of a caravan for wine storage. In any case, the caravan would not affect the front elevation of the building or alter my assessment of the harm arising in this case.
18. Similarly, the fact that a wine storage area was allowed by the Council at a different listed building in the Borough has little bearing on my own assessment of this scheme having regard to these specific proposals and the affected heritage assets, particularly as the ventilation pipes were not publicly visible.
19. For Appeal B, the proposed external pipes would be contained within an enclosed courtyard to the rear of the property, where extensions and other works have recently been consented by the Council. The rear elevation of the building is far less formal than the front, being more utilitarian in appearance with a number of existing external pipes and utilities evident. In this context, the proposed ventilation pipes would not appear uncharacteristic. Subject to suitable detail about the arrangement being secured by condition, the development would not harm the listed building and its special architectural and historic interest. The overall impact on the conservation area would be neutral, preserving its character and appearance.
20. The requirements of the Act are satisfied and there would be no conflict with para. 197 of the Framework or development plan policies insofar as relevant.

Conditions

21. In addition to the statutory timeframe for commencement of the works, I have attached conditions securing details of the proposed setting out and arrangement of the works, and to ensure a suitable colour for the external pipework, in accordance with my consideration above and to ensure that the special interest of the listed building is not harmed.

Conclusion

22. In light of the above, Appeals A and C are dismissed, but Appeal B is allowed.

Michael Boniface

INSPECTOR