



Appeal Decisions

Site visit made on 6 February 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal A Ref: APP/K5600/W/22/3297935 42-43 Egerton Crescent, London SW3 2ED

- 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 Mark Stolkin against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/21/08143, dated 17 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is described as “planning submission for subterranean and part of rear extension in a Listed Grade II Residential Property, demolition of infill at rear lower ground and ground floor levels and construction of new part brick and part glazed replacement infill extension together with single storey basement beneath part of new extension and rear garden, works to all floors including installation of passenger lift, lowering and waterproofing of vaults, and creation of additional openings to vaults”.
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Appeal B Ref: APP/K5600/Y/22/3297936 42-43 Egerton Crescent, London SW3 2ED

- 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 Mark Stolkin against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/21/08144, dated 17 December 2021, was refused by notice dated 15 March 2022.
 - The works proposed are described as “planning submission for subterranean and part of rear extension in a Listed Grade II Residential Property, demolition of infill at rear lower ground and ground floor levels and construction of new part brick and part glazed replacement infill extension together with single storey basement beneath part of new extension and rear garden, works to all floors including installation of passenger lift, lowering and waterproofing of vaults, and creation of additional openings to vaults”.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal proposal affects listed buildings located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As both appeals relate to the same site and raise similar issues, I shall therefore consider them in a single document, in the interests of brevity.

4. Planning permission¹ and listed building consent² have previously been granted by the Council for a similar scheme to the appeal proposals, which seek to introduce additional changes. No concerns have been raised by the Council regarding the proposed removal of security bars from the lower ground floor front windows and their replacement with a panel of frameless security glazing. Similarly, there is no objection to the proposed internal connection between the basement gym at no 43 and the permitted pool area at no 42, or the proposed alterations to the glazing pattern previously granted as part of the extension at lower ground floor level to the rear of no 42. I see no reason to reach alternative views in these respects.
5. The Council has however raised concerns regarding the creation of two doorways at first floor level to connect the living rooms of nos 42 and 43, the formation of an additional opening in the rear garden wall, as well as the removal of an existing spiral staircase to the rear of no 43 and the linking of the upper ground balcony areas of the two buildings. My findings shall therefore focus on these additional works and the effects which they would have on the special interest of designated heritage assets.

Main Issue

6. The main issue is whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed buildings known as 42-43 Egerton Crescent, and preserve or enhance the character or appearance of the Thurloe Estate and Smith's Charity Conservation Area.

Reasons

7. Nos 42 and 43 Egerton Crescent form part of a wider terrace of townhouses which were constructed circa 1830 and are collectively listed at Grade II. The appeal properties and the wider terrace hold substantial architectural and historic interest, as an example of a prestigious residential development designed by George Basevi, consisting of a curved centre and two detached wings set in a crescent around a communal garden.
8. The full stuccoed frontages of the appeal properties and the Crescent as a whole, complimented by Ionic pilastered doorways and individual railings to the first floor, together with the scale, strong symmetry and uniformity of the detailing, contribute to the sense of grandeur which characterises this set piece.
9. In contrast, the exposed brick rear elevations of the terraced properties are plainer in appearance, and have clearly been subject to a greater number of alterations and additions since they were first built. Internally, the properties have also undergone numerous changes, notably to enable them to function as a single dwellinghouse. Some of the alterations that have taken place overtime have eroded the plan form and general treatment of the interior, but the historic plan form remains nonetheless legible. As such, the rear elevations and internal layout contribute to the special interest of the listed buildings, in that they display their own characteristics and help to the understanding of the original houses' design.

¹ Local Planning Authority Reference PP/21/04083.

² Local Planning Authority Reference LB/21/04084.

10. Due to the shape and layout of the properties fronting Egerton Crescent, the rear gardens are of differing depths and shapes, but they nevertheless provide a pleasant and verdant setting to the listed properties, and thus add to their special interest. Despite its simple design, the boundary wall sited between nos 42 and 43 also makes a positive contribution by providing a sense of enclosure and maintaining a degree of separation between both historic properties.
11. The appeal site lies within the Thurloe Estate and Smith's Charity Conservation Area (the Conservation Area). As noted in the Council's adopted Appraisal³, it owes its special interest to its "display of a remarkable slice of South Kensington's architectural history from the elegance and restraint of the Georgian period, through late Regency designs and Italianate pomp to the red brick Queen Anne style at the end of the Victorian period". There is no doubt that by reason of their special interest and their aesthetic value, the appeal buildings and the wider Crescent make a significant contribution to the special interest of the Conservation Area.
12. The proposals seek to introduce a single door opening between the party walls at first floor level to connect the front reception rooms. The proposed openings would be set within joinery with bookcases and cabinets either side with hidden doors, to reduce the prominence of the access. However, the works would result in an important loss of historic fabric and erode the layout of these principal rooms, which as a result would have a detrimental effect on the significance of the appeal premises as two separate buildings. Whilst it is suggested that the brickwork could be recycled as part of the wider works, it remains unclear for what purpose the bricks would be reused, thus limiting the weight which can be afforded to this consideration.
13. My attention has been drawn to an Appeal Decision⁴, where in respect of a similar proposal elsewhere in the Borough, the Inspector found that the need to link the two principal rooms together for the reasonable enjoyment of the dwellinghouse outweighed the harm to the plan form caused by the creation of the openings. I do not have the full details of the circumstances which led to this particular scheme being accepted, and it is therefore difficult to ascertain whether they represent a direct parallel with the appeals before me.
14. As the historic plan form of the appeal properties has already been eroded to some extent, they are in my view more sensitive to further changes, especially when these would affect the principal rooms of the houses. Additionally, I note that there are already a number of existing as well as approved openings, which enable the premises to function as a single, family dwellinghouse and will continue to assist in that respect.
15. Having regard to the available evidence, I have no reason to believe that these openings will not be sufficient to ensure that the buildings can carry on functioning reasonably as a single dwelling. Whilst additional openings could be helpful to circulate between the two houses, these have to be weighed against the need to preserve the special interest of the listed buildings.
16. The formation of an opening within the rear wall situated between nos 42 and 43 has already been approved as part of the permitted scheme to

³ Thurloe Estate and Smith's Charity Conservation Area Appraisal (October 2016).

⁴ APP/K5600/E/02/1089090.

facilitate the circulation between the two gardens. However, the creation of an additional opening would lead to a further loss of historic fabric and, in conjunction with the previously approved access, would stand as an incongruous feature. As a result, the proposed openings would weaken the formal continuity and sense of enclosure of the boundary, and the ability to appreciate the listed buildings as two separate entities, which would be detrimental to the significance of these designated heritage assets.

17. In that regard, the appellant has referred to a similar scheme granted by the Council at nos 11 and 12 Victoria Grove⁵. In the absence of any details regarding the context in which these proposals were made or approved, this is however a scheme which can only have little bearing on my determination of the appeals before me.
18. The removal of the spiral staircase and construction of a balcony with stairs to the rear of the appeal premises is not objected to. Whilst the proposed balcony would extend across the rear elevations of nos 42 and 43, the construction of a new raised wall would maintain a visual distinction, to ensure that the rear elevations still read as two separate properties. Subject to the terrace and the wall being built in accordance with the proposed plans, I am satisfied that this aspect of the proposal would cause no harm to the special interest of the listed buildings.
19. I accept that the proposed external changes would only be visible from neighbouring properties. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the property can be gained. Overall, the development and works would fail to preserve the significance of the listed buildings and, by virtue of their contribution to the character and appearance of the Conservation Area, it follows that the proposal would also cause harm to this designated heritage asset.
20. The appeal scheme would cause less than substantial harm to the significance of these designated heritage assets, and I shall therefore ascribe each incidence of harm considerable importance and weight. In such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) requires the harm identified to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. Some of the works would sustain the special interest of the appeal buildings and preserve the special interest of the Conservation Area, having particular regard to the proposed removal of features which presently have a negative impact on the significance of the designated heritage assets. However, these have to be weighed against the harm which I have identified.
22. Furthermore, I attach significant weight to the fact that many of the proposed works have already been granted planning permission and listed building consent in November 2021 as part of an earlier scheme. This is not least because they may represent a 'fallback' which the appellant could implement in full, but also as an indication that some works could take place to sustain the use of the buildings as a large family dwelling.

⁵ Local Planning Authority References PP/14/02416 and LB/14/02417.

23. No substantive evidence has been presented to suggest that the optimum viable use of the appeal premises as residential accommodation would cease if the appeals were to be dismissed. Overall, the identified harm would not be outweighed by the public benefits derived from the appeal proposals.
24. For the foregoing reasons, the proposed development and works would fail to preserve the significance of the appeal buildings and the listed terrace as a whole. Furthermore, the appeal scheme would fail to preserve or enhance the character and appearance of the Conservation Area. It would therefore conflict with Policies CL1, CL2, CL3, CL4, CL6, CL9 and CL11 of the Local Plan 2019 and Section 16 of the Framework, but also the aims of the CAA. Amongst other things, these require development to preserve or enhance the character or appearance of the conservation area and protect the heritage significance of listed buildings.

Conclusion

25. As noted above, no concerns have been raised by the Council regarding some of the works, and I find no reasons to differ with this approach. In addition to these, there are aspects of the proposals in respect of which I have found no harm to the significance of the heritage assets. I have therefore considered whether to issue a split decision but in view of the difficulties to clearly separate the acceptable works from the unacceptable ones, I have decided not to pursue this course of action which, moreover, has not been requested by the appellant.
26. Accordingly, for the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR