



Appeal Decisions

Site visit made on 30 June 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2023

Appeal A Ref: APP/K5600/W/22/3311764 **15 South Terrace, London SW7 2TB**

- 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 Franklin and Muddle against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/22/00101, dated 21 December 2021, was refused by notice dated 21 June 2022.
 - The development proposed is lower ground floor rear extension with internal alterations including lowering of the vault and closet wing floors. Replacement of rear conservatory within the closet wing and replacement of railings and uPVC external pipework. Cleaning of front elevation, new fanlight to front entrance door, replacement timber French doors, new floor finish to entrance steps, landing and lightwell, removal of lower ground floor security grille and replacement of lightwell stair. Internal layout alterations to the second and third floor.
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Appeal B Ref: APP/K5600/Y/22/3311765 **15 South Terrace, London SW7 2TB**

- 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 Franklin and Muddle against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/00102, dated 21 December 2021, was refused by notice dated 21 June 2022.
 - The works proposed are lower ground floor rear extension with internal alterations including lowering of the vault and closet wing floors. Replacement of rear conservatory within the closet wing and replacement of railings and uPVC external pipework. Cleaning of front elevation, new fanlight to front entrance door, replacement timber French doors, new floor finish to entrance steps, landing and lightwell, removal of lower ground floor security grille and replacement of lightwell stair. Internal layout alterations to the second and third floor.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for lower ground floor rear extension with internal alterations including lowering of the vault and closet wing floors. Replacement of rear conservatory within the closet wing and replacement of railings and uPVC external pipework. Cleaning of front elevation, new fanlight to front entrance door, replacement timber French doors, new floor finish to entrance steps, landing and lightwell, removal of lower ground floor security grille and replacement of lightwell stair. Internal layout alterations to the second and third floor at 15 South Terrace, London SW7 2TB in accordance with the terms of the application Ref PP/22/00101, dated 21 December 2021, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for lower ground floor rear extension with internal alterations including lowering of the vault and closet wing floors. Replacement of rear conservatory within the closet wing and replacement of railings and uPVC external pipework. Cleaning of front elevation, new fanlight to front entrance door, replacement timber French doors, new floor finish to entrance steps, landing and lightwell, removal of lower ground floor security grille and replacement of lightwell stair. Internal layout alterations to the second and third floor at 15 South Terrace, London SW7 2TB in accordance with the terms of the application Ref LB/22/00102, dated 21 December 2021 and the plans submitted therewith, subject to the conditions in the attached schedule.

Main Issue

3. 15 South Terrace is a terraced townhouse which is part of the Grade II listed building '13-33, South Terrace SW7' and also falls within the Thurloe Estate and Smith's Charity Conservation Area (the CA). Against this background, the main issue in these appeals is the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether it would preserve or enhance the character or appearance of the CA.

Reasons

4. No 15 contributes to the significance of the listed building through the simple elegance of its late Regency era façade and to a lesser extent its comparatively plainer rear, its fairly well-preserved plan, surviving fixtures and fittings and its principal staircase. It also draws some interest from its rear closet wing. This dates from around 1929 but we know it replaced a 19th Century closet wing.
5. Given its Regency style composition and that of South Terrace as a whole, the house also contributes positively to the significance of the CA, which largely derives from its multitude of speculative set piece developments of streets of townhouses, which span the Georgian, Regency and Victorian periods.
6. The extensive works would generally benefit the listed building. The Council is concerned about certain elements, which I shall focus on. Starting with the existing French doors at first floor, they are modern both in terms of joinery and glass, and are inappropriate within the otherwise graceful facade, as they have top hung overlights set in protruding, asymmetrical profiles. Their replacement with more refined doors would be a clear enhancement the house, as would the other small works to the front, such as the cleaning of brickwork and the introduction of a more period appropriate fanlight above the front door.
7. The back of the listed building has been the scene of several piecemeal extensions, which is typical, given that the rears of the houses are not designed for public consumption and are comparatively utilitarian. The rear extension would be modest and all but subterranean to the point that it would be barely visible. An objection to the extension in terms of plan form is difficult to sustain, as the extension would chime with the similar, belowground vaults which extend under the pavement in front of the house. The extension would not appear as part of the above ground closet wing, the setting of which would barely be affected. There is no evidence that the foundations of the 1929 closet wing would be damaged. The lightwell would be unchanged in its proportions.

8. The steel and cable railing balustrades to the rear are incongruous and their replacement in a more substantive metal would be appropriate for the age of this building and would tie with the appearance of the new aluminium conservatory. The new two floor conservatory and associated balcony would not extend beyond the existing building line of the property. The works to the rear would therefore have a neutral effect on the significance of the building.
9. Plans from 1929 show that the lower ground floor historically had central store areas. This floor has long been reconfigured and repurposed from its original storage, cooking and cleaning uses. The 1929 plans evidence that the blocking of openings and the creation of new openings between the bedroom and playroom would in all but one case echo the original layout. The 'new' opening would reintroduce a previous modern opening, avoiding historic fabric loss. At ground floor a new doorway to G3 would be in the place of an infilled historic opening. The third floor works largely involve removal of modern stud walls and doors (including the door into T3) but include the part reintroduction of a historic spine wall. This benefit would offset the harm that would arise from the further subdivision of room T3, which is likely to have been larger originally.
10. Overall, the works would be a clear, positive step towards the reinstatement of this house both in terms of its historic detailing and plan, and the extension would cause no harm. The improvements to the front would boost the contribution No 15 makes to the Regency era architecture of the CA. Given such, the special architectural and historic interest of the listed building would be preserved, and the character and appearance of the CA slightly enhanced.
11. It also follows that the proposal would accord with the heritage and design aims of Policies CL3, CL4, CL6, CL9 and CL11 of the Local Plan (adopted 2019), the guidance within the Thurloe Estate and Smith's Charity Conservation Area Appraisal Document, and the National Planning Policy Framework.

Conditions and Conclusion

12. With reference to Appeal A, an accord with plans condition is essential in the interest of certainty. Given the proximity of neighbouring residents, a Site Construction Management Plan should be agreed with the Council prior to development commencing. Similarly, to reduce flood risk within a Critical Drainage Area pursuant to Policy CE2 of the Local Plan and given that the scheme would provide a new study room below ground, a Flood Risk Assessment and Sustainable Drainage Systems Strategy shall be agreed prior to development commencing. However, the upper roof of the conservatory would be sloped glass and would have no direct doorway access, so I do not consider a condition necessary to prevent its use as a balcony.
13. With regard to Appeal B, a condition is needed to secure the finer detailed designs of the fan light and the French doors, to ensure that they are appropriate to the highly sensitive frontage of the building. Details are also necessary to ensure that the conservatory and lower ground floor extensions are appropriately executed, the cleaning method for the front brickwork is appropriate, and to ensure the front balcony railings are suitably repaired.
14. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeals.

Matthew Jones

INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS 01, DEM 15, DEM 16, DEM 55, DEM 65, DEM 66, PL 15, PL 16, PL 55, PL 65, PL 66, PL 70.
- 3) No development shall commence until:

A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team, and then

B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

- 4) No development shall commence until a Flood Risk Assessment and Sustainable Drainage Systems Strategy with the following information is submitted to and approved in writing by the Local Planning Authority:

A) A Flood Risk Assessment to analyse all potential flood risks to the site and ensure that the development is protected against flood risk and will not lead to off-site flooding. Any proposed protection, mitigation and resilience measures should be shown on submitted plans.

B) A detailed analysis of surface water run-off and attenuation volume.

C) Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).

D) Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).

E) Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved Sustainable Drainage System (SuDS) and Flood Risk measures shall be fully implemented and maintained thereafter.

Appeal B – Schedule of Conditions

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Detailed drawings or samples of materials or method statements, as appropriate, in respect of the following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the

work is begun, and the works shall not be carried out other than in accordance with the details so approved:

- a) details of the materials to be used in the lower ground floor extension and the conservatory extension.
- b) details of the front door fanlight on the front elevation
- c) details, including sections, of the new French doors
- d) a method statement, with trial sample areas, for the cleaning of the brickwork to the front elevation
- e) the method for the repair of the front balcony metalwork