



Appeal Decision

Site visit made on 1 June 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/X5990/Y/23/3317241

21 Wilton Street, London SW1X 7AX

- 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 Mrs Helene Oratore against the decision of Westminster City Council.
 - The application Ref 22/04421/LBC, dated 4 July 2022, was refused by notice dated 25 August 2022.
 - The works proposed are Retrospective Listed Building Consent application for installation of a structural glass balustrade to the uppermost roof at the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal concerns work at No. 21 Wilton Street (No. 21), which forms part of the Grade II listed building 16-23 Wilton Street (List Entry Number: 1224783) (the listed building) and is situated within the Belgravia Conservation Area (CA). I am mindful of my statutory duties in respect of sections 16(2) and 72(1) of the Act.
3. Retrospective listed building consent is being sought for works comprising the installation of a structural glass balustrade at rear roof level of No. 21. I observed that these works have been fully implemented and correspond with the 'As Built' Plan 242025-PUR-01-ZZ-DR-A-200. I have determined the appeal on this basis.

Main Issues

4. The main issues are whether the installation of the structural glass balustrade has preserved the listed building and any features of special architectural or historic interest that it possesses; and whether the character or appearance of the CA has been preserved or enhanced.

Reasons

5. The listed building comprises a terrace of eight early 19th century townhouses on the south side of Wilton Street. Although there is some variation in the frontage articulation, decorative detailing, and overall storey height of individual townhouses in the terrace, the consistency in age and traditional materials, including brick and stucco and iron balconies and lightwells, provide an overall cohesion. In contrast to its primary frontage, the rear elevation of

the terrace has a comparatively restrained composition, which reflects a secondary service function.

6. There have evidently been adaptations to the listed building, including at roof level. Even so, within the rear elevation, closet wings, flat roofs behind parapets, a hierarchy to the fenestration pattern, parapets or mansards, and a consistent palette of traditional materials contribute a sense of architectural continuity. Overall, the listed building has retained an authenticity within its palette and roof forms that together with the legibility of the original plan form and surviving historic fabric, contributes to its significance and special interest as an entity, and to its overall group value.
7. No. 21 is located mid-terrace within the listed building, is two bays wide with a brick and stucco frontage and roof framed by chimney stacks and concealed by a parapet to the front and rear. Notwithstanding changes over time, including the provision of an additional storey, No. 21 reflects the overall cohesion and architectural continuity shared across the wider terrace. It therefore is integral to the special interest of the listed building and its overall group value.
8. The CA designation encompasses a grid-iron of terraced streets and occasional squares that were conceived and executed by Thomas Cubitt, Thomas Cundy and Seth Smith. The significance and special interest of the CA as a whole derives from it being a fashionable, speculative Georgian residential suburb of London. Today, there is a high degree of townscape coherence informed by long streets and squares fronted by Italianate-style townhouses and more intimate mews spaces hidden through archways to the rear.
9. At roof level, mansard or flat roofs concealed behind a parapet and divided by regular projecting stacks are typical features, which underscore an overall consistency and material treatment of buildings, adding to the character and appearance of the CA.
10. Non-original alterations have occurred to individual houses here along their rear elevations, including at No. 21. However, the traditional form, material treatment and coherent design of No. 21, and the wider listed building, are consistent with that townscape and makes a positive contribution to the character and appearance of the CA as a whole.
11. I understand from what I have read that the external space at rear roof level at No. 21 has been used as a private terrace by the occupants and that terrace was previously enclosed by a metal balustrade set behind the parapet, and now replaced with the extant glazed one. The replacement balustrade has been positioned to span the gap between the party walls and chimney stacks, sitting on top of the rear parapet close to the edge of the copings. The balustrade is made from laminated and transparent toughened glass, which the plans show is structurally integrated into the parapet.
12. Although the extant balustrade is transparent and frameless, owing to the thickness of the glazing and robustness of its construction, its top edge creates an obvious line against the backdrop of the sky when seen from the street level. The balustrade spans across the width of the building while it also reaches well above the top of the party walls creating an uncharacteristic horizontal emphasis at roof level to the building with a vertical emphasis. While the glazing is intended to be non-reflective, the very contemporary finish, scale and siting of the balustrade cause it to appear as a discordant and alien

feature. Overall, the extant balustrade amplifies the roof-level at No. 21, weakening the integral contribution to the wider terrace and its consistency. I therefore find that the retention of the structural glass balustrade at rear roof level of No. 21 would fail to preserve the significance and special interest of the Grade II listed building, contrary to the expectations of s16(2) of the Act.

13. Turning to the effect upon the character and appearance of the CA, the extant balustrade is only appreciable in glimpsed views from the public realm but its discordant impact would be appreciated in private views. Nevertheless, I consider that the combination of its materials, scale and sighting mean the extant balustrade does not reflect the traditional form and material treatment of No. 21. The contribution it makes to the townscape consistency that is characteristic of Belgravia has in a small way been weakened. It follows that the character and appearance of the CA as a whole has not been preserved or enhanced, leading to conflict with s72(1) of the Act.
14. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Bearing in mind the scale and nature of the balustrade and its impact on the listed building and CA as a whole, I consider the harm to the significance has been 'less than substantial'. Paragraph 200 of the Framework requires any harm to, or loss of significance should require clear and convincing justification while paragraph 202 indicates that the less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. I note that the previous metal balustrade was replaced with the extant balustrade following health and safety concerns and to prevent climbing onto or over the edge of the parapet. However, this does not justify the sighting of the balustrade directly behind a half coping and virtually flush with the building's rear elevation. The appellant refers to an earlier and approved metal balustrade to be increased in height to satisfy safety standards, which was not implemented. This casts doubt over whether a safety-compliant balustrade of a more sympathetic design and materials could not have been achieved without the harm the design and sighting of the extant balustrade has caused.
16. The wind-protecting properties of a solid balustrade would be of benefit to the appellant and users of the roof terrace, which is not a public benefit. As the balustrade has already been installed and upgrades to the listed building already carried out, no public benefits would derive from its construction nor in facilitating the optimum viable use, which is already in use as a single-family dwelling in good overall condition. I therefore do not find the sum of the public benefits are sufficient to outweigh the less than substantial harm to the listed building or the CA.

Other Matters

17. There are other examples of glazing balustrades to roof terraces brought to my attention by the appellant and I have been able to view a number of these during my site visit. However, I do not know whether these benefit from the necessary consents, or the specific considerations that led to their approval. Nevertheless, their locations, context and/or age of the host building do not directly compare to the proposal before me. In any case, evidence of alterations that fail to preserve the significance of one heritage asset does not

justify harm to another. I have therefore determined the appeal on its own individual merits.

Conclusion

18. Bringing all matters together, I consider that the installation of the structural glass balustrade has failed to preserve the listed building and features of special architectural or historic interest that it possesses; and has failed to preserve or enhance the character or appearance of the CA, contrary to sections 16(2) and 72(1) of the Act. The less than substantial harm to the listed building and CA as designated heritage assets is not outweighed by public benefits. Conflict also arises with the historic environment protection policies within the Framework and the aims of Policies 38, 39 and 40 of the Westminster City Plan 2019 - 2040 (2021).

19. I therefore conclude that the appeal is dismissed.

Alison Scott

INSPECTOR

