



Appeal Decisions

Site visit made on 2 August 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal A Ref: APP/X5990/W/23/3317565

5 Lord North Street, London SW1P 3LA

- 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 Sharlie Rees-Davies against the decision of City of Westminster Council.
 - The application Ref 22/02021/FULL, dated 24 March 2022, was refused by notice dated 8 December 2022.
 - The development proposed is demolition of existing extension at rear ground floor level with excavation beneath and part of built-up garden area; and erection of new extensions at lower ground and ground floor level.
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Appeal B Ref: APP/X5990/Y/23/3317566

5 Lord North Street, London SW1P 3LA

- 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 Sharlie Rees-Davies against the decision of City of Westminster Council.
 - The application Ref 22/02274/LBC, dated 24 March 2022, was refused by notice dated 8 December 2022.
 - The works proposed are demolition of existing extension at rear ground floor level with excavation beneath and part of built-up garden area; and erection of new extensions at lower ground and ground floor level.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter, using the description from the Council's decision notices. These accurately and succinctly describe the extent of development/works.
4. As the proposal is in a conservation area and relates 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).
5. An Arboricultural Report (Statement of Jago Keen, Keen Consultants), Structural Engineering Report (Structural Engineering Appraisal, Jonathan Darnell Structural Engineering) and Heritage Appraisal (Heritage Appeal Statement, Fuller Long) were submitted as part of the appeal. The Council and

third parties have had the opportunity to comment on these documents as part of the appeals process. As such, no party has been prejudiced by their submission at this stage.

6. The Council's decision notice for the refusal to grant listed building consent (Appeal B) did not include a reason for refusal. However, the Council have confirmed its reason during the appeal. This reflects the first reason in the Council's decision notice for the refusal to grant planning permission (Appeal A). In this regard, no party has been prejudiced by my consideration of the appeals on this basis.

Main Issues

7. The main issues are:

- Whether the proposal would preserve a Grade II* listed building, known as Numbers 2, 4, 5, 7, 8, 10 and 11, Lord North Street, and any features of special architectural or historic interest which it possesses and the extent to which it would preserve or enhance the character or appearance of the Smith Square Conservation Area, including from any effects of the proposal on trees (both appeals); and
- The effect of the proposal on ground conditions with particular reference to the structural stability of neighbouring structures and infrastructure (Appeal A).

Reasons

Heritage Assets

Special interest and significance

8. No 5 Lord North Street (No 5) is a mid-terrace residential property constructed with brown brick and a tiled roof in an early Georgian style. The property has three main storeys, with additional lower ground floor and mansard attic levels in a narrow plan form. It forms part of the Grade II* listed building, known as Numbers 2, 4, 5, 7, 8, 10 and 11, Lord North Street. The terraced housing on the street, together with Barton and Cowley Streets, form part of a well-preserved enclave of early-eighteenth century housing.
9. There are variations between the properties in the listed building, including from later alterations and from the amalgamation of properties. Nonetheless, the broad consistency of height, materials, brick to void ratio, and sash windows results in a cohesive appearance. The consistency within the terrace, its height and simple unornamented front facade give the listed building a dignified appearance. It forms an attractive architectural set piece with the terrace opposite, funnelling a view toward the former Church of St John the Evangelist.
10. Internally, the original plan form remains legible. The property is narrow, with modest sized rooms, and it has a dog-legged staircase rising through the floors. These features give the property an intimate quality. Moreover, timber panelling, particularly in the ground floor front room, provides a rich architectural detail which is striking when entering the property. This reflects the hierarchical importance of the room despite its restrained size.

11. To the rear, there have been several alterations and extensions, including an extension at No 8, which occupies a considerable part of the garden, large flat roof extension at No 2 extending the length of the plot, and a small flat roof extension at No 5. Despite the variation in alterations and extensions within the listed building, there is a broad rhythm and regularity to the rear elevation's solid to void ratio of the fenestration. This, combined with its height, gives the rear façade a distinctive vertical emphasis.
12. In so far as it is relevant to these appeals, the special interest and significance of the listed building resides in its terraced design, vertical emphasis to its façades, narrow plan form, detailing and intimate layout. It also lies in its relationship with the planned layout of other historic terraces of a similar age and style. Moreover, its historic interest lies in its historical associations, including from the occupation of No 5 by the former prime minister Harold Wilson.
13. The small rear extension at No 5 is linked to the main building by a small link. This has the benefit of allowing most of the historic fabric to be appreciated from the rear passage and preserving the hierarchy of rooms on the ground floor and the intimate qualities of the house. However, it is also poorly articulated, with no openings to the rear undermining the historical and functional relationship between the dwelling and its garden. Overall, it has a minor negative impact on the setting, and in this regard, the significance of the listed building.
14. The listed building is experienced from the rear gardens by the residents of and visitors to the dwellings in the terrace. Trees and planting within the gardens, including two fig trees in the neighbouring gardens, provide a pleasing soft relief and texture that positively contrasts with the buildings that enclose the gardens. In these respects, although the gardens are small and irregular, their verdant qualities and setting, in an otherwise highly built-up and enclosed environment, makes a small but positive contribution to the significance of the listed building.
15. The appeal site is located within the Smiths Square Conservation Area (CA). This is a relatively small CA, which centres around eighteenth century buildings at St Johns Smith Square. Located adjacent to Westminster Abbey and the Palace of Westminster, buildings typically date from the eighteenth, nineteenth and twentieth centuries (with the latter being typically in a neo-Georgian style) and are characterised by high quality traditional materials and fine craftsmanship, reflecting the wealth and high status of the area.
16. In addition, and notwithstanding that they may not be visible from the public realm, the contrasting unadorned and functional secondary rear elevations contribute to the character, appearance, and significance of the CA, albeit to a small degree. The special interest/significance of the listed building contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

17. The proposed replacement extension would project from the main rear façade of the dwelling by approximately 6.8m, which would be slightly less than the depth of the existing house at 8m. Moreover, with its footprint, including the glazed link to the lower ground floor, it would be a sizeable extension relative

to the host property. Even though it would be accessed off the half landing and would be subservient in scale to the host property, its footprint would still erode the distinctive narrow plan form of the listed building. Moreover, the size of the proposed dining room, and its open and spacious qualities, would contrast starkly with the more intimate front ground floor room. Having a similar floor area, this combination would weaken the hierarchical importance of the front ground floor room.

18. The rear elevation of the proposed extension would be viewed and accessed from the rear raised garden. However, in doing so its proportions above the new ground level would have a squat appearance. The left-hand window on the rear elevation would align with the upper floor windows of No 5 and individually they are tall windows/doors. However, it would be a largely glazed elevation, which would be at odds with the solid to void ratio of the listed building. Taken together, the squat nature of the rear façade and the glazing would have a horizontal emphasis. This would jar injuriously with the distinctive vertical emphasis of the main rear façade of the listed building.
19. The glazed link and the side elevation would be viewed from the upper floors of the neighbouring (No 7) and host property. The long length of solid brickwork with no windows on the ground floor dining room, the positioning of the glazed link over the lower ground level and its wrap around form above the steps would appear a somewhat complicated and contrived arrangement. This would appear at odds with the simple elegance of the listed building.
20. The size of the remaining garden would be very small. The increased sense of enclosure from the increased footprint and the subsequent reduction in size of the remaining garden from the existing situation, would have a minor negative impact on the appreciation of the verdant qualities to the rear.
21. It is put to me that the proposed extension would be an improvement from the existing extension that would be demolished. However, I disagree. I accept the appearance of the extension is of little architectural merit and the design of its rear façade without any windows is poorly articulated. In this regard its removal would be a benefit. However, its smaller size and footprint, the extent of physical detachment from the original rear façade and fenestration to the side all better preserve the vertical emphasis, simple elegance, original plan form, hierarchy of rooms and verdant garden setting of the listed building than the proposal before me. For these reasons, I do not consider the loss of the existing extension and the replacement with the proposed extension to be a benefit of the scheme before me.
22. The terrace group was listed after some properties were amalgamated and many of the extensions to its rear were constructed and since which extensions have been enlarged rebuilt or added to. However, I have already taken them into account when considering the significance and special interest of the listed building. As such, even though they are part of the building's narrative they do not justify the acceptance of the identified harm from this proposal.
23. The proposed dining room would have a better access to the remaining garden than the existing arrangements. Moreover, the proposal would involve structural repairs to historic boundary walling. However, these are minor benefits, and I am not persuaded that they, in combination with the harm I have identified from the proposed extension, would amount to the long-term sustainable management of the property's heritage interest. The absence of

harm in relation to other aspects of the design including, the material finish and the lack of alterations to the original core of the dwelling are neutral matters.

24. I therefore find that, even with its positive elements, the proposal would have a harmfully erosive effect on the architectural integrity, setting and special interest of the listed building. As such, the proposal would not conserve this designated heritage asset in a manner appropriate to its significance.
25. The proposed extension would be within the Root Protection Area of a fig tree in each of the neighbouring gardens. However, the submitted Arboricultural Report confirms that no tree roots were discovered during excavations and the boundary walls provide adequate protection as they limit the spread of the roots from the trees. As such, I am satisfied that the fig trees would not be harmed by the proposal and the contribution they make to the CA would be preserved. Moreover, in so far as it relates to this matter, there would be no conflict with Policy 34 of the City Plan (2021) which broadly, amongst other things, seeks to protect trees of historic and amenity value.
26. Despite the protection of trees, part of the character and significance of the CA is the high quality of the historic buildings it contains. The proposal would be hidden from views from Lord North Street, and as such the attractive streetscape that forms this part of the CA would not be materially affected. However, given my findings above in relation to the rear elevation of the listed building, I also consider that the proposal would, in turn, harm the character and significance of the CA. Consequently, whilst the magnitude of the harm may be concluded to be minor adverse in the context of the CA as a whole, it would nevertheless fail to preserve it.
27. Drawing the above together, the proposal would fail to preserve the special interest of the Grade II* listed building, and would fail to preserve or enhance the character of the CA. As a result, the expectations of the Act have not been met and the proposal would harm the significance of these designated heritage assets.

Public benefits and heritage balance

28. Paragraph 199 of the revised National Planning Policy Framework (the Framework) (2023) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
29. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, the harm to the listed building and the CA would be 'less than substantial'. Nevertheless, any harm is of considerable importance and weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
30. There would be some economic, social, and environmental benefits resulting from the construction works, the general investment into the property and

improvements to the local housing stock. This includes the improvements in energy efficiency, structural integrity and expected lifespan from the proposed extension in comparison with the existing extension. There would also be some minor heritage benefits from the design as outlined previously. However, the nature and scale of the associated public benefits that would flow from the scheme to the public at large would be minimal. Rather, the proposal would principally be of private benefit to any occupier of the property in providing additional space and an improved standard of accommodation in comparison with the existing extension that would be removed. As such, the associated public benefits carry little weight in favour of the appeals.

31. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary, neither would any public benefits accrue in relation to the CA.
32. Overall, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the weight that I attach to the harm I have identified. As such, the proposal would not comply with paragraph 202 of the Framework. It follows that it would also be contrary to Policies 38, 39 and 40 of the City Plan (2021). These say, amongst other things, that development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Ground conditions

33. The Structural Engineering Report was prepared following the excavation of three inspection pits. The resulting preliminary structural design recommends that the existing walls on the boundaries are underpinned using reinforced concrete, which would protect the existing walls and the stability of the neighbouring properties. During construction it is proposed to temporarily support the walls on the boundary to minimise the risk of movement. The report concludes that no underpinning of the appeal premises is necessary. The Council have not commented on the preliminary structural design put forward. Moreover, I have no reason to question the recommendations and its implementation could be controlled by way of a condition were I minded to allow the appeal.
34. Accordingly, I am satisfied that the proposal would not have a harmful effect on ground conditions with particular reference to the structural stability of neighbouring structures and infrastructure. I therefore find no conflict with the requirements of Policy 45 of the City Plan (2021), in so far as it relates to this main issue. This says, amongst other things, that basement developments should incorporate measures recommended in the structural statement to safeguard structural stability.

Other Matters

35. I have been referred to a ground floor and lower ground floor extension at No 17 Lord North Street on the other side of the street to the appeal premises, which was approved by the Council in 2016. However, from the evidence before me that ground floor extension replaced an extension of a similar size, in contrast with the proposal before me. Moreover, the detailed design and

treatment of that scheme, including the lower ground floor, can be distinguished from this proposal in its simpler and more harmonious arrangement. This includes, amongst other things, the absence of a wrap around lean-to glazed link feature which is proposed here. As such, the circumstances of that case are not directly comparable to the proposal. I have, in any case, considered the scheme on its own merits.

36. Concerns regarding the processing of the applications, including matters relating to communication are not matters for my consideration as part of these appeals.

Conclusions

37. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, Appeal A is dismissed.
38. **Appeal B:** For the reasons given, Appeal B is dismissed.

Mr R Walker

INSPECTOR