
Appeal Decision

Site visit made on 27 September 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/K5600/Y/22/3305348

Upper Flat, 47 Sydney Street, London SW3 6PX

- 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 Milan Entchev against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/01774, dated 11 March 2022, was refused by notice dated 18 May 2022.
 - The works proposed are the removal of modern 3rd floor plasterboard ceiling and joists in the master bedroom; insulate between the existing rafters and line in plasterboard to create a sloped ceiling.
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Decision

1. The appeal is allowed and listed building consent is granted for the removal of modern 3rd floor plasterboard ceiling and joists in the master bedroom; insulate between the existing rafters and line in plasterboard to create a sloped ceiling at Upper Flat, 47 Sydney Street, London SW3 6PX in accordance with the terms of the application Ref LB/22/01774 dated 11 March 2022 and the plans submitted with it subject to the following condition:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeal. The historic environment policies have remained unchanged within the new version of the Framework, which is a material consideration.
3. The appeal concerns works within the upper maisonette at no.47 Sydney Street, which is part of the Grade II listed building '7-67, Sydney Street SW3' (List Entry Number: 1226872). The appeal site is also within the Chelsea Conservation Area (CA). In deciding this appeal, I have born in mind the statutory requirements under sections 16(2) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposed works would preserve the Grade II listed building or its setting or any features of special architectural or historic interest which it possesses; and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Special interest and significance

5. The listed building as an entity comprises a long terrace of early 19th century houses, of three storeys plus basement. Each house is two bays, with stock brick upper floors and channelled stucco to the ground floor. The houses within the centre of the terrace are taller, with a pediment and stucco pilaster detailing creating a 'temple front'. Other features include a stucco cornice, French casements at first floor with cast iron balconies and iron area railings at ground floor level.
6. The significance and special interest of the listed building is partly derived from the architectural coherence and execution of its classically ordered frontage and the contribution it makes to the wider townscape. Moreover, it faces a similar listed terrace on the opposite side of Sydney Street (Nos.18-68), indicative of its wider group value. By extension, significance and interest comes from the listed building's associations with the planned development of this part of London in the early 19th century. Legibility of the plan form and social status of rooms within each townhouse, including proportions and the level and quality of surviving details are also elements that contribute to the building's special architectural and historic interest.
7. No.47 Sydney Street is situated mid-terrace and is integral to the overall composition of the listed building. In common with various other properties within the listed building, no.47 has been altered over time, including its subdivision into flats and the addition of a mansard roof extension in c. 2001. In spite of changes, the relative importance and social standing of the floors at no.47 is still legible from the building's exterior, including through the form and size of the windows and the more diminutive scale of those serving the basement and upper storeys. This, along with surviving historic plan form and traditional detailing at no.47 are therefore aspects that contribute to the architectural and historic significance of the listed building as an entity.
8. The appeal site occupies the upper maisonette within no.47, which is a part of the building that has seen the substantial erosion of its original plan form and traditional features. During my visit, I observed replacement balustrades, insertion of stud partitions, and generally modern finishes. There have also been changes to layout and subdivisions to create shower rooms, and additional accommodation within the mansard roof. The changes at the appeal site, including the material and form within the ceiling of the master bedroom, have left little by way of historic fabric, traditional detailing or plan-form. Therefore, I consider the internal modern features within this particular part of the appeal site, contribute very little to the significance and special interest of the Grade II listed building as an entity.
9. The special interest and significance of the CA is derived primarily from the formal architectural appearance and layout of predominantly early 19th century residential terraces. The consistent form, materials and neo-Classical style of the local built form reflects the rapid expansion of this part of the city connected with wider social and economic changes taking place during that period. The Chelsea Conservation Area Appraisal, January 2016¹ identifies the opposing attractive balanced terraces in Sydney Street as one of the area's grandest developments. It follows that the contribution that the appeal site and no.47 make to the character and appearance

¹ Paragraphs 3.7-3.8

of the CA as a whole are derived principally from the consistency of its materials, architectural form and character that together form an important component of the built backcloth of this part of Chelsea.

The proposals

10. The appeal scheme proposes to remove the modern plasterboard and softwood joists of the ceiling in the third-floor bedroom and open the room to the apex of the roof with additional insulation set between the rafters of the roof and the new boarding. A new stud wall would sit atop the existing partition between the master-bedroom and ensuite. As shown in the construction details and section drawings², the resulting ceiling would follow the contours of the mansard roof and increase available headroom within the bedroom.
11. The floor plan of the third floor would remain the same, and given the recent construction of the roof extension, there is no dispute that the works would avoid the loss of historic fabric³. The Council's main objection to the proposed works pertains to the resultant dimensions of the third-floor bedroom and its relationship with the hierarchy of other historically higher status spaces within the house. It is also contended that a high sloping ceiling in a room at the third floor would create an overly grandiose space on this upper floor level, which would be at odds with the traditional floor hierarchy of the property.
12. It is relevant to my determination that the bedroom concerned is itself a recent addition and was not an original space within the townhouse. A self-contained unit has been created spanning the first to third floor which has inevitably altered the historic use and division of rooms. In this context, I cannot agree that the low height or profile of the ceiling of the third-floor modern addition are reflective of the plan form or spaces authentic to the building's traditional character.
13. My observations of the interior of this part of the building does not lead me to find that it adds to the understanding of the hierarchy within the house or wider listed building. Therefore, while the creation of more volume within bedroom space may be atypical, in these specific circumstances, the proposal would not undermine the special architectural or historic interest of the listed building as an entity. I therefore find that the proposed works would preserve the special interest of the Grade II listed building and would accord with section 16(2) of the Act.
14. Furthermore, the proposals would not involve any external alterations, nor would they be of a scale or nature that would be apparent from the wider street. Therefore, they would be sympathetic to the architectural character of the building, the uniformity and integral contribution it makes to the wider terrace. Moreover, the Chelsea townscape would be unaffected by the proposed works. Consequently, the works would preserve the character and appearance of the CA as a whole. Accordingly, I find there would be no conflict with section 72(1) of the Act.
15. As the proposals would preserve the listed building and CA, it follows that there would not be harm to the significance of either as designated heritage assets. Thus, there would be no conflict with the historic environment protection policies within the Framework and it is not necessary for the heritage balance set out in paragraph 202 to be undertaken.

² Figures 12-15, Design Statement prepared by Brick Architects

³ Paragraph 1.7 Council's Statement of Case

16. Furthermore, I consider that the proposal aligns with policies CL3 and CL4 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 which, amongst other things, require works to listed buildings to preserve the heritage significance of the building, its setting, or any features of special architectural or historic interest and to preserve the character and appearance of conservation areas.

Conditions

17. The Council has suggested two conditions, one setting a period for commencement and one requiring the works to comply with the submitted plans. The former is a standard condition to limit the time period within which to begin the works, and so I have imposed it for the sake of certainty. However, the latter is unnecessary as the wording of the formal decision above specifies that the listed building consent is for the works and plans as approved.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Helen O'Connor

INSPECTOR