
Appeal Decisions

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 A Ref: APP/K5600/W/22/3298756 **15 Walton Place, London SW3 1RJ**

- 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 Amr Zedan against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/22/00290, dated 14 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is the extension of rear closet wing to house lift, replacement of modern rear conservatory, platform and stair to garden, reduction in size of rear lightwell and removal of stairs up to garden, insertion of storage within rear lightwell, insertion of two AC units, and other minor internal and external alterations.
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Appeal B Ref: APP/K5600/Y/22/3298764 **15 Walton Place, London SW3 1RJ**

- 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 Amr Zedan against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/00291, dated 14 January 2022, was refused by notice dated 25 March 2022.
 - The works proposed are the extension of rear closet wing to house lift, replacement of modern rear conservatory, platform and stair to garden, reduction in size of rear lightwell and removal of stairs up to garden, insertion of storage within rear lightwell, insertion of two AC units, and other minor internal and external alterations.
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Decision

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

Preliminary Matters

3. Revised plans have been submitted with the appeals¹ and the appellant has requested these should be substituted for the earlier versions against which the Council made its decisions. The revisions show amendments to the central section of the proposed lower ground floor layout that would reflect a layout closer to the existing configuration. In addition, the existing reception room door on the first floor would be retained and fixed shut, and the drawings are

¹ Lower Ground Floor 099 Rev 01; First Floor 101 Rev 01; Third Floor 103 Rev 01; Roof Plan 104 Rev 01; Lower Ground - Demolition 099 Rev 01 and Ground - Demolition 100 Rev 01.

annotated to show that the proposed rooflight replaces an existing access hatch.

4. The Procedural Guide: Planning Appeals – England² advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage. However, having regard to the 'Wheatcroft Principles'³, I consider the nature of the alterations to be of a minor nature and the Council have commented on the revisions as part of their appeal statement. Accordingly, I am satisfied that no one would be unfairly prejudiced were I to determine the appeals in relation to the revised drawings, and I have proceeded on that basis.
5. The site relates to development and works at 15 Walton Place, which forms part of the Grade II listed building known as '42, Hans Road, 18 Walton Place SW3, 10-17 Walton Place SW3' (List Entry Number: 1265529) (hereafter referred to as the listed building) located within the Thurloe Estate and Smith's Charity Conservation Area (CA).
6. The description of the proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. While I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate, to reduce repetition, I have dealt with both appeals together in this decision letter.
7. At my site visit it was apparent that various works were underway throughout the property. However, I have made my determinations based on the submitted plans in relation to the schemes before me.
8. 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.

Main Issues – both appeals

9. The main issues are whether the works and development would preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

10. The listed building was listed in 1969 and comprises a terrace probably built by George Basevi in about 1830. The regularity and architectural continuity of the listed building's stucco frontage, comprised of four storey, two-bay townhouses with projecting entrance porches with square piers, presents an attractive frontage. The ornamentation and detailing include a first floor continuous cast

² Section 16

³ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

iron balcony, dentil cornice above second floor, subsidiary cornice above third floor and channelled stucco ground floor. These features reflect the neo-Classical architectural aesthetic of the period. Furthermore, a matching terrace at 1-9 Walton Place opposes the listed building. As a pair, they represent part of a larger deliberate townscape composition.

11. In contrast, the rear elevations of the terrace are more restrained; constructed in stock-brick and articulated with closet wing projections. Over time, the rear elevation of the terrace has lost some homogeneity, owing to various extensions and modifications. Nevertheless, architectural consistency is still discernible along the rear of the listed terrace in the general rhythm of window openings and closet wings. The plainer appearance of the listed building's rear elevation serves to reinforce the ordered hierarchy of the terrace.
12. The significance and special interest of the listed building is derived largely from the architectural composition of the primary elevation, its deliberate uniformity and composition as an entity and its probable association with the 19th century architect George Basevi. In addition, significance and special interest is found in how the sense of order and hierarchy continued into secondary elevations, plan form and internal spaces. This is reflected in surviving architectural detailing, legible plan forms, surviving historic fabric and the status differentiation reflected in the building's elaborate front and more restrained rear elevations.
13. In common with other houses in the terrace, the frontage of 15 Walton Place conforms to the classical proportions and architectural details described. To the rear, the composition and detailing is noticeably plainer, characterised by the regularity of window openings and a two storey, stepped closet wing. The presence of a later conservatory and rear extension at ground and lower ground floor level respectively has diluted the uniformity of the rear elevation to an extent. Even so, coherence is derived from the form and height of the closet wing as there are a number of closet wings in the terrace of a similar modest height and appearance to that at no.15.
14. Internally the building has been altered and adapted over time. However, it remains in use as a single dwelling and the historic plan form of the townhouse is broadly legible with some remaining architectural features. These components contribute towards the overall historic integrity of the building.
15. Consequently, the appeal site forms an integral part of the architecturally ordered and consistent form of the listed terrace, its architectural and historic interest, and thus to its overall significance and special interest.
16. The CA covers a mostly residential area that reflects the expansion and growing prosperity of this part of London throughout the 19th century. Interest is derived from how architectural styles and detailing of predominantly terraced townhouses evolved from the early 19th century onwards. The significance of the CA comes in chief from the underlying hierarchy and order to the street pattern, squares and crescents, many of which were designed as set pieces of ordered townscape. The deliberate arrangement of terraces with a coherent architectural form and detailing form an important component of such townscape.

17. Walton Place is described in the Thurloe Estate and Smith's Charity Conservation Area Appraisal⁴ as a very charming street formed of two facing palace fronted stucco terraces that are bookended by views of Harrods and St Saviour's Church at either end. This description was consistent with my observations. As such, the appeal site and the listed building form part of the built backcloth that characterises the CA and therefore, makes an important positive contribution towards the distinctive character and appearance of the CA as a whole and its significance as a designated heritage asset.

The appeal proposals

18. The proposals contain several elements. In summary, the main components are the extension of the rear closet wing with an internal lift up to second floor level; the replacement of the existing modern fenestration, conservatory and steps at lower ground and ground floor levels; alterations to the rear lightwell including the provision of storage, and the introduction of two air conditioning units. Additionally, with respect to appeal B, various internal works are proposed at all floor levels.

The effect on the listed building and conservation area

19. The existing rear historic closet wing is a modest structure at lower ground and ground floor level, with a slight projection above at first floor level. In comparison the proposal would be markedly higher reaching second floor level. As it would accommodate a lift, it would also introduce greater volume at the upper levels. Consequently, the massing of the closet wing would appear considerably taller and bulkier. Moreover, its construction and the installation of the lift would involve interference with and loss of some historic fabric including the repositioning of two existing sash windows from their present position in the rear facade.
20. The increased scale of the closet wing would give it greater dominance in the rear elevation and consequently, would harmfully dilute the more modest proportions and rhythm of this feature within the wider terrace. This would be the case notwithstanding the existence of higher rear closet wings at 14 and 18 Walton Place to which my attention has been specifically drawn. Although the rear elevations of the terraced houses have undergone various alterations, my observations were that coherence remains discernible particularly at higher levels of the building. The modest height and proportions of most of the closet wings within the terrace allow an appreciation of the broadly regular placement and appearance of windows within the upper rear facade. Therefore, although not pristine, the rear elevations have a recognisable even rhythm. This is an aspect which makes a modest but meaningful contribution to the architectural significance of the listed building.
21. The examples highlighted at nos.14 and 18 generally serve to illustrate how the increased height and bulk of the closet wing have weakened the simpler architecture of the rear elevation by adding greater complexity. As such, neither example would weigh in favour of allowing a further such harmful addition, rather the opposite.

⁴ Paragraph 3.38

22. Additionally, the four rear facing windows in the closet wing would be blocked from within by the solid presence of the lift shaft which would undermine their appearance and historic function.
23. Whilst I acknowledge that the rear elevation is of secondary significance to the principal elevation, it does not follow that it possesses no heritage significance. It will be seen above that I have identified value derives from the differentiation reflected in the building's elaborate front and more restrained rear elevations. The proposed closet wing extension would interfere with the modest and simpler appearance of the rear elevation and weaken its discernible consistency. My concerns in this respect would not be fully surmounted by using good quality, appropriate materials.
24. Consequently, the proposed closet wing extension and associated alterations to the windows would undermine the architecturally ordered, consistent form and group value of the Grade II listed building, to the detriment of its special interest and significance. By the same effect it would fail to preserve or enhance the character and appearance of the CA.
25. The appellant points out that the proposed closet wing extension would be largely screened from public views due to other built form. However, it would affect upper parts of the building that would make it more conspicuous in views from surrounding buildings. Moreover, I am not aware that the statutory duties in the Act, including the general duty with respect to conservation areas are restricted to the consideration of public views.
26. It is also proposed to replace the existing two storey conservatory and terrace. Given that the existing structure is a modern addition, and that the replacement would be set back from the closet wing, the proposals would not harm the significance of the listed building or CA. The proposed air conditioning equipment would be located within an acoustic enclosure on the rear patio area at the lower ground floor level and behind the parapet on the roof respectively. Their relatively small scale and inobtrusive siting would have a neutral impact on the designated heritage assets. Neither party disputes these elements of the proposals.
27. However, the Council raises further concerns that some of the proposed internal alterations would result in the loss of historic fabric and dilution of the historic floor plan at lower ground and ground floor level. They maintain that this has not been adequately addressed by the amended plans submitted with the appeal. The balance of evidence before me and my own observations point to notable alterations to the plan form having already been undertaken at lower ground floor level. This is reinforced by the exploratory opening up works carried out by the appellant⁵. Given this context, the minor scale and nature of the internal alteration works within this part of the listed building would not have a harmful impact on its significance either individually or cumulatively.
28. Moreover, the plan form at higher levels would remain broadly legible and at second floor level the removal of partitions would restore a more traditional layout. Furthermore, the amended plans show the retention and fixing shut of the original door at first floor level rather than its loss and confirm that the rooflight to the top of the staircase would replace an access hatch.

⁵ Figure 4.1, Heritage Appeal Statement prepared by Turley, April 2022

29. Additionally, it is proposed to retain and restore historic skirting, timber mouldings and window shutters at ground and first floor level and reinstate a traditional fireplace and surrounds at first floor level which would be sympathetic to the special interest of the Grade II listed building.
30. Nevertheless, I have found that the proposed extension to the closet wing would fail to preserve the special interest of the Grade II listed building and would not preserve or enhance the character and appearance of the CA as a whole. The appeal works and development thereby run counter to the expectations of sections 16(2), 66(1) and 72(1) of the Act.
31. It follows that there would be some harm to the significance of each as designated heritage assets. However, given the modest scale and nature of the closet wing extension, in both cases the degree of harm caused to significance would be less than substantial. In these circumstances, paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposals.

Heritage balance

32. The proposed restoration of sympathetic timber skirting, mouldings, window shutters and reinstatement of a traditional fireplace at no.15 offers some small enhancement to the listed building, which amounts to a public benefit.
33. The increased comfort, accessibility and functionality of the dwelling wrought by the proposals would primarily be private benefits experienced by the occupants. However, in broad terms, increased investment into the fabric of the listed building and improvements to existing housing stock amount to public benefits. There would also be associated economic benefits arising from associated construction works. Nevertheless, given the scale of the proposals, such benefits would be small.
34. All things considered, I find the wider public benefits associated with the appeals to be limited and as such they attract a commensurate degree of weight.
35. Paragraph 199 of the Framework stipulates that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Therefore, I do not consider the sum of wider public benefits sufficient to outweigh the great weight that the less than substantial harm caused to the heritage assets carries. Conflict therefore arises with the historic environment protection policies in the Framework.
36. The works and development also conflict with policies CL3, CL4, CL6, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019. Amongst other things and read together, policies CL3, CL4 and CL6 seek alterations and additions that avoid harm to the existing character and appearance of the building and its context, preserve or enhance the character or appearance of conservation areas and protect the heritage significance of listed buildings. Policy CL9 stipulates, amongst other matters that proposals that would spoil or disrupt the even rhythm of rear additions will be resisted. Included within policy CL11 is the requirement for development to preserve or enhance views generally within conservation areas, including the rear of properties.

Conclusions

37. In conclusion, I find that the works and development conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified.
38. In relation to Appeal A, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found material considerations of sufficient weight to indicate that I should make a decision other than in accordance with the development plan.
39. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

Inspector