
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/22/3305278

Flat A, 14 Holland Park Road, London W14 8LZ

- 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 The Ilchester Estate against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/01953, dated 21 March 2022, was refused by notice dated 15 June 2022.
 - The works proposed are the upgrading of the flat, new floor finishes, fire stopping and upgrades to electrical and plumbing fittings including new bathroom and kitchen.
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Decision

1. The appeal is allowed, and listed building consent is granted for the upgrading of the flat, new floor finishes, fire stopping and upgrades to electrical and plumbing fittings including new bathroom and kitchen at Flat A, 14 Holland Park Road, London W14 8LZ in accordance with the terms of the application Ref LB/22/01953 dated 21 March 2022 and the plans submitted with it.

Procedural Matters

2. The appellant has indicated that the works have been carried out, which was consistent with my observations. It is suggested by the appellant¹ that consent was not required for the works under section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Nevertheless, an application has been made under the Act which seeks to regularise the works undertaken, and it is not within the scope of my determination to otherwise establish whether the works were lawful. I have dealt with the appeal on that basis.
3. 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

4. The main issues are whether the works preserve the special interest of the Grade II listed building, 14 Holland Park Road, of which the appeal property forms part; and whether the character or appearance of the Holland Park Conservation Area (CA) would be preserved or enhanced.

¹ Paragraph 4.2, Appellant's Appeal Statement

Reasons

Special Interest and Significance

5. Constructed in 1865, 14 Holland Park Road is a large, detached house of 3 storeys plus basement and is a Grade II listed building that lies within the CA. The property was constructed and altered by Phillip Webb, a notable Arts and Crafts architect and designer. He built it for his friend, the pre-Raphaelite 19th century artist Valentine Prinsep.
6. The special interest and significance of the listed building is derived in large part from its architectural composition, which reflects Phillip Webb's distinctive vernacular style. It uses red brick and incorporates, for example, asymmetrical elevations, a variety of fenestration and geometric detailing. Given it was purposely designed as a 'studio-house', the architectural interest is closely entwined with historic interest owing to the association with Valentine Prinsep. The Prinsep family were central to the artistic Holland Park circle in the 19th century.
7. The building also has interest as part of a group of nearby 19th century architecturally significant studio-houses. It is particularly in this latter respect that no.14 also makes a valuable contribution to the character and appearance of the CA, as the significance of the CA is partly derived from a collection of purpose-designed artists' studio houses.
8. No.14 was sub-divided into flats in the late 1940s, a considerable period prior to its listing in 1984. Flat A was formed from the original kitchen and house-keepers room. Although I only inspected the interior of the basement flat that is the subject of the appeal, it was apparent that the original plan of the rooms of this part of the house was lost in the conversion. A self-contained unit was created with separate living room, bedroom, kitchen and bathroom.
9. From the photographic evidence provided², other than some of the windows and the retention of the canted plan form of the living room cupboard, there is little to show that Flat A retained any internal features of architectural or historic interest. Over time, the interior of this part of the basement of the building has acquired a generally unremarkable, modern domestic character. It follows that, so far as this part of the listed building is concerned, there is little architectural significance derived from its interior.

The proposals

10. The proposals seek to regularise a variety of works carried out as part of a refurbishment of the basement flat. In summary, these include the replacement of ceilings; the replacement and introduction of ceiling light fittings; the laying of a damp-proof membrane on the screed floor; replastering the walls; the replacement of internal doors; the replacement of floor coverings; the replacement of the bathroom and kitchen fixtures; the removal of window security grills; a ceiling mounted projector; the fitting of doors to the under-bay cupboard in the living room; the replacement and relocation of the bedroom radiator; the installation of air vents in the kitchen and bathroom using existing openings in the exterior wall and the removal of bedroom cupboards and installation of full-height cupboards.

² Appendix A, Appellant's Appeal Statement

The effect of the proposals

11. Section 16(2) of the Act requires me to have special regard to the desirability of preserving the listed building, or its setting or any features of special architectural and historic interest which it possesses. In addition, as the appeal site lies within the CA, I am mindful of the general duty in section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
12. The Council's decision notice specifies the recessed downlights and damp-proofing works have caused less than substantial harm to the significance of the building but does not refer to any of the other works. This is consistent with the concerns outlined in their statement of case.
13. Taking the remainder of the works first, my examination of the available photographic evidence and Flat A leads me to find that none have had a harmful effect on the special interest and significance of the listed building as the evidence presented indicates that none have harmed historic fabric. They constitute works that are commensurate with the upgrading and improvement to living conditions in the pre-existing basement flat. As such, they have had a neutral effect.
14. Returning to the works mentioned on the Council's decision notice, the proposals include the replacement of light fittings throughout the flat using recessed ceiling lights. The photographs available strongly suggest that the ceilings were not historic. Furthermore, the Council acknowledges³ that the additional downlights inserted did not affect any historic fabric. The photographs further reveal that recessed ceiling lights were previously present in the living room, kitchen and bathroom, whereas the hall had twentieth century wall lights and the bedroom had a central pendant light fitting. Their presence and method of lighting did not contribute to the architectural or historic significance of the building that I have identified.
15. Furthermore, bearing in mind the considerable adaptation and modernisation arising from the sub-division of the property, I cannot accept that it had retained an internal period character owing to a lower level of lighting that was authentic or worthy of preservation. It follows that neither the physical appearance, nor illuminated ambience created by the replacement and additional ceiling downlights would in this context be harmful to the architectural or historic value of the heritage asset. Instead, their impact is a neutral one.
16. The damp-proof works were undertaken in response to a Building Survey Report⁴ which identified notable damp problems affecting the basement flat. There is no fundamental dispute between the parties that such a situation needed to be rectified. However, in broad terms, the Council wishes to ensure the works represent the least harmful and invasive works that definitely address the damp problem. Concerns are raised that cementitious material could lead to longer term harmful damp problems in Flat A and the wider building.

³ Paragraph 3.27 Council's Statement of Case

⁴ Prepared by Hallas and Co, Chartered Surveyors dated November 2020, Appendix C, Appellant's Appeal Statement

17. The information regarding the damp-proof works⁵ undertaken does not conclude whether damp was as a result of there being no damp-proof membrane or due to a damaged damp-proof membrane/tanking of the walls. In practical terms, the opportunity has now passed to investigate the pre-existing situation further. Therefore, the quality of evidence in this respect is unlikely to improve and so my decision must be made on the balance of imperfect evidence. This suggests that in all probability the interventions made did not concern historic fabric of the building. Moreover, they are relatively minor in nature.
18. In combination with my own observations of the property, on balance I do not consider that the damp-proofing works have adversely affected the special interest and significance of the building. Notwithstanding the Council's reservations, there is no specific technical evidence before me to show that what has been undertaken will undermine the historic or architectural significance of the building that I have identified.
19. My attention has been drawn to Historic England's Advice Note 2, Making Changes to Heritage Assets, February 2016. Paragraph 52 states that although some works of upgrading, such as new kitchens and bathrooms units, are unlikely to need consent, new services, both internal and external, can have a considerable, and often cumulative, impact on the significance of a building...'. I have had regard to this general advice as part of my determination but for the reasons outlined, in this case the works do not have a harmful impact on the significance of the building either individually or cumulatively.
20. I therefore find that the works preserve the special interest of the Grade II listed building and would accord with section 16(2) of the Act. Furthermore, the proposals do not involve external alterations, and are not of a scale or nature that would be apparent from the wider street. 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.
21. 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.
22. Moreover, I find that the proposals align 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

23. The proposals seek to regularise the works that have already been undertaken, which obviates the need for a commencement time limit condition. Moreover, the Council suggest no conditions in these circumstances⁶. Hence, I have not imposed any conditions.

⁵ Renlon letter dated 14.12.20 attachments and plan, Appendix D, Appellant's Appeal Statement

⁶ Paragraph 4.4, Council's Statement of Case

Conclusion

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

Helen O'Connor

Inspector