



Appeal Decisions

Site visit made on 1 November 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal A Ref: APP/X5990/W/23/3322910

43 Chepstow Road, London W2 5BP

- 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 Steve Carter, Cadent Gas Limited against the decision of the City of Westminster Council.
 - The application Ref 23/00901/FULL, dated 10 February 2023, was refused by notice dated 26 April 2023.
 - The development proposed is 'upgrading of the existing gas supply, installation of external and internal gas pipe apparatus'.
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Appeal B Ref: APP/X5990/Y/23/3322912

43 Chepstow Road, London W2 5BP

- 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 Steve Carter, Cadent Gas Limited against the decision of the City of Westminster Council.
 - The application Ref 23/00902/LBC, dated 10 February 2023, was refused by notice dated 26 April 2023.
 - The works proposed are 'upgrading of the existing gas supply, installation of external and internal gas pipe apparatus'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. The appeals relate to 43 Chepstow Road which is part of the Grade II listed building '7-53 Chepstow Road W2' (Ref: 1357280). The site is also located within the Westbourne Conservation Area ('the CA'). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

4. The main issues are whether or not the proposal would preserve a Grade II listed building, 7-53 Chepstow Road W2 of which the appeal site is part, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Westbourne Conservation Area.

Reasons

5. The listed building at 7-53 Chepstow Road W2 was first listed in 1981 and comprises a terrace of mid 19th century three-storey plus basement houses arranged in a symmetrical composition with the end pairs and 4 central houses set slightly forward of others in the terrace. The houses within the terrace are finished in stucco with horizontal rustication to the ground floor, and include a regular arrangement of fenestration, cornices to the top of the second floor, pediments above the first floor windows and steps up to the ground floor level entrances which have panelled doors beneath fanlights. Some of the buildings within the terrace, including the appeal property, have cast iron balconies to the ground floor level beneath canopies with ornate iron trellis supports which are positioned to either side of the entrance doors. The arrangement and proportions of the houses together with their detailing reflect the historic status of the terrace as a planned development for the more affluent classes in this part of London. These factors also provide for an architecturally coherent assembly to the listed building which the listing description states is included for group value only.
6. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the design and fine detailing of the building and the formal, ordered uniformity and balanced composition to the front elevation of the group.
7. The Westbourne CA is a predominantly residential area characterised by 19th century terraces and villas lining streets that are for the most part arranged in a grid pattern. There is some variety in the scale and architectural detailing across the area, but the high degree of uniformity across groups of buildings is distinctive and with the quality of the historic buildings contributes to the significance of the CA. The consistency of the terrace including the appeal property is typical of the area, and has collective value with the matching terrace at 22-68 Chepstow Road opposite. It therefore makes a positive contribution to the character and appearance and thus the significance of the CA.
8. The building on the appeal site is occupied as 5 flats. Following a gas leak, replacement piping has been installed to supply residents of the site with gas, although the appeals propose a slightly different arrangement to that currently present on the site.
9. As proposed, pipework would travel up nearly the full height of the ground and lower ground floor levels of the front of the building including a section that would trace round the underside and surface of the ground-floor balcony. It would also travel along the depth of the southern side wall to the basement lightwell from the connection within the front garden, mostly at a high level, before crossing most of the width of the lightwell along the front of the building. The horizontal section across the front of the building is proposed to run low in the footwell which would reduce its visibility from the street. However, and despite the ornate iron trellis support to the side of the door which would provide partial screening from some viewpoints, the vertical sections would remain appreciable. There would also be some views of the higher section of horizontal pipework along the southern wall of the lightwell.
10. The material of the pipework, its fixing on stand off brackets and the multiple junctions along the pipe instil a distinctly functional appearance to the

apparatus that is strikingly at odds with the fine detailing of the front elevation of the building. The section wrapping awkwardly around the ground floor balcony and the pipework to the side of the door running vertically over the horizontal rustication to the ground floor level would be particularly discordant. Furthermore, the pipe would enter the building through the timber frame at the side of the fanlight over the door. The presence of the pipe together with the vent holes placed above and below it would be a highly incongruous and alien feature that would harmfully disturb the clean lines of the frame and the balance of the fanlight. In combination with the overall extent of the external pipework that would be appreciable on the site, I find that the proposal would result in unsympathetic functional clutter that would detract from the architectural quality and aesthetic value of the façade which is intrinsic to the historic status of the terrace.

11. I note examples of visible pipework to the front of other buildings in the terrace including at 41 and 47 Chepstow Road. However, this is not a compelling basis to allow further unsympathetic alterations that would relate poorly to the architecture and historic status of the listed building. Moreover, I have not been directed to and did not see any examples of similar disturbance to fanlights of other buildings in the terrace. While the overall proportions and features of the terrace would remain legible, the proposal would be an unusual feature on the appeal site that would stand out, eroding the wider uniformity and composition of the listed building's façade. The appellant highlights that the proposal would be reversible, but reversion would be unlikely while occupiers of the site relied on gas and the theoretical possibility of reversion would not mitigate the harm that would be caused.
12. I acknowledge that views of the proposal would be glimpsed and I consider that the overall visual impact of the apparatus against the building and terrace as a whole would be very modest, but there would nevertheless be harm to the special interest of the listed building. Insofar as it would harm the uniformity and architectural integrity of the terrace, the proposal would also diminish the contribution that the listed building makes to the character and appearance of the CA causing harm to its significance, albeit that the effect on the CA as a whole would be limited.
13. Internally, the appeals propose the arrangement that has already been installed. The pipework is boxed in and runs from the fanlight frame along the wall to the side of the communal hallway below ceiling height before rising to ceiling level and crossing the hall to connect into the existing pipework within the building. The boxing to the pipework projects from the wall but is of modest depth and has been painted to match the wall behind. Noting also the existing pipework, cabling and wiring visible within the hallway as well as electrical equipment within a raised cupboard close to the door, the installation is not a prominent feature in the hallway. Moreover, it is set down from the section of cornice that is present closest to the door, and rises up and crosses the ceiling behind an existing section of dropped ceiling at a point where there is no cornice. It consequently avoids undue interference with the internal features and fabric of the building which remain appreciable and does not disrupt the layout or function of the hallway as the principal circulation space of the building. Furthermore, the internal works do not noticeably erode the quality or uniformity of the façade of the wider terrace. Accordingly, I find that the group value of the terrace which the listing description states is the reason for its inclusion would not be meaningfully eroded and the internal works would not

cause further harm to the special interest of the listed building. Nor would there be further harm to the significance of the CA.

14. Nevertheless, the proposal would fail to preserve the special interest of the listed building and the character and appearance of the CA. The National Planning Policy Framework 2023 ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. In this case, the degree of harm to the listed building and CA would be less than substantial bearing in mind its extent and how it would affect their special interest and significance. Nevertheless, while the harm in each case would be less than substantial, I give it considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
17. The appellant advises that the proposal is necessary to ensure safe supply of gas to dwellings on the site. They refer to Gas Industry Regulations and best practice standards within the Institute of Gas Engineers and Managers standard IGEM/G/5 Edition 3 For Gas Installations in Multi-Occupancy Buildings, and contend that these would require new pipework that does not travel through individual flats or the fabric of the building. They have also detailed the alternative options which have been considered but which the appellant views as less suitable having regard to the standards and effects on the listed building. I do not dispute the importance of ensuring that any gas supply is safe including in relation to ventilation, access, inspection and maintenance requirements. However, full copies of the regulations and best practice standards referenced have not been provided and the Council highlights that the latter is not a publicly available document. While some extracts are quoted in the appellant's evidence, I do not therefore know the wider context for these extracts, and the full circumstances of how they may apply to the proposal and the alternative options considered are not entirely clear to me.
18. Furthermore, even if I were to accept the appellant's position that there would be no alternative to a new installation including pipework running vertically up the front of the building, their evidence and appraisal of options does not clearly explain why the pipe that emerges from the front garden could not take a lower route to the meter box in the lightwell. This was part of a solution suggested in pre application advice by the Council. Concerns around potential impact or accidental damage may mean that installing piping flush with the floor of the lightwell or in a channel which was also part of the Council's suggestion would be undesirable. However and notwithstanding that the currently proposed route along the side of the lightwell may be similar to the pre-existing arrangement, a lower level route for at least the section of pipe between the front garden and meter box would still reduce its prominence and the overall visual impact of apparatus on the site relative to the proposal.
19. In addition, Design Option 5 of the appellant's Design Options Appraisal includes an amended position for the pipework to enter the building above the

fanlight. In discounting this option, the appellant refers to an existing pipe running behind the lintel over the door. However, while it may be more challenging than masonry, there is no firm information before me to demonstrate that drilling through the lintel would not be possible. Based on my observations, the height between the existing pipe and the top of the fanlight would seem to be sufficient to accommodate the diameter of the pipe allowing the supply to enter the building before dropping down to connect to the existing internal run, and there is no detailed survey or other information to show otherwise. This could avoid the highly incongruous and awkward arrangement of pipework and vents entering through the fanlight frame. Although I appreciate the need for boxing in to provide fire resistance around the pipe, it is unclear that this could not be provided alongside the existing pipe and while it may lead to some interference with the section of cornicing closest to the door, effects on the special interest of the listed building and significance of the CA would be much reduced. I am not therefore persuaded that the currently submitted information robustly demonstrates that this would not be an appropriate alternative supply entry point option.

20. Policy D12 of the London Plan 2021 includes a requirement for proposals to achieve the highest standards of fire safety and to reduce risk to life and the risk of serious injury. I do not dispute the importance of ensuring a safe installation of gas supply, nor that this would be in the public interest. I also acknowledge the efforts made by the appellant to consider alternative options and note examples of apparatus that has been approved to other buildings in the wider area. However, while I find that the provision of a safe and compliant gas supply would in principle be a public benefit of the proposal, the information before me does not robustly demonstrate that there would be no realistic less harmful alternative to the appeal proposal to achieve this.
21. The appellant has drawn my attention to Section 10(9) of the Gas Act 1986 which removes the duty of a gas transporter to supply gas in specified circumstances including where they are prevented from connecting or maintaining the connection of any premises by circumstances not within their control. They advise that they would rely on this only as a last resort, but that doing so would leave occupiers of the site without gas. However, given that I have been unable to determine that potential less harmful alternatives to the appeal scheme have been exhausted, I am not persuaded that there are no viable options which would enable a connection in the absence of the appeal scheme.
22. In this context, I find that the public benefit of the proposal has not been substantiated and does not outweigh the considerable importance and weight attached to the harm that would be caused to the listed building and CA.
23. Given the above, and in the absence of any substantiated public benefit, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building, '7-53 Chepstow Road W2' and the significance of the Westbourne CA. The proposal would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Policies 38, 39 and 40 of the City Plan 2021 insofar as they together broadly seek the conservation and enhancement of heritage assets in a manner appropriate to their significance and sensitively designed development that contributes positively to Westminster's townscape and streetscape including with regard to heritage assets. As a result, the Appeal A proposal would not be in accordance with the

development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

Conclusion

24. For the reasons given above, I conclude that both appeals should be dismissed.

J Bowyer

INSPECTOR