



Appeal Decisions

Site visit made on 31 July 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal A Ref: APP/N5660/W/22/3313519

32 Lansdowne Gardens, Lambeth, London SW8 2EG

- 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 and Mrs Ben Hopper against the decision of London Borough of Lambeth.
 - The application Ref 22/01556/FUL, dated 29 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is amalgamation of annex flat and freehold portion of upper part of former dwelling house reconfiguration of resulting family dwelling and lower ground flat to form two independent units. Associated repairs and alterations. Remodelling of existing closet extension.
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Appeal B Ref: APP/N5660/Y/22/3313520

32 Lansdowne Gardens, Lambeth, London SW8 2EG

- 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 and Mrs Ben Hopper against the decision of London Borough of Lambeth.
 - The application Ref 22/01557/LB, dated 29 April 2022, was refused by notice dated 24 June 2022.
 - The proposed works are amalgamation of annex flat and freehold portion of upper part of former dwelling house reconfiguration of resulting family dwelling and lower ground flat to form two independent units. Associated repairs and alterations. Remodelling of existing closet extension.
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Decision

1. Appeal A is allowed and planning permission is granted for re-configuration to create two dwellings, and associated refurbishments to the roof, and front and rear elevations at 34 Lansdowne Gardens, Lambeth, London SW8 2EG in accordance with the terms of the application Ref 22/01556/FUL dated 29 April 2022, and subject to the following conditions within the attached schedule.
2. Appeal B is allowed and listed building consent granted for re-configuration of existing three dwellings to create two dwellings, and associated internal alterations and refurbishments to the roof, and front and rear elevations at 34 Lansdowne Gardens, Lambeth, London SW8 2EG in accordance with the terms of the application Ref 22/01557/LB dated 29 April 2022 subject to the conditions within the attached schedule.

Preliminary Matters

3. The appeals concern works and development to 32 Lansdowne Gardens, a Grade II listed building which forms part of the Grade II listed buildings 28-34 Lansdowne Gardens (List entry number 1357903, listed 27 March 1979). It is

located within one of the four quadrants of terraced houses overlooking the green space of Lansdowne Circus.

4. These decisions address both planning and listed building consent appeals for the same site and same scheme. The remit of both regimes is different, and the main issues identified below relate to the planning appeal, the listed building appeal, or both. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
5. The description of each appeal has been amended by the Council and the planning permission appeal is described as '*Re-configuration to create two dwellings, and associated refurbishments to the roof, and front and rear elevations.*' The listed building consent application is described as '*Re-configuration of existing three dwellings to create two dwellings, and associated internal alterations and refurbishments to the roof, and front and rear elevations*'. The descriptions within the decision notices issued by the Council accordingly correspond. I note the appeal forms use these amended descriptions. For the purposes of these appeals, the description within the banner heading is however taken from the original application forms. In addition, in the interest of accuracy, I have carried forward the appellant's names as represented in the submitted appeal forms within the banner heading.
6. The appeal building is currently converted into three residential flats across its four floors. The lower ground floor is a one bed unit and has its own entrance. The upper ground floor flat and flat above this are both accessed via the raised shared main entrance into the listed building. At the time of my visit, all three flats were vacant and within one ownership.
7. The National Planning Policy Framework (the Framework) has been updated on 19 December 2023, and after the submission of the appeals. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

Main Issues

8. The main issues are:
 - Whether the proposed works and development would preserve the special interest of the Grade II listed 32 Lansdowne Gardens or any features of special architectural or historic interest that it possesses (both appeals); and
 - The effect of the proposed development on the supply of housing in the Borough (Appeal A only).

Reasons

The effect on the listed building – both appeals

9. Built between 1843 and 1850, the significance/special interest of the listed building derives from its architectural and historic interest by virtue of its execution of detailing and quality of work to its portico, prostyle Doric porch, pilasters, moulded cornices and architraves on its curved walls front and back. It displays a formalness to its front exterior with a simple internal plan form.

Its setting is experienced as a circus of houses overlooking the circular green of Lansdowne Gardens.

10. Internally to the upper ground floor, formal rooms are positioned either side of the main entrance with the principal rooms facing the Circus and a central winder staircase at the back of the hall leading to other floors. Despite modifications to subdivide rooms and knock through walls to combine spaces, seen across many of the four floors when the house was adapted into flats, the rooms can still largely be read as the original plan layout.
11. The resultant works and development would entail the reconfiguration of the original dwelling by amalgamating the upper ground floor flat with the first and second floors to create a complete four-bedroom unit including incorporating part of the lower ground floor. The remainder of that space would be subdivided into a single flat.
12. There would be a substantial quantity of works arising both internally and externally as part of the proposals. A replacement closet return, dormer and window repairs with some new internal shutters, wholesale re-roofing and repairs to external brickwork in places, new front railings, missing frieze restored, rain water goods replaced where required with cast metal and soil pipes rationalised, new French doors to lower ground level, internal staircase reinstated with repairs to the existing staircase, removal of modern internal partitions and suspended ceilings, trunking and risers, fireplaces reinstated to several rooms at upper ground and first floor level, new service runs throughout, repairs to coving and skirting boards, some floor and ceiling upgrading.
13. Much of these works and development are not in contention between the parties. The external works to the listed building to the portico frieze and new railings would reinstate lost features. The existing closet return has been compromised by alterations which weakens its integrity and replacement closet wings are common to other houses within the terrace. Blocking up a small rear window, replacement French doors, general repair works to the dormers and window and new internal shutters, full-scale re-roofing and replacement rainwater goods I consider to be justified and would be in the main, repair and maintenance works that would preserve the special interest of the listed building. Re-instating and repairing the winder staircase between floors, floor and ceiling works, new fireplaces, removal of modern partitions would enhance the listed building and better reveal the historic interest of original rooms. New service runs to accommodate the proposal have been laid out and would not be inherently harmful to the special interest of the listed building. Overall, from my own assessment of these areas not in contention between the parties, I find that some would have a neutral effect on the special interest of the listed building and others would better reveal its significance. All things considered, there is nothing before me that leads me to disagree with the findings in these reports.
14. However, the main dispute between the parties arises with regards to the new internal layout proposed to the first-floor room F2, and the layout of the lower ground floor.
15. Turning to the works and development proposed to the first floor, presently there are two bedrooms across the front of the dwelling identified on the submitted plans as F2 and F5. Two windows serve the larger of the two

bedrooms at F2. From its dated appearance, floorplan and complete cornicing around the room, it appears to have been utilised as one room for some time. The wide opening into room F3 behind will most likely have occurred when the listed building was converted into flats. I could see that the original windows remain substantially intact.

16. The appellant's point to scarring in the cornice as evidence that room F2 was originally more than one single room. I note from my visit that there has been damage and repair work undertaken to the cornice. However, the damage to the cornice does not expressly indicate that the room F2 was a different layout at some point historically.
17. The appellant's state that No. 37 Lansdowne Gardens has the same room layout that they consider originally existed to room F2, as evidenced through official building records. Be that as it may, that is specific to the dwelling they have identified and is not an indication of the original layout of this listed building. Therefore, based on my findings of this evidence and internal inspection, I conclude that the evidence in this respect is inconclusive.
18. I have considered the floorplan of the appeal building at its different levels. Nevertheless, despite modifications there is a clear pattern to the stacking and position of load and non-load bearing walls that follows through the floor plans of the appeal building. Those floor plans strongly indicate, in my experience, that the current layout of room F2 has been altered at some point in the past.
19. Even though the evidence in relation to the historic layout of room F2 is inconclusive when considered as a whole, it indicates that it is highly likely that this room was subdivided into more than one space at one time. Therefore, in principle, subdividing the room would not adversely affect the ability to appreciate the plan layout of the appeal building. However, subdividing it in the way proposed would, in my judgment, confuse that appreciation given the evidence for it is inconclusive. As such, it would result in harm to the special interest/significance of the listed building, albeit in my view, it would amount to a low level of harm.
20. Turning to the lower ground floor works and development, the proposal would result in the space being subdivided to accommodate a self-contained flat accessed via the original door, and the space behind, roughly half the area, would be used as a utility and storage area to serve the larger dwelling that would form part of the rest of the appeal building. Both spaces would be separate to one another.
21. Within a listed building of this period and social status, the lower ground floor would most likely contain staff quarters with smaller rooms including working kitchen, pantry, and scullery. Due to the later adaptation of the dwelling into flats, there is little evidence of their functional purposes, and save for what is left of original walls, there is very limited remaining original features. The connecting staircase has been removed although there is evidence of the original location. Looking at the internal configuration, and from my inspection, I could see there broadly remains a semblance of the original plan form that is still legible. Nevertheless, the historic interest of this space has been compromised by earlier intervention.
22. From my observations it is also clear that part of the spine wall between rooms LG3 and LG4 has been removed at some point in the past, but part of that

spine wall extends into the lobby. The lobby section would be partially removed to accommodate a new bathroom.

23. A new spine wall would be constructed a short distance from the line of the historic spine wall to enable the separation of the units on this floor. This separation would reduce the legibility of the appeal building's plan layout. However, the built in wardrobes within LG3 would ensure that a room configuration more akin to the original plan layout would be formed. For the reasons given above, the proposal would have a harmful effect on the contribution that the historic fabric and plan layout of the lower ground floor makes to the special interest/significance of the listed building. Given the modest contribution that these make to that special interest/significance, the level of harm would also be modest.
24. Parts of the proposal would have a limited and low level of harmful impact and other parts result in neutral and positive impacts on the significance/special interest of the listed building. Overall, in my judgement, the proposal would not preserve the special interest of the listed building. The harm I have identified would be, in the context of the significance of the asset as a whole and in the language of the Framework, less than substantial.

Heritage Balance

25. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use.
26. Internally undoing former adaptation works by stripping out partitions to better reveal the historic interest of rooms and reinstating the location of some original walls where they have been removed, together with the cornicing and skirting board repairs that would be required, would make a positive contribution to the significance of the listed building. As would replacing modern fireplaces with more appropriate features and reinstating lost window shutters. A considerable enhancement to that significance would be the reinstatement of missing sections of the staircase and the internal reconnection of the upper and lower ground floors. In addition, there would be external improvements to the appearance of the listed building by reinstating the historic portico frieze and installing new iron railings. There is no dispute that those railings would extend to the boundaries of the appeal site and that this could be required by condition. The proposal also includes repairing windows, re-roofing with any salvaged slates, as well as new external pipework and general brickwork repairs. These repairs and reinstatements would ensure the preservation of the heritage asset in the long-term and the restoration of historic elements. These are heritage benefits that can be attributed significant weight as public benefits in support of the proposal.
27. The present layout of the appeal building requires consideration. Access to the flat on the first and second floors is from the central corridor within the flat on the upper ground floor. Therefore, the occupants of the upper ground floor unit

would have a greatly reduced level of privacy when moving between the rooms within their own flat. In my experience such an arrangement would mean that it would be highly unlikely that this flat would be occupied separately from the flat on the first and second floors. The current arrangement of residential accommodation appears to be the determining factor in relation to the current neglected condition and vacancy of the appeal building. In addition, given the historic plan layout including the position of the main staircase, it is likely that more invasive works to the appeal building than those proposed would be required to utilise the upper ground, first and second floors as more than one unit of accommodation. Taking into account all of the above, in my judgement, the optimum viable use of this part of the listed building appears to be as two units of residential accommodation. The proposal would therefore secure the optimum viable use of this part of the listed building in support of its long-term conservation. This also attracts significant weight as a public benefit.

28. The public benefits would be sufficient to outweigh the less than substantial harm to the significance of the listed building and provide clear and convincing justification. The proposal would therefore preserve the special interest of the listed building. On this basis, the proposal would accord with Policy Q20 of the Lambeth Local Plan 2020-2035 (2021) that aims to safeguard listed buildings.

Effect on loss of residential unit

29. The Council's reluctance to lose housing stock is noted bearing in mind their specific Local Plan Policy H3 that aims to safeguard the housing stock within the Borough and resist its loss. This proposal would reduce the net number of units from three to two. Therefore, conflict would arise with Policy H3 of the Local Plan and Policy H8 of the London Plan 2021 that also seeks to safeguard housing stock.
30. All flats have been vacant for some time largely attributed to their complicated layout save for the lower ground floor flat. This is because there is a considerable lack of privacy to residents, especially for occupiers of the upper ground floor flat who, when needing to use the bathroom at any time of day or night would be liable to encounter anyone entering or leaving the other flat above via the communal stairway. This results in an unsuitable standard of modern living for occupiers and would be unlikely to be supported as a new development proposal today.
31. I note that all the flats have their own internal facilities. Even if I were to consider them to be 'self-contained' for the purposes of Policy H3, I reason that if the layout as presented would continue, it would likely remain unlettable.
32. To conclude on this main issue, conflict with policy would arise and therefore the proposal would not comply with the provisions of Policy H3 of the 2021 Lambeth Local Plan or Policy H8 of the London Plan 2021.

Planning Balance - both appeals

33. Bringing both main issues together, I have found that the proposal would conflict with Policy H3 of the 2021 Lambeth Local Plan and Policy H8 of the London Plan 2021. However, I have found that the development complies with Policy Q20 when the heritage balance is undertaken. Even though the proposal would result in the loss of one unit it would ensure the optimum viable use of this part of the listed building. As such, I conclude that overall, the

development can be judged to be in accordance with the development plan when read as a whole. There are no material considerations of sufficient weight to justify anything other than granting planning permission for the development.

Other Matter

34. In addition to the building being Grade II listed, the site is situated within the Lansdowne Gardens Conservation Area (CA). I am therefore mindful of my statutory duties in respect of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act). The significance of the CA derives from the 19th century villas built as a planned estate for the fashionable middle classes to a Neo-classical style, and the interesting circular street layout with the green Lansdowne Circus the centrepiece of the CA. Terraces of houses and pairs of semi-detached houses with Italianate influences, and unified and refined characteristics create themes of homogeneity to the CA. This proposal would meet the expectations of the Act by preserving or enhancing the character or appearance of the area.

Conditions

35. I have considered the suggested conditions from the Council in light of the Planning Practice Guidance and Paragraph 56 of the National Planning Policy Framework. Conditions relating to both planning permission and listed building consent schemes have been detailed within the attached schedule.
36. Considering the conditions for both appeals collectively, in addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. Conditions in relation to building materials and joinery details of the new French door, details of making good all external brickwork repairs, fenestration repairs, details of new Welsh slate, internal door details and staircase, cornice, ceiling rose and skirting board details, as well as new fireplaces are all reasonable in order to preserve the special interest of the listed building. The appellant agrees to the railings extending to the boundaries and this is also conditioned. Details of the garden privacy screen is also required in the interest of preserving the listed building, and cycle parking details is also necessary to ensure a sustainable form of development.

Conclusion – both appeals

37. For the reasons set out above, I conclude that the appeals should be allowed.

Alison Scott (BA Hons) Dip TP MRTPI

INSPECTOR

Schedule of conditions

Appeal A - APP/N5660/W/22/3313519

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings: L00; I01; A01; A02; A03; A04; A05; A06; A07; A08; A10; A11; A12; A13; A14; A15; A16; A17; A18; E01; E02; E03; E04; E05; E06; E07; E08.
- 3) The existing rear closet return shall not be removed until details of materials to be used in the construction of the external surfaces of the closet return extension hereby approved have been submitted to and approved in writing by the Local Planning Authority including samples of materials to be left on site, and details and specification of the mortar mix. Full joinery details of the new external French door shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples thereafter, and retained for the lifetime of the development.
- 4) Prior to occupation of any of the flats, details of the location and provision to be made on site for a minimum of 4 secure and covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented before first occupation of any flat, and thereafter retained for the lifetime of the development.
- 5) Notwithstanding the drawings submitted, largescale drawings of the proposed front boundary which shall extend to the full width of the front boundary and to the side boundaries, and details of the pedestrian gate, including finished decoration, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling.
- 6) No occupation of the ground-floor flat shall occur until details of the proposed privacy screening to the private outdoor amenity space has been submitted to and approved in writing by the Local Planning Authority. The screening shall thereafter be implemented before occupation of the flat and maintained thereafter in perpetuity.

Appeal B - APP/N5660/Y/22/3313520

- 1) The works to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
- 2) A schedule of all external repair works to the building including making good the required external brickwork together with samples of materials to be left on site for inspection, details of mortar mix and specification, details of new external pipework to the exterior of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority before the stripping out of any external features. The schedule shall include a programme of works including a

timeframe for completion in full. All works shall be undertaken in accordance with the approved schedule and programme thereafter.

- 3) Prior to works commencing to repair windows and dormers, a schedule of all repairs including sections (at a scale of 1:10) and order of works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and schedule thereafter.
- 4) No works other than the stripping out of modern interventions shall commence until large scale details of the new staircase and repairs, all new internal doors and new French doors to the lower ground floor, including architraves and sections and shutters to windows, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter implemented prior to the first occupation of any dwelling and retained for the lifetime of the development.
- 5) No works other than stripping out of modern interventions shall commence until largescale details of all new cornices, ceiling roses and skirting boards and details of new internal chimney features, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any dwelling and retained for the lifetime of the development.
- 6) All original roof slates shall be retained and reused where possible. Where replacement is required, details shall be first submitted to the Local Planning Authority and slates made available for inspection on site by the Local Planning Authority, and approved in writing. The works shall thereafter be completed in full in accordance with the approved details.

END OF SCHEDULE

