



Appeal Decisions

Site visit made on 8 February 2024

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal A: APP/K5600/W/23/3320029

6 Eaton Terrace, Belgravia, London SW1W 8EZ

- 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 Collins (Sloan Gable Ltd) against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/00001, dated 5 January 2023, was refused by notice dated 6 April 2023.
 - The development proposed is creation of rear terraces at lower ground floor and first floor, and revisions to previously approved internal works.
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Appeal B: APP/K5600/Y/23/3320305

6 Eaton Terrace, Belgravia, London SW1W 8EZ

- 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 Collins (Sloan Gable Ltd) against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref LB/23/00002, dated 5 January 2023, was refused by notice dated 30 March 2023.
 - The works proposed are creation of rear terraces at lower ground floor and first floor, and revisions to previously approved internal works.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. The Procedural Guide: Planning Appeals – England states that *only the person who made the planning application can make an appeal*. The appeal was lodged by Ms Demi Collins, but the application was made by Collins of Sloan Gable Ltd. As the appeals cannot technically be transferred to another person, they must continue in the original name of the applicant. I have therefore considered the appeals on this basis.
3. The National Planning Policy Framework was revised on 19 December 2023 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter those parts therein upon which the appeals turn.
4. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building, known as '2-14, Eaton Terrace SW1', and any of the features of special architectural or historic interest that it possesses.

Reasons

Special Interest

6. The appeal concerns a substantial mid-terrace townhouse, that forms part of a Grade II listed terrace at Nos 2-14¹. The Sloane Square Conservation Area Appraisal² (CAA) states it was likely built around 1830 and accommodation is found on its lower ground floor, and the four storeys and attic above.
7. In architectural terms, the terrace comprises of classical London townhouses with stucco frontages, two bays wide, with square-headed doors and windows. The sashes at ground floor are wider to the front reception room. However, No 2 tapers to the rear, so its door is to the side, and it does not have an attic storey. The windows recede in size on each floor, the second floor is marked by a pleasant cornice detail and the attic storey, and its double pile roof, are partly concealed by a corniced parapet.
8. Although the list description primarily focuses on the front of the property, it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest. Moreover, the architectural detailing of the rear elevation is more modest with exposed and painted stock brick. The rear wings of most houses in the terrace appear to have been subsumed in later wings, which vary in scale and appearance. These alterations and extensions reinforce the hierarchical emphasis on the public frontage of the terrace and reveal its evolution, all of which contributes to its special interest. In 2014³, the Council approved an infill extension between wings to Nos 4 and 6 and other internal and external works.
9. The plan form of listed buildings can form part of their significance, as it helps to demonstrate how they have been used, including any changes in the size or occupation of rooms within the building to reflect the needs of society at that time. The floorplan of No 6 has been altered, including by its rear wing.
10. Vertical circulation within the property is around a single staircase and there are rooms off half-landings in the rear wing. The spaces on each floor are an important part of the staircase, especially in views up and down it.
11. The reception room at first floor is large and features French doors with windows over and a balcony across the frontage of each property, enclosed by elegant cast iron balustrades. This is likely to have had greater significance as a space for entertaining. Ironwork is also used to enclose lightwells down to the lower ground floor and vaults under the footway.
12. At the time of my visit, I observed that there were limited historic decorative features remaining in the building, as most appeared to have been removed, but the 2014 scheme appears to provide for their replacement.

¹ List Entry Number: 1080642.

² November 2017.

³ Planning References: PP/14/06223 and LB/14/06224.

13. Despite the nature and extent of subdivisions within the building and their effect on the understanding of the legibility of its historic floorplan, and other alterations internally and externally, insofar as it relates to these appeals, I find the special interest of the listed building to be primarily associated with its architectural and historic interest, as a well-preserved example of a terrace of 19th Century townhouses. Moreover, the terrace possesses a richness and uniformity of architectural detailing to its front, and the varied architecture to the rear and its plan form all point to the important hierarchy of the building.

Background and the Proposal

14. The appeal scheme uses the 2014 scheme as the starting point and is to carry out alterations to the building on all but the fourth floor. Following refusal of the appeal applications, the Council approved alternative internal and external works to No 6 on 9 August 2023⁴ (the 2023 scheme).

Aspects of the Proposal Approved by the 2023 Scheme

15. The western extent of the ground floor slab, forming a terrace at the rear, would be removed to provide a further terrace at lower ground floor level. The opening onto this space would be fully glazed and external stepped access from ground floor would be relocated to its southern side. The ground floor terrace would be smaller and enclosed by a metal balustrade at its edge.
16. The proposal and approved schemes include lowering of the floor in the southern vault to enable its use as a bathroom. During my visit, I observed that it appeared these works had been carried out.
17. At ground floor, an opening would be formed through a new partition between the dining room and kitchen. A new WC would be installed replacing an existing wardrobe area on the half-landing to the second floor. The dressing room at third floor would reduce the size of the ensuite, as the wall between would be sited closer to the rear. A door would also be reinstated to half-landing room.

Aspects of the Proposal Not Included in the 2023 Scheme

18. The internal wall next to the lower ground floor stairs would be replaced with a glazed partition to form a gym. The 2023 scheme retains the wall with only one door opening from the 2014 scheme. The wall between the hallway and front room on this floor is also shown as removed on the structural drawing but not the architect's drawing, it is retained in the 2023 scheme.
19. There are also differences between the approach to concrete foundations, and damp proofing and insulation do not appear on the drawings for any floor in the 2023 scheme.
20. The tall window to the rear façade of the reception room would be removed and its cill level lowered to provide new timber French doors onto a terrace atop the 2014 infill extension. It would match that approved at ground floor.
21. An existing doorway to the third-floor dressing area would be infilled and the room enlarged by a projection out into the front bedroom. The 2023 scheme shows the former to be retained and sealed shut.

⁴ Planning References: PP/23/03244 and LB/23/03245.

Effect of the Proposal

Alterations to the Building's Floor Plan

22. Some historic fabric would be lost through the 2014 scheme, with the insertion of doors in the wall opposite the lower ground floor stairs, but the whole wall is now proposed to be replaced by a Crittal glazed screen. This would retain the physical enclosure of the room and its metal framing would not appear out of place in context of the use of metalwork to the building's exterior. However, the glazing would result in more of an open plan arrangement next to the stairs, the spaces around which are largely enclosed in the building.
23. The 2014 scheme allowed replacement of the lobby beyond the front door, and it would be retained through the 2023 scheme. The proposed drawings do not show it in place and, at the time of my visit, only its frame was in situ. The loss of an arrival space and separation within the hallway that would result from its removal would be harmful to the plan form of the building. The uncertainty surrounding removal of the wall at lower ground floor between the hallway and front room could also lead to similar harm.
24. Existing drawings to the 2014 scheme show subdivision of the third-floor bedroom by a bathroom and cupboards, but the approved schemes respect historic proportions and reinstate the spine wall. Moreover, the 2023 scheme includes a smaller dressing room and ensuite beyond. At the time of my site visit, the stud wall framing of the appeal scheme was in place but not overlaid. I was therefore able to interpret the effects of the enlarged dressing room and infilled landing doorway. These would significantly undermine the building's floorplan and legibility, including by the awkward gap next to the chimney.
25. The inclusion of a WC to the half-landing room serving the second floor would not be harmful and reinstatement of enclosure to the first-floor landing to form a study, albeit glazed, and a door to the third-floor half-landing would improve the legibility of the vertical circulation space to the stairs.

Alterations to Historic Fabric

26. While the proportions of the rear window to the first-floor reception room mean it is unlikely to be original, it makes an important contribution to the building's special interest, so historic fabric would be lost through its removal. The doors may be like others in the terrace, but I am not aware of the circumstances that led to their installation, and the replacement of modern doors and windows with conservation alternatives would not be comparable with the proposal.
27. The structural drawing states insulation and waterproofing for the lower ground floor would be to architect's details, but they do not form part of the architect's drawings. Systems for damp proofing and insulation are to be specified after inspection and testing by approved consultant(s). However, in my experience, damp proofing can directly affect the architectural interest of historic buildings through its relationship with the basic material from of their construction.
28. The historic fabric of the lower ground floor could remain breathable, subject to the nature of insulation applied, and replacement decorative features, such as skirtings or mouldings could be applied thereto. However, the insulation added to internal walls can weaken the important variation in their plane, which could be of detriment to the character of the affected rooms and the building.

29. New concrete pad footings are shown in the 2023 scheme to either side of the lower ground floor for columns supporting the rear wing and centrally at the rear façade of the house. There is no information before me as to the need for foundations in the 2023 scheme, but they are approved. The appeal scheme includes a larger strip foundation for the latter and an identical solution to the latter. There is no substantive evidence before me to demonstrate harm this would not harm historic fabric of the building.
30. The absence of further information as to the nature and extent of any damp requiring mitigation and the measures explored to do so in a historically sensitive manner is therefore a significant misgiving. Equally, the absence of further details of the nature and location of any insulation and effects of the proposed strip foundation are also concerning. Hence, there is not clear and convincing justification for any such works being undertaken or any harm that could result from them. In such circumstances, it would not be appropriate to secure such details by planning condition, as they could have a significant and enduring effect on the historic fabric and character of the listed building.
31. Conversely, the approved schemes do not include structural information for alterations to the vault footings, so it would not be reasonable to find harm resulting from its absence or to seek to secure such information by condition.
32. From the evidence before me and what I observed on site, the lower rear terrace area and glazed openings already approved would not be harmful to the building's special interest. Rather, they would enable outlook from the rear, which would improve accommodation within the building, and the legibility of its architectural and spatial hierarchy, thereby better revealing its significance. The opening to be formed through the original wall between the Dining Room and Kitchen would retain significant nibs to either side, which would be a more palatable alteration to total loss of that wall and its repositioning in the 2014 scheme. Furthermore, this aspect of historic fabric lost, and its disruption to the building's plan form are part of the 2023 scheme. On this basis, there is no evidence before me that leads me to arrive at a different conclusion to the Council regarding these works.

Public Benefits and Conclusions on the Main Issue

33. The proposals to alter the historic floor plan of the building generally would not align with its best interests as a listed building, including resultant harm to its character and appearance. Similarly, the heritage value of the building's fabric would be compromised, particularly through loss of the rear window to the first-floor reception room, walls to the hallway and stairs on the lower ground floor, and potential implications of damp proofing, insulation, and footings.
34. Statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are Framework paragraphs 203, 205 and 206.
35. Change is often associated with evolution of how a property is occupied due to aspirations of owners. The appeal building is no different, given successive alterations to it. Nevertheless, the proposal would be harmful to the special interest of the listed building, which would harm its significance as a designated heritage asset. The harms I have identified equate to less than substantial harm to it, which Framework paragraph 208 identifies should be weighed against public benefits of proposals, including securing its optimum viable use.

36. The room layout in the 2023 scheme would meet modern living requirements, but also respect the proportions of rooms within the building, including the third-floor bedroom and dressing room. Hence, I afford limited weight to the public benefits associated with the proposal bringing the building back into use, as the approved schemes can already achieve this aim. However, for reasons outlined above, the lower ground floor terrace and openings onto it, and the reinstatement of enclosure to the first and third-floor half-landings, would be heritage benefits of the proposal, as they would better reveal the significance of the asset. I therefore afford these benefits significant weight.
37. Taking the stated benefits together, while there would be significant heritage benefits, the harm that would be caused to the special interest of the listed building by allowing the proposal would be of greater significance. Moreover, considering Framework paragraphs 205 and 208 together, I am not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and considerable importance and weight to the less than substantial harm identified to its significance.
38. I therefore conclude that the proposal would fail to preserve the Grade II listed building. Hence, it would not satisfy the requirements of the Act, and would conflict with the heritage aims of Framework paragraphs 203, 205 and 206; and Policy CL4 of the Royal Borough of Kensington & Chelsea Local Plan⁵ (LP).

Other Matters

39. The appeal property is situated within the Sloane Square Conservation Area (CA), so I have had regard to Section 72(1) of the Act. This requires special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence.
40. The CA is centred on the commercial area around Sloane Square and King's Road and the residential streets that radiate from it. As far as it is relevant to this appeal, the CA's significance is to be found in the high-quality architecture of the Victorian and Edwardian brick and stucco fronted terraces and the formal layout of streets and squares. The contrasting architectural approaches of these periods has created an area rich in detailing and a variance of materials.
41. The listed terrace is typical of such earlier housing, being stuccoed to its front and finished in stock bricks to its rear. This hierarchical façade treatment is consistent throughout the CA. Thus, despite the alterations mentioned above, it makes a significantly positive contribution to the character and appearance of the CA, and thereby its significance. The external alterations to the property would be apparent from private land but would be of limited prominence, so would not harm the contribution made by the building to the character and appearance of the CA, which would be preserved. Hence, it would accord with the heritage aims of LP Policy CL3.

Planning Balance

42. The development plan for the area includes the LP. While this predates the Framework, it is clear existing policies should not be considered out-of-date

⁵ Adopted September 2019.

simply because they were adopted or made prior to its publication. Due weight should be given to their policies according to their consistency with it.

43. LP Policy CL4 does not include the balancing exercise relevant to heritage harms but is otherwise generally consistent with the heritage aims of the Framework. Nevertheless, given the absence of this balance, I am only able to afford moderate weight to the conflict of the proposal with this policy.
44. I have already identified the public benefits of the appeal scheme through undertaking the aforementioned balance. The proposal would also accord with the aims of the LP regarding its impact on the CA and living conditions, but these would amount to absences of harm, so would neither weigh in favour nor against the proposal. In terms of harm, despite my positive findings in relation to aspects of the proposal, including the lower ground floor terrace and reinstatement of some elements of enclosure to the stairs, the proposal would fail to preserve the special interest of this Grade II listed building and conflict with the development plan as referred to above.
45. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and the adverse impacts of the proposal are matters of great weight against its approval that outweigh the stated benefits.

Conclusion

46. The proposal would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR