



Appeal Decisions

Site visit made on 15 April 2024

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 24/04/2024

Appeal A: APP/X5990/W/23/3329824 70 Eccleston Square, London SW1V 1PJ

- 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 Michael Chappell against the decision of City of Westminster Council.
 - The application Ref 22/07414/FULL, dated 2 November 2022, was refused by notice dated 30 June 2023.
 - The development proposed is described as "replacement of the existing 'double pitch' roof structure to a single pitch with flat roof area, removal of existing felt coverings to parapet to be replaced by lead, new slate tiles to front and rear elevations".
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Appeal B: APP/X5990/Y/23/3329825 70 Eccleston Square, London SW1V 1PJ

- 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 Michael Chappell against the decision of City of Westminster Council.
 - The application Ref 22/07704/LBC, dated 10 November 2022, was refused by notice dated 30 June 2023.
 - The works proposed are described as "replacement of the existing 'double pitch' roof structure to a single pitch with flat roof area, removal of existing felt coverings to parapet to be replaced by lead, new slate tiles to front and rear elevations".
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. I have taken the description of the works from the application forms. The parties agree that the works have already been undertaken and the applications were made retrospectively.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, 53-74 Eccleston Square, 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 Pimlico Conservation Area (CA).

Reasons

6. The building was listed in 1970 (Ref: 1211499) and dates from the mid-nineteenth century. The appeal building is situated within a terrace of townhouses, forming part of a square. It comprises five storeys over a basement and displays Classical architectural features such as a projecting porch, a balustraded first floor balcony and sash windows.
7. Prior to the unauthorised works, the roof was formed of two shallow pitches concealed by the parapets. The 'double-pitched' roof was part of the original design and other examples of the historic roof form are evident in the vicinity. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its group value and relationship to the wider terrace, and its architectural features including the form and design of the roof.
8. The previous double-pitched roof was comprised of four trusses, which were clad in slate to the front and rear elevations. The central roof planes had replacement concrete tiles. A structural engineer¹ assessed the roof structure and found it was not fit for purpose due to undersized ridge beams, the poor condition of the trusses, and the valley gutter which was said to be contributing to water ingress. It was recommended to replace and/or strengthen the roof timbers and redesign the roof to eliminate the valley gutter.
9. The recommended works were duly undertaken. The resulting roof has a front and rear facing roof plane covered in slate and there is a central flat roofed area. The overall height has not been increased and the roof is not visible behind the parapet. However, the unauthorised works have resulted in the loss of the historic roof form, and a significant proportion of the historic timbers. This adversely impacts on the contribution the building makes to the group value of the terrace. In addition, the double-pitched roof form was a historical record of the design of the original terrace, and this has now been erased.
10. The appellant has suggested that the works do not harm the listed building because the roof is not widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained. The appellant also points out the roof was not mentioned in the listing description. Nonetheless, the description is not a comprehensive statement of significance and serves largely for identification purposes.
11. It is further argued that the works to alter the roof reflect similar alterations to adjacent and nearby properties. My attention is drawn to details of a planning permission² and listed building consent at No 7 Eccleston Square, for a mansard roof with terrace, replacing the historic double-pitched roof. In that

¹ Email dated 22 August 2022.

² Ref 14/05824/FULL dated 5 December 2014.

case, the planning officer placed considerable importance on the lack of visibility of the roof from the public realm. As explained, listed buildings are safeguarded regardless of whether public views can be gained.

12. A further application at No 72 Eccleston Square Mews³ for the demolition, with the retention of front façade, and construction of a replacement dwelling with a mansard roof was approved by the Council in November 2022. The appellant says this points to a general acceptance that flat roofs are prevalent in the area and therefore acceptable. It is also argued that the approval indicates the significance of the heritage asset is derived from its front façade and, moreover, this type of roof form was acceptable in its historic context.
13. I appreciate several roofs in the area have been altered, but I consider that the surviving historic roof forms make a valuable contribution to the legibility of the listed buildings. The double-pitch roof was an original design feature that formed an important architectural element of the building and was part of the composition of the wider terrace. The use of concrete tiles does not indicate that the inner facing planes were of no significance, as this may have equally been a cost saving measure. Consequently, previous alterations to the listed building, or others nearby, do not justify further works of this type.
14. I am aware that the appellant was incurring significant expense due to the maintenance issues, in particular, water ingress. There may have been a different solution to the problem which may not have required the replacement roof, which is of a different design to the historic roof form. I note there were no options offered including any opportunities to reinforce the structure without the loss of fabric, or any alternatives to the problems associated with the failure of the central valley gutter. Thus, it is not clear that the total removal of the valley gutter was the only way to make the building watertight.
15. The Council is also of the opinion that the works would adversely affect the significance of the CA. The CA is characterised by Thomas Cubitt's garden squares and terraces dating from the mid-nineteenth century. The area's distinctive character is derived from the combination of cream stucco terraced housing and parades of small shops and squares, which results in a coherent historic townscape of considerable quality. Its significance is derived from the architectural uniformity exhibited by the historic terraces, including their historic roofscapes, which make a positive contribution to the character and appearance of the CA.
16. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the private domain. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law⁴ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance.

³ Ref 22/04445/FULL dated 18 November 2022.

⁴ *South Oxfordshire DC v SSE & J Donaldson* [1991] CO/1440/89.

17. In summary, I find that the proposal would fail to preserve the special interest, and thus the significance, of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
18. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. Given the alteration affects only part of the listed building, and there has been no widescale loss of historic fabric, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
19. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial due to the replacement slates and the removal of the non-sympathetic concrete tiles, and the elimination of water damage. The replacement slates may be a benefit, but this carries little weight since there is limited evidence that wholesale replacement was necessary. The removal of the valley gutter may solve the issue of water ingress, but there may have been an alternative solution that was less harmful. These benefits are not sufficient to outweigh the harm that I have identified.
20. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with Policies 38, 39 and 40 of the City Plan 2019-2040 (April 2021) and Policies PIM2 and PIM3 the Pimlico Neighbourhood Plan that seek, among other things, to secure high quality design and ensure the preservation of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Conclusion

21. For the above reasons and having regard to all other matters raised, I conclude that the appeals should be dismissed.

D Moore

Inspector