



Appeal Decision

Site visit made on 5 March 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/X5990/Y/23/3327401

Flat 2, 18 Sussex Place, London, W2 2TP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Maximilian Narula against the decision of City of Westminster Council.
 - Listed building consent Ref 23/04479/LBC was granted on 31 July 2023 subject to conditions.
 - The works proposed are internal alterations to second floor.
 - The condition in dispute is No. 2 which states that: *You must apply to us for approval of detailed drawings showing the following alteration to the scheme: 1) Internal panels doors to be retained and relocated into new positions within the flat; You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.*
 - The reason for the condition is: *To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.
3. The description of the proposed works in the banner heading above is taken from the decision notice rather than the listed building consent application form as this more concisely describes the proposal.
4. On my site visit, I observed that the doors subject to condition 2 had been removed from their frames but were displayed against a wall for my benefit. At the time, the flat was largely a building site, and I can confirm that new replacement doors were not hung in place at the time of my visit.

Background and Main Issue

5. Listed building consent was granted for internal alterations to Flat 2 of 18 Sussex Place, including changes to the general layout of the rooms of the flat and restoration of window shutters.

6. Condition 2 attached to the grant of consent required that the internal panel doors which were in situ at the time of approval are retained and relocated into the new positions created by the revised layout of the rooms. The Council considered that surviving decorative features such as the doors added to the significance of the listed building and their retention and reuse would help to safeguard the special architectural and historic interest of the building.
7. The main issue in this appeal is therefore whether the disputed condition is reasonable or necessary in the interests of preserving the listed building or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

8. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.
9. The appeal property is located on the second floor of 18 Sussex Place. The host building is part of the Grade II Listed '35, Clifton Place W2, 10-18, Sussex Place W2'. The appeal building was converted into five flats in the 20th Century. It is unclear exactly when this occurred, although there is some reference to the post-war era.
10. Evidently of mid-19th Century origin, the significance of the listed building is predominantly derived from its architectural and historic interest. Its historic interest includes its age, its evolution and intensification of use as the demographics of the area changed over time and being a fine example of 19th Century domestic architecture. Its architectural interest mainly derives from the classically proportioned exterior facing walls of stuccoed render and sash windows as well as the contribution it makes to the wider streetscape, emphasising its value as an integral element of a group of listed buildings.
11. Further significance is found in the interior of the building which is of particular relevance to this appeal. This includes the surviving historic fabric, the legibility of its historic plan form and the discernability of its internal hierarchy of floors.

Effect of Removing Condition 2

12. I was able to view the doors which are subject to condition 2 at the site visit as they were displayed for my benefit, albeit no longer hung in position. There is dispute between the main parties as to their age. I take on board the Council's assessment that four panel doors, with beading to the recessed panels, are typical of the classicism of the mid-19th century domestic. There is also some evidence that the doors are reminiscent of the hierarchy of the building. There is very little evidence before me from the appellant to the contrary.
13. However, even if they are of standard modern size, whatever that is, and date from the post-war conversion of the property into flats rather than from the earlier occupation of the building as one dwelling, to my mind they are still historic fabric. From my observations on the site visit they are clearly of some age and there is nothing before me to indicate that they are in particularly poor condition and/or that they could not be restored and retained. The use of the doors after the conversion of the building aids in the understanding of the

evolution of the building and the intensification of its use in post-war London. As such, their loss would not preserve the historic interest of the listed building and would therefore harm its significance.

14. Evidently, the condition in dispute was not attached to previous grants of listed building consent concerning other flats in the building. However, other than their reference numbers, I have no further information on any of these. In any event, I have assessed the proposal on its own merits.
15. As such, I find that Condition 2 is necessary to preserve features of special or historic interest which the listed building possesses. Consequently, its removal would not preserve the heritage asset in a manner appropriate to its significance.

Public Benefits and Heritage Balance

16. Paragraph 205 of the Framework states 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. I have found in this instance that the removal of condition 2 would harm the significance of the designated heritage asset. The magnitude of harm would be less than substantial due to the nature and scope of the works. However, as per the Framework this harm carries considerable importance and weight.
17. Paragraph 208 of the Framework advises that in the case of less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. It is claimed that there would be an improvement to the safety of the property with regard to fire protection. However, there is no information before me on any proposed replacement doors or how they would achieve this aim. Moreover, there is no substantive evidence that the works are required to secure the optimum viable use of the building as there seems no risk of its use being lost if the condition was to remain based on all that I have seen and read.
19. Accordingly, the removal of condition 2 would not preserve the listed building, or features of special architectural or historic interest which it possesses. As such, this would not satisfy the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Matters

20. The appeal site is located within the Bayswater Conservation Area (BCA). As such, I have had regard to section 72(1) of the Act, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. Given the location and nature of the proposal to remove condition 2, which relates to internal features of the listed building, the character and appearance of the BCA as a whole would be preserved. I note the Council raised no concerns in this respect either.
21. The Council makes reference to the additional retention of architraves in their statement of case, although this was not a requirement of the condition in dispute. I have assessed the proposal based on the evidence before me and

not considered the retention of architraves. Given I have dismissed the appeal regardless, I have not considered this further, although this should be made clearer if it is required to preserve features of architectural interest which the building possesses which contribute to its significance.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR