



Appeal Decision

Site visit made on 16 April 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/K5600/Y/23/3328485 20 Earls Terrace, London W8 6LP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr Thomas Marsoner against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application reference is LB/22/07598.
- The works proposed are retention of internal alterations comprising alterations at lower ground, ground floor and third floor comprising part infilling of floor and closing of doorway at lower ground floor. Removal of doors at ground floor between kitchen and reception and between reception and dining room. Relocation of banister at third floor and part infilling of floor.

Decision

1. The appeal is allowed and listed building consent is granted for retention of internal alterations comprising alterations at lower ground, ground floor and third floor comprising part infilling of floor and closing of doorway at lower ground floor. Removal of doors at ground floor between kitchen and reception and between reception and dining room. Relocation of banister at third floor and part infilling of floor at 20 Earls Terrace, London W8 6LP in accordance with the terms of the application Ref LB/22/07598 and the plans submitted with it.

Preliminary Matters

2. As the appeal relates to a listed building consent I have had special regard to section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. At the time of my visit the works had already been carried out and I was, therefore, able to observe them in situ during my visit.
5. Subsequent to the submission of the application associated with this appeal, another application¹ was granted consent on 28 April 2023. The works associated with this consent covered those on the lower ground floor which form a part of the works associated with this appeal. I have, therefore, not

¹ Council Ref: LB/23/01416

considered that part of the proposed works of the appeal scheme further as consent for them has already been granted.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, "Earls Terrace" (Ref: 1267156) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. The LB is a four storey terrace of dwellings constructed between 1800 and 1810. The terrace is listed for its group value with a consistent design applied to each bay. It is constructed from brown brick with a stucco ground floor and stucco band at top floor level. Constructed as individual houses, the terrace was converted to flats after the First World War, but, at around 1995 reverted back to houses. At this time extensive renovation works, including partial demolition were undertaken.
8. 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 historic architectural design and remaining historic fabric and its elevation hierarchy and the way in which this is reflected in the internal arrangement of rooms and features.
9. 20 Earls Terrace (No 20) is a mid-terrace house set within the LB. Externally it appears typical of such dwellings within the terrace. The works, which are all internal to the building, have removed the doors at ground floor between kitchen and reception and between reception and dining room.
10. The appellant has provided extracts from The Survey of London² showing a typical house plan and elevation of Earls Terrace. This indicates that, if the layout of No 20 was typical, and I have no evidence before me on which to conclude the contrary, no substantial wall existed on the ground floor between the room that is now the kitchen and the reception room during the early period of the life of the building. This view is supported by plans submitted showing the layout of the building prior to the c 1995 refurbishment, which show a small nib on the party wall side and a minimal nib on the other. Both are significantly smaller to the extent of the nibs prior to the current works. Whilst the positions of the original nibs have been obscured by subsequent work, it is apparent from the drawings that their positions lie within the extent of existing fabric. The introduction of a small nib (the new nib) between the original rear wall and the doorway to the kitchen area further visually complicates the situation.
11. This notwithstanding the works as carried out have returned the area of the kitchen and reception rooms to one more closely resembling the earliest layout of this area, without the need to intrude into any areas of pre-1995 fabric. The layout of the post c1995 refurbishment is, however reduced. Whilst the compartmental layout following the late 20th century refurbishment, and hence the narrative of the building evolution is reduced, the return of the building layout to one more closely resembling its earliest form assists legibility of that phase of the building's life.

² The Edwardes estate: Earls Terrace, Pembroke Gardens and Pembroke Road area', in Survey of London: Volume 42, Kensington Square To Earl's Court, ed. Hermione Hobhouse (London, 1986).

12. By removing the doors between the reception room and the front room on the ground floor the works have reduced the sense of enclosure provided by the separate rooms. Nonetheless, even without the doors to completely segregate the rooms in terms of privacy, the retained partitioning provided by the substantial wall provides a high degree of separation, through which the earlier phases in the internal layout of the dwelling can be interpreted.
13. The doorway was repositioned as part of the c 1995 renovation. The architrave around the door opening is modern and is likely to have been installed as part of the c 1995 refurbishment, along with other joinery used throughout the house. It is, therefore, unlikely that any doors that have been removed were historic.
14. At third floor level the works relocate the banister at third floor and partly infill the aperture through which the stair accesses the floor, reflecting a narrowing of the stairs.
15. When built, the third floor, which is the topmost floor of the building, would have provided accommodation for servants. The appellant identifies that, prior to the works, the staircase appeared to be an entirely modern construction and that, in an earlier layout shown on plans prior to the c 1995 refurbishment, the staircase was narrower. This would seem likely as it would reflect the vertical hierarchy of accommodation within the house.
16. The works, as carried out, have returned the stairwell to its more modest, pre-1995 width. In doing so part of the narrative of building, relating to the more modern refurbishment, has been lost. However, this is of negligible value given the detrimental effect this had on the evidential value of the building.
17. As such, the reinstatement of the original vertical hierarchy of accommodation within the building, reflective of the use of the third floor as accommodation for the servants is beneficial as it provides legibility of the building's historic layout and use.
18. Bringing these matters together the reduced compartmentalisation between the dining room and reception room returns to a more historic layout to the ground floor as indicated in the Survey of London plan, and the narrative of the evolution of use of the dwelling is undermined, to a degree, by the works. However, this is outweighed by the effect of the works in restating the internal layout of an earlier point in the building's evolution and so, taken overall, the works have made a positive contribution to the preservation of the special interest of the LB. In so doing it would enhance the significance of the designated heritage asset.
19. Given that the works are internal to the building I do not find that the proposal would be detrimental to the character or appearance of the of the Edwardes Square, Scarsdale and Abingdon Conservation Area (the CA). This is because the proposed changes would not be visible from the public or private domains. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law³ 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. Therefore, I find that

³ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

the proposal would not be detrimental to the CA and thus preserve its significance.

20. Given the above, I conclude that the proposed works would preserve the special architectural interest of the Grade II listed building as well as the character and appearance of the CA, thus satisfying the requirements of the Act, paragraph 206 of the NPPF and development plan policies insofar as relevant.

Conditions

21. As this application is a retrospective proposal for the retention of works, no matters remain to be controlled by condition.

Conclusion

22. For the reasons given above the appeal should be allowed.

I A Dyer

INSPECTOR