



Appeal Decisions

Site visit made on 26 June 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

APPEAL A

Appeal Ref: APP/A5840/W/22/3303219

15 Gladstone Street, London SE1 6EY

- 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 Toby Ashong against the decision of the Council of the London Borough of Southwark.
 - The application Ref 22/AP/0394, dated 9 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is the refurbishment and extension of the property, to include rear extensions at first and second floor, internal alterations at each level, and an adjustment to the mansard roof and 3no. dormer windows to the front of the property.
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APPEAL B

Appeal Ref: APP/A5840/Y/22/3303226

15 Gladstone Street, London SE1 6EY

- 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 Toby Ashong against the decision of the Council of the London Borough of Southwark.
 - The application Ref 22/AP/0395, dated 9 February 2022, was refused by notice dated 29 April 2022.
 - The works proposed are the refurbishment and extension of the property, to include rear extensions at first and second floor, internal alterations at each level, and an adjustment to the mansard roof and 3no. dormer windows to the front of the property.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary and Procedural Matters

3. The appeals relate to applications for planning permission (Appeal A) and listed building consent (Appeal B) for the same scheme. No 15 Gladstone Street forms part of the Grade II listed building comprising Nos 13 to 35 Gladstone Street¹, and sits within the West Square Conservation Area (“the WSCA”). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

¹ List entry number 1385549; the name of the listed building in the official list entry is given as “Numbers 13-35 and attached railings”.

4. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the applications were determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

5. The main issue in both appeals is whether the proposal would preserve the Grade II listed building including the appeal property, or any features of special architectural and historic interest which it possesses, and whether the character or appearance of the WSCA would be preserved.
6. An additional main issue in Appeal A only is whether the development would have an adverse effect on living conditions for current and future residents of the appeal property, with regard to loss of private amenity space.

Reasons

Listed Building and Conservation Area

7. The appeal property, and the wider terrace of townhouses of which it is part, was built between 1849 and 1852 by architects Garland and Christopher. It lies within the "Albert Triangle", bounded by St George's Road and London Road to the north, an area originally developed at a time when London was expanding rapidly.
8. The whole terrace was listed in June 1989. It is of yellow stock brick, with stucco features on the front elevation including banded rustication to the ground floor, dressings, parapet and cornice. It is described in the 2013 West Square Conservation Area Appraisal ("the CAA") as having originally been constructed with two storeys over basement levels, though all but No 13 (which remains two storeys) and No 31 (which is three storeys) have subsequently had mansard roof extensions added. Most windows are double-hung single-glazed sliding timber sashes; in common with most of the rest of the terrace, those at the front of the ground floor of No 15 have narrow margin panes.
9. No 15 differs from most of the other houses towards the western end of Gladstone Street in that it is three, rather than two, bays wide. The main part of the house is also not as deep as the neighbouring properties to the west. This shallower plan reflects the fact that the rear of 13 to 35 Gladstone Street previously abutted a building in Colnbrook Street², though that neighbouring terrace is no longer standing. The removal of that terrace means that the back of the appeal property is clearly visible from Colnbrook Street, across, the communal garden at the rear of Gladstone Street. The original pattern of development of the listed terrace, and its now-gone contemporary on Colnbrook Street – if not quite their precise original form – can therefore be understood and appreciated from the street.

² At the time the area was laid out the two streets were known as "Albert Street" and "Richmond Street", respectively.

10. The wider WSCA includes several significant public buildings, including the Imperial War Museum (set within the Geraldine Mary Harmsworth Park) and St George's Roman Catholic Cathedral. West Square itself is described in the CAA as "one of the best Georgian set pieces in the borough, complete with formally laid out central gardens and trees". The significance of the conservation area as a whole is derived from, among other things, its high-quality late Georgian and mid-19th century townscape.
11. I consider that the special interest and significance of the listed building, insofar as it relates to this appeal is largely derived from its consistency of scale, form and materials as formally laid-out housing, reflecting as it does the planned growth of this part of London in the mid-19th century. The legibility of its form, including the visibility of the rear elevation of the appeal property, also serves to illustrate the way in which the area was first developed. The appeal property, and the wider listed terrace, add to the visual quality the area, and make a positive and valuable contribution to the special architectural and historic interest of the WSCA.

Rear extension and double glazing

12. The existing outrigger at the rear of No 15 is two storeys high, with rooms at ground and lower ground floor levels. It is common ground between the parties that the outrigger is not original; it is suggested that that part of the building was rebuilt after the second world war. The roof of the outrigger, which is accessed via a French door from a first-floor bedroom, is used as an outside terrace.
13. The existing outrigger is modest in scale, and set both behind and below the main rear elevation of No 17 and the other houses in the rest of the terrace. Its height is comparable to other outriggers on the same terrace – those I saw on my site visit were no more than two storeys high. First- and second-floor extensions would be added above the outrigger (though a small area of external terrace would be retained to the side of the first-floor extension). The parapet would be raised to the same height as that of the main house, and the enlarged outrigger would be taller than other neighbouring outriggers. The size and form of the proposed extension would make it a substantial and dominant, rather than subservient, addition to No 15, which would be at odds with the more compact rear outriggers in the rest of the terrace, and which would harm the appearance of the listed building as a whole.
14. I acknowledge that the rear of the building was not originally intended to be on public view, and that it was not therefore designed in a "formal" or "enriched" way. However, it has evidently been on public view, and therefore part of the streetscene, for a considerable time – certainly since well before the building was listed. In eliminating the differentiation between the heights of the outrigger and of the main house, the scheme would also diminish the legibility of the way Gladstone Street and Colnbrook Street were originally developed which, as I have described above, can currently be clearly seen and understood from Colnbrook Street. In this respect the proposal would also have an adverse impact on the ability to appreciate the listed building's special interest and significance.
15. The appeal scheme includes the introduction of double glazing to existing windows in the rear façade, as well as to the new rear extension. The proposed windows are described as being "designed to match all existing windows and

fenestration". The depth of even slimline sealed glazed units, and the thicker or deeper timber sections which would be likely to be required to support them, would be likely to be a noticeable and incongruous detail. Such replacement windows would be a modern and inauthentic feature which would cause some further harm to the special interest of the listed building.

16. Again, that the proposed double glazing would be on the rear elevation is not something which would significantly mitigate the harm; the elevation is seen in public views from Colnbrook Street. Even if it were not, the special interest of a listed building is an intrinsic quality; unsympathetic additions or alterations are still harmful changes regardless of whether they may be only in limited, or no, public views.
17. I acknowledge that this measure would almost certainly contribute towards significantly improving the energy efficiency of the house, but there are likely to be alternatives which would be less intrusive. Indeed, the appellant's statement suggests laminated glazing as one such possibility, but there are not sufficient details for me to be able to assess this option.

Mansard roof, rooflights and dormers

18. The front of the mansard roof would be demolished and rebuilt, with a steeper front pitch a little further forward of its existing line. However, there is no disagreement between the main parties that the existing mansard structure is not original. The Council describes the roof as being "of modern construction"; this was borne out by my observations during my site visit, and I am satisfied that there would be no harmful loss of historic material as a result of this element of the scheme.
19. As now, there would be three dormers on the front roof slope. The new dormers would be slightly taller, and with slightly wider cheeks, than the existing ones. However, the submitted drawings indicate that the overall differences in size between current and proposed dormers would be small. Even allowing for the fact that the front mansard roof would be slightly further forward than at present, the dormer windows would not become a visually dominant element of the frontage. Large parts of the mansards and dormers within Gladstone Street are concealed from street-level views by parapets, and that would remain the case with No 15 after the appeal scheme.
20. From mansard level, it was evident to me during my visit that there is no single uniform style of dormer within the street; the size, form and design of those proposed here would be comparable to others on other houses within the listed building No 13 to 35, as well as those I saw on the other side of the street.
21. Three mechanically-operable rooflights would be installed on the flat roof, set towards the existing rear elevation. I note the Council's comment that "where rooflights have been approved recently in Gladstone Street and Colnbrook Street they have been [...] set back as to not impact on principal views of the building". To my mind, that would also be the situation in this case. While No 15 is shallower than other houses within the same terrace, the submitted plans and sections show that the rooflights would almost certainly be completely impossible to see from street level (and probably higher) within Gladstone Street because of their position behind the front parapet and the front mansard slope. The rooflights would be concealed in views from Colnbrook Street by the height of the rear parapet.

22. The Council also considered that the loss of the existing small space at the front of the mansard, which would result from the altered position and pitch of the roof, would be harmful. However, I address that matter under the “living conditions” issue below; no harm to the listed building or WSCA would arise from that element of the scheme.

Other aspects of the scheme

23. The appeal scheme includes a number of other elements which the Council considered acceptable. These included, on the lower ground floor, the replacement of external French doors, and the creation of a larger dining kitchen by enlarging an existing opening in the rear wall. On the ground floor, a reception room would be expanded (following the removal of a family bathroom and the enlargement of a wall opening), and an existing partition wall relocated to create a small study area.
24. The Council was content that these, and several other aspects of the proposal, could be carried out without harmful loss of historic fabric. It is also notable that much of these other elements, as well as a first-floor outrigger extension, have already been granted listed building consent and planning permission by the Council³.
25. It is apparent that the interior of the building has been altered over the years, including the probable rebuilding of the entire staircase. These further changes would largely impact on modern fabric, and where significant historic features survive they are to be retained. While room layouts have been changed, there are at the same time surviving elements of the floor plan. With these other elements, where openings in original walls were to be enlarged, masonry downstands and nibs would be retained, so that the legibility of the historic plan would be preserved.
26. Based on all the evidence before me and my observations on site, I agree with the Council that these elements of the scheme would not have an adverse effect on the listed building. That the proposal would be acceptable in these respects would not, however, mitigate or outweigh the other harm which I have found.

Public benefits and overall heritage balance

27. Drawing all of the above points together, it is clear to me that the proposed rear extension and double glazing would lead some harm to the appearance of the appeal property, as well as to an erosion of its historic form and legibility. I therefore find that the proposal would fail to preserve the special interest and significance of the listed building. The proposal would also fail to preserve or enhance the character or appearance of the WSCA. The significance of the designated heritage assets would be harmed, contrary to the requirements of sections 16(2) and 72(1) of the Act.
28. The Framework requires great weight be given to the conservation of a heritage asset when considering the impact of a proposal. Paragraphs 207 and 208 of the Framework require the decision-maker, having identified harm to the designated heritage asset, to consider the magnitude of that harm. In this case, I consider the degree of harm would be less than substantial when considered in the context of the significance of the assets as a whole. In such

³ LPA Refs: 21/AP/00371 and 21/AP/00372

circumstances, any harm should be weighed against any public benefits of the proposal, including securing the optimum viable use of the building.

29. No 15 Gladstone Street is occupied as a single dwelling by the appellant and family. There is nothing before me to suggest either that the optimal viable use of the building is anything other than a single private dwelling, or that this would be at risk without the proposal in these appeals going ahead.
30. Some of the works (such as the use of double glazing, and the installation of better insulation in the roof) would allow the thermal performance of the building to be updated to modern standards. Notwithstanding that no substantive evidence has been submitted in this respect, a significant reduction in greenhouse gas emissions would be likely to be an appreciable public benefit. There would also be economic benefits in the purchase and installation of materials for the development and works. The appellant contends more generally that “there is public benefit in upgrading and preserving the building, and investing in its future”, but this is little more than a vague generalisation and largely a reflection of private preferences. In giving considerable importance and weight to the identified harm to the significance of the designated heritage assets of 13 to 35 Gladstone Street and the WSCA, I find that this would not be outweighed by the public benefits arising from the proposal.
31. I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed 13 to 35 Gladstone Street, and the character and appearance of the West Square Conservation Area, thus failing to satisfy the requirements of the Act and paragraph 203 of the Framework. There would also be conflict with Policies P19 and P20 of the 2022 Southwark Plan, and with Policy HC1 of the London Plan 2021; together, and among other things, these policies seek to ensure that development conserves and enhance the significance of the local historic environment, including listed buildings and conservation areas.

Living conditions

32. The proposal would result in the loss of two areas of private amenity space without replacement. The extension to the rear outrigger would result in the loss of the existing first-floor roof terrace of around 9m². That area is not large in absolute terms, but I saw on my site visit that it provides a very useful and pleasant private amenity space for the household. The alterations to the roof would result in the loss of a space, measuring around 7.2m², in front of the mansard. I was able to go out onto that area during my site visit, and saw that it is both narrow and slightly awkward to access. While it might be feasible to put a small chair or two out there, the size and siting of the space militate against it being of any real practical use as an amenity space.
33. There is a small private terrace outside the lower ground floor kitchen and utility room, which is screened by foliage, and which – just – provides room for a table and chairs. There is also a pleasant shared communal garden beyond, and directly connected to, the private terrace. The appeal scheme would not, therefore, leave the appeal property totally without amenity space, and the removal of the space in front of the mansard would in any event represent no great loss in amenity terms.

34. However, the first-floor terrace is a well-sited, pleasant and, on the day of my site visit, sunny spot in an area where good-quality private amenity space appears to be at something of a premium. While the appellant is clearly content to see the space go, it is evidently a trade-off which reflects personal preference. The loss of that space would have a small, but nevertheless discernible, adverse effect on the quality of living accommodation which the appeal property could offer, and therefore on living conditions for current and future residents of the appeal property.
35. As a result, I conclude that the proposed development would conflict with Policies P14, P15 and P56 of the 2022 Southwark Plan, and with Policy D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed and laid out, functions well, and provides adequate private amenity space.

Other Matter

36. As I have explained above, some elements of the appeal schemes already have listed building consent and planning permission. That is effectively a fallback position for the appellant (though they did not describe it in such terms). However, for the reasons I have set out above, I consider that this fallback position would be less harmful than the appeal scheme. It therefore carries limited weight in favour of the appeal proposal.

Conclusion

37. I have found that the proposal would harm the significance of the listed building and the conservation area. As a result of this conflict, the proposal would not be in accordance with the development plan. There would be further conflict with the development plan arising from the loss of private amenity space, albeit that this harm on its own would be limited in scale. The considerations I have outlined above are not sufficient to outweigh that conflict.
38. The appellant requested that, in the event of my being unable to allow the appeals in full, I consider making split decisions and allowing them in part. While I have found the mansard roof, rooflights and dormers elements of the scheme to be acceptable, the reconfiguration of the second floor of the appeal property (including, it would appear from the submitted drawings, the siting of at least one of the proposed rooflights) would be dependent on carrying out the rear extension in full. As I am not satisfied that the acceptable elements are completely severable from the other parts of the scheme, it would not be appropriate for me to issue a split decision.
39. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeals should be dismissed.

M Cryan

Inspector