



Appeal Decisions

Site visit made on 29 May 2024

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal A Ref: APP/X5990/Y/23/3327924

14 Chapel Street, City of Westminster, London SW1X 7BY

- 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 14 Chapel Street Ltd against the decision of City of Westminster Council.
 - The application Ref is 22/07129/LBC.
 - The works proposed are excavation of a new basement level, single storey rear extension at lower ground level, single storey rear extension at ground floor level, alterations to openings, and new raised garden area to rear.
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Appeal B Ref: APP/X5990/W/23/3327929

14 Chapel Street, City of Westminster, London SW1X 7BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by 14 Chapel Street Ltd against the decision of City of Westminster Council.
 - The application Ref is 22/07128/FULL.
 - The development proposed is excavation of a new basement level, single storey rear extension at lower ground level, single storey rear extension at ground floor level, alterations to openings, and new raised garden area to rear.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals in the banner headings above concern different proposed works within the same property under the same legislation. For the sake of expediency, I have dealt with both appeals together in this decision letter.
4. 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 these appeals, I have not sought comments on the revisions.

Main Issues

5. The main issues are as follows:
 - For both appeals: (1) whether the proposals would preserve the listed building or any features of special architectural or historic interest which it

possesses; and (2) whether the proposals would preserve or enhance the character or appearance of the Belgravia Conservation Area (BCA).

- For Appeal B only: whether the proposed landscaping elements, including soil depth and green roofs and walls, are sufficient to meet the requirements of the development plan.

Reasons

Special Interest and Significance

6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
7. The appeal property and the adjoining No.13 are Grade II listed¹ as a pair, officially titled '13 and 14, Chapel Street SW1' in the listing description. The appeal property dates from the early 19th century and is a mid-terrace, five-storey dwelling of brick construction with a stucco frontage to the ground and lower ground floor front elevations. The rear elevation of the property has been altered through previous grants of planning permission² and listed building consent³ including extensions at lower ground floor and ground floor levels. I am also informed that numerous internal alterations have been made to the property, some of which may not have been granted the necessary consent.
8. From all that I have seen and read, the special interest and significance of the listed building is largely derived from its historic and architectural interests. Its historic interest primarily results from its age and being a fine illustration of 'second rate' Georgian domestic architecture. Its architectural interest mainly stems from the attractive form and design of its classical Georgian frontage, as well as the contribution it makes to the harmonious composition of the wider streetscape. Internally, and of further relevance to the appeals, there is additional special interest and significance derived from the hierarchy of floors relative to their historic functions, remaining historic fabric and evidence of original and historic plan form.
9. Although the rear elevation is of aesthetic value and is somewhat utilitarian in its composition, the presence of a closet wing illustrates, to some degree, the historic functioning of the building. Originally at least, the arrangement of these features would have created a strong rhythm and uniformity to the rear of the host terrace, albeit this has been diluted by the various extensions to the host and neighbouring properties over the years. Despite the alterations and extensions to the rear of the building, there is a broad rhythm and regularity to that elevation's solid to void ratio of the fenestration. This, combined with its height, gives the rear façade a distinctive vertical emphasis.
10. Section 72(1) of the Act states, with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The BCA covers an extensive area of residential development which was largely laid out in the early part of the 19th Century. This is characterised by elegant terraces

¹ List Entry Number: 2392244

² 90/03001/FULL & 02/01296/FULL

³ 90/03002/LBC & 02/01297/LBC

laid to a coherent plan, centred on attractive urban squares. Its significance derives from its historic and aesthetic values as an important example of early 19th century townscape design and planning. While there is a degree of individuality among the properties, they also share much in terms of their scale, their proportions, their form and their setbacks from the pavement. This gives the area's character and appearance a sense of cohesiveness and unity, which adds to its significance as a designated heritage asset. Because of its traditional proportions, scale, form, siting and design, the appeal property as part of the wider host terrace makes a positive contribution to the conservation area's significance.

Listed Building

11. The proposals include a basement extension which would protrude towards the courtyard area to the rear and additional extensions to the existing lower ground and ground floor extensions, the latter of which would include an amended access to an extended terrace area. Internally it is proposed to install a lift to connect all floors of the building, which would require alterations to room layouts. This is alongside other alterations including the removal and addition of partition walls to create a mix of bedrooms, walk-in wardrobes, offices and en-suite bathrooms. At roof level it is proposed to install two rooflights alongside a new access hatch/rooflight, while there would also be replacement windows to the front and rear.
12. The proposed extension at lower ground floor level would occupy much of the remaining area of the original yard, which has already been reduced by the existing extension. In doing so, the relationship between the lower ground floor and the outdoor space would be further eroded. I am referred to Historic England guidance which states that it is important to ensure an appropriate relationship is maintained between the main house, rear extensions and the original extent of the yard or garden. There would be little open space at this level to offset some of the additional bulk. Despite the increased size of the ground floor terrace above, this would not be a suitable substitution for the historic yard area and the proposed lower ground floor rear extension would be harmful to the remaining historic plan form elements of this level of the property. It is asserted that the existing extension is of poor quality and its replacement would improve the character of the property overall. For the reasons given above I disagree, and while the existing extension may be in need of some renovation, it is of sufficient depth to allow a usable courtyard area to remain.
13. The ground floor includes an existing single-storey infill extension attached to the older three-storey closet wing extension. While this has to a degree already eroded part of the historic rear elevation, the infill does not extend past the closet wing and as such has an element of subordination. The proposed ground floor extension would extend significantly beyond the closet wing, which is an integral part of how this building would have historically operated, leading out onto the larger roof terrace created by the lower ground floor extension. Roof terraces may be a common feature in the City of Westminster area, but this proposal would further erode the remaining rhythm and appearance of the rear elevation while adding significant mass and bulk, harming its character as a result.

14. Taken together, I am of the view that the rear extensions would overwhelm this elevation and dilute the understanding of the historic functioning of the building, concealing and removing the contribution it makes to its special architectural and historic interest.
15. The internal works proposed include reinstated partitions at lower ground, ground floor and first floor levels, along with partitioning of the front room at second floor level, dividing it into a bedroom and office. While there would be little alteration at third floor level, the fourth floor would see the existing partitions altered with the front room divided to accommodate both a bathroom and a bedroom. The rear room would have some partitions removed and converted to a bedroom.
16. Generally speaking, the reinstatement of historic partitions to restore some semblance of historic plan form would not be harmful and are welcomed. I have no reason to doubt that the materials and labour involved would be of high quality. However, this is tempered by the removal of other walls and altering of room layouts. This is particularly concerning at second floor level, which the appellant admits would be 'harmful to the understanding of the historic hierarchy of the space, reducing its sense of scale and proportionality to the rest of the floor and building.'
17. Moreover, even the reinstatement of some partitions would be with the express purpose of installing the lift. The introduction of an overtly modern feature such as a lift would lead to a loss of, and therefore harm to, remaining historic plan form and layouts of rooms. Although it is asserted this harm would be minimal, it is harmful none the less.
18. It is also proposed to replace the existing roof access hatch with an openable rooflight, as well as install two further skylights on the opposing side of the roof. There is little information on this matter before me, such as scale drawings of the lights and/or their method of installation. Moreover, a lack of visibility does not equate to an absence of harm, despite the windows not being widely viewed from the street level. This is not the only consideration of impacts to the special interest or significance of a listed building which are safeguarded for their inherent architectural and historic interest. The installation of the roof windows and hatch would likely cause the loss of historic fabric, causing further harm to the special interest of the listed building.
19. I am presented with a list of extensions to other properties in Chapel Street which have been granted consent/permission in previous years. However, I have nothing substantive on any of these before me and it is not my role to go searching for this information. While I understand that extensions may be a common element of urban areas of London, I have assessed the proposal on its own merits.
20. The basement extension would extend underneath the lower ground floor extension and include a spa/pool with associated plant. The explanatory text of policy 45 of the City of Westminster City Plan 2019 – 2040 (CP) (adopted April 2021) advises that the most appropriate form of basement development will be no more than one storey (approximately 2.7m floor to ceiling height) below the lowest part of the original floor level. I understand that the proposed ceiling height would vary from 2.1m above an area designated for associated plan to 4m at the bottom of the pool area.

21. The ceiling height would largely meet the required height when measured from the poolside area, which would be where users of the pool would walk. When measured from the bottom of the pool this height would be higher than advised, however this would be largely imperceptible when the pool is full of water. Given its intended purpose this would be the vast majority of the time other than during cleaning or for maintenance. As such I conclude that the basement would not harm the special interest of the listed building and would maintain the historic hierarchy of floors.
22. The existing windows of the property externally are a mix of styles and materials, and their condition varies. From my observations on the site visit, neighbouring properties predominantly feature traditional 'six over six' sliding sash windows to the front. It is proposed to install matching designs to the appeal property to the front and rear which would include timber frames. While they would also include double glazing, which is non-traditional, I am mindful of paragraph 164 of the Framework which seeks to support energy efficiency measures. From the submitted window drawing, the proposed double-glazed windowpanes would largely be imperceptible from single-glazed due to their profile and on balance, on this occasion they are considered acceptable. As such, this element of the scheme would not harm the special interest or significance of the listed building.
23. To conclude on this main issue, despite some elements of the scheme being acceptable, taken together I must conclude that the proposal would fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act.
24. The proposal would also be contrary to policies 38, 39 and 40 of the CP. These seek, among other things, to ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

BCA

25. Although I accept that the rear elevation is largely imperceptible from public view, it would be visible from neighbouring properties. Given my conclusions on the harm caused to the host property by the proposals, and the positive contributions the appeal site makes to the character and appearance of the BCA, it follows that the scheme would neither preserve nor enhance the character or appearance of the conservation area. This would be contrary to section 72(1) of the Act.
26. The proposal would also be contrary to policies 38, 39 and 40 of the CP. These seek, among other things, to ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Heritage Balance

27. 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.
28. I have found in this instance that the proposal would harm the significance of the listed building and the BCA. The magnitude of harm would be less than substantial due to the nature and scope of the works, although this level of harm would apply to both assets in turn. I note that the appellant agrees that

there would be less than substantial harm caused by the proposal. Having found harm to designated heritage assets, I must give this considerable importance and weight.

29. Paragraph 208 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.
30. The benefits of the proposal as presented to me include the reinstatement of some partitions and features. Evidently many of the changes which caused the loss of these in previous years were as a result of unauthorised works. While the reinstatement of these is generally welcomed, these would be remedial rather than of benefit.
31. There would be some small public benefit from general improvements to the quality of the property which would in turn lead to improvements in the local housing stock. There would also be a limited boost from the construction works required to facilitate the proposal. However, taken together these benefits would be of very limited weight. This would not outweigh the considerable weight against the proposal caused by the less than substantial harm to designated heritage assets.
32. Accordingly, the proposal would not preserve the listed building, or any features of special architectural or historic interest which it possesses, or the BCA. As such, it would not satisfy the requirements of sections 16(2), 66(1) or 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

Soil Depth and Landscaping – Appeal B

33. The proposal includes the provision of soil planters at lower ground floor level and on the ground floor terrace alongside green roofs at first, second and fourth floor levels. Policy 45 of the CP advises that basement developments should provide a minimum of one metre of soil depth (plus a minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement.
34. The submitted drawings indicate that the achievable soil depth would be approximately 800mm including a drainage layer. I note the appellant does not disagree that this would fall below the required standards and as such this element of the scheme would be contrary to the development plan. Although it is argued that there would be good conditions for a range of species to grow, it is not explained how this would be achieved. Moreover, a planning condition would not be reasonable given there is nothing before me to indicate this is achievable given the constraints of floor to ceiling heights of the lower ground floor extension.
35. I have considered the baseline conditions of external areas at the appeal site. While the lower ground floor yard is currently largely paved, the proposal would require soil depth of green areas to meet the required standards which the appellant admits they would not. While the addition of green roofs would increase the total area of landscaped green spaces from 23 to 59.8 square metres, these also appear to have limited soil depth based on the submitted drawings. As such, the proposed areas of planting would not appear to be of a

depth that would sustain larger plants, especially trees, and would require intensive management.

36. For these reasons, I find that, although the area of planting provided by the proposal would be greater than the existing situation, the depth of the proposed planting areas and subsequent quality of conditions needed to grow plants and trees would provide significant constraints to biodiversity gains provided by planting in these areas. This would be contrary to policy 45 of the CP as explained above as well as policy 34 of the CP, which advises developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Planning Balance

37. I have already identified harm to designated heritage assets, which would not be outweighed by the public benefits of the scheme as presented to me. There is no reason to repeat these arguments here.
38. I have identified further harm to the proposal from inadequate landscaping and green infrastructure as required by the CP to provide a net gain of biodiversity, which is echoed in the Framework. As such, the benefits in this regard, such as increased areas of green roof leading to an increase in biodiversity net gain cannot be substantiated and weigh against the proposal significantly. Consequently, the proposal would be in conflict with the development plan as a whole and relevant provisions of the Framework.

Conclusion – Both Appeals

39. Accordingly, for the reasons given, I conclude that both appeals A and B should be dismissed.

C McDonagh

INSPECTOR