

Appeal Decisions

Site visit made on 26 June 2024

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal A: 51 Paultons Square, London SW3 5DT APP/K5600/W/24/3338717

- 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 Helen Barnes against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref: PP/22/02915, dated 1 May 2022, was refused by notice dated 14 August 2023
 - The development proposed is the conversion of 2 front vaults into a utility room; enlargement of opening at rear lower ground floor and replacement of glazed timber door with a pair of glazed timber French doors.
-

Appeal B: 51 Paultons Square, London SW3 5DT APP/K5600/Y/24/3338715

- 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 Helen Barnes against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref: LB/22/02916, dated 1 May 2022, was refused by notice dated 14 August 2023.
 - The works proposed are the conversion of 2 front vaults into a utility room; enlargement of opening at rear lower ground floor and replacement of glazed timber door with a pair of glazed timber French doors.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matter

2. On the 24 July 2024, the Council adopted a New Local Plan Review (the Local Plan). The parties have been consulted on any consequent implications for these appeals and I have taken the comments received into account.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve a Grade II listed building, Nos 34-56 Paultons Square, and any of the features of special architectural or historic interest that it possesses.

Reasons

4. The appeal property is a mid-terraced single dwelling house that forms part of a listed residential terrace situated on the eastern side of Paultons Square. The

terrace was built around 1840 and comprises three storeys with a basement floor, designed in a Regency / early Victorian style. The front elevation is constructed from yellow stock bricks with rusticated stucco on the ground floor. There are arched windows on the ground floor and square headed windows above, with six-over-six paned sash windows. There are decorative iron balconies to the first floor windows.

5. The rear elevation of the appeal property is entirely brick faced, apart from a rendered area at ground floor level, and is more utilitarian and less formal in appearance than the front. It still maintains much of its original character, including a series of six-over-six paned sash windows. There is a flat roofed projecting 'closet wing' with windows and a door at a different level from those in the main body of the house. Some other properties in the terrace appear to have undergone a variety of changes, including extensions, glazed infills, and some interventions are of a more contemporary design. Nonetheless, the original rhythm of the rear elevation of the terrace can still largely be read.
6. The significance of the building derives from its historic architectural form, the uniformity of design, and the legibility of the terrace as a cohesive group of houses within a wider regular 'grid' of streets set around a series of central private garden areas. The terrace is of great value to the character of the Paultons Square, and the Cheyne Conservation Area, within which it falls.
7. This proposal comprises two distinct elements: firstly, the conversion of two front existing vaults into a single utility room, including a replacement vault door, as well as lowering the floor level; and secondly, the enlargement of the lower ground floor rear door opening to replace a single part glazed door with double French doors.

Vaults

8. The existing two front vaults, located underneath the pavement, are original features and still retain much of the historic fabric, including the arched profile and cellular form. One vault is accessed internally from the main house via a lobby, and the other via an external door fronting an open lightwell. The simple external vault doorway comprising a close boarded timber door split horizontally reflects the utilitarian and functional nature of this area. Originally, the vaults would have been used for storage including of coal, but one is now used as a utility area, and the other for general storage. The vaults, because they form part of the original fabric and design of the listed building, contribute to its significance.
9. I note that it is proposed to retain nib walls such that the original layout could still be appreciated. Also, the proposal would retain part of the curved roof profile, albeit with much of the central wall removed. That said, the proposed combining of the two vaults into a single space would result in the substantial destruction of the original vault structure and the loss of the distinctive cellular form. The original arched form of the vaults would largely be lost. The loss of the existing utilitarian close boarded split door from the lightwell and its replacement with a part glazed one would exacerbate the unsympathetic vault alterations. The Appellant has referred to alterations to the vaults at No 44 Paultons Square in support¹. Whilst the exact scope of those works is not entirely clear, it appears that the dividing vault wall had already been partially

¹ PP/11/01780 & LB11/01781

removed in that case and the works related to non-original features². Therefore, those works cannot provide a justification for this scheme.

10. Overall, I find the proposed works to the vaults would harm the character and integrity of the listed building. As such, the special architectural and historic interest of the building would not be preserved, contrary to the relevant legislation³.

Rear door

11. With regard to the existing half glazed rear door, it is agreed that this is not an original feature. The proposed double doors would be located centrally below the series of sash windows above, thereby preserving a degree of symmetry. I also note the attempt to follow a traditional design, the doors being constructed in painted timber, with each leaf comprising windows with eight panes, with a solid panel beneath. I also accept that the works would be relatively low key and in an unobtrusive position, recessed between projecting rear extensions.
12. All that said, the enlargement of the opening would result in the loss of a small amount of historic fabric. The widened opening would be somewhat oversized and disrupt the existing hierarchy of the rear façade. The significant width of the opening, at some 1.6 metres, would result in squat proportions. This would be at odds with the historic form and window pattern of the rear elevation, with the vertical emphasis of the existing openings. In addition, the proposed detailing, incorporating applied glazing bars adhered to the surface of the double glazed unit⁴ would not reflect the traditional glazing bars found within other windows in the property. I find the enlarged opening would result in some harm to the building, and loss of significance. However, in the context of the listed terrace, I accept this harm is relatively limited. Nonetheless, the special architectural and historic interest of the listed building would not be preserved, contrary to the relevant legislation⁵.
13. The Appellant has drawn my attention to works to the rear elevations that have been approved at other properties within this listed terrace, including at Nos 35, 43, 44, 45, 47 and 52⁶. These works include, amongst other things, the addition of conservatories, rear infill extensions, increasing the height of closet wings, enlargement of existing window and door apertures, and creation of new ones, with timber double glazed replacements. Notably, a modern glazed infill extension, along with other works, has been approved at the neighbouring property, No 52⁷.
14. I am not familiar with the background to these proposals, nor the specific circumstances which led to the Council's decisions, nor the extent to which the rear elevations of the individual properties had already been altered. All of the schemes were granted well over a decade ago when different planning policies applied. In any event, none of those schemes appear to be directly analogous or comparable to the proposals in this scheme. For the avoidance of doubt, I have assessed the appeals before me on their merits.

² The lower ground floor plan relating to the vaults mentions 'non-original boxing reduced in projection' - see Paragraphs 5.47 & 5.48 of Appellant's Statement of Case

³ S16(2) & S66(1) Planning (Listed Building and Conservation Areas) Act 1990

⁴ As shown on Drawing 1129-16 Rev A

⁵ S16(2) and S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

⁶ Details have been supplied in the Appendices to the Appellant's Statement of Case

⁷ PP/10/00125 & LB/10/00126, approved 15 March 2010

Planning Balance

15. When considering the impact of a proposed development on the significance of a designated heritage asset, the National Planning Policy Framework ('the Framework') is clear that great weight should be given to the asset's conservation⁸. The Framework further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification⁹. I consider that the works in respect of these proposals would result in 'less than substantial harm' in terms of the Framework, but nevertheless of considerable importance and weight. The 'less than substantial harm' must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use¹⁰.
16. I acknowledge the Appellant's desire to consolidate the vaults into a single utility area that would be accessible from the main house, and be of more practical use, making more efficient use of the space. It is also said that the works to the vaults would save energy and increase security, although this is not explained. It is also argued that, by improving the amenity of the lower ground floor, the continued ongoing use of the building as a single dwelling house would be supported. However, the continued use as a private dwelling is not dependent on these works, and the works to the vaults to create a single space would primarily be for the private benefit of the Appellant. The building's current use, together with the fact that it appeared to be in generally sound condition, means that these works would not hold any benefits in securing the building's optimum viable use.
17. In terms of the rear doors, I accept that more daylight would be allowed into the basement dining room, thereby improving its amenity, as well as the relationship between the dining room and garden. However, again these are private rather than public benefits. Similar benefits could be achieved in a door scheme of a more appropriate design. Although the Appellant states the enlarged door opening would support the ongoing use of the building as a single family home, once again I do not consider its continued use is dependant on these works. Overall, I do not consider that these matters constitute the necessary public benefits that would outweigh the identified harm.
18. I therefore conclude that these proposals would conflict with Policy CL4 of the Local Plan which requires development to protect and preserve the heritage significance of listed buildings, including the preservation of original features, or later features if they are of interest, both internal and external. As such, the scheme would fail to preserve the special architectural or historic interest of the listed building in accordance with the relevant legislation¹¹.

Conservation Area

19. No objection has been raised by the Council that the proposed works in these appeals would harm the significance of the Cheyne Conservation Area. I see no reason to take a different view. The works to the vaults would mainly be below ground, and those to the rear door would be minor in the context of the whole Conservation Area. As such, I am satisfied that the character and

⁸ Paragraph 205 of the Framework

⁹ Paragraph 206 of the Framework

¹⁰ Paragraph 208 of the Framework

¹¹ S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

appearance of the Cheyne Conservation Area would be preserved in accordance with the relevant legislation¹², and that there would be no conflict with Policy CL3 of the Local Plan which has similar aims.

Conclusion

20. For the reasons above, I conclude that both appeals should be dismissed.

Matthew Nunn

INSPECTOR

¹² S72(1) Planning (Listed Building and Conservation Areas) Act 1990