



Appeal Decision

Site visit made on 5 September 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2024

Appeal Ref: APP/X5990/Y/24/3342537

104 Eaton Square, London, SW1W 9AA

- 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 Francois Wallenborn against the decision of City of Westminster Council.
 - The application Ref is 23/04546/LBC.
 - The works proposed are 'The removal of the internal staircase located in the main entrance hall of the ground floor of 104 Eaton Square together with internal and external heritage reinstatement and restoration works.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). However, the changes are at an early stage and do not affect the main issues of this appeal. As such, I have not sought the views of the main parties in coming to my decision.

Main Issue

3. The main issue is whether the proposed works would preserve the listed building or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires 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.
5. The appeal property comprises part of No.104 Eaton Square which in turn forms part of the Grade II* listed building¹ '103-118, Eaton Square SW1'. The terrace evidently dates from around 1825 and was part of an estate designed by Thomas and Lewis Cubitt. Evidently, a number of the properties in the host terrace have undergone significant changes internally, including the appeal site. It formerly hosted the Belgian Embassy until it was converted into self-

¹ List Entry Number: 1066851

contained flats around 2005 after planning permission² and listed building consent³ were granted.

6. As such, based on the evidence before me, the listed building's special interest is largely derived from its historic and architectural interests. Historic interest is drawn from its age and ties to the evolution of development in the area. Architectural interest is derived predominantly from the primary elevation of the terrace, the use of traditional construction techniques and its materials. Of particular relevance to this appeal are internal features such as the surviving plan form, historic fabric, legibility of the hierarchy of floors and the layout and proportionality of rooms. There is also inherent group value with other listed buildings in the Eaton Square area.

Effects of the Proposal

7. The proposal seeks to remove the remaining section of staircase, which is located in the entrance hall of the appeal property. There are also a number of restorative and reinstatement measures internally and externally. These include the following: replacement of the damaged stucco on the front façade of the property; replacement of three chimneypieces; replacement of unoriginal doors between the front and rear reception rooms; repainting the hardwood doors separating the entrance hall and the front and rear ground floor rooms; restoration of cornicing on the ground floor; and cornicing in the lower ground front room.
8. The original staircase also extended between the first and second and second and third floors prior to 1932, when No's 103, 104 and 105 were converted into the embassy. The remaining section is original and was retained at the time as it afforded easy access from the ground floor to offices at first floor level for staff.
9. As a result of the changes historically to the property, in particular the sub-division into flats, the stairs are redundant and appear somewhat unusual given they cease at the ceiling of the ground floor. The proposed works would result in the loss of historic fabric which, despite its current lack of functional purpose, also continues to illustrate the historic floor plan and hierarchy of internal spaces and circulation through the building. In this regard, it contributes positively to the special interest of the listed building and its loss would be harmful.
10. I have had regard to the submitted Structural Report⁴ which advises that the staircase shows signs of movement and requires immediate attention to prevent failure of the structure. However, the report is bereft of detail. It advises the staircase should be removed but that it could also be supported to remedy the support issues, while there are no detailed explanations of how these conclusions have been reached other than a couple of photos. As such, based on the evidence before me, I cannot conclude that the staircase is unsafe as this has not been adequately demonstrated.
11. Evidently, other properties in the host terrace have had their staircases removed entirely. In this regard, the appellant argues that this is not uncommon and that others that do remain mean the features are not scarce.

² 04/09367/FULL

³ 04/09368/LBC

⁴ Simple-Build – Project No: 915 (13 April 2023)

However, to my mind this places an even larger emphasis on preserving the features of special interest. As such this does not convince me that there would be no harm caused by the removal of the staircase, and I note that in several instances the appellant agrees that the removal would be harmful.

12. The proposed restorative and reinstatement works are broadly welcomed by the Council and consultees, although I agree that these could be brought forth without the need to remove the staircase. In terms of their effects, these would be remedial and while they would not be harmful, they would not enhance the special interest of the listed building.
13. I therefore conclude that the proposal as a whole would not preserve the Grade II* listed building or any features of special architectural or historic interest which it possesses and would thus fail to satisfy the requirements of section 16(2) of the Act for the reasons given above. The proposal would also be contrary to policy 39 of the City of Westminster City Plan 2019 – 2040 (CP) (adopted April 2021) which seeks, among other things, to ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Heritage Balance

14. Paragraph 205 of the Framework advises 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. Given the extent of the works, I find that the harm that would be caused to the significance of the listed building would be less than substantial. While it is argued that the interior is of low significance due to the number of changes over the years, I note the appellant does not dispute this magnitude of harm. Having found harm to designated heritage assets, I must give this considerable importance and weight.
15. In accordance with Framework paragraph 208, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
16. The restoration works as detailed in the appellant's submissions are noted. While they are worthy of some positive weight in favour of the scheme, they would restore rather than enhance the special interest and significance of the heritage asset. The appellant would be willing to carry out these works prior to the removal of the staircase as secured by a condition, although the order of the works would not lessen the harm caused by the proposal. Taken together, the restorative works are worthy of some positive weight, although this would be limited.
17. Economic benefits would be brought about through the construction phase and the general investment into the property. However, the scale of those benefits would be short-term and very limited by the extent and nature of the proposal. The primary outcomes of the proposed works, namely the increase in usable living space, would be a private benefit to the appellant that does not provide clear and convincing justification for allowing the appeal.
18. While reference is made to the optimum viable use of the property, there is nothing substantive before me to indicate the removal of the staircase is fundamentally necessary to secure this, which already provides a high

standard of accommodation. Moreover, no substantive evidence has been put before me which verifies that the property would not be useable or viable as a dwelling now or in the future, or that its conservation as a designated heritage asset would be at risk, if the appeal was to fail and the proposal, as submitted, was not implemented.

19. Taken together, the weight I have attributed to the public benefits of the proposal would not be sufficient to outweigh the considerable importance and weight that I attach to the less than substantial harm I have found. Accordingly, the proposal would not preserve the listed building, or any features of special architectural or historic interest which it possesses. As such, it 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 property is located within the Belgravia Conservation Area (BCA). In line with section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the BCA. Bearing in mind the position, nature and extent of the proposals, I consider that they would have a neutral effect on, and would therefore preserve, the character and appearance of the BCA as a whole. As such, the proposal would not harm the significance of this designated heritage asset. I note that the Council had no concerns in these respects either.

Conclusion

21. I have identified that the proposed works would be contrary to the requirements of section 16(2) of the Act, policy 39 of the CP and the relevant provisions within the Framework, which seek to conserve and enhance the historic environment. The benefits of the proposal as presented to me do not outweigh the considerable weight attributed to the harm caused by the scheme. Accordingly, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR