



Appeal Decision

Site visit made on 23 October 2024

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/X5990/F/24/3341704

14 Wilton Crescent, London SW1X 8RN

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ziad Eldukair against a listed building enforcement notice issued by City of Westminster Council.
- The enforcement notice was issued on 2 April 2024.
- The contravention of listed building control alleged in the notice is "the installation of trellising and lanterns on the rear first floor level terrace of the Property, along its boundaries with 13 and 15 Wilton Crescent, in breach of condition 1 of listed building consent Ref 19/05678/LBC granted on 10 February 2020. The works to which the consent relates are "Use of rear first floor flat roof as a terrace and associated external works including the installation of trellising".
- The requirements of the notice are:
 - 1) Remove the decorative lanterns that are attached to trellising on the first floor level rear terrace of the Property, along its boundaries with 13 and 15 Wilton Crescent, as shown outlined in red in Photographs A and B.
 - 2) Remove the unauthorised trellising installed on the first floor level rear terrace of the Property along its boundaries with 13 and 15 Wilton Crescent, as shown outlined in yellow in Photographs A and B.
 - 3) In compliance with Condition 1 of the listed building consent granted on the 10 February 2020 (LPA Ref: 19/05678/LBC) install trellising in accordance with approved Drawings 198/P/301, 198/P/302 and 198/P/303 Rev A, attached, Condition 1 being as follows: 1) *The works hereby permitted shall be in carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.*
 - 4) Repair any damage to the Property caused by the installation and/or removal of the unauthorised trellising.
- The period for compliance with the requirements is 3 months.
- The appeal is made on the grounds set out in section 39(1)(c), (e), (g) and (h) of the Act.

Summary of Decision: The appeal is allowed, the listed building enforcement notice is quashed and listed building consent is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. The listed building enforcement notice concerns the installation of decorative lanterns and trellising, as set out in the banner heading above. Although not specified, it is clear from the notice that its statutory purpose is to bring the building to the state in which it would have been if the terms and conditions of the listed building consent which has been granted for the works had been complied with (pursuant to Section 38(2)(c) of the Act). The relevant condition requires the works to be carried out in accordance with the approved plans.

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Act.

The ground (c) appeal

3. The ground (c) appeal is that the matters alleged do not constitute a breach of Section 9(1) or 9(2) of the Act. The principal consideration under this ground is whether or not there has been a breach of listed building control.
4. Section 7(1) of the Act provides that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest unless the works are authorised under Section 8. Section 8(1) provides that works are authorised if written consent has been granted by the local planning authority and they are executed in accordance with the terms and conditions of the consent.
5. The Appellant acknowledges that the trellising and lanterns which have been installed at the appeal property are not in accordance with the approved plans, which is in breach of condition 1 of the related listed building consent. In particular, the decorative lanterns are not part of the consent and the trellis along the boundary with No 15 is approximately 350 mm higher than approved.
6. Consequently, there has been a breach of listed building control and the appeal on ground (c) cannot succeed.

The ground (e) appeal

Background and Main Issue

7. The ground (e) appeal is that listed building consent should be granted for the works detailed in the notice. Hence, the appeal seeks approval for trellising and lanterns on the rear first floor level terrace of the property, as installed, which would not be in accordance with the approved plans.
8. The main issues are whether the works would preserve a Grade II listed building, 1-15 Wilton Crescent, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Belgravia Conservation Area.
9. Although I am considering the execution of unauthorised works, the relevant listed building consent is a valid fallback position that carries considerable weight in this appeal. I must compare the works undertaken with those approved, therefore.

Reasons

10. The appeal property is a single residence that forms part of an early nineteenth century semi-circular terrace of townhouses, which lies within the Belgravia Conservation Area. I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its value as part of the planned crescent, its form and Georgian proportions and its classical architectural design and repetitive detailing which are best appreciated from the front. The rear of the building is plainer and lacks the detailing and embellishment of the front façade. It has also been subject to more alterations.

11. The approved plans show timber trellising sitting on top of the parapet to the party wall with No 13, to an overall height of 1800mm from the finished floor level. The density of the weave is not specified but the Council believes the approved gaps were 100mm. The installed trellis has been affixed to the flat roof, rather than the wall, thus it covers a larger area. A planting scheme has been implemented and the trellis is now partly covered with vegetation.
12. The approved plans for the boundary with No 15 show the trellis would be installed to the No 14 side of the parapet wall to sit in front of an existing trellis. The Appellant accepts this trellis is approximately 350mm higher than approved. I saw that artificial plants have been attached to it.
13. I consider the differences between the approved plans and the works carried out to be relatively minor. Crucially, the effect of the works as executed would be comparable with that approved. Whether or not the trellis is attached to the flat roof or the party wall, there would still be a solid boundary up to the top of the wall along the boundary with No 13. The weave of the trellis above the wall may be denser than the Council envisaged but this is not readily apparent when considering the approved plans. If a wider weave were substituted, as required, the effect would be very similar and any differences would probably not be discernible, especially if the vegetation were replanted or artificial plants attached. The planting softens the appearance of the trellis in any event.
14. On the boundary with No 15 the trellis is higher than approved, but only marginally. It may also be of a denser weave. Nonetheless, it is seen in the context of the rear of the listed building, which lacks the uniformity and design features of the front elevation. In addition, I saw a variety of trellising or timber fencing in the immediate vicinity, some of which was higher and more solid than the appeal scheme. The replacement with a lower trellis of a wider weave, as sought, would have very little effect on the listed building and the features that contribute to its significance in my judgement.
15. A total of eight lanterns have been attached to the upper parts of the trellising. The lanterns are not overly large and are painted in a dark colour which limits their visual impact. Their design reflects other lanterns attached to the rear of the building. Moreover, they are seen in the context of the trellis, and they blend in with that backdrop. Although they may be more prominent when lit, I do not consider the lanterns to be unduly obtrusive or harmful to the significance of the listed building.
16. The Belgravia Conservation Area encompasses the predominantly residential suburb to the south of Knightsbridge and Hyde Park. Its significance is derived from the planned layout of the spacious streets and squares, and its distinct townscape created by formal stucco terraces of uniform mass and height, with a consistency and coherence across the classical architectural detailing.
17. The unauthorised works are at the rear of the building and are not widely visible. Consequently, I do not find the works to be detrimental to the character or appearance of the Conservation Area. This is because the alterations would not be visible from the public domain and only have limited prominence from the private domain. Unlike listed buildings, the significance of a Conservation Area is dependent upon how it is experienced.
18. Under such circumstances, proposals must be judged according to their effect on a Conservation Area as a whole and must therefore have a moderate degree

of prominence. Given the above, I find the works are not detrimental to the Conservation Area and thus preserve its significance.

19. I conclude that the works would preserve the special architectural interest of the Grade II listed building as well as the character and appearance of the Belgravia Conservation Area, thus satisfying the requirements of the Act, the National Planning Policy Framework and development plan policies insofar as relevant.

Other Matters

20. I note the other planning issues raised by neighbours, which includes the effect on the living conditions of adjoining occupiers with regard to light pollution, outlook and loss of light. However, these matters are not relevant to this appeal against a listed building enforcement notice, which concerns the effect on heritage assets only.
21. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conclusion

22. I conclude that the appeal should succeed on ground (e). I shall grant listed building consent for the works described in the notice. The appeals on grounds (g) and (h) do not fall to be considered, therefore.

Formal Decision

23. The appeal is allowed, and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of the trellising and lanterns on the rear first floor level terrace of the property, along its boundaries with 13 and 15 Wilton Crescent, which would not be in accordance with the approved plans pursuant to listed building consent Ref 19/05678/LBC dated 10 February 2020 at 14 Wilton Crescent, London SW1X 8RN.

D Moore

Inspector