



Appeal Decision

Hearing held on 29 April 2025

Site visit made on 29 April 2025

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/K5600/Y/25/3358638

39 Harrington Gardens, London, SW7 4JU

- 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 James Woolf against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is LB/24/03405.
 - The works proposed are creation of WCs and shower rooms to serve the two guest bedrooms on the fourth floor.
-

Decision

1. The appeal is allowed and listed building consent is granted for creation of WCs and shower rooms to serve the two guest bedrooms on the fourth floor, at 39 Harrington Gardens, London SW7 4JU in accordance with the terms of the application Ref LB/24/03405 and the plans submitted with it, including 2626-IDL-NA-04-DR-A-10045 [3-00], 2626-IDL-NA-04-DR-A-10007 [3-13], and 2626-IDL-NA-04-DR-A-10006 [3-22], and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr James Woolf against the Council of the Royal Borough of Kensington and Chelsea. This application is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024 the Government published its revised National Planning Policy Framework (the Framework). Its content relative to the main issue of the appeals is largely unchanged. It has not therefore been necessary to give the parties opportunity to comment on the revisions.
4. Additional plans were submitted with the appeal. These were also submitted to the Council before it made its decision, but the Council did not take them into account. They seek to address a matter raised by the Council by providing additional detail to show proposed drainage runs and extraction, and are directly relevant to the second refusal reason.
5. I need to consider whether to accept these plans as part of the appeal. Caselaw establishes a substantive test and a procedural test. Regarding the substantive test, the plans provide additional detail rather than seeking to amend the scheme. Regarding the procedural test, the details provided would not ordinarily require further consultation. Therefore, both tests are satisfied, and no party would be

prejudiced if I take these plans into account. I shall therefore determine the appeal on the basis of the plans that were originally before the Council and the additional plans.

6. A dormer window for guest bedroom 1 is shown on the proposed plans but not on the existing, implying that this is part of the proposal. At the hearing the appellant confirmed that it is not, and that the dormer has already been erected and was previously consented. At my visit I was able to see it in-situ. This is not therefore a matter that I need to consider further.
7. Additionally, the planning history for the site is detailed. At the time of my visit the building was covered in scaffolding and had been subject to some work. The parties disagree over whether the 2022 permission to convert the building into a dwelling has been implemented. I am not satisfied that it is necessary for me to come to a view on this matter as part of this appeal. Therefore, whilst previous decisions are a relevant material consideration, it is for me to assess the proposal on its own merits, based on the plans and other submissions that are before me.

Main Issue

8. The effect of the proposal upon the significance of the grade II* listed building known as 39 Harrington Gardens¹.

Reasons

9. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The appeal building is part of a group of similar buildings, and is the most theatrical and visually interesting of the group, which reflects the character and profession of its original owner. Its significance is multi-faceted. This includes its considerable architectural interest, resulting from its unique and flamboyant appearance, with a broad stepped gable form to the front that includes an elaborate arrangement of decorative architectural features that differ across its façade. From the front the hierarchy of the accommodation is clearly expressed, with tall windows to the ground and first floor, and increasingly simple detailing used for each upper floor. Its exuberant detailing is reflected internally across its principal floors, though this diminishes with each floor, with no notable embellishment to the top floor.
11. In terms of historical interest, it was designed by renowned architects Ernest George and Harold Peto and built for the dramatist W. S. Gilbert, of Gilbert and Sullivan fame. Its form and design, including its plan form and the significant contrast between the generous and richly detailed interior spaces of the principal floors and the plainer upper floors illustrate how the building would have operated, and the social hierarchy of its spaces and original occupants. The building also has architectural interest that is derived from its rich decorative elements and associations with its original owner.
12. The fourth floor of the building occupies a narrow space that runs under the apex of the roof, between the front and rear gables. A tight staircase opens onto a

¹ List Entry Number: 1080621

landing area, with access to a room to either side. The southern room is larger and includes a plain fireplace in an offset position at its far end. The smaller room to the north is currently open to the landing following the removal of a partition, which is reflected on the submitted survey plans. Finishes are plain and functional. This floor is not as formal or carefully considered as the floors below. It has a simple cellular layout that makes the best use of the available space and thus contrasts starkly with the rich artistry of the main floors below, where every aspect of the interior appears to have been carefully conceived.

13. Its significance is largely limited to this contrast. Its plain and functional form illustrates the different values that were given to different parts of the building, which gives it some historical interest, but owing to its plain layout and lack of embellishment it has little architectural or artistic interest.
14. The proposal would see en-suite facilities added to the two fourth floor rooms, which the appellant intends to reinstate as bedrooms. These would take the form of simple and appropriately modest enclosures to either side of the entrance to each room.
15. The entrance to the smaller bedroom would be different than it was previously, but it would serve to enclose the landing appropriately, with a straightforward arrangement of two rooms accessed from the landing. The original door for the north bedroom exists elsewhere in the building. I viewed it at the site visit and the appellant is willing to reinstate it, which is a matter that could be secured by condition. With this in place a matching pair of modest attic doors would face onto the landing, retaining the plain and functional character of this floor and its cellular plan form.
16. Within the room the installations would be reasonably prominent. The studwork would enclose a suitably modest and functional space for the toilet and sink that would be tucked in to one side of the door. The shower enclosures would be set away from the doors, which would give them a freestanding appearance, and they would only be partly enclosed by studwork as implied by the drawings and verified at the hearing. Full details of this could be secured by a condition if I allow the appeal.
17. The simple cellular form of each room would still be clear and would be a characteristic that would remain when the rooms are viewed through open doors from the landing. Additionally, it would still be easy to stand at the far end of one room and look through to the building's opposite gable when the doors are open.
18. The additional plans demonstrate that the rooms can be serviced appropriately without harming the fabric or appearance of the building. Further details of the external vents can be secured by a condition to ensure that appropriate fittings are sourced.
19. On this basis, the proposal would not harm the simple cellular layout of the top floor, its modest functional appearance or the contribution it makes to our understanding of the social hierarchy of the building's interior spaces. In reaching this position I have had regard to the requirements of the LBCA and Paragraph 212 of the Framework which states that great weight should be given to the conservation of heritage assets. Although development plan policies do not strictly apply to applications for listed building consent the proposal would accord with the policies referred to in the submissions.

Other Matters

20. The proposal is isolated and does not form part of a wider scheme to convert the building into a dwelling. The parties disagree over whether a now lapsed permission for this was implemented, and without this in place the Council questions the appropriateness of a proposal for the formation of two guest bedrooms. However, the appellant's intentions to reinstate the residential use of the building are clear and they have been previously accepted by the Council. Furthermore, given that the building was built as a dwelling and retains a residential character that is an important part of its special interest, the provision of guest bedrooms would not be out of place. For these reasons I am satisfied that this issue should not have a bearing on my consideration of the appeal.
21. As I have found that the proposal would not cause harm it has not been necessary for me to compare it with the previously consented bathroom position, or to consider whether the smaller room could serve as a bathroom or whether sufficient provision exists elsewhere in the building.
22. The building is within the Courtfield Conservation Area (CCA). Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal relates to the interior of a small part of the building and would not therefore harm the character or appearance of the CCA.

Conditions

23. I have had regard to the conditions suggested in the Statement of Common Ground, and the discussion at the Hearing. I have considered these against the tests in the Framework and the Planning Practice Guidance.
24. Condition 2 is necessary to secure the provision of additional details to avoid harm to the building's significance. It will secure the reinstatement of one of the original fourth floor doors that is currently stored elsewhere in the building. The provision of details of the partition will ensure that the intention for the new partitions to be introduced in a light touch manner will be fully realised, and the requirement for the submission of details of the ventilation tile will ensure that it is an appropriately discreet addition to the building's exterior.
25. Condition 3 is necessary to ensure that the fabric of the building that would be altered by the proposal is treated appropriately, to avoid harm to the building's significance. I have not included a reference to the making good of the landing area as suggested at the Hearing, as this does not clearly form part of the proposal, and repairs to this area are not a benefit that I need to secure to offset any harm.

Conclusion

26. For the reasons given above the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to the relevant works commencing, the submission of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a door schedule to include the retention and reinstatement of the historic doors to guest bedroom 1 and guest bedroom 2,
- details of the new partitions and the method of fixing, and
- detailed drawings and samples of the ventilation tiles.

The works shall be carried out in accordance with the approved details and shall be retained thereafter.

- 3) All new works and works of making good to the retained fabric that are associated with the works hereby consented, shall be finished to match the adjacent work with regard to the methods used and to material, texture and profile.

APPEARANCES

FOR THE APPELLANT:

- Charles Streeten, Barrister, instructed by Mishcon de Reya
- Valerie Scott BSC (Hons) MCD MRTPI, Planning Consultant
- Stuart Howitt RIBA ARB, Architect
- Chris Griffiths LLB (Hons) MA IHBC, Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

- Jessica Robinson, Development Management Team Leader, Royal Borough of Kensington and Chelsea
- Cheryl Collins, Senior Planning Officer, Royal Borough of Kensington and Chelsea
- Lorna Bowry, Senior Solicitor, Royal Borough of Kensington and Chelsea
- Phoebe Graham, Heritage Consultant, Insall Architects