



Appeal Decisions

Site visit made on 6 June 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2025

Appeal A Ref: APP/K5600/W/25/3363274

20 Upper Cheyne Row, Kensington and Chelsea, London SW3 5JN

- 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 H Gamble against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/06401.
 - The development proposed is 'Renovation works to outbuilding / studio, including installation of a crittal doors and replacement of sloped rooflight'.
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Appeal B Ref: APP/K5600/Y/25/3363287

20 Upper Cheyne Row, Kensington and Chelsea, London SW3 5JN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by H Gamble against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is LB/24/06402.
 - The proposed works are 'Renovation works to outbuilding / studio, including installation of a crittal doors, replacement of sloped rooflight and internal refurbishment'.
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Decisions

1. Appeals A and B are dismissed.

Main Issues

2. The main issues in these appeals are:
 - The effect of the proposal on the significance of 20 Upper Cheyne Row, a Grade II listed building (Appeals A and B); and
 - Whether the proposal would achieve the appropriate fire safety standards (Appeal A).

Reasons

The effect on the significance of the listed building

3. 20 Upper Cheyne Row probably dates from the early 18th Century and is a fine example of polite domestic architecture from the era. Arranged over three floors with a basement, the striking front elevation includes a well-balanced composition of sash windows, stucco, banding and brickwork. A vertical emphasis is apparent in the form of the building as well as the fenestration. The rear elevation is simpler, but the kitchen doors and window above are particularly characterful additions, as are the sash windows. Internally, the building has many of the period features synonymous with the early 1700s from the ornate stairs to the window shutters and panelling. The building is a repository of past building techniques, fashions,

societal change and craftsmanship. The building therefore has architectural, historic and aesthetic value and significance.

4. The outbuilding to the rear likely dates from the early 20th Century as indicated by map regression. It is therefore curtilage listed. The northern lights to the rear suggest it may have been erected as an artist's studio or such like. It is finished in painted brickwork and dominates the garden. It also has an awkward form on account of the flat roofed section. It is generally unremarkable save for the pleasant white painted timber casement windows, which complement the main house and in doing so create a pleasing composition when experienced from the attractive courtyard garden. This contributes to experiencing the aesthetic value of the principal listed building.
5. The proposal is for a comprehensive renovation of the existing outbuilding. The Council has not taken issue with most of the works, including the loss of historic fabric required to insert the glazed screen in the southern elevation. I have no reason to disagree with these findings. The only area in dispute is the appropriateness of the design, scale and form of the proposed glazed screen.
6. The glazed screen would fail to respect the size of the openings on the main house and the extent of solid to void. However, that need not be an issue in principle if finished sensitively. This would not be the case though, as the screen would be a large crittall type opening finished in black framing with horizontal emphasis on account of its overall shape and the proportions of the windowpanes. This latter effect would not be mitigated by the mullions and is a jarring detail given the defining vertical emphasis of the main house. As such, the combined impact of these factors means the glazed screen would be an overly assertive and strident alteration that would fail to complement the elegant fenestration on the main house. This would negatively affect the aesthetic experience of the principal listed building.
7. The proposed glazed screen is described by the appellant as a lightweight intervention because its glazing would allow visual permanently and spatial layering. This would be true to an extent, but I do not consider the alteration would be sufficiently light weight and elegant on account of the heavy black framing, which would impart a more industrial aesthetic and character. Even if I did consider it to be a lightweight alteration, the horizontal glazing would still appear discordant.
8. The outbuilding is not contemporary with the original Georgian house, is of limited interest and has already been altered. As such, there is more scope to change it. However, the alterations should complement the setting of the main house, and the proposal would fail to do that for the reasons given. It has been suggested that the proposal is reversible but there is no suggestion it is intended to be temporary. The appellant has also suggested that a condition could be imposed to control the frame thickness, colour and material. However, it is unclear what scope there is to change the frame thickness and materials and this would not address the horizontal shape of the glass panes in any event. Accordingly, a condition would not overcome the harm in this instance.
9. The proposal would not result in any works to the principal listed building and would only affect the experience of the rear elevation. Thus, the scheme would amount to a low level of less than substantial harm within the meaning of the National Planning Policy Framework (the 'Framework'). In such circumstances, Policy CD5

of the Local Plan¹, requires clear and convincing justification for any harm. This can be judged by weighing the harm against the public benefits of a proposal. In calibrating this balance, the Framework states that listed buildings are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to their conservation. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building or its setting².

10. The alterations would give the outbuilding a new lease of life, bring it up to modern standards and facilitate home working. Placing a heritage asset into a viable use would amount to a public benefit. Nevertheless, the glazed screen is not necessary to achieve this. Indeed, there are obvious alternatives, such as replacing the existing fenestration, inserting patio doors more reflective of the window styling on the main house or even amending the design of the glazed screen. In any event, the public benefits of the scheme would, at most, carry modest weight given the low heritage value of the outbuilding in question. Conversely, the harm, and thus the failure to conserve the significance of the listed building, carries great weight. Accordingly, the public benefits would not outweigh the harm.
11. In conclusion, the proposal would harm the significance of the listed building. The listed building would not be preserved. This harm is not outweighed by public benefits and therefore a clear and convincing justification has not been demonstrated. The proposal is therefore at odds with Policy CD5 of the Local Plan in so far as it is relevant.

Fire safety standards

12. Policy CD16 of the LP states that planning applications must have a Planning Fire Safety Strategy (PFSS) submitted. The appellant has not provided a PFS. It is unclear why, as this requirement was in place before the application was made. The appellant makes a reasonable point that the application was validated in the absence of this information, but it is unclear whether a PFSS is a local validation requirement.
13. As a pragmatic and proportionate solution, the appellant has suggested the imposition of a planning condition as a means of addressing this point. It would be possible to phrase the condition in a way that prohibits the use/occupation of the extension until a PFSS is submitted, approved and implemented. The Council have not articulated why this would not be an appropriate way to ensure adherence to Policy CD16. In the absence of such an argument I have adopted the appellant's position. As such, a condition could have been used to ensure adherence to Policy CD16 had the scheme been otherwise acceptable.

Other Matters

14. The Officer's report suggests the proposal would result in harm to the significance of the Cheyne Conservation Area, but this is not mentioned in a reason for refusal. Given my findings on the main issue, it has not been necessary to consider this further as the proposal has failed and therefore the character or appearance of the

¹ New Local Plan Review July 2024

² See Sections 16 and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

Conservation Area would be preserved. Similarly, given my findings it has not been necessary to consider the residual concerns of an interested party either.

Conclusions

15. The proposal would be contrary to the development plan and would fail to conserve the significance of the listed building. There are no other considerations which outweigh this finding. Accordingly, the appeals have been dismissed.

Graham Chamberlain
INSPECTOR