



Appeal Decisions

Site visit made on 2 July 2025

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 AUGUST 2025

Appeal A: APP/K5600/W/24/3349546

33 Thurloe Square, London SW7 2SD

- 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 Ms Nancy Ghattas Gohar (Grata Limited) against the decision of the Royal Borough of Kensington and Chelsea.
- The application Ref is RBKC PP/24/03681.
- The development proposed is described as 'We are embarking on a transformative project to convert offices space into a hotel. Featuring 12-14 rooms. Our vision involves reconfiguring the existing layout by splitting and extending bathrooms, converting kitchen counter into bathroom space, adding partitions, to accommodate these changes seamlessly. Ground Floor: Will extend the kitchen area to create a restaurant, outdoor seating area with tables from 12-14 tables'.

Appeal B: APP/K5600/Y/24/3351767

33 Thurloe Square, London SW7 2SD

- 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 Ms Nancy Ghattas Gohar (Grata Limited) against the decision of the Royal Borough of Kensington and Chelsea.
- The application Ref is LB/24/03672.
- The works proposed are described as 'We are embarking on a transformative project to convert offices space into a hotel. Featuring 12-14 rooms. Our vision involves reconfiguring the existing layout by splitting and extending bathrooms, converting kitchen counter into bathroom space, adding partitions, to accommodate these changes seamlessly. Ground Floor: Will extend the kitchen area to create a restaurant, outdoor seating area with tables from 12-14 tables'.

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. At the time of my site visit, I observed a further storey beneath the part of the lower ground floor, which is not shown on the existing or proposed plans. While it would be accessed through the part of the lower ground floor proposed as an office, there are no details before me of its proposed use. Hence, I have determined the appeals based only on the plans and information before me.
3. In the context of the Reasons for Refusal (RfR) included on the Decision Notice for Appeal A, the policies of the Local Plan¹ (LP) appear to have been incorrectly identified. Moreover, the key arguments in RfR1 and RfR3 are to living conditions, so I have referred to Policy CD9 instead of Policy CD8 (Tall Buildings). Similarly, Policy T9 referred to in RfR2 is not in the LP, and Policy TR9 is the relevant policy

¹ The Royal Borough of Kensington and Chelsea New Local Plan Review July 2024.

for considering servicing. The appeals also refer to LP Policy CD4 (Heritage Assets – Conservation Areas), but no harm it is identified by the Council to the conservation area. Hence, LP Policy CD5 (Heritage Assets – Listed Buildings) is relevant, so I have had regard to it in my determinations of the appeals.

Background and Main Issues

4. In Appeal A RfR1 contends the information submitted did not enable the Council to determine that quality residential accommodation would be provided. The Council is concerned that a mixed use would be provided with flats. While accommodation would include studios with kitchens and other living spaces, the proposal is for the building to operate as a hotel with a restaurant. As the nature of rooms and such facilities is commonplace in hotels, I have determined Appeal A based on the use sought in the application description and only considered RfR1 in the context of the effect of the proposed restaurant, as set out in the Council's evidence. Hence, I have not found in relation to LP Policy HO4 (Housing Size and Standards).
5. The main issue relevant to Appeals A and B is whether the proposal would preserve a Grade II listed building, '20-33, Thurloe Square', or any features of special architectural or historic interest which it possesses.
6. The main issues relevant to Appeal A only are:
 - the effect of the proposed restaurant, and kitchen extraction equipment on the living conditions of neighbouring occupiers, regarding noise and odour; and
 - the effect of servicing for the proposal on the local highway network.

Reasons

Site, Surroundings, Significance and Special Interest

7. The site, 33 Thurloe Square, is at the north end of a terrace comprising Nos 20 to 33 (consecutive), which is Grade II listed². The terrace was built in the mid-19th Century for housing to plans by prominent architect George Basevi. No 33 is of four storeys, with basement and attic rooms. The ground floor is channelled stucco with Doric columned porches, with balconies atop serving the first floor. Above ground floor the front façade is of gault brick and detailed with stucco architraves. Numerous properties in the terrace break forward with rising pilasters to either side above the second floor. No 33 is also notable for its three-storey feature entrance situated off Thurloe Place, which incorporates a simple doorway but elaborately stuccoed details and window arrangement of the floors above. It was most recently used as an embassy.
8. The terrace faces onto a prestigious communal garden square, opposite the Victoria and Albert Museum and lies within an area generally residential in character, with homes to the south and east. No 33 also has a link to the Museum, as it was once home to campaigner, educator, and first Director of the Museum, Sir Henry Cole.
9. The internal layout of the building, shown on the existing plans, is evidently different from that noted in sales particulars from 1996 included in the appellant's

² List Entry Number: 1265588.

Heritage Statement, with openings formed between rooms, partitions and extensions added, and some internal detailing and doors removed. Nevertheless, the plan form of No 33 remains legible, including the hierarchy of rooms vertically and horizontally throughout the building; and key rooms on the ground and first floor retain some detailed plasterworks.

10. Accordingly, despite alterations to the plan form of No 33, as far as it is relevant to the appeals before me, I find the special interest of the listed building lies in its architectural and historic interest as a notable terrace of mid-19th Century homes, designed by Basevi. It possesses grand architectural detailing to its exterior; and aspects of the internal detailing and plan form of No 33 remain evident. No 33 also has historic association as the former home of Sir Henry Cole.

Effect to the Listed Building

11. At ground floor, bathrooms are proposed in two rooms to the front of the building. Each would be formed with partitions against the subdividing wall between the rooms and would interrupt appreciation of the mouldings and other detailing to the ceilings of the rooms, that the appellant accepts should be protected. They would also sit close to the chimney breasts, which would appear uncomfortable and undermine the legibility and understanding of the plan form of the rooms.
12. For similar reasons, the first-floor bathroom would also have a harmful effect, but it would not be against a subdividing wall. Rather, it would sever the link between the room and the prominent tall rear French window. This would undermine the legibility and experience of the room as an important space within the building, given its grander scale and appearance in comparison to the ground floor.
13. At second floor, whilst it has previously seen subdivision, the front bathroom would compound this and further harm the legibility of this room. The partition would also sit part in front of the window and its timber surround, to the detriment of the room's appearance. Furthermore, the application drawing also indicates the chimney breast would be removed to include a hand basin and WC, yet there is no explanation or justification for works being undertaken to remove such fabric.
14. In terms of the other floors, the proposed works to the lower ground and fourth floors would not be harmful to the plan form or fabric of the building. A bathroom would also intrude into the third-floor front room but works here would enhance the legibility of this part of the building's plan form by removing the split in the room.
15. Whilst the proposal does not include external alterations to the building, the extraction equipment required to serve the kitchen would necessitate internal and external works. As set out in the next main issue, the evidence before me does not sufficiently make it clear how this would appear in relation to No 33 or other aspects of the listed building. I cannot, therefore, be certain that the extraction equipment would not cause harm to the appearance of the building.
16. The proposed partitions for bathrooms on the ground, first and second floors, and their potential effect on the fabric of the rooms to which they would be added, would considerably disrupt the legibility and understanding of the listed building. The effects associated with the inclusion of extraction equipment to the rear of the building remain uncertain but could also harm the appearance of the building. Hence, the proposal would fail to preserve the listed building or its features of special architectural or historic interest and, thereby, its understanding and

significance as a heritage asset. While No 33 only forms part of the listed terrace, the harm to its significance would be considerable, so this would amount to a high level of less than substantial harm.

17. It is not essential for policies of the development plan to repeat the wording of the National Planning Policy Framework (the Framework), but LP Policy CD5 refers to the substantial and less than substantial harm implicit within the Framework. Moreover, Paragraph 215 identifies that the latter should be weighed against the public benefits of proposals.
18. The reinstatement of the proportions of the principal room on the third floor would improve the legibility of the plan form of that part of No 33, but this forms only a small part of the listed building. Similarly, reinstating the subdivision between the front (formal waiting area) and the room to its rear, would be a positive change to the plan form of the building. However, at the time of my visit a partition between, with shelving in each room, had already been formed and the proposed works are associated with the inclusion of bathrooms next to the division between the rooms. The use of the building as a hotel and restaurant would provide greater physical and experiential access of the building, which would better reveal its significance, but this would be harmed by virtue of the proposal. Hence, these would constitute heritage benefits of limited weight.
19. The absence of harm emanating from the restaurant use of the garden to the setting of the listed building, or the proposal overall to the significance of other heritage assets, would neither weigh in favour nor against the proposal.
20. The site is close to Hyde Park and bus and underground services available close by, which could reduce travel by motorised vehicles to the hotel, but the scale of the proposal means this would be an environmental benefit of limited weight.
21. Taking the stated benefits of the proposal together, there would be a high level of less than substantial harm to the significance of the listed building, so I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and the considerable importance and weight to this harm. Within the context of my duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), I conclude that the proposal would fail to preserve the listed building and features of special architectural or historic interest which it possesses. Hence, it would conflict with the heritage aims of LP Policy CD5.

Living Conditions (Appeal A only)

22. The existing kitchen on the ground floor would be altered to serve the proposed hotel and restaurant use, the seating for which would be partly inside, but mostly outdoors in the property's rear garden.
23. The details of the proposed kitchen extraction equipment indicate an extractor would sit above cooking equipment to the north of the kitchen, and a ventilation duct would be sited in the lightwell between the main building and the conservatory adjacent to the kitchen. The drawing of the duct suggests it would be vertical but there are no further details of how it would connect with other aspects of the extraction, either internally or externally, or how it would relate to the adjacent property. The application and appeal also do not include details to explain how odours would be dispersed away from the duct and neighbouring properties, or the

likely extent of any noise that could be created by the equipment and how this would be controlled or mitigated.

24. Turning to the restaurant use, whilst there could be impracticalities with outdoor seating, particularly during inclement weather, that is a choice for guests of the hotel. Nevertheless, there are no details before me of the proposed opening hours or, indeed, any assessment of the potential effects of noise emanating from its use on neighbouring occupiers, particularly regarding existing background noise levels.
25. The absence of information pertaining to the potential control and mitigation of noise and odour from the proposed kitchen extraction means I cannot, with any confidence, conclude that there would not be harm to the living conditions of neighbouring residential occupiers due to the potential for disturbance from noise associated with the restaurant use, and noise and/or odours emanating from the extraction system. Given the uncertainty regarding these matters, I am not satisfied that it would be reasonable to secure such details by planning conditions.
26. I appreciate the proposed hours of operation and any noise expected, including amplified music, could be similar to that experienced at other businesses in the locality, but I have not been provided with any details to determine whether their individual circumstances would be comparable with the proposal, including the layout and extent of outdoor seating in relation to neighbouring residential uses, and their hours of operation. Hence, the existence of other businesses in the locality would not provide justification for the harms associated with the proposal.
27. For the above reasons, I cannot be certain that the proposed restaurant and kitchen extraction equipment would not have a harmful effect on the living conditions of neighbouring occupiers, regarding noise and odour. Hence, it would conflict with LP Policies CD9 and GB9, that respectively require reasonable enjoyment of the use of buildings, gardens and other spaces is not harmed by increases in noise, disturbance or odour; and adverse impacts of odour must be addressed through the incorporation of appropriate mitigation measures.

Servicing (Appeal A only)

28. The appeal site is situated in a busy location, opposite the Victoria and Albert Museum. However, the scale and extent of the proposed use means that it is highly likely that a solution could be devised to ensure servicing for the hotel and its restaurant would not have an adverse effect on traffic congestion, emergency vehicle access, pedestrian safety, living conditions of residential occupiers or impact on bus routes, as required by LP Policy TR9. Moreover, it has not been demonstrated to me that on-street parking available nearby could not be used effectively to service the development. Accordingly, a Servicing Management Plan could be secured by planning condition, so the proposal would not have a harmful effect on the local highway network and would accord with LP Policy TR9.

Other Matters

29. The site is also located within the Thurloe and Smith's Charity Conservation Area (CA). This is predominantly formed of Georgian and Victorian terraces of housing. Although the form and pattern of streets and the architecture and scale of buildings therein vary, individual terraces and streets are generally uniform and rich in detail. The elegant architecture in the plethora of developments carried out by notable architects and builders, including Basevi, therefore contributes positively to the

significance of the CA. Within the context of my duty under section 72(1) of the Act, given the extent and nature of the proposal, including the use of the garden of the property as a restaurant, I am satisfied that it would not be prominent within the CA, so its character and appearance would be preserved in accordance with LP Policy CD4.

30. The applications were submitted following pre-application advice. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst this is not binding, in any event, I have considered the merits of the proposal afresh and any positive feedback given in respect of any matters does not warrant allowing the appeals.
31. The appellant has referred to the conduct of the Council in the determination of the applications, including the nature and clarity of advice given and the information required to be able to determine the application. These are primarily not matters for me to consider as part of the appeals and in reaching my decisions, I have been concerned only with the merits of the appeal scheme in relation to the relevant policies and evidence before me.

Planning Balance and Conclusion

32. I have identified the public benefits of the appeal scheme through undertaking the heritage balance in the first main issue. Despite my findings in relation to servicing and elements of the proposed internal works, the proposal would fail to preserve the listed building and features of special architectural or historic interest which it possesses. It would also harm the living conditions of neighbouring occupiers, as specified. These harms would result in the stated conflict with the LP. Accordingly, I conclude that the proposal would conflict with the development plan and the stated benefits would not amount to material considerations of such significance to lead me to conclude that the appeals should be decided other than in accordance with it. For the reasons given above the appeals should be dismissed.

Paul Thompson

INSPECTOR