
Appeal Decisions

Site visit made on 29 July 2025

by **Ann Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal A Ref: APP/H5960/W/24/3356980

Royal Victoria Patriotic Building, John Archer Way, Wandsworth, London SW18 3SX

- 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 South of the Border Holdings Ltd. against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/2420.
 - The development is 3 x air conditioning condenser units to inner facing north courtyard, with corresponding internal non-structural alterations to form a separate air conditioned computer room.
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Appeal B Ref: APP/H5960/Y/24/3356976

Royal Victoria Patriotic Building, John Archer Way, Wandsworth, London SW18 3SX

- 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 South of the Border Holdings Ltd. against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/2432.
 - The works are 3 x air conditioning condenser units to inner facing north courtyard, with corresponding internal non-structural alterations to form a separate air conditioned computer room.
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Decisions

Appeal A Ref: APP/H5960/W/24/3356980

1. The appeal is dismissed insofar as it relates to the 3 x air conditioning condenser units. The appeal is allowed insofar as it relates to the internal non-structural alterations to form a separate room and planning permission is granted at Royal Victoria Patriotic Building, John Archer Way, Wandsworth, London SW18 3SX in accordance with the terms of the application Ref 2023/2420, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing ref: M858_000.RPL1 OS Map (Location Plan);

Drawing ref: M858_002.RPL1 (Block Plan);

Drawing ref: M858_015.RPL1 (Proposed Ground Floor Plan);

Drawing ref: M858_016.RPL1 (Proposed Mezzanine Floor Plan) (insofar as relevant to the separate internal room only).

Appeal B Ref: APP/H5960/Y/24/3356976

2. The appeal is dismissed insofar as it relates to the 3 x air conditioning condenser units. The appeal is allowed insofar as it relates to the internal non-structural alterations to form a separate room and listed building consent is granted at Royal Victoria Patriotic Building, John Archer Way, Wandsworth, London SW18 3SX in accordance with the terms of the application Ref 2023/2432, and the plans submitted with it, so far as relevant to that part of the works hereby consented.

Preliminary Matters

3. I have used the address given on the application forms, which, although differs slightly from that given on the appeal form, is the same as that provided on the decision notices and I am satisfied that in so doing, there is no ambiguity as to the geographical location of the site. I have also taken the descriptions of development and works in the headings above from the application forms, omitting wording that is not an act of development or works.
4. The surname of the appellant as stated in the appeal forms does not precisely match the surname of the applicant as stated in the application forms, although the company name is the same. The agent confirmed that the appeals are proceeding in the surname of the applicant¹.
5. As the appeal site is in a conservation area and relates to a listed building, I have had regard to the statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The list entry name for the building is *Former Royal Victoria Patriotic School* ². For the avoidance of doubt, this building, described in the banner heading above as Royal Victoria Patriotic Building, are one and the same.
6. The appeals concern the same site and the same scheme. Although the remit of planning permission (Appeal A) and listed building consent (Appeal B) regimes are different, to reduce repetition, I have dealt with both appeals together in a single decision letter.
7. I saw during my site visit, despite the presence of scaffolding erected on the courtyard elevation of the listed building, that the 3no. air conditioning condenser units were in situ and internal alterations to form a separate computer room within the unit had already been carried out and appeared the same as the submitted plans. The Council also considered the planning application as retrospective. My assessment is therefore based on the development and works as built and shown on the application plans.
8. The Council's reason for refusal cited in both decision notices focuses on the perceived harmful effects of the 'air conditioning units' to the inner facing north courtyard elevation. It does not include reference to the 'internal non-structural alterations to form a separate air conditioned computer room'. Additionally, in its officer report, the Council confirms that the internal alterations to form a separate room is acceptable given it could be uninstalled without any significant damage to the structure of the listed building.

¹ Email dated 8 August 2025

² National Heritage List for England, List Entry Number: **1065496**

9. From the evidence before me, I have no reason to take a different view on this matter and find that the internal alterations to form a separate room preserves the special interest of the listed building and does not harm its significance. Therefore, my considerations below are focused on the 3no. air conditioning condenser units (AC units) and their associated cabling to the inner facing north courtyard elevation.
10. As decision maker on behalf of the Secretary of State, I have the power to split the decisions relating to planning permission and listed building consent³. Given the above, and that the internal non-structural alterations to form a separate room is clearly severable, both physically and functionally, from the 3no. AC units to the inner facing north courtyard elevation, I am able to issue split decisions. Furthermore, as the physical formation of the internal room is not reliant upon its specific use as a computer room or on being air conditioned, I have altered the descriptions slightly in my formal decision in order to identify and distinguish between the different elements of the development and works that have been allowed and dismissed.
11. Although the London Plan 2021 (LP) is referred to in the Council's decision notices, no specific policy is cited. Policy HC1 of the LP is, however, referenced in the officer's report and discussed in the appellant's appeal documentation. I have therefore found it appropriate to include it within my reasoning.

Main Issue

12. The main issue is whether the development and works preserve the Royal Victoria Patriotic Building, a Grade II* listed building, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

13. The appeals concern a ground floor unit (No. 21) within the north wing of the Royal Victoria Patriotic Building. The building was added to the statutory list in 1973 with the listing description identifying that it was designed by the architect Rhode Hawkins and constructed between 1857 and 1859 as the School of Royal Victoria Patriotic Asylum. It is a building endowed with public money raised by appeal from Prince Albert's Royal Patriotic Fund for widows and orphans at the end of the Crimean War and opened in 1859 as a girls' school, the foundation stone being laid by Queen Victoria.
14. Although use of the building has changed since that time, and is currently converted into art spaces, offices and flats, its original grandeur and distinctive Scottish baronial style design with Jacobean and French elements is striking. Its high-grade II* listing is in recognition of its architectural quality and rarity. Notable features include its five main towers with pyramidal roofs, corbelled turrets and oriel windows. It is constructed of yellow brick with Yorkshire stone dressings and high-pitched slate roofs. A central tower on the front main west facing elevation

³ Planning Permission - section 79(1)(b) of the Town and Country Planning Act 1990 (as amended) in relation to appeals made under section 78 of that Act. Listed building consent - section 22(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in relation to appeals made under section 20 of that Act.

contains a projecting three-storey frontispiece culminating in a statue of St George and the Dragon in an ornamental niche.

15. The building has three-storey rectangular ranges round two open courts divided by a central hall, plus a cobbled service court to the east surrounded by a single-storey range. The two symmetrical courtyards include single storey projecting enclosed cloister walks around three sides of the court-facing elevations that incorporate a concealed double pitched slate roof with a valley gutter. Internally, stone flag floors are retained to the communal main entrance hall and the winding staircases. There are open timber roofs to the main hallway and cloisters. With the exception of rooflights on the inner-facing courtyard roof, the roofscape, doors and windows of the listed building remain largely intact and coherent with no significant additions or interventions.
16. From the evidence before me, and insofar as it relates to these appeals, I consider the special interest and significance of the listed building are largely derived from its historic, architectural and artistic interests. Important contributors in these regards are the building's surviving historic fabric and the legibility of its plan form and circulation routes as well as its pleasing and well-crafted architectural style. Special interests and significance are also associated with the building's historic links to the monarchy and to societal history, including its use as an educational institution through to its use as an MI6 clearing station during the second world war.

Appeal scheme and its effects on the listed building

17. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out, 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 and the more important the asset, the greater the weight should be. This is reflected in Policy LP3 of the Wandsworth Local Plan 2023-2038, adopted July 2023 (WLP). Paragraph 213 of the Framework goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
18. No. 21 is currently occupied by a computer software company. A separate small room has been created within an existing modern mezzanine floor to accommodate a large computer server. Air conditioning equipment in this room is connected by encased cabling along the ceiling and walls of No. 21 to 3no. AC units mounted on the external east-facing wall of the north courtyard.
19. Although not visible when viewed from the ground floor level of the courtyard or surrounding ground floor windows, I observed the modern form of the upper part of the AC units are conspicuous when viewed from first and second floor windows of the communal staircase 'A' and from the first floor window of staircase 'G', as annotated on Block Plan ref:M858_002.RPL1. From these vantage points, the AC units partially obscure the decorative stone dressings to the adjacent windows, jarring visually against the intrinsic architectural design of the cloister. Whilst not public views, the AC units would also be clearly apparent when viewed from several first and second floor rooms that face towards No. 21. The 3no. AC units, individually and collectively, are an incongruous feature on a building of 19th century origin.

20. While modest in size, the AC units and associated cabling add functional, unattractive features to the relatively uncluttered courtyard façade and interrupt the distinctive and consistent cloister roofline. This would itself be harmful to the integrity of the listed building. Even if I agreed the internal courtyards did not provide a 'key view' in terms of where the building or some important features are most publicly seen, listed buildings are listed for their inherent qualities, irrespective of whether they can be seen or not. In my view, the carefully conceived form and architecturally designed elevations that face the courtyards are significant to the authenticity and understanding of the building as a whole and the way in which it is appreciated.
21. The size of the hole through a stone window surround to provide a channel for the AC cabling is minimal. Nevertheless, from photographic evidence, it has been crudely formed and, along with the fixings of the units to the external wall, is an intervention into historic fabric and a small portion of original stone window surround has been irreversibly lost. This has resulted in a tangible harmful effect on the attributes that underlie the significance and special interest of this listed building.
22. Specific details of the location of the hole, its size and how it has been created, along with how the AC units have been fixed to the wall have not been provided and in relation to section 16(2) and section 66(1) of the Act, are details required to be considered as part of the development and works. This omission is a concern when assessing the effects of the proposal on the special interest and significance of this Grade II* listed building. While the appellant claims the damage is 'reversible' through repair to the fabric, the harm has already been done and there is no substantive evidence that, if granted, the AC units would ever be removed in the future.
23. I have considered whether the use of an appropriately worded condition requiring details of stone replacement or mortar and the painting of the AC units, as suggested by the appellant, would mitigate harm or preserve the listed building in the event that the appeals were allowed. However, neither the use of replacement stone or mortar to fill a hole of the size indicated on the appellant's photographic evidence, or the painting of the AC units a buff colour, would be sufficient to overcome the fundamental objections to the loss of historic fabric or the dilution of the building's historic appearance. In any event, the details and methodology of repair does not form part of the appeals, and it is highly unlikely that, once granted, the AC units would be removed.
24. The appellant presents the AC units as an adaption to suit specific modern requirements, similar to other changes during its life. In this regard, while I saw several small pipe ends in the single storey cloister roof, rooflights on the main roof, and vents and an alarm box on elevations facing the north courtyard, I do not know the circumstances surrounding their existence or whether they are authorised. Regardless, on the whole, the authenticity and integrity of the building's historic fabric and has been retained and the existence of other, generally smaller appendages, does not justify the AC units' incongruity within an important façade. Furthermore, the appeal development and works could also potentially set a precedent for similar development and works to other parts of the building, which would cause cumulative harm to its historic and architectural interest.

25. Accordingly, taking these matters together, and mindful of the statutory duties imposed by the Act, and its high grading, I conclude that the 3no. AC units fail to preserve the Grade II* listed building known as Royal Victoria Patriotic Building or any features of special architectural or historic interest which it possesses. As such, there is harm to the significance of this designated heritage asset.

Public benefits and balance

26. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Planning Practice Guidance (PPG) requires the category of harm to be 'explicitly identified', and the extent of harm within that category to be 'clearly articulated'⁴. The appellant identifies the level of harm to be at the low end of the spectrum of 'less than substantial'. I disagree, given the nature and extent of the development and works and its high-grade, I find the harm to the significance of this Grade II* listed building to be at the mid-point of the scale of 'less than substantial'. This carries considerable importance and weight.
27. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building. The PPG is clear that public benefits should flow from the development or works. They should be of a nature and scale to be a benefit to the public at large and not just be a private benefit⁵.
28. It is reasonable to conclude that the 3no. AC units have generated economic benefits in their manufacture and installation. In addition, they have assisted the retention of the occupier within unit No. 21 and the work they do and thus contributed to the ongoing use of the listed building. These are likely to have accrued economic, social, heritage and environmental benefits. Whilst moderated by the limited extent of the appeal scheme and the single business involved, they still weigh in favour of the appeals.
29. A lack of harm in respect of the internal works weigh neutrally in the balance. However, given that the need for the AC units is highly specific to the occupier of this unit, the benefits generated are largely private to them.
30. Although alternative solutions to cooling the super computer or screening the AC units have been put forward by the appellant, some of which have already been discounted given that they would be more harmful to the significance of the listed building than the existing AC units, two alternatives have been considered in more detail. These include the installation of an internal water-cooled AC system or moving the business to another location. A broad cost analysis has been provided that indicates the costs of each alternative would be significant. It has also been put to me that even if a water-cooled system could be installed, it would impede access for maintenance which may require enlargement of the computer room, thus reducing remaining office space and potentially resulting in more harmful building works to the listed building.
31. I have had regard to the proffered operational and economic factors and recognise that other legal and business continuity implications of alternative solutions may also arise in the case of other potential alternative solutions. However, in the absence of specific information in relation to the scale and location of the water-

⁴ Paragraph: 018 Reference ID: 18a-018-20190723

⁵ Paragraph: 020 Reference ID: 18a-020-20190723

cooling system that would be required, or detailed financial evidence, I cannot be certain such alternatives are unviable or would lead to more harmful impacts to the listed building than the appeal scheme.

32. I recognise that the current occupant of No. 21 is a valuable tenant in a building that may be difficult to attract employment uses and that a previous occupant of a large unit has recently vacated the building. The retention of the current occupant of No. 21 therefore makes some contribution towards maintaining a viable use within the unit as well as investment into the listed building and to an Economic Use Protection Area, as designated by Policy LP33 of the WLP. However, I am not persuaded that the only way of securing such benefits is via the particular development and works as implemented.
33. There is little evidence before me to substantiate the appellant's claim that there are wider public benefits in terms of the current occupants of No. 21's contribution towards the advancement of technology, STEM interest, and the potential to attract further investment in the listed building. Nevertheless, I do not doubt the occupant provides an important service to both the private and public sector.
34. For the above reasons, the outcomes derived from the continued occupation of No. 21 would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large.
35. However, such benefits are tempered by the fact that no compelling evidence has been presented to demonstrate that the continued viable use of the listed building as a whole is dependent on the appeal scheme and that, in the absence of the 3no. AC units, No. 21 does not remain viable for use by another occupier. It has not therefore been demonstrated that the proposed scheme is necessary to secure the optimum viable use of the building.
36. The appellant argues there would be an environmental benefit to the retention of the AC units by avoiding waste in their disposal, should they be required to be removed. However, there is no evidence to suggest that the units could not be re-used elsewhere or that the installation of a different type of cooling system would require new resources. In any event, having regard to the PPG, benefits should flow from the development and works, not from its regularisation.
37. In all of the above respects, clear and convincing justification has not been provided for the identified harm to the significance of the designated heritage asset. The public benefits of the appeal scheme are not of a sufficient weight to tip the overall planning balance in its favour when set against the considerable importance and weight I attach to the harm which would be caused to the significance of this Grade II* listed building.
38. Accordingly, I conclude that the development and works fail to preserve the Grade II* listed building or any features of special architectural or historic interest which it possesses and harm its significance. This is not outweighed by the identified public benefits.
39. Consequently, the development and works conflict with the statutory presumptions set out in sections 66(1) and 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The development and works also conflict with Policies LP1 and LP3 of the WLP and

Policy HC1 of the LP, in so far as they seek development to preserve, and, wherever possible, enhance the appearance, character and significance of heritage assets; provide high quality design and demonstrate an appreciation and understanding of vernacular local character; and that the cumulative impacts of incremental change from development on heritage assets and their settings should be actively managed.

Other Matters

40. The site is within the Wandsworth Common Conservation Area (the CA). From my own observations and the evidence before me, the character and appearance and thus special interest and significance of the CA are mainly derived from the common, a large expanse of woodland, parkland and lakes; and the rich variety and high quality of the historic buildings around it. The Royal Victoria Patriotic Building is one of a number of notable buildings which are identified in the Wandsworth Common Conservation Area Draft Appraisal A), The Common (undated) and contribute in a tangible and positive way to the CA's character and appearance as a whole.
41. Given the location and extent of the 3no. AC units I find that the prominent Victorian status of the Royal Victoria Patriotic Building is still appreciated in the context of the character of the CA. The character and appearance of the CA as a whole are preserved and its significance not harmed. This meets the statutory requirement of section 72(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policies LP1 and LP3 of the WLP and Policy HC1 of the LP. I note the Council raised no concerns in this respect either.
42. The site is also in proximity to a Grade II listed Former Royal Victoria Patriotic Chapel⁶ which was designed by the same architect as the Royal Victoria Patriotic Building and is now converted to offices. From the information before me the special interest and significance of this asset primarily stems from its historic and architectural interests. The Chapel's positioning close to the appeal building, reflects the underlying philanthropy and focus on a functional link between education and the church at the time. Its special interest and significance are also therefore derived in part from its constrained and formal setting, arising from its physical and functional association with the Royal Victoria Patriotic Building.
43. Similar to the above, given the location and extent of the proposal in relation to this listed building, I find that its setting is preserved, and significance not harmed. This meets the statutory requirement of section 66(1) of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment; and Policies LP1 and LP3 of the WLP and Policy HC1 of the LP. I note the Council raised no concerns in this respect either.
44. Nevertheless, these matters weigh neither for nor against the appeals and does not alter my conclusions on the main issue.
45. The appellant argues a precedent has been set by the Council previously allowing other external alterations to the listed building, including rooflights, internal glazed lobby, fixed glazed panel, alarm boxes and vents. Whilst I'm unaware of the specific circumstances in these alterations or how many are authorised, none

⁶ National Heritage List for England, List Entry Number:1266023

relate to the mounting of AC units and therefore are not sufficiently similar to the appeals before me to weigh in their favour.

46. Even if I agreed there was no effect on the living conditions of neighbouring occupiers with regard to noise from the AC units, this is a neutral factor rather than one that carries positive weight in favour of the appeal scheme.

Conditions

47. I have had regard to paragraph 57 of the Framework and the PPG⁷ in terms of the use of planning conditions. The standard implementation condition is not required as the development and works has already taken place. For Appeal A, I have specified the relevant plans and documents as this provides certainty. For Appeal B, a condition specifying the relevant plans and documents is not necessary, as adherence to the plans which accompany the application is part of the formal decision.

Conclusion

48. **Appeal A:** For the reasons given above the appeal should be allowed in part and dismissed in part. The appeal is allowed insofar as it relates to the internal non-structural alterations to form a separate room. The 3no. AC units and associated cabling, however, conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the harm and associated development plan conflict. I therefore dismiss this appeal insofar as it relates to the 3no. AC units.
49. **Appeal B:** For the reasons given above the appeal should be allowed in part and dismissed in part. The appeal is allowed insofar as it relates to the internal non-structural alterations to form a separate room and dismissed insofar as it relates to the 3no. AC units.

Ann Veevers

INSPECTOR

⁷ PPG Paragraphs: 007 Reference ID: 21a-007-20180615; and 017 Reference ID: 21a-017-20190723.