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## Appeal Decisions

Hearing held on 18 November 2025

Site visit made on 18 November 2025

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

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### **Appeal A Ref: APP/K5600/W/25/3369602**

#### **39 Harrington Gardens, London, SW7 4JU**

- 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 Mr James Woolf against the decision of The Royal Borough of Kensington and Chelsea.
  - The application Ref is PP/25/00354.
  - The development proposed is a lift, external alterations and gilt leather wallpaper restoration.
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### **Appeal B Ref: APP/K5600/Y/25/3369601**

#### **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 Royal Borough of Kensington and Chelsea.
  - The application Ref is LB/25/00355.
  - The works proposed are a lift, external alterations and gilt leather wallpaper restoration.
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## **Decisions**

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

## **Applications for costs**

3. Applications for an award of costs were made by Mr James Woolf, and by the Royal Borough of Kensington and Chelsea. These applications are considered in separate decisions.

## **Preliminary Matters**

4. There are two appeals on this site. They relate to the planning application and the listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
5. The appeals concern a proposal at Grade II\* listed 39 Harrington Gardens (List Entry Number 1080621), situated within the Courtfield Conservation Area. I have a statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. Section 72(1) of the Act relates to Conservation Areas and requires that special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

6. At the hearing the Council explained that heritage impact was only a reason for refusal in relation to the listed building consent and was not relevant to the application for planning permission. In my view, as part of the proposal relates to the exterior of the building, and mindful of my duty under Section 66(1) of the Act, heritage impact is a matter for both appeals and this is reflected in the main issue below. Although the Council found no harm in relation to the effect of the proposal on the Courtfield Conservation Area, I have included this within the main issue to reflect my statutory duty.
7. The appellant submitted a Fire Safety Statement (QFSM, June 2025) and a Noise Impact Assessment/Noise Management Plan (NoiseAir April 2025) with the planning appeal documentation. I accepted these additional reports prior to the hearing, considering that the information did not fundamentally change the proposal, and I was content that no parties would be unfairly disadvantaged by my acceptance of these reports. Also, prior to the hearing, the Council agreed that it no longer wished to defend the two related reasons for refusal on the planning decision, subject to appropriate conditions. At the hearing, the agent representing the neighbour at No.41 Harrington Gardens (No.41) also confirmed that, based on the additional noise documentation and relevant conditions, the neighbour's objection in relation to this matter was also addressed. I have found no reason to disagree that this information addresses the reasons for refusal. It has therefore not been necessary to consider further these reasons for refusal.
8. I also accepted the appellant's addendum to its Stage 2 Lift Calculation Report (October 2025) prior to the hearing. This sought to address matters raised by the Council and I was satisfied that my acceptance of this document would not unfairly disadvantage other parties.
9. The appellant's Design and Access Statement (IDL Architects) states that the proposed lift would facilitate the conversion of the building from office space to a single, family dwelling. Paragraph 2.6 of this document advises that a planning permission for this conversion has begun to be implemented. Other supporting documentation submitted with the applications such as the heritage statement and latterly the fire and noise assessments, submitted as part of the appeal, also appear to consider impacts solely in relation to a single residential dwelling.
10. At the hearing, both parties disputed whether the permission for residential conversion had been implemented. Furthermore, the appellant suggested that the proposed lift was required to improve the building's functionality whether to facilitate a residence, continued use as an office or even a hotel. From the documents submitted with the applications, the appellant applied to install a lift to facilitate the residential conversion and the Council confirmed at the hearing that they considered them on this basis. Therefore, I have determined these appeals in relation to supporting the residential use of the building only.

### **Main Issue (both appeals)**

11. The main issue is whether or not the proposal would preserve the Grade II\* listed building (listed as 39 Harrington Gardens SW7) or any of the features of special

architectural or historic interest that it possesses, and its effect on the Courtfield Conservation Area.

## Reasons

### *Special interest and significance*

12. 39 Harrington Gardens is part of a group of remarkable and distinctive historic buildings which form a largely continuous and imposing range of buildings along the south side of the road. As a Grade II\* listed building, paragraph 213 of the Framework advises that this grading represents a designated heritage asset of the highest significance. The list description mentions that the house dates from the late 19<sup>th</sup> century, designed by distinguished Victorian architects, Ernest George and Peto with historical associations to W S Gilbert. It describes that the building is gable fronted and rises to five storeys and mentions the building materials and architectural detailing. It states that the historic interiors survive intact.
13. From the details before me, including the list description, and my visit, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is largely derived from the building's age, form, function, historic fabric, architectural features and its historic associations. It is an architecturally striking building, with ornate detailing. That attention to detail continues inside with flamboyant decoration including panelling and richly carved features, elaborate plaster ceilings and sculpted fireplaces. Many details are thought to be highly personal to W S Gilbert. Whilst the most elaborate spaces are on the principal ground and first floors, other parts of the building show a considered floorplan, with an emphasis on functionality and a use of quality materials and detailing. The appellant's Heritage Statement notes that in a national context, the building's architectural interest is very high.
14. At the hearing, the appellant's heritage advisor confirmed that the secondary stair contributes to the building's significance and is in a good state of preservation. Also, that above the second floor, it becomes the main staircase rising to the top floor. Historic England comments that whilst the staircase is relatively plain in its detail, as would be expected, it is thoughtfully designed. It also comments on the generous windows and unusual metal lattice stairs to maximise natural light. Having viewed the staircase, I agree that it is a feature of design interest and is an integral part of the building's floorplan. In particular, its form and detailing are reflective of its function and the social hierarchy within the building. It therefore contributes to the buildings special interest and significance.
15. The appeal building is close to and, in some parts, connected with No.41, also Grade II\* listed. Both buildings exhibit many similar architectural details and share a light-well to the side. These buildings form part of a wider group of listed buildings mainly attributed to the same architects. The appellant's heritage advisor comments that the appeal building is in the centre of this group and is the most extravagant in its detailing. I saw during my visit how the appeal building is experienced and appreciated as part of this high-quality group and is prominently viewed within the street. This group of buildings forms part of the Courtfield Conservation Area and is reflective of an area whose character and appearance is mainly defined by well-preserved, high quality, late Victorian architecture set within mature green spaces.

### *Effects of the proposal*

16. The shaftless lift would be installed within the lightwell alongside No.41. It would be sited between chimney breasts, secured to the north wall via metal guide rails, and would require openings to be formed in the wall of the secondary staircase. The main areas at issue relate to the intervention within the basement, and two proposed doorways above. Within the basement, the vaulted ceiling within a small store would be removed. On the half-landing between the ground and first floor, part of a large window lighting the staircase and a section of walling below would be removed to insert the doorway. On the half landing between the second and third floor, most of an existing casement window within a dormer and walling below would be removed. To connect with the lift position, the dormer would be extended out beyond the pitch of the roof with a small section of flat roof and walling. The extended landing would retain the remains of the former window.
17. Whilst the secondary staircase would be retained in its entirety, the proposal would severely modify features which appear to be part of the original design of the building, including windows intended to maximise light into this area, and would remove parts of distinctive fixtures and fittings. In particular, the modification of the two windows would be significant interventions, and I do not appear to have been provided with precise joinery details to demonstrate how the altered windows and integrated new doors would look. Such details should not be left to condition given the grading of the building and their importance to the building's significance. Whilst the intention is to retain historic features where possible, the limited details suggest that the door to be inserted on the lower half landing would appear as a crude and visually jarring adaptation of the window. So too, on the upper half landing, the remaining part of the window and walling which would become internalised within the building would be an odd, rather contrived feature, with the landing then extending out beyond the slope of the roof.
18. The proposal may affect the secondary staircase which would not be seen from the principal, most decorative spaces, but nevertheless I have found that this staircase is part of the building's significance. Its state of completeness would be harmed, together with elements of its thoughtful design including its windows and internal decoration. It would also result in some loss of historic fabric.
19. Externally, the proposed lift would not be seen from the front and rear of the building due to the adjoining chimney breasts. The lift would be parked in the basement when not in use so the lift cabin would be unlikely to have any impact on light levels within the building, and it would rarely be seen through the windows, given the proposed domestic use. However, I have few details of the motor box which is proposed to be sited at the top of the lift shaft or the guide rails, together with how these would be fixed. Details such as these should not be left to condition given the potential for this infrastructure to be significant in size and the installation and fixings could interfere with the building fabric. Whilst views of these fittings and installations would be limited to glimpses through windows, nevertheless listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether views are available. Equally, the significance of a listed building is not just focussed on frontages. Therefore, although externally the lift would be relatively discretely sited, based on the information provided and the discussion at the hearing, I am not assured that the lift would not involve inappropriate or intrusive installations or works.

20. All in all, based on the information before me, the proposed lift would represent an awkward adjunct to the Grade II\* listed building which would disrupt its legibility, historic design details, and would result in an unacceptable loss of historic fabric. Given the importance of the building's architectural interest and its state of preservation, the proposal would have a considerable, adverse impact on the building's significance.
21. The scheme also proposes external fabric repairs to the building and the restoration of gilt leather wallpaper within a principal first floor room. The Façade Repairs Method Statement (Jack Restoration, December 2024) and façade repair plans, outline the works required, including repairs to damaged brick and stone, re-pointing in lime mortar and the removal of non-original leadwork. Although much of the building was enclosed by scaffolding with external sheeting at my site visit, I could see the effects of the cement mortar on areas of brickwork, some cracked stone, the result of damp caused by failing rainwater goods and some unsightly leadwork. The proposed works to the exterior walling appear part of a wider restoration of the building and I saw that it had recently been re-roofed and works appeared underway to the interior.
22. The proposed wallpaper restoration is specified in a Conservation Report and Method Statement (Justyna Medon). The leather wallpaper is a highly unusual surface treatment and appears to be an important and integral part of the decorative scheme within a principal room. The wallpaper is suffering from general deterioration with evidence of water damage and needs specialist restoration. The works would clearly be beneficial to the decorative scheme.
23. The façade repairs and wallpaper conservation would be beneficial to the historic fabric and integrity of the listed building, sustaining, and enhancing the significance of the heritage asset. Similarly, the external works of renovation would have a small, positive effect on the character and appearance of the conservation area.
24. However, whilst I recognise the scale of the building, the beneficial nature of the works and the part they will play in its overall renovation, I am not convinced that, as described, they would significantly go beyond what any owner of a listed building renovating a property in this condition would undertake. In my experience, most of the works outlined would appear necessary to prevent further deterioration in the building fabric, to reflect its listed status, and to maintain the owner's long-term investment in the asset. I therefore assign moderate weight to the external renovation as a heritage benefit. I also assign moderate weight to the heritage benefit of the wallpaper restoration given the specialist nature of the works, its importance to the building's interior and the need for timely conservation.
25. Drawing all the above together, I have found that the proposal would have elements which would be both harmful and beneficial to the special interest and significance of 39 Harrington Gardens. Alongside the harm I have found arising from the proposed lift installation, the external renovation and wallpaper conservation would be beneficial. In undertaking this balancing exercise, when considering the impact of a proposal on the significance of a designated heritage asset, paragraph 212 of the Framework advises that great weight should be given to the asset's conservation, and I must factor in the Grade II\* status of the property. The Framework goes on to advise that significance can be harmed or lost from alteration or destruction of the asset and should have a clear and convincing justification.

26. Therefore, in examining all the heritage benefits of the proposal and the weights I have assigned to them above, I conclude that the considerable, adverse impact arising from the lift installation, would significantly outweigh the collective heritage benefits for which I attribute moderate weight.
27. I find the harm in the context of the significance of the heritage asset, in the language of the Framework, to be at the lower end of 'less than substantial harm' in this instance. Nevertheless, this commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework requires that this harm should be weighed against the public benefits.

*Public benefits and heritage balance*

28. I have already highlighted above the heritage benefits which would accrue from the external renovation of the building and wallpaper conservation. I have found that all these works would help sustain and enhance the listed building and contribute to its long-term conservation. The external works would also be of benefit to the character and appearance of the conservation area. However, for the reasons explained above, the weight of the benefit attributed to the external renovation works has been moderated because they would not appear to be significantly over-and above what any owner of a listed building in a similar condition would undertake.
29. There would be some economic benefits brought about through the investment in the property and the construction works. However, these would be modest given their temporary nature. The appellant suggests that the lift would enable easier vertical movement throughout parts of the six-storey building. Also, that the property would be a multi-generational home, would improve the accommodation for all its occupiers and would enhance the long-term use of the building. However, the property would not be fully accessible for those with limited mobility as there appears to be no level access into the building and the lift access points on the upper floors appear to be onto half landings with stairs above and below. Therefore, whilst the increased accessibility would improve the buildings functionality, this would be more of a private than public benefit.
30. In some circumstances, lifts are desirable and necessary in listed buildings, and I have considered the properties suggested by the appellant which have received planning approval for lifts, including 33 and 52 Cadogan Square. However, although these buildings may be large family dwellings and be of a similar age and style to the appeal building, each is unique in its capacity to accept change, and I have few details of these buildings or the background to these decisions. At the hearing, the representative from Savills explained that large houses of this type demanded a lift and without one a property would be difficult to sell. The appellant also added that without the lift it would not be sensible to spend money on the appeal building's refurbishment, that it would struggle to find a use and would therefore most likely be mothballed. However, from the evidence before me, I am not persuaded that the lift is a fundamental necessity to sustain the building's use as a single-family home. Furthermore, the removal of a lift at No.41 was discussed at the hearing and, although I have limited background information regarding this, it suggests to me that some owners of similar properties do not consider that a lift is an essential requirement.

31. No substantive evidence has been presented which confirms that the building's use as a single-family dwelling would be jeopardised, or that its conservation as a designated heritage asset would be at risk, if the appeals were to fail and the proposal as submitted was not implemented. As such, clear and convincing justification has not been provided for this proposal which, in relation to the lift, would compromise the building's conservation to an unacceptable degree and would not conserve it in a manner appropriate to its significance. Nor am I convinced that the only way to secure the benefits outlined above to support the building's long-term conservation would be via the proposal.
32. I have taken full account of all elements of the proposal to form a holistic view, and I have also considered that many of these works, whilst capable of being undertaken separately, would all benefit the building. Drawing all this package of public benefits together, for the above reasons, I give them moderate weight. However, these are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset, a Grade II\* listed building of the highest significance.
33. Although I find no harm to the character and appearance of the conservation area, the proposal overall would fail to preserve the special architectural and historic interest of the Grade II\* listed building, 39 Harrington Gardens. As such, the proposal would be contrary to the requirements of the Act and the Framework. It would also conflict with Policy CD5 of the Royal Borough of Kensington and Chelsea Local Plan (2024). This policy, amongst other things, seeks to underpin the statutory requirements.

### Other Matters

34. The owners at No.41 were concerned that the lift may cause overshadowing and loss of light. During my visit to this property, I saw that most windows alongside the shared lightwell served a secondary staircase and that many of these were obscure glazed. I am also mindful that the proposed lift would return to its basement position when not in use. Therefore, there is no compelling evidence to suggest that there would be any unacceptable loss of light or overshadowing in this property.

### Conclusion

35. **Appeal A:** The proposed development would conflict with the development plan when considered as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.
36. **Appeal B:** For the reasons given, I conclude that the appeal should be dismissed.

*G Bayliss*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

|                 |                                         |
|-----------------|-----------------------------------------|
| James Woolf     | Appellant                               |
| Caroline Daly   | Counsel for the appellant, James Woolf  |
| Mel Mantell     | Planning Director, HCUK Group Ltd       |
| Chris Griffiths | Heritage Director, HCUK Group Ltd       |
| Stuart Howitt   | Managing Director, IDL Architects       |
| Anna Trafford   | Associate, Mishcon de Reya LLP          |
| Noel De Keyzer  | Director, Knightsbridge Office, Savills |

### **FOR THE COUNCIL**

|                  |                                 |
|------------------|---------------------------------|
| Cheryl Collins   | Senior Planning Officer         |
| Jessica Robinson | Team Leader, South Team         |
| Jane Wylie       | Design and Heritage Team Leader |

### **INTERESTED PARTIES**

|                                                                          |                                 |
|--------------------------------------------------------------------------|---------------------------------|
| Jonathan Wright<br>(representing Mr & Mrs Braken, 41 Harrington Gardens) | Planning Solutions (London) Ltd |
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### **DOCUMENTS SUBMITTED AT THE HEARING**

Costs applications: Both parties.