
Appeal Decisions

Site visit made on 3 December 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Appeal A Ref: APP/K5600/W/25/3362805

53 Egerton Crescent, London SW3 2ED

- 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 and Mrs David Weil against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/06808.
 - The development proposed is: Proposed glazed rear extension at lower ground floor level, provision of internal lift with no over-run and minimal impact on original building fabric, improvements to sustainability including ground source heating, and associated internal and external alterations as shown on the plans.
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Appeal B Ref: APP/K5600/Y/25/3362804

53 Egerton Crescent, London SW3 2ED

- 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 and Mrs David Weil against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref is LB/24/06809.
 - The works proposed are: Proposed glazed rear extension at lower ground floor level, provision of internal lift with no over-run and minimal impact on original building fabric, improvements to sustainability including ground source heating, and associated internal and external alterations as shown on the plans.
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Decisions

1. Appeal A is allowed and planning permission is granted for glazed rear extension at lower ground floor level, provision of internal lift with no over-run and minimal impact on original building fabric, improvements to sustainability including ground source heating, and associated internal and external alterations at 53 Egerton Crescent, London SW3 2ED in accordance with the terms of the application, Ref PP/24/06808, subject to the conditions in the attached schedule.
2. Appeal B is allowed and listed building consent is granted for glazed rear extension at lower ground floor level, provision of internal lift with no over-run and minimal impact on original building fabric, improvements to sustainability including ground source heating, and associated internal and external alterations at 53 Egerton Crescent, London SW3 2ED in accordance with the terms of the application, Ref PP/24/06809, subject to the conditions in the attached schedule.

Preliminary Matters

3. These decisions address planning and listed building consent appeals for the same site and the same scheme. Whilst the remit of each regime is different, the Main Issue set out below relates to both appeals. To reduce repetition and for the

avoidance of doubt, I have dealt with both appeals together within a single decision letter. As the appeal property comprises part of a listed building and is situated within the Thurloe/Smith's Charity Conservation Area (the CA), I shall have regard to the statutory duties that apply under Sections 16(2), 66(1), and 72(1) of the Act.

4. Since the refusal of the applications that are now the subject of these appeals, planning permission¹ and listed building consent² have been granted, in March 2025, for an alternative scheme³ at the same property. It is noteworthy that various alterations now permitted/consented comprise part of the proposals now before me for determination. These include glazing/aperture adjustments to the front and rear elevations, replacement front steps, the lowering of vault floors at lower ground level, spine wall adjustments at ground floor, the establishment of a kitchen at ground floor, the installation of chimneypieces and service risers, and other internal changes. I have no reason to doubt the acceptability of works already permitted, which in some instances have been commenced on site. I shall thus determine the appeals before me whilst focussing my attention upon elements of the scheme not yet the subject of either planning permission or listed building consent.
5. Moreover, it is my interpretation from the evidence before me that the Council's principal concerns in heritage terms stem from: the intended dismantling of an outbuilding; the proposed glazed lower ground rear extension; the proposed installation of a lift; the intended lowering of the lower ground floor level; and the proposed underpinning of existing garden wall footings.
6. The appellants have, at appeal stage, submitted a number of potential revised plans detailing a series of possible minor changes to the scheme (the Alternative Changes) for my consideration. It has been suggested by the appellants that these should be considered in the event I identify harm as a consequence of specific facets of the scheme – more specifically: the layout of a shower room at third floor, the configuration of a powder room/cold room at lower ground level, and amended recessed downlighting arrangements. These minor changes align with internal layouts already permitted/consented in March 2025. I shall return to the Alternative Changes later in this decision.
7. As part of the appellants' appeal stage submissions, a Reasonable Exception Statement (RES) with respect to fire safety has been provided in the interests of responding to the Council's fourth reason for refusing planning permission. On the basis that this is a concise document that is not inconsistent with the submitted plans, I am content that no party with a potential interest in the outcome of these appeals is prejudiced by me accepting the RES for determination purposes. As the Council has not sounded any concerns with respect to the content of the RES at appeal stage, I shall not cover fire safety under a Main Issue to this appeal – I shall instead return to this matter under Other Matters.

¹ Ref: PP/25/00097

² Ref: LB/25/00098

³ Internal and external alterations and improvements to sustainability, including lowering vaults for plant and services equipment, and replacement windows

Main Issue

8. Whether or not the proposed development and works would preserve the Grade II listed building known as '31-54, Egerton Crescent SW3' (the LB) and any features of special architectural or historic interest that it possesses.

Reasons

Significance and special interest

9. The LB is Grade II Listed and comprises a grand residential terrace of three full storeys (with basement below and mansard roof features above) that is defined by a well-balanced, curved and stuccoed principal frontage. According to the statutory list description, the LB dates from circa 1830. Its significance and special interest is derived, in-part, from its age, plan form, architectural detailing, and historic fabric. This significance and special interest is further underpinned by the group value accrued by the existence of similarly designed terraced wings to either end of the crescent, and by the hierarchy of floors reflecting their historic functions.
10. In contrast to the well-ordered principal frontage, a lesser sense of uniformity applies to the rear of the LB, which features a variety of projections of different ages, heights and compositions. For example, the appeal property includes a comparatively deep three-storey outrigger (the outrigger) above an undercroft. This brick-built, flat-roofed outrigger, dating from the 20th-century, extends above and to the rear of an original closet wing (the closet wing). The undercroft sits alongside a modest single-storey brick-built outbuilding (the outbuilding) that is attached to the original rear façade. The LB's significance is thus also informed by the historic status and functional differentiation evident in the contrasting configurations of the terrace to its front and rear.

The existing outbuilding

11. My inspection of the outbuilding, including internal observations, revealed no reason to doubt the appellants' assertion that it is not an original element of the LB. Indeed, its materials, method of construction and lack of 'tooth in' to the main property clearly indicate that it is a later addition. Furthermore, in view of the generous expanse of the property's lower ground floor (when taken as a whole), there is no compelling reason to believe the outbuilding performed a pivotal or elevated service role for any sustained period following initial construction.
12. Thus, while the outbuilding is historic, subordinate and sympathetically designed, it possesses little heritage significance. Further, its removal would enhance the visibility and legibility of the original rear façade of the property. Nevertheless, dismantling the outbuilding would erase physical evidence of the LB's historic evolution and result in some limited loss of historic fabric, thereby diminishing heritage significance and special interest to a modest degree.

The proposed glazed extension

13. The glazed extension would primarily occupy the lower ground floor, with additional glazing rising to ground floor level beneath the outrigger. It would follow the existing rear building line of the outrigger. Although the Council raises concerns that the extension would infill the full width of the rear garden and disrupt the solid-void rhythm in place along the terrace group, the submitted evidence and

my own observations confirm that there is no consistent arrangement or common rhythm to rear projections across the LB.

14. Further, whilst the outrigger already possesses considerable bulk, the glazed extension – being of translucent specification – would present as a lightweight addition. Indeed, despite its enclosed form, a sense of openness would remain to the northern side of the outrigger. The intended use of matching paving across internal and adjacent external areas would further soften the transition between the extension and the retained outdoor space.
15. Moreover, even when read in conjunction with the outrigger and acknowledging the large dimensions of some glazed panels, it is my judgment that the extension would not appear unduly dominant or incongruous. Rather, it would be perceived as a subordinate, low-level addition that sits comfortably within the varied composition of rear extensions to the LB. I am therefore satisfied that the proposed glazed extension would preserve the LB's significance and special interest.

The proposed lift

16. I acknowledge the merit in the submission that installing the lift within the closet wing would not compromise the primacy of the host building, including its staircase as the principal route of vertical circulation, nor the secondary status of the closet wing. Furthermore, notwithstanding references to Survey of London drawings, any suggestion that the lift would materially distort the LB's plan form has not been robustly substantiated.
17. In terms of built fabric, the evidence demonstrates that only minor losses of original historic fabric would result from the lift's installation – principally limited to brickwork adjustments along the original rear building line at second and third floor levels. Moreover, the closet wing, which survives across the LB's lower floors, has undergone significant alterations overtime, as confirmed by detailed analysis and my own inspection. Consequently, any remnants of valuable historic fabric in the areas to be altered (including joists and ceilings between floors) are reasonably assessed as scarce.
18. The preliminary and preferred approach for stabilising the footings of the original walls enclosing the closet wing involves resin injections combined with a steel caisson. This method is less invasive than underpinning and avoids significant excavation. An alternative solution, comprised of a driven steel pile wall, has also been investigated and deemed viable, as evidenced by the submitted Structural Feasibility Report (October 2024). In this context, noting that final details could be secured via condition should the appeals succeed, I am satisfied that no prejudice would arise to the LB's special interest or in structural safety terms as a result of future stabilisation measures.
19. The lift would occupy a discreet position within the property, and its fixtures and fittings are intended to be sensitively designed with bespoke finishes. Nevertheless, to guard against any adverse effect on the LB's character, full details of the lift's doors and their relationship with adjacent built fabric should be secured via condition in the event the appeals be successful. For the avoidance of doubt, it is my judgement that sufficient information has been provided to enable a robust assessment of the lift's impact.

20. On the basis of the above reasoning, the proposed lift would have limited implications for heritage preservation. Even so, small losses of original historic fabric would occur, resulting in a minor degree of harm to the LB's significance and special interest.

Lowering of lower ground floor level

21. It has been suggested that lowering the entire lower ground floor would alter historic proportions. However, the extent of lowering, which is being pursued in order to accommodate modern living requirements, would be minor and would not affect original floor finishes or, realistically, the LB's foundations or wall footings. Merely a single matching tread would need to be added to the base of an existing inelaborate staircase, and I have no reason to doubt the appellants' assertion that no existing lower ground floor door is historic. In this context, while I acknowledge the historic service function associated with the lower ground level, I do not identify any loss of heritage significance arising from the proposed lowering.

Underpinning of garden wall footings

22. Concerns have been raised by virtue of the proximity of works to garden walls and the potential for historic footings to be removed or damaged. However, submitted evidence – including plans relating to existing adjacent extensions and past works – indicates that the majority of potentially impacted garden walling has already been underpinned. My above-ground inspection revealed nothing to clearly suggest otherwise.
23. The appellants acknowledge that a small extent of underpinning to a specific section of garden wall may be required, subject to future site investigations. On this basis, there is some potential for historic wall footings to be adversely affected. Taking a precautionary approach, I identify a minor loss of heritage significance and special interest for the purposes of determining these appeals.

The Alternative Changes

24. I now turn to the revised plans introduced at appeal stage and referred to under my Preliminary Matters above. The appellants accept that erecting partitions to create a shower room at third floor level would necessitate a loss of historic fabric. As this loss would be of sufficient extent to accommodate a new door aperture, I do not consider it nominal. Furthermore, the proposed shower room would complicate and conflict with the building's well-ordered plan form. There is thus clear justification for reverting to the revised third floor plans⁴ for the purposes of determination, which also include reinstatement of the ceiling following removal of a modern skylight. I am content that no party with a potential interest in the outcome of these appeals is prejudiced by me taking this approach.
25. For the avoidance of doubt, especially when considered in the context of alternative arrangements already consented in March 2025, I identify no material heritage harm arising from the latest proposed configuration/subdivision of the powder room/cold room at lower ground level or the intended recessed downlighting arrangements. However, I have reverted to the revised lighting plan at third floor to ensure consistency across the full suite of plans for determination.

⁴ Ref: 681-PP2-P06 Rev A; 681-PP2-D05 Rev A; 681-PP2-LP5 Rev A

Conclusion on the Main Issue

26. I have found that various elements of the proposals would be acceptable in heritage preservation terms. However, consistent with my reasoning above, minor losses of heritage significance and special interest would occur as a result of dismantling the outbuilding, installing the lift, and potential garden wall underpinning. Accordingly, the proposed development and works would fail to fully preserve the LB and its features of special architectural or historic interest. It follows that conflict arises with Sections 16(2) and 66(1) of the Act.
27. The degree of harm to the significance of the LB would, under the terms of the National Planning Policy Framework (December 2024) (the Framework), be less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposals, which I address in my Heritage and Planning Balance below.

Other Matters

The CA

28. The significance and special interest of the CA as a designated heritage asset derives, in-part, from its collection of feature-rich historic buildings and its varied architectural styles. The LB comprises an important building within the CA that makes an indisputably positive contribution to its overall area character and appearance.
29. In general terms, any low-level harm to the character or authenticity of an important listed building could result in a residual adverse effect on the character or appearance of the CA taken as a whole. However, owing to the minor and sometimes internal nature of the works that would lead to such harm, combined with the absence of public visibility of the property's rear at lower ground level, I find that, in the specific circumstances of these proposals, the character and appearance of the CA would be preserved.

Living conditions – light spill

30. Whilst the Council's Officer Report references alleged unacceptable light glare and light spill impacts, these concerns are not reflected in its formal reasons for refusing planning permission. Nevertheless, in the interests of completeness – and noting that a neighbouring occupier has raised objections on this matter, I shall hereby consider the scheme's potential light spill effects.
31. The proposed extension would introduce considerable glazing, including large rear-facing panels beneath the outrigger that would rise from a lowered garden level to ground floor. However, this glazing would be located within an inner urban setting where numerous rear-facing glazed openings already exist at varying, often higher and more exposed, positions. Having assessed the arrangement of opposite rear elevations to the east of the site (including No 6 Egerton Terrace), with regard to separation distances, window positions, and orientation, I find no clear reason to anticipate unacceptable light spill effects on neighbouring occupiers.
32. To provide full assurance, a condition could be imposed in the event the appeals be successful requiring the submission of a detailed Light Assessment to include any possible necessary mitigation measures to prevent light pollution. For the

avoidance of doubt, I am suitably content that any mitigation identified through such assessment work would not necessitate a fundamental redesign of the scheme. Accordingly, compliance with Policy GB10 of the New Local Plan Review (July 2024) (the Local Plan) is achieved in so far as it requires that development must not create an unacceptable impact from light glare and light spill on local residential amenity including neighbouring properties.

Living conditions – privacy and noise

33. When noting the distances of separation that would exist between the glazed extension and neighbouring properties to the rear, and the high degree of mutual back-to-back overlooking that already occurs between terraces within the inner-urban environment in question, there is no reason to consider that any undue effect upon the privacy of any neighbouring occupier would avail. This is notwithstanding the intended height of the largest glazed panels.
34. Further, whilst concerns have additionally been raised by an interested party that a new rear-facing balcony at upper ground floor would be likely to generate noise and overlooking, the modest size and tucked away location of this feature would ensure no unacceptable effects in these senses. Moreover, I am content that neighbouring living conditions would be satisfactorily safeguarded in both a privacy and noise context.

Fire safety

35. The RES sets out various fire safety improvement measures to be implemented. These include the installation of a sprinkler system and a fire alarm system in compliance with current building regulations. I am content that the highest standards of fire safety would be achieved in compliance with Policy CD16 of the Local Plan.

Heritage and Planning Balance

36. I have identified less than substantial harm to the heritage significance of the LB arising from dismantling the outbuilding and minor historic fabric losses in association with installing the lift and potentially underpinning a section of garden wall. The limited harm associated with the outbuilding's dismantling would be minimised to some degree by re-purposing its brickwork within the development and works, a measure that could be secured by condition. Overall, the cumulative harm would fall at the lower end of the less than substantial scale.
37. In terms of public benefits, the scheme when taken as a whole, would, as the appellants contend, deliver a range of heritage enhancements as a consequence of various specified alterations to the LB. These enhancements include the removal of unsympathetic modern external additions to the front façade, reinstatement of original apertures and traditionally styled windows, the removal of a modern skylight from the rear roof slope, installation of traditional fireplaces to all floors, and the reinstatement of appropriate skirting and cornicing details. In addition, discreetly designed curved steel support columns would replace existing intrusive undercroft additions beneath the outrigger – an enhancement, I note, not previously consented under the remit of past applications. This particular facet of the works combined with paint removal (securable via condition), would, when taking account of the glazed specification of the extension, improve the visibility and legibility of the property's original rear façade and closet wing.

38. Whilst some of the above mentioned heritage benefits may appear modest when adjudged in isolation, they attract meaningful positive weight when considered in combination. This is especially in lieu of the statutory importance associated with preserving the LB.
39. The scheme would also deliver sustainability benefits through energy efficiency improvements, to be brought about by the installation of ground source heating, a mechanical vent heat recovery system, and enhanced insulation. These measures are commendable but, given they relate to a single dwelling, do not attract anything more than limited weight in a public benefit sense.
40. Taking all relevant matters into account, noting that the proposed property improvements would support the ongoing optimum viable use of the LB as a dwelling for present and future generations, I conclude that the cumulative public benefits of the scheme attract considerable weight. In my judgement, and in accordance with the relevant policy test contained within the Framework, these benefits outweigh the low-level less than substantial harm identified. This is whilst acknowledging that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
41. Accordingly, the scheme accords with the historic environment conservation and enhancement policies contained within the Framework. There is also identifiable compliance with Policy CD5 of the Local Plan in so far as it sets out that clear and convincing justification for any harm to, or loss of, the significance of a listed building is required and that less than substantial harm will be measured against public benefits.
42. The proposal subject to Appeal A therefore accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

43. Draft lists of potential planning and listed building consent conditions have been provided by the Council and further contributed to by the appellants, which I have considered against advice in the Framework and Planning Practice Guidance. As a result, following further opportunities for the main parties to provide observations, I have made amendments and omissions where necessary for consistency and clarity purposes.
44. As the applied for development and works have already commenced, it is not necessary to impose conditions requiring commencement within a defined timeframe.
45. For the avoidance of doubt, a plans condition is required for Appeal A in the interests of certainty. However, as there is no provision for a future application for a minor material amendment to a listed building consent, a plans condition fails to meet the test of necessity for Appeal B.
46. In the interests of preserving the special architectural and historic interest of the LB and the character and appearance of the CA, conditions are necessary with respect to both appeals that secure finishes to match the existing building. For the same reasons, it is reasonable to impose further conditions under Appeal B to secure: full details of lift doors, heating/ventilation systems, and glazing to the

extension; a copy of a contract for undertaking the works; assurances regarding the ongoing safety and stability of the building (including Methodology Statements with respect to the property's outbuilding and closet wing); the retention/protection of existing fabric/interior features (unless specified otherwise on the plans approved under Appeal A); and the use of black-painted cast metal rainwater goods. Further, for the same reasons related to heritage preservation, a condition is reasonable to attach to Appeal A requiring the removal of paint from the main rear façade of the appeal property and the side elevation of the closet wing.

47. In the interests of preserving the residential amenity of the area and of not prejudicing highway safety, a condition to secure the submission and implementation of a Site Construction Management Plan is reasonable to impose with regard to Appeal A. Also, in the interests of safeguarding neighbouring living conditions as a potential consequence of light spill, a further condition is reasonable to impose under Appeal A requiring a detailed Light Assessment to be submitted.

Conclusion

48. For the above reasons, I conclude that both Appeal A and Appeal B should be allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions – Appeal A

- 1) The development shall not be carried out except in complete accordance with the details shown on the following approved plans:
681-P50 Rev A; 681-PP2-D01; 681-PP2-D02; 681-PP2-D03; 681-PP2-D04;
681-PP2-D05 Rev A; 681-PP2-D06; 681-PP2-D07; 681-PP2-P01;
681-PP2-P02; 681-PP2-P03; 681-PP2-P04; 681-PP2-P05;
681-PP2-P06 Rev A; 681-PP2-P07 (with the exception of the rooflight depicted upon the 'rear elevation – as proposed'); 681-PP2-P08; 681-PP2-P09;
681-PP2-P10; 681-PP2-P11; 681-PP2-P12; 681-PP2-P13; 681-PP2-P14;
681-PP2-P15; 681-PP2-P16; 681-PP2-P17; 681-PP2-P18; 681-PP2-P19;
681-PP2-P20; 681-PP2-LP1; 681-PP2-LP2; 681-PP2-LP3; 681-PP2-LP4;
681-PP2-LP5 Rev A.
- 2) All elements of the development hereby permitted shall, wherever feasible, be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
- 3) No development not already permitted under permission PP/25/00097 shall commence until:
A) A Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development has been submitted to and approved in writing, by the Council's Construction Management Team; and then
B) Copies of the approved Checklist and Plan, and their written approval, has been submitted to the Local Planning Authority to be placed on the property record.
- 4) Prior to the first occupation of the glazed rear extension hereby permitted, all paint shall be removed from the main rear façade of the building and the side elevation of the historic closet wing, in accordance with the approved plans and supporting documents, and shall thereafter be maintained as such.
- 5) Prior to the installation of any glazing to the rear extension hereby permitted, a detailed Light Assessment that accords with relevant professional standards such as those set out by the Institute of Lighting Professionals and that demonstrates how the glazing and any additional mitigation measures, which could include screening to the rear elevation at lower ground level, would prevent potential light pollution to neighbouring occupiers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved Light Assessment.

Schedule of Conditions – Appeal B

- 1) All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match adjacent parts of the existing building with regard to the methods used and to colour, material, texture, and profile.
- 2) No demolition pursuant to this consent shall be undertaken before a copy of a contract for the remainder of the works under this consent has been submitted to and approved in writing by the Local Planning Authority.
- 3) Notwithstanding the content of the plans approved under Condition 1 with respect to Appeal A, detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:
 - Details of lift doors, including their relationship with existing historic fabric;
 - Details of underfloor heating (to include section drawings);
 - Details of mechanical vent heat recovery system and ground source heat pump including associated servicing;
 - Details of the glazing to be used to the rear extension (to include elevations at scale 1:10 and sections at scale 1:5).
- 4) All existing fabric including existing wall and ceiling plasterwork shall be retained, unless notated otherwise on the plans approved under Condition 1 with respect to Appeal A.
- 5) Prior to any work being undertaken pursuant to this consent to demolish any part of the building, such steps shall be taken and such works carried out as shall, during the progress of works permitted by this consent, secure the safety and stability of all parts of the building to be retained.

For such purposes, prior to any works being undertaken in relation to the outbuilding hereby permitted to be demolished, a Methodology Statement in relation to the dismantling of the outbuilding and the re-purposing of its bricks shall be submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in full accordance with the approved Methodology Statement.

Further, prior to any works being undertaken in relation to the lift shaft and associated closet wing, a Methodology Statement in relation to securing the stability of the existing structure shall be submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in full accordance with the approved Methodology Statement.

- 6) The interior features of the building shall be protected against accidental loss or damage during building work, and no features may be disturbed or removed temporarily or permanently unless notated otherwise on the plans approved under Condition 1 with respect to Appeal A.
- 7) All rainwater goods/guttering shall be black painted cast metal and so maintained.

-----END OF SCHEDULES-----