



Appeal Decisions

Site visit made on 03 December 2025

by **V Simpson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Appeal A Ref: APP/X5990/W/25/3372614

Penthouse, 95 Eaton Square, City of Westminster, London SW1W 9AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ahjeev Ananthasivam of Stanhope Gate Architecture against the decision of City of Westminster Council.
 - The application Ref is 25/03377/FULL.
 - The application sought planning permission for external works including installation of replacement double glazed metal windows to front and rear elevations, creation of enlarged balcony to principal reception room. alterations to metal railings, new rooflight and replace roof hatches at main roof level, installation of sliding box lantern for access to existing roof terrace and installation of PV panels at roof level (Linked with 24/06847/LBC), without complying with a condition attached to planning permission Ref 24/06846/FULL, dated 16 April 2025.
 - The condition in dispute is No. 1 which states that: *The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Appeal B Ref: APP/X5990/Y/25/3372609

Penthouse, 95 Eaton Square, City of Westminster, London SW1W 9AQ

- 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 Ahjeev Ananthasivam of Stanhope Gate Architecture against the decision of City of Westminster Council.
 - The application Ref is 25/03378/LBC.
 - The works proposed are described as '*LBC to accompany a Section 73 Application (Minor Material Amendment) - ref: PP-13968271 to approved Planning and Listed Building Applications 24/06846/FULL and 24/06847/LBC. The application proposes minor alterations to the approved fenestration of the front elevation, specifically: 1. The fenestration for each former Flat T bay revised to include three pairs of double sliding doors. 2. The omission of the consented intermediate nib walls fronting the approved sliding doors of the former Flat U bays.*'
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Decisions

Appeal A

1. This appeal is dismissed.

Appeal B

2. This appeal is dismissed

Preliminary Matters

3. These appeals relate to a Penthouse apartment (the Penthouse) within the Grade II* listed building known as 83-102 Eaton Square SW1¹ (the Listed Building), which is within the Belgravia Conservation Area (the CA). Consequently, in reaching my decisions, I have exercised my statutory duties under sections 66(1) - for appeal A, 16(2) – for appeal B, and 72(1) - for both appeals, of the Planning (Listed Buildings and Conservation Areas) Act 1990 – as amended (the Act).
4. Unless stated otherwise, and despite differences in the planning permission and listed building consent regimes, both appeals are dealt with together. This is to avoid unnecessary repetition.
5. Planning permission ref 24/06846/FULL (the planning permission) and listed building consent ref 24/06847/LBC (the listed building consent) have been granted for alterations to the Penthouse. A condition was imposed upon each requiring the approved development to be carried out in accordance with the drawings and other documents listed on the decision letters².
6. An application has subsequently been made to vary the plans to which the planning permission relates - ref 25/03377/FULL.
7. A separate application has been made for listed building consent – ref 25/03378/LBC. Notwithstanding the description of the works proposed in this application, the Act does not make provision for amendments to be made to a listed building consent. That being the case, appeal B is determined on the basis that the works are as shown on the plans submitted in support of the associated application, i.e. PL-01, PL-04.1, PL-02.1, PL-15.1 and PL-15.2, and that the works proposed are internal and external works to former flats T and U.
8. At the time of my site visit, comprehensive construction and redevelopment works were being undertaken to the Penthouse.
9. Excepting those parts of the proposed schemes that relate to the design of the principal elevation of the Penthouse, the Council raise no concern regarding the other proposed alterations. As such, and from the evidence and my observations on site, I am satisfied that these other alterations would preserve the Listed Building and any features of special architectural or historic interest which it possesses, and not harm its significance. They would also preserve the character and appearance of the CA and the settings of the neighbouring designated heritage assets, and not cause harm to their significance.

Main Issue

10. In the context of the above, the main issue is:
 - Whether the consequences of varying of condition 1 of planning permission ref 24/06846/FULL and the works would; (i) preserve the Grade II* listed building 83-102 Eaton Square or any features of special architectural or historic interest which it possesses, (ii) preserve the settings of neighbouring listed buildings, and (iii) preserve or enhance the character or appearance of the Belgravia Conservation Area.

¹ Official list entry number 1356981

² For both 24/06846/FULL and 24/06847/LBC the plans are: PL 01, PL 02 E, PL 03 D, PL 04 E, PL 05 D, PL 06 E, PL 11 B, PL 12, PL 13.1 B, PL 13.2 A, PL 15 A, PL 16 A, PL 16.2, PL 17 A, PL 18 A, PL 21 A and PL 22.

Reasons

Significance

11. The Listed Building comprises a large mansion block, which the evidence indicates was originally built in the early to mid-19th Century as a terrace of grand townhouses. Despite the reconfiguration of the Listed Building to apartments and the addition of Penthouses in the period following world-war 2, externally the building retains much of its early Neoclassical design detailing and proportions, and it continues to have stucco walling below its parapet. Moreover, most of the windows in the principal elevation of this building have a distinct vertical emphasis and are well-aligned horizontally and vertically.
12. The addition of the apartments has increased the architectural interest of the Listed Building. Moreover, the formation of these apartments reflected the evolving social history of the Listed Building and the area, which has added to the Listed Building's historic interest. However, since its construction, the Penthouse has had significant alterations. These include its consolidation from 2 former Penthouse apartments and substantial changes to its front elevation. Consequently, and even if the early Penthouse glazing had architectural interest, this feature has been altered through subsequent changes, lessening its contribution to the significance of the Listed Building.
13. The pattern and form of both the existing and approved fenestration within the front elevation of the Penthouse is duplicated across each of the 4 former houses it straddles. This fenestration also retains a broadly vertical emphasis and loosely aligns with the regular pattern of windows in the floors below. As such, the front of the 4 former houses that the appeal site forms part of retains a pleasingly balanced solid-to-void ratio, which is a distinctive characteristic of the Listed Building.
14. Moreover, considerable variation in the size, location and pattern of fenestration to the front elevation of some of the other Penthouses in the Listed Building, increases the value that the well-balanced and proportioned openings to the front of the appeal site make to the special interest of this building.
15. For these reasons, the Listed Building derives much significance from its historic interest and remaining early historic fabric, as well as from the regularity and Neoclassical authenticity of much of its architectural design detailing. When taken together, these support the status of the Listed Building as a designated heritage asset of the highest significance.
16. This Listed Building forms one of a series of Grade II and II* listed buildings around the Grade II listed Park and Garden³ known as The Grosvenor Estate: Eaton Square (the Park and Garden) - which is on the opposite side of the road from the appeal site. Together, these form part of a wider planned development which was delivered over a fairly short period of time, and which comprised many formally arranged grand mansion blocks. Albeit there is variation in the design detailing of the listed buildings around the Park and Garden, there continues to be great consistency in their overall form, scale and external materials. As such, and although the significance of these buildings is largely derived from their architectural and historic interest, they also derive some significance from those

³ Official list entry number 1000801

parts of their nearby townscape settings that are part of the same planned development.

17. The CA encompasses a sizable and largely built-up area, much of which was built by Thomas Cubitt in the early 19th century. Many of the buildings within the CA take the form of grand mansion blocks. According to the draft CA audit⁴, these blocks were constructed as part of a large-scale planned aristocratic residential quarter that influenced other similar developments across London. Despite some variety in the design and size of the individual mansion blocks, and greater variation in the appearance and form of the Penthouse-level accommodation across the CA, there continues to be much consistency and uniformity within and between the blocks as a whole. This is at least partly due to the prevalence of Neoclassical design detailing and proportions, and the common use of cream/white stucco walling in the buildings.
18. Consequently, as a whole, the CA derives much significance from its historic interest, as well as from the sense of cohesion, quality and attractiveness of much of the historic buildings within it.
19. The Listed Building that the penthouse forms part of makes a positive contribution to the character and appearance of the CA, which is not undermined by the later 'mansard-like' addition or the later additions and alterations to it.

Effects

20. The proposed alterations would greatly reduce the solid-to-void ratio of the front elevation of the Penthouse, and the replacement fenestration within this part of the building would have a distinctly horizontal emphasis. With different design treatment for the fronts of former flats T and U, the changes would also reduce the consistency between the appearance of the 4 former townhouses it straddles. Cumulatively, such works and development would detract from and be incongruous with the regularly arranged, well-balanced, and classically proportioned openings in the lower floors of the building, and erode the integrity of the Listed Building as a whole. For these reasons, the alterations would harm the significance of the Listed Building.
21. Views of much of the front elevation of the Penthouse would continue to be obscured from the nearby public realm. While clearer views would be possible from other upper-floor level accommodation in the area, the variety in design detailing and fenestration patterns of Penthouses within the CA and the neighbouring listed buildings, means that the alterations would have a negligible effect on the character or the appearance of the CA as a whole. For the same reasons, they would preserve the settings of the neighbouring listed buildings and they would not erode the ability to appreciate their significance. For these reasons, the significance of the CA and the neighbouring listed buildings would not be harmed by the implementation of the proposed schemes.

Heritage balance and conclusions

22. In line with paragraph 212 of the National Planning Policy Framework (the Framework), I give great weight to the conservation of the designated heritage asset that would be harmed by the appeal schemes, which in this case is the

⁴ City of Westminster – Conservation Area Audit – Belgravia – consultation draft - 2013

Listed Building, and proceed on the basis that the more important the asset, the greater the weight should be.

23. Because the schemes relate to only a small proportion and 20th Century addition to the Listed Building, the harm that would be caused to the overall significance of this designated heritage asset would be towards the lower end of the scale of less than substantial. Nevertheless, this finding of harm carries considerable importance and weight.
24. Paragraph 215 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
25. Economic benefits would arise during the implementation of the schemes, but given the modest scale of the scheme, these benefits would be small, and little weight is attributed to them. While there may be some improvement to the thermal efficiency of the property, and materials may be reused elsewhere, the extent of the associated environmental benefits has not been articulated. Consequently, very little weight can be attributed to them.
26. Although I observed substantial works and development being undertaken to the Penthouse, it is highly unlikely that the associated cessation of residential use of this property is more than temporary. Nevertheless, the subsequent reuse of the building could result in; a little employment creation; a small boost to the vitality of the local community, and improved surveillance of the area. However, given the scheme relates to a single dwelling, the associated benefits would be small and little weight is given to each of them.
27. I do not doubt that prior to the ongoing construction works, the Penthouse afforded occupiers with high-quality living conditions. As such, and even if the appeal schemes would further improve the living conditions available to future occupiers, this would be a private benefit rather than a public benefit as set out in the Government's Planning Practice Guidance⁵.
28. The appellant advises that the schemes would rationalise clutter on the roof of the Penthouse, 'quiet' the effect of the roof-top railings, and lead to the reinstatement of metal-framed windows and doors. However, even if this is the case, the associated works and development form only part of an overall scheme that would harm the significance of the Listed Building.
29. Overall, the public benefits would not outweigh the harm that would be caused to the significance of the Listed Building.
30. For the reasons given, the consequences of varying condition 1 of planning permission ref 24/06846/FULL and the works would not preserve the Grade II* listed building 83-102 Eaton Square or any features of special architectural or historic interest which it possesses. However, they would preserve the settings of neighbouring listed buildings and preserve or enhance the character or appearance of the Belgravia Conservation Area.
31. Nevertheless, because harm would be caused to the significance of the Listed Building, which is a designated heritage asset, the schemes would fail to satisfy

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

the requirements of the Act, and the provisions of the Framework that seek to conserve and enhance the historic environment. In addition, they would conflict with policies 38, 39 and 40 of the City of Westminster City Plan 2019-2049 – adopted 2021. Collectively, and amongst other things, these require development to be of a high quality of design, that preserves the special interest of listed buildings and preserves or enhances the character and appearance of CA's.

Other Matters

32. The Park and Garden comprises a collection of 6 formal gardens arranged in a grid of 2 parallel rows of 3 gardens divided by roads and pavements. The evidence indicates that these originally formed part of a wider planned scheme of development in the early to mid-19th century. It derives much significance from its historic landscaped form and layout. However, its setting, which includes the Listed Building and other nearby buildings that form part of the same wider planned development, also contribute to its significance.
33. The parts of the glazing within the front elevation of the Penthouse would not be readily experienced together with the Park and Garden. This is because much of it would be concealed by the parapet wall, and/or restricted to glimpses between tall trees within the gardens. Consequently, there would be a negligible effect on the significance of this heritage asset from the proposed development and works within its setting.
34. Pre-application advice provided to the applicant was not binding upon the Council. Nevertheless, even at that stage, the Council expressed concerns regarding the proposed insertion of larger windows. Moreover, while similar openings to those now proposed within former flat U may have been authorised at number 90 Eaton Square (no. 90), the evidence indicates that the property already had glazing across much of its front elevation. As such, the pre-existing context for the Council's decision to permit the alterations at no. 90, was materially different from that at the Penthouse. Consequently, the works and development permitted at no. 90 do not lead me away from my previous findings.
35. The legal opinion provided by the appellant indicates a likelihood of success at appeal. However, I have come to an alternative view, which is based on the evidence before me and my own planning judgement.

Conclusion

36. In respect of appeal A, the scheme conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, this appeal should be dismissed.
37. Moreover, and for the reasons previously given, I also conclude that appeal B should be dismissed.

V Simpson

INSPECTOR