



Appeal Decision

Site visit made on 24 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

Appeal Ref: APP/X5990/W/25/3369345

95 Ebury Street, London SW1W 9QU

- 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 Bronte Mance against the decision of City of Westminster Council.
 - The application Ref is 25/02286/FULL.
 - The development proposed is the amalgamation of basement with upper floors to create a single family dwelling, external alterations including replacement of rear ground floor conservatory with larger conservatory, replacement stairs to front lightwell, replacement of windows, and construction of outdoor pool and associated landscape scheme, and installation of mechanical services.
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Decision

1. The appeal is allowed and planning permission is granted for the amalgamation of basement with upper floors to create a single family dwelling, external alterations including replacement of rear ground floor conservatory with larger conservatory, replacement stairs to front lightwell, replacement of windows, and construction of outdoor pool and associated landscape scheme, and installation of mechanical services at 95 Ebury Street, London SW1W 9QU in accordance with the terms of the application Ref 25/02286/FULL, and the plans submitted with it, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this specifies only those elements that require planning permission and was used by the appellant for the purposes of the appeal. Consequently, I am satisfied that no party will be prejudiced by my use of it.
3. The appeal site relates to part of a Grade II listed building known as 91-109, Ebury Street SW1¹ (the listed building) and is located in the Belgravia Conservation Area (BCA). The Council have granted listed building consent for the physical works described above, as well as internal works². Nonetheless, in my consideration of this appeal, I also have a statutory duty to have special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Both parties have referred to an extant planning permission relating to 'replacement of windows, rear infill extension and construction of outdoor pool and associated landscape scheme' and an associated listed building consent relating to 'replacement windows, rear infill extension and internal alterations to ground,

¹ National Heritage List for England, List Entry Number:1066865.

² LPA Ref: 25/02287/LBC, granted 6 June 2025.

first and second floors, construction of outdoor pool and associated landscape scheme' at the appeal site³. Whilst having regard to these decisions as a material consideration, I have reached my own findings on the merits of the appeal scheme.

5. Since the appeal was submitted, the Council adopted the Westminster City Plan 2019-2040 in January 2026 (WCP). The Council has confirmed that this supersedes the policies of the City Plan 2019–2040, adopted April 2021 (CP). The Council has also confirmed that it now relies upon policy 12 of the WCP rather than policy 8 of the CP which is referred to in the decision notice. The appellant has had an opportunity to comment on this change. I have therefore determined the appeal on the basis of the WCP which is afforded full weight.

Main Issue

6. The main issue is whether the development accords with local development plan policy in relation to housing delivery and the provision of family homes and, if harm arises, whether this is outweighed by other material considerations.

Reasons

7. The appeal site, 95 Ebury Street (No.95) is a four-storey residential property with a basement, forming part of the listed building. The basement of No.95 comprises a one-bedroom flat and the four floors above, together, comprise a two-bedroom maisonette. The proposal would include, amongst other things, the provision of an internal staircase to connect the basement with the ground floor to enable the whole property to be used as one three-bedroom residential unit.
8. Policy H1 of the London Plan, March 2021 (LP) sets out that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites with policy H2 of the LP providing support for significantly increasing the contribution of small sites to meeting London's housing needs. In this regard, the justification text for policy H2 states that where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families, boroughs are encouraged to resist this process.
9. The proposal would result in the loss of the dual-aspect lower ground floor flat which, using the Council's figures of 60.7sqm GIA, would exceed the Nationally Described Space Standards for a one-bedroom, 2-person unit. I note the Council has not provided substantive up-to-date evidence of any housing supply issues that indicate that the loss of the 1-bedroom basement flat would harm its overall housing supply. Nonetheless, even though only one residential unit would be lost, were this to be repeated across the borough, there would be a cumulative harmful effect on the supply of housing.
10. Furthermore, the maisonette already meets or could meet the requirements of a large family given the overall Gross Internal Area (GIA), the number and size of rooms and the existing facilities accommodated. I recognise there may generally be concerns relating to the re-configuration of rooms within a listed building and that it may not be possible to further extend this maisonette to create additional space. However, from observations at my site visit, it would clearly be possible to

³ LPA Refs: 23/06841/FULL and 23/06842/LBC granted 2 February 2024.

utilise the existing rear second floor room as a good sized and well-appointed third bedroom without requiring any external or internal alterations. In this case, due to its size and internal layout, opportunities would appear to exist for some further unintrusive re-configuration. As a three-bedroom property, it would meet the definition in policy H2 of the LP of family-sized housing.

11. As a single residential property, No.95 would be large, but, at three-bedrooms, not unreasonably so. Nonetheless, policy 12, Part B of the WLP states that no new homes will exceed 200sqm GIA. The supporting text to the policy also clarifies that properties that are de-converted to create family-sized homes should not exceed the 200sqm maximum unless demonstrably impracticable to do so.
12. Using the figure from the main parties, the proposal would exceed the maximum permitted limit and result in a dwelling with a GIA of approximately 247sqm. Although Part B includes an exception to the GIA limit where it would be necessary to protect a heritage asset, in this case, the proposal is not necessary to secure the continued optimal viable residential use of the property, which already benefits from an established use that would be unlikely to cease.
13. Consequently, although the proposal would not result in the loss of any residential floorspace overall and the Council have a five-year housing land supply, it would nonetheless result in a net loss of a home, and the size of the remaining property would be greater than that specified in policy 12 of the WLP. The proposal would therefore be harmful to the Council's strategic objectives concerning housing delivery and the provision of family homes. It would conflict with policy 12 of the WCP and policies H1 and H2 of the LP which amongst other things, together, seek to deliver new and protect existing housing in the borough. It would also be contrary to section 5 of the National Planning Policy Framework (the Framework) where it aims to significantly boost the supply of housing.

Other Considerations

14. Pertinent to the appeal, as set out above, No.95 is part of a Grade II listed building which dates from the early 19th century. It is constructed from brick with stucco to the ground floor and basement front elevations and includes a stepped access to the front door of each property. The properties within the listed building are broadly similar in appearance, with a parapet roof and first floor metal balconies.
15. Based on what is before me and my own observations, the special interest and significance of the listed building is largely derived from its architectural and historic interests in illustrating the planned growth of this part of the city in the 19th century. Important contributors in this regard are its age; the use of traditional methods of construction and materials; surviving historic fabric and pleasing architectural form. Despite variations to the front and rear elevations, similarities in their overall architectural composition are still legible. For these reasons, No.95 contributes in a positive way to the special interest and significance of the listed building as a designated heritage asset.
16. Due to the physical connection, similarities in age and appearance between the listed building and the rest of the terrace, it is viewed as one uninterrupted row. This row, including No.95, makes a valuable contribution to the harmonious composition of the wider townscape and the character and appearance of the BCA as a whole and thereby to its significance as a designated heritage asset.

17. The delegated officer report in relation to the appeal before me notes that some heritage benefit would arise from the proposal overall in terms of the reinstatement of a staircase to connect the basement with the floors above and that it is historically uncommon for 'garden flats' to be separated from the floors above in townhouses.
18. I concur with the Council that many of the proposed alterations to No.95 that would better reveal the special interest of the listed building would not require the amalgamation of the two residential units to be delivered. These include the reinstatement of fireplaces, reinstatement of a dividing wall between the front and rear room at basement level, and the provision of a handrail on the lower flight of stairs between the ground and first floor.
19. Nevertheless, I consider the overall heritage benefit that would accrue from the reinstatement of the staircase compartment between the basement and the ground floor would be considerable, subject to the detailed design of the staircase. Indeed, the Council confirm that it would allow No.95 to be returned to a plan form closer to its historic layout. In my view, it would be fundamental to its character. It would present a clearer understanding of the historic hierarchy of floors within the listed building which would, in turn, enhance the legibility and authenticity of this designated asset and the ability to appreciate its heritage merit. It would preserve the listed building in accordance with the expectations of s66(1) of the Act and as supported in policies 42, 44, 45 and 50 of the WLP insofar as they concern heritage assets.
20. Bearing in mind the extent, nature and location of the development, the character and appearance of the BCA as a whole would be preserved in accordance with s72(1) of the Act. I note the Council has not objected to the proposal in relation to these matters either.
21. Since there would be no harm to heritage assets, there is no need to balance the public benefits of the scheme in line with paragraphs 214/215 of the Framework. Nevertheless, the need to undertake an overall planning balance remains.

Other Matters

22. My attention has been drawn to several application and appeal decisions that both parties consider support their case. However, I have not been provided with the full details or the background of all these examples to make robust comparisons. Although there appear to be some similarities between those decisions and the proposal before me, the factors involved relating to whether a proposal is acceptable are quintessentially matters of planning judgement. This is evident from the different conclusions reached in the cases put to me which only serve to reinforce the need to determine each case on the basis of their own site-specific circumstances and the nature of the development proposed. Similarly, I am required to reach conclusions based on the individual circumstances of this appeal. Accordingly, these examples are of little weight in my decision.
23. I note the concern by a neighbouring resident in relation to noise from the proposed pool and in relation to the character and appearance of the area. However, based on the evidence before me and my site visit, I find no reason to disagree with the Council's conclusion on these matters.

24. Matters relating to the marketing of No.95, Council tax and land registry information are not determinative in this appeal, as I have only had regard to the planning merits of the case before me.

Planning Balance

25. I have concluded that the proposal would result in the loss of a home and the resultant residential unit would have a greater GIA than permitted under policy 12 of the WLP. The proposal would therefore be harmful to the Council's strategic objectives concerning housing delivery and the provision of family homes, contrary to up-to-date policies in the development plan. I afford this conflict substantial weight. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that the determination should be made otherwise than in accordance with the development plan.
26. Since the proposed staircase would connect the basement with the upper floors of No.95, it would be unlikely to occur were the flat and maisonette to remain as separate units. Thus, the amalgamation of the two dwellings would be necessary in order to realise the heritage benefit that would flow from the proposal. It would be of a nature and scale to be of benefit to the public at large and not just be a private benefit. I have given considerable importance and weight, as I am required to do, to the preservation of the listed building. As such, I attribute significant positive weight to this element of the proposal.
27. There would be some economic benefits brought about through the investment into the property and a time-limited benefit through the construction phase. Also, social benefits would be gained through improvements to the local housing stock. Together, these outcomes would facilitate the delivery of the main objectives of the planning system as outlined in the Framework.
28. Whilst the harm that arises as a result of the conflict with the housing delivery and provision of family housing policies of the development plan are substantial, in this instance, I find that overall, having regard to the heritage status of the building, the other material considerations are sufficient to outweigh this conflict.

Conditions

29. The Council has provided a list of suggested conditions, which I have considered against paragraph 57 of the Framework, and advice contained in the Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. The appellant has agreed to all the Council's suggested conditions.
30. In addition to the standard condition limiting the lifespan of the planning permission (1), I have imposed a condition requiring the development to be carried out in accordance with the details shown on the plans, which is necessary in the interests of proper planning and to provide certainty (2). In the interests of preserving the heritage asset, it is necessary to impose the Council's suggested conditions requiring further detailed scale drawings of replacement windows, doors and rear extension. However, I have combined the two suggested conditions into

one condition and included a requirement to provide details of the staircase between the basement and ground floor, also in the interests of preserving the listed building. I have set out when the details are required to be agreed with the Council together with an implementation clause (3).

31. To ensure there is no risk of flooding off-site, to preserve the setting of the listed building and the character and appearance of the area, conditions relating to the outdoor pool and landscaping are necessary. I have made minor amendments to the wording of the suggested conditions and separated matters relating to the outdoor pool from landscaping in the interests of clarity (4 and 5). To protect the living conditions of surrounding residential occupants with particular regard to noise and disturbance, conditions regarding hours of construction and demolition works are reasonable and necessary (6 and 7).
32. A condition requiring the development is carried out in accordance with the submitted arboricultural details is necessary to protect existing trees and the character of the area. I have removed the second part of the Council's suggested condition as amendments to the approved details can be made through the formal variation of condition process (8). A condition to ensure no gate opens over the pavement is necessary in the interests of pedestrian safety (9). To ensure sufficient space remains for utilities in accordance with Policy 50 of the WCP, a condition is necessary to ensure no works takes place under the highway (10).
33. To preserve the special interest of the listed building and the character and appearance of the BCA, matching external materials are necessary, although I have removed reference to matching methods of construction. This would not be reasonable given some parts of the building were constructed in the 19th century (11). To safeguard neighbouring residents' living standards, from the information before me, although an acoustic assessment was submitted with the application, the final specification for the equipment to be installed has not been confirmed. Therefore, conditions are required to address noise and vibration measures associated with mechanical services at the site (12 and 13).
34. The Council's suggested conditions relating to cycle parking and waste storage are not necessary since the property is already in residential use and is for fewer units than existing. The suggested condition relating to the submission of an acoustic report is also not necessary as this is dealt with in proposed condition 12 and would be addressed through Building Regulations. These requirements do not meet the relevant tests.

Conclusion

35. Although the proposal conflicts with policies in the development plan relating to the housing delivery and the provision of family homes, there are material considerations in terms of the heritage benefit in this case that would clearly outweigh that conflict.
36. Consequently, the development complies with the relevant provisions of the development plan when considered as a whole. The appeal should therefore be allowed.

Ann Veevers

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
location plan; 333_30_09 (basement floor plan); 333_30_10 (ground floor plan); 333_30_11 (first floor plan); 333_30_12 (second floor plan); 333_30_13 (third floor plan); 333_30_15 (roof plan); 333_30_20 (section 1); 333_30_21 (section 2); 333_30_30 (existing front elevation); 333_30_31 (rear elevation); 333_30_41 (skirting, cornicing and architraves schedule); 333_30_40 (window and door schedule); 296_32_09.2 (basement floor M+E); 296_32_10.2 (ground floor M+E); 296_32_11.2 (first floor M+E); 296_32_12.2 (second floor plan M+E); 296_32_13.2 (third floor M+E); 333_30_09.1 (basement floor plan demolition); 333_30_10.1 (demolition ground floor plan); 333_30_11.1 (demolition first floor plan); 333_30_12 (demolition second floor plan); 333_30_13.1 (demolition third floor plan); 333_30_15.1 (demolition roof plan); 333_30_20.1 (demolition section 1); 333_30_21.1 (demolition section 2); 333_30_30.1 (demolition front elevation); 333_00_31.1 (demolition rear elevation); 333_30_50 (pool drawing).
- 3) No development above ground level shall take place until details of the design of:
 - a) all replacement windows and doors including plans/elevations/drawings at scale 1:10 with sections at 1:5, demonstrating the relationship with surrounding masonry openings/reveals have been submitted to and approved in writing by the local planning authority.
 - b) the replacement rear infill extension (all elements), including plans/elevations/drawings at scale 1:20 with sections at 1:10 demonstrating the relationship to existing building fabric.
 - c) the staircase between the basement and ground floor including plans/elevations/drawings at scale 1:10 with sections at 1:5, demonstrating the relationship with existing building fabric.The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the approved drawings listed in condition 2, no development shall take place until details of the outdoor pool have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) detailed drawings and a photographic schedule of material samples (with actual samples available to view on site if necessary).
 - b) measures to attenuate surface water run-off from the garden.The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall take place until a scheme of hard and soft landscaping for any part of the site not covered by buildings, which shall include an implementation programme, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out in accordance with the approved details and implementation programme.

- 6) No development (excluding piling, excavation and demolition work) shall take place between 8am and 6pm Monday to Friday, between 8am and 1pm Saturday and not at all on Sundays, Bank Holidays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority through a Control of Pollution Act 1974 section 61 prior consent.
- 7) Piling, excavation and demolition work shall only take place between 8am and 6pm Monday to Friday and not at all on Saturdays, Sundays, Bank Holidays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority through a Control of Pollution Act 1974 section 61 prior consent.
- 8) The development hereby approved shall be carried in accordance with the details, proposals and recommendations set out in the Impact Assessment & Method Statement by Crown Tree Consultancy (dated 25th of August 2023).
- 9) No gate shall open over the pavement.
- 10) No part of the development hereby approved shall take place between the highway (footway) and a depth of 900mm.
- 11) Unless otherwise indicated on the approved plans or any other condition imposed on this permission, the external materials of the development hereby approved shall match those used on the existing building in terms of finished appearance.
- 12)
 - a) Where noise emitted from the proposed mechanical services equipment shall not contain tones or shall not be intermittent, the 'A' weighted sound pressure level from the mechanical services equipment (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the Local Planning Authority pursuant to Part (c) below. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.
 - b) Where noise emitted from the proposed mechanical services equipment will contain tones or will be intermittent, the 'A' weighted sound pressure level from the mechanical services equipment (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the Local Planning Authority. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

- c) Following installation of the mechanical services equipment, a noise report shall be submitted to and approved in writing by the Local Planning Authority confirming previous details and subsequent measurement data of the installed mechanical services equipment, including a proposed fixed noise level. The noise report shall include:
- (i) A schedule of all mechanical services equipment that formed part of the approved development;
 - (ii) Locations of the mechanical services equipment and associated: ducting; attenuation and damping equipment;
 - (iii) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (iv) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (v) Distances between mechanical services equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (vi) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (vii) The lowest existing LA90, 15 mins measurement recorded under (vi) above;
 - (viii) Measurement evidence and any calculations demonstrating that mechanical services equipment complies with the planning condition;
 - (ix) The proposed maximum noise level to be emitted by the plant and equipment.
- 13) No vibration shall be transmitted to adjoining or noise sensitive property through the building structure and fabric of 95 Ebury Street as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of an adjoining or noise sensitive property.

END OF CONDITIONS