



Appeal Decision

Site visit made on 15 July 2014

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2014

Appeal Ref: APP/K5600/E/14/2213756

Basement Flat, 47A Sydney Street, London, SW3 6PX.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr N Lester against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref /LB/13/04220, dated 18 July 2013, was refused by notice dated 17 October 2013.
 - The works proposed are described as *conversion of demised vaults to kitchen and utility area*.
-

Decision

1. The appeal is allowed and listed building consent is granted for *conversion of demised vaults to kitchen and utility area* at Basement Flat, 47A Sydney Street, London, SW3 6PX in accordance with the terms of the application Ref. /LB/13/04220, dated 18 July 2013 and the plans submitted with it.

Procedural matters

2. Neither party has been able to supply a complete copy of the original application form for listed building consent. Accordingly, as set out in the bullet points above, I have taken the description of the proposed works from that part of the application form available and the application date from the Council's decision notice.
3. Furthermore, as the appellant says, and I saw on site, the works would seem to have been carried out some time ago. I shall therefore proceed to determine the appeal on this basis.

Main Issue

4. I consider the main issue to be the effect of the works on the special architectural or historic interest of 47A Sydney Street listed grade II.

Reasons

5. The property the subject of this appeal, 47A Sydney Street, is a basement flat and part of a terrace of houses listed grade II and located in the Chelsea Conservation Area. According to the list description the terrace probably dates from the early 19C. In my view, its special architectural and historic interest
-

relates to the history of its development, its design and detailing and its setting as part of the terrace.

6. The works undertaken include the lowering of the floor of the two front vaults in order to provide sufficient head room for their current uses. Although no evidence is available as to the original floor level, I understand that the level in the vault fitted out as a kitchen has been reduced by somewhere in the region of 1.00 to 1.12 metres, and that of the adjoining vault by about 0.45 metres or so. The two vaults would have originally been used for the storage of coal and their former original limited height would have reflected their designed function. However, because of their limited height they would not have been able to accommodate their current uses.
7. The Council states in its evidence that the modest lowering of the floor level in order to create a more useable space is often permitted in historic vaults, but generally no more than 0.40 metres. The lowering of the floor of any vault would result in the loss of historic fabric. Indeed, in my experience, it is very likely that the most significant historic fabric would be in the top 0.30 metres or so as this would both contain any floor structure and be the area of ground most disturbed by the original builder. In my opinion, therefore, the lowering of the floor to a greater depth, as here, would not necessarily result in a significantly greater loss of historic fabric than the Council indicates that it has previously found acceptable.
8. The dropping of the floor level of a low confined narrow space such as an under pavement vault by even 0.4 metres or so would have the effect, albeit relatively modest, of changing the proportions of the space. A further reduction in the floor level by another 0.6 metres or so has, in my opinion, served to emphasise that change. However, in this instance, due to the introduction of steps down from the entrance lobby to the kitchen, the retention of the low opening between the two vaults and the original roof form, together with the higher floor level maintained in the second vault, I found that overall the internal proportions and modest scale of the two small vaults had been retained despite the works of alteration. Accordingly, it would be clear to any visitor that although the vaults now serve new uses within the dwelling, the spaces were clearly originally designed for the former function as stores. Accordingly, I do not consider, in this case, that the lowering of the floor levels has detracted from the sense of the original use of the spaces for the storage of coal etc. as suggested by the Council.
9. Furthermore, for these reasons, I am not persuaded that the more substantial lowering of the floor in the current kitchen has caused harm to the original character of the original small ancillary space, or thereby been detrimental to the original hierarchy and status of the vaults within the property.
10. On balance, therefore, I conclude in respect of the main issue that the works, in this instance, have caused no harm to the special architectural or historic interest of the property or the wider terrace listed grade II. The works therefore accord with the objectives of Policy CL4 of the Local Development Framework Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington Development Plan Document (adopted December 2010), as they relate to the desirability of, amongst other things, preserving

any features of special architectural or historic interest which the building possesses.

Conditions

11. As the works are complete I do not consider that the condition suggested by the Council is relevant or necessary in this case.

Conclusions

12. The Government published its *planning practice guidance* on the 6 March 2014 and it applies from the date of publication. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusions.

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Philip Willmer

INSPECTOR