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## Appeal Decisions

Site visit made on 8 September 2022

**by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 September 2022**

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### **Appeal A Ref: APP/X5990/W/22/3295480**

#### **49 Cambridge Street, London SW1V 4PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sabir against the decision of City of Westminster Council.
  - The application Ref: 21/05401/FULL, dated 5 August 2021, was refused by notice dated 1 November 2021.
  - The development proposed is amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house.
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### **Appeal B Ref: APP/X5990/Y/22/3295484**

#### **49 Cambridge Street, London SW1V 4PR**

- 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 Sabir against the decision of City of Westminster Council.
  - The application Ref: 21/05402/LBC, dated 5 August 2021, was refused by notice dated 1 November 2021.
  - The works proposed are amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house; installation of a new kitchen and removal of internal fixtures/partitions.
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## **Decision**

### **APPEAL A**

1. The appeal is allowed and planning permission is granted for amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house at 49 Cambridge Street, London SW1V 4PR in accordance with the terms of the application, Ref: 21/05401/FULL, dated 5 August 2021, subject to the conditions set out in the schedule at the end of this decision.

### **APPEAL B**

2. The appeal is allowed and listed building consent is granted for amalgamation of the existing lower ground floor flat with the upper floors to form a single dwelling house; installation of a new kitchen and removal of internal fixtures/partitions at 49 Cambridge Street, London SW1V 4PR in accordance with the terms of the application Ref: 21/05402/LBC dated 5 August 2021 subject to the conditions set out in the schedule at the end of this decision.

## **Applications for costs**

3. Applications for costs were made by Mr Sabir against City of Westminster Council. These applications are the subject of a separate decision.

## **Preliminary Matters**

4. I note the description of development stated in the application form for planning permission. However, I have used the description from the decision notice and appeal form in the header and decision relating to the planning permission in the interests of clarity.
5. The site lies in Pimlico Conservation Area (PCA). The Council has not objected to the proposal on this basis. Since the proposal includes only nominal alterations to the external building fabric, a vent and associated grill to serve the proposed kitchen, I see no reason to disagree. On this basis, the proposal would preserve the character and appearance of the PCA and would accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. As the proposal is in a conservation area and relates to a listed building I have not only had special regard to section 72(1) of the Act but also section 66(1).

## **Main Issues**

7. The main issues are:
  - whether the proposal would preserve a Grade II listed building, 45-51, Cambridge Street SW1 (Nos 45-51), and any of the features of special architectural or historic interest that it possesses; and
  - whether the proposal would accord with the Council's development plan strategy for the loss of residential units.

## **Reasons**

### *Listed Building*

8. The building was listed in 1987 (Ref: 1066341) and the list description dates the terrace to around 1840. Cambridge Street forms part of the Grosvenor Estate which was developed from 1835 onwards to designs by Thomas Cubitt. The Heritage Impact Assessment (HIA) states that the street was amongst the first streets to be developed and completed as part of major development of the Pimlico area.
9. It also states that Cubitt's development scheme for Pimlico ensured architectural uniformity and was very similar to the design of buildings of Belgravia, but less grand. Nos 45-51 are in keeping with this uniformity in terms of being stucco and brick-fronted terraces of classical design proportions.
10. Interior changes to No 49 include a modest rear extension and the subdivision of the dwelling to create a basement apartment. The HIA also states that the interior retains little historic fabric of any real note. Although the property including the basement is generally two-rooms deep, its subdivision to include a basement apartment has resulted in substantial erosion of the historic plan form and building hierarchy. Notwithstanding this, the legibility of the two-

room deep plan form remains and contributes to the historic and architectural interest of the listed building.

11. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be associated with the legibility of the historic plan form and the architectural detailing of the front elevation which epitomise Cubitt's development of the Grosvenor Estate and Pimlico area.
12. The subdivision of the building has resulted in the loss of the lower flight of stairs and the alteration of the historic building hierarchy of the dwelling. Notwithstanding this the property appears to be in good condition.
13. The proposal to amalgamate the basement apartment with the upper floors would reinstate the staircase and return it to a more historically authentic single dwelling with a kitchen on the lower ground floor. The Council considers that the proposed stair is able to be reinstated without requiring the amalgamation. Since the proposed stair would lead from the upper ground floor to the lower ground floor, connecting the two dwellings, the amalgamation of the two dwellings is necessary in order to reinstate the staircase.
14. Therefore, since the proposal would not result in the loss of historic fabric and would reinstate the historic building hierarchy of the property, it would have a moderately beneficial effect on the special interest of the listed building.
15. Given the above, I conclude that the proposed works would enhance the special architectural historic interest of the Grade II listed building thus satisfying the requirements of the Act, paragraph 199 of the Framework and would be consistent with CP Policy 39 which seeks, among other things, development that ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

#### *Loss of residential units*

16. Policy 8B of the City Plan 2019 – 2040 Adopted April 2021 (CP) states that no new homes in Westminster will exceed 200 sqm Gross Internal Area (GIA), except where it is necessary to protect a heritage asset. The CP states that the 200sqm limit will enable generously sized homes to be developed to meet demand from the prime market and large families.
17. The proposal would result in a dwelling of 218sqm and would therefore exceed the limited stated in the Policy. As discussed above, the proposal would enhance the special interest of the listed building. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. As such the proposal is not necessary to protect a heritage asset and would not accord with CP Policy 8B.
18. CP Policy 8C states, among other things, that all existing residential units, uses, floorspace and land will be protected. Exceptions to this include where non-family sized housing is being reconfigured to create family sized housing. Family sized housing is defined as having between three and five bedrooms.
19. The existing property at No 49 consists of a basement apartment and a dwelling occupying the ground to upper floors of the building. While the drawings show the dwelling on the upper floors as a two-bedroom property, this includes a reception room on the ground floor and living room on the first

floor. I see no reason why the living room on the first floor could not be used as a bedroom. Indeed, the living room appeared to be used as a bedroom at the time of my site visit.

20. Consequently, the proposal would not accord with the development plan strategy for the loss of residential units. Therefore, it would conflict with CP Policy 8 which relates to housing delivery.
21. The proposal would also not accord with the aims of Policies H1 and H2 of The London Plan The Spatial Development Strategy For Greater London March 2021 (London Plan) which seek to increase housing supply and supports well-designed new homes on small sites among other things.

### **Other Matters**

22. I acknowledge the evidence regarding the subdivision of the property without planning permission. However, this matter has not altered my overall decision which has been made based on the planning merits of the scheme.
23. I note the comments of the Inspector for the case at Blandford Street. However, since that scheme did not relate to a listed building, it is not directly comparable with this proposal.

### **Planning balance**

24. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
25. The scheme would conflict with CP Policy 8 as it would result in the loss of a residential unit and would not meet the stated exceptions. The CP states that the size restriction is needed because Westminster's position in the global housing market can create demand for super-sized properties do not optimise development density on scarce land.
26. However, the proposal would create a dwelling that would be only slightly greater in floor area than the limit set in the Policy and would certainly not create a 'super-sized' property.
27. In addition, the CP states that the continued need to provide for family-sized homes means that the only exceptions where the loss of residential uses or floorspace may be acceptable, is where they are being reconfigured to better meet these needs.
28. The dwelling on the upper floors currently benefits from a large ensuite bathroom on the second floor and during my site visit I observed that there is another ensuite bathroom on the third floor. As such the dwelling lacks a common bathroom. The proposal would result in a common bathroom on the lower ground floor albeit not accessed in the most convenient way. As such, the proposal would result in the residential use being reconfigured to better meet the needs of a family without further alterations to the building fabric.
29. Therefore, although the existing dwelling on the upper floors is capable of being a three-bedroom property in terms of size, the amalgamation of the two dwellings would result in a more attractive family home with three bedrooms, two reception rooms and family bathroom. As such, the residential use would

be reconfigured to better meet the needs of families and the harm that would result from the conflict with the CP Policy 8 would be limited.

30. The London Plan 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. The Council accepts that one dwelling would not result in a sustained loss. It may be the case that if the policy was not in place a sustained loss would result. However, each proposal must be assessed on its own merits and given the particular circumstances of this case, the loss of the lower ground dwelling would be unlikely to lead to a sustained loss of homes. Therefore, the harm that would result from the lack of accordance with London Plan Policies H1 and H2 would also be limited.
31. The proposal would reinstate the historic plan form of the dwelling which provides a considerable contribution to the special interest of the listed building. I therefore attribute moderate weight to the benefit of the scheme. As such, these material considerations outweigh the limited harm that would result from conflict with the development plan and indicate that the appeal should be allowed.

### **Conclusion and Conditions**

32. For the above reasons and having regard to all other matters raised I conclude that, subject to conditions, the appeals should be allowed.

#### *Appeal A*

33. The standard conditions regarding time limit and specifying plans are necessary in the interests of certainty. A condition regarding external materials is necessary to safeguard the character and appearance of the PCA. Since the proposal does not include piling, excavation or demolition work, the suggested condition relating to hours of work is not necessary and has not been attached.

#### *Appeal B*

34. The standard condition regarding time limit is necessary in the interests of certainty. Conditions regarding the staircase, the retention of fabric and making good are necessary in the interests of safeguarding the special architectural and historic interest of the building.

*R Sabu*

INSPECTOR

## APPEAL A 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: P001, P002, P199, P200, P220, P230, P650 and P651.
- 3) No work to the outside of the building shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed other than in accordance with the approved details: (a) vent and associated grill to serve the new kitchen.

## APPEAL B CONDITIONS

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The materials to be used for making good any disturbed internal or external surfaces shall be of matching composition, form and finish to those of the adjoining original fabric.
- 3) All existing fabric including chimney pieces, wall and ceiling plasterwork, architraves, panelling, doors and staircase balustrades shall be retained, unless notated otherwise on the drawings approved under this consent.
- 4) The staircase shall be constructed to match the existing staircases in the building in terms of materials, finish and colour.

END OF SCHEDULE