



Appeal Decision

Inquiry Held on 13 to 16 November 2018

Site visit made on 13 November 2018

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 23rd November 2018

Appeal Ref: APP/X5990/Y/18/3197704

6 Lygon Place, London, SW1W 0JR

- 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 Mauriac Holdings Ltd against the decision of City of Westminster Council.
 - The application 17/08492/LBC, dated 21 September 2017, was refused by notice dated 14 February 2018.
 - The works proposed are described on the decision notice as *'Removal of secondary staircase, installation of a lift from lower ground to fifth floor; installation of stairs from ground to lower ground floor; removal of the modern glazed balustrade and screen from ground to lower ground floor and replacement with timber panelling; removal of dropped ceiling in the ground floor kitchen and restoration of the existing historic ceiling; installation of a fixed jib door on the first floor quarter landing of the principal staircase; and other minor internal alterations'*.
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Decision

1. The appeal is dismissed.

Background and preliminary matters

2. The description used in the above header was agreed by the main parties at the Inquiry. It broadly reflects that given on the application form and as shown on the submitted drawings. I have proceeded on this basis.
3. Disagreement between the main parties focuses upon the secondary staircase. There is an extant enforcement notice which requires its re-instatement¹. I have concentrated my attention on the secondary stair case matter, whilst conscious that the scheme as a whole is for me to consider.
4. Prior to the Inquiry both main parties sought clarification with regard to 're-instatement works' and how the enforcement notice and listed building consent sought here interact with each other. To assist the Inquiry and main parties, and in response to the queries raised, I issued a pre-inquiry 'Ruling'. This was affirmed as a Ruling upon my opening the Inquiry. The Ruling makes clear that any harm arising from 're-instatement works' is not a matter before the Inquiry. The correct approach in such circumstances is to evaluate any impacts of the proposal as though the secondary stairs are in situ. This approach was affirmed as procedurally correct in the Closings by the main parties.

¹ See Enclosure 11.7 of the Appellant's Statement of Case, ref LS/NG/30094839, dated 13 April 2015

Main Issue

5. The main issue is whether any of the works shown would preserve the special architectural and historic interest of the Grade II listed building.

Reasons

6. The listed building consent seeks, among other works, to remove the secondary staircase. The removal of this, together with other works, would enable the residual stairwell area to be utilised by a lift and for services such as heating and plumbing.
7. The appeal site forms a part of a listing which covers the terrace of Nos 1 to 8 Lygon Place inclusive. The terrace is laid out in a 'C' form, with Nos 1 and 8 creating stepped forward 'bookends' which act to partially enclose a forecourt and differ in style from the centre of the terrace. Nos 2 to 7 form the stepped back element of the terrace with a generally uniform appearance. Overall the terrace exhibits attributes of both Queen Anne and Arts & Crafts influences. For example, the use and patterns formed by full, gabled fronted dormers on the front elevation, 9-over-9 timber vertical sliding sash windows, and robust detailing of stonework as seen in the porch areas of the individual properties.
8. I was able to inspect internally 6 Lygon Place during my site visit; with the terrace having now reverted from earlier uses as offices into separate private residences. I saw the detailing of original or restored features such as plasterwork including ceilings and how these juxtaposed with the modern and sharper lines of installed kitchen and bathroom fittings for example.
9. I was also able to see and understand the layout of the building in terms of both the use of different floor areas and the vertical movement through the building. I saw that the building benefited from both new and old elements – for example the creation of a cinema room within the basement, access to an underground carpark and a rear extension to the building. The secondary staircase sits next to the main staircase within its own stairwell. It is of a stone cantilevered construction and provides access to the basement and some upper floors.
10. Mr Clegg² explained that the firm of Balfour and Turner was involved in the design of the listed building. In particular he felt Thackeray Turner was likely to have had an integral involvement in the buildings with the clever use of the tight space for the secondary staircase demonstrative of Turner's skill. However, there remains little direct evidence attributing the design of this specific staircase to Turner, and therefore this can be little more than speculation.
11. Nonetheless, part of the ethos of the Arts and Crafts approach was to seek high standards of craftsmanship with the integration of decorative and fine arts. Part of this involved the attempt to break down social and class barriers through the reintegration of aesthetic and craftsmanship in order to address the de-humanizing effect that the division of labour was considered to have created.
12. The fact that the secondary staircase here uses a relatively more expensive stone material rather than timber, is located adjacent to the main staircase

² The local planning authority's heritage expert witness

- rather than in a rear annex, and is the only way in which the basement can be accessed but itself does not provide access across all floors, suggests something of interest was deliberately intended by the secondary staircase.
13. Mr Clegg explained this in his oral evidence, by pointing out that at the turn of the 19th to the 20th Century social barriers were being eroded as Britain moved from the Victorian to Edwardian period. It is apparent from the design here that the architect was, in effect, forcing interaction between servants and occupiers as evidenced by the partial accessibility from the secondary stairs to only some floors. Servants would have needed to use the main stairs in order to service rooms that the secondary staircase did not open out onto.
 14. At the same time, the use of stone over timber for the secondary stair and its cantilevered construction appears quite extravagant for which are stairs traditionally used by servants and kept out of sight. I concur with the views of Mr Clegg that this points to attempts by the architects to essentially erode the servant/master distinction prevalent in the pre-First World War period. I note Dr Miele³ points to his professional view that stone secondary stairs are not especially rare within buildings of this stature; but he was unable to direct the Inquiry to the other examples within his written proof.
 15. But in any case, this does not detract from the fact that the significance of the staircase (and its contribution to the significance of the listed building as a whole) lies in part from the fact it acts as a lens through which occupiers and visitors to the listed building can appreciate the social structures of Edwardian England, prior to the outbreak of World War that acted as a catalyst for much social change, and the underlying long term social trends which the War itself magnified into the 1920s and beyond.
 16. The special interest of the listed building in this case, and by extension its significance, derives from both its architectural features and its historical association with Balfour and Turner; and this is interest that is exhibited both externally and internally.
 17. The proposal seeks the removal of the secondary staircase and its replacement with a lift. The loss of the staircase would reduce the ability of future generations to understand the importance of the secondary stairs within this part of the heritage asset and how this contributes to the significance of the listed building. As such it would have a negative impact and would fail to preserve the special interest of the listed building.
 18. Within the terrace of 8, only one other secondary staircase remains in situ – at No 4, which also has a lift. I note the Appellant’s point that this would mean future generations could see the interaction between the two staircases at No 4. However, by a similar point, it also underlines the importance of the secondary staircase at No 6 in terms of its rarity within the terrace, and this rarity reinforces the necessity for its preservation in this instance.
 19. The main parties agree that the proposal would result in less than substantial harm to the significance of the listed building as expressed under Paragraph 196 of the National Planning Policy Framework. For the reasons set out above, I concur. Less than substantial harm does not indicate less than substantial

³ Appellant’s heritage expert witness

- planning objection. In such circumstances, this harm should be weighed against the public benefits, including securing its optimum viable use.
20. Dr Miele and Mr Field⁴ asserted that the public benefits included being able to future-proof the building, to improve accessibility for visitors/occupiers, and the integration of services within the lift shaft given the solid floor construction. The appellant considers that these support the optimum viable use of the building as a residence and maintains the overall plan form of the building⁵.
21. However, there is no cogent case here that a lift is necessary beyond the seven floor height of the building and the personal desire of occupiers of high-end buildings such as this. The Council have submitted drawings which show that were a lift a necessity there are other potential locations for this to be situated within the newer parts of the building. It is important to tread carefully and recognise it is not for this appeal to assess the acceptability of alternate locations; which is properly a matter for a decision-maker with such a scheme before them. However, it should be acknowledged that there are other potential locations within the building where a lift could be installed and which would retain the secondary staircase.
22. I acknowledge that the conservation of listed buildings more generally needs to be sensitive to the changing desires of occupiers to ensure that buildings continue to be occupied and cared for. In this case the building does have a vertical emphasis being spread over seven floors and I can see the desire of occupiers to have some form of lift to aid day-to-day living. However, this does not demonstrate that a lift rising from the basement to the upper floors contained within the secondary staircase stairwell is required to secure the optimum viable use of the heritage asset.
23. Similarly, I do not find that the removal of the secondary staircase is necessary in order to 'future-proof' the building when it is evident that there are multiple ways in which both lifts and/or services could be provided within the building to meet the needs and desires of 21st Century living.

Conclusion

24. I do not find in this case that the public benefits would outweigh the less than substantial harm to the significance of the heritage asset. Nor are there any other considerations which provide justification for allowing the works. As a result, having special regard to the desirability of preserving the building, the scheme for which listed building consent is sought would fail to preserve features of special architectural or historic interest which it possesses.
25. For the reasons given above, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR

⁴ Architect and design expert witness for the Appellant

⁵ See Appellant's Closing Speech pages 12-14, and paragraph 67 in terms of summary on this matter

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Saira Sheikh QC* instructed by the Director of Law (Isaac N P Carter),
Bi-Borough Legal Services

She called:

David Clegg*, BSc(Hons) Town Planning, Dip Urban
Design, MRTPI

FOR THE APPELLANT:

Sasha White QC* instructed by Kirsten Hewson of Shoosmiths LLP

He called:

Dr Chris Miele IHBC, MTRPI, FRHS
Neil Henderson, MRTPI
David Field*, Architect BA(Hons) (Arch), Dip Arch
(Portsmouth), RIBA

INTERESTED PERSONS:

Anjoli Foster	Junior Counsel to Mr White
Grace Mitchell*	Solicitor
Conor Fegan*	Pupil Barrister

*Attended site visit and/or took part in round table discussions

DOCUMENTS SUBMITTED AT INQUIRY

Ref:	Title/Identifier
LPA1	Second Consultation Email dated 12 October 2018 (sent to various)
LPA2	Opening submissions on behalf of Westminster City Council by Ms Sheikh QC of Francis Taylor Building, dated 13 November 2018
LPA3	Summary of Proof of Mr D Clegg of WCC
LPA4	Suggested conditions
LPA5	Closing submission on behalf of the Council by Ms Sheikh QC of Francis Taylor Building, dated 15 November 2018
APP1	Table of secondary stairs and lifts in the listed building
APP2	The Opening Speech of the Appellant by Mr White QC and Miss Foster of Landmark Chambers dated 13 November 2018 (including Appendix 1 – The Chronology)
APP3	Unilateral undertaking under S106 of the TCPA dated 15 November 2018
APP4	The Closing Speech of the Appellant by Mr White QC and Miss Foster of Landmark Chambers dated 15 November 2018
APP5	Schedule of appearances for the Appellant

Inspector Pre-Inquiry Ruling dated 19th September 2018 – confirmed as ‘Ruling’ at Inquiry