

**EVIDENCE
OF
ROBERT WARD-BOOTH**

21.12.2022

APPEALS BY NATIVE LAND (KENSINGTON) LTD AND OTHERS (“THE APPELLANT”)

**SOUTH KENSINGTON UNDERGROUND STATION; 20-48 (EVEN) AND 36-46 (ODD)
THURLOE STREET; 1-9 (ODD) PELHAM STREET; 20-34 THURLOE SQUARE (“THE SITE”)**

APPLICATION REF. PP/20/03216 AND LB/20/03217

APPEAL REF. APP/K5600/W/22/3300872 AND APP/K5600/Y/22/3301446



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CONTENTS

SECTION 1	Summary	3
SECTION 2	Introduction	8
SECTION 3	Overview of the Law, National Planning Policy & Technical Guidance	10
SECTION 4	Interpretation of National Planning Policy	17
SECTION 5	Methodology of Impact Assessment	26
SECTION 6	Description of Application Submission	28
SECTION 7	Adverse impact on significance of Listed Station	30
SECTION 8	Adverse Impact on Thurloe Estate and Smith's Charity Conservation Area	46
SECTION 9	Impact on the setting of Other Listed Buildings	78
SECTION 10	Conclusions	82

1.0 SUMMARY

- 1.1 The appeal proposes dramatic redevelopment of the Listed station complex which will involve construction of substantial three, four and five-storey buildings directly on top of a Listed Building. This new development is not subservient to the historic station, it will fundamentally change the form, scale and massing of the Listed Building and it will result in substantial change to the character and appearance of the Thurloe Estate and Smith's Charity Conservation Area.
- 1.2 In many ways this is a thorough and sophisticated application which reflects very favourably on the project team. If viewed in isolation as an independent new build development I would be very happy to acknowledge the architectural quality of much of the proposed design work and some elements of the scheme such as proposals for the refurbishment of shopfronts within the Sherrin Arcade and Thurloe Street will be of positive benefit for the historic built environment.
- 1.3 It is also fair to say that the station complex does provide opportunity for enhancement of the Conservation Area and, by way of example, there must be an opportunity for elements such as the existing Bullnose shops to be improved.
- 1.4 However, having considered the proposal and the affected Heritage Assets I am left with significant concern about the impact of the proposed development, the way in which the significance of the affected Heritage Assets has been assessed and some of the assertions which are being made in support of the planning submission.
- 1.5 It is acknowledged that some aspects of the station complex are not, in conventional terms, particularly "pretty" and that the way in which the station was cut into the earlier 19th century building environment was a relatively uncompromising piece of Victorian development. However, this is a piece of

industrial/transport heritage which is not primarily listed because of its visual beauty. The way that the station was integrated into the 19th-century built environment is an important part of the significance of the Listed Building and makes an important contribution to the character and appearance of the Conservation Area.

- 1.6 The visual character of the Listed Station is not a problem which needs to be solved and it is in fact a nationally significant heritage asset which should be preserved.
- 1.7 Fundamentally, we need to recognise that the historic scale, massing and long-low form of the Listed station, the way in which the main body of the station is set down within an open cutting and its relationship with adjoining built development directly reflect the nature of 19th century steam driven railway technology and the pattern of historic 19th and early 20th century railway development. These are key elements in the significance of this Heritage Asset which will be seriously damaged by the proposed development.
- 1.8 Whilst the restoration of the shopfronts within the Sherrin Arcade will be of positive value, the benefit of these works is wholly outweighed by the negative impact on the fundamental form of the Listed building together with other identified adverse impacts which include the loss of historic building fabric and harm to the setting of high-value elements within the station complex.
- 1.9 The proposed development is not subservient to the Listed Building and its impact will be dominant and overbearing.
- 1.10 It is not normal to seek to preserve a Listed Building by building three, four and five-storey buildings directly on top of it and elements such as the Bullnose redevelopment will cause substantial harm to this designated Heritage Asset.

- 1.11 More widely, the appeal proposal will cause harm to the character and appearance of the Conservation Area.
- 1.12 As well as being a designated asset in its own right, the Listed Station should be regarded as a local landmark building which makes an important contribution to the significance of the Conservation Area as an area of distinctive 19th Century urban development.
- 1.13 By building over large parts of the station, views of the open cutting will be lost, we will no longer be able to understand how the railway was cut into the earlier 19th century urban environment and our ability to read and understand the historic form, scale, function and architectural appearance of the Listed Building, as a key feature within the Conservation Area, will be seriously damaged.
- 1.14 The proposal will also result in the loss of open layered views across the railway cutting, over the station buildings and station complex and across to the rear elevations of the 19th century buildings along Thurloe Street and Thurloe square and the side flank of 52 Thurloe Square. These views provide a complex and visually interesting composition of rear projecting wings, chimney stacks, party walls and garden rooms all set within the context of the Listed Station.
- 1.15 It is therefore erroneous to assume that creation of a “balanced” street scene by development along Pelham Street in a way which will block these views is necessarily of benefit for the significance of the Conservation Area.
- 1.16 The significance of the Conservation Area also flows in large measure from the distinctive architectural design and detailing of the 19th century buildings within it.
- 1.17 The reason why the majority of these buildings have such a well-defined 19th Century character extends beyond the scale of built development and any tripartite division of building elevations and includes important elements such

as the actual materials palette which was used (not just the general colour of building components), a noticeable richness of architectural detailing, the use of classical (if often debased) architectural references and details and, in many cases, a hierarchy of internal accommodation which is expressed in the external elevations of the buildings by an associated gradation in the size and pattern of window fenestration and associated window detailing.

- 1.18 It also reflects the prevailing form of 19th century construction with external door and windows being seen and experienced as openings punched into solid external wall construction rather than being set within an expressed structural frame.
- 1.19 The appeal scheme does not properly respond to these important elements in the prevailing character of existing built development and whilst the design has been tweaked to reduce harm the proposed development will be experienced as large new blocks of development which are imposed into the Conservation Area rather than buildings which have grown out of the distinctive 19th century urban context in a natural and harmonious way.
- 1.20 Proposals for restoration of some of the shop fronts within Thurloe Street will be of clear positive benefit. However, the historic form and design of the rear elevation of 24-30 Thurloe Street directly contributes to the setting of the adjacent Listed Station and the effective demolition of this building will cause real harm to the significance of the Station and the Conservation Area and substantial harm to the significance of this undesignated Heritage Asset.
- 1.21 The retention of the existing front façade of the building as wallpaper stretched over the face of a new building also lacks architectural integrity and will create visual incongruity at the interface of the new building with older retained fabric. Examples in this regard include retention of dummy doors which lack functional logic and a visually odd relationship between the new roof line and retained chimney stacks which terminate at parapet level.

- 1.22 The historic spatial character of Pelham Street is of distinctively lower scale than many adjoining areas and has always been characterised by a relative sense of space and gaps between buildings. In this context the proposed scale and massing of development along the north side of Pelham Street is out of keeping with the historic character of this part of the Conservation Area and will cause harm to the setting of the locally significant historic houses within the street.
- 1.23 The appeal proposal will cause harm to townscape views which extend outwards towards the Natural History Museum and the Victoria and Albert Museum and will damage our experience of the sense of progression from the Conservation area into this cultural quarter. In particular, local view Ref LV8 (RBKC Building Height Supplementary Planning Document) will be lost as a result of the proposed redevelopment of the Bullnose.
- 1.24 Whilst I acknowledge that some aspects of the proposed development will be of positive benefit for the character and appearance of the Conservation Area this is wholly outweighed by harm resulting from the impact of other elements of the appeal scheme. When the totality of the appeal proposal is taken into consideration my judgement is that it will result in substantial harm to the significance of the Conservation Area as a Heritage Asset.
- 1.25 Finally, by damaging / extinguishing important townscape views and by degrading the distinctive character and appearance of the streetscape within the Conservation Area the proposal will also result in less than substantial harm to the setting of a wide range of other Listed Buildings and local Heritage assets within the vicinity of the appeal site.

2.0 INTRODUCTION

- 2.1 I am Robert Andrew Ward Booth and I hold a BSC (Hons) degree in Building Surveying, a RICS Diploma in Building Conservation and I am a member of both the RICS and IHBC.
- 2.2 I have over 25 years' experience in the planning, design and development sectors having worked as Development Manager for Countryside Properties PLC, as Surveyor for G.E Sworder Ltd (Now FPD Savills) and as Conservation Officer for Bedford Borough Council. I have been self-employed since 1998 undertaking a range of design, conservation and development work for private owners, private developers and public authorities.
- 2.3 In this regard I have acted for South Bedfordshire District Council, Bedfordshire County Council, Luton Borough Council and Central Bedfordshire Council for whom I have provided design and conservation advice for Development Control purposes.
- 2.4 I have experience in the provision of conservation and design advice for small, medium and large-scale developments and have been directly responsible for design work which has been acknowledged as being of a high architectural standard. I have served as a member of the St Albans Diocesan Advisory Committee; I am an RIBA prize winner and I have designed and obtained planning permission for a PPG7 Country House.
- 2.5 I am familiar with the locality of the South Kensington Underground Station, and I have undertaken a visual inspection of the publicly accessible sections of the property and its surrounding environs.
- 2.6 The appeal proposes very substantial redevelopment of the South Kensington underground station and associated South Kensington Subway which will comprise:

“Mixed use development of the land around South Kensington Station providing for: the demolition and redevelopment of the Bullnose (including Use Classes A1, A2, A3 and B1), demolition and facade retention of the Thurloe Street Building, refurbishment of the retail facades along Thurloe Street, refurbishment of the Arcade, construction of a building along Pelham Street comprising of residential use (Use Class C3), retail use (A1, A2 and A3), and Office use (use Class B1), construction of a building along Thurloe Square to provide for Use Class C3, alterations to South Kensington Station to provide for Step-free access to the District and Circle Lines and fire escape, including consequential alterations to the layout of the Ticket Hall, construction of two retail facades within the Subway, and other works incidental to the application proposal”

2.7 I have been appointed on behalf of:

- Pelham Street Residents Association
- Pelham Residents’ Association
- The Onslow Neighbourhood Association

to provide an independent review of the application submissions and the impact of the proposed development on the historic built environment.

2.8 This statement sets out my advice as to whether the proposed development will cause harm to the significance of the valuable Heritage Assets which do so much to define and enrich the character and appearance of the locality.

2.9 In this regard my evidence is intended to relate primarily to reason for refusal 1 of the Council decision notice for planning application Ref PP/20/03216 and reason for refusal 1 of the parallel decision notice for application Ref. LB/20/03217.

3.0 OVERVIEW OF THE LAW, NATIONAL PLANNING POLICY & TECHNICAL GUIDANCE

3.1 THE LAW

3.2 In determining an application for Listed Building Consent, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“The Act”) sets out a fundamental obligation to have “**special regard**” to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.3 Where planning applications affect a Listed Building or its setting, Section 66 of the Act sets out a parallel obligation to have “**special regard**” to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

3.4 Finally, Section 72 of the Act requires that “**special attention**” shall be paid to the desirability of preserving or enhancing the character and appearance of a designated Conservation Area.

3.5 These legal requirements reflect the importance which society places on the need to protect the historic built environment and the reality that Heritage Assets are an irreplaceable resource which, once damaged or lost, will normally be damaged or lost forever.

3.6 In determining applications for Planning Permission and Listed Building Consent these statutory obligations mean that greater relative weight must be given to the need to preserve designated Heritage Assets than might be given to other normal planning policy objectives. Put simply, decision takers are required to place considerable weight on any harm to designated Heritage Assets, even if that harm is less than substantial (Paragraph 28 - *East Northamptonshire DC v Secretary of State for Communities and Barnwell Manor* [2014] EWHC Civ 137 (Admin)).

3.7 NATIONAL PLANNING POLICY GUIDANCE

- 3.8 The current revision of the National Planning Policy Framework was published in 2021 and took immediate effect, superseding previous national planning policy. Paragraph 7 confirms that the overarching purpose of the planning system is to contribute to the achievement of sustainable development, and this is defined as development which meets the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.9 Paragraph 8 then goes on to make clear that one of the key dimensions of achieving sustainable development is the protection and enhancement of the historic environment.
- 3.10 Paragraph 189 makes clear that Heritage Assets are an irreplaceable resource and Paragraph 199 emphasises that “**great weight**” which should be given to the conservation of a designated heritage asset. In this regard, the guidance makes it explicitly clear that the need to give “**great weight**” to the conservation of Heritage Assets applies irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
- 3.11 In determining applications, Paragraph 194 indicates that the Local Planning Authority should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 3.12 Paragraph 201 relates to the consideration of applications that will result in ‘substantial harm to’ or ‘total loss of significance’ of designated heritage assets and makes it clear that permission for such development should be refused unless the harm caused is outweighed by the public benefit of the proposal or unless the proposal meets all of the requirements of a defined list of specific tests which apply where a site is disused and where the nature of the Heritage Asset prevents its viable use.

- 3.13 This guidance must be read in conjunction with Paragraph 200 which makes clear that any harm to, or loss of, the significance of a designated Heritage Asset should require clear and convincing justification and that Substantial harm to a Grade II Listed Building should only be allowed in exceptional circumstances.
- 3.14 Paragraph 202 relates to proposals that will result in ‘less than substantial harm’ to the significance of a designated heritage asset and states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 3.15 Finally, Paragraph 203 deals with proposals which would affect non-designated Heritage Assets and indicates that in these cases a balanced judgement will be required having regard to the scale of any harm or loss and significance of the Heritage Asset concerned.
- 3.16 We must acknowledge that neither the statutory requirements set out within the Act, nor the policy framework set out within the NPPF impose any absolute prohibition of harm to, or indeed the total loss of Heritage Assets. Paragraph 3 of the NPPF makes it clear that the policy document must be read as a whole, and the policies set out within the NPPF for the protection of the Historic Environment make it clear that the protection and conservation of Historic Assets must be weighed up and balanced against the governments other social and economic objectives. This means that development cannot simply be assumed to be “unsustainable” simply because it involves harm to, or even the demolition and loss of a Heritage Asset.
- 3.17 In fact, we cannot determine whether a development should be regarded as being “sustainable” or “unsustainable” on heritage grounds without first going through the process of assessing the significance of any affected Heritage Assets, determining whether the proposal will cause harm to this significance and then a process of “weighing up” to determine whether any perceived

harm to the historic built environment will be justified and outweighed by other social or economic benefits associated with any individual proposed scheme.

3.18 **HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDANCE (JULY 2019)**

3.19 The July 2019 Historic Environment Planning Practice Guidance (“**PPG**”) published by the Department for Levelling Up, Housing and Communities and the Ministry of Housing, Communities and Local Government supports and expands on the primary policy guidance set out within the NPPF.

3.20 Paragraph 006 provides guidance in respect of the interpretation of archaeological, architectural, artistic or historic interest and explains the concept of Significance in more detail. Of particular relevance in this case is the definitions provided for architectural and historic interest which are as follows:

ARCHITECTURAL AND ARTISTIC INTEREST: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

HISTORIC INTEREST: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

- 3.21 In the case of the current application an example of both architectural and historic interest in respect of the Listed underground station would therefore flow from the historic design and construction of the station building and arcade, together with the platforms and associated cutting and the reality that the development was originally designed and built as an open cutting with only very limited low-profile built development above street level.
- 3.22 The long low-profile of the station complex and the openness of the cutting and associated historic revetments directly reflect the historic function of the station and Victorian railway technology so that the scale, massing and fundamental form of the station complex plays a key role in defining the architectural and historic interest and therefore the significance of the station as a Listed Building.
- 3.23 Paragraph 013 provides specific advice to explain in more detail what the setting of a Heritage Asset is and how this should be taken into account as part of the determination of an application for planning permission. For ease of reference this is set out in below:

“All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a Heritage asset and the assets curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on the setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and from our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection and amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the Heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a Heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."

- 3.24 In considering the current case an obvious example of the way in which the setting of the Listed Station contributes to its significance flows from the way in which we are able to view the deeply indented rear elevation of 24-30 Thurloe Street which was specifically designed to protect the internal accommodation within the building from the steam and smoke of the railway so that it provides an important visual clue to the original way in which the station operated and functioned. Another obvious example would be the way in which we are able to experience open views across the cutting so that we can read and understand the historic form and design of the station complex and the way in which it was cut into the earlier urban fabric of the locality.
- 3.25 This guidance also makes clear that the contribution that the setting makes to the significance of a Listed Building does not depend on there being public rights of way or public rights of access. The impact of development on the setting of a Listed Building is not therefore limited to the impact which might be experienced from the public highway or from within the curtilage of the Listed Building itself. The setting includes the whole of environment within which the Listed Building is experienced and can include wider views and views both to and from adjacent private property which may be in separate ownership to the Heritage Asset concerned.

- 3.26 Also of particular relevance in this case is guidance set out within Paragraph 018 regarding the assessment of harm and, more particularly, the degree of harm to the significance of a designated Heritage Asset which would be regarded as amounting to Substantial Harm for the purposes of Paragraph 201 of the NPPF.
- 3.27 In this regard the Guidance explains that in general terms substantial harm is a high test so that it may not arise in many cases and illustrates this by making the point that works which involve partial demolition and which have considerable impact might, depending on the circumstances of an individual case, not be regarded as resulting in substantial harm.
- 3.28 However, it goes on to make clear that substantial harm may arise from development within the setting of a designated heritage asset and not just from direct works to it.
- 3.29 Of key importance is the degree of harm to the assets significance and the Guidance indicates that an important test is whether the adverse impact of the proposed development would seriously affect a key element of the special architectural and historic interest of the affected Heritage Asset.
- 3.30 Paragraph 19 deals with harm to the significance of a Conservation Area. Apart from making clear that loss of a building within a Conservation Area may amount to “Less than Substantial” harm the only real guidance which it provides is that demolition of an important unlisted building is capable of amounting to Substantial Harm. In essence we are told that the demolition of a building which makes a positive contribution to the character and appearance of a Conservation area may, or may not, amount to Substantial Harm.

4.0 INTERPETATION OF NATIONAL PLANNING POLICY

- 4.1 The previous section of my evidence is intended to give a straightforward summary of the framework of legal and national policy control which guides the determination of applications which affect Heritage Assets.
- 4.2 What is much less straightforward is an analysis of how national policy should be interpreted, how harm to the significance of Heritage Asset should be assessed and, in particular, the determination as to whether the adverse impact of a development proposal should be considered to amount to “Substantial” or “Less than Substantial” harm.
- 4.3 The reason that this is not straightforward is the effective absence of detailed guidance within the NPPF and the very limited assistance provided by paragraphs 18 and 19 of the PPG.
- 4.4 At its core, the guidance set out in paragraph 18 simply tells us that Substantial Harm is a high test which may not arise in many cases and which is only likely to be triggered where a development causes serious harm to a key element of the special architectural or historic interest of the Listed Building concerned.
- 4.5 The position was eloquently summarised by Sir Keith Lindblom SPT at paragraph 74 of his judgement in *R (City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320 where he said that:

“....The NPPF does not direct the decision-maker to adopt any specific approach to identifying “harm” or gauging its extent. It distinguishes the approach required in cases of “substantial harm ... (or total loss of significance ...)” (paragraph 195) from that required in cases of “less than substantial harm” (paragraph 196). But the decision-maker is not told how to assess what the “harm” to the heritage asset will be, or

what should be taken into account in that exercise or excluded. The policy is in general terms. There is no one approach, suitable for every proposal affecting a “designated heritage asset” or its setting”

- 4.6 Unsurprisingly, the great variation in circumstances between different cases and the fact that the assessment of harm is acknowledged as being a matter of planning judgement for individual decision takers means that we have seen significant differences in the assessment of the level of adverse impact which has been considered as amounting to “Substantial Harm”.
- 4.7 By way of example, I would draw attention to *Juden v London Borough of Tower Hamlets* [2021] EWHC 1368 (Admin) (“Juden”) where it was held that it was lawful for the Local Planning Authority to reach the conclusion that a scheme which involved the demolition of the main roof and the original rear wing of a Listed former hospital together with the construction of over two hundred new dwellings within its grounds would **not** result in “Substantial Harm” to the significance of the property.
- 4.8 Taken in isolation, and notwithstanding the fact that the former hospital was in a dilapidated condition, a decision of this type suggests that the “**high test**” of Substantial Harm set out in the PPG should be seen as a *very high test* which would be approaching the stance taken by the Inspector in *Bedford BC v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (“Bedford BC”) (later discussed below) who took the view that Substantial Harm should be interpreted as “... **something approaching demolition or destruction.**” or, as summarised by Mr Justice Jay, “**that very much if not all of the significance of the Heritage Asset would be drained away**”.
- 4.9 Conversely, we have seen other cases where the approach taken by decision takers suggests that the “**high test**” of Substantial Harm can be triggered by development which would appear to have a more limited level of adverse impact on the significance of the Heritage Asset concerned.

- 4.10 By way of example, Appendix A includes a copy the 2015 (i.e., post Bedford BC) decision notice for Appeal Ref APP/E5900/C/14/2217944 which related to enforcement action in respect of a poorly designed unauthorised shopfront installed in an un-listed building within the Fournier Street and Brick Lane Conservation Area in London and where the inspector concluded (at paragraph 9) that that the unauthorised development did cause “**substantial harm**” to the Conservation Area as a heritage asset.
- 4.11 Perhaps more instructive is the 2017 (i.e., post Bedford BC) decision notice for appeal Ref APP/Z0116/C/16/3160053 enclosed within Appendix B which relates to enforcement action in respect of the installation of an unauthorised external roller shutter to a shopfront within a Grade II Listed Building situated within a designated Conservation Area.
- 4.12 In considering this case it is worth noting that the inspector accepted the appellant’s evidence that the shopfront to which the roller shutter had been fitted was not original and there is no suggestion that the installation of the roller shutter had resulted in any loss of historic building fabric or any partial demolition of the Listed Building.
- 4.13 Nevertheless, the inspector concluded that the traditional shopfronts within the street made a significant contribution towards the special interest of the Conservation Area (paragraph 8) and that the significance of the Listed Building was derived from its external appearance and architectural style (paragraph 3).
- 4.14 On this basis the inspector determined that the unauthorised development did cause **Substantial Harm** to both the Listed Building and the Conservation Area (paragraph 16).



SHOP FRONT AT 52 PICTON STREET, BRISTOL
(External roller shutter removed)
(APPEAL REF APP/Z0116/C/16/3160053)

- 4.15 Taken together the example decision notices enclosed in Appendices A and B are a counterpoint to the decisions in *Juden* and *Bedford BC* and provide us with examples where decision takers have concluded that the level of adverse impact required to trigger the “high test” of Substantial Harm is more modest than the extreme level of impact implied by a superficial reading of the *Bedford* case.
- 4.16 Indeed, this is reflected in the High Court’s recent decision in *London Historic Parks And Gardens Trust v Minister of State for Housing & Anor* [2022] EWHC 829 (Admin) (*‘London Historic Parks’*), where Mrs Justice Thornton DBE concluded at Paragraph 53 of her judgement that:

“Accordingly, read as a whole and in context, Jay J’s judgment does not import a test of ‘draining away’ to the test of substantial harm. He

was not seeking to impose a gloss on the term. The judgment in Bedford accords with the approach stated by the Senior President of Tribunals at [74] in Bramshill. It is clear from cases like Tesco v Dundee [2012] UKSC 13; R (Samuel Smith) v North Yorkshire County Council [2020] UKSC 3; Bramshill and others, that a word like 'substantial' in the NPPF means what it says and any attempt to impose a gloss on the meaning of the term has no justification in the context of the NPPF. The policy framework and guidance provide a steer that relevant factors include the degree of impact, the significance of the heritage asset under scrutiny and its setting. It is not appropriate to treat comments made by a Judge assessing the reasoning of an individual decision maker, when applying the test of 'substantial harm' to the circumstances before him/her, as creating a gloss or additional meaning to the test."

- 4.17 The judgement very clearly tells us that the evidence of the Secretary of State in that case, that for the test for substantial harm would only be triggered where ***"very much if not all of the significance is drained away or that the asset's significance is vitiated altogether or very much reduced"*** was simply wrong.
- 4.18 In light of this, the best approach is to look carefully at the actual text of the NPPF and to then put this reading of the text of the NPPF into the context of how our approach to the management of the Historic Built Environment and our understanding of harm to Heritage Assets has changed and evolved over time.
- 4.19 In a sense the phrase "Substantial Harm" speaks for itself and, in the context of Listed Buildings, Paragraph 18 of the PPG tells us that the key test is whether the adverse impact of development would seriously affect a key element of the special architectural or historic interest of the Heritage Asset.
- 4.20 The first point here is that the PPG refers to adverse impact on **a** key element of the significance of the Heritage Asset.

- 4.21 The clear intention of the PPG is that development which causes serious harm to any one of the individual “**key**” elements of significance of a Listed building should be regarded as being capable of resulting in Substantial Harm.
- 4.22 To put this in the context of the current appeal it is acknowledged that the majority of the historic building fabric within the station complex will be retained. Nevertheless, the historic architectural form and massing of the station is also a “key” element of the significance of the Heritage Asset and this will be fundamentally changed and seriously damaged by the proposed works. Because of this it is reasonable to conclude that the overall impact of the proposal will result in Substantial Harm.
- 4.23 In gauging the level at which the test of substantial harm is triggered we can also take guidance from paragraph 200 of the NPPF which describes the level of justification required for approval of development which will result in this level of harm. In this regard, paragraph 200(a) tells us that substantial harm to a Listed Building should be “exceptional”.
- 4.24 Another way of expressing this is to say that Paragraph 200 of the NPPF means that it would “**not be normal**” for there to be sufficient justification to grant permission for development which causes Substantial Harm to the significance of a Heritage Asset.
- 4.25 In this regard, I would draw particular attention to paragraph 178 of the 2010 PPG which advised that:

“The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable”

for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate."

(my emphasis of the words "not normally be acceptable")

- 4.26 This advice from 2010 emphasises the key importance of proportion, height and massing and indicates that it would "***not be normal***" for development which dominates a Listed Building in terms of scale or its setting to be justified. In my view this supports the position that development which dominates the scale or setting of a Heritage asset will often be regarded as resulting in Substantial Harm to the significance of the asset concerned.
- 4.27 In this case the appeal scheme proposes very large-scale redevelopment of the Listed station involving the construction of three, four and five storey buildings much of which will be built directly over the top of the station complex and which will dramatically alter the proportions, height, massing, bulk and setting of this Listed Building. It is plainly obvious that the scale and massing of this proposal will dominate the Listed station and its setting.
- 4.28 Clearly, the 2010 PPG which accompanied PPS 5 is no longer extant and the question then arises as to whether it is reasonable to place any material weight on the more detailed advice which it contains and which was subsequently omitted from the later PPG guidance which has been published following the introduction of the NPPF.
- 4.29 To be clear, my conclusions in this statement are not dependent on anything other than the current text of the NPPF and the current PPG. However, I consider that detailed advice set out in the 2010 version of the PPG does provide evidence which supports the conclusions which I have reached.
- 4.30 In this regard, it is important to consider whether we think it was the intention of Government that the introduction of the NPPF in place of Planning Policy

Statement 5 should signal any form of relaxation in policy which would reduce the protection afforded to designated Heritage Assets by a deliberate decision either to raise the bar in relation to the trigger point for Substantial Harm or by signalling a consequent reduction in the level of required justification for works which would cause such harm to the significance of Listed Buildings and Conservation Areas.

- 4.31 What is clear is that Government did intend to simplify published policy guidance so that the introduction of the NPPF saw the approximately 11 pages of text from PPS 5 condensed down to just four pages and the subsequent new PPG issued to accompany the NPPF also being slimmed down by straight-forward omission of large sections of detailed guidance.
- 4.32 Whilst the text of the NPPF which deals with conservation of the historic environment is different to that set out in PPS 5 (extract enclosed in appendix D) it is also clear in my view that the change in wording does not indicate any intention to raise the trigger level for Substantial Harm.
- 4.33 In the absence of any express intention to reduce the level of protection given to Heritage Assets within the NPPF in my view, the omission of detailed guidance from the PPG, in so far as it resulted from a desire to streamline the text of government policy, does not mean that it then becomes unreasonable for us to look back at the earlier more fine-grained advice issued at the time of PPS 5 as evidence to give added credence to decisions and judgements about the assessment of harm resulting from development proposals which are determined in accordance with current NPPF policy and PPG guidance.
- 4.34 It is correct that the PPG has gone through various iterations since the 2010 version. For example, the 2013 Beta version suggested a very high bar for what should be considered substantial harm and this stated that a key factor was whether ***“the adverse impact goes to the heart of why the place is worthy of designation”*** (see extract in appendix E) and, on the face of it, my view is that this would seem to have been a response to the judgement in

Bedford BC. However, the introduction of the 2014 PPG (see extract in appendix F) provided revised advice which was effectively the same as the more balanced approach set out in current guidance.

4.35 In any event, and following the judgement in London Historic Parks , the clear steer of the courts is to focus on the text of the NPPF itself, which – as discussed above – has not in my view materially departed from the approach set out in PPS 5.

4.36 As such, and in seeking to apply the “**high test**” for Substantial Harm set in the currently published version of the PPG, we should understand where we have come from, why the text of the PPG rests as currently drafted and then to come to a reasoned and logical approach to the trigger point at which the test for Substantial Harm should be set.

4.37 With that considered, I am of the view that the detailed and finely grained advice by the 2010 PPG which sat alongside PPS 5 and which was extant at the time that the NPPF was first introduced can be useful in lending further credence to judgements about the assessment of harm resulting from development proposals which are determined in accordance with current NPPF policy and PPG guidance.

5.0 METHODOLOGY OF IMPACT ASSESSMENT & HISTORIC DEVELOPMENT OF APPEAL SITE

- 5.1 The NPPF makes clear that development management should be based on an evidence-based assessment of the significance of individual Heritage assets which may be affected by the relevant development proposal. Understanding the relative significance of affected assets is vital to a successful development scheme and in this regard the NPPF reflects the English Heritage (now Historic England) publication of Conservation Principles Policies and Guidance (2008).
- 5.2 Given the diversity and richness of our shared heritage the assessment of significance for individual assets can be a difficult and sometimes subjective process. However, this Historic England Guidance sets out a structured approach based first on consideration of a range of Heritage Values encompassing the evidential, historic, aesthetic and communal values associated with each individual place.
- 5.3 Evidential value is defined as value derived from the potential of the place to yield evidence about past human activity whilst Historic Value is that which is derived from the ways in which passed people, events and aspects of life can be connected through the place to the present day. In this regard, the guidance suggests that Historic Value will normally be either illustrative or associative in nature. Aesthetic value is defined as the value which flows from the way in which people draw sensory and intellectual stimulation from a place whilst Communal Value derives from the meaning of the place for the people who relate to it or for whom it figures in their collective experience or memory.
- 5.4 My assessment of the significance of the Heritage Assets which will be affected by the proposed development has followed this methodology and in

the following sections of this statement I highlight and explain my assessment of the heritage value of the different assets concerned.

5.5 My advice and conclusions follow an assessment of the history and development of the Appeal site and the surrounding environs, a search of the Historic Environment Record and searches of available local history archive sources.

5.6 However, and for the sake of brevity, I have not sought to set out a descriptive summary of the history of the development of the station and its environs in this statement and I would refer to the analysis set out in the proof of evidence provided by my colleague Mr Paul Velluet and that provided by the appellant as part of the appeal submission.

6.0 DESCRIPTION OF APPLICATION SUBMISSION

6.1 The application proposes very substantial redevelopment of the South Kensington Underground Station with three, four and five storey new buildings wrapping around the perimeter of the historic station complex and constructed directly on top of the Listed station.

6.2 These different elements of the overall development scheme can be summarised as follows:

- Creation of new Thurloe Street Station entrance and remodelling of ticket hall and shops to provide step free access to serve the District and Circle lines and South Kensington Subway.
- Refurbishment of Sherrin's 1907 arcade shops
- Introduction of new retail units within the South Kensington Subway
- Demolition of "The Bullnose" and construction of new four-storey building to front onto Cromwell Place.
- Construction of a new three, four and five storey building to provide a continuous new terrace of commercial and residential development extending along the length of the north side of Pelham Street.
- Construction of a five-storey terrace building following the line of the Thurloe Square Bridge.
- Effective demolition of 20-34 Thurloe Street with only the front façade being retained and with the site re-developed to provide ground floor retail units, access to the lifts which will serve the underground station and then four floors of residential accommodation above.

- 6.3 Whether or not I agree with the conclusions which have been reached and the design choices the appellant has made it is self-evident that the application submission is the product of an extensive and detailed process of site assessment which involved careful research into the history and development of the locality.
- 6.4 The application is fully supported by a detailed Design and Access Statement, a stand-alone Heritage Statement, a separate Heritage Environment Assessment and a further Townscape, Built Heritage and Visual Assessment. The Design and Access Statement also makes clear that the application proposal is the product of an extensive process of consultation and engagement with the Local Planning Authority, consultation with Historic England and a number of phases of public exhibition and public consultation.
- 6.5 In many ways this is a thorough and very sophisticated application which reflects very favourably on the project team. However, having inspected the locality and having considered the proposal and the affected Heritage Assets I am left with significant concern about the impact of the proposed development, the way in which the significance of the affected Heritage Assets has been assessed and some of the assertions which are being made in support of the planning submission.
- 6.6 The impact of the different elements which make up the proposal scheme vary with some elements being of positive benefit and some elements being of effectively neutral impact. However, when the full totality of the proposal is considered, it is clear that it will result in substantial harm to the significance of the Thurloe Estate and Smith's Charity Conservation Area and the Grade II Listed underground station. It will also result in varying degrees of less than substantial harm to the other Listed buildings and undesignated heritage assets in the vicinity.

7.0 ADVERSE IMPACT ON SIGNIFICANCE OF LISTED STATION

7.1 South Kensington Station is a Grade II Listed Building and is directly attached to the separately Listed (Grade II) South Kensington Subway. The List Description provides a succinct description of the history of the station complex and for ease of reference this is set out below:

“South Kensington Underground Station. 1867-68, substantially altered 1907. Original design by Sir John Fowler, engineer to the Metropolitan Line; Edwardian arcade by George Sherrin. EXTERIOR: Arcade at street level, running from Thurlow Street to Pelham Street, with a glazed barrel-vaulted roof above shops on each side. Wrought iron screens at either end inscribed SOUTH KENSINGTON STATION and METROPOLITAN AND DISTRICT RAILWAY. INTERIOR: Arcade is lined with shops: seven on west side, six on the east. Two retain original glazed shop fronts of high quality. Doric pilasters divide the units. At upper platform level, used by the District & Circle Lines, original arcaded revetments of pale-yellow brick remain in situ: the lower tier of tall arches has keystones, header arches, imposts and bases while the shorter upper tier has gauged arches with keystones. HISTORY: This station terminated the southward continuation of the world's first underground railway line, and was opened on Christmas Eve, 1868. It was originally called Brompton Exchange. In 1871 the District Railway constructed extra platforms and a separate entrance here, the company having fallen out with the Metropolitan Railway. In 1905-06 a deep-level Piccadilly Line link was constructed: Leslie Green designed a separate entrance on Pelham Street. At this time too the Metropolitan Railway engaged George Sherrin to remodel the entrance and booking hall, and to lay out a street-level arcade between Thurloe and Pelham Streets. Sherrin was responsible too for replacing Fowler's iron spans over the platforms with the present wood roof carried on iron columns. The booking hall was substantially altered in 1951.

ASSESSMENT OF IMPORTANCE. The special interest of South Kensington Station resides in the survival of the arcaded 1867-68 revetments, which belong to the first generation of underground architecture anywhere in the world. Sherrin's arcade possesses special interest as a fine survivor of Edwardian retail architecture. The rest of the station is not regarded as possessing special interest, although the 1907 Leslie Green-designed frontage on Pelham Street clearly makes a positive contribution to the conservation area. The underpass to Exhibition Road is separately listed.”

7.2 The List Description is specific in purporting to identify those particular elements of the station which are of special interest (the original arcaded revetments of 1867-1868 and the Sherrin arcade) and which justify statutory protection of the station. However, these elements have not been individually

designated and because of this the Listed Building comprises the overall station complex as a whole.

- 7.3 At the time of writing, I have not been able to find evidence of any detailed assessment of the curtilage of the Listed Building from the time of designation. In the absence of a formal curtilage plan my opinion is that the Listed Building should be regarded as encompassing the whole of the area of the station complex as it was at the completion of the second phase of Victorian railway development during the early 1870's. In this respect, the Listed Building should be regarded as including the Sherrin Arcade, the Bullnose, the Oxblood building and the whole of the platform cutting including the north and south revetments and the retaining walls and western face of the bridges which form the eastern termination of the complex.
- 7.4 Whilst some of the individual elements within the complex may not be of such significance as to justify statutory designation in their own right, they nevertheless form part of a whole which is by definition recognised as being a Heritage Asset which is of national significance. Indeed, the value and significance of the station complex, as a whole, is recognised in the Appellant's Heritage Statement which provides a well-considered description of the way in which the station has developed and a detailed significance plan which identifies the varying degrees to which different elements within the station complex contribute to the architectural and historic interest of the Listed Building.
- 7.5 This identifies the yellow brick Victorian revetments of the railway cutting (from both the 1868/67 and 1871 phases of development), the surviving cast iron columns on the southern platform (which originally supported the 1871 platform roof) and the George Sherrin arcade as being the elements which are of high significance. Elements which are assessed as being of moderate significance include the Edwardian platform canopies and ticket Hall which formed part of George Sherrin's redevelopment of the station in 1907, the red brick Victorian revetments at the eastern end of the railway cutting and the Oxblood building. The majority of the remaining sections of the station

complex including the platforms and The Bullnose are then assessed as being of limited significance which make a minor contribution to the historic and architectural interest of the Listed Building.

7.6 In broad terms I would agree with the graded assessment of significance set out within the appellant's Heritage Statement. However, I would query the conclusion that the red brick revetments and associated bridge masonry at the eastern end of the railway cutting should only be regarded as being of moderate significance. Clearly, these are of more utilitarian design than the yellow brick revetments which bounded the original platforms. However, they form part of the original 1867/68 and 1871 phases of development and therefore survive as an original and integral part of the historic building fabric of the Listed station. Whilst the red brick revetments may not be as important as the yellow brick revetments which adjoined the original platforms, they nevertheless have a high level of significance as a historic part of the Victorian station complex. Indeed, the considered way in which the head of the original redbrick revetment at the north east corner of the open cutting curves into the historic parapet balustrade of the Thurloe Square bridge has considerable visual charm and historic and evidential value.



SOPHISTICATED CURVED HISTORIC BRICKWORK
(DEMOLITION TO ROAD FRONTAGE IS PROPOSED BY APPELLANT)

- 7.7 However, in considering the significance of the station complex as a Listed Building I am more concerned that the developer's Heritage Statement does not really extend beyond the provision of a list of the relative value of the different parts of the property and that it draws back from providing any analysis of some of the basic characteristics of the complex and the key elements in the significance of this Heritage Asset as a whole.
- 7.8 In this context, there are a number of obvious points which need to be made in relation to the current application proposal. Most importantly, we need to think about the historic form, scale and massing of the station complex which fundamentally defines our visual experience of the station and which flows directly from the original function and architectural / technical design of the Listed building.
- 7.9 This is a case where form very clearly follows function and it would seem self-evident that the long-low form of the station complex, the openness of the cutting and the way in which the station is set down into the cutting are key characteristics of the Listed Building and key elements of the significance of this Heritage Asset
- 7.10 When originally constructed the eastern end of the platform cutting would always have been completely open and whilst the lower platforms were enclosed, they would have been experienced as a single storey glazed railway shed set down within the open cutting. These original glazed roofs were subsequently removed by Sherrin as part of the works which were necessary in order to allow the electrification of the railway and the open character of the cutting as it is experienced today is essentially the same as it would have been when Sherrin's works were completed. In this regard, the open form of the cutting plays an important role in defining the significance of the Listed Building.



PHOTOGRAPH SHOWING OPEN CHARACTER OF THE RAILWAY CUTTING, OPEN VIEWS OF VICTORIAN REVETMENT AND THE LONG LOW FORM OF THE STATION COMPLEX (VIEW FROM 29 PELHAM PLACE)



PHOTOGRAPH SHOWING OPEN CHARACTER AND HISTORIC FORM OF STATION WHEN SEEN AT GROUND LEVEL FROM PELHAM STREET



PHOTOGRAPH SHOWING OPEN CHARACTER AND HISTORIC FORM OF STATION WHEN SEEN AT GROUND LEVEL FROM PELHAM STREET

- 7.11 In considering the significance of the Listed Building the station should be regarded as having historic value simply by virtue of the survival of historic building fabric from the first phases of the station’s development. More particularly, it has a high level of historic and evidential value as a surviving physical record of Victorian and early 20th century railway technology, architectural and engineering design and craft practice. The station must also have communal value as part of our shared history of historic urban and technological development.
- 7.12 Although not always conventionally “pretty” it is also clear that many elements of the station such as the Sherrin arcade, the Oxblood building, the surviving yellow brick revetments and features such as the carefully crafted curved brickwork at the north corner of the Thurloe Square bridge are of positive aesthetic value.
- 7.13 As a Grade II Listed Building the station is, by definition, acknowledged to be a building of special architectural and historic interest which is of national significance.

- 7.14 We should acknowledge that the station does not survive in its original form and that some parts of the complex have been subject to substantial post-war alterations which have reduced its significance. For a Listed building, it is also fair to say that the station is of relatively late construction and that building fabric from the second half of the 19th century does not have the same level of intrinsic historic value as that from earlier medieval, and post-medieval buildings.
- 7.15 However, we must also recognise that, within the context of the historic built environment, a specialised railway building of this type is a relatively rare structure and that transport infrastructure of this type has a particular significance in the context of 19th century urban development. More particularly, South Kensington Station has elevated value in that it was constructed as a continuation of the world's first underground railway and the fact that the first phases of development were designed by Sir John Fowler who should be regarded as a nationally significant 19th Century railway engineer.
- 7.16 In this regard, I would draw attention to the specific mention of Sir John Fowlers work in Historic England's Infrastructure: Transport Listing Selection Guide (2017) (Page 3) and would point out that both Sherrin and Leslie Green should in my view be regarded as important twentieth century architects.
- 7.17 The communal value and significance of the Listed Building is also enhanced by its status as a point of arrival and local landmark for people progressing towards the National Museums and cultural assets in Albertopolis.
- 7.18 On this basis and within the broad continuum of Grade II Listed Buildings I would regard the Listed Station as having a medium-high level of relative significance.

- 7.19 Within the different elements of value and significance outlined above the scale, massing and basic form of the station complex are all important in allowing us to experience and understand the historic function and technology of the Victorian station and its electrification and evolution during the early 20th century . The scale, massing and basic form of the station complex make an important contribution to the evidential and historic value of this Heritage Asset and play a key role in contributing to the architectural and historic interest of the Listed Building.
- 7.20 However, the Underground station is a piece of industrial/transport heritage which is not listed for the conventional beauty of the contribution which it makes to the street scene. Because of this and because the main body of the station complex is set down within the open platform cutting it is easy to fall into the trap of failing to properly think about how the proposed development will affect the setting and significance of the station as a Listed Building.
- 7.21 In this regard, it is essential to recognise the reality that the appellant is proposing to construct large-scale four and five story buildings directly on top of a Listed Building.
- 7.22 It is not normal to seek to preserve a Listed Building by building another building on top of it and the reason for this is that constructing a new building directly on top of a Listed Building must fundamentally change the scale, massing and built form of the Heritage Asset concerned.
- 7.23 The Listed Station is not a problem which needs to be solved and it is in fact a nationally significant heritage asset which should be preserved.
- 7.24 In the context of a Listed Building whose architectural and historic interest flows in large measure from its long low built form and which is defined by the open character of the railway cutting within which the historic platforms and revetments are set it is fundamentally difficult to understand how the construction of four and five storey buildings around the perimeter of the

station and directly over the top of the station complex can do anything other than cause harm to our ability to experience and understand the historic form of this important piece of transport heritage.

7.25 In overall terms the appeal scheme will allow the majority of the historic building fabric within station complex to be retained. However, some material loss of historic building fabric is proposed and in absolute terms the amount of loss is not insignificant. This will include demolition of original 1860's panelled brickwork at the head of the Thurloe Square bridge (see previous photograph on page 27 above) together with demolition of surviving historic brickwork which forms the head of the 1870's southern revetment along part of the Pelham Street frontage.



HEAD OF HISTORIC REVETMENT TO BE DEMOLISHED

7.26 The developer's Heritage Statement speaks with a smooth velvet tongue and whilst acknowledging that the proposal will involve the most comprehensive changes to the character and appearance of the Listed Station since 1907 it concludes that these works will not harm the significance of the Listed Building and tells us that all of the elements of the scheme **".... have been designed to enhance, restore and celebrate the historic character, interest and significance of the station."**

- 7.27 Some elements of the proposal will be of positive benefit for the significance of the Listed building and an obvious example is the proposal for refurbishment of the historic shop fronts within the Sherrin arcade.
- 7.28 However, I disagree with the conclusions set out in the developer's Heritage Statement and given the fundamental change to the scale, massing and built form of the Listed Building which is proposed my sense is that there is some need to "check the compass" and think about how we would normally consider applications involving change to a designated Heritage Asset.
- 7.29 The long-low form of the station complex and the open character of the cutting in which the historic platforms and revetments are set play a key role in defining the architectural character of the Listed Building and directly reflect the historic function of the building as a railway station and nature of Victorian steam driven railway technology.
- 7.30 Even at the western end of the complex the station buildings, when viewed from ground level are predominantly of single storey in scale and, at very most, and in relation to the other surrounding development, rise up to a height of only two to two and a half storeys in height. Indeed, one of the defining characteristics of the termination of the station at the Cromwell Place junction is its low-rise construction with a single-storey built form fronting onto the highway junction. This allows us to read and understand the historic form of the Listed Building and is an inherent part of the architectural and historic interest of this Heritage asset.
- 7.31 Whilst many of the historic buildings which surround the appeal site are of four and five storeys in height this reflects their historic design and function as town houses and mixed commercial / apartment buildings. The station was not designed as a town house and its very different form and scale directly contributes to its significance as a piece of transport heritage.

- 7.32 In managing development within the context of Listed Buildings it would, in all normal situations, be reasonable to expect that the scale and massing of new development within the curtilage of the Listed Building would in fact respect, follow and in most cases be subservient to the scale and massing of the Listed Building itself.
- 7.33 In this case it is self-evident that the proposed development is in no way subservient to the historic scale and massing of the Listed station.
- 7.34 It is acknowledged that the station complex is a very large site, that the surrounding urban environment is of considerable scale and that in physical terms there is a lot of space above the existing station which can be developed. However, this does not mean that medium rise redevelopment of the station complex can be accepted without harm to the significance of this designated Heritage Asset.
- 7.35 The application proposes redevelopment of the single storey Bullnose to form a new four storey office/retail building which will completely change the historic form of the termination of the station complex and which will tower over the Sherrin Arcade with an abrupt and difficult relationship with the station entrances.
- 7.36 At the same time a new three, four and five storey commercial building will be constructed along the north side of Pelham Street with an abrupt and uncompromising abutment to the much lower Oxblood building.
- 7.37 The effect will be to leave the arcade, the oxblood building and the station entrance as much diminished, visually subservient and somewhat discordant residual features within a new façade of modern frontage development.
- 7.38 At the same time the new four and five storey buildings will over power and over dominate the setting of the historic sections of the station such as the Sherrin Arcade and historic revetments which play a key role in defining the significance of the Listed Building.



EXISTING OPEN VIEW FROM INTERNAL SHERRIN ARCADE LOOKING UP
TOWARDS PROPOSED NEW BULLNOSE OFFICE BUILDING.

- 7.39 My judgement is that the proposed over development of the station will cause serious harm to the significance of the Listed Building.
- 7.40 In seeking to justify the proposed development of Pelham Street the developers Heritage and Design and Access Statement highlights what is suggested as a positive benefit which will result from the restoration of a balanced street scene to make good the harm caused by demolition of earlier houses along the north side of Pelham Street when the station cutting was constructed.
- 7.41 If considered purely in terms of the built environment within Pelham Street and, notwithstanding my concerns about the form and scale of the proposed development, we must acknowledge that there could be a positive aesthetic benefit in this regard. Indeed, a development of appropriate scale and massing would allow us to better understand the original spatial character of Pelham Street as it was originally laid out and constructed.
- 7.42 However, there is a tension between this and the conservation of the underground station as a Listed Building. The Listed Building is protected for its significance in architectural and technical terms as part of one of the first

underground railway systems constructed anywhere in the world. In this regard, its significance does not depend on its conventional visual beauty and instead flows from the architectural and historic interest in features such as the railway cutting and the associated Victorian revetments.

- 7.43 When originally constructed and when expanded in the 1870s the reality is that the boundary between the railway and Pelham Street would have been marked by a simple wall and/or hoarding and whilst the simple boundary wall which can be seen today may not be beautiful it does speak to us of the original form and function of the station complex and the open railway cutting. It also allows the form and visual character of the railway cutting and platforms as they would have been at completion of George Sherrin's work to be viewed and experienced from Pelham Street.
- 7.44 As a community, we have made the decision that the railway station is of such significance that it should be valued and protected and whilst the boundary wall along the north side of Pelham Street may not be of visual beauty it does form part and parcel of the way in which we can experience and understand the construction and historic form of the Listed Building.
- 7.45 It is a matter of fact that during the early 20th century the Pelham Street frontage of the station was developed in a modest way with low rise retail arcade being built over the southern sidings / platform and supported on the cast-iron columns of the earlier platform roof.
- 7.46 Two points need to be made in this respect.
- 7.47 The first is that this phase of development was not original to the heritage of the station and that it was demolished in the 1970s and no longer exists. Objectively, the earlier existence of development which was not original to the Listed Building, and which has now been lost does not provide any meaningful justification for new development in the same location if this would cause harm to the Historic Built Environment.

- 7.48 Conversely, if it is considered that development along the Pelham Street frontage is appropriate and it is being justified on the basis of this earlier development phase then it would seem reasonable to expect that the proposed new frontage development would be directly informed by the form scale and massing of the original early 20th century north terrace and the structure and setting out of the historic station.
- 7.49 This is not what is proposed.
- 7.50 In terms of the structure of the proposal the plan form of the new building complex will be much deeper than the original 20th century terrace so that the historic cast-iron columns at platform level will not have any visual or structural function with the new structure spanning out well beyond the line of the rear wall of the original building.
- 7.51 Similarly, the original 20th century terrace never extended along the full length of Pelham Street so that the eastern end of the railway cutting would always have been viewed and experienced in an open way. The terrace was also of much less imposing scale with two storey massing at street level which much better reflected the original spatial character of Pelham Street.
- 7.52 Whilst part of the proposed Pelham Street development is located in the same position as the earlier 20th century terrace the reality is that the current proposal will not bear any meaningful resemblance to this earlier element in the history of the station complex and the new Pelham Street frontage development will be seen and experienced as a wholly new insertion into this part of the Conservation Area.
- 7.53 I am also concerned that the assessment of impact set out within the developers Heritage Statement has also failed to recognise the contribution which the existing buildings at 20-34 Thurloe Street make to the setting of the Listed station.

- 7.54 Although the rear elevation of this building group may not be conventionally pretty it is of visual interest and does form an established part of the setting of the Listed Building. In particular, the form and design of the rear part of the building was directly informed by its relationship with the adjacent railway with window openings being located within stepped internal light wells rather than the rear gables of the building structure so that the internal accommodation could be protected from smoke from the original steam locomotives.
- 7.55 This speaks very eloquently of the history and the original character and function of the Listed station, and the physical survival of this building contributes to the evidential and historic value and the overall significance of this Listed Building as a Heritage Asset.
- 7.56 Unfortunately, the application proposes the effective destruction of all but a veneer of this building so that the historic form and the historic relationship with the adjacent Listed station will be completely lost. It is clear, that this will cause harm to the setting of the Listed Building and its significance as part of our shared built heritage.
- 7.57 Internally within the station complex the development of 3, 4 and five storey buildings directly over the top of the Listed Station will also cause harm by changing the spatial character of the cutting and by fundamentally changing the setting of key elements such as the historic revetments.
- 7.58 The impact of each individual element of the overall application proposal varies quite considerably and some works such as the restoration of the retail units within the Sherrin arcade must be of positive benefit. In other cases, the individual impact of works such as the redevelopment of 24-30 Thurloe Street, changes to the setting of key parts of the Listed Building and demolition and loss of historic building fabric (loss of original upper brickwork of the southern revetments etc.) will result in “less than substantial” harm to the significance of the Listed Building.

- 7.59 However, when the full totality of the development is considered, it is clear that any positive benefit arising from elements such as the restoration of retail units is dramatically outweighed by the harm which will be caused and, in particular, our ability to experience and understand the historic form, scale, massing and the historic appearance of the Listed Building will be very seriously damaged.
- 7.60 The long low-profile form of the station complex with the main platform set down within an open cutting and the open setting of important elements such as the historic revetments is a fundamental and key element in the significance of the Listed Building which will be seriously harmed by the proposed development.
- 7.61 The proposed development is not subservient to the Listed Building. This is an example of tail wagging dog, and the fundamental scale and massing of the proposed development is very damaging.
- 7.62 Accordingly, I conclude that the proposed development will result in Substantial Harm to the significance of this Heritage Asset.

8.0 ADVERSE IMPACT ON THURLOE ESTATE AND SMITH'S CHARITY CONSERVATION AREA

- 8.1 The Conservation Area derives most of its value and significance from the numerous Listed and non-designated Historic Buildings which together make up a distinctive area of largely 19th-century urban expansion.
- 8.2 Historic development within the area was carried out by some important names of the Victorian building world including the architect George Basevi, the railway engineer Sir John Fowler and large-scale builders including James Bonnin and Charles James Freake.
- 8.3 The Council Conservation Area Appraisal emphasises the contribution which the area makes to the architectural history of South Kensington with development ranging from the elegance and restraint of the Georgian period through to late Regency designs and Italianate pomp to the red brick Queen Anne style at the end of the Victorian period. The area displays highly typical architectural features from these periods and is characterised by a traditional 19th-century palette of building materials together with architectural detailing which is evocative of this period in our shared urban history.
- 8.4 In physical terms the Conservation Area has historic value simply by virtue of the survival of building fabric and built development from this historic period of urban expansion.
- 8.5 More importantly the Conservation Area has a high level of historic and evidential value as a physical record of 19th-century patterns of architectural design, technology and craft practice. In the context of the current appeal, it has to be said that this includes the important historic and evidential value which the appeal site provides in relation to the early development of underground railway systems, 19th-century railway technology and the

contribution which it makes to our experience and understanding of how these very early underground railway systems functioned and operated.

- 8.6 More than this, the station and the central section of the Conservation Area mark a nationally important point of arrival for visitors who then progress northward towards Albertopolis and the internationally significant campus of museums, colleges and educational institutions which it contains. The station is a focal point within the centre of the Conservation Area and my view is it should be regarded as a local Landmark building which makes an important contribution to the significance of the Conservation Area as a whole.
- 8.7 In this regard, the Conservation Area and the has significant communal value as part of our shared history of 19th-century urban development and as a key arrival point to the complex of cultural institutions within Albertopolis.
- 8.8 Much of the Conservation Area including a great deal of the historic development which surrounds the appeal site is of handsome and well-proportioned architectural design which is of high architectural quality and significant aesthetic value. Although very different in concept and architectural design the same can be said for some elements of the station such as the Sherrin arcade and the Oxblood building.
- 8.9 In contrast, other elements of the station complex have been visually degraded and features such as the hoarding at the junction of Pelham Street and Thurloe Square are of no aesthetic value whatsoever.
- 8.10 However, aesthetic value amounts to more than conventional beauty and is defined by Historic England as being derived from the ways in which people draw sensory and intellectual stimulation from a place. This is important in relation to consideration of the way in which the station was cut into the urban fabric of 19th-century South Kensington and is also related to the contribution which the Listed station makes to the special architectural and historic interest of the Conservation Area.

8.11 When developed, the railway was cut into the existing locality in a pretty uncompromising manner and, in fairness to the appellant, we must acknowledge that this did involve destruction of the former streetscape along the northern side of Pelham Street and the Southern end of Thurloe Square. It did dramatically change the spatial character of Pelham Street and it is fair to say that the boundary wall which now faces onto Pelham Street and the southern end of Thurloe Square is, in itself, of no great beauty. However, what this intervention has given us are open layered views across the railway cutting, over the station buildings and station complex and across to the rear elevations of the 19th century buildings along Thurloe Street and Thurloe square. This provides a complex and visually interesting composition of rear projecting wings, chimney stacks, party walls and garden rooms all set within the context of the Listed Station.



INTERESTING COMPOSITION OF LAYERED VIEW OVER RAILWAY CUTTING

8.12 Although not conventionally beautiful this layered composition is of visual interest and has inherent aesthetic value. More importantly, these open views tell us how the 19th-century station was cut into the urban environment of the Victorian era and, if we accept that the Listed Station is an important contributor to the special architectural and historic interest of the Conservation Area more generally, we also have to accept that the boundary station wall and associated open views across the railway cutting also have value in contributing to the significance of the Conservation Area as a Heritage Asset.

8.13 Given the above comments, my judgement is that the Thurloe Estate and Smiths Charity Conservation Area is of clear historic, evidential, aesthetic and communal value and that it should be regarded as a Heritage Asset which is of medium-high significance.

8.14 Within this context it is clear that some elements of the proposed development such as the restoration of the shopfronts and the removal of the hoarding at the junction of Pelham Street and Thurloe Square will be of positive benefit for the character and appearance of the Conservation Area. However, other elements of the scheme will cause real harm to the significance of the Conservation Area and I have particular concern in relation to the following aspects of the proposal:

- Harm caused to our ability to read and understand the historic form and function of the Listed Station.
- Failure of the proposed design to fully respond to the context of the site and the character of the Conservation Area
- Harm arising from the effective demolition of 24-30 Thurloe Street.
- Harm caused to the character and appearance of Pelham Street.

- Harm to townscape views within the Conservation Area

8.15 Each of these concerns is discussed in more detail below.

HARM CAUSED TO OUR ABILITY TO READ AND UNDERSTAND THE HISTORIC FORM AND FUNCTION OF THE LISTED STATION

8.16 South Kensington Underground station forms an integral part of the Conservation Area and the station complex as it is seen and experienced today is an inherent and important part of the character and appearance of this Heritage Asset.

8.17 As discussed in the earlier section of this statement the proposed development will cause substantial harm to the significance of the Listed Station and the proposal for large scale 3, 4 and 5 storey development will dramatically change the way in which the Listed station is viewed and experienced. By building over large parts of the station, views of the open cutting will be lost, we will no longer be able to understand how the railway was cut into the earlier 19th century urban environment and our ability to read and understand the historic form, scale, function and architectural appearance of the Listed Building will be seriously damaged.

8.18 Given that the Listed station is a local landmark building which makes an important contribution to the significance and composition of the Conservation Area the development must therefore cause harm to the significance of the Conservation Area as a Heritage Asset.

FAILURE OF THE PROPOSED DESIGN TO FULLY RESPOND TO THE CONTEXT OF THE SITE AND THE CHARACTER OF THE CONSERVATION AREA

8.19 In many ways the appeal proposal is a sophisticated piece of architectural design and it is clear that the design team have, in their own way, sought to

respond to the character and appearance of the surrounding built development within the Conservation Area.

- 8.20 However, the appeal site is situated within a very sensitive historic location which sits at the heart of a designated Conservation Area. The proposal will involve development directly on top of a Listed Building and it will directly affect the setting of a significant number of other designated Heritage Assets within the immediate vicinity of the site.
- 8.21 In this context, it is important that the proposal should achieve the highest level of design quality and that it should take every opportunity to properly respond to the character and appearance of the Conservation Area so that it will blend and harmonise with its surroundings and so that the character and appearance of the Conservation Area and the setting of surrounding Heritage Assets will be preserved or enhanced.
- 8.22 As earlier discussed elsewhere in this statement, the fundamental scale and massing of the proposed development, the proposal to build new three four and five-storey buildings directly on top of a low-rise Listed Building and the proposal to effectively destroy 24-30 Thurloe Street will cause unacceptable harm. However, even when these issues are set aside, I remain concerned that the design of the appeal proposal does not adequately respond to the character and appearance of the historic built development within the locality and that this will therefore cause harm to the character and appearance of the Conservation Area.
- 8.23 In considering the adverse impact of this aspect of the proposed development it is important to think carefully about what good quality contextual design should actually mean.
- 8.24 What this **does not** mean is that it is necessary, or necessarily desirable for new development to directly copy existing buildings or to be constructed in a pastiche design style. National guidance makes clear that good quality contemporary design can be successfully integrated into even the most

sensitive of historic built environment and, as a matter of principle, we should seek to encourage good quality contemporary design so that our shared built environment can continue to grow and evolve in a positive manner.

- 8.25 Indeed, there are many examples of contemporary buildings which sit directly alongside traditional historic properties, which make use of very different and contrasting materials, which follow very modern architectural design styles and yet which are widely regarded as being wholly appropriate and successful within their context.
- 8.26 However, the fact that a development has been designed in an overtly contemporary style does not mean that it is compulsory for us to accept that it is an appropriate design solution which adequately or properly reflects the context of the locality within which it is proposed. In this regard, we need to consider and think through the way in which the proposed design will actually reflect and respond to the character, appearance and historic significance of the locality.
- 8.27 In considering how this appeal proposal responds to the particular context of the Conservation Area within which it is set we need to begin by thinking about what is genuinely special and distinctive about the character and appearance of the locality.
- 8.28 In summary, the appellant's submission seeks to persuade us that the scheme does respond to the context of the locality because the general scale of four and five-storey buildings is broadly consistent with the general scale of development within the area, because the proposed elevations have been divided into a tripartite arrangement with identifiable "bottom", "middle" and "top" sections, because some parts of the new elevations will align with identifiable horizontal divisions of some adjoining buildings, because some of the buildings have been divided into bays and because the colour of the proposed external material responds to the colour of the historic building materials in adjoining Victorian Buildings (e.g. the white colour of the

proposed reconstituted stone of the bullnose is seen as reflecting the appearance of the stucco of adjoining buildings).

- 8.29 In so far as they go these assertions are factually accurate. However, the truth is that this level of analysis is really very superficial and suggests that there has been a failure to properly understand why the locality has such a distinctive character.
- 8.30 When dealing with an extensive urban area of this type it is always possible to point to buildings which vary from the prevailing pattern of development and which stand out as exceptions to the general character of the locality.
- 8.31 However, when you walk into area of the Thurloe Estate and Smiths Charity Conservation Area around the station complex you immediately and instinctively know that you are entering into an area largely characterised by 19th-century high status urban development.
- 8.32 The question then is why this is immediately obvious and why the existing buildings within the locality are so characteristic of this period and this type of historic urban development.
- 8.33 **Part** of this character does flow from the low to medium rise scale of three, four and five-storey development and the fact that many 19th century buildings of this type were indeed designed with a tripartite division of their principal elevations.
- 8.34 However, the distinctive character of the buildings depends on a great deal more than this and the reality is that this broad scale of development and the fact that elevations might designed with a tripartite division actually tells you very little about the visual character of the buildings concerned.
- 8.35 The truth is that it would be very easy for us visit examples of modern estate development, 1930's development or 1950's new town development and see examples of buildings which are of three, four or five stories in height, and to

see buildings which have elevations which feature a tripartite arrangement of “bottom”, “middle” and “top” sections.

- 8.36 The reason of course that it is that this type of arrangement is just a very common way of setting out low / medium rise development.

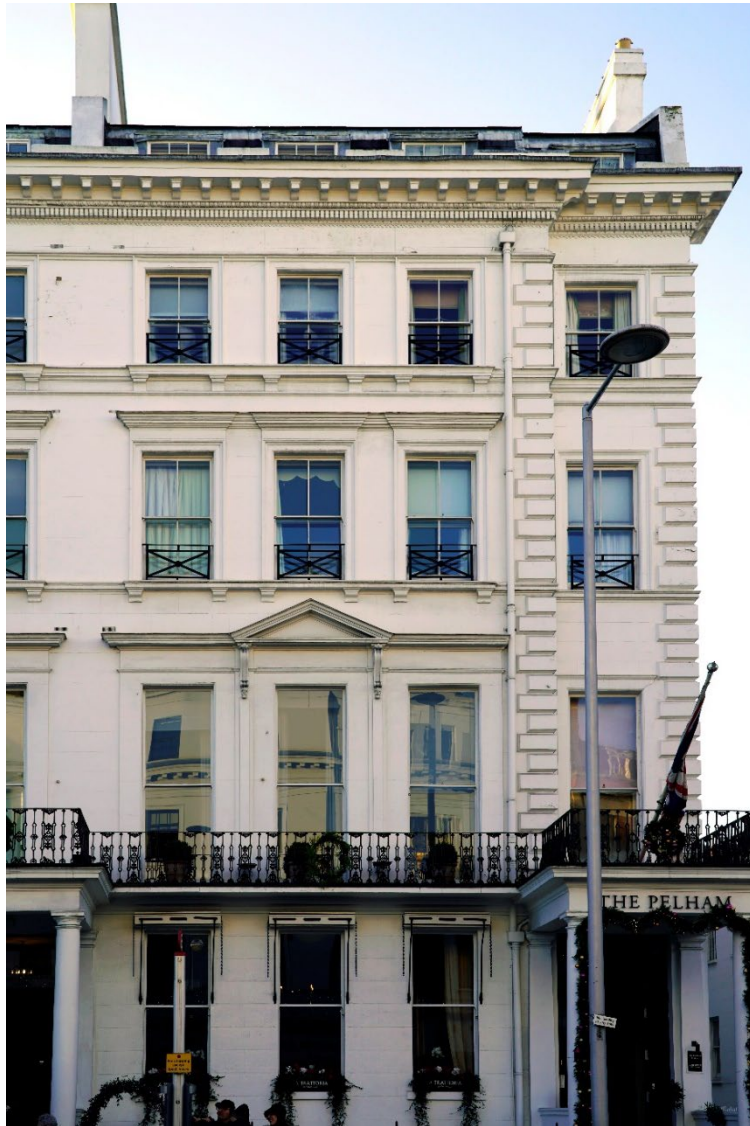


BUILDING OF THREE / FOUR STORIES IN SCALE WITH TRIPARTITE DIVISION OF ELEVATION AND WHITE COLOURED EXTERNAL FINISHES

DOES THIS REFLECT THE CHARACTER OF HISTORIC 19TH CENTURY DEVELOPMENT IN SOUTH KENSINGTON? WOULD THE WHITE COLOUR OF THE CONCRETE FRAME ADEQUATELY REFLECT THE STUCCO OF THE CONSERVATION AREA?

- 8.37 The reason why this part of the Conservation Area has such a well-defined 19th Century character extends beyond the scale of built development and any tripartite division of building elevations and includes elements such as

the actual materials palette which was used (not just the general colour of building components), a noticeable richness of architectural detailing, the use of classical (if often debased) architectural references and details and, in many cases, a hierarchy of internal accommodation which is expressed in the external elevations of the buildings by an associated graduation in the size and pattern of window fenestration and associated window detailing.



15 CROMWELL PLACE (GRADE II LISTED BUILDING)

8.38 The richness of detailing which typifies higher status 19th century development within the locality of the appeal site is illustrated by the above elevation of 15 Cromwell Place which features elements including decorative

cast iron, moulded quoins, a pedimented first floor centre window, and enriched third floor dentil cornice.



HIGHLY DECORATIVE CORNICE DETAIL

- 8.39 I am not suggesting that the appellant should somehow be forced to incorporate pastiche copies of 19th-century detailing into the design of the proposed development. However, there is no reason why modern architecture cannot incorporate contemporary decorative detailing and the failure to respond to the richness of decorative detailing which characterises much of the Conservation Area suggests a failure to properly consider the context of the site and means that the proposed development will not blend and harmonise with the historic pattern of development as well as it should.
- 8.40 Similarly, there is no reason why a contemporary architectural design should not include a vertical hierarchy of internal accommodation or a graduated approach to the pattern of fenestration which provides an external reference to this hierarchy of internal spaces.
- 8.41 Whilst not universal within the Conservation Area, this graduated vertical hierarchy of external fenestration is a common feature of the majority of the 19th century buildings which surround the appeal site including adjoining properties on Cromwell Place, Thurloe Street, Thurloe Square, Pelham Street and Pelham Place.



PHOTOGRAPGH SHOWING VERTICAL GRADUATION OF FENESTRATION
AT 48-49 THURLOE SQUARE

8.42 The failure of the majority of the proposed development to reflect this pattern of graduated fenestration and a vertical hierarchy of internal accommodation suggests a failure to properly consider the context of the site and means the proposed development will not blend and harmonise with the historic built development within the locality as well as it should.

8.43 When you walk through the Conservation Area it is also obvious that the distinctive character of the historic buildings within the locality reflects the

fact that they were generally constructed using a palette of traditional 19th century materials.

8.44 In this regard the Councils adopted Conservation Area Appraisal (Page 5) identifies a list of traditional building materials as follows:

- Stone (churches, steps)
- Brick (yellow and red, usually in Flemish bond)
- Stucco
- Lime (mortar and stucco)
- Slate
- Lead
- Painted timber
- Cast Iron
- Terracotta (ornamentation and chimney pots)
- Glass
- Quarry / mosaic tiles as coverings to steps
- Granite setts (Mews surfaces and kerb stones)

8.45 The prevalence of this traditional materials palette is important at two levels.

8.46 The first is that the use of a palette of traditional 19th century building materials plays a big role in defining the distinctive character of the locality as an area of 19th-century urban development.

8.47 The second is that the use of a common palette of materials does a great deal to bring together a range of different buildings which, whilst having a common 19th-century heritage, are actually very different in terms of architectural detailing. The use of this distinctive materials palette provides a commonality of aesthetic character which brings these different buildings together to create an area with an identifiable visual unity.

8.48 It is acknowledged that the appeal proposal will make use of external brick cladding and this will provide some degree of commonality with the 19th

Century buildings within the Conservation Area . However, much of the rest of the proposed material selection seems somewhat at odds with that of surrounding built development.

- 8.49 To take an example, the proposed materials description for the Bullnose on page 45 of the August 2021 addendum to the Design and Access Statement refers to “reconstituted stone/precast concrete” expressed structural columns, expressed structural beams and cladding panels, black painted sections of glazing, silver grey (presumably aluminium) window frames and “mid grey” zinc cladding. In this regard, what is actually “reconstituted stone/precast concrete” is elsewhere described (page 43) as “white stonework” and we are told that this is intended to relate to the stucco of adjoining historic buildings whilst the grey zinc cladding is intended to relate to nearby slate roofs.
- 8.50 The proposed materials selection for the Pelham Street blocks and the return frontage to Thurloe Square does make use of brick faced cladding panels. Nevertheless, wide spread use of alien materials is still proposed with a mixture of white and dark grey “reconstituted stone/precast concrete”, dark grey aluminium cladding panels and black painted glass.
- 8.51 Whilst it is perfectly reasonable for the architect to adopt a contemporary design approach this does not mean that it is compulsory to make use of an alien materials palette which contrasts with the traditional 19th century building materials which do so much to define the established character of the locality. Indeed, there is no reason at all why the appellant should not seek to use traditional 19th century building materials in a new, imaginative and contemporary way.
- 8.52 There are many examples of contemporary buildings which make use of new, different and contrasting materials and which nevertheless work very successfully within historic locations where they sit alongside buildings of very traditional construction. However, it is a mistake to underestimate the

great power which materials have to blend and harmonise different buildings together to achieve a unity of character and appearance.

- 8.53 In this case, the decision to use alien materials such as black painted glass, “expressed” precast concrete / reconstituted stone structural framing, aluminium cladding panels and what I would assume to be painted metal windows and doors means that the new development will not harmonise with the historic 19th century buildings which surround the site as well as it should.
- 8.54 The use of these alien materials across a large-scale urban development means that the commonality of aesthetic character which results from the use of a traditional palette of building within the Conservation Area will be damaged and degraded.
- 8.55 Parallel to the traditional materials palette which can be found within the locality is the reality that the architectural character of historic hand-made buildings within the area directly reflects the construction technology used in Victorian development of this type.
- 8.56 This flows in large measure from the use of solid masonry wall construction and results in a pattern of elevations which is characterised by discrete window and door openings punched into solid masonry.
- 8.57 In contrast, the appeal proposal has been designed as a much more lightweight framed structure which results in many elevations which are characterised by full height glazing panels set within the expressed/exposed precast concrete building frame.
- 8.58 The result is blocks of buildings with an aesthetic character which will be quite different to that of the surrounding 19th century buildings which were predominantly built with a solid masonry external wall construction.

- 8.59 The approach which has been taken is entirely normal for modern new build development. However, it would have been perfectly possible to adopt an alternative method of construction (e.g., a panelised systems of off-site manufacture) which would have generated external elevations which would be much more compatible with the aesthetic character of the traditional solid wall construction of the historic 19th century buildings which surround the site.
- 8.60 By adopting a lightweight framed construction and the pattern of cladding panels and full height glazing which has been proposed the appeal scheme will not harmonise satisfactorily with establish character of the locality and fails to properly respond to the context of the appeal site.
- 8.61 Finally, we need to accept and recognise that one of the defining characteristics of the locality is that the majority of historic 19th-century buildings within the locality do make explicit and direct reference to classical patterns of architectural design. Although, in many cases the use of these classical references (columns, pilasters, porticos, architrave and cornice details, bottle balustrades and pediments etc.) is not particularly academic in its approach and somewhat debased in proportion and execution it nevertheless remains a key aspect of the established character of historic pattern of built development within this part of the Conservation Area.
- 8.62 At an academic level it is possible to argue that the proposed design of the appeal scheme does, to some very limited extent, provide something of a nod to the classical references which characterise the surrounding pattern of development and this might be argued as being seen in features such as the enhanced cornice line which is now detailed along the Pelham Street frontage.
- 8.63 Nevertheless, the degree to which the design responds to the character and appearance of the majority of historic 19th-century buildings in the area is inadequate and the appeal proposal fails to fully respond to the context of the locality.

- 8.64 Whilst it would be inappropriate to seek to force the appellant to adopt a pastiche classical design approach there is a need for the architectural language of the proposed development to be developed in a way which does ensure that it better responds to strong pattern of classical architectural references which do so much to define the distinctive character of the local area.
- 8.65 The design and access statement shows us how the appellant has progressively modified the design of the scheme to try to ameliorate concern that the development does not properly reflect the character and appearance of the Conservation Area.
- 8.66 This is positive and it is self-evident that the current design will be less harmful than the scheme which was originally proposed. However, the fact that the developer has felt it necessary to adjust the scheme in this way does speak of fundamental problems with the original conceptual approach which underpins the scheme.
- 8.67 Whilst the design has been tweaked to reduce harm the proposed development will be experienced as large new blocks of development which are imposed into the Conservation Area and rather than buildings which have grown out of the distinctive 19th century urban context in a natural and harmonious way.
- 8.68 I find that the design of the appeal scheme does not adequately respond to the character and context of the locality within which it is set and this will cause real harm to the character and appearance of the Conservation Area.

HARM ARISING FROM THE EFFECTIVE DEMOLITION OF 24-30 THURLOE STREET.

- 8.69 20-34 Thurloe Street was constructed during the 1880s and is divided into bays to reflect the rhythm of a traditional terraced houses. Each bay

contained a handsome retail shop front at ground floor level together with a domestic entrance door to provide access to flats above.

- 8.70 Constructed in brick with stucco dressings and high-level cornice the building makes a handsome contribution to the street scene and although not of national architectural significance it has been identified by the council as making a positive contribution to the character and appearance of the Conservation Area.
- 8.71 The form and design of the building also directly reflects, and provides a tangible physical record of, the historic character of this part of the Conservation Area and the relationship with the original steam operated underground railway system.
- 8.72 In its form, one of the notable features of the building is the deeply indented light wells along its rear elevation with windows being orientated to face into the light wells in order to protect them from smoke from the original railway engines. Taken together, the austere rear gable elevations, the deeply indented light wells and the pattern of fenestration mean that the overall form of the rear part of the building provides a direct physical record of the original function of the adjacent Listed station. It allows us to read and understand something of the original character of the Listed Building and therefore makes a positive contribution to the setting of this adjacent Heritage Asset and the value and significance of the Conservation Area.
- 8.73 The basic concept of the building also reflects its relationship with the underground station with development of flats and retail units reflecting the increased footfall associated with a transport hub together with the low social status of residential accommodation located directly adjacent to a working station.
- 8.74 As with any long-established traditional building within the Conservation Area the contribution of the building to the setting of the adjacent Listed Station and the character and appearance of the Conservation Area also reflects the

patina of age and the way in which the building has mellowed and weathered as part of this historic built environment. Similarly, the survival of original building fabric from the late Victorian period including good quality internal detailing (handrails, balustrades, mouldings etc.) must be of some local architectural and historic interest.

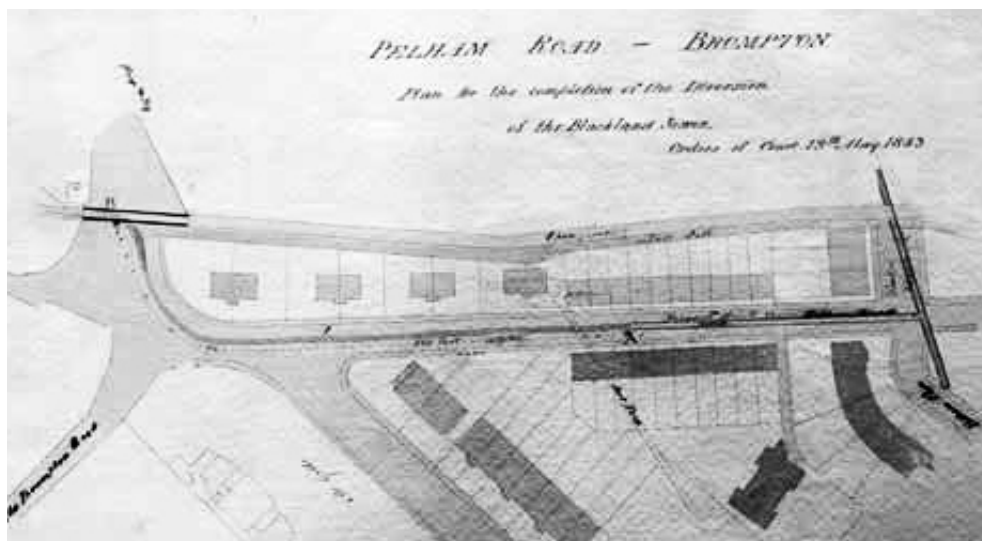
- 8.75 In direct visual terms it may well be that the most obvious contribution which the building makes to our experience of the Conservation Area is the visual contribution of the front façade within Thurloe Street. However, this is not the only contribution which it makes to the Historic Built environment and it is clear that the whole of the building makes a positive contribution to the setting of the adjacent Listed station and the overall character and appearance of the Conservation Area.
- 8.76 Whilst the building is not of sufficient national significance to justify statutory designation it is acknowledged by the developer as being an undesignated Heritage Asset. Within the continuum of such buildings of local architectural and historic interest I would also say that it must be at the higher end of this spectrum of significance.
- 8.77 In commercial terms it is understandable that there may be advantages in seeking to demolish and replace this building. However, given its status as an undesignated Heritage Asset and given the contribution which this asset makes to the setting of the Listed station and the Conservation Area it is surprising that the application proposes what is effectively the wholesale destruction and redevelopment of the property with only the front façade being retained as wallpaper to dress the front of the proposed new building.
- 8.78 As part of the application proposal, considerable care has been taken to bring forward a scheme to restore shopfronts which have been damaged and degraded due to poor quality 20th century alterations and it is proposed that the retained elements of the façade which will be used to dress the front of the proposed new building will be repaired and conserved.

- 8.79 This directly contrasts with the design approach which has been adopted for the main body of the new replacement building which is designed in a clearly contemporary way. The dichotomy between these two different approaches will be particularly evident at the interface where the new building meets the retained historic façade. Examples in this regard include the clearly contemporary design of the new upper floor which will be inserted in a false mansard over the head of the original façade together with the eastern return flank where chimney stacks will terminate at parapet rather than ridge level creating an unnatural visual appearance.
- 8.80 Just as significantly, it is obvious that the internal logic and internal layout of the new building is clearly at odds with the logic and design of the retained original façade. The internal layout does not follow the rhythm of the original bays of the historic building with individual units cutting across bay divisions and at ground level street level domestic “entrance” doors will be closed up and left as redundant dummy features which will be wholly at odds with the plan form of the new retail units.
- 8.81 The reality is that the new development will be read and experienced for what it is, which is a wholly new building with an artificially retained façade of a historic local building which has been effectively destroyed. In effect, the wallpaper of the front façade is being used as a sticking plaster to try to mask the impact of what is a very substantial new building within a sensitive historic location.
- 8.82 This is an inappropriate approach to take and that there are some questions to be asked about the architectural integrity of this strategy.
- 8.83 Because of the very prominent position of 24-30 Thurloe Street and the positive contribution which this handsome building makes to the street scene and the setting of the Listed station my own view is that this is a building which does make an important contribution to the character and appearance of this part of the Conservation Area.

8.84 The proposed works will cause substantial harm to the heritage value of 24-30 Thurloe Street as an undesignated Heritage Asset. More than this, the effective demolition of this local heritage asset will cause real harm to the setting of the adjacent station and the significance of the Conservation Area.

HARM CAUSED TO THE CHARACTER AND APPEARANCE OF PELHAM STREET.

8.85 Development of Pelham Street was begun by the notable local builder, James Bonnin during the 1840's and followed on from the earlier construction of Pelham Crescent and Pelham Place. George Basevi, the Surveyor for the Smith's Charity Estate (**Estate**), provided the guiding hand for the design of the development and this comprised a mixed scheme for terraced housing on both the North and South sides of the Street within the vicinity of what are today numbers 6 – 24 together with a separate group of semi-detached Villa's to the West.



EXTRACT FROM 1843 DRAINAGE PLAN SHOWING HISTORIC PROPOSAL PLANS FOR THE DEVELOPMENT OF PELHAM STREET

8.86 The development of the street evolved over time and comparison of the 1843 drainage extract plan with the first available Ordnance survey mapping from

1869 shows the construction of numbers 2 and 4 Pelham Street which were erected during the early 1860's at the western end of the southern terrace.

8.87 The development of the underground station brought dramatic change with formation of the railway cutting and original station in 1868, expansion of the station and cutting in 1871, complete demolition of the houses along the northern flank of Pelham Street and then subsequent reworking and redevelopment of the station during the early years of the 20th century. Between 1908 and 1916 the north flank of the street was then further developed with a low-rise terrace of two storey (when viewed at street level) shops constructed over the southern station siding and platform. However, the eastern end of the cutting was not developed and there have always been open views from Pelham Street across the cutting and down into the platform area.

8.88 Whilst numbers 4-24 Pelham Street are not Listed Buildings and are of lesser significance than other buildings elsewhere within the locality, they have been specifically identified by the Local Planning Authority in the council Conservation Area Appraisal (page 16) as making a positive contribution to the Conservation Area. At a fundamental level, they also form part of the designated Conservation Area and form a direct physical part of this designated Heritage Asset.

8.89 Numbers 6-10 and 20-24 (albeit with substantive re-working of No 24) survive from the very original phase of development during the 1840's which was constructed by the James Bonnin and James Bonnin Junior so that they have a direct historic relationship with one of the most important families associated with the development of South Kensington. Number 4 also survives from the original development of the street just prior to construction of the railway station and prior to the subsequent late 19th Century and 20th century phases of re-working and re-development.

8.90 In this regard, these buildings have historic and perhaps even communal value as a direct physical link to the earlier Victorian development of South

Kensington. It is also clear that these buildings are visually attractive and that they should be regarded as being of aesthetic value. The houses also have historic and evidential value simply by virtue of the survival of historic building fabric from the early Victorian period and as a physical record of historic patterns of architectural design and craft practice.

8.91 In considering the significance of the buildings it is also worth reflecting on the relatively recent (2018) changes to the DCMS Principles Of Selection For Listed Buildings which was revised to indicate that:

“... from 1700 to 1850, most buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest, though some selection is necessary;”

8.92 Given the above comments, the original Pelham Street Houses should be regarded as undesignated Heritage Assets which make a valuable and important contribution to the character and appearance of the designated Conservation Area

8.93 In the considering the historic character of Pelham the first obvious point to make is that the height of these original buildings is much less than that of many other areas of original 19th-century development (Thurloe Square etc.).

8.94 Although slightly elevated by a lower semi-basement, these buildings are of very standard domestic scale and massing. This is a reflection of the original spatial character of Pelham Street which would have been of very noticeably human and domestic scale.



PHOTOGRAPH SHOWING LIMITED SCALE OF ORIGINAL HOUSE AT 22
PELHAM STREET

- 8.95 Although it is arguable that the original dwellings in Pelham Street do follow a basic pattern of tripartite division the composition of these houses is distinctive in that the first-floor string course, raised entrance steps and door case mark out the raised ground floor as the principle and visually dominant component within the elevation above which there is just one visually subservient storey below the eaves line. This is very different to the form of development proposed by the appellant.
- 8.96 The relationship of these original buildings with the street frontage is also marked by a set back from the highway frontage with steps up to the ground floor entrance, an open light well going down to the lower semi-basement and a pattern of domestic gates and railings marking the highway edge.



PHOTOGRAPH SHOWING RELATIONSHIP OF ORIGINAL DWELLINGS WITH
HIGHWAY FRONTAGE

8.97 The intimate domestic character of the frontage treatment is shared with other adjoining historic developments such as Pelham Place but compared with later Victorian Italianate development the fundamentally lower scale of the buildings and the more restrained detailing of the composition gives a softer and somewhat gentler visual character.

8.98 This is a particular characteristic of the significance of the historic houses in Pelham Street and the contribution which the street makes to the character and appearance of the Conservation Area.

- 8.99 In reflecting on the historic character of the Street it is also important to point out that it was never conceived as a single uniform development so that the character of the street scene would not have been that of a single uniform frontage but would instead have been that of a series of separate building groups and building units and a street scene which included gaps and spaces between building groups. Indeed, the street scene in Pelham Street has never been characterised by a fully continuous built frontage along its whole length.
- 8.100 Even within groups such as the surviving elements of the original 1840's terrace from Numbers 6 to 24 there was material variation in architectural detailing and, by way of example, the parapet detailing and the detailing of windows and door cases for numbers 6 to 10 is noticeably different to that of numbers 20 and 22. Similarly, the wider frontage, variation in fenestration of Number 4 again reflects the variations in design and detailing which were a characteristic of the historic street scene.
- 8.101 Unfortunately, the appeal scheme does not properly respond to the distinctive character of historic development within Pelham Street and the scale, massing and architectural design which is proposed will cause real harm to the setting of the local heritage assets within the street and the special architectural and historic interest of this part of the Conservation Area.
- 8.102 In setting out the eastern end of the Pelham Street section of the proposal the developer has been unable to resist the temptation to take the high point of the later Victorian terrace at numbers 12 to 18 as the reference for the main height of the proposed new building complex.
- 8.103 Because of this and because of the effectively continuous form which will run along the northern side of Pelham Street the development will result in a level of physical and visual enclosure and a scale and massing of built development which will be wholly out of keeping with the historic spatial character of Pelham Street.

- 8.104 In the context of South Kensington as a whole it may well be that the four-storey height of the main body of the eastern end of the new building complex is of domestic scale. However, this is not the domestic scale of the original houses within Pelham Street.
- 8.105 The early Victorian dwellings which face onto the south side of the street have a softness, an overt domesticity and a humanity of scale which reflects their reduced height and also the small areas of open domestic space along the frontage with boundary railings, entrance steps and light wells which extend out towards the pavement and beyond the main building line. This arrangement also provides a high level of architectural detail and visual interest at pavement level.
- 8.106 Whilst the design makes a nod towards these characteristics the upper floors of the new building will over-sail and enclose those areas of private domestic frontage space which are provided. The effect of this and the public experience at pavement level will be of a very substantial building leaning over these private spaces and pressing hard against the northern edge of the adopted highway.
- 8.107 The visual effect will be quite different to that of the historic domestic spaces along the frontage of the original dwellings on the other side of the street where the main building line is set back behind the semi basement light wells and set well back from the highway edge.
- 8.108 The lack of a comparable setback in the main building line, the way in which the retail units and service sections of the building follow the pavement at ground level and the overall scale of the new building complex means that the new development will not properly reflect the softness, warmth and human scale of the original historic buildings within the street.
- 8.109 The developer's Heritage, Design and Access Statements highlight the way in which the design team has sought to articulate and breakup the massing

of the new building complex as it extends along the northern side of Pelham Street. Indeed, this articulation and the proposed variation in materials and elevation treatment are of positive benefit and enhance the aesthetic quality of the design. However, these are no more than variations on a single theme and, with the possible exception of the new individual dwelling at the very eastern end of the block, my feeling is that the Pelham Street frontage will be seen and experienced as one single building complex designed as one single overarching architectural unit.

- 8.110 This is out of keeping with the historic character of Pelham Street.
- 8.111 Finally, I would reiterate my earlier expressed concerns regarding the general failure of the proposed architectural design to reflect the distinctive character of 19th century urban development within the Conservation Area in terms of architectural composition, architectural detailing architectural language and materials palette.
- 8.112 There is an argument to say that there is a benefit in the introduction of built development along the northern side of Pelham Street to create a more “balanced” street scene. However, this needs to be set against the reality that the Listed station is a local Landmark building and that views of this nationally significant transport heritage from within Pelham Street form an important part of the overall significance of the Conservation Area and make an established and historic contribution to the character and appearance of this designated Heritage Asset.
- 8.113 It is therefore erroneous to assume that creation of a “balanced” street scene which might be considered, in conventional terms, to be more visually attractive than the existing station wall is necessarily of benefit to the significance of the Conservation Area.
- 8.114 Indeed, construction of built development along the northern side of Pelham Street will result in the loss of layered views across the railway cutting towards the rear elevations of the buildings on Thurloe Street and Thurloe

Square and the side flank of 52 Thurloe Square. Although not conventionally “beautiful” these views are of visual interest and aesthetic value and loss of these views is to be balanced against any perceived gain which might flow from balancing of the street scene with Pelham Street.

- 8.115 Given the above comments and the clear incompatibility of the scale, massing and design of the proposed Pelham Street development it is clear that the appeal proposal will cause real harm to the significance of this part of the Conservation Area.

HARM TO TOWNSCAPE VIEWS WITHIN THE CONSERVATION AREA

- 8.116 The adverse impact of the appeal scheme also includes townscape harm related to our understanding of the relationship between the Conservation Area and Albertopolis to the North and the sense of progression from the Conservation area into this cultural quarter.
- 8.117 In this regard, I would draw attention to the important visual relationship created by medium/long range views towards the towers of the Natural History Museum and the west tower and central cupola of the Victoria and Albert Museum which lie to the north of the appeal site.
- 8.118 Whilst physically separate from the Conservation Area and the appeal site there are clear and important views of these nationally significant assets along the southern approach from Onslow Square, Old Brompton Road and Cromwell Place, along the southern approach along Exhibition Road and along the southern approach from Pelham Place and Thurloe Square. A further significant view of the central cupola of the Victoria and Albert Museum can also be found from Cromwell Place where it can be seen in views running north-east along Thurloe Place.
- 8.119 The appeal proposal will impact on these significant townscape views in two different ways.

8.120 In the first instance the scale of proposed development means that some of these views will simply be disrupted if not entirely blocked as a result of direct physical interruption. In particular, I would draw attention to page 29 of the RBKC Building Height Supplementary Planning Document which identifies the important linear local view (View Ref LV8) which extends northward from Onslow Square and the front of Melton Court to the Natural History Museum.



IDENTIFIED LOCAL VIEW REF LV8 OF NATURAL HISTORY MUSEUM FROM ONSLOW SQUARE WILL BE LOST DUE TO CONSTRUCTION OF THE PROPOSED BULLNOSE BUILDING.

8.121 More subtly, the appeal proposal will have adverse impact where the development of a scheme which does not properly reflect the context and character of the locality is experienced within the wider townscape within which these views can be seen. In effect, harm will be caused to the value of

these views by virtue of damage to the quality of the townscape within which they are experienced.

8.122 Finally, and as earlier noted, one of the serendipitous results of the open character of the railway cutting means is that our experience of the Conservation Area along Pelham Street is enhanced by layered views of the side / rear elevations of historic development along Thurloe Street and Thurloe Square where this rises above the northern revetments providing a visually interesting and characterful assembly of rear closet wings, party walls, chimney stacks and sun rooms. Whilst these views may not be “pretty” in the conventional sense of the word they provide us with a public experience of the rear face of 19th-century built development which is normally hidden from view and this does add depth and visual interest to the character and appearance of the Conservation Area. These public views will be lost as a result of the scale and massing of the proposed development where this is constructed directly across the top of the Listed Station.

CONSERVATION AREA – SUMMARY

8.123 If taken individually, some aspects of the development proposal will have positive impact within the Conservation Area and examples of elements within the scheme which will be of positive benefit include works for restoration of historic shop fronts and the removal of hoardings at the junction of Pelham Street and Thurloe Square.

8.124 However, the impact of these positive elements is completely outweighed by adverse harm arising from a failure to properly respond to the distinctive character of the Conservation Area, by effective demolition of 24-30 Thurloe Street, by damage caused to the value and significance of the Listed Station, by damage to our ability to read, understand and experience the historic form of the Station, by failure to properly respond to the historic character and appearance of Pelham Street and by damage to important townscape views within the Conservation Area.

8.125 When the full totality of the application proposal is taken into consideration it is clear that it will not preserve the character and appearance of the Conservation Area and that it will result in Substantial Harm to the significance of this designated Heritage Asset.

9.0 IMPACT ON THE SETTING OF OTHER LISTED BUILDINGS

- 9.1 When you cast a large rock into the calm waters of the pond you create a substantial splash at the immediate point of impact. However, the effect ripples out and extends over a wide area and, although these ripples gradually diminish and reduce, there is no one obvious point at which the effect can be said to cease.
- 9.2 In many ways, the impact of the imposition of a large-scale development such as the appeal scheme within a sensitive historic environment of this type is quite comparable to this analogy.
- 9.3 In this case the scale of development that is proposed and the number of Listed Buildings within its locality means that significant number of designated assets will be affected as the impact of the proposal ripples outwards.
- 9.4 For the sake of brevity, a building-by-building analysis of the impact of the proposed development on the setting of each Listed Building within the locality is not included in this statement and this will be provided in the form of a separate heritage table which will be submitted in line with the Inspector's note following the earlier case management conference.
- 9.5 However, I would comment as follows:
- 9.6 To put the impact of the proposal in its widest context the previous section of my statement makes clear that station complex does form part of wider views of the Victoria and Albert Museum and the Natural History Museum which are located within Albertopolis some distance to the north of the appeal site.
- 9.7 In this regard, it is self-evident that the station complex forms part of the wider setting of these exceptionally significant Grade I Listed Buildings.

However, the status of the station as an entry point to Albertopolis means that the relationship of the appeal site to the way in which these national cultural assets are experienced is deeper than just a simple visual relationship and includes a sense of entry and progression towards these museums.

- 9.8 As earlier discussed, the appeal proposal will result in development which fails to properly respond to the context and character of this part of the Conservation Area, will cause harm to our ability to read and understand the historic form and function of the station complex as a Listed Building, will cause substantial harm by virtue of the effective destruction of the Local Heritage Asset at 20-34 Thurloe Street and will cause substantial harm to the contribution which Pelham Street makes to the character and appearance of the Conservation Area.
- 9.9 As a result, the appeal proposal will therefore cause harm to the significance and townscape quality of the historic urban environment within which views of the Grade I Listed Museums are experienced and the significance and townscape quality of the historic environment which people experience as they progress towards these cultural assets to the north.
- 9.10 Further harm to the setting of the Listed Museums will also result from direct truncation of longer-range views from the south of the station complex resulting from the overbearing scale of development which is proposed.
- 9.11 In consequence, it is reasonable to assert that the proposal does cause some less than substantial harm to the setting of these exceptionally significant Heritage Assets.
- 9.12 Within the context of the significance of these assets as a whole it is fair to say that the level of harm resulting from the proposed development must be very much at the lower end of the scale. However, my judgement is that some degree of harm does exist, the level of harm is not irrelevant and that it

should be registered as an adverse impact on the value of the wider historic built environment.

- 9.13 Closer to home, the degrading impact of the proposed development on the significance and townscape quality of the historic environment within which the Listed Buildings which adjoin the Station complex are viewed and experienced means that the proposal will result in less than substantial harm to the setting of these designated assets.
- 9.14 Obvious examples in this regard, include 6-14 and 15-18 Cromwell Place, 1-29 and 16-18 Pelham Place, 2-18 and 1-13 Thurloe Street, 6-12, 45-51 and 52 Thurloe Square. Similarly affected will be the non-designated historic houses at 4-10 and 20-24 Pelham Street which should be regarded as local Heritage Assets.
- 9.15 In some cases, the level of impact amounts to more than harm arising from general degradation of the quality and significance of the historic environment within the locality and reflects the particular relationship of some of these buildings with the station complex.
- 9.16 A clear example in this regard would be 52 Thurloe Square where the architectural design and fenestration of the side gable of the building directly reflects its relationship with the adjoining railway. Public views of this interesting architectural feature will be wholly lost as a result of the proposed development which will result in an elevated level of harm to the setting of this Listed Building.
- 9.17 However, even where not specifically designed to respond to the station the reality is that the 19th century development of the station is an important layer in the history of many of the buildings within the vicinity of the appeal site and that part of their historic and evidential value results from their relationship with the station and the development of the railway and the way in which they are seen and experienced in the context of the historic station complex.

- 9.18 An obvious example in this regard is 2-18 Thurloe Street whose rear elevation is viewed in open views across the open railway cutting which speaks to us about the way in which the railway was cut into the earlier 19th century urban environment.
- 9.19 When viewed in the context of the totality of the significance of the historic buildings concerned the impact of the proposal on their overall heritage value will, in most cases, be at the lower end of the scale. Nevertheless, there will be noticeable harm to their setting and this will result in less than substantial harm to the significance of these Heritage Assets.
- 9.20 However, the way in which the side flank of 52 Thurloe Square was specifically designed to respond to the adjacent railway cutting means that the loss of views of this aspect of the building will have a greater level of impact on its overall value as a Listed Building. In this regard, I find that the proposal will cause a moderate level of less than substantial harm to the significance of this Heritage Asset.

10.0 CONCLUSIONS

- 10.1 Having reviewed the application submission it is clear that the design team have worked very hard to understand the history and development of the locality. There is a great deal to admire in the sophistication of the presentation and the time and resources which have been committed to the project. It is also self-evident that the application proposal has been carefully considered.
- 10.2 Some aspects of the proposal will be of clear public benefit, and it is also apparent that works such as the proposed restoration of the retail units within the Sherrin Arcade will be of clear positive benefit for the historic built environment.
- 10.3 It is also fair to say that the station complex does provide considerable opportunity for enhancement of the Conservation Area and by way of example, and as a matter of basic principle, there must be a clear opportunity for elements such as the existing Bullnose shops to be improved.
- 10.4 However, the fact that there are opportunities for improvement or that the scheme includes some elements of positive benefit should not blind us to the reality that other elements of the proposal will cause serious harm to the historic built environment.
- 10.5 Fundamentally, we need to recognise that the historic scale, massing and long-low form of the Listed station and the way in which the main body of the station is set down within an open cutting are key elements in the significance of this Heritage Asset which will be seriously damaged by the proposed development.
- 10.6 The way in which the station was cut into the earlier Victorian urban environment is an important part of its significance. The Listed Station is not

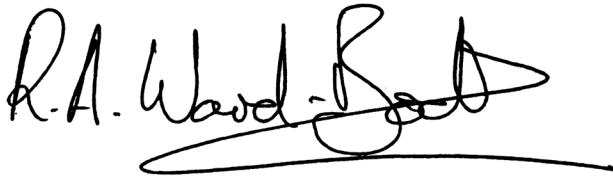
a visual problem which needs to be solved and it is in fact a nationally significant heritage asset which should be preserved.

- 10.7 Whilst elements of the proposal such as the restoration of the shopfronts within the Sherrin Arcade will be of positive value, the benefit of these works is wholly outweighed by the negative impact on fundamental form of the Listed building together with other identified adverse impacts which include the loss of historic building fabric and harm to the setting of high-value elements within the station complex.
- 10.8 The proposed development is not subservient to the Listed Building, its impact will be dominant and overbearing. It is not normal to seek to preserve a Listed Building by building three, four and five-storey buildings directly on top of it and by taking this approach the appeal scheme will cause substantial harm to this designated Heritage Asset.
- 10.9 More widely, the appeal proposal will cause harm to the character and appearance of the Conservation Area.
- 10.10 This arises from a number of different aspects of the appeal scheme which include damage to the significance of the Listed station as a key element within the Conservation Area together with harm arising from a failure to properly respond to the distinctive character of historic built development within the locality, effective demolition of 24-30 Thurloe Street, failure to properly respond to the historic character of Pelham Street and harm to townscape views within the Conservation Area.
- 10.11 Whilst acknowledging that some elements of the scheme such as the restoration of historic shopfronts and removal of street level hoardings will be of positive value any such benefit is more than outweighed by other elements of adverse harm to the character and appearance of the Conservation Area.
- 10.12 Clearly, there is an argument to say that there is a benefit in the introduction of built development along the northern side of Pelham Street to create a

more “balanced” street scene. However, this needs to be balanced against the reality that the Listed station is a local Landmark building and that views of this nationally significant transport heritage from within Pelham Street form an important part of the overall significance of the Conservation Area and are an established and historic part of the character and appearance of this designated Heritage Asset.

- 10.13 It is therefore erroneous to assume that creation of a quote “balanced” street scene which might be considered, in conventional terms, to be more visually attractive than the existing station wall is necessarily of benefit to the significance of the Conservation Area.
- 10.14 When the totality of the impact of the appeal scheme is considered, my view is that the proposal will result in Substantial Harm to the significance of the Conservation Area as a Heritage Asset.
- 10.15 Finally, the scheme will cause material harm to the setting of a significant number of Listed Buildings within the vicinity of the proposed development.
- 10.16 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that court proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.
- 10.17 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 10.18 I confirm that I understand and have complied with my duty to the Inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

- 10.19 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 10.20 I confirm that I have no conflicts of interest.
- 10.21 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Inquiry.
- 10.22 I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement “Surveyors acting as expert witnesses”.

A handwritten signature in black ink, reading "R.A. Ward-Booth". The signature is written in a cursive style with a long horizontal flourish underneath.

R.A Ward-Booth21st December 2022
Bsc(Hons), MRICS, DipBldCon, IHBC