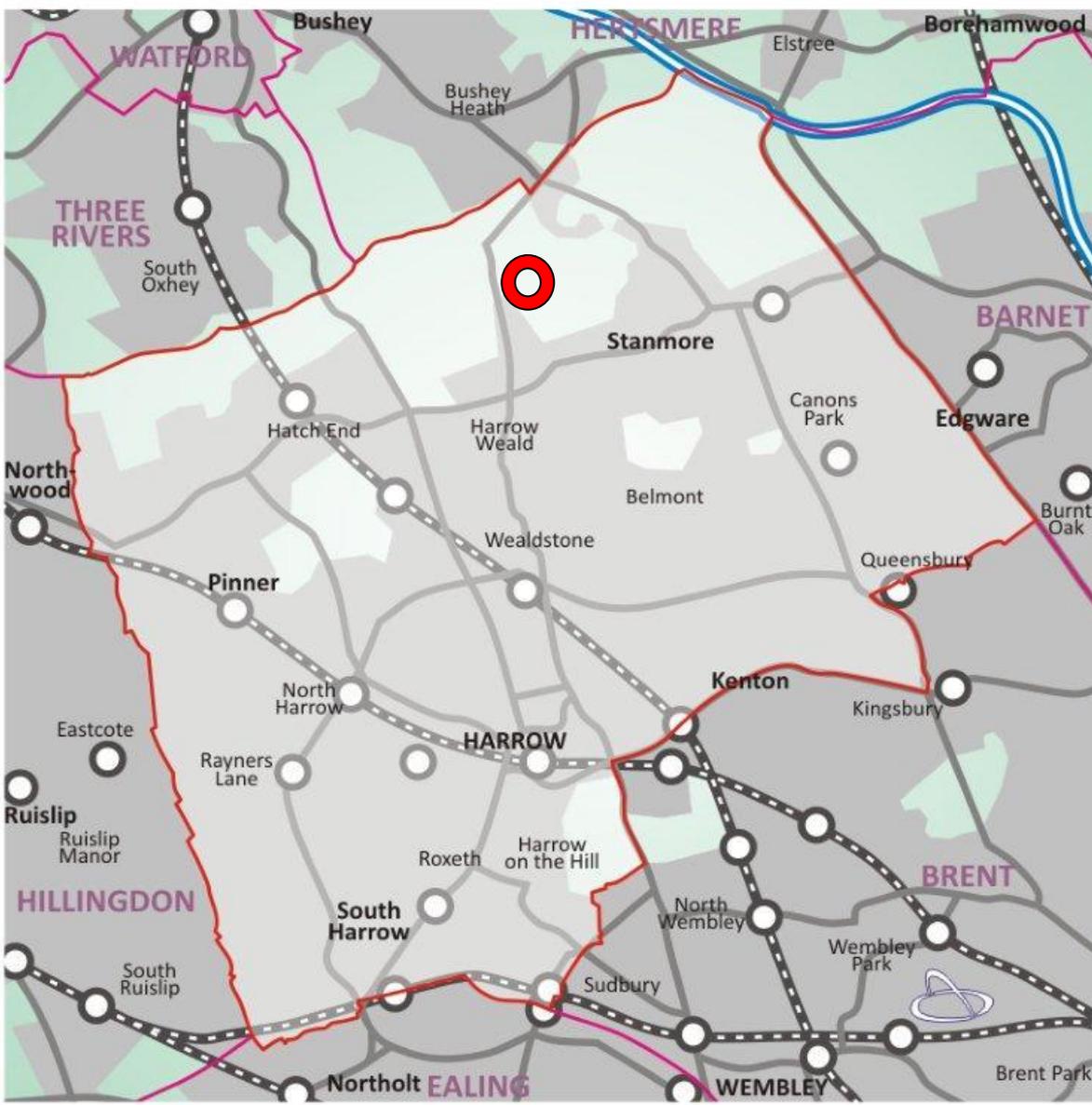


 = application site



<b>1 Halsbury Close Stanmore HA7 3DY</b>	<b>P/2596/22</b>
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## LONDON BOROUGH OF HARROW

### PLANNING COMMITTEE

16<sup>th</sup> November 2022

**APPLICATION NUMBER:** P/2596/22  
**VALID DATE:** 21/07/2022  
**LOCATION:** 1 HALSBURY CLOSE, STANMORE  
**WARD:** STANMORE  
**POSTCODE:** HA7 3DY  
**APPLICANT:** NICK FRANCIS  
**AGENT:** NICK FRANCIS  
**CASE OFFICER:** LUCY HAILE  
**EXTENDED EXPIRY DATE:** 30/09/2022

#### PROPOSAL

Listed Building Consent: Alterations And Refurbishment Of Two First Floor Bathrooms And The Ground Floor W/C Including Alterations To Original Layout; Removal Of Original Features And Introduction Of Extract Fans And External Waste Pipe Configuration.

#### RECOMMENDATION A

The Planning Committee is asked to:

- 1) Agree the reasons for refusal as set out in this report, and
- 2) Refuse Listed Building Consent.

**REFUSE LISTED BUILDING CONSENT** for the development described in the application and submitted plans for the following reasons:

1) The proposal is unacceptable by reason of the alterations which would cause significant harm to the special interest of this remarkably intact and unaltered grade II listed, pioneering early 20th century, Modernist house. In the absence of public benefits to outweigh the harm identified, nor any clear and convincing justification, the proposal conflicts with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; National Planning Policy Framework (July 2021) paragraphs 195, 197, 199, 200, 201, 202 and 205; the London Plan policy HC1 C (2021); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019); the Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017); and Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015) as well as the

Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

## **INFORMATION AND BACKGROUND**

This proposal is reported to planning committee as it has been called in by a Nominated Member.

The application was reported to the planning committee on the 28<sup>th</sup> September 2022 with an officer recommend for refusal, Councillor Marilyn Ashton proposed a motion to defer, on the basis of being minded to grant the Listed Building Consent (LBC) for the following reason:

- '1) The Committee is minded to grant this application on the basis that the proposed much needed improvements to the bathrooms and downstairs toilet are sensitive in design and do not do significant harm to the modernist character of this Listed dwelling house. character of this Listed dwelling house'.

This was seconded by Councillor Zak Wagman. It was then put to the vote and agreed.

Accordingly, this proposal is reported back to the Planning Committee. The original report presented to the 28<sup>th</sup> of September planning committee, is included as appendix A to this report. The same recommendation for refusal remains.

Given the Members intention to grant the LBC, the original consultees were reconsulted to notify them that the Committee are minded to grant the LBC. Following this, six additional objections, have been received addressing the proposed overturn of the recommendation for refusal. Five of these are from statutory consultees, and one is from the Stanmore Society. These consultation responses are summarised and appraised below.

In addition, a relevant appeal decision has been sourced and included in this report for the committee's attention as Appendix B.

In the event that Members resolve to grant the LBC, officers have included a suggested list of conditions as Appendix C.

## **1.0 SUMMARY OF CONSULTATION RESPONSES RECEIVED**

### **1.1 Stanmore Society objection was received on 13<sup>th</sup> October 2022:**

- Unusual to find a property of this age that remains in such original condition particularly in terms of the interior layout and fittings. Its' importance is elevated accordingly.
- Application relates to refurbishment of two original bathrooms and a cloakroom. It's entirely understandable that they need to be in good condition for family use.
- However, it is important to retain the existing, largely original, layout to preserve integrity of design.
- Original sanitaryware and tiles should be retained with any repairs and replacements necessary carried out to match existing.
- Where non-original fittings exist, they should be replaced to match originals.
- Even if wholesale replacement is deemed necessary, we can see no reason that the originals should not be matched to maintain the clear design intent.
- The proposal to replace sanitaryware with a design similar to those used in other modernist buildings will detract from the original design for no good reason.
- If replacement is necessary, matching the original design will be no less useable or hygienic without negative impact.
- Provision of built in storage units will detract from, and conflict, with the original design. Freestanding, storage units would provide the additional storage without impacting the original design or fabric.
- It will be disappointing if at least some of the original tiling cannot be retained.
- Partial or complete replacement should match the original tiles including its' height.
- For shower areas increasing the height should be to the minimum necessary increase designed so there is a clear indication of the original height.
- The relatively minor adjustments suggested above should not prove onerous.
- The proposals in their present form will harm the significance of this building's design which has survived for so long and should therefore be refused.

### **1.2 London and Middlesex Archaeological Society (LAMAS) objection was received on 19<sup>th</sup> October 2022:**

Fully endorse the Twentieth Century's response that inter alia:

- 1 Halsbury Close is a rare survivor of this building type.
- Proposals constitute irreversible and detrimental alterations to the grade II listed building, including the removal of original bathroom fittings, the loss of existing bathroom layouts, and the introduction of new built-in storage.
- National policy obliges local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses' when considering listed building obligations under the Planning (listed Building and Conservation Areas Act) 1990 Reinforcing this, the NPPF(2019) paragraph 193 requires that 'great weight' should be given to conserving designated heritage assets and paragraph 194 that 'substantial harm or loss of grade II listed buildings...should be exceptional.' The Framework instructs authorities that 'where a proposed development will lead to substantial harm' they should 'refuse consent' (para 195)".

### 1.3 The Council for British Archaeology objection was received on 26<sup>th</sup> October 2022:

- **Summary** Support the Twentieth Century Society and your Conservation Officer.
- This application would cause unjustified harm to the significance of the heritage asset.
- Applicants should revise the applications to take into account their suggestions on how to minimise this harm. If revisions are not made, we recommend that this application be **refused**.
- **Significance** 1 Halsbury Close is a modernist domestic building designed by renowned architect Rudolf Frankel.
- Its state of preservation is exceptional and makes this building of particularly high architectural, historical and evidential value.
- These values are recognised in its Grade II listing, which indicates that the house is of national importance.
- **Comments** We object to the proposals in their current form, and we recommend that they be **revised**.
- We accept the applicant's need to update some fixtures in order to ensure this building remains functional and can be used for its intended purpose as a family dwelling, and we do not object to sympathetic repairs and replacement of fixtures when demonstrably required.
- However, in order not to erode this building's remarkable internal preservation and the completeness of its architectural design, it is crucial that any updated fixtures should correspond as closely as possible to the original designed form by Frankel.
- The applicants have been offered detailed advice on how to achieve a sympathetic and architecturally sensitive design, not incorporated into proposals.
- It has not been demonstrated that the revisions to this proposal recommended by experts at the Twentieth Century Society are unachievable.
- Therefore, we do not consider that this application meets the requirement of the NPPF, paragraph 200, that any harm to the significance of the heritage asset should have 'clear and convincing justification'. We also do not consider that the application demonstrates that 'great weight' has been given to the asset's conservation, as required by paragraph 199.
- **Recommendation**
- Applicants should revise proposals to take into account expert advice offered, to ensure that this remarkable and highly architecturally significant building is conserved for the future.
- If revisions are not made, this application should be **refused**.
- Keep the CBA informed of this case.
- The Council for British Archaeology (CBA) is the national amenity society concerned with protection of the archaeological interest in heritage assets. Local planning authorities have a duty to notify the CBA of applications for listed building consent involving partial or total demolition, under the procedures set out in, Arrangements for handling heritage applications – notification To Historic England and National Amenity Societies and the Secretary of state (England) direction 2021.

#### 1.4 Historic Buildings and Places objection was received on 26<sup>th</sup> October 2022:

- **Statutory Remit:** Historic Buildings & Places (HB&P) is a statutory consultee on all Listed Building Consent applications involving an element of demolition, as required by the *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021*.
- **Comments:** HB&P would like to take this opportunity to thoroughly support the position taken by the 20<sup>th</sup> Century Society in their submission dated 9 August 2022.
- Historic England’s list description makes it clear that No.1 Halsbury Close was listed because it is an important example of a modernist house in England that was designed by an influential architect and is ‘*one of the most elegant and least altered private houses erected before the Second World War*’.
- For the sake of brevity, we will not reiterate all the alterations that would harm the significance of this listed heritage asset clearly outlined in both the Committee Report and by the 20<sup>th</sup> Century Society, but do wish to emphasise the importance of this design by Frankel because – as the list description notes - it retains most of the original features and fittings in their original location and therefore are an important example of the evolution of private domestic bathrooms in the 1930s.
- We are concerned that instead of repairing and replicating the original fixtures and fittings, the application’s design approach is to install new and relocated fittings to satisfy an ideal of modernist design.
- The examples of bathrooms provided are not actually comparative works by Frankel, so do not justify the assertion made in the documentation that his bathroom design was in some way flawed.
- While there are elements of the application that are acceptable, such as the removal of modern fittings and replacement of the non-original bath, the new bath screen, installation of an extraction fan, etc, but we do warn against the changes to the layout of the bathrooms and fittings that do not have historical precedent, as this would result in a degree of harm to this grade II house.
- Relevant NPPF (2021) policy considerations are:
- Paragraph 195: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.
- Paragraph 199: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.
- Paragraph 200: “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
- We recommend the application is withdrawn and that the applicant engage with the 20<sup>th</sup> Century Society to design a sensitive and historically appropriate scheme to modernisation these bathrooms.

**1.5 The Society for the Protection of Ancient Buildings objection was received on 26<sup>th</sup> October 2022:**

- We note your expert and authoritative report recommending refusal and the advice offered by the Twentieth Century Society: both recommending refusal. We wholeheartedly object and support the recommendation for refusal.
- The application contravenes paragraph 199 of the National Planning Policy Framework as it fails to give appropriate weight to the conservation of the listed historic asset.

**1.6 The Twentieth Century Society objection was received on 26<sup>th</sup> October 2022:**

- We maintain our objection to this proposal, and the harm caused to a Grade II listed heritage asset.
- The proposals concern fundamental and irreversible changes to the remarkably intact bathrooms of this house.
- Although this may appear to be a trivial matter, the house in question is a unique and remarkably intact piece of early British modern architecture, and thus the entire composition is key to its value and for its initial listing.
- We object to the approval of this application, which will seemingly be made in clear defiance of expert opinion, advice from planning officers, and contradiction to the planning laws, relying instead on a subjective opinion of what is, and is not, appropriate.
- We are not against the refurbishment and upgrading of the bathroom facilities for contemporary living but it can be done in a way that does not compromise the original design intention and cause significantly less harm to the original fabric.
- The refurbishment of existing fixtures, and the replacement of others is possible, and we welcome the opportunity to advise on this further or encourage the applicant to engage in specialist architectural services that deal with these issues.
- These proposals constitute irreversible and detrimental alterations to a grade II listed building, including the removal of original bathroom fittings, the loss of existing bathroom layouts, the reduced legibility of the architect's original design intentions, and the introduction of new built-in storage.
- National policy obliges local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses' when considering listed building obligations under the Planning (listed Building and Conservation Areas Act) 1990.
- The Twentieth Century Society considers 1 Halsbury Close to be a rare survivor of this building type and objects to the proposals which will damage the significance of the house.
- The loss of certain important features damages the intactness of this heritage asset, diminishing our understanding and appreciation of the history associated with them and we urge the borough to request alterations to the proposals based on our comments.

## **2.0 APPRAISAL OF CONSULTATION RESPONSES**

- 2.1 Consultation responses bring new weight to the recommendation for refusal of this LBC application.
- 2.2 It is unprecedented for Harrow Council to have received so many objections over the last 17 years from Statutory Heritage expert consultees in relation to proposals for Listed Building Consent.
- 2.3 All conservation experts (statutory consultees and the Stanmore Society) objects on matching grounds as follows:
- 2.4 Firstly, that the special national interest of the grade II listed house relates to its incredible state of internal preservation, making it an exceptionally rare survivor of a pre-world War II Modernist house. This includes its original layout and bathroom fittings, providing an example of the evolution of private domestic bathrooms in the 1930s.
- 2.5 Secondly, that objectively speaking the proposals are not a trivial concern but would cause significant harm to the special interest of the listed building since they would remove the above reason for its listing. It is correctly noted that this runs directly contrary to national legislation and policy that seeks 'preservation of the building' and 'any features of special architectural or historical interest which it possesses'. This places a requirement to avoid harm, not just avoid significant harm.
- 2.6 Thirdly, that approval would be contrary to national policy that requires 'great weight' be given to conservation, with clear and convincing justification for any harm. Again, objectively, it is shown that this is not provided since it is demonstrated that:
- the bathrooms' and WC can all be refurbished and special interest retained as the original or like for like replacement sinks, tiles and layout can be used (no less useable or hygienic), and standalone storage can be used.
  - the history of bathrooms research used to support the proposed bathroom design is not relevant. It is not of comparative works, so does not justify the applicant's assertion that Frankel's bathroom design needs to be corrected.
- 2.7 Finally, minor amendments by the applicants can and should be submitted to overcome the harm to significance and provide useable and hygienic bathrooms.

## **3.0 RELEVANT APPEAL DECISION**

- 3.1 A relevant appeal decision is attached as appendix B, and introduces new weight to the reason for refusal, not available to this planning committee before:
- 3.2 The appeal relates to 'Debenham House, 8 Addison Road, London W14 8DJ' in Kensington and Chelsea. Appeal reference is APP/K5600/E/13/2196490.
- 3.3 The proposal is closely comparable. Like 1 Halsbury Close, this is a 20<sup>th</sup> century listed building, with a rare survival of original bathrooms fittings and layout. The proposal at Debenham House was for similar internal alterations, that is:

‘Internal refurbishment of the existing bathrooms within the main house comprising: Remaining sanitary items of merit to be retained and refurbished; All later modern inappropriate sanitary ware and associated fittings to be removed; Modern vanity cabinets and mirrors to be replaced with more appropriate items (all of which will be designed to be removable); New sanitary ware to be introduced...’.

3.4 While Debenham House is grade I listed (exceptional national interest) and 1 Halsbury Close is grade II listed (national special interest), the legislation, policy and guidance that applies in the assessment of such applications for Listed Building Consent are precisely the same, regardless of the grade of listing.

3.5 The refusal to grant LB consent at Debenham House was upheld, with the Planning Inspector noting:

- *Paragraph 6: ‘The listed building was designed by architect Halsey Ricardo, and built in about 1905 to 1907. Its almost complete survival as an Arts and Crafts movement house, with original internal fixtures and fittings, including early sanitary ware, contributes positively to its significance. The innovative design... [is] also important to the special architectural interest of the listed building, which it is desirable to preserve’.*

3.6 The above assessment of significance is also true of 1 Halsbury Close, in that, it is of significance for being an innovative architect designed 20<sup>th</sup> century house, including early sanitary ware. It shows the 20<sup>th</sup> century bathrooms are not a trivial matter, but that their use for private matters and relatively recent age, does not lessen their national architectural / historic significance, compared to say, a fireplace in a listed Georgian house.

- *Paragraph 13 of the appeal decision: ‘statutory duties with regard to heritage assets, ... states... ‘that the fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new. The original WC suites are part of the historic fabric, they are very rare survivals, and they are now few in number in this remarkably complete listed building, so these matters make them all the more important to preserve’.*

3.7 The above is true of the 1 Halsbury Close proposal – the proposal is to remove rare survival historic fabric (tiles, mirrors and sinks), without specialist survey to show this is necessary. On the contrary, their own report indicated wholesale replacement due to condition was not necessary but was simply to accommodate their new design.

- *Paragraph 16 of the same appeal decision states: ‘Little weight can be attached to the views that the high level cisterns and pipes... were not designed architectural features, as they are part of the listed building, which it is desirable to preserve. ... Moreover, there was nothing to show that the house could not be used as such if the WC suites were to stay in their present arrangement’.*

3.8 The above is also true of the 1 Halsbury Close proposal. Unverifiable claims that the sinks were not to the architect's taste are put forward, as are factually inaccurate claims that the architect undertook his Modernist design incorrectly – little weight can be attached to this as they are part of the listed building which it is desirable to preserve. Similarly, as in the case of this appeal, there is nothing to show the bathrooms at 1 Halsbury could not be used in their present arrangement.

- *Paragraph 17 states. 'The loss of historic fabric, and the erosion of the appearance and integrity of the 3 rooms which would be affected, would damage the heritage asset...As the building is important for its completeness, albeit that there have been changes since it was built, the works would unacceptably erode its significance. Thus, the works would cause great harm to the listed building...'*

3.9 The same is directly true of the proposal at 1 Halsbury Close.

- *Paragraph 19 of that same appeal decision states: 'The scheme may offer private benefits for the future occupiers and their visitors, but as the use of the heritage asset would not change, its optimum viable use is not a relevant matter'.*

3.10 The private benefit of a redesign to the taste of the current owners is not a relevant matter. Therefore, on the basis of this appeal decision, the recommended refusal of the proposals at 1 Halsbury Close are fully ratified.

#### **4.0 CONCLUSION AND RECOMMENDED WAY FORWARD: REFUSAL**

4.1 The planning committee now have new information that introduces new weight regarding the recommendation to refuse consent.

4.2 It indicates that far from being a subjective matter, objectively verifiable and significant harm would be caused to the listed building that runs contrary to national legislation and national, regional and local policy given the harm could be avoided through redesign that need not conflict with functional bathrooms. It therefore indicates that approval would be allowing personal taste to justify detrimental alterations to a listed building.

4.3 Deferring the decision to allow for easy and acceptable amendments, would allow for a scheme to be recommended for approval. Refusal would also allow the applicant to return with amended sympathetic proposals and/or appeal the decision.

Checked

 Orla Murphy Head of Development Management  2 <sup>nd</sup> November 2022	 Viv Evans Chief Planning Officer  2 <sup>nd</sup> November 2022
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## APPENDIX A: PREVIOUS REPORT TO COMMITTEE

### LONDON BOROUGH OF HARROW

#### PLANNING COMMITTEE

28<sup>th</sup> September 2022

**APPLICATION NUMBER:** P/2596/22  
**VALID DATE:** 21/07/2022  
**LOCATION:** 1 HALSBURY CLOSE, STANMORE  
**WARD:** STANMORE  
**POSTCODE:** HA7 3DY  
**APPLICANT:** NICK FRANCIS  
**AGENT:** NICK FRANCIS  
**CASE OFFICER:** LUCY HAILE  
**EXTENDED EXPIRY DATE:** 30/09/2022

#### PROPOSAL

Listed Building Consent: Alterations And Refurbishment Of Two First Floor Bathrooms And The Ground Floor W/C Including Alterations To Original Layout Removal Of Original Features And Introduction Of Extract Fans And External Waste Pipe Configuration.

#### RECOMMENDATION A

The Planning Committee is asked to:

- 3) Agree the reasons for refusal as set out in this report, and
- 4) Refuse Listed Building Consent.

**REFUSE LISTED BUILDING CONSENT** for the development described in the application and submitted plans for the following reasons:

- 1) The proposal is unacceptable by reason of the alterations which would cause significant harm to the special interest of this remarkably intact and unaltered grade II listed, pioneering early 20th century, Modernist house. In the absence of public benefits to outweigh the harm identified, nor any clear and convincing justification, the proposal conflicts with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; National Planning Policy Framework (July 2021) paragraphs 195, 197, 199, 200, 201, 202 and 205; the London Plan policy HC1 C (2021); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019); the Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England listing selection guide 'Domestic 4: Modern Houses and Housing'

(December 2017); and Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015) as well as the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

## **INFORMATION**

This application is reported to Planning Committee as it has been called in by a nominated member.

Statutory Return Type:	23
Council Interest:	None.
Net Floorspace:	N/A
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
Harrow CIL requirement:	N/A

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application, the Council has regard to its equality's obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## 1.0 SITE DESCRIPTION AND SIGNIFICANCE

- 1.1. The application site comprises 1 Halsbury Close which is a detached two storey Modernist style 20th century house, located on the north side of Halsbury Close. It was recently purchased by its present occupants who are thought to be only the third set of owners since construction.
- 1.2. The building appears to be in a generally good state of repair. The house is Grade II Listed as of 8th January 1999 and is in the Stanmore Hill Conservation Area.
- 1.3. List entry:
  - 1.3.1. The list description indicates its significance but is not exhaustive. It reads (with most relevant parts having bold typeface added for the benefit of this report):
    - 1.3.2. **'Private house. 1938-9 by Rudolf Frankel.** Brick construction, with warm yellow facing bricks on blue industrial brick plinth; stone copings to parapets. Flat roof behind parapet, two storeys, with one-storey service wing incorporating garage towards road, 'L'-shaped plan, at right-angles to the road, allows the principal rooms to face south and west over a sheltered, private garden, with only a narrow comer entrance towards the road. Cut-away corner forming a verandah on the ground floor where a single comer column carries the upper storey.
    - 1.3.3. EXTERIOR. Set back entrance door with round light, within porch oversailed by balcony. The door is reached via steps of blue brick corresponding with those of the plinth. The principal rooms face the garden, with original custom-made metal windows with side-opening casements. At comer, set back paved verandah under oversailing first floor, supported on single post, on to which pairs of French windows lead, of metal, fully glazed and with central transoms and top lights. Glass blocks on rear elevation give added light to dining room. Also at rear, tradesman's door with round light under thin concrete canopy.
    - 1.3.4. INTERIOR. The interior is virtually unaltered. Hall, living room and dining room with oak flooring. Bathrooms and kitchen retain original features, including the bell system between the latter and the former maid's room and living room. Lounge with bookcases. Rudolf Frankel (1901- 74) was one of the most significant of the German emigres to settle in Britain in the late 1930s, having already established a considerable reputation as a designer of houses, cinemas and theatres in both Germany and Romania. This is his only pre-war English work; having designed some industrial buildings immediately after the war he moved to the United States to take up a chair of architecture at Miami University, Oxford, Ohio.
    - 1.3.5. No.1 Halsbury Close is one of the most elegant and least altered private houses erected before the Second World War; while entirely modern in design, its use of carefully layered brick rather than reinforced concrete responds to the latest ideas of the period and anticipates the style of the 1950s. Sources Architects' Journal, 28 November 1940, pp.439-41 Building, April 1948, pp.1 04- 7 Charlotte Benton, A Different World, Emigre Architects in Britain 1928- 1958, p.127, 155'.

#### 1.4. What is significance?

- 1.4.1. The NPPF states significance (for heritage policy) is defined as: 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic'.
- 1.4.2. Similarly, in 2008 Historic England (then English Heritage) published Conservation Principles, identifying four principal values to consider when assessing significance: evidential, historical, aesthetic and communal.

#### 1.5. Summary of significance:

- 1.5.1. In this case significance relates to its evidential, historical, architectural, artistic and aesthetic values for being one of the 'most elegant and least altered private houses erected before the Second World War' and cutting edge given its Modernist design. Its architect Rudolf Frankel (1901- 74) was one of the most significant of the German emigres to settle in Britain in the late 1930s and this is his only pre-war English work. Its special unaltered quality and Modernist style is evident in its floor plan and even down to its remaining original lighting and bathroom fixtures and fittings. Both characteristics are important as they ensure that the house provides a rare intact example of a new model for living of the time that anticipates the style of the 1950s.
- 1.5.2. Notably, Frankel's 1930s example of a Modernist house here deviates from what today might be considered 'purist Modernist' expectations in elements of its design, which should be considered a distinctive characteristic of his approach to Modernism, holding historic interest.

#### 1.6. Break down of significance includes:

##### Deviation from what today might be considered purist Modernism:

- 1.6.1. Frankel's deviation from purist Modernist expectations here should be considered a distinctive characteristic of his Modernist work at 1 Halsbury Close, a feature that holds historic interest and therefore contributes to significance of this listed asset.
- 1.6.2. It is a marker of the time and idiosyncrasy in approach to Modernism by Frankel that not all elements were what might now be considered 'purist Modernist' in style and layout eg the Art Deco inspired sink designs with chamfered not rounded edges, staggered rather than stacked tiling trim to the wall tiles, pale yellow (rather than white) tiles in bathroom 1, and Frankel's deviation from the usual linear arrangement of the sanitaryware in bathroom 2, with the bath against the far wall.

#### 1.7. Renowned architect:

- 1.7.1. The fact that 1 Halsbury Close was designed by Rudolf Frankel is of great historic and architectural significance since he was a gifted architect of excellent international reputation, who contributed much to the Modern Movement stimulated by Walter Gropius and the Bauhaus. In fact, the list entry notes Frankel was one of the most significant of German emigres (of many thousands): he had established a reputation as a designer of considerable skill and resource of many and varied building types and projects in Germany and Romania.

1.7.2. As a marker of this skill, he was commissioned early on (1922-1933) to design the Gesundbrunnen area of Berlin, an apartment complex including 800 apartment units, the Lichtburg Theatre, restaurants and shops, as well as government buildings and office buildings, factories and housing projects. Subsequently, in Romania he had a private practice as architect and town planner in Bucharest until 1937 where he designed public and private buildings (including cinemas in Bucharest and Siblu, a theatre in Bucharest and schemes for the Russian Embassy in Bucharest). In London in 1937, and subsequently in the UK, his reputation continued to develop and he did more private housing, offices, a filling station and factories in Birmingham, Congleton and South Wales.

1.7.3. He was recognised within the architectural profession internationally, having material on his buildings published widely in leading periodicals and text books in many countries, and was included in outstanding formal exhibitions in Berlin, Moscow, Leningrad, Tokyo, Milan, America and London. In 1950 in the United States he was chair of architecture at Miami University, Oxford, Ohio (later Professor Emeritus) and became advisor to various planning commissions. The Museum of Modern Art in New York selected five of his buildings for their Permanent Collection of 'Significant Contemporary Architecture'.

#### 1.8. Referenced in architectural publications:

1.8.1. Given this importance, 1 Halsbury Close is referenced in a number of contemporary and more recent architectural publications, including those referenced in the list description, but also: The Architectural Review (1940) and The Buildings of England London 3: North West by Bridget Cherry and Nikolaus Pevsner.

1.8.2. Charlotte Benton's book entitled: 'A Different World, Emigre Architects in Britain 1928-1958' referenced in the listing describes it as 'one of the most distinguished private houses erected by an emigre architect in London'.

1.8.3. It is similarly positively referenced in many other online sources including: <https://www.wowhaus.co.uk/>, <https://www.madaboutthehouse.com>, <http://www.e-architecture.ro/architecture/> and <http://www.modernism-in-metroland.co.uk/>.

#### 1.8.4. Designed for a close relative:

1.8.4.1. Historic England's publication entitled 'Domestic 4: Modern Houses and Housing Listing Selection Guide' states with reference to considering listing of Modernist houses: 'Give particular credit where architects are designing for themselves, or for a relative or friend, as here they could express their ideas most freely'. That 1 Halsbury Close was designed for Frankel's sister and brother-in-law, alongside number 2 Halsbury Close next door (now much altered) designed for himself, provides added significance as noted by the Twentieth Century Society in their consultation response.

## 1.9. Virtually intact fixtures, fittings and floor plan:

1.9.1. 1 Halsbury Close has strong architectural, evidential aesthetic, artistic and historic significance as it is an incredibly intact and unaltered example of progressive Modern Movement domestic house design by Rudolf Frankel: his *only* pre-war English work. For example:

- Bathroom 1 (adult's bathroom) retains its original: layout, bath including bath panel and recessed soap dish holder in original location above, towel rail, toothbrush holders, shaving mirror, mirror above sink with ceiling mounted light above, windows including original cast glass, radiator, wall tiles (6 by 6 inch pale yellow tiles at half way up height to all 4 walls with a quadrant angle trim in a staggered pattern transitioning to plastered walls above), recessed toilet-roll holder, Bakerlite maid's switch/maid's call button adjacent the bath, two light switches adjacent hallway entrance door. It contains a non-original bidet in the location of the original. The sink is considered original (or a replica of it) as its colour matches the original bath and it is similar in the design to the known original in bathroom 2 and in the ground floor WC given its Art Deco style chamfered corners. The unused condition of it puts a question over its age, but it may be refurbished.
- Bathroom 2 (children's bathroom) retains original: white sink mounted on its original brackets with original chrome outlet, wall tiles (6 by 6 inch white tiles at half way up height to all 4 walls with a quadrant angle trim in a staggered pattern transitioning to plastered walls above), recessed soap dish in original location above bath, maid's call button adjacent bath, recessed toilet roll holder, and above where the original sink was (and indicating its original siting and use): a wall light and two tightly spaced and low level cup holders, adjacent a low level medicine cabinet with integral mirror. This is all in original layout minus the sink and WC which have switched location resulting in boxing out within the kitchen underneath and non-original bath with plastic end and side panels in original location. Non-original flooring.
- Ground floor WC retains its original layout, tiles, light fitting and original sink.
- That being intact is important is clear from the Department of Culture Media and Sport November 2018 publication entitled: 'Principles of Selection' document which states: 'from 1850 to 1945, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary'. Similarly, the specific Historic England 'Domestic 4: Modern Houses and Housing Listing Selection Guide' states with reference to 'Modernist and post-war housing' that 'Lack of alteration to the principal spaces is a key factor in determining designation'.
- That the special interest of 1 Halsbury Close relates in large part to its incredibly unaltered state (interior and exterior) even down to the inclusion of original lighting and bathroom features is referenced in the list description: see parts with bold typeface added above to the list entry. It was also referenced in the Council report submitting the building for listing in 1998. This unaltered state is most likely due to the present owners being only the third set since construction.

- The importance of the original floor plan and what it set out to achieve is clear as the original plans are reproduced and described in all contemporary architectural publications of 1940 and 1948 (the original floor plans has been extracted from this and included on page 9 of the Statement of Significance). Comparing original floor plans with the current floor plans, demonstrates only minimal alterations have taken place. In fact, the original floor plan of the first floor is completely retained, with the exception of the reversing of location of a sink and WC in bathroom 2.

#### 1.10. Design reflecting lifestyle:

- 1.10.1. 1 Halsbury Close's original floor plan and layout reflects lifestyle and provides a rare example of a new model for living which few domestic buildings of the period could aspire to.
- 1.10.2. The Historic England 'Domestic 4: Modern Houses and Housing Listing Selection Guide' states with reference to 'Modernist and post-war housing', 'The clear reflection of life-styles will endow a house with extra interest'.
- 1.10.3. The bidet (a replacement for the original) in bathroom 1 was remarkable for the time and reflects the modern, international lifestyle the architect was creating.
- 1.10.4. Bathroom furniture neatly lined up on east elevation wall in bathroom 1 reflect neat and ordered Modernist principles.
- 1.10.5. Cupholders are neatly placed in bathrooms above the original sink or where the sink was originally.
- 1.10.6. Both bathrooms have recessed soap holders on the long wall above them reflecting their original use there.
- 1.10.7. Neither bathroom has ceiling height level tiling above their baths to accommodate the showers fixed to the plastered walls, since showers were a very new concept at the time and did not take off in Britain until the 1960s.
- 1.10.8. In bathroom 2 the location of the sink originally, and how it was used, is evident still given the original cupholders, light and medicine cabinet which are still in their original locations above where this was. Notably the medicine cabinet and cupholders are low down reflecting this being built as a children's bathroom.
- 1.10.9. Bathroom and ground floor WC room have no built in storage space (with the exception of a medicine cabinet), encouraging a simple and uncluttered lifestyle.
- 1.10.10. A maid's bell is located immediately next to each bath in the bathrooms for easy reach.

1.11. Existing alterations:

- 1.11.1. Bathroom 1 has non-original replacement flooring, taps and WC. New fixtures and fittings are: shower head holder, mobility hand rails, electric towel rail, strip light, shaving socket and shower curtain.
- 1.11.2. In bathroom 2 the original location of the sink and WC have been reversed as noted. An electric towel rail has been added to replace the original radiator. Replacement lino floor tiles in stone effect are over the floorboards. A unit opposite the sink has been installed as well as one adjacent to it. A shower head holder, mobility handrails, shower curtain, wall light and shaving socket have been added. The mirror above the sink may not be original.
- 1.11.3. The ground floor WC has replacement flooring, taps and WC.

1.12. Condition

- 1.12.1. Original tiling is in places, in a poor condition, generally cracking, discolouration and surface damage with some replacements patched in.
- 1.12.2. Some sinks and the baths appear in need of maintenance/ repair.
- 1.12.3. In bathroom 2 the original sink with wear apparent with cracked and stained porcelain particularly around the outlet and original chrome outlet with some wear.
- 1.12.4. It should be noted that condition does not affect significance. 'Paragraph 23 of the DCMS selection guide states: 'State of repair: the general state of repair and upkeep of a building will not usually be a relevant consideration when deciding whether it meets the test of special architectural or historic interest. The Secretary of State will list a building that has been assessed as meeting the statutory criteria, irrespective of its state of repair. Loss of original fabric will however be a relevant consideration when considering special interest'.

**2.0 PROPOSAL**

Children's bathroom/ Bathroom 2

1. Bath: Relocate non-original bath from its original location against the wall on the east elevation and rotate it 90 degrees so it would lie against the north elevation. Install wall mounted taps with porcelain cross handles rather than fixed into the bath as per the original and existing, above the bath and a lighting pelmet above the bath. Install roof vent for extract above the bath. Install fixed bath screen with 25mm frame in chrome. Fixed glass panel to half the window now alongside the bath. Replacement bath to be new enamel 1800 x 750mm bath.
2. Radiator: Install new radiator on the west elevation to match other radiators in the house

3. Sink: Remove original modest sized Art Deco inspired sink (chamfered edges) from east elevation and install much larger new sink in a different Modernist design (rounded edges) on the east elevation partly in the location of the original bath. Install wall mounted taps with porcelain cross handles above the sink rather than taps fixed into the sink as the original ones once were and as the existing are. Install frameless mirror and joinery shelf with glass sliding doors on the east elevation above and either side of the sink.
4. WC: Remove existing WC on north elevation and install new Rotas Design Two Piece Toilet and Ideal Standard Michelangelo Cistern on east elevation.
5. Flooring: Remove existing non-original flooring. Install 150 x 150mm quarry flooring tiles and skirting.
6. Wall tiles: Remove original wall tiles. Replace with new wall tiles with ceramic bath quarter angle trim. Raise tiles up to ceiling level around the shower on two walls above where the shower head would be sited. Install different number of tiles on walls.
7. Original features retained: loo roll holder, maid call button and mirrored cabinet and original light fitting on the west elevation but decommission) and retain but relocate original cupholders from original position to be alongside either side of the new shelving above the sink.

#### Adults Bathroom / Bathroom 1

8. Sink: Remove existing modest sized Art Deco inspired sink (thought original or a close replica) with chamfered edges and replace with a larger sink in different Modernist design in a slightly different location directly under the central window on the east elevation. Install new wall mounted taps, rather than those fixed on the sink as the original ones once were and as the existing are, with porcelain cross handles above the sink.
9. Bidet: Remove existing non-original bidet in original location and replace with new relocated a few cm to the south against the same elevation.
10. Mirror and toothbrush cup holders: Remove original modest scale mirror above the sink in its original location which is off centre from the window above and replace with large frameless modern mirror above the new larger sink, now relocated to be centred on the window above. Relocate original toothbrush cup holders either side of the original mirror to either side of the new mirror above the sink. Install joinery shelf with glass sliding doors either side of the new mirror above the sink. Retain existing shaving mirror but relocate a few cm to the south against the same elevation.
11. Bath and wall tiles: Fix bath screen with 25mm frame in chrome. Install shower head above the bath and raise the upper line of the tiles to ceiling height around the shower. Install new roof vent above the bath for extract. Replace original tiles with new including stack bonded quarter angle tiling. Install lighting pelmet above the bath.
12. Relocate existing radiator and refix.
13. Original items retained: Existing towel rail refurbished. Existing original bath and soap dish retained. Existing light fitting retained and refurbished.
14. Existing door and furniture retained. Existing recessed loo roll holder retained. Existing bakerlite light switch and maid call button retained.
15. Flooring: Remove existing non-original flooring. Install 150mm by 150mm quarry tile skirting and flooring. Install extract fan above the bath.

## Ground floor WC

16. Extract: Install an extract duct leading through next door larder connecting to an existing air brick and install an inline extract fan with white glass fascia.
17. Mirror: Introduce and install a new large frameless mirror above the sink.
18. Sink: Remove the original existing Art Deco inspired sink with chamfered edges and install replacement sink a different Modernist design. Remove existing non-original taps fixed to this sink as the original ones once were and as the existing are now, and install new wall mounted taps with porcelain cross handles.
19. Tiling: Remove original wall tiles and install new wall tiles with ceramic quarter angle trim. Install 150 by 150 quarry floor tiles and skirting.
20. WC: Remove existing non-original WC and install replacement with Rotas Design Two Piece Toilet and Ideal Standard Michelangelo Cistern. Install shaving unit to match bathrooms on the wall above the WC.
21. Original light and loo roll holder to remain.

### **3.0 REVISIONS TO PREVIOUS APPLICATION**

Following the previous decision (reference P/1788/21 which was refused on 24/06/2021) the following amendments have been made

- Changes to the nursery have been omitted.
- Changes in proposals to the bathrooms to retain more original features and change the layout and design in new ways.
- Changes now proposed to the ground floor WC.

### **4.0 RELEVANT PLANNING HISTORY**

EAST/794/02/LBC – Listed building consent: internal alterations insertion of new external door infill of garage door  
Granted – 29/08/2002

P/4354/16 - Listed building consent: removal of render cladding to external steel column application of paint protection to existing steelwork; application of new render to match application of existing  
Granted - 25/11/2016

P/1087/20 - Listed Building Consent: Internal and external alterations including removal of fixed garage door and replacement with opening door; removal of partition wall at ground floor level to convert library to garage; reconfiguration of office and utility room; installation of insulated raised floor; new crittall double doors to dining room; alterations to first floor layout to install an ensuite bathroom including removal of a wall; insertion of crittall window; alterations to external cast iron drainage and air bricks.  
Withdrawn

P/2692/20 - Listed building consent: internal and external alterations including installing garage doors, demolition of wall, installing two walls, installing new insulated floor  
Granted 30/11/2020

P/1788/21 Listed Building Consent: Internal And External Alterations Comprising Alterations And Refurbishment Of Two Bathrooms On The First Floor And Installation Of An Ensuite And Dressing Room In One Bedroom On The First Floor Including The Installation Of Extracts And A Rooflight  
Refused 24/06/2021

Reason for refusal: 1) The proposal is unacceptable by reason of the alterations which would cause substantial harm to the special interest of this remarkably intact and unaltered grade II listed, pioneering early 20th century, Modernist house. In the absence of public benefits to outweigh the harm identified, nor any clear and convincing justification, the proposal conflicts with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; National Planning Policy Framework (March 2012) paragraphs 189, 190, 192, 193, 194, 195 and 196; the London Plan policy HC1 C (2021); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019); the Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017); and Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015) as well as the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

- 5) Notwithstanding reason number 1, there is insufficient information to allow for a comprehensive assessment of the proposal and any harm therein, as the Local Planning Authority has not been provided with equivalent complete detailed scaled existing plans, elevations and sections for the two existing bathrooms to compare with the proposed set provided, and the existing elevations that have been provided, do not show all existing bathroom features. The proposal therefore conflicts with: Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; National Planning Policy Framework (March 2012) paragraphs 189, 190, 192, 193, 194, 195 and 196; the London Plan policy HC1 C (2021); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019); the Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017); and Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015)

as well as the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

## **5.0 Pre-Application Discussion (Ref.)**

- Not applicable. The applicant has been advised to seek pre-application advice from the council and the Twentieth Century Society over the years but this has not been sought.

## **6.0 Applicant Submission Documents**

- Design and Access Statement
- Heritage Statement
- Statement of Significance

## **7.0 CONSULTATION**

7.1 The following groups were consulted on 21st July and any response was due on 11th August:

- Stanmore and Harrow Historical Society
- Stanmore Society
- The Georgian Group
- Society for the Protection of Ancient Buildings
- Victorian Society
- Ancient Monument Society
- Council for British Archaeology
- London and Middlesex Archaeological Group
- Harrow Heritage Trust

### **7.2 Advertisement**

Harrow Observer  
Harrow Times  
Expiry: 19th August 2022

Site Notice Expiry: 20th August 2022

### **7.3 Notifications**

N/A

## **7.4 Statutory and Non-Statutory Consultation**

7.5 A summary of the consultation responses received are set out in the Table below.

## Consultation Responses

- **The Twentieth Century Society replied on 9th August to state:**

'Thank you for consulting the Twentieth Century Society on the above application. We have considered a number of iterations of this scheme in recent years and it is encouraging to see real progress has been made in attempts to maintain the historic character of 1 Halsbury Close by Rudolf Frankel, including its important, idiosyncratic, and unusually intact interiors. Nonetheless, the Society objects to a few limited aspects of these proposals. The thorough and well-researched Heritage and Design and Access Statements justify the new proposals by aligning them with certain modernist precedents including Lubetkin's Highpoint and Chermayeff's Bentley Wood. However, Frankel's original deviation from modernist expectations should be considered a distinctive characteristic of his work at 1 Halsbury Close, a feature that holds historic interest and therefore contributes to significance of this listed asset. The list description is unusually complete for a house of this period and details that the interior is 'virtually unaltered' mentioning that the bathrooms 'retain original features'. This is remarkable in a house of this date and its importance should not be underestimated. Although the application notes that the bathrooms have been altered, every effort should be made to retain original fixtures, sanitary ware, and the original layout of the bathrooms.

Our concerns relate to a few specific issues:

- Wherever replacement of non-original sanitary ware is sought, replacements should match originals currently installed as closely as possible. For example, the pedestal sink and taps in the downstairs WC are original and should be used as a model for replacements elsewhere, rather than attempting to emulate designs in other modernist homes.
- Retention of (or reversion to) original bathroom layouts should be preferred in order to protect (or augment) the historic significance of this designated asset. For example, in the adult's bathroom, Frankel's original placement of toilet, bidet, and sink should be maintained. Similarly, in the child's bathroom, Frankel's deviation from the usual linear arrangement of the sanitary ware with the bath against the far wall is historically significant and should be maintained. These proposals for the children's bathroom appear to be missed opportunity to revert the toilet-sink arrangement to its original layout.
- The installation of built-in sliding storage in both bathrooms – as the introduction of an unoriginal fixture – would negatively impact the historic significance of the asset.
- Original tiles should be maintained, and matching tiles sourced. Extension of the tiles in both bathrooms to ceiling height around the shower would also negatively impact the historic significance of the asset.

These proposals constitute irreversible and detrimental alterations to a grade II listed building, including the removal of original bathroom fittings, the loss of existing bathroom layouts, and the introduction of new built-in storage. National policy obliges local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses' when considering listed building obligations under the Planning (listed Building and Conservation Areas Act) 1990. Reinforcing this, the NPPF (2019) paragraph 193 requires that 'great weight' should be given to conserving designated heritage assets and paragraph 194 that 'substantial harm or loss of grade II listed buildings...should be exceptional.' The

Framework instructs authorities that 'where a proposed development will lead to substantial harm' they should 'refuse consent' (para 195).

The Twentieth Century Society considers 1 Halsbury Close to be a rare survivor of this building type and objects to the proposals which will damage the significance of the house. It must be noted that these plans show a marked improvement on earlier proposals and direction of the design development should be commended. However, the loss of certain important features damages the intactness of this heritage asset, diminishing our understanding and appreciation of the history associated with them and we urge the borough to request alterations to the proposals based on our comments.

I hope this advice is useful to you in your deliberations regarding this case, and I would be extremely grateful if the Society could be informed of the Council's decision'.

**Additional comments from the Twentieth Century Society provided 6th September 2022:**

'Nick makes some valid points, and I can offer some clarification. The house is listed because it is an important example of a modernist house in England, not because it partially conforms to one's particular idea of what modernist design ought to be. Modernism in England in the 1930s was developing along a number of different lines and there were many examples of adapting continental practices. All these variations are of significance as they show the evolution of the vernacular approach on imported ideas - that is what makes the layout here of importance. The applicant has given a small selection of famous examples from the work of other architects. Frankel himself provides his own example at 1 Halsbury Close. We have evidence for both the architect's layout and choice of sanitary ware design. This sets the precedent. There is no need for speculative theories as we have what he actually did as evidence. What we do not have is evidence of why he did it and it is confused to suggest his choices were not 'Movement correct' – they were simply part of the historic evolution of modern design in the 20s and 30s, and as such hold historic significance and should be protected. The D&A Statement itself details how Frankel only occasionally adopted a linear bathroom layout – this is a distinguishing aspect of his practice when compared to other modernists.

Ultimately, the problem here is principally the proposed changes to the layout. It is this element of the application, in addition to the composite effect of the whole suite of changes, that would constitute significant harm. However, I hope maintaining the original plan of both bathrooms would be considered as a minor amendment to the application. The secondary issues include the redesign of the tap and sink system. Given the evidence in the house, the applicant's decision to adopt the 'Highpoint model' simply because it is a prominent example shared in a handful of other cases is not acceptable. But again, one would hope this is only a minor amendment. The wholesale replacement and extension of the tiles to ceiling height around that bath and the installation of new storage would indubitably harm the historic significance of the house (stating that the original 'height of the tiles is incorrect historically from a Modernist perspective' is frankly nonsense) but only to a minor extent and you may consider this change acceptable in order to enable the adaptation and continued use of the space. Certainly, we are attentive to the Heritage Statement's arguments regarding managed change and hope that the council would consider this too, bearing in mind Historic England's advice that 'Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value,

provided that recognised heritage values are not eroded or compromised in the process.' (Conservation Principles, Policies and Guidance, 2008)

I also think it worth mentioning that contrary to Nick's assumption that we have not considered this carefully, both this week and at previous applications Clare and I have spent an inordinate amount of time studying the applicant's attempts to alter 1 Halsbury Close. We hope our comments are taken in good faith with our fullest sincerity. If they would like us to consider this case at still greater length then I would recommend they take the opportunity of consulting us at pre-app'.

**Additional comments from the Twentieth Century Society provided 8th September 2022:**

'It is my view that the proposals would constitute less than substantial harm, but that this harm is not justified in the application. **And I have just noticed the error in my initial letter. I should have taken the NPPF paragraphs from the 2021 version rather than the 2019 version. And I should have quoted paras 199, 200 and 202**'.

## **8.0 POLICIES**

8.1 The acceptability of the proposed works must be assessed against the need to preserve the special interest of the listed building, having particular regard to: the Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, National Planning Policy Framework (July 2021) paragraphs 195, 197, 199, 200, 202 and 205, London Plan (March 2021) policy HC1, Harrow Core Strategy (February 2012), Development Management Policy (May 2013) DM 7, and guidance contained within the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014), and Historic England's guide for owners of listed buildings (published 15 September 2016), Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015), Historic England's 'Making Changes to Heritage Assets Historic England Advice Note 2' (published February 2016).

### **8.2 Relevant legislation, policy and guidance**

8.3 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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'.

8.4 The National Planning Policy Framework (NPPF) paragraph 195 states: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

- 8.5 Paragraph 197 of the NPPF states 'local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness'. Paragraphs 199, 200 and 202 NPPF are also relevant and are outlined in full within the appraisal below. Paragraph 205 states: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.
- 8.6 Similarly London Plan policy HC1 C states 'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process'. Development Management Policies Local Plan policy DM 7 part A states 'Proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved', part B, b states 'the impact of proposals affecting heritage assets will be assessed having regard to: relevant issues of design, appearance and character, including proportion, scale, height, massing, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form', Part B, c states: 'the preference to be afforded to proposals that both conserve and sustain heritage assets', and DM7 part E which states: 'In addition to (A) and (B) above, when considering proposals affecting listed buildings and their setting, the Council will: a. pay special attention to the building's character and any features of special architectural or historic interest which it possesses, and the role of the building's setting in these regards'.
- 8.7 Relevant guidance is contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014); Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015) and Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017) as well as the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection' .

## **9.0 ASSESSMENT**

9.1 The main issues are;

- Special Interest of the Listed Building

9.2 The application site comprises the grade II listed early Twentieth Century 1 Halsbury Close, Stanmore which is a detached single family dwelling house of two stories and Modernist design. The proposal is for internal and external alterations comprising

alteration and refurbishment of two original first floor bathrooms and ground floor WC, as well as associated works such as new extracts.

## Appraisal

### 9.3 Summary of Significance

9.4 In accordance with NPPF paragraph 195 the special interest of 1 Halsbury Close must be identified. In this case its special interest is identified thoroughly (though not exhaustively) under the 'site description and significance' heading above. This must be referred to as part of this appraisal as it is an important reference point. In summary, it relates it being one of the 'most elegant and least altered private houses erected before the Second World War' as noted by the list entry. Its internationally renowned architect Rudolf Frankel (1901- 74) was one of the most significant of the German emigres to settle in Britain in the late 1930s and this is his only pre-war English work and was built for his sister and brother-in-law. Its special unaltered quality and cutting-edge Modernist design is evident in its floor plan and even down to its remaining original lighting and bathroom fixtures and fittings. Both characteristics are important for ensuring that the house provides a rare intact example of the new model for living of the time that anticipates the style of the 1950s. Importantly, Frankel's 1930s example of a Modernist house here deviates from what today might be considered purist Modernist expectations in elements of its design, which should be considered a distinctive characteristic of his approach to Modernism, holding historic interest.

9.5 Notably this summary of significance is supported by the Twentieth Century Society's consultation response which notes his deviation from purist Modernist expectations should be considered distinctive and that it holds historic interest. They also state: 'The list description is unusually complete for a house of this period and details that the interior is 'virtually unaltered' mentioning that the bathrooms 'retain original features'. This is remarkable in a house of this date and its importance should not be underestimated'. This understanding of significance is also supported by the Twentieth Century Society's response to the previous Listed Building Consent application of 2021 which added: '1 Halsbury Close is a Grade II listed house designated due to its unusually intact interior and exterior features and as a work of the renowned émigré architect Rudolf Frankl dating from 1938-9. This is the only work in England to pre-date the Second World War by this significant architect whose international reputation is recognised in Germany, Romania and the United States. The house is pioneering in its use of a variety of modernist design idioms that were not to come into common usage until after the war, such as its use of layered brick and reinforced concrete... Houses of this date that survive with intact internal features are very rare and therefore any surviving fixtures such as bathroom and kitchen fittings or fitted furniture have a very high significance... Unaltered internal plans are also rare... Historic England's Listing Selection Guide on Modern houses reinforces the rarity of such survivals and emphasises their value when designed for the architect or close family members (in this case a sister and brother-in-law) as these instances allow the architect more of a free-rein with his ideas than commissioned buildings'.

## 10.0 Harm

### 10.1 Changes in layout

- 10.2 On the first floor the only existing change in floorplan from the original is that the WC and sink have swapped locations in bathroom 2 (children's bathroom). This change is readable given the two original cupholders, mirrored medicine cabinet and original wall light remain in their original locations above and adjacent the WC, where the original sink was located. Also, there is an unattractive bulkhead underneath in the kitchen reflecting and highlighting the swap. The existing change is easily reversible.
- 10.3 Currently, Frankel's design of both bathrooms, their layout and original fixtures reflects the original use of each space and hence lifestyle and then new Twentieth Century model for living. This is outlined under the 'summary of significance' heading above, which demonstrates that their original layout and design reflects and embodies the approach to the early Twentieth Century 'new model for living' that Frankel created in this instance in 1938-39 for his sister. There is then strong architectural and evidential value in its layout and design. For example, both bathrooms contain cupholders neatly and carefully placed above the original sink (or where the original would have been) for their use there, and the maid's call buttons are located in both bathrooms (one in each) in their original siting to be within easy reach and use of the baths, linking to the bell system referenced in the listing.
- 10.4 Harming this special interest, the proposed new layout to bathroom 2 would cause this original layout and design to greatly change. It would render its original layout unreadable for the first time, thus harming architectural and evidential values. This is clear as, for example, the bath would move from its original location against the wall on the east elevation and be rotated 90 degrees to lie against the north elevation. An associated fixed glass panel would be installed against half of the original window above the bath given the proposed new location to the showerhead. Whilst the WC would go roughly back in its original location (helpfully allowing for removing the bulkhead on the ground floor underneath), the sink would not. It would be set against the east elevation between the WC and newly located bath, whereas originally it was set against the north elevation. The original cup holders would be moved from their original low level positions on the north wall above where the original sink was, to the east wall, set very wide above the replacement sink either side of the introduction of new storage shelves.
- 10.5 Similarly, the changes to bathroom 1 (adult's bathroom) would change the plan form. The original layout and design would deviate from the original. So, the replacement sink would not be in its original location (in this case off-centre under the central window) but lined up with the central window above and original shaving mirror moved to accommodate this.
- 10.6 These proposals would then run contrary to paragraph 45 of Historic England's 'Making Changes to Heritage Assets Historic England Advice Note 2' which states: 'The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed, they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same

considerations of impact on significance (particularly architectural interest) as for externally visible alterations’.

- 10.7 Each of these proposed changes from the original layout and design, whether physically minor or not, would undermine historic and evidential values. For example, the newly located bath in bathroom 2 (the children’s bathroom) would take it away from easy access of the maid's call button, harming understanding of how this was used originally. Similarly, the proposal for the cupholders in bathroom 2 (the children’s bathroom) to be taken away from being tightly spaced at low level above where the original sink was, below the original light and adjacent the original low height medicine cabinet, would undermine understanding of how the original sink was used here by children. It would no longer reflect this original lifestyle that the house was intended to create.
- 10.8 Likewise, widely spacing the cupholders (and in bathroom 1 the relocating the shaving mirror and sink) in both bathrooms above new larger sinks and adjacent new cupboards (without historic precedent) would create and reflect a wholly grander, new, more modern, lifestyle. This would be in contrast to the new model for living of the Twentieth century that Frankel was presenting.
- 10.9 Furthermore, removing Frankel’s deviation from the usual linear arrangement of the sanitary ware with the bath against the far wall in bathroom 2 (the children’s bathroom), and ‘correcting’ the off-centre lining up of bathroom furniture in bathroom 1, would be harmful. The existing layout’s deviation in both instances from what might now be considered ‘purist Modernist’ design is historically significant. It demonstrates the house designed by Frankel had other Modernist design influences which is significant for the time.
- 10.11 Reordering as proposed of the bathrooms’ layouts is also harmful in principle since, as noted by the Design and Access statement (see paragraph 3 of the conclusion for example), it would require the removal and replacement of all original tiles.
- 10.12 Indeed, the Twentieth Century Society object to the new layout as they note that ‘Retention of (or reversion to) original bathroom layouts should be preferred in order to protect (or augment) the historic significance of this designated asset. For example, in the adult’s bathroom, Frankel’s original placement of toilet, bidet, and sink should be maintained. Similarly, in the child’s bathroom, Frankel’s deviation from the usual linear arrangement of the sanitary ware with the bath against the far wall is historically significant and should be maintained’.
- 10.13 In their later reply the Twentieth Century Society state: ‘Ultimately, the problem here is principally the proposed changes to the layout. It is this element of the application, in addition to the composite effect of the whole suite of changes, that would constitute significant harm. However, I hope maintaining the original plan of both bathrooms would be considered as a minor amendment to the application’.
- 10.14 The Twentieth Century Society also note that ‘These proposals for the children’s bathroom appear to be missed opportunity to revert the toilet-sink arrangement to its original layout’. This objection is supported as certainly this proposed change runs

contrary to NPPF paragraph 197 which states: 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets'.

#### 10.15 Raising tiling to ceiling height adjacent the showers

- 10.16 The proposal is to tile to ceiling height on two walls alongside the new showers. Currently neither bathroom has tiles reaching up to ceiling level at any point reflecting the great rarity of showers in bathrooms, and their newness as a design feature, in 1938-1939. Indeed, paragraph 4.3.7 of the Design and Access statement notes that showering in Britain did not take off until the 1960s, so the showers here without a tiled backing are indicative of this house being a precursor to showering taking off much later in Britain. Indeed, the house is noted to be listed for anticipating later styles. One of the bathrooms is not considered to have even had a shower originally. The proposal to raise tiles to ceiling level on two walls in each bathroom would then wholly harm the understanding of this approach to showers when the house was built, which this house is important for demonstrating. Evidential, architectural and historic values would therefore be harmed.
- 10.17 It is important to note that it is recognised that a shower set against a plastered wall today is not considered practical, but as noted it is a key marker of this transition in time that this house is nationally listed to demonstrate. There could then be a compromise alteration proposed to accommodate modern day living but also retain this element of significance of 1 Halsbury Close, for example a glass or plastic panel could be screwed to the wall so the plaster was visible behind. This would then retain the understanding of the original design and use which makes this building special, but also be practical for modern day use.
- 10.18 That raising the tiles to ceiling height in the bathrooms would harm special interest is similarly identified by the Twentieth Century Society who notes that the 'Extension of the tiles in both bathrooms to ceiling height around the shower would also negatively impact the historic significance of the asset'. Indeed, their later consultation response states: 'The wholesale replacement and extension of the tiles to ceiling height around that bath and the installation of new storage would indubitably harm the historic significance of the house (stating that the original 'height of the tiles is incorrect historically from a Modernist perspective' is frankly nonsense) but only to a minor extent and you may consider this change acceptable in order to enable the adaptation and continued use of the space.' It is noted that national policy requires clear and convincing justification for any harm however, and that great weight should be given to the conservation of heritage assets. Accordingly, the alternative option of the compromise alteration referenced above that would not harm significance should be used instead.
- 10.19 The supporting document attempts to justify raising the tiles around the showers to ceiling height as (paragraph 7.2.3 of the heritage statement) 'Most Modernist bathrooms had integrated showers with full-height tiling'. However, the supporting documents note that this was not always the case, as in one case at Highpoint. Certainly it was not the case at 1 Halsbury Close. As noted, it is historically significant that approaches to Modernism at the time varied and all examples are important. The compromise approach then is again recommended.

## 10.20 Relatively cluttered, at odds with the 'new model for living'

10.21 The Historic England Listing Selection Guide 'Domestic 4: Modern Houses and Housing' states: 'Much of the best [Modern Movement] work (both houses and flats)... exemplified a modern way of living which discouraged clutter and promoted new labour-saving technologies, thereby encouraging style and sociability among young urbanites: this approach was reflected in planning, fixtures and the overall approach to design in the Machine Age'. Frankel's Modernist design here both embodies and reflects minimalism and simplicity and creates a new early Twentieth Century domestic 'new model for living' discouraging clutter. However, the new proposed cupboards (without historic precedent) and larger scale mirrors and sinks would create a relatively cluttered character. So, the proposals would go against the new model for living which Frankel was designing.

10.22 The harm that built in cupboards would cause to the original design and layout is supported by the Twentieth Century Society. This consultation responses notes that 'The installation of built-in sliding storage in both bathrooms – as the introduction of an unoriginal fixture – would negatively impact the historic significance of the asset'. It would also be very feasible to install standalone units in this bathroom fulfilling the same purpose (both for storage and mirrors) but without the need to harm the original design intent. Therefore, there is no justification for the harm.

10.23 Similarly, the proposal for the new glass panel in front of the window required in bathroom 2 (children's bathroom) due to the proposed moving of the bath and shower, would create an awkward and obtrusive addition in relation to the window. It would again be harmful as it would be without historic precedent and neither uncluttered nor minimalist contrary to the new model for living Frankel was designing.

## 10.24 Loss of original / replica fixtures and fabric and non-replica replacements

10.25 The two original first floor bathrooms contain most of their original fixtures and fittings in their original layout. As a marker of their importance, original bathroom features are specifically mentioned in the listing. Indeed, the strong contribution this makes to the significance of the listed building is outlined listed under the 'site description and significance' heading above.

10.26 However, as noted all original tiles would all be lost in the bathrooms as well as the ground floor WC, a requirement in the bathrooms largely due to the proposal to reorder the bathrooms as acknowledged by the Design and Access Statement. There is no specialist survey to say that they could not all be retained/reused or replaced in replica. Also, the original sink in bathroom 2 and that in the ground floor WC room would be lost, again without specialist condition surveys to say that either could be retained, and the replacement sinks are not proposed to be as a replica of the originals. The same is true of the sink in bathroom 1 which may be an original sink or a close replica.

10.27 The replacement wall tiles in the first floor bathrooms and ground floor WC would be a slightly different size, layout, number and, for bathroom 1, a different colour which is not good conservation practice where like for like replacement is considered best practice. Again, there is not a specialist report to say like for like replacement is not possible. Paragraph 9.7.16 of the heritage statement simply states that the exact

dimension and colour of tiles cannot be sourced but, for example, the Twentieth Century Society has not been consulted on this. Similarly, the tile trim in both bathrooms and ground floor WC would be staggered rather than stacked as per the original design.

- 10.28 The removal of these original features and fittings and failure to replace in replica is contrary to paragraph 42 of Historic England's Making Changes to Heritage Assets Historic England Advice Note 2 which states 'The historic fabric will always be an important part of the asset's significance, though in circumstances where it has clearly failed, it will need to be repaired or replaced; ... In normal circumstances, however, retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new'.
- 10.29 Similarly, the proposal for the taps is to remove all the existing from all baths and sinks in the two bathrooms and ground floor WC, and install those that do not match the known original design example on site (on the sink in the maid's room) either in appearance or fixing, that is, by making them wall mounted rather than as originally installed fixed on the baths/sinks. Again, these changes would damage understanding of both how the room was intended to be designed and used, harming architectural and evidential value.
- 10.30 The consultation response from the Twentieth Century Society supports the above concerns about the harm that would be caused by the proposed loss of the non-original sanitary ware as it states: 'Wherever replacement of non-original sanitary ware is sought, replacements should match originals currently installed as closely as possible. For example, the pedestal sink and taps in the downstairs WC are original and should be used as a model for replacements elsewhere, rather than attempting to emulate designs in other modernist homes'. Whilst the applicant has noted that the pedestal sink in the ground floor WC is almost certainly not original in an email dated 9<sup>th</sup> August 2022, the Design and Access statement does note that this sink is original and there are noted to be original taps in the maid's room. These could be replicated and would provide a more sound basis for replacement than reference to examples of Modernist houses elsewhere since the examples are site specific. Indeed, the Twentieth Century Society's latest reply states: 'The secondary issues include the redesign of the tap and sink system. Given the evidence in the house, the applicant's decision to adopt the 'Highpoint model' simply because it is a prominent example shared in a handful of other cases is not acceptable. But again, one would hope this is only a minor amendment.'
- 10.31 The proposed replacement sinks (with rounded not chamfered edges) throughout, the proposed white (not yellow) tiles for bathroom 1 and the stacked (not staggered) approach to the tile trim would likely be what today would be considered more 'purist Modernist' in design than the existing original design. However, as noted, Frankel's original deviation from Modernist expectations should be considered a distinctive characteristic of his work at 1 Halsbury Close, a feature that holds historic interest and therefore contributes to significance of this listed asset. It is a marker of the time and idiosyncrasy by Frankel that not all elements were purist Modernism in style and

layout. These design changes would then again harm this aspect of the building's special interest.

10.32 This harm that would be caused by the changes proposed to the tiling is similarly identified by the Twentieth Century Society who notes that 'Original tiles should be maintained, and matching tiles sourced'.

### 10.33 Overall harm to 'virtually unaltered' state

10.34 All the above listed changes in layout and design would also harm the significance of this building as its significance relates strongly to its 'virtually unaltered' state (see the list description). In particular, there has only been one change in floor plan at first floor level until now (swapping the location of a bath and sink in bathroom two) and given the relatively late date of construction, in order to be worthy of listing the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection' states that 'from 1850 to 1945, because of the greatly increased number of buildings... that have survived, progressively greater selection is necessary' so the more intact, the better. Indeed, the specific Historic England 'Domestic 4: Modern Houses and Housing Listing Selection Guide' specifically states with reference to 'Modernist and post-war housing' that 'Lack of alteration to the principal spaces is a key factor in determining designation'.

## 11.0 No justification

11.1 National Planning Policy Framework paragraphs 199, 200 and 202 are relevant. Paragraph 199 states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

11.2 Paragraph 200 states: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings... should be exceptional'.

11.3 Paragraph 202 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. As noted, there would not be public benefits of the proposal.

11.4 The supporting documents present suggested justification for works without acknowledging harm. However, harm is clearly identified in the appraisal above. The suggested justification is not supported by the Local Planning Authority as outlined below.

11.5 Paragraph 194 of the NPPF is relevant and states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is

sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.

- 11.6 The crux of the applicant's argument for the proposed alterations stems from their supporting documents not presenting the same appreciation of significance as the Local Planning Authority or the Twentieth Century Society. Principally, the application states where original features are proposed to be removed or relocated this is because the architect Frankel in 1938-39 got it wrong and was not correctly following a purist Modernist approach. It is suggested that the proposed alterations would 'correct this shortcoming' as any changes are very much in line with purist Modernist principles and the statement refers to contemporary early 20<sup>th</sup> century Modernist precedents (eg Highpoint and the house Frankel designed for himself next door) where layout and design follows more closely what is desired by the present owners of 1 Halsbury Close.
- 11.7 It is also argued that the original design is not truly significant Modernist design as it does not reflect or allow for modern day life in the 21<sup>st</sup> century. Accordingly, the application puts forward the view that the proposed changes would also be positive as they would overcome this. This is notwithstanding the proposed loss of original fabric that this would entail (which it is suggested cannot be considered significant original fabric since it was in the 'wrong' design and so not authentic), and the introduction of features without historic precedent here (e.g. built in storage shelves, since these were found in other Modernist examples and so their introduction here is acceptable).
- 11.8 These arguments are demonstrated by these extracts from the Heritage Statement which place value judgments over Frankel's 1938-1939 Modernist design:
- Paragraph 9.3.2: 'the proposals [would be]... correcting the poor design and divergence from Modern Movement principles [of Frankel's work] to ensure that the bathrooms are exemplars of Modernist design and in doing so enhance the significance of the house as a whole'.
  - Paragraph 5.2.4: 'the lack of flexibility to enable to [sic] the house to evolve through a family's life stages and the seemingly poorly designed bathrooms and store raise serious questions over the first floor's significance in terms of being a good example of Modernist architecture'
  - Paragraph 5.2.5: 'It is obvious from Frankel's previous work and examples of Modernist house of the time that the first floor deviates from many of the principles adopted by the Modernist movement at the time and as such, significance is diminished. This is clear from Frankel's own house at number 2 Halsbury Close and the examples of contemporary Modernist Houses as detailed in the accompanying Design and Access statement'.
  - Paragraph 6.1.3: 'an opportunity exists to further enhance the significance of the heritage asset through sympathetic and Movement-correct refurbishment of the bathrooms and ground floor WC'.
  - Paragraph 7.2.1 of the Children's Bathroom/ Bathroom 2: the Original layout does not correspond with Modernist bathroom layouts or with logical design.
  - Paragraph 7.3.2 of the ground floor WC: 'As with the children's bathroom, the sink although original is not Modernist Movement correct and is more Victorian / Art Deco in style'.

- Paragraph 8.2 'Both bathrooms will require changes to layout in order for them to function as good examples of authentic Modernist bathrooms'.
- Paragraph 8.3.4 The original sinks, as demonstrated through extensive research, are not Modernist in design...Modernist sinks have been sourced which almost exactly match those at Highpoint'. Despite the existing sinks originality, replacements will bring authenticity to the bathrooms and greatly increase their significance.'

11.9 However, such arguments fall flat given 1 Halsbury Close is of significance for showcasing Frankel's approach to Modernism in 1938-1939. This includes his original deviation from what might today be considered 'purist Modernist' expectations. This is a feature that holds historic interest and therefore contributes to significance of this listed asset. It is not listed for conforming to what some people today might consider is a 'correct' approach to Modernism. On the contrary, it is a marker of the time and idiosyncrasy by Frankel that not all elements of Frankel's Modernist design were 'purist Modernist' in style and layout eg the Art Deco inspired sink designs and Frankel's deviation from the usual linear arrangement of the sanitaryware in bathroom 2 with the bath against the far wall, and the use of pale yellow not white tiles in bathroom 1. Also, as noted these original elements contribute to the overall unaltered state of the building and are referenced in the listing. This is referenced in the listing selection guide as being particularly important for a building of this age. Therefore, changing the design so to remove these elements would be harmful.

11.10 The Twentieth Century Society similarly challenge the applicant's suggested justification that the proposals would 'correct' elements of Frankel's original design as:

'The thorough and well-researched Heritage and Design and Access Statements justify the new proposals by aligning them with certain modernist precedents including Lubetkin's Highpoint and Chermayeff's Bentley Wood. However, Frankel's original deviation from modernist expectations should be considered a distinctive characteristic of his work at 1 Halsbury Close, a feature that holds historic interest and therefore contributes to significance of this listed asset. The list description is unusually complete for a house of this period and details that the interior is 'virtually unaltered' mentioning that the bathrooms 'retain original features'. This is remarkable in a house of this date and its importance should not be underestimated. Although the application notes that the bathrooms have been altered, every effort should be made to retain original fixtures, sanitary ware, and the original layout of the bathrooms'.

11.10 Indeed, the application's confused suggestion that the proposed changes would be 'corrections' of mistakes in the original architect's approach to Modernism is fully addressed and overcome in a later response from the Twentieth Century Society who state and clarify that:

11.11 'The house is listed because it is an important example of a modernist house in England, not because it partially conforms to one's particular idea of what modernist design ought to be. Modernism in England in the 1930s was developing along a number of different lines and there were many examples of adapting continental practices. All these variations are of significance as they show the evolution of the

vernacular approach on imported ideas - that is what makes the layout here of importance. The applicant has given a small selection of famous examples from the work of other architects. Frankel himself provides his own example at 1 Halsbury Close. We have evidence for both the architect's layout and choice of sanitary ware design. This sets the precedent. There is no need for speculative theories as we have what he actually did as evidence. What we do not have is evidence of why he did it and it is confused to suggest his choices were not 'Movement correct' – they were simply part of the historic evolution of modern design in the 20s and 30s, and as such hold historic significance and should be protected. The D&A Statement itself details how Frankel only occasionally adopted a linear bathroom layout – this is a distinguishing aspect of his practice when compared to other modernists'.

11.12 The Twentieth Century Society's latest response also addresses the practical issues raised to justify the proposed alterations:

11.13 'Certainly, we are attentive to the Heritage Statement's arguments regarding managed change and hope that the council would consider this too, bearing in mind Historic England's advice that 'Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.' (Conservation Principles, Policies and Guidance, 2008)'

11.14 It is considered that the practical issues raised in supporting documents to help justify the new design and layout could all be overcome in ways that do not harm significance. The proposal to raise the tiles is addressed in the appraisal above. Otherwise, the suggested harmful changes could be avoided by installing standalone items. For example, it is suggested that the mirrors are not large enough for 21<sup>st</sup> century users, or not sufficiently aligned with the windows, or at the height desired by modern day users (see section 7.1.2 of the heritage statement for example), and that there is not sufficient storage for modern day living. Since these matters could be overcome by standalone items without consent or permanent and irreversible damage, it would be unreasonable to wholly remove or introduce new features under these proposals that further undermine the original layout and design.

11.15 Another presented argument is that condition of elements to be removed and replaced is poor e.g. tiles and sinks. However, there is not a specialist survey for individual items clarifying that they are beyond repair where replacement is proposed. The Twentieth Century Society and Society For Protection of Ancient Buildings technical advice line could likely advise on suitable specialists. Also, condition does not affect significance as noted by paragraph 23 of the DCMS selection guide, whereas the more original fabric a listed building retains, the greater its significance. In any case, the supporting documents suggest that it is only due to the new layout of bathrooms that is proposed that wholesale replacement is required.

11.16 One argument used to justify the proposed works is that the list entry is inaccurate to state this building is special for being 'virtually unaltered'. Certainly, after listing the property has received and implemented Listed Building Consent for a number of changes. Nevertheless, these have been limited in extent and the list entry remains true, with the amount of surviving features, and the intact nature of the floor plan, making this building a rare survival.

- 11.17 Despite this, the submitted heritage statement notes that the list entry should be amended to read: 'Kitchen and bathroom fittings retain some original fittings' thereby limiting the significance placed on the unaltered character of these rooms, versus the significance indicated by the current list entry. However, this idea is not supported by the Local Planning Authority – it is considered that the list entry accurately covers special interest. Indeed, it has been recommended by the Local Planning Authority for some years that the applicant apply to the Historic England enhanced listing service so that their suggested amended list entry ideas could be tested and challenged. However, this has not been undertaken.
- 11.18 Regardless, it seems a disingenuous and counter-intuitive argument to suggest that if the listed building were not now 'virtually unaltered', that proposals would preserve special interest by ensuring more changes to take it yet further still from an unaltered state. This is despite Historic England promoting an intact state as the very reason for its special interest.
- 11.19 The heritage statement also presents the argument that the house has never had the need to adapt before so more changes will be required than ever previously. Indeed paragraph 5.2.7 of the heritage statement notes that: 'Now occupied by a family with three children the first-floor layout makes little sense'. It is recognised that the house has not changed ownership often, but there are ways to make sensitive adaptations where required to both preserve significance and adapt where necessary for modern family life, as identified above.
- 11.20 It is noted that the Heritage Statement (section 9.6) quotes Historic England's guidance from Historic England's 'A Guide for Owners of Listed Buildings' (September 2016) which states: 'If you just want to replace the fittings and refurbish your existing bathroom, this should be fairly straightforward' and where it also states that: 'If your bathroom has original Victorian or interesting 20th-century fittings, however, it's possible these are part of why the house is listed, and you will be expected to keep them, as well as features such as tiling or fitted mirrors'. These extracts are relevant. In this instance the 20th Century features are partly why this building is listed as noted by the list description.
- 11.21 Finally, it should be noted as the Twentieth Century Society do that, whilst not the case with the Statement of Significance, both the Heritage Statement and Design and Access Statement are written by the company run by the owner of the house. There is then an interest held by the writer of both that most supporting Heritage Statements and Design and Access Statements would not have.

## **12.0 Level of harm and consultation response**

- 12.1 The proposed harm would be significant as appraised above. In determining whether it is 'substantial' or 'less than substantial' harm in the wording of the NPPF policy, the Local Planning Authority must have due regard to the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019) which states that: 'Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an

important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset...'

- 12.2 'While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting'
- 12.3 The Twentieth Century Society show how the harm would be significant in their consultation response as they state:
- 12.4 'These proposals constitute irreversible and detrimental alterations to a grade II listed building, including the removal of original bathroom fittings, the loss of existing bathroom layouts, and the introduction of new built-in storage...
- 12.5 The Twentieth Century Society considers 1 Halsbury Close to be a rare survivor of this building type and objects to the proposals which will damage the significance of the house. It must be noted that these plans show a marked improvement on earlier proposals and direction of the design development should be commended. However, the loss of certain important features damages the intactness of this heritage asset, diminishing our understanding and appreciation of the history associated with them and we urge the borough to request alterations to the proposals based on our comments'.
- 12.6 Their later response of 6<sup>th</sup> September clarifies that 'Ultimately, the problem here is principally the proposed changes to the layout. It is this element of the application, in addition to the composite effect of the whole suite of changes, that would constitute significant harm'.
- 12.7 Their final response of 8<sup>th</sup> September 2022 clarifies that: 'it is my view that the proposals would constitute less than substantial harm, but that this harm is not justified in the application'.
- 12.8 In this case the alterations would be significant as they would affect a key element of the special architectural and historic interest of the listed 1 Halsbury Close and a key reason for its listing ie for being 'one of the most elegant and least altered private houses erected before the Second World War' including its 'virtually unaltered' interior with original bathroom features. Also, that being intact is particularly important for this era of building is clear from the Department of Culture Media and Sport November 2018 publication entitled: 'Principles of Selection' document which states: 'from 1850 to 1945, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary'. Similarly, the specific Historic England 'Domestic 4: Modern Houses and Housing Listing Selection Guide' states with reference to 'Modernist and post-war housing' that 'Lack of alteration to the principal spaces is a key factor in determining designation'.

Furthermore, added importance is given in the Listing Selection guides to those houses designed by the architect for family members, such as this.

- 12.9 However, given there would not be as great a loss of original features or layout as under the previous application, the proposed harm whilst significant, is considered to be less than substantial level and not justified.

### **13.0 Other**

- 13.1 Otherwise, the proposal in bathroom 2 to install a lighting pelmet above the bath, bath screen, a radiator, new quarry tiling (with the exception of the skirting), new roof vent for extract, replacement bath (where the existing is not original) would not impact significance greatly.
- 13.2 Considering the proposal as a whole, the proposed removal of modern accretions in the bathrooms is welcomed and encouraged, as is the replacement of modern features that are out of keeping with the originals with those that are more like the originals in their design and locations eg the WC in the children's bathroom. Similarly, the retention of all the original features that it is proposed to keep and reuse, is again welcomed and encouraged. Externally there would be limited visual impact from the changes proposed. However, the harm outlined above remains part of the proposal and is not justified.

### **14.0 CONCLUSION**

The proposal is unacceptable by reason of the significant harm to the special interest of the remarkably intact and unaltered grade II listed pioneering Modern Movement style early 20th century house by the internationally renowned architect Rudolf Frankel for his family. This is due to the proposed changes in floor plan, loss of original features and replacement in non-original design and layout. In the absence of public benefits to outweigh the harm identified, nor any clear and convincing justification, the proposal conflicts with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; National Planning Policy Framework (July 2021) paragraphs 195, 197, 199, 200, 202 and 205; the London Plan policy HC1 C (2021); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within: the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019); the Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016); Historic England's guide for owners of listed buildings (published 15 September 2016); Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017); and Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015) as well as the Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

**Informative:**

The following policies and guidance are relevant to this decision: -

- Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (July 2021) paragraphs 195, 197, 199, 200, 202 and 205
- The London Plan policy HC1 C (2021)
- Development Management Local Plan Policy DM7 part A, B, E (May 2013),
- Harrow Core Strategy policy CS1 part D
- Planning Practice Guidance for Conserving and Enhancing the Historic Environment (published 10/04/2014 and updated 23/07/2019)
- Historic England Advice Note 2: 'Making Changes to Heritage Assets' (adopted 25th February 2016),
- Historic England's guide for owners of listed buildings (published 15 September 2016)
- Historic England's 'Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2' (published March 2015)
- Historic England listing selection guide 'Domestic 4: Modern Houses and Housing' (December 2017)
- Department of Culture Media and Sport publication (November 2018) entitled: 'Principles of Selection'.

Plan Nos: 11244 A P 004; 11244 A P 001 REV A; 11244 A P 002 REV A; 11244 A P 150; 11244 A P 151; 11244 A P 152; 11244 A P 205 REV A; 11244 A P 206 REV A; 11244 A P 208; 11244 A E 121 REV B; 11244 A E 120 REV B; 11244 A E 021; 11244 A E 020; Heritage Statement July 2022; Design and Access Statement July 2022; Statement of Significance July 2022; Email from applicant dated 9th August in response to the Twentieth Century Society's consultation response.

**Checked**

 Mehdi Rezaie Head of Development Management (Interim)  15 <sup>th</sup> September 2022	 Viv Evans Chief Planning Officer  15 <sup>th</sup> September 2022
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### Appeal Decision

Hearing held on 10 September 2013

Site visits made on 10 September 2013 and 4 October 2013

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

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

Decision date: 21 October 2013

**Appeal Ref: APP/K5600/E/13/2196490  
Debenham House, 8 Addison Road, London W14 8DJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Blue Oval Holdings Ltd against the decision of The Council of The Royal Borough of Kensington and Chelsea.
- The application Ref /LB/12/04778, dated 4 December 2012, was refused by notice dated 29 January 2013.
- The works proposed are "Internal refurbishment of the existing bathrooms within the main house comprising: Remaining sanitary items of merit to be retained and refurbished; All later modern inappropriate sanitary ware and associated fittings to be removed; Modern vanity cabinets and mirrors to be replaced with more appropriate items (all of which will be designed to be removable); New sanitary ware to be introduced; Modern copper and 1950's iron pipe work to be removed and rationalised; Early lead pipe work to be largely conserved in-situ, with some areas concealed within new housings and vanity units. Some high level pipes to be removed; New copper pipe work to be introduced to comply with current building regulations and environmental requirements."

#### Decision

1. The appeal is dismissed.

#### Application for costs

2. At the Hearing an application for costs was made by The Council of The Royal Borough of Kensington and Chelsea against Blue Oval Holdings Ltd. This application is the subject of a separate Decision.

#### Procedural matters

3. Debenham House (the listed building) is listed in Grade I, and it is situated in the Holland Park Conservation Area. The Council has not raised concerns about the Conservation Area. As the proposed works would mainly affect the interior of the listed building, the character and the appearance of the Conservation Area would be preserved, so I agree.
4. Since the appeal was made, listed building consent has been granted by the Council for a scheme which would, amongst other things, retain and restore some of the existing water closet (WC) pans and seats, so it differs from the proposal before me, which I shall deal with on its merits. As other works were underway and there was no access to the Lower Ground Floor Bathroom (Room 923) at the first site visit, a second site visit was made on 4 October 2013.

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

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The application was made on the basis that the WC pan in Room 923 is the same age as those in the First Floor Guest WC (Room 106) and the Ground Floor Inner Cloak Room (Room 012), so I shall deal with the appeal accordingly.

### **Main issue**

5. From what I have said above, from my inspections of the site, and from the representations made at the hearing and in writing, I consider that the main issue in this appeal is whether the proposed works would preserve the special architectural or historic interest of the listed building or any features of special interest which it possesses.

### **Reasons**

6. The listed building was designed by architect Halsey Ricardo, and built in about 1905 to 1907. Its almost complete survival as an Arts and Crafts movement house, with original internal fixtures and fittings, including early sanitary ware, contributes positively to its significance. The innovative design and use of materials are also important to the special architectural interest of the listed building, which it is desirable to preserve. By contrast with the large single shared bathrooms, which were typical in single family dwellings of the time, the listed building embodied the latest trends in hygiene and planning by including a number of conveniently located cloakrooms and en-suite bathrooms.
7. The appellant's sanitary ware report (SWR) explains that all of the original sanitary fittings were likely to have been supplied by one manufacturer, John Bolding and Sons. It identifies 2 likely periods when sanitary ware was replaced, so some existing sanitary ware is new to the house. The only sanitary ware which was considered to be original or installed shortly after the house was built (hereinafter referred to as 'original') includes the Bolding baths, which would be retained, and the Bolding 'revolver' high level WC suites in Room 106 and in the 2 cubicles in Room 012, which would be replaced.
8. The SWR does not refer to the high level WC suite in Room 923, which would also be replaced, but the application drawing says that the revolver WC pan is a two part pan by Boldings. As I saw it is a Bolding 'New Pillar' one-part pan. The 'revolver' pans and the 'New Pillar' pan differ in their traps and footprints, but there is a family similarity in their overall pan shape and pillared design.
9. The original WC suites in Rooms 106 and 012 also include high level Bolding 'Vedas' cisterns, lead flush pipes, and mahogany seats without lids. The WC suite in Room 923 also includes a high level Bolding 'Grosvenor' cistern, a lead flush pipe, and a very similar, if not the same, mahogany seat without a lid.
10. The survival of these original WC suites and the related early pipework is most unusual for a building of this age, so there is great aesthetic and historic value in them. The streamlined design and the rarity of the 'upmarket' Bolding pans add to their significance. Because other sanitary fittings have been replaced, the original WC suites are also unusual survivals in the house. Thus, the original WC suites are important features of special architectural interest.
11. It was suggested that the sanitary ware was something of an afterthought which could have been left to the builders to decide, but little evidence was put to me to support that view. Even if that were so, not only are the original WC suites more or less complete in their original rooms, but the high quality

finishes in those rooms have also endured. These include the coved edged glass mosaic floors, the important William de Morgan wall tiles in Rooms 923 and 106, and the glass wall tiles in Room 012. The historic arrangement of the original WC suites and the survival of the historic finishes contribute positively to the integrity and heritage significance of these rooms. In turn, this integrity and wholeness contribute positively to the great aesthetic, historic and communal value, and thus, to the significance and the special architectural interest, of this unusually complete nationally important listed building.

12. However, all of the original pans and seats would be replaced by new replicas, which would be repositioned to accommodate the proposed low level cisterns. The high level cisterns and pipework would mainly be replaced by low level cisterns and pipework, which would be mostly encased in removable housings. Much of the low level pipework in the basin vestibule of Room 012 would also be enclosed in a new freestanding vanity unit and new removable housings.
13. Whilst Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) has been replaced by the *National Planning Policy Framework* (Framework), the *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* provides relevant guidance. It reiterates the statutory duties with regard to heritage assets, and states that the fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new. The original WC suites are part of the historic fabric, they are very rare survivals, and they are now few in number in this remarkably complete listed building, so these matters make them all the more important to preserve.
14. Although the WC pans were said to be in a poor state and nearing the end of their practical life, the appellant's sanitary ware adviser has not found structural faults in 3 of the pans, and little evidence was put to me about the condition of the fourth pan. The pans have become discoloured, and the recent sprayed finish on 3 is breaking down, but there was little evidence to show that refurbishment techniques have been sufficiently investigated. Attention was drawn to the slightly unusual shape of the existing seats, but no structural defects were noted. Whilst the seats may not be compatible with the low level cisterns, there was little to explain why they should be replaced now. The proposed replica pans and seats would cause the loss of this historic fabric.
15. The high level cisterns and pipework are characteristic features which contribute positively to the historic architectural appearance of Rooms 106, 012 and 923. Their replacement with new low level cisterns and pipes in low level housings would be harmfully out of character and discordant. The housings would be likely to hide more of the wall and floor finishes than the present pipes and fittings. The removal of the existing pans and the repositioning of the replica pans could disrupt the fabric and appearance of the floor finishes, and most of the historic pipework with its ornate pipe brackets in Room 012 would no longer be seen. Whilst English Heritage's representative confirmed that low level cisterns were available when the house was built, there was nothing to suggest that these had previously existed in these rooms. Thus, the scheme would fail to better reveal these important features and finishes, and it would cause the loss of much of their historic fabric. It would unacceptably erode the historic character, integrity and heritage significance of these spaces.

16. Little weight can be attached to the views that the high level cisterns and pipes look utilitarian, and that they were not designed architectural features, as they are part of the listed building, which it is desirable to preserve. Consistency with replaced cisterns elsewhere in the building attracts very little weight. Moreover, there was nothing to show that the house could not be used as such if the WC suites were to stay in their present arrangement, even if the lead pipes in Room 106 were to be replaced with new pipes for the technical and environmental reasons given in the appellant's consultant's representations.
17. The loss of historic fabric, and the erosion of the appearance and integrity of the 3 rooms which would be affected, would damage the heritage asset. The 3 rooms are small parts of the house, but those small parts have much aesthetic and historic significance due to their architectural quality and rarity. As the building is important for its completeness, albeit that there have been changes since it was built, the works would unacceptably erode its significance. Thus, the works would cause great harm to the listed building, even though, in the terms of the Framework, that harm would be less than substantial.
18. The appellant's consultants' assessments of the ranges of significance in the rooms and in the listed building, and views about Halsey Ricardo's aesthetic intentions, have been taken into account. However, insufficient clear and convincing justification has been put to me to show that the loss of the original WC suites and their associated high level pipework, and the replacement low level cisterns, pipework and new pipe housings, would be necessary to preserve the listed building or features of special interest which it possesses.
19. Conditions to control pipe removal and tile restoration would not be sufficient to overcome the harm that the proposal would cause. The works in Rooms 106 and 923 would be detrimental for the reasons given above, so it would not be appropriate to allow the scheme with the exception of the works in Room 012. The scheme may offer private benefits for the future occupiers and their visitors, but as the use of the heritage asset would not change, its optimum viable use is not a relevant matter. The public benefits, including the potential reduction in the risk of leaks by not joining dissimilar pipe materials, would be insufficient to outweigh the great harm that the works would cause.
20. I consider that the proposed works would fail to preserve the special architectural interest of the listed building and the original WC suites which are features of special interest. They would also be contrary to Policy CL 4 of *The Royal Borough of Kensington and Chelsea Core Strategy*, which aims to resist the removal or modification of features of architectural importance, to require the preservation of the special architectural interest of listed buildings and such areas of the building as may be identified as being of special interest, and to require the preservation of the original architectural features. They would also be contrary to the Framework, which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
21. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

David Graham	Appellant's agent, partner, DP9 Planning Consultants
George Saumarez Smith	Director and project architect, Adam Architecture
Kevin Murphy	Director, K M Heritage

### FOR THE LOCAL PLANNING AUTHORITY:

Kate Orme	Senior conservation and design officer, The Council of The Royal Borough of Kensington and Chelsea
Simon Hickman	Inspector of Historic Buildings and Areas, English Heritage

## **DOCUMENTS PUT IN AT THE HEARING**

- 1 Listed building consent ref /LB/13/02715 dated 1 July 2013 with associated plans and documents, put in by the Council.
- 2 The Council's application for costs.

## **APPENDIX C: SUGGESTED CONDITIONS SHOULD THE APPLICATION BE GRANTED**

It remains the recommendation that the proposal should be refused to accord with national legislation and national, regional and local policy and guidance. To limit harm to the special interest of the house, if the LBC is granted the following conditions are recommended:

- 1) Notwithstanding the submitted plans, the original tiles shall all be retained or, where replacement is deemed necessary by a suitable specialist, these shall be replaced like for like, once this has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and be retained.
- 2) Notwithstanding the submitted plans, proposals for new tiling under the shower heads are to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and be retained.
- 3) Notwithstanding the submitted plans, all original mirrors are to be retained.
- 4) Notwithstanding the submitted plans, no new storage units are to be fixed to the listed building.
- 5) Notwithstanding the submitted plans, all original sinks shall be retained or, where replacement is deemed necessary by a suitable specialist, these shall be replaced like for like, once this has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.
- 6) Notwithstanding the submitted plans, the baths, sinks, mirrors and bidet are to remain in their existing or original locations.

Reason for all above conditions: To preserve the special interest of the Listed Building.