
Appeal Decision

Site visit made on 5 September 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 30 September 2016

Appeal Ref: APP/K5600/W/16/3152496

17 Templeton Place, London SW5 9NB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Supercity UK against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/15/08202, dated 23 December 2015, was refused by notice dated 18 February 2016.
 - The development proposed is the construction of three one storey plus mezzanine floor apart-hotel suites to the rear of 17 Templeton Place.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site and surrounding area are within the Nevern Square Conservation Area (NSCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. These requirements are reflected in Policy CL3 of the "*Consolidated Local Plan 2015*" (the LP).

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the NSCA.

Reasons

4. The appeal site is located to the rear of 17 Templeton Place, a substantial 6 storey end-terrace property which has been sub-divided into hotel apartments. It is currently used as a communal outdoor amenity area for occupiers of the apartments some of which benefit from direct access to it.
5. The appeal site is set within a wider residential area which contains hotels, flats and dwellings. Although there is a wide variety of building forms and styles in the immediate vicinity, buildings tend to be 5-6 storey's in height, address the highway and are arranged in a rigid perimeter block pattern with gardens to the rear. The scheme involves the erection of three attached, one storey apart-hotel suites.

6. Whilst I note the Council comments in respect of the appearance of the development, in my view the design has much to commend it. The imaginative curved green roof and traditional brickwork would lend the building a contemporary appearance and help to soften its visual impact somewhat.
7. Policy CR5 of the LP states that the Council will protect and enhance amongst other things private communal open space where it gives visual amenity to the public. LP Policy CL1 states that the scale and massing of new development should respect the hierarchy of the existing urban block so as to enhance the character of area.
8. I acknowledge that neither the appeal site nor neighbouring gardens are specifically mentioned in the NSCA Appraisal. Nonetheless, when I visited the area I saw that the site plays an important role sustaining the sense of separation and spaciousness between properties on Templeton Place and those on Nevern Square/Place. It is in keeping with the large expanse of openness to the south-east and provides a strong visual break which contributes to the rhythm and spaciousness of the area. Accordingly, I see no reason to disagree with the Council with regards to the importance of maintaining such areas.
9. The development would impose a considerable extent of built development onto the site. Due to its height and footprint it could not reasonably be compared to garden sheds and other garden structures that might be found in neighbouring gardens. It would completely transform the open character of the site and erode its contribution to the wider area of separation. I accept the Appellant's evidence that a building previously occupied the site. However, this has long since gone and I must assess the scheme before me based on its effect on the character and appearance of the area as it stands now rather than what it might once have been.
10. Although the development would not be unduly prominent from Templeton Place, there would be glimpses from public views through the service road and adjacent pedestrian access. Moreover, there would be considerable exposure from nearby flats and gardens from where it would appear as a visually disruptive and uncharacteristic intrusion into an area that provides welcome breathing space between buildings.
11. The development would also be tightly constrained by its plot leaving virtually no separation between it and the shared boundaries with 29-35 Nevern Place. It would also be sited at close quarters to the apartments to the rear of No 17. Consequently, it would appear uncharacteristically cramped. I note the Appellant's view that the visual impact of the development could be ameliorated by planting. However given the layout of the site including proximity to site boundaries, I am not persuaded there would be sufficient space to implement a meaningful landscaping scheme.
12. I have carefully considered the range of appeal decisions drawn to my attention but by reason of; site characteristics, location, development proposals and status of the LP, I find none to be directly comparable to the case in hand. I have therefore afforded them little weight and assessed the appeal before me on its own merits in the light of the particular circumstances which apply in this case.
13. Overall I find that the development would result in a significant reduction in the area of openness to the rear of No 17 thus resulting in a loss of spaciousness.

It would also appear cramped in its plot and would detract from the character and appearance, and thus the significance, of the NSCA although this would result in less than substantial harm in the terms set out in the Framework.

14. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation, this harm weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits; there are few such benefits in this case.
15. The Council accept that the development would not harm the living conditions of neighbouring residents. Whilst I see no reason to take a contrary view, this is a neutral effect and does not weigh in favour of the proposal. The provision of additional C1 accommodation would however accord with the aims of Policy CF8 of the LP and is a benefit that weighs in favour of the scheme. Nonetheless, such a modest benefit does not outweigh the significant harm I have identified to the character and appearance of the NSCA.
16. Based on the foregoing, I conclude that the development would not preserve or enhance the character or appearance of the NSCA and therefore it would be contrary to Policies CR5, CL1, CL2, CL3 and CL11 of the LP. Amongst other things these policies seek high quality design that relates positively to the context of the surrounding area and respects the space around buildings where it contributes to the character of the area.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

D. M. Young

Inspector