
Appeal Decision

Site visit made on 5 September 2016

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 3 October 2016

Appeal Ref: APP/K5600/W/16/3150101

33 Redcliffe Road, London SW10 9NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yoram Ben-Israel against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/15/06771, dated 23 October 2015, was refused by notice dated 23 February 2016.
 - The development proposed is the demolition of the existing building and rebuilding a three bay property with basement level and four upper floors.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have two versions of drawing no. PROP_E1 Rev C. At the site visit it was agreed that one of those shows the scheme's Redcliffe Road elevation in the context of a redevelopment at no. 34, whilst the other shows it in the context of that existing building. I address this matter further in my reasoning.

Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of The Boltons Conservation Area.

Reasons

Character and appearance

4. As set out in the Heritage Statement prepared by Turley Heritage ('HS') the Boltons Conservation Area ('CA') comprises predominantly of a mix of brick and stucco rendered villas or terraced townhouses dating from the nineteenth century and laid out in an informal grid of often tree-lined streets, and open spaces. Within that broad description there is some variety, including the pairs of grand Victorian villas and the Church of St Mary around an oval-shaped garden, some mansion blocks, and more recent development. Redcliffe Road mainly comprises long rows of ornate terraced townhouses with basements, and which are roughly four storeys tall. The buildings on this part of Cathcart Road are more varied and include three storey linked villas, tall apartment buildings, and, particularly on the north-western side, some more modern properties.

5. The appeal site, together with its attached neighbours at no. 34 Redcliffe Road ('no. 34') and no. 1 Cathcart Road ('no. 1'), form a small group on the inside corner of these two roads. I understand that following bomb damage in World War II the original townhouses on the site were demolished and replaced by the current building. The building is two storeys high to the front, flat-roofed, and faced with brick, with little architectural detailing. Its form and appearance is markedly different from the rows of terraced townhouses on Redcliffe Road.
6. The HS sets out that the existing building at nos. 33, 34 and no. 1 only very weakly turns the corner. It concludes at paragraphs 3.41 and 3.42 that as a result of its materials, diminutive height with a horizontal emphasis, and failure to appropriately complete the Redcliffe Road terrace, the building does not make a positive contribution to the significance of the CA. Later, for instance at paragraph 5.1, it sets out that the building detracts from it.
7. However, in my view, whilst the form and appearance of these 3 properties are at odds with their neighbours, the building nevertheless forms a small cohesive enclave in the streetscene. As a result of its cohesion, limited height, and the presence of street trees, it appears as a background building in the townscape, and I do not agree with the appellant that it blights this corner. Consequently, I concur with the Council's view as expressed in The Boltons Conservation Area Appraisal 2015, that although the building's design quality is less high than many others nearby, its effect on the character and appearance of the CA is neutral. Policy CL 3 (part c) of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 ('LP') sets out that the demolition of such buildings may be acceptable.
8. The proposal would involve the demolition of no. 33 and its replacement with a 4 storey townhouse of a similar height to nos. 35 and 36 Redcliffe Road, and which would follow the building line. I observed some variation in the Redcliffe Road terraces, including differences in their fenestration and roof form. This scheme would broadly reflect those terraces in terms of its height, form and appearance. Subject to further details, which could be controlled by conditions, its facing materials, railings, window and door design would respect the appearance of those properties. Consequently, the scheme would much more closely resemble those terraces than the structure it would replace.
9. However, given that the three properties at nos. 33, 34 and no. 1 were built at the same time and to a consistent design, the replacement of no. 33 alone would result in the scheme appearing rather isolated, and having an incoherent relationship with, and awkward transition to, its retained neighbours. In particular there would be very apparent height differences, contrasting styles, and tall, largely unalleviated party walls. I note that the flank wall of no. 35 is currently exposed to view above the roof of its lower attached neighbour. However, as the coherence of this group would be lost, no. 34 and no. 1 would also appear more isolated, and would have an awkward relationship with both their attached neighbours.
10. No. 1 received planning permission for its demolition and replacement with a dwelling. However, that property is at the edge of this small group, and consequently its replacement would appear less piecemeal, and would respect the immediate context to a greater degree than would be the case here. In any event, that permission has now lapsed. Although the appellant states that the

current occupier of no. 34 has indicated that she does not wish to sell or redevelop her property, that is not to say that that could happen in the future; particularly as the appellant maintains that the whole building has now reached the end of its intended life span. For those reasons I am not persuaded that a comprehensive redevelopment of all three properties could not be achieved.

11. The appellant states that his scheme takes account of the potential redevelopment of no. 1 and no. 34, and has submitted drawings to show how that could look. However, the previously permitted scheme at no. 1 would require some redesign, and I am not convinced that this proposal should dictate the style and form of development on the other two plots. In any event, should this scheme on the middle property proceed in isolation, there is no certainty that the redevelopment of the adjacent properties would follow soon after, and in the meantime the area's character and appearance would be harmed.
12. At paragraph 6.13 of its delegated report the Council sets out a list of what it considers to be the design compromises resulting from the insertion of a 'traditional type' building into this non-traditional building plot. However, given the size and layout of this corner plot and its attached neighbours, any design here is unlikely to fully reflect the appearance of the long terraces in Redcliffe Road, which in any event display some variety on their front faces. In my view it is the awkward and contrived streetscene appearance resulting from the redevelopment of the middle property in this group in isolation from its neighbours which would harm the area, rather than the scheme's detailed design. Given the prominence of this corner plot, that harm would be apparent in the streetscene looking along both roads.
13. The proposal would therefore conflict with the general requirements of LP policies CL 1 and CL 2 that development should respect the existing context, character and appearance. It would also conflict with part f of policy CL 1 which requires a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment.
14. Given the harm that the scheme would cause in this prominent location, and its impact on its immediate surroundings, it would also harm the character and appearance of the CA as a whole. It would therefore conflict with LP policy CL 3; that part of LP policy CL 11 which requires views within conservation areas to be preserved or enhanced; and with the Further Alterations to the London Plan 2015 policy 7.8 part D. Having paid special attention to the statutory duty to preserve or enhance the character or appearance of conservation areas, I conclude that the scheme would fail that test. In accordance with paragraph 132 of the National Planning Policy Framework ('Framework') I have given great weight to the conservation of this designated heritage asset.
15. However, having regard to the scale of the proposal and the extent to which it would reflect the form and appearance of the Redcliffe Road terraces, the harm caused would be less than substantial. In such circumstances Framework paragraph 134 requires that the harm be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. I understand that the scheme would be subject to the Community Infrastructure Levy with financial contributions towards infrastructure, including Crossrail.

However, I am not persuaded that this scheme is the only way in which that public benefit could be achieved. As the proposal would replace an existing three bedroom house with a larger three bedroom house, albeit with improved quality of accommodation, thermal capacity and amenity space, that would not be a significant public benefit.

17. I have considered the representations raised by third parties, including concerns regarding the scheme's effect on their living conditions both during construction and once occupied. However, the matters raised have not been determinative in this appeal. Finally, whilst I have considered the site's planning history, and note that this scheme follows a previously refused proposal, a withdrawn scheme for all three properties in this group, and pre-application discussions, I have dealt with the proposal on its merits.

18. Summing up, the harm that I have identified would be caused to The Boltons Conservation Area would not be outweighed by the scheme's limited public benefits. Although the proposal would be sustainably located close to services and amenities, given the harm that it would cause to this designated heritage asset, and its conflict with the development plan, it would not benefit from the Framework's presumption in favour of sustainable development. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR