

Appeal Decisions

Site visit made on 29 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 29th December 2016

Appeal Ref: APP/K5600/W/16/3155677 (Appeal A)

Flat 2, 32 Brompton Square, London SW3 2AE

- 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 Nikolaos Paraschis against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/01793, dated 18 February 2016, was refused by notice dated 26 May 2016.
 - The development proposed is described as 'partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations'
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Appeal Ref: APP/K5600/Y/16/3155675 (Appeal B)

Flat 2, 32 Brompton Square, London SW3 2AE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the refusal of details of works required by a condition of a listed building consent.
 - The appeal is made by Mr Nikolas Paraschis against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/01794, dated 18 February 2016 was refused by notice dated 26 May 2016.
 - The development proposed is described as 'partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations'.
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Decisions

1. Appeal A is allowed and planning permission is granted for 'partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations' at Flat 2, 32 Brompton Square, London SW3 2AE, in accordance with planning application Ref PP/16/01793, dated 18 February 2016, subject to the conditions set out in Annex A to my decision.
 2. Appeal B is allowed and listed building consent is granted for 'partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations' at Flat 2, 2 Brompton Square, London SW3 2AE, in accordance with listed building consent application Ref LB/16/01794, dated 18 February 2016, subject to the conditions set out in Annex B to my decision.
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Procedural Matters

3. The appeal application is intended to amend an approved scheme for extensions to the appeal property, along with internal and external alterations. It would include a first floor rear addition, over an approved basement and ground floor extension, which is the subject of the dispute between the two main parties.
4. On my site visit building works were in progress and a hoarding was erected along the rear boundary. However, I was able to appreciate the internal works proposed, along with the proposed extension from the street at the rear and from within the small rear courtyard.
5. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.
6. I note the address indicated in part 4 of the appellant's application forms. On the basis of the appeal plans and other information before me, it is clear that the appeals relate to Flat 2, at No. 32. I have included this within the address in the banner heading above and in my formal decisions.

Main Issues

7. 32 Brompton Square comprises a four storey plus basement end of terrace house. Flat 2, to which these appeals relate, occupies the ground and first floors. The house is part of a listed group which includes Nos. 32-36 (consec) and is located within the Brompton Conservation Area (BCA). Having regard to the statutory requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in this case are:
 - Whether the proposed works and development would preserve the special architectural or historic interest of the grade II listed building, 32 Brompton Square; and
 - Whether they would preserve or enhance the character and appearance of the BCA.

Reasons

8. 32 Brompton Square is an imposing multi-storey building that forms part of a Stucco terrace of Regency properties, which front onto a central green. It has a Classical frontage and is attached on one side only, with a gap between itself and its neighbour which fronts onto Brompton Square. The rear of the property is plainer, being constructed of brick and reads as secondary to the front, in terms of its materials and detailing. The rear of the listed property has been altered and extended over time, which includes a full height closet wing topped with a glazed conservatory and some low level extension. The formal appearance and Classical detailing of the appeal listed building, along with its secondary, yet traditional rear, contributes to its significance as a heritage asset.
9. The BCA includes a number of distinct areas, including the Brompton Oratory, Holy Trinity Church and Brompton Square, along with a number of open spaces. Together, they contribute to the formal, urban character and

appearance of the BCA. The appeal site, its formal Classical frontage along with its plainer rear elevation and the separation between it and its neighbours 37 and 38 Ennismore Gardens, both grade II listed buildings, together, contribute to the character and appearance of the BCA, that I have identified.

10. The proposed first floor rear extension would be set away from the boundary with its neighbour, 38 Ennismore Gardens, such that it would appear as a separate entity. As there would be some space between the two, it would not appear odd against the more opulent character and appearance of those buildings and would not materially undermine the gap between the two. As it would be set back from the street and there would be some separation distance between the proposed extension and its neighbour, 38 Ennismore Gardens, it would retain the spaciousness and visual separation between the two. Its simple form and detailing, with the use of materials to match the existing, would blend in with the existing elevation. As it would be significantly lower than the existing closet wing it would appear as subservient to it and the rear building generally. The rear elevation includes windows in a regular pattern, set within a plain brick elevation. This would be repeated in the proposed extension. Whilst the proposed windows are smaller than those on the existing rear, they relate to the expanse of brick work in which they would sit and would appropriately blend in.
11. Whilst I appreciate that a horizontal addition such as this is not a traditional means of extension to a vertical closet wing, as there are other extensions to it, albeit at a lower level, material harm would not arise as a consequence.
12. On my site visit, I was able to appreciate the principal rooms within flat 2 and that they generally retain the vertical arrangement originally planned. Those rooms would be unaffected by this appeal and as the proposed addition would be small in relation to the principal rooms and the main listed building and it would not accommodate a principal room, I consider that material harm to the significance of the listed building, in this regard, would not result.
13. In coming to this conclusion, I have had regard to the views of my Colleague in determining a previous proposal on the appeal site (Ref APP/K5600/W/15/3017305 and APP/K5600/Y/15/3017311). I have generally concurred with her views where relevant to this appeal. The appeal before me includes amendment to the schemes before that Inspector, which I consider are sufficient to overcome the concerns she expressed.
14. I conclude that the appeal proposal would preserve the special architectural or historic interest of the grade II listed building, 32 Brompton Square and thereby it would preserve the character and appearance of the BCA. For these reasons it would generally accord with Policies CL1, CL2, CL3, CL4, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015). Those policies, together, seek the highest architectural and urban design quality, require development to preserve or enhance the character and appearance of the conservation area, protect the special architectural or historic interest of the area and its setting,

protect the heritage significance of listed buildings and protect gaps that contribute to the character and quality of the area.

Planning Conditions

15. A list of suggested planning conditions is before me. I have agreed with the imposition of most of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.¹ A list of planning conditions to be imposed is set out in Annex A and Annex B to my decisions.
16. Standard time and plans conditions are required to ensure clarity and in the interests of proper planning. A condition to control external materials is necessary to ensure that the proposal blends into the BCA and preserves the significance of the listed building. As a new residential unit would not be provided by the appeal development a condition to ensure that new residential units shall achieve compliance with optional requirement M4 (2) of the building regulations would not be required. In any event, I cannot be convinced that such compliance would not require further alteration to the fabric of the listed building. I am not convinced, therefore, that it would be reasonable in any event.

Conclusions

17. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed, subject to the planning conditions set out in Annex A and Annex B to my decisions.

R Barrett

INSPECTOR

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with approved plans: AM_1506_PL200, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Annex B

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.

¹ Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

- 2) The works hereby approved shall be carried out in accordance with approved plans: AM_1506_PL200, 201, 203, 204, 205, 206, 207, 208, 209,210, 211, 212, 213, 214, 215, 216, 217.
- 3) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.