
Appeal Decisions

Site visit made on 11 April 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 28 April 2017

Appeal A Ref: APP/K5600/W/17/3167225

Flat 1, 65 Holland Park, London W11 3SJ

- 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 Ralf Pilarczyk against the decision of the Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/05966, dated 9 September 2016, was refused by notice dated 12 September 2016.
 - The development proposed is described as “to alter / remove some interior partition walls to create a cellularized layout that not only updates the dwelling to contemporary standards but also retains original features of historical and structural relevance and reinstates wall nibs and down stands from the historic plan form to provide a benefit to the site’s significance. This includes the addition of a new window to the side (west) elevation in the alleyway to increase the interior lighting levels and the replacement of the existing rear bay window by a new single-leaf door that will enable direct access to the rear garden from the dining and living room area.”
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Appeal B Ref: APP/K5600/Y/17/3167227

Flat 1, 65 Holland Park, London W11 3SJ

- 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 Mr Ralf Pilarczyk against the decision of the Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/05967, dated 9 September 2016, was refused by notice dated 12 September 2016.
 - The works proposed are described as “to alter / remove some interior partition walls to create a cellularized layout that not only updates the dwelling to contemporary standards but also retains original features of historical and structural relevance and reinstates wall nibs and down stands from the historic plan form to provide a benefit to the site’s significance. This includes the addition of a new window to the side (west) elevation in the alleyway to increase the interior lighting levels and the replacement of the existing rear bay window by a new single-leaf door that will enable direct access to the rear garden from the dining and living room area.”
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. 65 Holland Park is a grade II listed building within the Holland Park Conservation Area. As required by Sections 16(2), 66(1), and 72(1) of the
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Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

4. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent. They seek internal alterations and the provision of a new window and new external door. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

5. The main issue is whether the internal and external alterations would preserve a grade II listed building, its setting or any features of special architectural or historic interest it possesses, and linked to that whether the works would preserve or enhance the character or appearance of the Holland Park Conservation Area.

Reasons

6. 65 Holland Park is a detached 3 storey house with attic and basement that has been converted into flats. It is one of a number of similarly styled and aged imposing and ornate houses within a residential area near to Holland Park. The planned layout of this area, the cohesive homogeneity and the grandeur of the houses, is a striking characteristic of the conservation area.
7. Constructed in the 1860s the rich architectural ornamentation of No 65 with its symmetrical 3 bay façade, and painted stucco finish is part of the special interest of this listed building. It forms part of one of several long rows of houses to the northern side of Holland Park. The rear of the appeal property is bounded by Holland Park Avenue, and the repeated homogeneity of the form and style of the houses within the row is apparent from this aspect, along with the similarity of their boundary walls and railings. This contributes towards the special interest of the listed buildings, their settings and the character and appearance of the conservation area.
8. Flat 1 is within the basement of No 65, and I agree with the appellant that historically the use of this floor of the house would have been for cellaring and service functions. The segregation of these service areas into the basement, its division into rooms accessed from a central corridor, and the unadorned functionality of the floor, contrasts with the status of the family areas of the house and is a reflection of its former social functioning. This is part of the special interest of the listed building.
9. I appreciate the subdivision of the basement into two flats has changed the historic layout of this floor, and that neither party has provided evidence of what the original layout would have been. From the evidence provided by the appellant records exist of the basement from the 1920s, and at this time it was divided into a series of rooms of varying sizes that were mostly accessed off a main corridor. Despite the provision of nibs and down stands, the proposed layout with its interconnected open rooms would be very different to the historic layout of the basement. The openness of the layout would be at harmful odds with the former functional service role of this floor.

10. I accept the historic corridor has already been subdivided. Nevertheless, it has retained its function as a means of access, and the proposed layout would further erode both the physical separation of this corridor and its function. Despite the conversion of the floor into flats, the legibility of the historic layout of the basement remains apparent, including as evidenced by the presence of the reception fireplace. However, the historic wall of which it forms part would be further truncated and although a small section would be left, the projection of the chimney breast into the enlarged open room would appear contrived, particularly as the proposed new side window would be positioned immediately to its rear. The harm from the incongruous juxtaposition of these elements combined with the isolation of the chimney breast would not be outweighed by the provision of more natural light into the enlarged room.
11. Both the proposed side window and the external door would also result in the loss of a small amount of historic fabric. The window that would be replaced is modern. However, it complements the repeated fenestration positioning of the rear bay. Another door, particularly one so close to that which already exists would disrupt the harmony of the rear bay's appearance, and further erode the former functional layout of the service floor.
12. The appellant has pointed out that the proposed external alterations would not be legible from the street scene and that national guidance and advice including that of Historic England, encourages change affecting the historic environment to be informed and sustainable. The scheme would preserve the character and appearance of the conservation area and the settings of nearby listed buildings as the scale of the external works would be limited and would not alter either the existing residential use of the building nor erode its contribution to the planned appearance of the area. However, the National Planning Policy Framework (the Framework) and the National Planning Practice Guidance requires that when considering the impact of proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This and the requirements of the Act apply in all cases and not just where works are prominent or publically visible.
13. Thus for the reasons given the proposed works would harm the special interest and significance of this listed building. This would be contrary to Policies CL 6 and CL 4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) (LP). These seek amongst other things, the protection of the heritage significance of listed buildings. The appellant has pointed out that the requirement of LP Policy CL 6 to resist development that is cumulatively detrimental to a building does not reflect provision in national policy or legislation. However, this policy also requires that alterations and additions should not harm the existing character and appearance of a building, thereby reflecting the Framework, and I find that the proposal would not comply with this requirement.
14. The Framework also requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The internal and external alterations would result in less than substantial harm due to their relatively small size compared to that of the house as a whole. The appellant has pointed out that the works would create a layout that meets modern life styles, and improve natural light. The former would be a personal benefit for the appellant, and improved energy efficiency arising from increased

natural light levels would be a very modest public benefit that would not outweigh the harm I have found.

Other Matters

15. Finally, the appellant is concerned about the consistency of advice given by the Council at application and pre-application stages. I appreciate such matters would be frustrating for the appellant but they have to be pursued by other means separate from the appeal process and are not for me to consider with regard to the considerations of this scheme.

Conclusion

16. Thus, for the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR