
Appeal Decisions

Hearing held on 4 April 2017

Site visit made on 4 April 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 04 May 2017

Appeal A: APP/K5600/W/16/3162715

32 Norland Square, London, Kensington and Chelsea W11 4PU

- 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 Robert Haas against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref: PP/16/01653, dated 15 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is a single storey addition above an existing rear closet wing.
-

Appeal B: APP/K5600/Y/16/3162712

32 Norland Square, London, Kensington and Chelsea W11 4PU

- 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 Robert Haas against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref: LB/16/01654, dated 15 March 2016, was refused by notice dated 11 May 2016.
 - The works proposed are a single storey addition above an existing rear closet wing.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for a single storey addition above an existing rear closet wing.

Preliminary Matters

3. As the proposal is in a Conservation Area and relates to a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Both parties agree that the proposal would not harm the significance of the Norland Conservation Area. Nonetheless, I have had special regard to the desirability of preserving or enhancing its character or appearance. As the proposal would not be seen from the public domain, I am satisfied that it would preserve those interests.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building, 19-35 Norland Square W1, and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The appeal property is part of a terrace situated on the northern side of Norland Square. It is arranged over six floors with a basement and ground floor surmounted by four upper floors. The proposal would result in a single storey addition to a ground floor, rear closet wing. This addition would lead to the creation of a small study area with a lantern skylight. This would require the removal of the existing window and the creation of a full height, stepped opening from the half landing in between the ground and first floors. The existing architrave and internal reveal would be continued to floor level.
7. The terrace was listed in 1969 and dates from the 19th century. It was constructed over an extended period between 1843 and 1853. The layout and design of the terrace originate from Robert Cantwell. It essentially follows a classical form with an ornamented, stucco front elevation and a more restrained, utilitarian, brick-faced rear elevation. The fenestration to the rear does not conform to a classical grid with the stairway windows being set down from each floor on half landings. The stairwells have been constructed within a shallow projection to maximise internal living space along part of the terrace. This has given rise to an unusual, articulated form that remains clearly apparent on the upper floors of the building. Turning to the appeal property, it largely retains its original floor plan and benefits from a range of intact architectural features. This includes the rear closet wing and a well preserved staircase compartment. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the intact layout and features of No 32 and the legibility of the historical architectural features of the rear elevation as a wider 'set piece'.
8. I observe from the plans and my site visit that the rear elevation has been subject to extensive alteration and that only two ground floor closet wings remain in the immediate vicinity, with the majority having been extended by at least a single storey. It is unclear from the evidence before me whether or not these changes pre-date existing planning controls or the listing. The appellant is of the opinion that these additions have led to the creation of a 'varied and lively' rear elevation that have become part of its historic interest. Whilst I have some sympathy with this interpretation, the distinctive articulation arising from the projecting stairwells and diminutive rear closet wings have nevertheless been eroded over time. These are important features not only related to the original architectural composition but also the social history of the building.
9. Given that the original form of the building has been compromised, it is important to consider whether additional change would further detract from its architectural or historic interest. The impact of the proposal on external features that contribute to the special interest consequently turns on cumulative impact and the proportionality of the proposed change, bearing in mind the context of the wider elevation. It was clear from my site visit that the regular rhythm of articulation would be preserved on the upper floors and that this would therefore remain legible. However, this would not be the case for

the closet wing which would blend into the proposed addition over time thus obscuring its original form and function. Moreover, the increased frequency of enlarged closets would lead to an over-dominant feature that would visually distract from the intact closets, most notably the one at No 34. I accept that the appeal property is flanked by enlarged closet wings, however, this is not a sufficient justification for the further cumulative loss of this original, architectural feature.

10. Turning to the effect of the proposal on the internal layout, I find that the proposal would lead to a highly incongruent, unsympathetic and disruptive alteration. The change in level, enlargement of the half landing and recessed window would create a visually distracting feature that would draw attention away from the elegant vertical sweep of the staircase which is currently set within a well preserved compartment. The roof lantern would also emphasise this incongruity by increasing the amount of daylight entering the staircase compartment which would further highlight the proposed changes. The room would also erode the hierarchy of space despite being of a diminutive nature. The importance of the domestic plan form of London terraces and the need to preserve staircase compartments is well established¹ and I am not persuaded otherwise in this particular instance. Furthermore, the proposal would lead to the loss of an original opening as well a limited amount of fabric.
11. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
12. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the limited extent of the changes and bearing in mind their proportionality, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it would lead to the replacement of an inappropriate double glazed sash window and a 'brick-on-edge' coping. It was established at the Hearing that the existing window on the half landing is single glazed, contains non-float glass and that the profile and width of its glazing bars are suggestive of either a reinstated or reclaimed window. Consequently, the replacement of its unlawful antecedent is no longer a relevant consideration. Whilst I accept that the stone coping would replace an incongruent feature this would be clearly outweighed by a loss of definition to the closet wing as a whole. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
14. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act,

¹ London Terrace Houses 1660-1860: A Guide to Alterations and Extensions. English Heritage.

paragraph 134 of the Framework and conflict with policy CL4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 that seeks, among other things, to ensure that all development preserves the heritage significance of listed buildings, resists the removal or modification of features of architectural importance and preserves original architectural features. As a result the proposal would not be in accordance with the development plan.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

For the Council

Ms C Saverus Senior Planning Officer

Ms R Godden Conservation Officer

For the Appellant

Mr M O'Rourke Heritage Consultant

Mr T Wigfall Architect