
Appeal Decisions

Site visit made on 9 May 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 2 June 2017

Appeal A: APP/K5600/W/16/3166059

4-8 Elystan Street and 25 Whitehead's Grove, London SW3 3NS

- 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 Lindmead Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref: PP/16/05820, dated 31 August 2016, was refused by notice dated 8 November 2016.
 - The development proposed is the erection of a mansard roof addition across 4-8 Elystan Street and alterations to the roof at 25 Whitehead's Grove to provide 1 x 2 bedroom residential unit and to extend the existing residential unit at 4a Elystan Street.
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Appeal B: APP/K5600/Y/16/3166062

4-8 Elystan Street and 25 Whitehead's Grove, London SW3 3NS

- 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 Lindmead Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref: LB/16/05821, dated 31 August 2016, was refused by notice dated 8 November 2016.
 - The works proposed comprise the erection of a mansard roof addition across 4-8 Elystan Street and alterations to the roof at 25 Whitehead's Grove to provide 1 x 2 bedroom residential unit and to extend the existing residential unit at 4a Elystan Street.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the erection of a mansard roof addition across 4-8 Elystan Street and alterations to the roof at 25 Whitehead's Grove to provide 1 x 2 bedroom residential unit and to extend the existing residential unit at 4a Elystan Street.

Preliminary Matters

3. As the proposal is in a Conservation Area and affects 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).

Main Issues

4. The main issues are:

- whether the proposal would preserve a Grade II listed building, The Gateways, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Chelsea Conservation Area; and
- the effect of the proposal on the living conditions of existing and future occupants of No 23 Whitehead's Grove with regard to outlook.

Reasons

5. The appeal site is situated in a prominent location at the corner of Elystan Street and Whitehead's Grove. It faces a small triangular area of public green space known as Chelsea Green. The appeal site comprises a terraced building that fronts onto Elystan Street (Nos 4-8) and an adjoining Grade II listed building that fronts onto Whitehead's Grove (No 25). The building fronting Elystan Street has shops on the ground floor and flats above whilst the building fronting Whitehead's Grove comprises self-contained flats. This latter is part of a more extensive series of listed, residential dwellings to the northeast known as The Gateways.
6. The proposal primarily comprises a mansard roof extension to the flat roof of Nos 4-8. This would be linked to a castellated, square turret and stairwell that are part of No 25, with the latter providing access to the new dwelling. The proposal would create a new, two bedroom residential dwelling and extend an existing residential unit above No 4a to create a five bedroom dwelling. The rear roof slope of No 25 would be altered to incorporate the extended stairwell and the turret would also be converted to provide a bathroom for the new flat.

Heritage Assets

7. The Chelsea Conservation Area (CA) comprises groups of generally modest residential terraces situated between the Fulham Road to the north and the King's Road to the south with the buildings and secondary roads mostly dating from the early 19th century. Its character is derived from its small-scale residential nature. Whilst formal terraces constructed from yellow stock brick with stucco decorative finishes predominate, a range of architectural styles are present which span the 19th and 20th centuries. It has a mature and picturesque streetscape with street trees and occasional green spaces softening the built form. This helps to create a comfortable residential environment on an intimate scale, often associated with single family dwellings. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the intimate scale of its buildings and their settings.
8. The Gateways was designed by Wills and Kaula and constructed in 1934. It comprises a series of residential dwellings, broadly in the Tudor Revival style, arranged around two quadrangles. The primary construction materials are brick and tile with pleasingly simplified architectural detailing. The dwellings are on a relatively small scale and restricted to either two or three stories. The simplicity and integrity of design characterises the architecture of this building. The articulated façades, distinctive arches, shaped brick mullions and punctuation of the roof slopes with ornate features such as chimney stacks and

the turret all contribute to its highly distinctive character. 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 integrity of its architectural form.

9. I observe from the plans and my site visit that whilst subservient to both the turret and former public house at No 2 Elystan Street, the proposed extension would nevertheless alter the scale of Nos 4-8 to a significant extent. The mansard roof would also reduce the prominence of the turret given its close proximity and massing. I note that the turret would be wholly obscured when viewed from Chelsea Green and that the mansard roof would cause significant disruption to its architectural form when viewed from other perspectives. Most notably when the appeal site is approached from the southwest, along Cale Street and from the northeast, along Elystan Street.
10. I observed that views from the corner of these two roads firmly places the whole of the appeal site within the setting of the listed building given its juxtaposition with the extended north-western façade of the Gateway's along Whitehead's Grove. The significant visual erosion of this architectural feature would not only result from the close proximity of the mansard roof to the turret but also the alterations necessary to provide access to this structure, namely the extended stairwell. This would further reduce the visual isolation and prominence of the turret by increasing the height of the roof immediately to the east. Whilst I accept that this would not have the same degree of prominence as the mansard roof, given the degree to which it would be set back from the frontage of No 25, it would nevertheless be clearly visible to the occupants of Cranmer Court. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
11. More generally, the proposal would create an awkward and incongruent roof form despite the prevalence of mansard roofs in the surrounding area. The increased massing of the terrace would also erode a distinctive step change in the scale of the buildings that mark the boundary of the CA at this point. I observed that Chelsea Green has an intimate character that is still reminiscent of a village green which is supported by the diminutive nature of Nos 4-8. Any increase in the massing of this building would therefore erode the open aspect of this area and create a greater sense of enclosure. The scale of the Green contrasts with the monumental character of Cranmer Court and the large terraces of Elystan Street. Consequently, any change to these contrasting building hierarchies would be highly detrimental, not only to the listed building but also the CA. I also note that the negative impacts of this proposal go beyond visual disruption and that it would also lead to a potential loss of historic fabric through the alterations to both the turret and staircase.
12. The appellant is of the opinion that the turret is not significant because it is not specifically highlighted as being important in the list description. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. The appellant has also suggested that there would be no loss of historic fabric because the turret contains a modern water tank and because no demolition would take place. I acknowledge the heritage statement but find that it provides insufficient grounds to determine the significance of individual architectural features and how any significant fabric or features would be preserved when the turret is

converted and linked to the proposed entrance hall. This also applies to the extension of the existing stairwell.

13. Paragraph 128 of the National Planning Policy Framework 2012 (the Framework) requires applicant's to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise. In this particular instance I am not satisfied that a sufficiently detailed assessment has been undertaken. This is because it is based on a generalised analysis which has failed to consider detailed and specific impacts. Consequently, I agree with the Council and find that insufficient information has been provided to determine the potential harm to the historic building fabric.
14. Given the above, I find that the proposal would fail to preserve the special interest of the listed building, its setting and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
15. Paragraph 132 of 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 alteration or destruction of the heritage asset or development within its setting. Given the extent of the listed building that would be directly affected, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. 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.
16. The appellant is of the opinion that the proposal would be beneficial because it would increase the supply of housing. However, I do not find that this small contribution would outweigh the harm to the building or its setting. Furthermore, the continued viable use of No 25 as a residential building is not dependent on the proposal because it has an ongoing use that would not cease in its absence. I do not find that any public benefits would accrue in relation to the CA on the basis of the evidence before me.
17. 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 and setting of the Grade II listed building and the character and appearance of the Chelsea Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policies CL1-CL4, CL6, CL8-CL9 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (LP). These policies seek, among other things, to ensure that all development respects existing character, responds well to its context, preserves conservation areas and protects the heritage significance of listed buildings. They also seek to ensure that all building additions and roof alterations are architecturally sympathetic, avoid harm the existing character and appearance of a building, reinforce its character and integrity and protect views of listed buildings and their settings. As a result, the proposal would not be in accordance with the development plan or constitute sustainable development.

Living Conditions

18. The rear of No 23 and the adjacent properties have access to a narrow communal courtyard. Whilst the other properties look out onto a low pitched roof, I observed that No 23 faces a much higher, two storey wall. I accept that the proposal would not change the outlook from the first floor, bay window of this property. However, the increased enclosure of the end of the courtyard that would result from the proposal would lead to a significant loss of outlook from the adjacent courtyard as well as from the ground floor rooms of this property. This would have a highly oppressive and overbearing effect on existing and future occupants because of the highly restricted views that are already present. As such the proposal would lead to an unacceptable cumulative impact. Moreover, that I find that this would not be characteristic of urban environments given its extreme nature.
19. Given the above, I conclude that the proposal would cause significant harm to the living conditions of existing and future occupants of No 23 with respect to a loss of outlook contrary to policy CL5 of the LP that seeks, among other things, to ensure that development does not lead to a harmful increase in the sense of enclosure of existing buildings and spaces. This would not be in accordance with the development plan.

Conclusion

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

Roger Catchpole

INSPECTOR