
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/Y/16/3162442

39 Addison Road, London, Kensington and Chelsea W14 8JH

- 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 Mrs Hania Al Muhaisen Rahman against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref: PP/16/05686, dated 30 August 2016, was refused by notice dated 27 October 2016.
 - The development proposed is the addition of 1 no. conservation rooflight to the rear of the existing roof.
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Appeal B: APP/K5600/Y/16/3162482

39 Addison Road, London, Kensington and Chelsea W14 8JH

- 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 Mrs Hania Al Muhaisen Rahman against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref: LB/16/02000, dated 16 March 2016, was refused by notice dated 6 June 2016.
 - The works proposed is a first floor side extension, substantially set back from the main elevation.
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Appeal C: APP/K5600/Y/16/3162446

39 Addison Road, London, Kensington and Chelsea W14 8JH

- 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 Mrs Hania Al Muhaisen Rahman against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref: LB/16/02004, dated 17 March 2016, was refused by notice dated 20 June 2016.
 - The works proposed is an extension above the existing two storey bay window at first floor level.
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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 a first floor side extension, substantially set back from the main elevation.

Appeal C

3. The appeal is dismissed and listed building consent is refused for an extension above the existing two storey bay window at first floor level.

Preliminary Matters

4. 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).
5. For reasons of clarity and brevity, I have shortened the description of one of the proposals to remove unnecessary wording for the purposes of Appeal C.
6. A number of different policies were cited in the refusal notices. Bearing in mind the nature of the proposals, I find the most relevant to be policies CL1-CL4 and CL8 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (LP).

Main Issues

7. The main issues are whether the proposals would preserve a Grade II listed building, 36-39 Addison Road W14, and any of the features of special architectural or historic interest that it possesses and the extent to which they would preserve or enhance the character or appearance of the Holland Park Conservation Area.

Reasons

8. The appeal property is located on the western side of Addison Road near a junction with High Street Kensington in the Holland Park Conservation Area. It is set back from the adjacent walkway and comprises two linked pairs of semi-detached villas. The appeal property is located at the north-western end of the building. The limited setback of the building and open iron railings that define its front boundary are such that it makes a prominent contribution to the street scene.
9. Appeals have been submitted for three different proposals. The first (Appeal A) relates to the insertion of a single rooflight in the rear roof slope measuring approximately 110 cm x 85 cm. This would serve an enclosed loft space above an existing bathroom. The second (Appeal B) relates to the construction of a single story side extension above a subservient, projecting bay. This would create a first floor WC. The third (Appeal C) relates to the vertical extension of an existing rear bay window to a height of 3 stories. This would enlarge an existing first floor room.
10. The Holland Park Conservation Area (CA) was designated in 1981 and contains many important buildings and groups of buildings of high historic and architectural significance. The area is based upon what remains of Holland House and a large area of historic parkland belonging to the estate. The houses that were built to fund the house and gardens are important examples of mid-Victorian speculative development and represent a variety of different styles. These vary from houses with a wealth of stucco quoins, balustrades, cornices, brackets, columns and capitals to more restrained stock brick villas with simple stuccoed bays and architraves. The houses on Addison Road are intermediate and have a semi-decorative character with stucco balustrades on

the rooflines, pediments over windows and projecting, columned porches. Linked villa pairs make up a small proportion of the house types in the CA and are thus a rare and important element that adds to the diversity of its architectural forms. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the varied architectural form of its buildings as they were originally conceived.

11. Nos 36-39 Addison Road W14 was listed in 1984 and was built by James Mugford Macey in 1845. It comprises two linked villa pairs constructed from London stock brick with rubbed brick flat arches over sash windows. They are joined by shared stucco pediments at roof level. They have recessed, single storey, stucco entrance porches at either end. A first floor side extension of more recent origin is present at one end of the building whilst the original form of the single storey entrance bay remains intact at the other, where the appeal property is located. Although the rear elevation is less uniform and has been subject to some modification, the simple unadorned form of the original building still remains legible. 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 simplicity of its original architectural form and the consistency of its composition.

Appeal A

12. I observe from the plans and my site visit that the rooflight would be an incongruent feature that would cause significant disruption of the otherwise intact roof slope. This would not be adequately mitigated by its design and I have no substantiated evidence before me that any such feature was previously present. This was confirmed by my own observations of the loft space that indicated that no disruption to the wooden boarding in the vicinity of the proposed rooflight has occurred.
13. The appellant is of the opinion that the rear roof slope is not prominent and that the rooflight is justified because the rear elevation has been subject to modification. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Furthermore, past harm lacking the benefit of modern listed building conservation insight is not a justification for further harm. It is clear that the proposal would lead to an unacceptable, cumulative impact that would further erode the original architectural form of the appeal property and therefore the listed building as a whole.
14. Given the above, I find that the proposal would fail to preserve the special interest of the listed building but would preserve the significance of the CA. This is because it would not influence the character or appearance of the CA as a whole due to the fact that the rear roof slope is not visible from the public domain and only has limited visibility from the private domain. Notwithstanding this fact, I give the harm to the listed building considerable importance and weight.

Appeal B

15. I observe from the plans and my site visit that the proposed side extension would significantly erode the subservient nature of the existing, single storey bay despite being set back from the main elevation. It would introduce an awkward, disjointed architectural form to the currently clean sweep of the

existing bay thus reducing the visual emphasis that this places on the recessed, main entrance. The opening that would be created into the extension would also lead to a loss of original external fabric.

16. The appellant is of the opinion that this addition would balance the composition of the main elevation given the presence of a similar structure at the other end of the building. I acknowledge the presence of a similar side extension at No 36 but find that the increased symmetry that would result would not outweigh the resulting erosion of the original building design and loss of fabric. Furthermore, this would be clearly visible from multiple locations along Addison Road to the detriment of the varied, historic architectural form of the CA.
17. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.

Appeal C

18. I observe from the plans and my site visit that the proposed rear extension would increase the height of the existing bay window to the full height of the rear outrigger. I accept that this would be similar to the full height bay of the adjoining property and that a greater degree of symmetry would result. However, I find the proposal a contrived and unsympathetic addition that would obscure the original form of the listed building. It would also lead to the loss of two original window openings as well as the surrounding building fabric.
19. The appellant is of the opinion that it would be in keeping with the modified nature of the rear elevation. As was the case for the rooflight, past harm lacking the benefit of modern listed building conservation insight is not a justification for further harm. Whilst some of the more incongruent elements, such as the glass roof, would be replaced I do not find this outweighs the resulting loss of the legibility of the historic, architectural building form.
20. Given the above, I find that the proposal would fail to preserve the special interest of the listed building but would preserve the significance of the CA for the same reasons that I gave in relation to Appeal A. Notwithstanding this fact, I give the harm to the listed building considerable importance and weight.
21. 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 scope of each proposal and extent of the impacts, I find the harm to be less than substantial but nevertheless of considerable overall 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.
22. The appellant is of the opinion that the first floor extension of the rear elevation in Appeal C would be beneficial because it would provide essential bedroom accommodation for a teenage child of the existing occupants. However, this is not a public benefit and merely enlarges the size of an existing room that could still be used as a bedroom. 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. This is also the case for Appeal A and Appeal B. In the absence of any evidence to the contrary, nor would any public benefits accrue in relation to the CA.

23. Given the above and in the absence of any substantiated public benefit, I conclude that the proposals would fail to preserve the special architectural interest of the Grade II listed building and that the side extension would also fail to preserve the character and appearance of the Holland Park Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policies CL1-CL4 and CL8 of the LP. These policies seek, among other things, to ensure that all development respects existing context, character and appearance, is of an appropriate architectural style, 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. As a result, the proposal would not be in accordance with the development plan or constitute sustainable development.

Conclusion

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

Roger Catchpole

INSPECTOR