
Appeal Decision

Site visit made on 16 May 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/K5600/W/17/3170031

Flats 12 & 13, 20 Pembridge Crescent, London, W11 3DS

- 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 Ms Frances Kelly against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/16/06281, dated 21 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the widening and replacement of uppermost floor level front windows with sash windows featuring central mullions in each opening.
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Decision

1. The appeal is allowed and planning permission is granted for the widening and replacement of uppermost floor level front windows with sash windows featuring central mullions in each opening at Flats 12 & 13, 20 Pembridge Crescent, London, W11 3DS, in accordance with the terms of the application, Ref PP/16/06281, dated 21 September 2016, subject to the conditions below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the details shown on the following approved plans: OS Plan, Drawing Nos. PEM-PP-100 Rev. A & PEM-PP-101.
 3. The windows hereby permitted shall be framed in painted timber, and be so maintained.
 4. All work, and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

Main Issue

2. The main issue is whether the development would have an adverse effect on the appearance of the appeal property, and as a consequence would preserve or enhance the character or appearance of the Pembridge Conservation Area.

Reasons

3. The appeal site accommodates an unlisted Victorian detached double-fronted property set on the south-western side of Pembridge Crescent, and specifically concerns the two top floor apartments. The third floor is indicated to have been
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- added in the 1970's, at the same time as the property was converted into apartments. The building is located within the Pembridge Conservation Area.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
 5. Pembridge Crescent is highlighted as having been built between 1846 and 1859. The area is indicated as being characterised by its spacious and pleasant detached or semi-detached villas, faced with stucco and set in gardens along broad and often curving streets. In respect of Pembridge Crescent, I note the houses described as much coarser, smaller and architecturally less interesting, with the group of three *Cullingford* villas at 20-22 Pembridge Crescent appearing as a distinct entity, and albeit partially obscured by street and garden trees, make a positive contribution to the conservation area.
 6. The appellant has drawn my attention to an extract from the *Pembridge Conservation Area Policy Statement (1982)*, which highlights that there is less uniformity within the streets in the North of the area, which includes Pembridge Crescent. Whilst it has been highlighted that the ground, first and second floors all possess the same principal details, the later added third floors all clearly differ in appearance in respect of the detailing, with it noted that No. 22 Pembridge Crescent possesses two paired sash windows either side of a central sash window.
 7. I acknowledge that the principle of a window hierarchy with progressively smaller windows on upper floors is generally observed within the conservation area. However, I have had regard to the Council's concern that the introduction of a pair of windows would diminish the importance of the hierarchy on the appeal property. In this respect, whilst I accept that the individual windows within the pair would respect the hierarchy, cumulatively the glazing width of the pair of windows would be greater than that of the floor below. Nevertheless, I am satisfied that the design approach would reflect that of the windows on the top floor of No. 22 Pembridge Crescent. Furthermore, the detailed design adopting plain rendered openings without decoration would be in keeping with the less ornate windows on the more recent top floor additions, and would incorporate the use of a traditionally designed timber vertical sash separated by a mullion. As a consequence, I do not consider that the proposed windows would ultimately be either harmful or inappropriate in the context of the coherence of the group of three dwellings, or in this respect contrary to the advice within the *Pembridge Conservation Area Appraisal (2017)*.
 8. I have had regard to the Council's caution that there does not appear to be a planning permission in place for the windows at No. 22 Pembridge Crescent, but have also noted the appellant's contention that the windows were as approved in 1974 at the time of the planning permission for the top floor. Nevertheless, the windows are in situ, and in the absence of any definitive detail related to the 1974 planning permission, I must accept them on face-value as having been a part of the approved scheme. Also, if they were a later addition, it would appear that the Council had not seen fit to take any enforcement action to resolve the matter. It is in this context that I have considered the merit of the proposals and impact on the group of three dwellings.

9. As a consequence, whilst I would concede that the proposed windows would not enhance the character or appearance of the heritage asset, I am satisfied that they would preserve the character and appearance of the Pembridge Conservation Area, and would therefore accord with the requirements of s72(1) of the Act. Accordingly, I find the proposed development to not be contrary to Policies CL1, CL2, CL3, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015. These policies seek to ensure that development respects the existing context, character and appearance of buildings and the area, would be of the highest architectural and urban design quality, and would preserve or enhance the character or appearance of the conservation area. In addition, given the great importance of the heritage asset, the scheme would accord with the core planning principles of the Framework, that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

Conditions

10. Conditions securing window frames in painted timber, and ensuring all work and work of making good to match the existing exterior of the building, would be reasonable and necessary to ensure the preservation of the character and appearance of the conservation area.

Conclusions

11. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR