



Appeal Decisions

Site visit made on 6 November 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 23 November 2017

Appeal Ref: APP/K5600/W/17/3180780

Flat 2, 32 Brompton Square, London SW3 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nikolaos Paraschis against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/17/00902, dated 10 February 2017, was refused by notice dated 7 April 2017.
 - The application sought planning permission for partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations without complying with a condition attached to planning permission Ref PP/16/01793, dated 29 December 2016.
 - The condition in dispute is No 2 which states that: "*The development hereby approved shall be carried out in accordance with approved plans:...*" there then follows a list of the approved plans.
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Appeal Ref: APP/K5600/Y/17/3180781

Flat 2, 32 Brompton Square, London SW3 2AE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Mr Nikolaos Paraschis against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/17/00905, dated 10 February 2017, sought to vary condition No 2 of a listed building consent Ref LB/16/01794 granted on 29 December 2016.
 - The works proposed are partial demolition of single storey extension to courtyard to create a basement extension, extension to ground and first floors, associated external and internal alterations.
 - The condition in dispute is No 2 which states that: "*The works hereby approved shall be carried out in accordance with the approved plans:...*" there then follows a list of the approved plans.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. The appeals seek to vary the existing permission/consent so that a door can be constructed in the side wall of the approved first floor extension.

Main Issue

3. The main issue in these appeals is the effects of the proposal on the significance of the listed building and conservation areas.

Reasons

4. The appeal relates to part of this grand Regency property which is located adjacent to the central garden of Brompton Square. The building possesses a classical frontage and its more plain brick rear is visible from Ennismore Street. The property, along with its neighbours, is grade II listed and sits within the Brompton Conservation Area. The rear boundary of the property forms the borough boundary with Westminster Council and I am informed that the Knightsbridge Conservation Area sits immediately adjacent to the appeal site.
5. As set out in the headings above, planning permission and listed building consent have been granted for the extension. These were approved by appeal refs APP/K5600/W/16/3155677 and APP/K5600/Y/16/3155675.
6. It is accepted that the proposed door would not be visible from the front of the property within Brompton Square. However, it is clear to me that it would be visible from the rear, within Ennismore Street. Whilst the brick elevations of the rear of the property do not possess the imposing and detailed appearance of the front elevations, the more simple traditional form and materials do nevertheless complement the building and the area. I note that the previous Inspector recognised that the extension that she was approving would be simple in form and detailing, with matching materials. She identified the pattern of brick elevations with windows inserted, which would be repeated in the extension and thus the extension would blend with the existing property.
7. I consider that the placement of a door within the first floor elevation would appear out of place and incongruous. It would fail to blend with the existing and approved elevations. The appellant indicates that the new extension is modern and the presence of other modern features such as the glazed structure on the roof mean that modern features can be acceptable. The new extension is obviously a modern feature but was approved because it blended satisfactorily with the traditional appearance of the existing building and area. In my judgement, the presence of other features which may be of modern appearance does not necessarily indicate that all new features will be acceptable and do not represent a precedent for the proposal.
8. There is some discussion in the appeal submissions in relation to how visible the proposed door would be, taking account of its position and the relationship with the neighbouring property at No 38 Ennismore Street. I was able to adequately judge this at my site visit and I remain concerned that the door would be readily visible and its failure to blend with the existing property would be clear. Therefore, I consider that the proposal would fail to preserve the special architectural and historic interest of the listed building and would neither preserve nor enhance the character and appearance of the conservation area.
9. The appellant indicates that the door is required to gain occasional access to the adjacent flat roof purely for maintenance purposes. He indicates that the maintenance of the flat roof is a public benefit, a view that the Council agree with. However, whilst I agree that the level of harm is 'less than substantial'

as set out in the NPPF, I consider that the occasional maintenance of the flat roof could be undertaken by other means and does not justify the harm that I have identified.

Conclusions

10. I consider that the harm that I have identified would not be outweighed by any public benefits arising from the proposal. As a result, I conclude that the proposal is contrary to Policies CL3, CL4 and CL9 of the Consolidated Local Plan. Therefore, the appeals are dismissed.

S T Wood

INSPECTOR