



Appeal Decisions

Site visit made on 12 July 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal A - Appeal Ref: APP/K5600/W/18/3207260

Flat G, 20 Cornwall Gardens, London SW7 4AW

- 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 Boland against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/00870, dated 22 December 2017, was refused by notice dated 16 April 2018.
 - The development proposed is alteration to roof comprising addition of rooflights and air conditioning unit.
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Appeal B - Appeal Ref: APP/K5600/Y/18/3207263

Flat G, 20 Cornwall Gardens, London SW7 4AW

- 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 Boland against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/18/00871, dated 22 December 2017, was refused by notice dated 16 April 2018.
 - The works proposed are alteration to roof comprising addition of rooflights and air conditioning unit.
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Decisions

1. Appeal A is allowed and planning permission is granted for alteration to roof comprising addition of rooflights and air conditioning unit at Flat G, 20 Cornwall Gardens, London SW7 4AW in accordance with the terms of the application Ref PP/18/00870, dated 22 December 2017, subject to the following conditions:
 - 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 accordance with the following approved plans: Site Plan, Site Location Plan, 20CG01, 20CG02.
2. Appeal B is allowed and listed building consent is granted for alteration to roof comprising addition of rooflights and air conditioning unit at Flat G, 20 Cornwall Gardens, London SW7 4AW in accordance with the terms of the application Ref LB/18/00871, dated 22 December 2017, subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than three years from the date of this decision.

2) The works hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Site Location Plan, 20CG01, 20CG02.

Preliminary Matters

3. The descriptions of the proposal vary between the application forms and the subsequent documents. The proposal comprises new rooflights and a new air conditioning unit at roof level at No 20. The Council raise no objection to the air conditioning unit, and from what I have seen, I have no basis on which to take a different view. However, the application form descriptions do not refer to the rooflights, so for clarity, I have substituted the descriptions given on the respective decision notices, as these refer to both elements of the proposal.

Main Issue

4. The main issue is the effect of the proposal on the special interest of 20 Cornwall Gardens, a grade II listed building, and the Cornwall Conservation Area.

Reasons

5. The appeal site at 20 Cornwall Gardens is a 19th century dwelling listed as part of a group including 17-44 Cornwall Gardens. It is estimated to have been built around 1863-77, probably by Thomas Cundy III.
6. It is a four storey property with a basement and a mansard roof. The three bay front elevation is finished in stucco, and features channelled stucco on the ground floor. The ground floor entrance is marked with an Ionic porch. No 20 is a handsome townhouse whose refined architectural design makes a positive contribution to the unity of the terrace and to general character and appearance of the wider Cornwall Conservation Area.
7. The Council have objected to the proposal to introduce rooflights to the mansard roof. Permission for the mansard roof was given in 1987. As it is a later addition to the listed building, it makes little contribution to its historic or architectural character. I am therefore satisfied that the proposed rooflights would not disrupt or harm any historic fabric.
8. That being the case, it is necessary to consider the external visual impact of the proposals. On my site visit, I was able to view the front and back faces of the mansard extension. However, the more shallow front and back roof slopes of the mansard, where the rooflights would be placed, were not visible from the ground. I have not been made aware of any locations in the vicinity where the proposed rooflights would be able to be seen, or any taller buildings in the area from which it would be possible to see the mansard roof slopes.
9. The availability of views is not necessarily a determinative factor when considering proposals would affect heritage assets. Nonetheless, in this particular case, I am satisfied that the presence of rooflights in a modern extension where they could hardly be seen, if at all, would have a negligible effect on the special interest of both the listed building and the Cornwall Conservation Area.
10. Drawing these factors together, I conclude that the proposal would preserve the character and appearance of the heritage assets. It would thus comply with Policy CL 1 of the Royal Borough of Kensington and Chelsea Consolidated

Local Plan (LP), which relates to context and character, LP Policy CL 2, which addresses design quality, LP Policy CL 3, which requires development to preserve or enhance the character or appearance of conservation areas, LP Policy CL 4, insofar as it requires development to protect the heritage significance of listed buildings, LP Policy CL 6, which requires that alterations and additions do not harm the existing character and appearance of the building and its context, and LP Policy CL 11, insofar as it seeks to preserve or enhance views within conservation areas.

Conditions

11. The Council have not suggested any conditions. However, in addition to the standard time condition, it is necessary, for certainty, that the works and development are carried out in accordance with the approved plans.

Conclusion

12. For the reasons above, I conclude that the works and development would comply with the development plan as a whole, and so both the appeals are allowed.

Elaine Gray

INSPECTOR