
Appeal Decisions

Site visit made on 6 September 2019

by Mr JP Sargent BA(Hons) MA MRTPI

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

Decision date: 27 September

Appeal A: APP/K5600/W/18/3212418 **49 Pembroke Square, London W8 6PE**

- 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 Centremonex Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/02402, dated 26 April 2018, was refused by notice dated 6 July 2018.
 - The development proposed is the replacement of the existing glazed lean-to structure with a new frameless glass lean-to, and an extension to the single storey outshot building.
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Appeal B: APP/K5600/Y/18/3212423 **49 Pembroke Square, London W8 6PE**

- 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 Centremonex Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/18/02403, dated 26 April 2018, was refused by notice dated 6 July 2018.
 - The works proposed are the replacement of the existing glazed lean-to structure with a new frameless glass lean-to, and an extension to the single storey outshot building.
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Decisions

Appeal A: APP/K5600/W/18/3212418

1. The appeal is allowed and planning permission is granted for the replacement of the existing glazed lean-to structure with a new frameless glass lean-to, and an extension to the single storey outshot building at 49 Pembroke Square, London W8 6PE in accordance with the terms of the application, Ref PP/18/02402, dated 26 April 2018, and subject to the conditions in the Conditions Schedule below.

Appeal B: APP/K5600/Y/18/3212423

2. The appeal is allowed and listed building consent is granted for the replacement of the existing glazed lean-to structure with a new frameless glass lean-to, and an extension to the single storey outshot building at 49 Pembroke Square, London W8 6PE in accordance with the terms of the application Ref LB/18/02403, dated 26 April 2018 and subject to the conditions in the Conditions Schedule below.

Main Issues

3. The main issues with these appeals are whether the proposal would preserve the special architectural or historic interest of this listed building, whether it would preserve the character or appearance of the Edwards Square/Scarsdale & Abingdon Conservation Area, and whether it would harm the significance of either of these designated heritage assets.

Reasons

4. This appeal concerns the unit that occupies the basement and ground floor of No 49. The property forms part of a Grade II listed terrace from the early to mid-19th Century that runs along the south side of Pembroke Square. The significance of this terrace lies, in part, in the strong detailing and rhythm it displays on its front elevation, and the manner it complements the similar other terraces around the square. Although substantially concealed, the unit's back yard allows an appreciation of the building's plainer rear elevation and assists in an understanding of the pattern and form of housing at that time. The yard therefore contributes positively to the building's significance.
5. Sometime ago the masonry that formed the rear elevation of the unit was removed. Consequently, this elevation now comprises a large opening behind a modern 2-storey glass lean-to. With its chunky frame this lean-to does not make a positive contribution to the property, appearing as a dominant and discordant feature that relates poorly to the building's historic character. To my mind the structure now proposed would be far less intrusive due to its frameless form, and it would not be as dominant. It would therefore add positively to the significance of the building.
6. The void created by the removal of the masonry can already be appreciated behind the existing structure. The lack of a frame may mean this void would be more visible through what is now proposed, but any harm arising from that would be slight and would be more than outweighed by the benefit of replacing the discordant and thick-framed lean-to currently there.
7. Turning to the extension, the small yard is dominated by the existing outshot, the tall rear elevation and the high boundary walls, and so already has an enclosed and cramped nature. The proposal would make the yard narrower by some 785mm. However, an appreciation of the rear of the building would be still possible and, given the existing situation, I consider any effect the works would have on the cramped feel and the sense of enclosure in the yard would not harm the building's historic value.
8. Finally, the new lean-to would not change the existing footprint of the building materially. Moreover, I have no reason to consider that any change to the plan-form resulting from the extension to the outshot would be harmful, given its size and the subservient nature of this element of the building.
9. Accordingly, I conclude the proposal would not cause harm to the significance of this listed building.
10. The significance of the conservation area lies partly in the way it reflects the early to mid-19th Century development of this part of London, and the terrace of which No 49 is a part adds positively to this. As I consider the proposal would not harm a listed building that contributes to this significance, I also consider it would not harm the significance of the conservation area. The

Council has cited a conflict with Policy CL11 in its *Consolidated Local Plan* but given the enclosed nature of the site I consider this policy, which addresses views, is not relevant.

11. In order to safeguard the significance of the listed building and conservation area, conditions should be imposed requiring the agreement of materials, window frames, the screen trellis on top of the proposed extension and the details of how the lean-to is to join the masonry. Given the fundamental role they play in the scheme before me, all these details except the trellis should be agreed before the works commence. Furthermore, having regard to the significance of the listed building the window in the outshot should be timber framed.
12. Accordingly, I find the scheme would not fail to preserve the special architectural or historic interest of this listed building and would not fail to preserve the character or appearance of the conservation area, and so would not cause harm to either of these designated heritage assets. As such the scheme would not be contrary to policies CL1, CL2, CL3, CL4 and CL9 of the Council's *Consolidated Local Plan* (dated July 2015), which, broadly speaking, collectively seek to ensure development and works across the Borough are of a nature and design that respects and protects the character and heritage significance of their context. For these reasons the scheme would also not conflict with guidance in the *National Planning Policy Framework*. The appeals should therefore be allowed.

J Sargent

INSPECTOR

Appeal A Conditions Schedule

- 1) The development hereby approved shall commence within 3 years of the date of this decision.
- 2) Unless otherwise agreed under the conditions below, the development hereby permitted shall be in accordance with the following plans: 04-18-910 SK 101, 04-18-910 SK 102, 04-18-910 SK 201A, & 04-18-910 SK 202A.
- 3) Prior to the commencement of the development details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and the development shall then be undertaken in accordance with those approved details.
- 4) The new screen trellis shall at all times be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 5) The window in the extended outshot shall at all times be timber-framed.
- 6) Notwithstanding the details on the approved drawings, prior to the commencement of the development details at a scale of at least 1:10 shall be submitted to and approved in writing by the Local Planning Authority of
 - a) the junction between lean-to and the masonry walling and
 - b) the frame and reveal of the window in the outshotand the development shall then be undertaken in accordance with those approved details.

Appeal B Conditions Schedule

- 1) The works hereby granted shall commence within 3 years of the date of this decision.
- 2) Unless otherwise agreed under the conditions below, the works hereby granted shall be in accordance with the following plans: 04-18-910 SK 101, 04-18-910 SK 102, 04-18-910 SK 201A, & 04-18-910 SK 202A.
- 3) Prior to the commencement of the works details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and the works shall then be undertaken in accordance with those approved details.
- 4) The new screen trellis shall at all times be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 5) The window in the extended outshot shall at all times be timber-framed.
- 6) Notwithstanding the details on the approved drawings, prior to the commencement of the works details at a scale of at least 1:10 shall be submitted to and approved in writing by the Local Planning Authority of
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