



## Appeal Decision

Hearing Held on 24 September 2019

Site visit made on 24 September 2019

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> October 2019**

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**Appeal Ref: APP/K5600/W/18/3206267**

**60 South Edwardes Square, London, W8 6HL**

- 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 Paul Killik against the decision of the Royal Borough of Kensington and Chelsea.
  - The application Ref PP/18/00631, dated 26 January 2018, was refused by notice dated 25 April 2018.
  - The development proposed is the installation of front wing extension with hipped roof and installation of M&E plant.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of front wing extension with hipped roof and installation of M&E plant at 60 South Edwardes Square, London, W8 6HL in accordance with the terms of the application, Ref PP/18/00631, dated 26 January 2018, subject to the attached schedule of conditions.

### Application for costs

2. At the Hearing an application for costs was made by Mr Paul Killik against the Royal Borough of Kensington and Chelsea. This application is the subject of a separate Decision.

### Procedural Matters

3. On the 11<sup>th</sup> September 2019 the Council adopted the Local Plan Partial Review (LPPR) and thus the updated policies now form part of the development plan and supersedes older policies. As discussed at the Hearing, the policies cited by the Council in their decision notice are largely unchanged. Where changes have been made, these do not have any direct bearing on the appeal proposals before me. For the avoidance of doubt, my decision is based on the recently adopted LPPR.
4. The Council refused permission based upon harm to the grade II listed 'The Temple' and the grade II\* registered park and garden 'Edwardes Square.' The site is also located in the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). Other heritage assets in proximity include the terraced houses on the east and west side of the Square (Nos 1-23 and 25-48), Earls Terrace, and the cast iron railings which form the outer boundary to the Square which are all grade II listed.

5. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) set out specific legal duties relating to listed buildings and conservation areas that I must follow in my determination of the appeal. While the other heritage assets listed were not specifically identified by the Council, there were discussed at the Hearing and I have duly considered them as part of my reasoning below.

### **Main Issue**

6. In light of the foregoing, the main issue is the effect of the proposed development on the significance of designated heritage assets, including the grade II listed 'The Temple' and the grade II\* listed 'Edwardes Square' registered park and garden, as derived from their setting.

### **Reasons**

7. Built in 2005/06, No 60 is a 3-storey residential property located to the south side of Edwardes Square. It is of a neo-Georgian style built out of London stock brick with timber sliding sash windows. It is L-shaped in its form creating a recessed front courtyard area, with a front wing which is in line with No 63. The courtyard area is landscaped and used for parking.
8. The site is located to the south of Kensington High Street. Completed by 1821, the Square as a whole forms the oldest part of the CA. When compared to other London Squares it is somewhat unusual in its formation as it comprises of symmetrical east and west terraces which are relatively modest in scale. The more prestigious properties to the north side along Earls Terrace front onto Kensington High Street, rather than across the Square gardens. In addition, the south side of the Square originally formed a row of stabling and coach-houses with a central opening giving access to the rear and the countryside beyond.
9. The Edwardes Square Gardens were originally laid out by 1820 and form a relatively large central area, in comparison to the modest terraces surrounding it. The gardens are bounded by traditional cast iron railings, which give a formal sense of enclosure. However, the gardens themselves are representative of the picturesque movement with informal winding paths through open areas and more dense areas of planting located around the perimeter rather than being of a formal classical layout typical of many other squares in London. A court case relating to the redevelopment of Edwardes Square in 1910 is also said to be the precursor to the London Squares Preservation Act in 1931. Today, the gardens are exceptionally well maintained and also incorporate a tennis court, play area and seating within the more central open grassed areas.
10. As part of the planned gardens, a miniature Temple was built to the south side as a garden house is located opposite the gap in buildings along the south road. This is 2-storey in height and has a stucco façade with a pedimented portico and Tuscan columns which face into the garden, revealing itself in different views and framed by vegetation as one moves around the meandering footpaths. To the rear facing the road is the entrance door with decorative pilasters. A water pump is also visible at the rear. Sash windows face west, and the eastern side comprises of later flat roofed single-storey additions. At the Hearing, local residents gave oral evidence stating that The Temple was

originally used to house a Beadle, who was involved in the management of the Square before it became the gardener's residence, a use which is continued today.

11. While Edwardes Square, including its Georgian terraces and The Temple remain largely in-tact, the south side has evolved greatly with the original stables and coach housing being all but lost and redeveloped. This includes the development of Victorian studios at No 59 with large windows and a mansard roof. Other early 20<sup>th</sup> Century developments here include 4-5 storey brown brick flatted accommodation blocks at Pembroke Court and at No 52 and 3-storey red brick neo-Georgian housing at Nos 63-66. There are also later modern developments, including at No 60 which has a modest and unassuming form with a Georgian inspired design.
12. The result today is an eclectic mix of residential properties which provides a built-up backdrop when viewed from within the Square Gardens and visual interest as a contrast to the uniform Georgian terraces. The development of this area from a service area to more substantial residential properties reflects social changes of the time as well as the development of the wider area from open agricultural fields to a city suburb and then to today as relatively high-status city accommodation.
13. In terms of significance, there is undoubtedly an interdependency between the different designated heritage assets. In my view, Edwardes Square as a whole forms a fundamental part of the character of the CA, as part of the early development of the area. Furthermore, it has a rare quality in terms of its history and architecture in contrast to the more typical London Squares. This interdependency is also important in terms of setting and the surroundings in which the assets are experienced. The terraces, gardens and other listed structures are linked as part of a designed architectural composition and thus have a shared setting. The southern properties give further historic and aesthetic quality and form an integral part of the Square.
14. The proposed front extension would cover part of the courtyard area of No 60 and would align with the existing projection to the roadside. The proposed materials would match the existing building and would have a double pitched and hipped roof. Plant would be located within the roofspace.
15. In design terms, the extension would effectively create a new front wing giving a greater sense of formality to the property, albeit it would be asymmetric given the reduced width compared to the existing front projection. However, it would be in keeping with the simple and 'paired back' architectural quality of the building as well as the general style and neo-Georgian language found in this part of the Square. It would also be consistent with the scale of the appeal property and other properties within the row.
16. Part of the front open courtyard area would be lost and it was this factor which formed a major part of the concern of the Council and other interested parties. The new wing would in part extend out directly opposite The Temple, whereas the existing set back was purposefully designed in order to give The Temple space, reminiscent of the original gap in the terrace. Objectors to the scheme consider that this set back and resultant space is a fundamental part of the

open setting of The Temple as well as providing a visual indicator of the historic gap in the former mews and stabling.

17. While the entrance to The Temple is from the road side, the form and design of the building is such that it is inward looking into the gardens of the Square. Due to the relatively narrow width of the highway, views of the structure are gauged obliquely along the road as a central break in the railings that enclose the Square gardens. The set back at No 60 is not particularly perceptible in the street scene, particularly from the ends of the road outside of Pembroke Court and No52 and the gap is only revealed when in proximity to the appeal property. The contribution that the gap makes to The Temple's setting is thus limited in the street scene.
18. The historic context for the set-back is made clear in the various submissions provided, including historic maps and written analysis. However, in light of the evolution of the south side of Edwardes Square, the importance of a townscape gap in this location signifying a former break in the stables and mews to the former backlands has long been diminished. I note that there were preceding recessed developments here which comprised of a 2-storey studio house and modern 3-storey residential block which were demolished as part of the development of No 60. I consider that the forecourt area today appears as somewhat of an irregularity in the street scene designed to facilitate parking rather than having any historic significance. As such, I am not persuaded that its retention in its current form is necessary by way of preserving any historic integrity.
19. Due to the nature of the gardens and the network of footpaths within it, The Temple is experienced in kinetic views as a whimsical folly which gives visitors an element of surprise when it is revealed. The extension would be perceptible in views behind The Temple from the Square gardens. However, it would not have a looming presence over The Temple and the gardens or result in a reduction of open sky. Instead, based on the submitted photomontages and from my own observations made at the site visit, I am satisfied that the forward extension would be seen in the context of the built up terrace rows, in keeping with the general composition of the Square as a whole.
20. The change would not be so distinct or imposing as to have a negative impact upon The Temple or the Square gardens themselves. Moreover, given their separation from the appeal site and the organic character of the properties along South Edwardes Square including No 60, I find that the Georgian terraces to the north, east and west of the Square and the cast iron railings would be unaffected by the development. In maintaining the character and appearance of the appeal property, wider terrace, The Temple and overall composition of Edwardes Square, I am also satisfied that the CA would be preserved.
21. It was put to me at the Hearing from interested parties that the purpose of designating buildings, structures and other assets is to ensure that they should not change. However, the Act, along with the development plan and the National Planning Policy Framework (the Framework) do not prohibit change. Rather they provide a stringent legal and policy basis to ensure that change is managed in order to sustain significance and special interest.

22. Overall, taking into account the particular circumstances, and having carefully considered all the evidence, I find no harm to the grade II listed 'The Temple' and the grade II\* listed 'Edwardes Square' registered park and garden and other heritage assets including the grade II listed terraces, the cast iron railings and the character and appearance of the CA. In reaching my decision, I have paid special regard to the desirability of preserving the setting of listed buildings. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
23. The development would not conflict with Policies CL4 and CR5 of the LPPR, which together seek to protect the significance of heritage assets including listed buildings and registered parks and gardens. In addition, the development would accord with Policy CL3 in preserving the character or appearance of the CA. The development would accord with the general design principles established in Policies CL1, CL2, CL8, CL9 and CL11. Finally, the development would also accord with the provisions of the Framework which give great weight to the conservation of heritage assets.

### **Other Matters**

24. The forward extension would reduce the distance between No 60 and the Temple to around 7m. However, the principal windows serving the residents of The Temple are to the flank wall and any views between the two properties would be oblique, thus resulting in a negligible effect upon privacy and outlook.
25. I note that the supporting text to LPPR Policy CL5 does suggest a separation distance of 18m but this is not a specific policy requirement embedded within the policy wording itself. In the context outlined above I am satisfied that there would be no adverse effect upon the living conditions of the respective occupants.
26. The highway along South Edwardes Square is narrow and has space for parked cars along its length. It is understood that the set back of No 60 allows for passing traffic and larger vehicles to overtake or move around any parked cars. However, this area is private land and any such use is inadvertent rather than the area acting as a formal refuge for traffic. In this regard it would be unreasonable to withhold permission on such grounds. I also note that there were no objections on this basis from the Highways Team.

### **Conditions**

27. The Council provided me with a list of suggested conditions which were discussed at the Hearing. As agreed with the parties, these have been rationalised and amended.
28. I have specified the approved plans as this provides certainty. In light of the sites location within the CA and in the setting of a number of designated heritage assets, it is necessary to specify conditions relating to materials, including samples and drawings as appropriate.
29. Conditions relating to a Construction Transport Management Plan and the removal of a vehicular cross-over prior to occupation are necessary in order to preserve residential amenity and for highway safety.

30. Finally, conditions in respect of noise and vibration are necessary in order to protect residential amenity of neighbouring occupants.

**Conclusion**

31. For all the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

*C Searson*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 132 KSES/ 001, 001, 009C, 099A, 010C, 011C, 012C, 014B, 021C, 022C, 023C, 024D, 031E, 032E, 100C, 101D, 102D, 103D, 104G, 105H, 121F, 122F, 123F, 124F, 131G, 132G.
- 3) The external surfaces of the development hereby permitted and any making good of the existing building shall be constructed in materials to match the existing in terms of materials, colour, texture, and profile and maintained thereafter. In the case of brickwork face bond and pointing shall match the existing, external windows shall be double hung, white painted sliding sashes, the roof slopes shall be clad in natural slate and the rooflights shall be of a traditional conservation type, flush with the roof and slim framed.
- 4) Detailed drawings or samples of materials as appropriate, in respect of the new front door and porch, and railings, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. Development shall be carried out in accordance with the approved details/samples and maintained thereafter.
- 5) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

The Construction Traffic Management Plan should include:

- a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

- 6) The development shall not be occupied until the alteration to the vehicle crossover has been completed.
- 7) Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.
- 8) The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Rupert Warren  
Daniel Rinsler  
Andrew Clark  
Peregrine Bryant

of Queens Counsel instructed by Daniel Rinsler  
Daniel Rinsler and Co  
Purcell  
Peregrine Bryant Architects

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ronaldo Colalillo  
Kate Orme

Planning Officer  
Senior Conservation and Design Officer

### **INTERESTED PERSONS:**

Alan Smith  
Anthony Walker

Local resident  
Chairman of the Edwardes Square Scarsdale and  
Abingdon Association  
Studio Indigo (on behalf of neighbour at no59)  
Studio Indigo (on behalf of neighbour at no59)

## **DOCUMENTS**

1. Proposed site plan 1:200
2. Copy of Local Plan Partial Review Policies Adopted on 11 September 2019
3. Historic England Good Practice Advice in Planning Note 3 (Second Edition) 'The Setting of Heritage Assets.'
4. Delegated Report for application PP/04/01595/MIND dated 9 September 2004.
5. Enlarged copies of verified views taken from the Heritage Impact Assessment.
6. Committee Report for application PP/13/02367/Q13 dated 16 July 2013
7. Copy of Conservation and Design consultation comments dated 21 November 2005.
8. Copy of Conservation and Design consultation comments relating to application PP/13/02367.