
Appeal Decisions

Site visit made on 6 September 2019

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal A: APP/K5600/W/19/3227561

19 Holland Park Avenue, London W11 3RN

- 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 P Rodgers against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/00682, dated 27 January 2019, was refused by notice dated 2 April 2019.
 - The development proposed is the erection of a conservatory within the rear courtyard.
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Appeal B: APP/K5600/Y/19/3227562

19 Holland Park Avenue, London W11 3RN

- 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 P Rodgers against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/19/00683, dated 27 January 2019, was refused by notice dated 28 March 2019.
 - The works proposed are the erection of a conservatory within the rear courtyard.
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Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

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 fail to preserve the character or appearance of the Holland Park Conservation Area, and whether it would harm the significance of either of these designated heritage assets, and if harm would be caused whether that is outweighed by public benefits.

Reasons

4. This Grade II listed property dates from the early 19th Century. Its significance lies, in part, in the detailing seen both inside and outside the building, together

with its plan form. In this regard, although the front elevation and its internal arrangement are the most striking elements, the small yard also has a role to play, as it allows an appreciation of the limited detailing on the plainer back elevation and assists in understanding the pattern and nature of housing at that time. For these reasons it therefore contributes positively to the building's significance.

5. The small rear yard is separated from the main house by a lightwell, and is on top of an addition at basement level (the basement addition) that has been recently formed. The yard's limited size is emphasised by its enclosed nature, as it has tall walls and buildings running along its boundaries.
6. The proposal would nearly fill the yard, with only a passageway along the edge of the lightwell remaining open. As a result, and even though the conservatory would comprise a significant amount of glazing, any awareness of a small yard area that has quite probably been always present behind the dwelling would be very much diminished. Furthermore, from within the conservatory its frame would impede views of the rear elevation, even when the rooflight was opened, limiting an appreciation of the elevation's form and arrangement. Moreover, whilst it was said that the window design would reflect that of the windows in the basement addition, the frames would be far chunkier than those that are more readily apparent on the upper floors, resulting in the conservatory being a more dominant and discordant structure. The appellant has suggested a condition could be imposed requiring different window designs, but given the fundamental importance of these to the conservatory structure before me I consider such a condition would not be suitable.
7. Finally, looking from inside the house the rear yard currently creates a certain sense of openness in the drawing room through its rear ground floor window. This would be very much reduced by the proposal, leading to a feeling of greater confinement within that room, to the detriment of its status. The formation of the basement addition might well have had a similar effect on outlook from the lower ground floor room. However, the status of the lower ground floor room, and hence the effect of a loss of outlook, is likely to have been different to the drawing room now affected.
8. For these reasons I consider the proposal would cause harm, albeit less than substantial, to the significance of this listed building.
9. However, as the conservatory is separate from the main house at ground floor level and is a structure of a very different character, the enclosed space it created would not challenge the internal hierarchy of rooms within No 19. Moreover, although the basement addition is a large alteration to the rear, from my understanding of the site that appears to fit in more sympathetically to the overall pattern of development and clearly the conservatory before me would be additional works beyond that of a very different nature. As such, the presence of the basement addition does not lead me to different findings. I am aware too that many listed properties have had conservatories or similar added, but my views are based on the distinctive and specific circumstances of this case.
10. The site is within the Holland Park Conservation Area. The significance of this lies, in part, in the way the layout and form of development from the early part of the 19th Century means it still maintains the character of a suburban phase of growth from that period. Given the concealed location of the conservatory, I

consider the works would not harm the significance of this conservation area and would not fail to preserve its character or appearance.

11. Mindful of paragraph 196 of the *National Planning Policy Framework* (the Framework) the appellant has, quite fairly, accepted that no public benefits exist to outweigh the less than substantial harm I have identified. This is a view I share. Whilst he said that its enclosed nature means the yard is of little use at the moment, there is no fundamental reason why that need be so, or why any sense of oppression it displayed would be less in this glazed structure. As a result using this space in the manner proposed does not outweigh the harm identified.
12. The Council has an emerging local plan. However, insofar as it concerns this appeal, the parties agree there is no material difference between the policies in that and those in the *Consolidated Local Plan*. I have been advised by the Council I can determine the scheme against the policies in the latter, but in the light of the advice I have been given my decision would have been no different had the scheme been considered against policy in the emerging plan.
13. Accordingly, I find the proposal would cause less than substantial harm to the significance of the listed building, failing to preserve its special architectural or historic interest. In the absence of any public benefits to outweigh this harm the scheme would therefore conflict with Policy CL4 of the Council's *Consolidated Local Plan* that seeks to safeguard the heritage significance of listed buildings, and it would also conflict with the Framework. The appeals should therefore be dismissed.

J P Sargent

INSPECTOR