
Appeal Decision

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 Ref: APP/K5600/W/19/3230922

57 Sydney Street, London SW3 6PX

- 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 Oliver Piotrowski against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/08058, dated 29 November 2018, was refused by notice dated 19 February 2019.
 - The development proposed is the change of use from a D1 use (as a redundant former Doctor's surgery) to residential use as a single dwelling with associated alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether there is a need for a social and community use at this property,
 - b) whether the proposal would fail to preserve the character or appearance of the conservation area, and
 - c) whether it would adversely affect highway safety as a result of increased parking pressure.

Reasons

The need for this social and community use

3. This property was last used, some 3 or 4 years ago, as a Doctor's surgery, and although vacant since then I understand that its lawful use is still within Class D1 of *The Town and Country Planning (Use Classes) Order*.
4. Policy CK1 in the Council's *Consolidated Local Plan* states that social and community uses are to be protected. It therefore has a sequential approach to such sites that broadly seeks to ensure the retention of the current use or, failing that, the provision of another social and community use that would predominantly serve the Borough. This is to maintain the Borough's stock of social and community uses.
5. It is the appellant's contention that the site is unattractive or unsuited to social or community uses. Although the Council seems to have no formal guidance

on what is needed to demonstrate such a position, to address this matter the appellant has submitted a Planning Viability Report (the Report).

6. The Report is relatively detailed and extensive but, while it provides evidence to address some possible uses, it does not directly and explicitly address the suitability of No 57 to each and every social and community activity listed in paragraph 30.3.4 of the *Consolidated Local Plan*. However, the building itself imposes many constraints that to my mind mean it is reasonable to consider it unattractive for those activities. An initial concern is with regard to its poor accessibility for those with mobility issues. It has various narrow staircases between its numerous floors and no lift, whilst on some floors there are further stairs to be negotiated. The main entrance is approached up a flight of steps, and although there is a level threshold at the rear, that allows access to only a very limited part of the property.
7. Going beyond that, the internal layout is relatively tortuous, with narrow corridors serving small rooms that I anticipate would generally not be large enough to be meeting rooms, surgeries, rooms where the public can gather and so on. It also has no outside space, it has no parking provision and overall the building is not particularly sizeable. It may be possible to address some of these issues with alterations. However, the acceptability of these works cannot be certain, as the building is Grade II listed and so they could well result in harm to its significance, compromising its special architectural or historic interest. I therefore have strong grounds to question the suitability of the building to meet the reasonable needs of most if not all of the uses in paragraph 30.3.4 of the *Consolidated Local Plan*.
8. As a result, taking these observations with the findings in the Report, even if there was a demand for premises for social and community uses in the area it is most unlikely they would occupy the building due to its inherent limitations. Therefore, requiring a further exploration of this matter (whether to find a new user or to show that no such user exists) would not be justified.
9. While the Council has said that social and community uses operate in similar buildings elsewhere, that could well be for historic reasons and it does not follow that a new use would favour such premises. It is also possible that, although similar, those other properties may nonetheless have differences that mean they are better suited to social and community uses.
10. Accordingly, I conclude there is no need to protect this property for social and community uses, and so any failure to follow the sequential approach in Policy CK1 of the *Consolidated Local Plan* does not offer a basis to resist the scheme.

The effect on the conservation area and listed building

11. The significance of the Chelsea Conservation Area lies, in part, in it being characterised by terraces of properties reflecting the development of the area in the first half of the 19th Century. These terraces add to the significance not only because of their strong uniform frontages but also because their rear elevations often inform an understanding of how the buildings functioned. No 57 contributes positively to this through its external appearance.
12. Stewart's Grove is a narrow lane that has the rear elevations of the Sydney Street properties on one side, and the backs of similar buildings facing Guthrie Street on the other.

13. The proposed rooflight would cover much of the flat roof of the extension at No 57 that runs up to this lane. It would not be visible from Stewart's Grove itself due to the parapet, but it would be seen from the upper floors of the buildings around. Moreover, during the hours of darkness it is reasonable to assume light spillage would occur through the roof light.
14. However, the flat roof of the existing extension is now apparent from the surrounding properties, and that to a certain extent is contrary to the historic form of the area. There are also a number of other glazed structures found to the rear of the properties that abut Stewart's Grove that have not only affected the character and appearance of the lane but also no doubt give rise to some degree of light spillage when it is dark. Light spillage can also be expected from the numerous windows on the rear elevations of the properties to either side of the lane.
15. For these reasons I therefore conclude this rooflight would not be an alien or discordant feature either during daylight or when dark. Therefore, the proposal would not fail to preserve the character or appearance of the conservation area, and so it would not conflict with Policies CL1, CL2 or CL3 in the *Consolidated Local Plan*, which broadly seek to protect heritage assets.

Car parking

16. The site has no on-site parking, and the narrowness of Stewart's Grove means parking there is unrealistic. To the front there is parking provision along both sides of Sydney Street, but between 0830h and 2200h on weekdays and 0830h and 1830h on Saturdays this is available only to those residents with permits.
17. The Council considers the proposal before me should be permit-free to prevent the residents parking on Sydney Street during the designated times. The appellant has expressed a willingness to enter into the necessary agreement.
18. Given the size and number of properties there could well be a high demand for parking on Sydney Street. As a result, I accept that the proposal should be permit-free so its residents should not be able to park here. This is because the resulting increase in parking pressures could well cause highway safety issues as drivers search for places along this busy road. However, despite the positions of the parties, there is no mechanism before me to ensure the residents of this scheme would not apply for permits and so I cannot be confident this harm to highway safety would not occur.
19. In assessing this issue I have no reason to consider that there was parking on Sydney Street in connection with the Doctor's surgery, as it was a non-residential use. Furthermore, any future Class D1 use here would also be unable to apply for permits. Whilst the parking requirements such a use generated would have to be satisfied elsewhere, in places that may well not compromise highway safety, they would not exacerbate the parking pressures on Sydney Street. As such, although the building can be used for Class D1 activities, this does not lead me to find the proposal would not cause harm in this regard.
20. Accordingly, I conclude the scheme would exacerbate on-street parking to the detriment of highway safety and in conflict with Policy CT1 in the *Consolidated Local Plan*, which broadly requires new additional residential development housing to be permit-free.

Other matters

21. The significance of this Grade II listed building lies in part in its strong external detailing and its plan form that reflect its construction in the early to mid-19th Century. To my mind neither of these aspects are to be adversely affected by the works before me. The only notable external alteration appears to be the rear rooflight, but as this is to be on a relatively recent flat roofed addition I consider it would not harm the special architectural or historic interest of the building.
22. I am mindful of the state of the listed building, its long period of vacancy, and the benefit to its fabric of bringing it into its optimum viable use. To my mind though these public benefits do not outweigh the harm I have identified above in relation to the effect on highway safety.

Conclusions

23. Accordingly, for the reasons stated I consider the appeal should be dismissed.

J P Sargent

INSPECTOR