
Appeal Decisions

Site visit made on 21 October 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal A Ref: APP/K5600/W/19/3232673

8 Sumner Place, London SW7 3EE

- 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 Helene Theodoly against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/18/06719, dated 22 October 2018, was refused by notice dated 1 May 2019.
 - The development proposed is the erection of replacement two storey rear extension, provision of air conditioning unit and other plant in front basement vaults and internal and external alterations.
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Appeal B Ref: APP/K5600/Y/19/3232678

8 Sumner Place, London SW7 3EE

- 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 Helene Theodoly against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref LB/18/06720, dated 22 October 2018, was refused by notice dated 1 May 2019.
 - The works proposed are the erection of replacement two storey rear extension, provision of air conditioning unit and other plant in front basement vaults and internal and external alterations.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for the erection of replacement two storey rear extension, provision of air conditioning unit and other plant in front basement vaults and internal and external alterations at 8 Sumner Place, London SW7 3EE in accordance with the terms of the application, Ref PP/18/06719, dated 22 October 2018, subject to the attached schedule of conditions.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for the erection of replacement two storey rear extension, provision of air conditioning unit and other plant in front basement vaults and internal and external alterations at 8 Sumner Place, London SW7 3EE in accordance with the terms of the application Ref LB/18/06720, dated 22 October 2018 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matter

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue is whether the proposed works and development would preserve the grade II listed building or any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character and appearance of the Thurloe and Smiths Charity Conservation Area.

Reasons

5. No 8 Sumner Place is a residential dwelling that forms part of a grade II listed terrace (Nos 3-12). The terrace comprises of 3 storey townhouses with basements. In architectural terms, the properties form classical London townhouses with stucco frontages, Ionic porches, balconies and sash windows of different scales with different header treatments which denote a vertical hierarchy of rooms. The rear elevation of the row is modest in its detailing with exposed stock brick and closet wings and reveals the evolution of the terrace over time. In general, the terrace forms a set piece and has a richness and uniformity of architectural details befitting of its grade II status.
6. It is understood that Nos 8-11 used to be a hotel, which was restored after 1995 back into private dwellings. Internally, much of the fabric appears to date from the conversion works and it is understood that the former hotel use had changed the internal layout and the plan form. To the rear there was also an unsightly rear extension to no 8 which was replaced by a 2 storey brick/slate built extension with a glazed link with lead roof and external fire escape. The property backs onto Barnaby Place, a gated area which serves a number of Mansion Blocks and former mews type properties.
7. The site is also located within the Thurloe and Smith's Charity Conservation Area (CA) which is predominantly residential with a large number of terraced properties dating from the Georgian and Victorian periods. While streets vary from each other in terms of architectural style and scale, there is much uniformity and rich detail in individual streets and terraces which contributes positively to the significance of the CA.
8. Consent is sought for a number of works to the property, as summarised in the Design and Access Statement. This includes the reinstatement of the plan form and undoing the use of inappropriate materials (ie uPVC drainpipes). These works are not disputed and having assessed these, I am satisfied that these would enhance the special interest of the building.
9. The works cited by the Council in the reason for refusal relate to the proposed replacement of the 2-storey rear extension. This would be of a similar footprint and scale to the current extension and would have a barrel vaulted roof. The works would involve the lowering of the ground levels by around 1.10m. In terms of materials, the extension would be built between the existing brick boundary walls and would have a zinc/lead roof with timber framed glazing facing into the courtyard.

10. I accept that a barrel vaulted roof form is not found at the listed terrace, nor is it commonplace in the wider CA. However, the overall height of the extension would be reduced in comparison to the existing structure and it would be set back from the rear boundary wall and thus it would be of a subordinate and unassertive form. Zinc also replicates the appearance of lead which is a traditional material and thus I am satisfied that the materials would be subtle and recessive.
11. Unlike the uniformity of the front elevations, the rear elevation of the appeal terrace has more variety in terms of alterations and extensions as part of its evolution over time. I am also mindful that extensions to neighbouring dwellings also take on a variety of roof forms, with roof lanterns in lead cladding, glazed extensions with canted bay roof's, and hipped and gabled extensions. In this regard, such a roof form would not be an incongruous addition to No 8 or the wider terrace and its significance and special interest would be preserved.
12. In terms of the CA, only glimpsed views would be gauged from Barnaby Place and there are limited public vantage points. Views from the rear rooms of other dwellings in the terrace would be gauged of the roof form, but as stated above, this would be in the context of other properties having been extended with their various roof forms. Adjacent trees do make a positive contribution but given the existing footprint of the extension to be replaced and the level differences between the appeal site and the neighbouring trees, roots would not likely to be adversely affected by the extension and excavation. Tree protection measures during construction could also be conditioned. I am therefore satisfied that there would be no harm to the character or appearance of the CA.
13. In addition to the Council's objections to the works, a number of other matters were raised by neighbouring residents relating to the effects upon the listed building. A new heating and air conditioning system is proposed, however, the works to the vaults to facilitate this would in fact be restorative of their original form. This area is also currently used to house electricity boxes etc and thus their integrity would not be compromised.
14. In terms of the plan form at second floor level it is proposed to reorder the internal accommodation and would effectively swap the existing bathroom to the front and the bedroom to the rear. While principal rooms were traditionally found to the front of the property, in my view the switch would not cause any harm to legibility and I consider that the historic plan form would be more closely reflected than the current arrangement. The soil pipe would connect into existing pipework to the rear in the floor void and from the submitted information this can be achieved with no harm to historic fabric.
15. I accept that sound can travel between individual units within terrace properties. But the uses of the second floor rooms are generally low key and noise levels would not materially alter. I therefore consider it unlikely that any sound insulation measures would be required to the listed building as part of this change. Even if such measures were required, these would be subject to a separate listed building consent application and would be considered at that time.
16. Overall, taking into account the particular circumstances and having carefully considered all the evidence, I conclude that the development and works would

preserve the special architectural and historic interest of the grade II listed building and terrace and the character and appearance of the Thurloe and Smiths Charity Conservation Area. Therefore, it would accord with Policies CL3 and CL4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (CLP). Amongst other things, these policies requires any works for alterations or extensions to listed buildings to preserve the heritage significance of the building or any features of special architectural or historic interest and to preserve or enhance the character of appearance of conservation areas including views within conservation areas.

17. The proposal would sustain the significance of the listed building and CA and ensure their conservation as required by the National Planning Policy Framework. It would also preserve the listed building and any features of special architectural or historic interest which it possesses in line with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 Act. It would also preserve the character and appearance of the conservation area in line with Section 72(1) of the same Act.

Other Matters

18. The reduction in floor level would be set away from the foundations of the terrace and any effects would be adequately controlled by separate party wall legislation and building regulation control. While comments have been raised regarding the necessity of excavation works, this would not be a reason to withhold consent in light of my findings, above.
19. The submitted Plant Noise Impact Assessment concludes that the cumulative sound level calculations would not exceed the Council's noise control policy guidance and would be significantly below the lowest observed adverse effect levels as set out in the relevant British Standard and the Framework. I am thus satisfied that plant noise would not cause harm to neighbouring residents.
20. The suggested modifications would therefore not be reasonable. Conditions imposed to ensure that noise emissions shall not exceed background noise levels are standard, precise and thus enforceable and as such residential amenity would be adequately protected.
21. I note the concerns regarding the setting of a precedent for similar development, but I have had regard to the specific circumstances of the site including the consented scheme. Each proposal would need to be assessed on its own merits.
22. The construction process would cause some disruption in terms of noise and disturbance, but would be temporary and could be adequately managed by condition as well as addressed via other regulatory processes if necessary. Therefore, any adverse effects on the living conditions of occupiers of neighbouring properties including Nos 7 and 9 Sumner Place would be limited and would not be unacceptable.
23. Finally, concern was raised regarding a lack of consultation with neighbours, as recommended by the Council's pre-application response. However, while early engagement is good practice, in light of my findings, this concern would not justify withholding consent.

Conditions

24. Conditions on both appeal decisions setting a time limit for the commencement of the extension is necessary for compliance. A condition attached to the Appeal A decision requiring it to be carried out in accordance with the approved plans is necessary for clarity and compliance.
25. It is also necessary to impose conditions on each decision relating to materials and works in order to preserve the special interest of the listed building and the character and appearance of the CA, combining these where necessary to avoid repetition.
26. As expressed above, a condition relating to tree protection measures for Appeal A is necessary for the protection of the character of the CA. Finally, I have imposed conditions on the Appeal A decision relating to noise, for the reasons set out above, as well as for a Construction Transport Management Plan in order to protect highway safety and living conditions of neighbouring residents.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be allowed.

C Searson

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A Ref: APP/K5600/W/19/3232673

- 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:
Site Location Plan; Block/Site Plan; P001 rev.00; P002 rev.00; P003 rev.00; P004 rev.01; P005 rev.00; P006 rev.00; P007 rev.00; P008 rev.00; P009 rev. 00; P010 rev.00; P011 rev.00; P012 rev.00; P013 rev.00; P014 rev.00; P015 rev.00; P016 rev.01; P203 rev.00; P204 rev.00; P300 rev.00; P301 rev.00; P302 rev.00; P303 rev.00; M001 rev.P1; M002 rev.P1; M003 rev.P1; M004 rev.P1; M005 rev.P1.
- 3) Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:
 - a) Details of timber famed glazing to replacement rear infill extension, including 1:20 cross-section, 1:20 elevation and colour/finish;
 - b) Rooflight to replacement rear infill extension;
 - c) Roofing materials to replacement rear infill extension, including roof gutter area;
 - d) Elevation and section of new external lower ground floor doors to retained rear terrace area at a scale of 1:10;
 - e) Elevation and section of all new internal doors at a scale of 1:10; and,
 - f) Positioning of any new recessed lighting.
- 4) All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile.
- 5) All windows, doors and framing hereby granted consent shall be of painted timber and windows shall be single glazed with a bevelled putty finish and no trickle vents, and be so maintained. The new timber louvred doors to the front vaults hereby approved shall be painted black and so maintained.
- 6) 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.

- 7) 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.
- 8) The works shall be implemented in accordance with the Tree protection measures contained in the submitted Report on trees (Ref: TP/8SP_30 November 2018) by Tree Projects.
- 9) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement 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; and
 - j) 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.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

Appeal B Ref: APP/K5600/Y/19/3232678

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:
 - a) Details of timber framed glazing to replacement rear infill extension, including 1:20 cross-section, 1:20 elevation and colour/finish;
 - b) Rooflight to replacement rear infill extension;
 - c) Roofing materials to replacement rear infill extension, including roof gutter area;
 - d) Elevation and section of new external lower ground floor doors to retained rear terrace area at a scale of 1:10;
 - e) Elevation and section of all new internal doors at a scale of 1:10; and,
 - f) Positioning of any new recessed lighting.
- 3) All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile.
- 4) All windows, doors and framing hereby granted consent shall be of painted timber and windows shall be single glazed with a bevelled putty finish and no trickle vents, and be so maintained. The new timber louvred doors to the front vaults hereby approved shall be painted black and so maintained.