
Appeal Decisions

Site visit made on 10 March 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal A: APP/Z5630/W/19/3238067

1 The Keep, Kingston upon Thames KT2 5UF

- 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 Parkview Homes Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/12777/FUL, dated 24 August 2018, was refused by notice dated 13 August 2019.
 - The development proposed is erection of mansard roof extension with installation of front and rear rooflights to provide 2x three bedroom units including relevant works.
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Appeal B: APP/Z5630/Y/19/3238069

1 The Keep, Kingston upon Thames KT2 5UF

- 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 Parkview Homes Ltd against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 18/12778/LBC, dated 24 August 2018, was refused by notice dated 13 August 2019.
 - The works proposed are erection of mansard roof extension with installation of front and rear rooflights to provide 2x three bedroom units including relevant works.
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Decisions

1. I dismiss both appeals.

Main Issues

2. These are;
 - In Appeal A only, the effect of the proposed cycling and bin stores on the residential amenity space of the existing occupants.
 - In both Appeal A and Appeal B, the effect of the proposal on the architectural or historic significance of the listed building and its setting.

Reasons

Residential Amenity Space

3. Policy 7.6 of the London Plan states that buildings should not cause unacceptable harm to the amenity of surrounding land in relation to privacy, overshadowing, wind and microclimate. Core Strategy Policy DM10 seeks good design and to ensure adequate private and/or communal amenity space. Paragraph 124 of the 2019 National Planning Policy Framework states that

good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 requires green spaces and a high standard of amenity for existing and future occupiers.

4. The creation of the additional units brings about a need to further cycle and bin accommodation and the Reason for Refusal alleges that the enlargement and relocation of the stores would compromise the residential amenity space enjoyed by the existing occupants of the Keep building. The appellant has supplied details of the balcony areas to be provided, and the refusal is, as stated, specific to the effect on the existing residents.
5. The cycle store would be an enlargement of an existing structure in the corner of the site, and behind trees or bushes. The effect of the enlargement on useable space is very limited and the visual effect on the amenity of the remaining space is acceptable. The bin store would occupy space more directly accessible at present, but the appellant provides information on the extent of the amenity area which shows that the loss of this small area would be acceptable.
6. The stores are necessary in order to provide for the additional residents and do not adversely affect the amount or quality of the amenity space available, such that the requirements of Policies 7.6 and DM10 together with the Framework would be met.

Listed Building

7. The building is listed Grade II and sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. London Plan Policies 7.4, 7.6 and 7.8 concern local character, architecture and heritage assets, while Core Strategy Policies CS8, DM10, DM11 and DM12 set out requirements respectively for character, design and heritage; design requirements generally; design approach; and development affecting heritage assets. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The building was only listed in 2008 and the listing entry therefore gives a full description of the building's features and history. The reason for listing is given as being one of the few surviving keeps from an important national building programme following an Act of 1872 demonstrating a conscious policy of using architecture as a promotional tool. The building has high historic and social significance, and the architectural significance is in the overall massing along with the detailing of the parapets and towers. The boundary wall is a feature of significance and this extends west after the break for the estate road in front of other apparently military structures now in separate use. The building is within the setting of the listed St Agatha's church to the east, which adjoins that part of the boundary wall.
9. Whilst the setting extends at a high level of significance to the east and west along the road, assisted by the set-back of the building from the footway and the presence of St Agatha's church on the one side and the other former

military buildings on the other, that to the north is adversely affected by the housing estate, although the open space directly behind the appeal building assists in reducing the effect. Nevertheless, the front elevation and three-quarter views of the corner staircase towers imparts a strong presence along the road in both directions.

10. The proposed mansard would rise to a height equal to about half-way up the crenellations of the staircase towers but only rising to that height some distance away from them. The mansard would wrap around the rear of the central gatehouse tower with a small back-gutter at that point. The roof would be set back from all other battlemented walls. The central tower would be a bedroom for the eastern unit whilst the western unit would extend slightly past the centreline to accommodate three bedrooms, one being a single. Both units would have outdoor balconies to the rear, where the architectural significance is less and the presence of the glazed balustrade and the use as amenity space would be acceptable. Rooflights would be placed to the front and rear slopes.
11. Having mind to the low profile of the proposed mansard and the dark slates for the finish, together with the present mineral felt roof having no historic significance, the mansard would not harm the robust military massing of the building or its detailing. The roof would not be seen from ground level directly in front of the building on Kings Road, where the symmetry of the gatehouse and the silhouette of the roofline would remain visually unaltered, and whilst the intervention would be plainly seen from the open ground on the estate to the rear, the effect would be acceptable.
12. To the east and west the mansard would be seen, but again the low profile and dark finish would lessen the effect and the dominant material of brick and the detailing of the parapet would remain the predominant feature of the building with the mansard a recessive element. The lack of rooflights on the end slopes assists greatly in the success of the scheme in those views.
13. Of the items specifically identified in the Reasons for Refusal, that leaves the matter of the entrance arrangements for the proposed 2 new flats.
14. It appears from the Design Evolution section of the Design and Access Statement that some form of external access between the staircase towers and the new units was an early decision, and that this would be mirrored so that each of the two units had its own access. A view of the corridor on the floor below indicated only a short internal length before the flat doors were reached, and this together with the mansard being set-in on all sides would apparently prevent a further internal stair gaining access into the mansard.
15. After various design iterations, the appeal proposal shown on the Revision 'C' drawings is a fully glazed box that links to the staircase tower at a level just above the door and below the stepping out of the crenellations, and staying at that level over a distance before rising to allow headroom over 4 steps up to the floor level of the flats. The box would turn to meet the slope of the mansard and gain access to the corridor running along the south side of each unit. The box would be located to the rear of the parapet gutter and hence close to the rear of the parapet itself. The highest part of the flat-roofed box would be just below that of the top flat roof of the mansard.
16. The glazed structure would be highly visible in the three-quarter views previously described, albeit filtered by tree along the frontage to either side,

and would disrupt the robust military lines and profile of the building, through being mirror glazed, too close to the rear of the parapet and extending along that silhouetted feature for something in the order of 3.5m, the step in the roofline appearing contrived and emphasising the height of the main part. The three-quarter view from the rear, whilst more adversely affected by the housing estate, would show an awkward junction of the glazing and the slope, further emphasising the degree to which the box juts-out from the mansard and becomes visually confused with the solid masonry. The use of lightweight and completely different materials does not overcome this harmful appearance of an incongruous addition.

17. The appellant has supplied images of glazed structures on historic buildings and as a design solution that can be an acceptable way of adding volume, the expanse of glazing in some cases merging with the sky. The somewhat fussy and convoluted form of the glass boxes in this case do not share that acceptable appearance and the effect in this case is of an alien item placed in too close a proximity to the features of historic and architectural significance.
18. This element of the proposal would cause harm to the significance of the listed building and its setting, along with harm to the setting of the nearby listed church. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
19. The Council is unable to demonstrate a five-year supply of housing land and the proposal is for 2 additional units in a reasonably accessible location; having a Public Transport Accessibility Level of 1b and further bus services and the main railway station and town centre are not far away either. Whilst the presumption in favour of sustainable development in paragraph 11 of the Framework is engaged, footnote 6 includes policies with regard to designated heritage assets in the list relating to paragraph 11.d)i. The finding of the analysis above is that applying the policies of the framework that protect such designated heritage assets leads to the conclusion that the proposal would not protect the listed buildings, which should be afforded great weight.

Conclusions

20. Although the provision of amenity space is acceptable as is the effect of the mansard alone, the access arrangements would cause harm to the architectural and historic interest of the building and its setting, along with that of the listed St Agatha's church. The proposal would fail the tests in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with the aims of Policies 7.4, 7.6, 7.8, CS8, DM10, DM11 and DM12 with regard to the preservation of listed buildings and their setting and hence does not reach the standard sought in the Framework on that subject. The benefits of providing additional housing in an area where the assessed need is not being met do not outweigh the harm. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR