



Appeal Decision

Site visit made on 4 December 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/K5600/D/20/3255509

4 Durham Place, Chelsea, London SW3 4ET

- 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 Arjomand against the decision of the Royal London Borough of Kensington and Chelsea.
 - The application Ref PP/20/00354, dated 13 January 2020, was refused by notice dated 20 May 2020.
 - The development proposed is the demolition of existing three-storey rear extension and roof terrace and replacement with a three-storey stepped rear extension with roof terraces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, a scaffold was in situ over the rear of the existing dwelling at the appeal site. Despite the positioning of the scaffold, together with my site visit and the submitted photographs in the appeal documents, I was still able to experience the context of the site and the locality in order to make an assessment of the proposed scheme. I have therefore made my decision on this basis.
3. Nos. 1-7 (consecutive) Durham Place which includes the appeal site is a single terrace. At the time of my site visit, Nos. 2 & 3 (which adjoin the appeal site) had collapsed and have since been demolished. Despite this, I have treated the appeal on the basis that the appeal site forms part of a complete terrace of dwellings.
4. The Council note that there are two existing planning permissions¹ which cover most of the development proposed under this application, such as the demolition of the existing three storey extension, and extension of a two storey rear extension with roof terrace in its place. The main difference with the proposed scheme is an additional storey to the rear extension that extends from the first floor level. The first floor rear extension is the only matter in dispute and I shall therefore make my decision only on this element.

Main Issue

5. On the basis of the above, the main issue is the effect of the first floor extension upon the character and appearance of the existing building and the locality; with particular regard to the Royal Hospital Conservation Area (CA).

¹ Kensington and Chelsea Council Planning Refs: PP/18/04859 and PP/19/01809

Reasons

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
7. The Royal Hospital CA is focused around the Royal Hospital and its grounds as well as surrounding residential development. A number of components make up the CA such as a variance in building styles, such as the more formal and laid out squares and Georgian and Victorian building stock which have a higher status in their design and layout, particularly those such as the appeal site which fronts Burton Court which lies within the grounds of the former Royal Hospital. The status of dwellings surrounding the Royal Hospital is illustrated by their formal layout in blocks with an overall height of three to five stories and greater ornamentation in their design with materials which are largely authentic to their historic origins, form and function.
8. The appeal site forms the central dwelling to a terrace of originally 7 dwellings. The entire terrace is 17 bays wide, three storeys tall and Georgian in style. The overall terrace presents as a formal and symmetrical composition that is set back from the road edge, adding to its status. As the appeal site is central to the composition of the terrace, it has a large portico instead of parapet which has a date stone of 1790, however it is understood that the front façade was refaced in the nineteenth century. To the rear of the terrace the original composition was also focussed upon the appeal site as unlike the neighbouring properties of the terrace which have a flush wall, the appeal site has a curved rear wall. Unfortunately, a three storey flat roofed wing has been constructed to the rear of the appeal site during the twentieth century which detracts and unbalances the architectural integrity and authenticity of the terrace.
9. The Council in determining the previously approved application for a two storey rear extension found that harm was caused to the CA as a result of the proposed extension. However, the demolition of the unsympathetic rear wing was utilised within the balancing exercise as part of the public benefit to justify the harm caused by the proposed development which consisted of a large two storey extension which takes up the entire width of the existing dwelling at lower ground and ground floor levels. As such, this appeal relates to the balancing exercise undertaken as a result of harm caused by the proposed development; and whether this harm caused is clearly outweighed by the public benefits of the proposal which requires to be reassessed with the additional first floor rear extension.
10. The proposed extension would mean that instead of the walls to the rear of the lower ground floor and ground floor being lost, that the historic fabric of the first floor would also be lost. The proposed first floor would be stepped back from the extensions below, and maintain a curved wall with short flank walls to neighbouring properties. Whilst there has been some attempt to reduce the massing and visual bulk of the proposed extension, the proposal with its stepped façade does over-complicate the very symmetrical façade giving an awkward juxtaposition that interferes with the rhythm and character of the host building and nearby buildings. In my opinion the increase in height and width is significant and would exacerbate the harm caused to the appeal

building's legibility, historic fabric and its architectural integrity and authenticity; individually and as part of the rhythm of the terrace overall.

11. I note comments within the applicant's Statement of Case with regards to three to five storey extensions present on 1-13 Ralston Street and 1-9 Tedworth Square, as justification for the proposed scheme at the appeal site. Whilst I have not been presented details of each of these extensions, these buildings are taller than the terrace at Durham Place and are not highly comparable or analogous in terms of their formal composition and design.
12. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the National Planning Policy Framework (The Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
13. No additional public benefits have been put forward within the applicant's statement, other than those utilised within the last application which centres upon the removal of an existing 3 storey wing which I agree is a detrimental feature where its removal would be a public benefit along with the improvement in outlook to adjacent properties. I also note benefits such as making the effective use of urban land by upwards extensions which seek to optimise existing habitable accommodation; short term employment opportunities through the construction of the extension; which I have also afforded as part of the public benefits to be balanced against the harm caused to the CA.
14. However, in terms of the proposed first floor extension which accentuates the harm caused; the overall public benefits secured as part of the previously consented scheme would be reduced by the proposed first floor extension. In my view, the public benefits would no longer clearly outweigh the less than substantial harm caused to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
15. Consequently, the proposed scheme would not reinforce the qualities of local character and distinctiveness and would be harmful to the character and appearance of the CA. This would be contrary to the Kensington and Chelsea Local Plan 2019 (LP) Policy CL1 (which seeks that development respond to the local context and contribute positively to the townscape through architecture and urban form); Policy CL2 of the LP (which seeks that development is of the highest architectural design to improve the quality and character of buildings); Policy CL3 of the LP (which seeks that development preserve and enhance the character and appearance of CAs); Policy CL6 (which seeks that alterations takes into account the existing building, the townscape and appearance of the area); Policy CL9 of the LP (which seeks that extensions reinforce the character and integrity of the building particularly with regards to height, setback and rhythm of rear extensions); and Policy CL11 of the LP (which seeks that development protect and enhance views, gaps, and the skyline which contribute to the character and quality of the area).

16. In conclusion on this matter, I consider the proposed development would cause unacceptable harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Conclusion

17. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR