
Appeal Decision

Site visit made on 6 May 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/K5600/D/20/3259309

57 Clarendon Road, London W11 4JD

- 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 Alex Michelin against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/03138, dated 11 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is described as 'Retention of front and side façade and boundary walls and demolition and rebuilding of the remaining structure behind, to enable an easier construction of the approved works granted under planning permission PP/19/04954'.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of front and side façade and boundary walls and demolition and rebuilding of the remaining structure behind, to enable an easier construction of the approved works granted under planning permission PP/19/04954 at 57 Clarendon Road, London W11 4JD in accordance with the terms of the application, Ref PP/20/03138, dated 11 June 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of 57 Clarendon Road with particular reference to whether the proposal would preserve or enhance the character or appearance of the Ladbroke Conservation Area.

Reasons

3. The Ladbroke Conservation Area (CA) covers a predominantly residential area largely developed in the early-mid 19th century. Its significance is primarily derived from the quality of the townscape. There is some variation in building types, but a significant proportion are arranged as terraces or semi-detached villa pairs and triplets. The layout is ordered with the careful placement of buildings relative to green space. Particular interest is derived from the decorative architectural detailing on buildings which typically includes parapet roofs, porches, string courses and traditional windows and doors with decorative surrounds. These add to the richness of the area's distinctive

character and appearance. I am mindful of my statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

4. 57 Clarendon Road is a traditional Victorian semi-detached house adjoined to 59 Clarendon Road. Together they form a pair of villas in an Italianate style, constructed in stock brick with stucco details. This includes an attractive portico, window surrounds, cornice and modillions on its most public elevation. The Ladbroke Conservation Area Appraisal, October 2015 refers to Clarendon Road as containing the longest row of semi-detached villas in the CA. As such, the form and appearance of the appeal building is generally typical of villas found in the street and on that basis, it makes a positive contribution to the character and appearance of the CA.
5. Planning permissions² exist for a basement extension, a dormer window and to demolish the detached garage, side extension, rear conservatory and terrace in order to build a single storey side extension. This also permitted various other alterations to the property including amendments to the rear fenestration. These extant permissions are relevant to my determination and based on the statement of the appellant, are likely to go ahead irrespective of the outcome of this appeal.
6. The proposal seeks permission for works that would enable more simplified construction of approved works granted under planning permission PP/19/04954. This would involve a greater degree of demolition of the side and rear facades than previously permitted as well as the replacement of the roof. Essentially, the parties disagree on the impact the additional works proposed would have on No.57 and the significance of the CA.
7. A comparison between the approved and proposed elevational plans indicates that the resulting form of the structure would be similar to works already approved even though this would necessitate a greater degree of new building fabric³. The parties agree that the roof is not readily visible from the street or neighbouring properties due to its shallow pitch. Accordingly, its replacement in similar materials would not alter or harm the appearance of No.57. Rebuilding the relevant parts of the side and rear elevations would reuse existing bricks where possible and otherwise use bricks that match.
8. The Council are doubtful that given the weathered patina of the aged brickwork that successful matching could be achieved. However, the evidence⁴ provided illustrates several examples of how brick tinting and soot washing can precisely match aged brickwork. On that basis, planning conditions requiring sample panels and the careful selection and treatment of materials could be employed to avoid a jarring and harmful contrast between old and new.
9. Furthermore, having regard to the Heritage Statement⁵ and my own observations, the significance of the building is primarily derived from the principal decorative elevation which is also the most public. This would remain largely intact. The side and rear elevations of the building are less visible and

¹ Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990

² Planning references PP/13/05402 granted 17.1.14, PP/20/00195 granted 4.3.20 and PP/19/04954 granted 6.9.19

³ Figures 19 and 20, Appellant's Statement of Case

⁴ Figures 10-16, Appellant's Statement of Case

⁵ Heritage Statement prepared by Stephen Levrant Heritage Architecture Ltd, May 2020

therefore, are less sensitive. Nevertheless, the proposed side and rear elevations would respect the architectural style of No.57 and important qualities of the CA. Hence, glimpses of the side elevation from the road would appear like works already approved. Similarly, the proposed rear elevation would replicate features and materials at the existing property and No.59 and so would appear consistent and in keeping. As such, no harm would be discernible in private views from properties in Portland Road.

10. Although there would be no harm to the appearance of the CA, I have considered whether historic building fabric at the property is intrinsic to the character of the CA such that its loss or replacement with newer fabric would be harmful. The Council assert that the proposal constitutes façade retention and that the use of new materials could result in the building looking like a stage set rather than one with a long history. However, the historic maps contained in the Heritage Statement reveal that successive changes have been made over the building's lifetime reflecting how the dwelling has evolved to meet changing residential habits and standards. This forms part of its character.
11. To my mind, the proposal comprises the next chapter in the history of the residential use of the building, whilst preserving its positive contribution to the CA as a whole. My view is reinforced by the findings of the Heritage Statement⁶ which concluded that the alterations would have a negligible impact on the CA and cause no harm to its significance. Given the absence of harm resulting from the proposal, it follows that there is no need to undertake the balancing exercise set out in paragraph 196 of the National Planning Policy Framework (the Framework) triggered in the event that development leads to less than substantial harm to the significance of a designated heritage asset.
12. Similarly, the weighing up of harm against any public benefit outlined in the supporting text of paragraph 22.3.22 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP) would not be applicable. This refers to the potential for irreversible damage to townscape caused by the partial or full demolition of a heritage asset.
13. My attention is drawn to policy CL3(c) of the LP which seeks to resist substantial demolition in conservation areas save for specified exceptions. The scenarios permitted do not expressly cover a situation where no harm would result to the CA. Moreover, it appears to relate to demolition in isolation rather than as part of a wider development proposal involving rebuilding. As such, the wording of this part of policy CL3 is not a precise fit with the circumstances of the scheme before me. However, I am satisfied that the proposal reasonably accords with policy CL3(a) of the LP which requires development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.
14. Accordingly, I find that the proposal would not result in harm to the character and appearance of 57 Clarendon Road and would preserve the character and appearance of the CA. Therefore, I find no conflict with policies CL1, CL2, CL3, CL8, CL9 and CL11 of the LP, which amongst other things and in combination, seek to conserve and enhance the quality of the context and historic environment.

⁶ Paragraph 8.3

Conditions

15. The three-year period in which the planning permission may be implemented is a statutory requirement. I also consider that it is necessary to specify the plans that are approved, and that the development shall be undertaken in accordance with these, as this provides certainty. However, given the error pointed out by the appellant⁷, I have omitted the first floor demolition plan from the list as it would not correlate with the demolition plan for the elevations. Notwithstanding this I am satisfied that sufficient information is included in the remaining plans to provide certainty.
16. The Council generally indicate that historic contaminated land issues have recently come to light that may affect the appeal site but few details are given. Nevertheless, given the residential use of the site there could be harm to human health. Therefore, it is reasonable to require an assessment of risk, and remediation and verification where justified. The initial assessment should be carried out prior to the commencement of development in order to minimise health risks. I have imposed an amalgamated condition to this end, which is more proportionate to the modest scale of the proposal than the conditions suggested by the Council.
17. Given the proximity to other residents, it is reasonable that a site construction management plan is established to prevent unacceptable disturbance to living conditions. As this covers the period of construction, to be effective it will need to be agreed prior to the commencement of works.
18. Conditions are imposed to ensure that the resulting development is of the necessary quality to preserve the character and appearance of the CA. This includes details of finishes and materials for the brickwork, roof, dormer, railings, fenestration and rooflight. With respect to new and replacement windows it is necessary to ensure large scale details are agreed. Additionally, the Council's suggested condition required a white painted finish to external doors and windows. However, I have amended the wording to allow a colour to be agreed as some of the existing windows and doors at Nos. 57 and 59 are painted black. I have also required a landscaping scheme to be agreed as the relationship of buildings to green spaces forms part of the significance of the CA. As this condition also seeks to ensure that existing trees close to the development are adequately protected, it is necessary to agree the details prior to construction works commencing to avoid potentially irreversible harm to them.
19. The Council suggested a condition to agree site drainage details and a further pre-commencement condition to agree a sustainable drainage systems strategy, which would be likely to result in some duplication. Cognisant of the modest scale of the proposal and to ensure appropriate drainage is achieved, I have imposed a condition requiring the agreement of drainage details prior to the relevant part of the works commencing and its subsequent implementation. In addition, to reduce flood risk hard surfacing in the development is required to be constructed using porous materials.
20. Finally, a detailed condition to require a construction traffic management plan to be agreed prior to the commencement of development was suggested by the Council. Planning Practice Guidance (PPG) advises that such pre-

⁷ Paragraph 4.4, Appellant's Statement of Case

commencement conditions should only be used where they are so fundamental to the development permitted it would have been otherwise necessary to refuse the whole permission. There is little evidence provided to show that the relatively modest scale of the development would generate effects that would have a severe impact on the road network. Nor is there evidence to explain why a general site construction management plan would not suffice to adequately protect the living conditions of nearby residents. Therefore, it would be disproportionate to impose such a condition in these circumstances. As it would not meet the tests set out in the Framework or the PPG, I have not imposed it.

Conclusion

21. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of Conditions

- 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: Location plan, number 57CR/PL/001; Proposed GF Plan, Retained and Renewal of Facades and Structures, number 300 01; Proposed LGF Plan, Retained and Renewal of Facades and Structures 310 02 DA; Proposed 1F & 2FL Plans, Retained and Renewal of Facades and Structures number 300 03 (except for the Demolition Plan – First Floor detailed); Proposed Attic and Roof Plan, Retained and Renewal of Facades and Structures, number 300 04; Proposed front elevation, Retained and Renewal of Facades and Structures, number 300 05; Proposed rear elevation, Retained and Renewal of Facades and Structures, number 300 06; Proposed side elevation, Retained and Renewal of Facades and Structures, number 300 07; Proposed Ground Floor Plan, number 310_0_000; Proposed Lower Ground Floor Plan, number 310_01_000; Proposed Basement Plan, number 310_02_000; Proposed First Plan, number 310_1_000; Proposed Second Floor Plan, number 310_2_3_000; Proposed Attic Floor Plan, number 310_3_000; Proposed Roof Plan, number 310_4_000; Approved Front Elevation, number 305_01; Approved Side Elevation, number 305_02 and Approved Rear Elevation, number 305_03.
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until an Appendix A Checklist and Site Construction Management Plan (SCMP) for the development has been agreed in writing by the Council's Construction Management Team, and copies of the approved documents and approval have been forwarded to the local planning authority. The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of

- landscaping. The scheme shall include a timescale for planting and indications of all existing trees on and adjacent to the land, identify those to be retained and set out measures for their protection throughout the course of development. The development shall be carried out in accordance with the details and timescale so approved.
- 6) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
 - 7) Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced. The sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved
 - 8) The railings to the roof terrace shall be painted black, and so maintained.
 - 9) External windows and doors hereby permitted shall be timber framed and painted, with the windows being double hung, sliding sashes, painted in a colour previously agreed in writing by the local planning authority, and so maintained.
 - 10) The roof slopes of the permitted development shall be clad in natural slates, and so maintained.
 - 11) The cheeks of the dormer windows shall be clad in lead and be so maintained.
 - 12) The rooflight in the side elevation in drawing number 305_02 shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.
 - 13) Full particulars of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the works is undertaken and the development shall not be completed otherwise than in accordance with the details so approved:
 - (a) Site drainage details;
 - (b) Detailed drawings at a scale of 1:10 of all new and replacement double glazing to include sections and elevations, existing (where relevant) and proposed.
 - 14) All hard surfacing in the development shall be constructed using porous materials and so maintained thereafter. If any permeable surfaces are removed, they will need to be replaced with permeable surfaces again.