



Appeal Decisions

Site Visit made on 13 July 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021

Appeal A Ref: APP/K5600/W/20/3264943

Flat 4, 50 Holland Park, London W11 3RS

- 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 Mrs Federica Gosio against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref: PP/20/01888, dated 3 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is erection of single storey rear extension to second floor terrace; installation of new French doors giving access to terrace; and addition of roof lantern.
-

Appeal B Ref: APP/K5600/Y/20/3264946

Flat 4, 50 Holland Park, London W11 3RS

- 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 Mrs Federica Gosio against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref: LB/20/01890, dated 3 March 2020, was refused by notice dated 11 June 2020.
 - The works proposed are erection of single storey rear extension to second floor terrace; installation of new French doors giving access to terrace; and addition of roof lantern.
-

Decisions

1. **Appeal A** and **Appeal B** are dismissed.

Preliminary Matters

2. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
3. Following the determination of the applications and during the course of the appeals, the London Plan (the LP 2021) was formally adopted in March 2021 and a revised version of the National Planning Policy Framework (the revised Framework) was published on 20 July 2021. The LP 2021 replaces the London Plan 2016 and the revised Framework replaces the 2019 version. The main parties have been given the opportunity to comment on the implications of these changes for the appeals. I have had regard to any responses received in my determination of the appeals and my decisions are made in the context of the LP 2021 and the revised Framework. I am satisfied that no parties' interests have been prejudiced by this approach.
4. The description of the development and works used in the banner headings above is taken from the Council's decision notices and the appellant's appeal

forms. It concisely and accurately describes the proposal instead of the much longer and detailed description given on the application form¹.

5. In the submitted evidence the appellant refers to the property being part of a listed terrace, 46-52 Holland Park (NGR:TQ2473180299). However, it has been confirmed that this listing relates to 46-52 Holland Park Avenue and that it was included in error. Consequently, I have not taken it into consideration in my determination of the appeals proposal.

Main Issues

6. The main issues are whether the proposal would i) preserve the special interest of the Grade II listed building, 50 Holland Park; and ii) preserve or enhance the character or appearance of the Holland Park Conservation Area.

Reasons

Special interest and significance

7. The appeals site relates to Flat 4, 50 Holland Park, that forms part of a Grade II listed building known as 50 Holland Park (No 50), and which is located within the Holland Park Conservation Area (the HPCA). Flat 4 occupies the second, third and top mansard floors and shares 50 Holland Park with flats 1-3 on the lower floors.
8. Dating from 1862 and designed by Francis Radford, No 50 is an impressive three bay, three-storey with attic and basement, detached villa, in an Italianate style. It is constructed of brick with a stuccoed front and rear. The building is an integral element of the northern section of the planned Holland Park estate.
9. On the whole, the front of No 50 has maintained its aesthetically pleasing symmetry and splendour. However, the submitted evidence confirms that the building's rear elevation and interior have been considerably altered over time. These changes include extensions at ground and first floor levels and the building's internal sub-division and remodelling to create flats.
10. From the evidence before me, the special interest and significance of the listed building are largely derived from its historic and architectural interests. Its historic interest principally relates to its age; illustration of mid-19th century domestic architecture, being part of the planned Holland Park estate; and associations with Francis Radford. The building's architectural interest mainly relates to the rich detail and satisfying symmetry of its handsome frontage as well as the notable contribution it makes to the harmonious composition of the wider townscape.
11. In so far as it relates to the appeals, the building's special interest and significance are primarily associated with its surviving historic fabric, legibility of its extant original plan-form and discernability of the vertical architectural hierarchy of its front and rear elevations.

¹ The proposal is for the addition of a single storey rear extension to the second floor terrace of the property. The new volume is designed to be subservient to the main building and in keeping with the character of the local Conservation area. The external walls are finished with render to match the colour and the texture of the existing building. The new french doors giving access to the terrace, are white timber frame like the existing. The roof lantern is also matching other extensions added to the neighbouring properties. In order to minimise any potential impact on the fabric of the existing building, the proposal considers the use of a light weight timber structure. This will seat directly on the existing finished floor level of the terrace and the new timber slab of the extension will be suspended above it.

12. The appeals property is also located within the HPCA. The Council's Conservation Area Appraisal for the HPCA (the CAA) states that the area centres on Holland House, its parkland and the speculative residential development around it. This includes Holland Park, comprising three streets of detached, but closely spaced, highly decorated stuccoed houses with a mews running between them². Holland Park, and No 50 within it, plays an important role in the historic development of the area in the mid-late 19th century and augments the aesthetic quality and charm of the area's townscape. For these reasons, No 50 contributes positively to the character and appearance of the HPCA as a whole and thereby to its significance as a designated heritage asset.

Appeals proposal

13. The appeals proposal comprises an extension of approximately 9.4m² at the rear of No 50 on the existing second-floor terrace. It would have a timber frame construction, which would be suspended above the floor level of the terrace, with a white render finish, lantern rooflight and French doors to access the terrace. It would also involve the widening of the existing opening onto the terrace and the installation of an additional step up into the extension.

Effects of the appeals proposal- Listed building and Holland Park Conservation Area

14. Paragraph 199 of the revised Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
15. No 50, and Flat 4 within it, has evidently been the subject of extensive internal alteration³, which has compromised the building's heritage merit to a degree. Nevertheless, this does not vindicate the further loss of historic fabric. Indeed, given the extent of change within the building, the historic fabric which survives holds greater value.
16. The section of wall proposed to be removed is minimal and possesses no features of architectural interest. Nevertheless, from the evidence before me, it is historic fabric and the works would result in its permanent loss which, in itself, would be harmful. Moreover, given that an opening already exists which would provide adequate access from the flat into the extension, the works would also be unnecessary.
17. Externally, the rear of the building has also been the subject of intervention and change. Indeed, the addition forming the terrace onto which the extension would sit is itself a 20th century development. However, previous interventions do not, of themselves, justify further alterations to the elevation.
18. The extension would be of lightweight construction, subservient in size and scale and architecturally subordinate to the host property. Furthermore, it would not project beyond the rear building line or rise above the original eaves or parapet of the host property or any adjacent properties. However, the proposal would introduce solid built form at second floor level, which would be

² Holland Park Conservation Area Appraisal, 2017 (sections 1.6 and 1.7).

³ Application Ref: LB/04/00855 (2004); Application Refs: LB/13/05657 & PP/13/05656 (2013); and Application Ref: LB/03/01303/CLBA (2013).

contrary to the prevailing position of this type of structure on the rear elevations of listed buildings within the locale. As such, it would be an unusual elevated addition on No 50's rear elevation, which would weaken this façade's vertical architectural hierarchy and contribute to the piecemeal erosion of the building's heritage interests.

19. Although the extension's external finish would mitigate its presence to a degree, this would not be sufficient to overcome the fundamental objection to its second floor position on the rear elevation.
20. There are no specific policies or design guidance within the Royal Borough of Kensington and Chelsea Local Plan 2019 (the Local Plan) which cite a presumption against additions to buildings within Holland Park at second or third storey levels. Nonetheless, I am satisfied that this is addressed under the general requirement for development and works to preserve the significance of heritage assets and respond to its local context as contained within the Policies CL1, CL2, CL3, CL4, CL6 and CL9 of the Local Plan.
21. I am mindful that, as stressed by the appellant, the property is Grade II listed, not Grade I or Grade II*; that the rear elevation is not referred to in the listed building description; and that the rear of the building is not visible from public routes. Even so, it is still a building which has been identified as being of special interest and worthy of inclusion on the national statutory list. Furthermore, listed building descriptions are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. The lack of inclusion of the rear elevation does not attest to its lack of significance when considering the building as a whole. Also, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building, or parts of it, can be gained.
22. Sections 3.107-3.114 of the CAA highlight the important contribution that rear elevations make to the historic and architectural character and appearance of the HPCA. Section 3.109 specifically refers to the grandest rear elevations in the HPCA being those to the Holland Park houses by Francis Radford.
23. The dilution of the overall uniformity of the rear elevations within this part of the HPCA is acknowledged. Nevertheless, as stated above, the rear elevations of the properties are generally consistent in not possessing extensions or additions above ground and first floor levels.
24. The rear elevation of the appeals property is not conspicuous from public routes within the surrounding area. As such, when combined with the modest scale and use of matching materials, the proposal would not be unduly prominent from the public domain within the HPCA. Nevertheless, given the pattern of development within the area and the proposal's elevated position, it would be highly visible from the private domain. This departure from a townscape characteristic within the area and the visibility of the extension, albeit from other properties, would have a harmful effect on the character and appearance of the HPCA as a whole.
25. Consequently, I find that the proposal would harm the special interest and significance of the designated heritage assets of 50 Holland Park and the HPCA without clear and convincing justification.

Public benefits and heritage balance

26. With reference to Paragraphs 201 and 202 of the revised Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the limited extent and localised nature of the development and works relative to the building as a whole and the HPCA, I find the harm to these heritage assets to be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal.
27. The appellant contends that any harm to the significance of the designated heritage assets would be negligible or 'de minimis' and therefore Paragraph 202 of the revised Framework is not engaged. Nonetheless, the appellant cites benefits accruing from the proposal in the form of the provision of a bright and light room that can be used throughout the year, along with a potential reduction in noise disturbance to occupiers of neighbouring properties.
28. Given the nature and scale of the proposal and mindful of what is stated to constitute a public benefit within the Planning Practice Guidance⁴, it would be reasonable to say that any public benefit flowing to the general public at large from the extension would be minimal. The works would principally be of private benefit to existing and future occupiers of the flat in providing additional accommodation.
29. In addition, there is no substantive evidence before me which confirms that the current use of the terrace as an outdoor space is giving rise to harmful effects on the living conditions of neighbours in terms of noise disturbance, for the proposal to have a beneficial impact in this way. As such, the benefits cited carry little weight in favour of the appeals.
30. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh the harm found.
31. Drawing all of the above together, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building, 50 Holland Park; and would neither preserve nor enhance the character or appearance of the HPCA. As such, the proposal would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and paragraphs 197, 199 and 200 of the revised Framework.
32. The proposal would also not accord with Policies CL1, CL2, CL3, CL4, CL6, CL9 and CL11 of the Local Plan which, together and amongst other things, require that all development respects the character and appearance of its context; is of the highest architectural and urban design quality; preserves or enhances the character or appearance of conservation areas; protects the heritage significance of listed buildings; does not harm the existing character and appearance of the building and its context; and preserves or enhances

⁴ Planning Practice Guidance Paragraph: 020 Reference ID: 18a-020-20190723.

views into and out of conservation areas. As a result, the proposal would not be in accordance with the development plan.

Other Matters

33. In support of the appeals my attention has been drawn to several examples of extensions to the rear of properties within the Holland Park area. Whilst there may be additions of various sizes and forms to the rear of buildings within the immediate area, from the submitted information and my observations on site, none of them are located at second floor level. As such, they are not directly comparable to the appeals before me.
34. Moreover, I do not have the full details or circumstances that led to any of the additions referred to being accepted. This severely limits the weight I can attach to them in my consideration of the appeals proposal. In any event, the fact that apparently similar extensions exist at lower levels is not, in itself, a reason to allow unacceptable development and works. I have considered the appeals proposal on its own merits and found that it would cause harm as described above.

Conclusion

35. For the reasons given above, I conclude that the proposal would harm the special interest and significance of the designated heritage assets of 50 Holland Park and the HPCA. There are no other considerations or substantiated public benefits that would outweigh this harm. The proposal would therefore fail to satisfy the requirements of the Act, the revised Framework and the development plan. Accordingly, **Appeal A** and **Appeal B** are dismissed.

F Cullen

INSPECTOR