



Appeal Decisions

Site Visit made on 11 October 2021

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal A Ref: APP/K5600/W/21/3271627

40 Christchurch Street, LONDON, SW3 4AR

- 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 Dr W Walker against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/05160, dated 16 September 2020, was refused by notice dated 5 February 2021.
 - The development proposed is First floor extension to rear elevation with pitched roof.
-

Appeal B Ref: APP/K5600/Y/21/3271629

40 Christchurch Street, LONDON, SW3 4AR

- 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 Dr W Walker against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref LB/20/05161, dated 16 September 2020, was refused by notice dated 5 February 2021.
 - The works proposed are First floor extension to rear elevation with pitched roof.
-

Decision Appeal A Ref: APP/K5600/W/21/3271627

1. The appeal is dismissed.

Decision Appeal B Ref: APP/K5600/Y/21/3271629

2. The appeal is dismissed.

Main Issues

3. The main issues in this appeal are firstly, whether the proposed development would preserve the listed building or any features of special architectural or historic interest that it possesses and, secondly, whether it would preserve or enhance the character or appearance of the Royal Hospital Conservation Area.

Reasons

Special interest and significance

4. No.40 Christchurch Street, a Grade II Listed Building, forms part of a terrace of early nineteenth century Georgian properties within an attractive street of mainly former artisan houses that is bounded by Christ Church and Christ Church School at the one end and The Surprise PH on the other and having an appearance of a small neighbourhood complete in itself. The terraced houses on the northwest side of Christchurch Street are attractive modest three-storey houses of relatively uniform style that are one-window wide incorporating

banded stucco at ground floor with the remainder of exposed London brick. Other key features of the frontage include door reveals set within pilaster surrounds with transom lights over and windows encased in decorative architrave surrounds. To the rear, a number of properties, including the appeal site, have full width extensions at ground floor with half width extensions at first floor. Therein lies the key attributes of the special interest and significance of the building and group.

5. The Royal Hospital Conservation Area (RHCA) containing the elegant and historic Royal Hospital at its heart with its extensive gardens consists of both grand and modest residential terraces having a distinctly uniform texture of materials that give the area a characterful coherence and architectural harmony. This is certainly true of Christchurch Street which makes a positive contribution to the special interest and significance of the RHCA.

The proposals

6. The proposals are for the construction of a pitched roof first floor extension that would infill the area between the present two storey extension and that of its neighbour and extend some 810mm above the parapet of the proposed extension, which according to the appellant would provide the necessary headroom and consequently, a more commodious internal arrangement. The extension would occupy the area currently accommodating a first-floor balcony set between the two existing extensions. A new Georgian style window designed to complement the existing pattern of fenestration would be provided. In creating this extension, the proposals would see the demolition of a section of the rear wall at first floor level and changes to the existing floorplan, including the removal of the small landing from the staircase and a general opening up of the space to be created.

Effect on the special interest of the building

7. It is the case that the proposals would see the loss of historic fabric and a fundamental change in the historic planform at the back of the Listed Building, which would result in an unacceptable loss of historic features. Moreover, the degree of harm would be significantly compounded by the infill extension which would represent an incongruous and uncharacteristic alteration to the rear. In my judgement, the extension would breach the architectural convention that occurs in a reasonably consistent form to the rear of this particular terrace.
8. Such outcomes would cause significant harm to the special interest of the listed building, so failing to preserve it, contrary to the expectations of the Act, the desirability of which has been affirmed by the Courts as a matter of considerable importance and weight for the decision maker to measure in the planning balance. For the same reasons, the proposals would be contrary to the expectations of paragraph 199 of the National Planning Policy Framework (the Framework), which anticipates great weight being given to the conservation of designated heritage assets. Also, for the same reasons they would conflict with development plan policies that seek to underpin these national statutory and policy objectives.
9. Paragraphs 201 and 202 of the Framework require the decision maker, having identified the harm to the designated heritage asset, to establish the magnitude of that harm, and weigh it against any public benefits that the proposals might bring. Despite the attention to the design of the extension, I

consider that, given the special interest and significance of the listed building taken as a whole in terms of its consistency of architectural style, proportions and detailing of the rear facade, I would judge the degree of harm caused to the building as towards the lower end of less than substantial. There are no public benefits identified other than the limited benefit derived from an improved family home.

10. I recognise the desire of the appellant to create improved accommodation suitable for family use. I also acknowledge the careful attention to the external design of the extension. However, the substantial harm coupled with no convincing public benefit in conjunction with the considerable importance and weight I give to the desirability of preserving this listed building clearly outweighs any modest public benefit that would ensue.

Effect on the character and appearance of the RHCA

11. Despite the rear being not open to view generally, the proposed development would be visible from neighbouring properties. For the same reasons identified above, the incongruity of the infill extension would be readily apparent and undermine the consistency of the built form and the rhythm that exists to the rear facades of this listed terrace, notwithstanding that the stepped rear elevation evident here is the result of an earlier extension rather than being original. This is despite there being other properties in the street opposite having been extended in not too dissimilar fashion. The proposals would fail to preserve the character and appearance of the Conservation Area. This would conflict with the requirements of section 72 of the Act which anticipates the preservation of such area and would conflict with development plan policy that seeks to underpin these national statutory and policy objectives.
12. Whilst the magnitude of such harm in the context of the conservation area as a whole will undoubtedly be at the lower end of less than substantial, this judgement should not be equated with less than substantial objection, particularly where the statutory conservation objectives have not been met. As detailed above there are no weighty public benefits that would sway my findings of harm.

Conclusion

13. For the above reasons I conclude that both appeals should fail.

Gareth W Thomas

INSPECTOR