



Appeal Decision

Site visit made on 10 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/K5600/W/21/3277364

Unit 11, Latimer Industrial Estate, 343-453 Latimer Road, London W10 6RQ

- 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 Jonathan Mizzi (Mizzi Studio) against the decision of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/05721, dated 7 October 2020, was refused by notice dated 13 January 2021.
 - The development proposed is Demolition of existing building and redevelopment of a four-storey building with a set back 5th floor, comprising B1 at ground and first floor and 7no residential units above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The boundaries of the Oxford Gardens - St Quintin Conservation Area (CA) have been extended to take into account the eastern side of Latimer Road. This was formally adopted by the Council in October 2021. Therefore, the appeal site is now located within the setting of the CA. The appellant is duly aware of these changes to the CA.
3. In their Statement of Case, the Council refer to Local Plan policies relating to heritage assets. During the course of the appeal, the appellant was asked for further comments regarding this matter and I am satisfied they have not been unduly prejudiced as a consequence.
4. A Design Code for Units 1-14 Latimer Road was adopted by the Council in October 2021 as a Supplementary Planning Document. The appellant is familiar with the Design Code and its evolving status. It has now been adopted as a supplementary planning document after the appeal proposal was determined by the Council. The Design Code sets out the parameters for development to accord with as a framework for their incremental development. It carries significant weight.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and

- The living conditions of adjacent occupants with particular regard to outlook.

Reasons

Character & appearance

6. Given the appeal site is within the setting of the CA, its significance derives from its good quality residential houses from the mid-Victorian period with the west side of the CA set in a leafy suburban environment. Housing has been built in very defined locations from the Victorian and Edwardian period up to present day, making up a rich and varied tapestry of architectures. The late Victorian terraces opposite the appeal site contribute positively to the character and appearance of the CA.
7. The appeal site is a low-level industrial building located on the western side of Latimer Road and forms part of the Latimer Industrial Estate where a linear run of fourteen purpose-built industrial units back onto the overground railway line. Once a historical hub of industries of factories and warehousing, the road has evolved into conversion developments and new builds, and creative industries entwined with more traditional residential housing.
8. The western side of Latimer Road has undergone notable changes towards Oxford Gardens. Conversions and new buildings continue to evolve into largely residential developments. It is also evident that the eastern side has experienced limited changes with a number of contemporary style developments including residential, in sporadic locations along this side of the road.
9. Turning to the proposal, it would encompass the majority of the plot of a large scale and massing. Irrespective of whether or not the Council's guidance supports a four-storey building on the site, and even with the recessed fifth floor and set back to part of it, it would be of considerable bulk.
10. Metal claddings and stone are the dominant materials proposed to its finish and intended to break up its articulation. The Design Code emphasises the need for a harmonious streetscape and materials to be contextually appropriate. The material language that is a historic characteristic of the area is red brick. I appreciate metal cladding material can have an industrial association. However, its use here would be significant. As too would be the use of Doddington Stone material as the long framing columns. They are intended to create a vertical emphasis to the building. However, that is not a locally distinctive feature. In addition, its pale pink colour would harmfully jar with the red hues of local brick.
11. The use of curves proposed to its edges further fractures the sense of cohesion with the local vernacular, conflicting with the square edges that is a defining characteristic of the traditional buildings reflected within the street scene. The combination of materials and finishes and design, contrasts starkly with the local vernacular taking on a corporate presence to the building. Even if the proposed materials would be of high quality and the softening properties of natural vegetation, they would fail to integrate with the local area.
12. In terms of its proposed fenestration pattern, although this would create a horizontal plane across the building, the small fenestration detail would not complement the industrial aesthetic of the local area which consists of wide

fenestration patterns recognised in both traditional buildings and modern new builds. The four panes of glazing set close together within the set-back element would further emphasise its appearance of one more akin to a commercial development.

13. Comparison to the modern development opposite has been made by the appellant. It consists of a simple pallet of material finishes. When taken as a collective, the scale and massing is successfully broken up by the design variation, with a contemporary edge. White coloured render, large fenestration patterns signify design cues seen locally, reinforcing its connection with the more traditional vernacular. That development complements the local area.
14. The Council's policies and guidance, to which I apply significant weight, express the importance of building heights given the industrial units could be developed incrementally. However, its excessive height in this location would not respond to the vernacular of the buildings opposite, to which it shares a close relationship. It would appear as an incongruous feature in this context, failing to respond to local distinctiveness and would not harmonise with the characteristics of the local area, thus failing to create a coherent streetscape.
15. The large buildings close to Oxford Gardens are experienced in a definite grouping. They are some distance away from the appeal site and do not directly relate to it given the space in-between. Irrespective of their relationship with the appeal site, and whilst they may be approximately four storeys in height, these buildings share the same locally unifying characteristics of square edges, large industrial sized windows, simple finishes of render or red or yellow facing brick. They consist largely of either traditional warehouses or modern interpretations of such and their appearance corresponds with the local historic industrial past.
16. The images presented with the scheme demonstrate a proposal in direct conflict. It would not appear as an appropriate idiom of these types of buildings but instead appear as a standalone piece with an uncharacteristic identity.
17. Furthermore, visualisations of the context of the area with the appeal site and adjacent industrial buildings redeveloped, is given limited weight as there is no evidence that this would be a true reflection of the street scene. There is nothing before me to substantiate the appellant's claim that the west side of the road would indeed become a continuation of three and four storey developments.
18. There may be examples of contemporary design approaches within the Borough, brought to my attention by the appellant. However, these are not sufficiently close to the appeal site to make any meaningful comparison. In addition, each case is determined on its individual merits.
19. There are recognised benefits of the proposal. These include additional homes in the Borough, and I have no reason to dispute the assertion that the proposal would meet housing standards, with a fully accessible flat. It would be located close to local amenities and services with cycle provision incorporated. It would inevitably create more footfall within the local area that could boost the local economy.
20. In addition, modern, purpose-built office space would be provided as a consequence of the proposal, and it may be a more energy efficient building as

a result with green energy credentials incorporated. I apply weight to these attributes.

21. It would provide additional natural surveillance of the local area and whilst crime and the fear of crime has been raised by the appellant and supporters to the proposal, there is no evidence of recorded incidents presented to allow me further consideration.
22. However, all benefits considered, these would be of limited scale compared to the harm that would arise to the character and appearance of the area.
23. To conclude, the proposal by virtue of its large scale and massing, use of inappropriate materials would not respect the context and character of the local area. Therefore, the proposal would conflict with the St Quintin and Woodlands Neighbourhood Plan 2018 (NP) policy LR5, as well as the Kensington and Chelsea Local Plan 2019 policies CL1, CL2 and CL12 in their combined design aims.

Living conditions

24. Amongst its objectives, local policies and the Design Code requires new buildings to avoid a sense of harmful enclosure to the local area. Illustrations provided demonstrate that the proposal would rise above the new build opposite and would be significantly taller than the traditional residential dwellings.
25. Despite the width of the road, the outlook from properties opposite would be onto a building of considerable bulk and mass with large scale proportions, within close quarters. Further, the proposal would be located very close to its boundaries emphasising its scale. Together with the proposed height, it would consequentially appear as a visually dominant and intrusive feature when viewed from the opposite residential dwellings.
26. It would have a harmful effect on the sense of openness experienced from a residential aspect, negatively impacting upon their living conditions.
27. Therefore, due to the scale and massing and relationship with residential occupiers opposite, it would not comply with NP policy LR5 as well as Local Plan policy CL5 in their combined aims to reduce harm from a sense of enclosure.

Other Matters

28. The appeal site is not within the CA. The most recently extended CA has been designated with the existing setting as is. The CA is experienced in the context of the industrial buildings which have little architectural merit. To my mind, it has a neutral effect on the setting of the CA. Irrespective of my findings of the proposal on the character and appearance of the area, the addition of it in this location would have a neutral effect on the setting of the CA.
29. There is nothing before me to substantiate the appellant's claim that the existing unit is 'dated', or 'low quality'. Nor is there anything before me to suggest that another scheme here could not be achieved that would 'foster the regeneration' of the local area or that this scheme is 'essential for the viability of the development' of the other units. There is no evidence presented to substantiate the appellant's claim that existing office use here cannot compete with other local office developments.

30. The backdrop to the western side of Latimer Road is one of large scale set pieces of modern development, beyond the railway line with their own specific character and identity. I do not share the appellant's view that development along Latimer Road should act to mask them.
31. The appellant has undertaken pre-application advice with the Council in different years. There is contention between the parties regarding the responses received that has informed the final proposal. They also raise concerns regarding the Council and its conduct and lack of negotiation, and other matters relating to their practices. None of these are within my scope to comment upon.
32. There may be no unacceptable highway impacts and acceptable refuse and cycle provision. However, these are neutral matters that neither weighs for or against the proposal.
33. I note the letters of support. They consider that redevelopment would contribute to placemaking within the local area. They also raise the potential for redevelopment to lead to further cafes and restaurant businesses coming to the area. Redevelopment could increase this potential, however, that is not to say that this scheme alone is the only solution.

Conclusion

34. Taking into account the effect of the proposal on the local area and living conditions of nearby residents, I have found the scheme would be unacceptable. As it would lead to conflict with the development plan taken as a whole, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR