



Appeal Decision

Site visit made on 8 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/K5600/W/21/3275267
103 Elgin Crescent, London W11 2JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Natali Bottoli against The Royal Borough of Kensington and Chelsea.
 - The application Ref: PP/21/01243, is dated 24 February 2021.
 - The development proposed is: The construction of a single-storey basement structure under the existing footprint of the house and of the new proposed side addition, extending in part under the rear garden. A single-storey side and rear extension at lower ground floor level as well as the rebuilding of the mansard roof to include an attic floor level together with associated external and internal alterations.
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Decision

1. The appeal is dismissed, and planning permission for 'The construction of a single-storey basement structure under the existing footprint of the house and of the new proposed side addition, extending in part under the rear garden. A single-storey side and rear extension at lower ground floor level as well as the rebuilding of the mansard roof to include an attic floor level together with associated external and internal alterations' is refused.

Preliminary Matter

2. As this is an appeal against non-determination, the Council has not issued a formal decision. However, in its submitted Statement of Case the Council has indicated that it would have refused planning permission for the development. They have outlined the main areas in dispute between the parties relating to the effect of the proposal on the main dwelling and the impact on the character and appearance of the Ladbroke Conservation Area.

Main Issue

3. The main issue is whether or not the development would preserve or enhance the character or appearance of the Ladbroke Conservation Area (CA).

Reasons

4. The Ladbroke CA represents a rich and varied tapestry of Victorian architectures of a predominantly residential nature, made up of long and high grand Victorian terraces, sweeping crescents and more modest mews developments set along narrow streets. In so far as it is relevant to this appeal,

the significance of the CA is derived from the evidence it provides of a planned development of homes for more wealthy occupiers and the architectural styles and tastes of the time.

5. An interesting variety in the pallet of materials of entirely stucco fronted houses, or stucco detailing with stock brick, and buildings of red brick with terracotta tiles, notably contribute to its significance.
6. Elgin Crescent consists of fine examples of Italianate fully stuccoed groups of houses built around 1852, with rear communal gardens of the Ladbroke Estate; a Grade II Historic Park and Garden. This is a designated heritage asset. The rear elevation of the appeal property between this side of Elgin Crescent and Lansdowne Road, backs onto a mid-nineteenth century planned communal space designed as a large curving garden. It retains most of its original paths and overall makes a strong contribution to the character and appearance of the CA. There are vistas within the gardens, from the roads into the gardens, through gates or gaps between groups of villas.
7. The appeal site is an end of terrace house located on the southern side of Elgin Crescent. It is bookended with Number 105 Elgin Crescent and both houses are significant as they benefit from a wide plot and are of grand proportions with more architectural detail to their rear elevations. They follow the same architectural details with a high degree of uniformity and consistency and retain substantial symmetry.
8. The gap between these two end of terrace houses forms part of its original design and allows a significant portion of the side of the dwellings to be seen from the public domain. Alone as individual end of terrace houses, and as a combination of bookends, they make a striking contribution to the street scene and to the character and appearance of the CA.
9. Roofscapes also form an integral part of the character and appearance of the CA. Changes that have previously occurred to the original roofscape along the Crescent are recognised although, as a whole, they retain substantial original detail. Some balustrades remain in evidence and, together with the original chimney stacks, these add to the architectural character.
10. As an end of terrace dwelling, the existing roof is of larger scale and mass than its attached neighbour on the terrace. As the dwelling stands proud in the street scene, enhanced by its position on the curve of the road, consequentially this allows the roof to be clearly visible from street level. Even at its considerable scale, the roof complements the proportions of the main dwelling. Furthermore, it pairs with No 105.
11. The proposed new roof would increase its pitch and height. It would add a large and bulky top-heavy feature to the dwelling. The proposed increase in size would harmfully diminish the appearance of the chimney stacks which are a positive contributing feature of the streetscape. Its large scale and mass would be especially pronounced from the side elevation given its exposure within the street scene. In addition, it would detrimentally unsettle the balance between these two bookend dwellings.
12. The proposed dormer windows and roof lights would be an integral part of the new roof. As I have found harm would arise as a result of the proposed roof,

the additional combination of roof features would further detrimentally compromise the roofscape.

13. The appeal property has a sense of formality to its rear elevation. The rear elevations are a highly significant feature of the heritage and character of the CA due to their relationship with the communal gardens, and are designed to be appreciated in the same way as the front elevation. As originally designed, the rear elevation of the appeal dwelling and No 105 contains significantly more detail than the majority of the other rear elevations backing onto the communal garden. It is clearly experienced in views from there.
14. Lower ground floor extensions are visible from the communal gardens to houses at Elgin Crescent and generally extend the full width of the dwelling. The proposed extension would extend the full width of the plot, designed to tie into a further side extension.
15. I am aware of a previously approved and unimplemented side extension, and this is a material consideration, but nevertheless, this development would create a different proposal as a wrap-around extension. It would appear uncharacteristically wide and out of proportion with the host dwelling. This would negatively distort the vertical proportions of the original house and would be an uncharacteristic feature.
16. The ground level may be lowered to accommodate the extension with metal decorative profiled columns to support a terrace structure above. The large projection of the proposed terrace would exceed the limited projections seen at neighbouring dwellings. It would thus appear obtrusively large, further emphasised due to its irregular shape and the numbers of structural columns proposed. These would far exceed the number of other columns brought to my attention by the appellant. Their unevenly spaced positions would further draw attention.
17. The rear ground floor bay window forms part of the building's original character. The lowering of the windowsill to form an opening of the central window onto the terrace would be an uncharacteristic feature of the dwelling and also the surrounding area.
18. Further changes to the rear elevation include an additional door in place of the small WC window. There is a hierarchy to the windows at the appeal property. The WC window is a discreet opening that gives way to the more significant fenestration relating to principal rooms. Inserting a door with decorative surround into a very ordered fenestration pattern would introduce a new and inappropriate detail. It would add an alien feature which would have an adverse impact on the original and largely unspoilt rear elevation.
19. All the proposed alterations to the rear would be visible from the communal gardens and from private views. As a combination of elements, and even if additional landscaping were to be planted and secured via condition within the rear private garden to form screening properties, they would appear as uncharacteristic, prominent and visually intrusive features.
20. In addition, incremental harm would arise due to the proposed changes to the fabric of the building from altering the window pattern to the front elevation within the two-storey stair wing, and the opening of the side blind window

irrespective of the examples of opened blind windows along Elgin Crescent, and any changes to the stairwell windows also referred to elsewhere.

21. I have taken account of the appellant's assessment of the principle of precedent as they point to changes that have occurred to houses along Elgin Crescent and neighbouring streets that include terraces and new openings. They also comment on the loss of symmetry that they consider has arisen, and that many of these altered properties back onto communal gardens.
22. However, where changes have occurred, the same circumstances do not precisely apply. In situations concerning end of terrace houses, both houses have undergone some similar change, although the symmetry is largely retained. Other alterations to an end of terrace house may not be a paired dwelling. Some additions have occurred to dwellings that are not as formally decorated or do not share the same architectural characteristics as the appeal dwelling. Other changes brought to my attention are of limited scale, and in the main, do not compare to the overall totality of the proposed changes.
23. Irrespective of whether or not the altered houses back onto a communal garden, or that they are within the same CA, each street contains fundamental differences. In addition, the appeal property is not sufficiently close in context to properties on different streets that have been referred to by the appellant. Even where they may be in close relationship, I am not of the view that the same circumstances apply.
24. Furthermore, whilst some permissions to houses brought to my attention relate to more recent additions, and the appellant has provided some evidence, the precise circumstances of all the changes that may have occurred is not before me to comment upon. In any case, each planning application is considered on its own merits.
25. Most importantly, the two bookend houses have a high level of visual articulation and attractiveness when viewed from the street scene, communal gardens and private views. They relate together. Even where both houses have differing WC windows, and one has a side extension, and any other changes that may have occurred, these are small in scale and do not detrimentally imbalance the symmetry between the two houses. Taken together, the above elements would be harmful to the existing building and to the conservation area.
26. A basement extension is proposed as part of this scheme, and I am aware a similar proposal has been approved by the Council. The Council have not raised this as a matter in contention within their Statement of Case and there is nothing before me to lead me to reach an alternative view. Other development that forms part of this scheme includes, amongst other things, a roof lantern, alterations to the front boundary and vehicular access. The Council have not raised concerns regarding these elements in their Statement of Case. On the basis of the evidence that is before me, and in the context of the whole development, they would have a neutral effect on the character and appearance of the CA.
27. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

28. Therefore, looking at the proposal as a whole, the extent of harm that would arise as a consequence of the proposal to the original character of the host dwelling and its contribution as a paired bookend with No 105, would not preserve or enhance the character or appearance of the CA. Thus, paragraph 200 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the CA should require clear and convincing justification.
29. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposal would be limited to a relatively small section of the CA and to the historic park and garden taken as a component of the CA, I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal.
30. The benefits would be predominantly private benefits to the appellant. However, there are some public benefits. In particular, the proposal would reinstate the original balustrades to the roof which have been lost. The reinstatement of decorative fenestration detail could be seen as a public benefit although it would be likely to be only seen from the communal gardens. There may be increased energy efficiencies as a result of the proposal with the potential to reduce reliance on fossil fuels and CO2 production. However, these small gains would not amount to a clear and convincing justification to outweigh the totality of harm I have identified.
31. Considerable importance and weight has to be attached to harm to designated heritage assets and the modest benefits that would result from the proposal would not overcome this. Therefore, to conclude on the main issue, the proposal, when taken as a whole, would not preserve or enhance the character or appearance of the CA or the Historic Park and Garden taken as a component of the CA. As such the proposal would be contrary to the context and character and design aims and heritage protection objectives of policies CL1, CL3, CL8, CL9 and CL11 of the Kensington and Chelsea Local Plan 2019.

Other Matters

32. The appellant argues, amongst other things, that there would be no issues of light pollution arising from proposed fenestration, or household effects on the proposed terrace, or noise levels from its use. Even if I were to reach a similar conclusion, in the overall fullness of consideration, I have found the proposal to be harmful, and therefore these matters require no further comment.
33. The appellant raises concerns regarding the Council and their service. However, this is not within my scope to comment upon.

Conclusion

34. There would be some modest public benefits as a result of the proposal. However, these are measured against the harm that would occur, and I have found this harm would far outweigh any associated benefits.
35. Therefore, as there would be harm to the character and appearance of the CA, the proposal 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 is dismissed, and planning permission is refused.

Alison Scott

INSPECTOR