



Appeal Decisions

Site visit made on 18 January 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal A Ref: APP/K5600/Y/21/3276402

46 Holland Park Avenue, London, W11 3QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a listed building consent.
 - The appeal is made by Teresa Greene against the Royal Borough of Kensington and Chelsea.
 - The application Ref CON/21/01228, dated 24 February 2021, sought approval of details pursuant to condition 3b of a listed building consent Ref LB/16/07070 granted on 22 December 2016.
 - The application was refused by notice dated 19 April 2021.
 - The works permitted are Demolition of rear extension and rebuild taller and narrower extension with single storey in-fill extension at lower ground floor and internal alterations.
 - The details for which approval is sought are: Closet wing doors as shown on Dwg. 2324 PL 62 Ground Floor Closet Wing Door B.
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Appeal B Ref: APP/K5600/Y/21/3276404

46 Holland Park Avenue, London, W11 3QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a listed building consent.
 - The appeal is made by Teresa Greene against the Royal Borough of Kensington and Chelsea.
 - The application Ref CON/21/01230, dated 24 February 2021, sought approval of details pursuant to condition 3c) of a listed building consent Ref LB/16/07070 granted on 22 December 2016.
 - The application was refused by notice dated 19 November 2021.
 - The works permitted are Demolition of rear extension and rebuild taller and narrower extension with single storey in-fill extension at lower ground floor and internal alterations.
The details for which approval is sought are: Bronze infill cladding as shown on Dwg. 2324 PL 71A, and photographs of completed bronze cladding.
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Appeal C Ref: APP/K5600/Y/21/3276407

46 Holland Park Avenue, London, W11 3QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a listed building consent.
- The appeal is made by Teresa Greene against the Royal Borough of Kensington and Chelsea.

- The application Ref CON/21/01233, dated 24 February 2021, sought approval of details pursuant to condition 5 of a listed building consent Ref LB/16/07070 granted on 22 December 2016.
 - The application was refused by notice dated 19 November 2021.
 - The works permitted are Demolition of rear extension and rebuild taller and narrower extension with single storey in-fill extension at lower ground floor and internal alterations.
 - The details for which approval is sought are: Brickwork, as set out Brickwork Statement.
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Appeal D Ref: APP/K5600/Y/21/3276409
46 Holland Park Avenue, London, W11 3QY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a listed building consent.
 - The appeal is made by Teresa Greene against the Royal Borough of Kensington and Chelsea.
 - The application Ref CON/21/01272, dated 24 February 2021, sought approval of details pursuant to condition 3a) of a listed building consent Ref LB/16/07070 granted on 22 December 2016.
 - The application was refused by notice dated 19 November 2021.
 - The works permitted are Demolition of rear extension and rebuild taller and narrower extension with single storey in-fill extension at lower ground floor and internal alterations.
 - The details for which approval is sought are: Secondary glazing as shown on Dwg. 2324 PL 61B.
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Decisions

Appeal A

1. Appeal A is allowed and application CON/21/01228, dated 24 February 2021 with details submitted pursuant to the listed building consent Ref: LB/16/07070 condition 3b) granted consent on 22 December 2016, is approved, and the condition regarding further details of the closet wing doors is discharged.
2. The relevant drawing submitted and approved in relation to listed building consent Ref LB/16/07070 is Dwg. 2324 PL 62 Ground Floor Closet Wing Door B.

Appeal B

3. Appeal A is allowed and application CON/21/01230, dated 24 February 2021 with details submitted pursuant to the listed building consent Ref: LB/16/07070 condition 3c) granted consent on 22 December 2016 is approved, and the condition regarding further details of the bronze infill cladding is discharged.
4. The relevant drawing submitted and approved in relation to listed building consent Ref LB/16/07070 is Dwg. 2324 PL 71A.

Appeal C

5. Appeal C is dismissed and application Ref CON/21/01233 dated 24 February 2021 is refused.

Appeal D

6. Appeal D is dismissed and application Ref CON/21/01272 dated 24 February 2021 is refused.

Preliminary Matters

7. The Council has withdrawn its objection in relation to Appeal B. Nonetheless, I am required to consider this condition in my decision.
8. There are four appeals before me. To avoid duplication my reasoning has considered them together where appropriate.
9. The appeals before me include works that have already been carried out. Nonetheless, I have considered each element on its own merits, irrespective of whether the consent is retrospective or not.

Background and Main Issues – Appeals A, B, C and D

10. The appellant had conditional permission and listed building consent to demolish a rear extension and rebuild a full width part-glazed and part brick lower ground floor extension, with a two storey brick outrigger, as well as internal alterations. This appeal relates to an application to discharge four of those conditions with particular regard to the special architectural or historic interest of the Grade II listed 46-52 Holland Park Avenue (Nos 46-52), the setting of the attached Grade II listed 54-56 Holland Park Avenue (Nos 54-56) and Grade II listed 42-44 Holland Park Avenue (Nos 42-44), as well as the character and appearance of the Ladbroke Conservation Area (LCA).
11. The main issue is whether the details submitted are sufficient and acceptable for the conditions to be discharged, having regard to the conditions themselves and the reasons for imposing those conditions.

Reasons

Heritage assets

12. Number 46 Holland Park Avenue (No 46) sits within a terrace of four similar stuccoed early 19th century dwellings, each with three storeys and basement, three windows on the principal elevation and iron window guards to the first floor windows. To the front there is a high degree of symmetry across the four dwellings, with flat elevations, unadorned square headed window openings, a rather plain parapet roof and panelled entrance doors set in a channelled ground floor.
13. To the rear, there is a greater degree of diversity, with each dwelling having a different arrangement of extensions at lower ground and ground floor level, some of which appear to be original and others not. However, the terrace appears to have retained its original window layout on the upper floors.
14. I conclude that the significance of Nos 46-52 arises from the restrained classical style and symmetry, and the intact historic fabric of its principal elevation, and such retained historic fabric as there is on the rear elevation.

15. Numbers 42-44 is a terrace of two identical brick dwellings with two storeys and basement. An attic floor has a slate mansard with dormers and full height windows on the ground floor are framed by ironwork verandahs.
16. Numbers 54-56 is a pair of mid-19th century terraced dwellings, with a stuccoed finish, a canted bay window with iron fretwork guards on the ground and first floor, and an ornamental string between first and second floors. They are attached to Nos 46-52.
17. The significance of Nos 42-44 and Nos 54-56 is derived from the extent of intact historic fabric, and architectural detailing and features. All the dwellings in these listed buildings have reciprocal and overlapping influences, and make positive contributions to the settings of the other listed buildings nearby.
18. There is very little evidence before me with regard to the LCA but from other casework I am aware that the Ladbroke Estate was a large scale speculative development, which laid out elaborate residential terraces in a formal and highly structured street plan. Nos 46-52 and its attached buildings are not as elaborate or built on such a large scale as the grand and imposing terraces of Holland Park. Nonetheless, they make an individual and collective contribution to a conservation area which has a wealth of well-maintained and impressive buildings, all dating from broadly the same period and using materials and detailing from a very limited palette.
19. The significance of the LCA derives from the sheer extent and broad consistency of the built environment, which largely retains its original layout and drama.

Appeal A - Closet wing doors

20. There is considerable diversity in the typology and finish of rear extensions to the dwellings on each side of No 46. The brick extension has been notionally built to replicate what would have been an original closet wing. However, what appears to be the original closet wing at the attached No 48 is itself attached to a rather incongruous pitched roof conservatory which detracts from the appreciation of No 48's rear elevation. Another apparently original closet wing at No 50 has a mansard roof extension. As such, there is very little consistency across the rear of Nos 46-52, and even where original closet wings remain, the scale and variation of the additions to the rear extensions or closet wings is visually confusing. Although there is an underlying coherence in the presence of closet wings, overall there is a lack of coherence across the terrace.
21. The brick extensions are new-build, and therefore the multi-paned glazed doors do not sit within historic fabric. Moreover, amongst the confused typology of Nos 46-52's rear elevations at ground and lower ground floor levels, the closet wing doors are a small feature. Unless viewed close up they do not appear to be incongruous. Although I acknowledge the Council's arguments with regard to the depth of double glazing and the glazing bars, the doors do not detract from the appreciation of the upper floors of Nos 46-52, which is where I attach the greatest significance at the rear of Nos 46-52. Nor do they detract from the overall appreciation of the closet wing typology. I conclude that the doors have a neutral effect on significance and that the drawing provided to support

and discharge Condition 3b) is sufficient and acceptable to enable this condition to be discharged.

Appeal B – Bronze cladding to single storey extension

22. The glazed part of the extension is framed by broad panels of bronzed metal. Given the extension's contemporary design, the framing with bronze finish cladding does not look incongruous. The Council has withdrawn its objections in this regard and there is nothing before me to lead me to conclude that the cladding detracts from the significance of Nos 46-52's rear elevation. The drawings provided to support Condition 3c) are sufficient and acceptable to enable this condition to be discharged.

Appeal C – Brickwork

23. Areas of original brickwork on the upper floors of No 46's rear elevation have been poorly pointed. The mortar joints are proud of the brickwork and roughly finished. The rear elevations of the attached Nos 44 and 48 have been repointed with similar effect.
24. The new brickwork of the extensions is yellow stock which when weathered will blend in with the remaining building. However, the weatherstruck pointing is unattractive and fails to accord with what appears to be earlier lime pointing on the nearby garden walls. I appreciate that the examples of pointing on other parts of Nos 46-52 are equally inappropriate, but the existence of harm elsewhere does not necessarily justify continuing that incongruity. I conclude that the pointing does jar. The brick extensions are a reference to an earlier closet wing feature, and the use of second-hand bricks reinforces that reference. As such I conclude that the inappropriate pointing does undermine the significance of Nos 46-52.
25. I disagree that this condition has been applied retrospectively as it is clearly attached to the relevant listed building consent. The fact that other parts of Nos 46-52 have similar pointing is not determinative as there is nothing before me to indicate when that pointing was undertaken. Nor does this argument provide clear and convincing justification as required under Paragraph 200 of the National Planning Policy Framework (the Framework).
26. As such, I conclude that the pointing amounts to less than substantial harm to the significance of Nos 46-52, and that the evidence before me does not enable the discharge of condition 5.

Appeal D - Secondary glazing

27. The front windows at No 46 have secondary glazing. On the top floor the hinged glazing is set at the rear of the window rebates, and contained within the original architraving. There does not appear to be any conflict between existing features and the secondary glazing frames. However, there are no details of secondary glazing on this floor in the submitted drawings. As such the information provided is insufficient with regard to the top floor.
28. The frames for the secondary glazing on the other floors are also set inside the windows' framing and are more or less flush with the inner walls. The drawings for the ground and first floors mention that the shutters are retained but the line shown to denote the shutters is an inadequate representation of the

shutters or their housing. Moreover, I was unable to confirm that the shutters are still openable.

29. The glazing frames are visible when viewing from outside. It is difficult to see how this could be avoided without attaching secondary glazing directly behind the original windows. This could damage the rebates and the original fabric of the casements. However, the Council has suggested that the frames could be painted black or dark grey on the inside to minimise their visibility from the outside, and I see no reason to disagree. However, this does not overcome my concerns with regard to the shutters and their housing.
30. I appreciate that the visibility of secondary glazing is not uncommon in the area. However, it appears that not all the examples raised by the appellant are directly comparable, as listed building consent was not needed. In any case, in principle I see no reason why painting the inner sides of the secondary glazing black or dark grey to minimise this effect would be particularly inconvenient.
31. As far as I could ascertain the glass does not have a greenish tinge.
32. As such I conclude that there is insufficient information before me with regard to the secondary glazing. I am unable to satisfy myself that the works either conform to the drawings or that the windows and their surrounds have been retained intact. Furthermore, although the frames are well made, they are substantial. There is some loss of appreciation of the original rebates when viewing from inside and the visibility of the white frames from outside detracts from the appreciation of the intact 19th frontage. As I attribute the greatest significance to Nos 46-52's front façade, I conclude that this amounts to less than substantial harm. The evidence before me does not enable the discharge of condition 5.

Heritage Balance/Conclusion

33. I have reached different conclusions for each of the appeals. For Appeals A and B, I have concluded that the works have a neutral impact on the heritage assets. The works preserve the special architectural and historic interest of Nos 46-52, and the settings of Nos 42-44 and Nos 54-56. They also preserve or enhance the character or appearance of the LCA. There is no conflict with Sections 16(2) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), or Section 16 of the Framework which is concerned with the conservation and enhancement of the historic environment. Nor is there conflict with Policy CL4 of the Consolidated Local Plan (CLP) which requires development and works to protect the heritage significance of listed buildings.
34. However, for Appeals C and D I have concluded that the works amount to less than substantial harm. Paragraph 202 states that where development proposals will lead to less than substantial harm to the significance of a heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
35. There is nothing before me to indicate that the dwelling would cease to be in residential use if Appeals C and D were dismissed. Moreover, the benefits arising from improved heat retention and soundproofing would be largely private. Insofar as there would be public benefits from increased heat

efficiency, these would be very minor and insufficient to outweigh the harm identified above. In any case there is nothing before me to indicate that the Council has concerns in relation to the principle of secondary glazing.

36. Consequently, with regard to Appeals C and D I have concluded that the works fail to preserve the special architectural and historic interest of Nos 46-52, and the settings of Nos 42-44 and Nos 54-56. There is conflict with Sections 16(2) and 72(1) of the Act, and Section 16 of the Framework, as set out above. There is also conflict with CLP Policy CL4 which sets out to protect the heritage significance of listed buildings.

Other Matters

37. I give no weight to the argument that the appellant was unaware that there would be separate documents issued for planning permission and listed building consent. This is standard practice, and it is the responsibility of applicants and/or their agents, who should in any case be familiar with the planning process, to ensure that the required permissions and consents are acquired before undertaking work to a listed building.

Conclusions

Appeal A

38. The submitted details are sufficient to discharge condition 3b) of listed building consent Ref. LB/16/07070. The appeal is allowed.

Appeal B

39. The submitted details are sufficient to discharge condition 3c) of listed building consent Ref. LB/16/07070. The appeal is allowed.

Appeal C

40. The submitted details are insufficient to discharge condition 5 of listed building consent Ref. LB/16/07070. The appeal is dismissed.

Appeal D

41. The submitted details are insufficient to discharge condition 3a) of listed building consent Ref. LB/16/07070. The appeal is dismissed.

A Edgington

INSPECTOR