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# Appeal Decision

Site visit made on 3 May 2022

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> May 2022**

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**Appeal Ref: APP/K5600/W/21/3289024**

**165-181 Kensington High St, London, W8 6SH**

- 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 Hackett Global Ltd against the decision of Royal Borough of Kensington and Chelsea.
  - The application Ref PP/21/03356, dated 21 May 2021, was refused by notice dated 13 September 2021.
  - The development proposed is mixed-use development, consisting of a roof extension and rear extensions up to fourth floor to create 8 residential units, 3 serviced apartments and additional office space; retention of retail space at ground floor with replacement shop frontages; creation of a front and rear entrance for commercial and residential access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposed development includes alterations to the existing building that were previously approved by the Council. That permission has been implemented and there is no suggestion that these previously approved elements are unacceptable. I have therefore restricted my consideration to those elements which differ from that earlier approval.
3. Revised plans were provided with the appeal showing amendments to the front and rear elevations of the roof extension. Having regard to the principles established in the *Wheatcroft* judgment it is important that what is considered at appeal is essentially that considered by the local planning authority, and on which the views of interested people were sought. While the proposed amendments seek to address the Council's reasons for refusal, the appeal process is not intended to be used to evolve a proposal. Consequently, this appeal has been determined on the basis of the plans on which the Council based its decision.

## Main Issues

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Edwardes Square Scarsdale and Abingdon Conservation Area

## Reasons

5. The appeal site falls within the Edwardes Square Scarsdale and Abingdon Conservation Area (the CA). In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal properties form part of a continuous terrace facing onto Kensington High Street. This terrace comprises properties of varied design and number of storeys. There are chimneys and decorative urns intermittently visible above the roofline of the terrace, as well as a pediment feature which is its most significant roof level feature, and which highlights No 169 as the focal point of numbers 165-171. However, the appeal properties and their neighbours taken together present a generally consistent roofline to the street from No 161 to the junction with Allen Street. This consistency, and the character of the appeal properties overall, contributes both to the character and appearance of the CA.
7. The proposed roof extension would alter the profile of the terrace within the street scene. While set back from the front of the property, it would be visible in longer views along Kensington High Street in both directions, as well as from Argyll Road opposite the site. It would be seen as an incongruous addition as a single unified form stretching across several properties of differing character and appearance. The use of differing materials reflecting the plot divisions within the terrace and varied depths would assist in breaking up the overall mass of the extension. However, the height of the extension would be uniform, and it would extend significantly above the existing roofline of this section of the terrace. This would detract from the overall consistency of roofline, which is only otherwise broken intermittently by decorative features and chimneys.
8. The extension would be more prominently visible from the rear. However, the height of the terraces along Eden Close and Adam and Eve Mews to the rear of the building means that the full span of the appeal site is not visible from these streets. It would nevertheless significantly increase the height of the building as seen from the rear and would be built up to the main rear wall of the terrace.
9. Overall, the height and width of the proposed development would result in a significant change to the appearance of the property both to the front and rear of the terrace. This change would cause harm to both the character and appearance of the CA, as it would detract from the consistent appearance of the terrace. Given that the extensions would be restricted to the roof of the terrace and would be set back from the main street frontage, this would amount to less than substantial harm to the significance of the CA.
10. My attention has been drawn to the approved roof extension to the neighbouring property, No 163. I note that extension would be seen in the context of the substantially taller flank wall to its neighbouring property. It would also have a lower roof immediately next to No 165 that would be no higher than the parapet wall to that property. In addition, as the extension is to a single property, it is a much smaller development than the appeal proposal. It therefore differs significantly from the proposed development, and therefore this permission carries limited weight.
11. My attention has also been drawn to a roof extension to a property on Campden Street which was allowed on appeal. However, that was an extension to a single house and a significantly smaller scale of development than the appeal proposal. It also therefore carries limited weight in my determination of this appeal.
12. The National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

13. In this instance there would be benefits from the provision of increased tourist accommodation arising specifically from the appeal proposal. The benefits arising from the additional residential units and office space will have been considered when they were granted permission. That permission has now been implemented. Its benefits cannot also weigh in favour of this proposed development.
14. Given the location of the site in London and the proposal that it be targeted at the upscale accommodation market it is likely that the development would generate significant income. Consequently, the development is projected to provide employment for up to 4.5 full-time equivalent (FTE) jobs directly linked to the serviced apartments, as well as 1.5 FTE jobs indirectly linked. This would result in the additional benefit of spending arising from those employed in these jobs. There would also be the short-term benefit of additional work arising from the construction of the apartments, including the hiring and education of trainees. These short-term and ongoing benefits carry considerable weight in favour of the proposed development.
15. However, the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to less than substantial harm to its significance. The great weight arising from the harm to the CA would in this instance outweigh the public benefits of the appeal proposal.
16. The appeal proposal therefore conflicts with Policies CL1, CL2, CL3, CL8 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019 and Policies HC1, D1, D3 and D7 of the London Plan 2021. These policies require, amongst other criteria, that development respect the existing context, character and appearance, that roof alterations and additional storeys be architecturally sympathetic to the age and character of the building and group of buildings and that development affecting heritage assets be sympathetic to the assets' significance and appreciation within their surroundings.

#### *Other matters*

17. A draft legal agreement was submitted with the appeal by the appellants, identifying contributions towards mitigating the additional pressure on local services and infrastructure arising from the appeal proposal. Had I otherwise been minded to allow the appeal, it would have been necessary to determine whether the agreement would secure the necessary contributions to mitigate the impact. However, as I am dismissing on other substantive grounds it is not necessary for me to consider this matter further.
18. The Council referred to Policy D2 of the London Plan in its reason for refusal relating to heritage. As this policy addresses infrastructure requirements, it is not relevant to this issue so I have not considered it in this context.

#### **Conclusion**

19. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR