
Appeal Decision

Site visit made on 16 May 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/K5600/W/21/3273067

2 Physic Place, London SW3 4HQ

- 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 J Mercer (2 Physic Place LLP) against the decision of The Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/04386, dated 31 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is described as an 'extension to office to provide an additional 85 sqm of office space, and refurbishment of office building to achieve 86% reduction in carbon emissions.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended drawing has been submitted showing black metal railings to the mansard roof level, replacing the glass balustrade shown on the plans submitted to the Council. I have considered the revised plan under the principles established by the Courts in *Wheatcroft*¹. Given the minor nature of the amendment, which could be secured or sought by means of a condition, I do not believe that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of the amended plan (drawing 110 P2).

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the existing building, surrounding area and the Royal Hospital Conservation Area (CA).

Reasons

4. The appeal site is located within the Royal Hospital CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Royal Hospital CA Appraisal (2016) (CAA) sets out that the unique character of the CA is influenced by the historic planned layout of the Royal Hospital and the adjacent townscape, as well as the rich historic and architectural quality of the buildings within it.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

5. 2 Physic Place is a three storey plus mansard roof office building on the southern side of Royal Hospital Road. Whilst a more modern mid-late 20th century addition, and whilst disputed by the appellant, it is identified within the CAA as contributing positively to the character of the area. The building provides access to Physic Place to the rear through an arch and is part of a terrace between Paradise Walk and Swan Walk.
6. The buildings opposite and nearby are characterised by a variety in building styles, heights and uses, and the appeal building itself is perhaps lacking in high quality detailing and architectural interest. However, its simple form is a central component in a terrace that provides coherency in scale and rhythm, mainly due to its regular fenestration pattern, appearance of building widths and mostly consistent parapet height. Despite some minor differences in brick finish, I consider that the characterful coherence and architectural harmony of the terrace, including the appeal building, make a positive contribution to the surrounding area and to this part of the CA.
7. The replacement of the existing varied windows with traditional timber sliding sash windows would improve the quality of the detailing of the building and match, in terms of the glazing bars for example, the adjacent windows. In addition, the rendering of the arch area and ground floor level front façade would match the ground floor rendering of the properties to the southwest. This would, along with the ground floor replacement door, again improve the level of detailing and would further tie the terrace together at this level.
8. However, given the existing consistency of the terrace, the additional storey would be visually prominent and would sit incongruously above the existing parapet line, with a further visible mansard roof level visible above. The additional storey and its uncharacteristic massing would prominently detract from the existing building and the balanced and harmonious wider terrace. Whilst not visible from the street level, the position of the three windows serving the mansard roof level would also relate poorly to the pattern of fenestration on the main frontage of the appeal building.
9. Moreover, the proposed rearrangement of the two levels of central windows to provide an additional third central row would sit apart and detract from the consistent rhythm and character provided by the existing regular pairs of windows which extend across the terrace. The brick shadow gap detail would further break up the regular pattern of widths, giving either side of the arch a narrow appearance and emphasising the width of the wider central element, in contrast to the continuity of the remainder of the terrace.
10. Given the localised impact of the development the harm it would cause to the significance of the CA is considered to be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) makes it clear that in such circumstances, this harm should be weighed against the public benefits of the development.
11. I acknowledge that development would provide additional and improved office space in a suitable location, which would provide some economic benefit, however, it would do so in a manner that would be harmful to the character and appearance of the host building, surrounding area and CA, in conflict with the development plan. This matter does not provide justification for harmful development.

12. It is also proposed that the development would result in a substantial reduction in carbon emissions and energy consumption, in addition to providing new cycle storage for staff and accessibility benefits. However, it has not been demonstrated that these improvements to the existing building are not possible without the proposed extension and alterations.
13. I therefore find that the sum of wider public benefits associated with the appeal scheme would not outweigh the less than substantial harm to the significance of the CA as a designated heritage asset, to which I attach great weight as required by paragraph 199 of the Framework.
14. For the above reasons, I therefore find that the proposed development would detract from the character and appearance of the existing building and surrounding area and would neither preserve nor enhance the character or appearance of the Royal Hospital CA. It would not accord with LP Policies CL1, CL2, CL3, CL8 and CL11, insofar as these collectively seek to ensure that development respects its surroundings and preserves or enhances the historic environment. These policies are consistent with the design and heritage protection policies of the Framework, which, amongst other things, requires development be sympathetic to local character and that heritage assets are conserved.

Other Matters

15. The Council have not raised any issue with the impact of the development on the setting of the nearby listed buildings and structures, the nearest of which is the Grade II listed 1 Swan Walk (& Forecourt Railings), located at the rear of the end of the terrace containing the appeal property, facing Swan Walk. The significance of this building relates to its historic interest and architectural quality. The proposed development would be located close by and would form part of the mixed urban form which provides the wider context of this asset. Therefore, although it would be visible, it would have a broadly neutral impact on the setting of the asset.
16. The proposal would be unlikely to affect the appreciation of this or any other listed buildings and structures and accordingly I find that their significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Conclusion

17. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above and having had regard to all other matters raised, the appeal is therefore dismissed.

B Phillips

INSPECTOR