



Appeal Decision

Site visit made on 7 June 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/K5600/W/21/3279579

Land adjacent to 186 Holland Park Avenue, London, W11 4UJ

- 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 Stephen Chance (Chance de Silva Architects) against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/06656, dated 25 November 2020, was refused by notice dated 27 January 2021.
 - The development proposed is described as "erection of art building (comprising artists studios, gallery space, shared desk space and meeting space) comprising lower ground, ground, first, second and third floors".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal relating to heritage identifies both the Norland Conservation Area and the grade II listed terrace. Both parties in their submissions have referred to Royal Crescent, which is Grade II* listed, while the terrace at 180-186 Holland Park Avenue immediately next to the site is Grade II listed. I am satisfied that neither party is prejudiced by my considering the effect on both listed terraces, which I am statutorily required to do as the appeal site is within the setting of Royal Crescent.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve the setting of the adjacent the listed terraces buildings and preserve or enhance the Norland Conservation Area,
 - The effect on the living conditions of neighbouring occupiers,
 - The effect on trees; and,
 - The effect on traffic and highway safety.

Reasons

The effect on heritage assets

4. The appeal site is prominently located next to the Holland Park roundabout. It is within the setting of the Grade II* listed terrace of 7-44 Royal Crescent, which is visible from within and across the site. The character and significance

of this terrace derives from its uniformity of height and appearance with a stucco frontage and consistent proportions and spacing to the windows. The site is also next to the Grade II listed terrace of 180-186 Holland Park Avenue, which is listed as part of a unified composition with the Royal Crescent. This terrace is also consistent in height and appearance, and above the ground floor units also has consistent proportions and spacing to the windows.

5. The site is also within the Norland Conservation Area (the CA). The listed terraces and the smaller terraced houses on Royal Crescent Mews to the rear of the site form the setting of the appeal site within the CA. While the houses on Royal Crescent Mews are simpler and smaller than the listed terraces, they likewise have a consistent, repetitive form that contributes to the character of the CA.
6. The draft Norland Conservation Area Appraisal (the Appraisal) recognises Royal Crescent as an imposing piece of townscape, reflective of a contemporary fashion for crescents and circuses. It further states that the mews streets are an important feature that contributes significantly to the character of the CA. The Appraisal highlights the CA as densely built up in most parts, and that in such a tightly grained urban area, even small spaces between and around buildings are all the more valuable in creating a pleasant and comfortable environment. The appeal site is identified in the Appraisal as an example of a gap vital in providing a visual breathing space and extremely important to the character of the CA. I see no reason to disagree with these assessments of the general character of the CA, and the contribution made by the appeal site as a break in the densely built area.
7. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the listed buildings and their setting, and special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The proposed building would be a large and substantial addition to the appeal site. It would be a similar height to the terrace at 180-186 Holland Park Avenue. Seen in the context of that terrace, and the smaller buildings on Royal Crescent Mews, it would be a prominent feature in the street scene. Its curved form and the proposed expanse of glass in an irregular layout facing the street would result in it appearing incongruous in this location. It would fail to relate well to the uniform character of the surrounding terraces, within the setting of which it would stand. As a result, it would be harmful to the significance of the listed terraces, and also to both the character and the appearance of the CA.
9. My attention has been drawn to examples of curved buildings in the wider area, including the Thames Water tower, a ventilation tower, and the curved corner at the junction of the two listed terraces. However, the Thames Water tower is an isolated structure on the roundabout and is not closely related to the listed buildings. The ventilation tower is a plain structure next to more modern buildings, and therefore differs from the appeal proposal in its setting and its appearance. The curved junction to the terraces clearly relates to those buildings in its appearance and materials, and therefore is seen as a feature of these listed buildings, highlighting the corner location. These therefore differ from the appeal site and proposal and attract limited weight in my determination of this appeal.

10. While the appeal site is prominently located within the street scene, it is relatively small and would not wholly fill in the gap between the properties to either side of the site. The proposed building would be partially screened by the surrounding mature trees and would not be overly dominant in its setting. The wider context of the setting includes a considerable variety of buildings, including a modern building on the opposite corner of Holland Park Avenue of a maximum height significantly above that of the listed terraces, as well as tower blocks that are visible in longer views. Given these considerations, the harm arising from the appeal proposal would amount to less than substantial harm to the significance of the listed buildings and to that of the CA.
11. The National Planning Policy Framework (the Framework) requires 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 including, where appropriate, securing its optimum viable use.
12. The appeal proposal would deliver new art studios, and two existing organisations have been identified who would manage the studios. There is policy support for the provision of new cultural institutions and facilities in the Borough. The site contributes little to the setting of the listed buildings or to the CA beyond being a gap between terraces and the appeal proposal would deliver improvements to the site including enhanced landscaping, notwithstanding the matter of trees to which I shall return below. The building would also feature sustainability measures including solar panels and a green roof, as well as a green roof being installed on the rear extension to No 186. Collectively these benefits attract significant weight in favour of the proposed development.
13. Nevertheless, 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. The appeal proposal would be harmful to the significance of both the listed terraces and the CA. In this instance, the public benefits arising from the development would not outweigh that harm.
14. Accordingly, the appeal proposal conflicts with the requirements of policies CL1, CL2, CL3, CL4 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019 (the LP). Taken together these policies require that development protect the heritage significance of listed buildings, preserve or enhance the character or appearance of the CA and respect the existing context, character and appearance.

Neighbour living conditions

15. The proposed building would be a substantial presence on a site that presently has no structures above the adjacent street level. When seen from neighbouring properties, including the rear gardens of houses on Royal Crescent, it would be a dominant presence that substantially reduces the gap created in the street scene by the appeal site. While there are mature trees between the properties on Royal Crescent and the appeal site, these would not provide complete screening of the proposed building even when in full leaf. In addition, the building would be visible from the facing rooflights and window of 32 Royal Crescent Mews, and from the latter window would be a particularly overbearing presence given the limited separation distance. However, it would

be a largely peripheral presence in outlook from the properties at 180-186 Holland Park Avenue.

16. With regards to natural light, the closest property is 32 Royal Crescent Mews. This has two rooflights and one window facing towards the appeal property. The window faces broadly to the south and provides natural light to a habitable room. The Daylight, Sunlight and Overshadowing Report (the Report) submitted with the appeal concludes that this window would experience a significant reduction in natural light because of the appeal proposal. It suggests that as the window is located on the boundary between the properties that it is not a good neighbour, and that the extent of reduction would be acceptable as it is a secondary window. I am not convinced by this argument, as the window is set back from the boundary between the properties and, while small, due to its orientation provides considerable natural light to the occupiers of No 32. There would be harm to the occupiers of this property from the loss of natural light that would result from the appeal proposal.
17. The Report concludes that no other windows to habitable rooms of neighbouring properties would experience harmful loss of light due to the proposed development. Given their orientations, existing situations, and distance from the appeal site I see no reason to disagree with the Report on these.
18. Overall, therefore, the proposed development would be harmful to the outlook from neighbouring properties and cause an unacceptable loss of light to the occupiers of 32 Royal Crescent Mews. It would therefore conflict with policy CL5 of the LP which, amongst other criteria, requires that all development ensures good living conditions for occupants of existing and neighbouring buildings by ensuring good standards of daylight and sunlight and that no harmful increase in the sense of enclosure to existing buildings and spaces would result.

Trees

19. There are five trees within the application site, and one mature sycamore in the grounds of a neighbouring property on Royal Crescent. The appeal proposal seeks to remove the three closest trees on the site, one of which is dead, and replace them with new planting.
20. However, the space allocated for new tree planting is small, and it is not clear that there is sufficient space within the proposed planting area for the replacement trees to become established. If they were to become established the closeness to the proposed building would make it likely that their canopies would restrict light to the windows of some of the studios, resulting in pressure for them to be cut back or removed.
21. It is therefore not clear that the contribution of the existing trees on site to the character of the area would be adequately replaced. The appeal proposal therefore conflicts with Policy CR6 of the LP which, amongst other criteria, states that development will be resisted which results in the damage or loss of trees of townscape or amenity value and requires where practicable an appropriate replacement for any tree that is to be felled.

Traffic and highway safety

22. Limited information has been provided regarding the ongoing servicing of the site if the proposed development were to be carried out. The site is not accessible by vehicle, and there are parking restrictions in place on surrounding roads which would limit the potential for vehicles to wait off-site. While there would be cycle parking on site and it is close to public transport, no information has been provided to show how often vehicles would be required to service the site, or what this would entail. The appellants have suggested that servicing requirements for the studios would be organised in the same way to that which is in place for the occupiers of 186 Holland Park Avenue. However, no details of what this entails have been provided.
23. The Construction Method Statement (the CMS) submitted suggests that the site would be accessed via Royal Crescent Mews with two parking bays next to the site boundary suspended for the duration of works. It is not clear if this has been agreed with the Council as the local highway authority. The CMS also suggests that ongoing servicing of the site could be via Holland Park Avenue with deliveries carried or trollyed to the building. However, given the restrictions in place it remains unclear how feasible this could be, given the lack of information about the volume of traffic that would result from the proposed development.
24. The appellant has suggested that these matters could be controlled by appropriately worded conditions, but I do not consider that sufficient information has been provided to show this is the case.
25. There is therefore insufficient information to show that the appeal proposal would not be harmful to the free flow of traffic and highway safety, either during construction or the ongoing operation of the proposed development. It therefore conflicts with Policies CR7 and CT1 of the LP. Taken together these require that servicing activities should not give rise to traffic congestion or conflict with pedestrians, and that development not compromise road safety.

Conclusion

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

M Chalk

INSPECTOR