
Appeal Decisions

Site visit made on 22 June 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal A: APP/K5600/W/21/3281407

First-Third Floor Flat, 46 Norland Square, London W11 4PZ

- 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 and Mrs Kay against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/02224, dated 2 April 2021, was refused by notice dated 24 May 2021.
 - The development proposed is described as refurbishment, alteration and extension works including rear closet wing extension at first floor level.
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Appeal B: APP/K5600/Y/21/3281409

First-Third Floor Flat, 46 Norland Square, London W11 4PZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Kay against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref LB/21/02225, dated 2 April 2021, was refused by notice dated 24 May 2021.
 - The works proposed are described as refurbishment, alteration and extension works including rear closet wing extension at first floor level.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for refurbishment, alteration and extension works including rear closet wing extension at first floor level, at First-Third Floor Flat, 46 Norland Square, London W11 4PZ in accordance with the terms of the application, Ref PP/21/02224, dated 2 April 2021, and subject to the conditions set out in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed, and listed building consent is granted for refurbishment, alteration and extension works including rear closet wing extension at first floor level at First-Third Floor Flat, 46 Norland Square, London W11 4PZ in accordance with the terms of the application Ref LB/21/02225, dated 2 April 2021 and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

3. The appeal plans are inconsistent. In this regard the side elevation drawing implies a slightly different extension footprint and shows a slightly different location for the window nearest the rear elevation than the floor plan. Despite being highlighted by the Council, this matter has not been addressed by the appellants. Given that the arrangements shown in elevation would modestly compromise the accommodation shown in plan, it can be reasonably presumed that the elevation rather than the floor plan is incorrect. The Council appears to have reached the same conclusion. I have therefore assessed the scheme with the above in mind, and in the event that the appeals were allowed, this matter could be addressed by condition.
4. Though the descriptions imply that the addition of an extension forms part of a broader package of works, none are specified. My assessment below is therefore limited to those works specified, and in the event that the appeals were allowed, the resulting permission/consent would be similarly limited.

Main Issue

5. The main issue is whether the scheme would preserve a Grade II listed building and any of the features of special architectural or historic interest that it possesses, and whether the scheme would preserve or enhance the character or appearance of Norland Conservation Area (the Conservation Area).

Reasons

6. 46 Norland Square, of which the appeal property forms part, is in turn a component of a 17-unit terrace numbered 36-52 Norland Square. The latter is the Grade II listed building in this case. The listed building is located within the Conservation Area. Whilst the Act sets out both the desirability of preserving listed buildings, and of preserving or enhancing the character or appearance of Conservation Areas, paragraph 199 of the National Planning Policy Framework makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in its 1830-40s date, its terraced design, detailing and layout, within which repetition and uniformity are defining original characteristics. It also lies in its relationship with other historic terraces of similar age and style within the surrounding historic townscape. The planned layout and interrelationship of component parts of the latter help to inform and to underpin the special interest, character, appearance and significance of the Conservation Area, to which the listed building thus makes a positive contribution.
8. The rear elevation of the terrace is not clearly visible beyond its immediate, largely private setting. In common with the front elevation, it too would ordinarily have been characterised by uniformity in its overall design and detailing as originally built. It has however been subjected to a range of generally inconsistent alterations and additions over time which have obscured its original character. These include modifications to window openings and extensions of varied size, height, character, and function. Many such extensions are likely to have originated as closet wings, and some retain this identity. That remaining at No 46 is unlikely to be an original feature of the

building, and indeed appears to have been added and subsequently modified in isolation. It has already undergone remodelling and enlargement below first floor level, and the rendered remainder holds little intrinsic interest viewed either individually or in relation to other additions. As such it contributes little to the special interest and significance of the listed building.

9. The scheme would see further enlargement and remodelling of the closet wing. The form of the extension would generally follow that of the structure below, and its proportions would fall within the range of those seen in other additions along the rear of the terrace. So too would its details, including the windows in the sides, and skylight above, neither of which would as such appear immediately incongruous. The increase in width and mass would obscure slightly more of the historic rear elevation than at present. However, the effect would be modest both in itself and viewed in context, and much less pronounced than would have been the case in relation to a larger extension approved in exactly the same location as recently as 2009. It is noteworthy that whilst the latter may have narrowly pre-date the current emphasis placed on 'significance' in decision-taking, the statutory duties in respect of listed buildings and conservation areas remain the same. In view of both this and my findings above, the scheme would not have any unacceptable overall effect on appreciation of the historic design character of the rear elevation.
10. The scheme would see the position of the access adjusted. Given that the closet wing is likely to be a later addition, the opening in question is itself unlikely to be in its original form or use. Though the positioning of the doorway against the wall edge would not be wholly typical, both this arrangement, and the very limited loss of historic fabric required, would cause no fundamental harm to the special interest or significance of listed building.
11. My findings above indicate that the overall effects of the scheme in relation to the special interest and significance of the listed building would be neutral in nature. It therefore follows that the contribution made by the listed building to the special interest, character, appearance and significance of the Conservation Area as a whole would likewise be neutral.
12. I therefore conclude that the scheme would preserve both the special interest of the listed building and the character and appearance of the Conservation Area. In relation to Appeal A and insofar as it is relevant to Appeal B the scheme would therefore comply with Policies CL1, CL2, CL3, CL4 and CL9 of the Local Plan 2019 (LP) whose terms all either specifically or generally support the above objectives; and Policy CL11 of the LP, given that no identified 'view' would be harmed.

Other Matters

13. Interested parties have raised a number of concerns not shared by the Council. These include adverse effects on the living conditions of neighbours arising from overlooking, noise, odours, overbearing, loss of views and of light. Insofar as the extension would occupy space currently used as a terrace, scope for overlooking and noise disturbance would be reduced. There is otherwise no good reason to consider that harmful odours would be omitted from use of a dining room. Loss of private views across the existing terrace are not a relevant consideration, and the rearward projection of the extension would be no greater than that of the adjacent first floor extension at 45 Norland Square, even if its height would be greater. Taking this and the context into

consideration, as too the submitted light assessment, any modest impact of the scheme on outlook and light would not be unacceptable.

Conditions

14. For sake of certainty, I have imposed standard conditions setting out the time period for commencement, and in relation to Appeal A, identifying the approved plans. No authority exists to impose a plans condition on a listed building consent. It is however otherwise a legal requirement to execute works in accordance with a consent. In this regard I have referenced the plans in my decision, and, for the avoidance of doubt, these are the same as the plans listed in relation to Appeal A.
15. Given the inconsistent detailing of the side elevation drawing noted above, I have imposed conditions in relation to both appeals securing the submission of a corrected plan. This is necessary in order for the scheme to be capable of implementation, and appropriate insofar as it would not result in any change to the scheme as otherwise detailed.
16. I have imposed further conditions in relation to Appeal B securing details of structural interventions, materials, and the design of individual components including windows. In order to ensure that the conditions are enforceable they are drafted to require that such details are first approved by the Council. The conditions are necessary to help ensure that the retained building fabric is appropriately safeguarded, as too the compatibility of the extension. There is no need for these conditions to be duplicated in relation to Appeal A. As these details were not required in order to establish the broader acceptability of the scheme, I am satisfied that in this particular case the conditions are appropriate
17. I have not imposed a condition requiring the railings on the terrace to be painted black. This is because the railings already exist, and only form part of the appeal scheme insofar as their partial removal would be required. Aside from this it is unclear why black painted ironwork should be required, particularly in relation to a building of the date in question. Finally, I have not imposed a condition relating to render removal, as this is not detailed on the plans.

Conclusion

18. For the reasons set out above I conclude that Appeals A and B should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

Appeal A

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. Unless modified in compliance with the condition below, the development hereby permitted shall be carried out in accordance with the following approved plans: 480.101 Rev. B; 480.104 Rev. C; 480.106 Rev A.
3. Prior to the commencement of construction of the extension hereby permitted, a corrected version of the closet wing side elevation shown on plan 480.106 Rev. A, which shall be consistent with the details shown on plan 480.101 Rev. B, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the corrected plan.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to the removal of any fabric pursuant to the works hereby authorised, full details of any structural supports and interventions required in relation to retained fabric and new openings shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved details.
- 3) Prior to the commencement of works to construct the extension hereby authorised, a corrected version of the closet wing side elevation shown on plan 480.106 Rev. A, which shall be consistent with the details shown on plan 480.101 Rev. B, shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the corrected plan.
- 4) Prior to the commencement of works to construct the extension hereby authorised details of:
 - a) joinery and glazing designs for all new external windows and doors; and
 - b) walling and roofing materials and finishesshall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved details.