
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: 18 July 2022

Appeal Ref: APP/K5600/W/21/3287812

Toll House, 42 Cremorne Road, London SW10 0PE

- 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 Care Expertise Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/01234, dated 22 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described as 'Application for planning permission and conservation area consent for the demolition of the existing building and construction of a two-storey replacement building and all associated works on the existing building footprint and continued use within the existing use class'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the surrounding area and the Lots Village Conservation Area (CA).

Reasons

3. No 42 Cremorne Road is a detached single storey office building, sited next to Cornwall Mansions, a 5 storey red brick mansion block, and the rear of Edith Grove, which comprises of Victorian 4-5 storey terraced villas. The building is located within the Lots Village CA.
4. 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 Lots Village CA Appraisal (2014) (CAA) sets out that the unique character of the CA is influenced by diverse uses and architecture, particularly towards the river, and well preserved Victorian terraced housing with original architectural details.
5. The CAA states that the appeal building is located within character area 3, which is dominated by mansion blocks and red brick houses. Whilst disputed by the appellant, the CAA identifies the appeal building as a 'neutral building', which is defined as a building that *'blends into the townscape by virtue of their form, scale or materials, but due to their level of design quality, fail to make a positive contribution. Improvements to these buildings would be welcomed'*.
6. The existing building has little architectural merit then, with a curious ad-hoc appearance dominated by a clock on the frontage. The Officer report sets out

that it has no objection to its removal in principle. The existing building does however, given its minor single storey scale, have a limited visual impact, partly screened by nearby trees and dwarfed and dominated by the adjacent mansion block and villas. It does not detract from the handsome (albeit, at the time of my site visit, partly under building works) surrounding Victorian architecture.

7. The proposed replacement building, at two storey level, would have a far greater visual impact. The proposed materials, including suitable red and yellow stock brick, would blend in well with its surroundings and colour palette. However, the uncompromising contemporary design is eye catching by virtue of its stepped profile and amount of glazing, particularly on the ground floor but also including the translucent glass walling at the first floor. This would draw attention to the building, particularly when dark outside, and, when viewed from street level, compete with its surroundings, and give it a new prominence within the street scene.
8. Given the location of the building along Cremorne Road, a main route through the area, the visual impact and prominence of the building would be significant. In addition, I note that the CAA identifies the view from Burnaby Street to the rear of Edith Grove as an important public view, which provides relief from the tightly packed townscape. The importance of this view is disputed by the appellant. However, in this context, the building would introduce a prominent and incongruous new structure within the existing visual break between adjacent buildings and detract from the surrounding architecture.
9. 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.
10. 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 surrounding area and CA, in conflict with the development plan. This does not then represent an 'optimum viable use' and does not provide justification for harmful development.
11. However, I acknowledge the lack of viability regarding the small-scale existing structure and subsequent difficulty in commercial letting. In addition, detailed information has been submitted in relation to the replacement building's improvements in sustainability measures such as thermal efficiency, and the poor thermal performance of the existing building. Given the limited scale of the building this benefit attracts moderate weight.
12. The appellant points to the regenerative qualities of the development, and the support of various Royal Borough of Kensington and Chelsea Local Plan (2019) (LP) policies with regards to matters including fostering vitality. These policies are not provided in full which limits the weight I can give these possible benefits, which in any case, again, would be modest given the scale of the development.
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 surrounding area and would neither preserve nor enhance the character or appearance of the Lots Village CA. It would not accord with LP Policies CL1, CL2, CL3 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 appellant draws attention to previous advice given by the Council in relation to matters such as the principle and scale of the proposed replacement building. Such advice is given on an informal basis and does not tie the Council to any subsequent conclusions. I note the issues raised regarding the CAA and the CA designation, however these are not matters for a s78 appeal.
16. Whilst the appellant has set out that the development would comply with other LP policies and various paragraphs of the Framework, and would not cause harm with regards to matters such as listed buildings or living conditions, this is to be expected in any development and does not weigh in favour of the proposal.

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