



Appeal Decision

Site visit made on 15 July 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/K5600/W/22/3296324

19 Cornwall Crescent, London W11 1PH

- 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 Edward Chaffetz against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/00331, dated 17 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is rear extension to basement flat; lightweight transparent rear glazed extension at ground floor level; rebuilding existing closet wing; upgrading and alterations to windows to front and rear elevations; reinstatement of stucco detailing to front elevation; removing paint from brick at front elevation; removing render from rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building, including whether it would preserve or enhance the character and appearance of the Ladbroke Conservation Area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. The appeal property comprises a four-storey mid-terraced property, with a separate flat at lower ground-floor level. It is located on the southern side of Cornwall Crescent, which falls within the Ladbroke Conservation Area (CA). Part of the significance of the CA is derived from the arrangement of concentrically aligned crescents which span out from Lansdowne Crescent. These roads are typified by attractive terraced properties, many of which incorporate elements of stucco detailing.
 4. A number of the properties within the terrace have undergone a variety of extensions and alterations, which means their rear elevations lack some uniformity in terms of design. Nonetheless, the repeated pattern of adjoining closet wings paired with adjacent voids does create a coherent rhythm of built form to the rear of the terrace, which contributes positively to its character.
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5. The proposed extensions at lower and upper ground floor level would partly infill the void between the appeal property and no. 17, which would disrupt this coherent rhythm of built form at the rear of the terrace. In turn, the extensions would appear incongruous within the context of neighbouring properties, which would harm the prevailing character of the terrace. Irrespective of how widely such impact would be experienced from public vantage points, the incongruity would be readily apparent from the rear of neighbouring properties along Cornwall Crescent, as well as from properties along St Marks Place to the east.
6. The regular arrangement and spacing of residential gardens in and around the area also contributes positively to the significance of the CA. Whilst this arrangement is now partly disrupted by a building which intersects the rear gardens of properties along Cornwall Crescent and Blenheim Crescent to the south, there is still a degree of coherence between these rear gardens, owing to their broadly common dimensions, spacing and openness. Once again, these shared features in terms of outdoor amenity space contribute positively to the overarching coherence and character of the properties, and to the significance of the wider CA.
7. The proposed development would incorporate a separate garden for the lower ground floor flat, which would be partitioned off by a tall timber fence. This subdivision would lead to a fragmented and awkward arrangement of outdoor amenity space to serve the properties, which would sit uncomfortably within the context of neighbouring gardens and their shared common features. This would again harm the prevailing character of the host property and the wider terrace.
8. On account of these factors, the development would harm the character and appearance of the host property and the wider terrace. Consequently, it would also fail to preserve or enhance the character or appearance of the CA, and thus its significance. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework (2021), great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is "less than substantial" or otherwise.
9. Set against this harm, the paint removal, reinstatement of stucco detailing and upgrades to the windows would provide improvements to the external appearance of the property. Whilst I attach modest weight to these combined benefits, they would not be sufficient to outweigh the harm to the CA in this instance.
10. The proposal would therefore conflict with Policies CL1, CL2, CL3, CL9 and CL11 of the Council's Local Plan (September 2019) (Local Plan). Together, these require new development to achieve high-quality design, which responds properly to local character and context, with particular regard to scale, height, rhythm and pattern of built form. They also seek to ensure new development properly safeguards the Council's heritage assets and their settings, which in this case would include the CA.

Living Conditions

11. There is already a sense of enclosure within the garden to no. 17, owing to the limited space between its own closet wing and the shared boundary wall with the appeal property. Whilst the height of the lower ground floor extension

would broadly reflect the height of the existing boundary wall, the extension at the upper ground level would project much higher. As a result, its side elevation would create a tunnel effect within the rear amenity space of no. 17, which would also be experienced within the rooms to the rear of the property at both lower and upper ground floor levels. In turn, this would exacerbate the existing sense of enclosure experienced at no. 17, which would be harmful to the living conditions of its occupiers.

12. The development would therefore conflict with Policy CL5 of the Local Plan, which requires new development to safeguard the living conditions of neighbouring occupants. Specifically, it highlights that development should not lead to any harmful increase in the sense of enclosure to existing buildings and spaces, nor to neighbouring gardens.

Other Matters

13. In its own right, the lower ground floor extension could potentially be accommodated without causing undue harm to the character of the terrace, owing to its relatively low-level height and degree of integration within the existing fabric of the building. Nonetheless, the impact arising from the combined height of both the lower and upper ground floor level extensions would be materially different, and would give rise to an unacceptable level of harm. Indeed, the appeal decision relating to 57 Cornwall Crescent relates to a single-storey basement extension only, and would therefore not be directly comparable to the development proposed in this instance.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR