



Appeal Decision

Site visit made on 3 October 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/K5600/W/22/3294293

Flat C, 85 Philbeach Gardens, London SW5 9EU

- 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 Miss Paola Andreani against the decision of the Council for the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/06267, dated 26 September 2021, was refused by notice dated 4 January 2022.
 - The development proposed is described as a "Proposed Additional Floor, Associated Internal Alterations and Re-instatement of Entrance Porch."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have highlighted that since their decision, the New Local Plan Review (NLPR) has progressed to Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as of March 2022. I have little information to suggest when the plan is likely to be adopted, or if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to the NLPR.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Philbeach Conservation Area (PCA).

Reasons

4. The appeal site is located on the north-eastern side of Philbeach Gardens a residential neighbourhood located in the PCA in Kensington. Given the location in the PCA, I am conscious of my statutory duty arising from Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). There are two distinct styles within the vicinity, Italianate houses are located to the northern end of the terrace, whilst Domestic Revival houses occupy the remaining terrace. The appeal site falls into the latter style, which consists of stock brick with striking red brick dressings.
5. The significance of the PCA principally derives from the terraced properties located in Philbeach Gardens that have a curved nature with a strong vertical emphasis. The PCA appraisal¹ further highlights that the flat parapet rooflines

¹ The Royal Borough of Kensington and Chelsea: Philbeach Conservation Area Appraisal, Draft September 2017

are a key feature, and a very important contributor to the character and appearance of the PCA, stating the object of this elegant roofline was to conceal the roof behind and provide an unbroken finish to the frontages. Furthermore, the rear elevations of Philbeach Gardens also make an important contribution to the historic and architectural character and appearance of the conservation area. The rear elevations are visible across garden walls, in gaps between houses, from rear windows and from the communal garden.

6. The National Planning Policy Framework 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of 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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
7. The appeal proposal consists of the erection of an additional floor in a lightweight, modern glazed treatment, internal alterations and the reinstatement of the entrance porch. In regard to the porch, there is no dispute between parties that the host building is currently at odds with the surrounding area without a porch on the frontage, and that its reinstatement, in materials and form similar to the neighbouring dwelling to the north would enhance the setting of the PCA. I concur with this assessment that this part of the proposal would therefore preserve the character and appearance of the PCA.
8. In regard to the roof extension, the PCA appraisal is specific in reference to the significance of the conservation area emphasising the important nature of the flat parapet rooflines. Whilst the reinstatement of the parapet and rebuilding of the chimneys (albeit taller than existing) in matching materials would reflect original features, and are positive factors in the proposal, the increased height, the form and appearance would substantially alter the existing roof profile. The roof extension whilst lightweight in material, would nevertheless increase the proportions of the existing and consistent flat roof line detrimentally, providing a significant visual change in the mass of the property at roof level.
9. The resultant increase in height, form and appearance at roof level would be clearly visible from public vantage points in the surrounding area. Views from the street scene may be limited to glimpses only, due to the narrow nature and vertical emphasis of Philbeach Gardens. Nevertheless, the proposal would be highly visible from the communal gardens at the rear. Given the importance of the views from this area the proposal would diminish the unbroken nature of the roofline and would have a detrimental impact on the uniformity, integrity and overall historic character of the PCA.
10. The appellant draws my attention to Beach House, to the north of the appeal site which has an additional storey protruding above the established roofline. Beach House has a more recent architectural style, being constructed in the 1950's following a bomb blast in World War II, and whilst being of its time, it fails to follow the storey heights, proportions or size of the historic terraces. This limited example does not provide an overriding influence over the character of the street scene of the PCA, and in my view detracts from it, and the current proposal would exacerbate that impact.

11. For the above reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the PCA. The proposal would therefore be contrary to Policies CL1, CL2, CL3, CL6, CL8, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan, adopted September 2019 which, amongst other things, require all development to be of high-quality design; respect the integrity and harmonise with historical character; and conserve or enhance the significance of designated heritage assets. Nor would it accord with Part 16 the Framework which amongst other things, seeks to conserve and enhance the historic environment.
12. I consider the harm to the significance of the heritage asset would be less than substantial. Paragraph 202 of the Framework advises 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. I return to this in the planning balance below.

Other Matters

13. The appeal site is located close to St. Cuthbert and St. Matthias Church a Grade I listed building. As such, I have a statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest. There is no dispute between the main parties that the proposal would preserve that setting. Based on the evidence before me, including my own observations, I find no reason to conclude otherwise. However, this would be a neutral effect that would not weigh in favour of allowing the appeal.

Planning Balance

14. Bringing together my conclusions on the main issues I have found that the proposal would lead to a less than substantial harm to the designated heritage asset. As noted above, I must first weigh this harm against the public benefits of the proposal.
15. I have had regard to the public benefits of the appeal scheme, in that the proposal would provide additional living space and high standard of living conditions to the occupant. There is nothing before me to suggest that the appeal site would be inherently unviable or inadequate as a dwelling without the proposal. The benefits of the scheme are therefore, in large part, related to personal preference rather than intrinsically required.
16. Consequently, the public benefits of the scheme do not provide clear and convincing justification to outweigh the harm to the heritage asset, and no other material considerations justify allowing the appeal.

Conclusion

17. For the above reasons, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR