



Appeal Decision

Site visit made on 19 October 2022

by Matthew Jones BA(Hons) MA MRTPI

an inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/K5600/W/22/3297542

Flat 193, Chatsworth Court, Pembroke Road, Kensington and Chelsea, London W8 6DD

- 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 Charles Botsford against the decision of The Council of The Royal Borough of Kensington & Chelsea. The application Ref PP/21/04896, dated 18 August 2021, was refused by notice dated 4 November 2021.
 - The development proposed is replacement of three existing uPVC windows with French doors to provide emergency access.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of three existing uPVC windows with French doors at Flat 193, Chatsworth Court, Pembroke Road, Kensington and Chelsea, London W8 6DD in accordance with the terms of application Ref PP/21/04896, dated 18 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3564/11, 3564/12 Rev A, 3564/13, 3564/14, 3564/21.
 - 3) All work and making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

Procedural Matter

2. I have referred only to the proposed act of development in my decision above, not the given reason for it.

Main Issue

3. The effect of the proposal on the character and appearance of the area, with reference to the Edwardes Square/Scarsdale & Abingdon Conservation Area.

Reasons

4. Chatsworth Court is an apartment block now in the 'mansion flats' section of the Edwardes Square/Scarsdale & Abingdon Conservation Area (the CA), following the recent extension of the CA boundary. I have a duty to pay special attention to the desirability of preserving or enhancing the character or

appearance of the CA. This section of the CA contributes to its significance through the prevalence of large-scale 'mansion flat' developments.

5. Chatsworth Court is a fine late Art Deco style example of such. The building is notable for the pleasing symmetry and cohesion of its fenestration. It is rightly identified as a 'positive building' within the Edwardes Square, Scarsdale and Abingdon Conservation Area Appraisal. Flowing from this, I agree with the Council that it merits the status of a non-designated heritage asset.
6. Flat 193 occupies part of the rear lower ground floor of the building. This section of Chatsworth Court is enclosed by a sunken terrace, well hidden from the public realm, and therefore has a limited role in its outward architectural composition. It also contains an asymmetrical arrangement of window and doorway openings along the elevation, including a modern communal access in a conflicting design absent of glazing bar style detailing. Externally, it is denuded of any obvious sign of the restaurant which once occupied this space.
7. For these reasons, this part of Chatsworth Court is an anomaly as it lacks its otherwise cohesion, it is compromised by alteration, and it is not of particular significance to the building architecturally. The scheme would do very little to change this existing situation. As such, the overall quality of the building would be unharmed, and the character and appearance of the CA would be preserved.
8. Interested parties are concerned the works would breach a clause in a lease agreement and may set a precedent for harmful alterations to the building facades. However, these matters are not germane to my determination of the appeal, as each case must be assessed on its own, individual planning merits.
9. Consequently, I conclude that the proposal would have an acceptable effect on the character and appearance of the area, with reference to the CA. It would accord with the design and heritage aims of Policies CL1, CL3, CL6 and CL11 of the Local Plan (adopted 2019) and the National Planning Policy Framework.

Conditions

10. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty. To ensure consistency across the building's window detailing, it is essential for the finished appearance of the new doors and any altered brickwork to match that existing. It is not, however, reasonable for a condition to request that the plastic doors are painted white.

Conclusion

11. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones

INSPECTOR