



Appeal Decision

Site visit made on 6 February 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/K5600/Y/22/3306283

Albert Lodge, 18 Victoria Grove, Kensington and Chelsea, London W8 5RW

- 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 Mike Luckwell against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/01731, dated 10 March 2022, was refused by notice dated 15 June 2022.
 - The works proposed are removal of low railings to front wall of house and relocation of taller existing railings to the front of the wall.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal relates to a listed building located within a conservation area, and I shall therefore have special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

3. The main issue is whether the proposal would preserve the special architectural and historic interest of no 18 Victoria Grove, a Grade II listed building (List Entry Number: 424656), and the character or appearance of the De Vere Conservation Area.

Reasons

4. Albert Lodge is a two-storey detached property over a half basement, which was constructed in the first half of the 19th century and is listed at Grade II. Whilst the building has been subject to a number of alterations and additions, it retains much of its architectural and historic significance as an attractive building characterised by the classical influence which prevailed during the 19th century. This is notably reflected by the sash windows corniced with consoles, and the strong symmetry of the front elevation, finished in stucco.
5. The appeal site lies within the De Vere Conservation Area, which draws its special interest from its rich collection of historic properties characterised by their high architectural quality. The appeal property forms part of the Inderwick Estate which is recognised in the Conservation Area Appraisal¹ (the CAA) as a "remarkably complete, charming and relatively unaltered piece of urban design

¹ De Vere Conservation Area Appraisal (Adopted March 2016).

with each street containing different house designs but sharing architectural treatments". As a "feature" house built to stand out at the end of Victoria Grove, it is clear that the appeal property makes an important contribution to the character and appearance of the Conservation Area.

6. The existing front boundary wall, which is topped with a row of 0.7m high metal railings, is of modern construction. By reason of their traditional design and recessed position, the existing railings read as a sympathetic feature, despite being a modern addition. Setting the row of low railings aside, I find that the existing wall, with the tall railings, contribute to the special interest of the listed building, by providing a sense of enclosure and grandeur to the property. Together with other front boundaries in the immediate vicinity, they create, as described in the CAA, 'a strong uniform feature along the length of the street which has a hugely positive effect on the area's character'.
7. Whilst I have been presented with photographs from the 1960s and 1980s showing that there were no railings to the front of the property at these times, this does not indicate that such features did not exist originally. Given the prevalence of railings within the site's immediate vicinity, and in the absence of substantive evidence to the contrary, I find that there is a reasonable likelihood that railings would have historically formed part of the front boundary.
8. A shorter row of spiked railings has recently been added in front of the main railings. These railings, which do not benefit from planning permission or listed building consent, were installed to deter the use of the wall as a seating area, notably by customers of a nearby coffee shop. These are proposed to be removed, whilst the taller railings would be moved forward. However, and whilst the relocation of the railings may be regarded as a modest alteration, their odd position within the plinth wall would stand out as an unbalanced and visually jarring intervention, which would cause real harm to the setting and thereby significance and special interest of the listed property.
9. My attention has been drawn to other changes which, it is argued, have had a greater effect on the special interest of the building, having particular regard to the construction of two dormer windows to the front elevation, many years after the property was listed, but these additions were found to preserve the special interest of the host building. Furthermore, it is often the smallest interventions which can have a greater adverse impact on the significance of designated heritage assets, and limited weight is therefore ascribed to this consideration. Though the relocation of the railings may be reversible, there is no suggestion that the works would be temporary, and thus no certainty that the railings would be reinstated to their previous position once listed building consent was to be granted for the appeal proposal.
10. As a result of the proposal, there would be harm to the special interest of the listed building, as well as harm to the character and appearance of the Conservation Area, to which I ascribe considerable importance and weight. The appeal scheme would also intrude within the setting of the nearby Grade II listed buildings on Victoria Grove, to the detriment of their significance. However, by reason of the separation distance from nearby listed buildings fronting Launceston Place, I am satisfied that the proposal would not cause harm to their setting, and their special interest would consequently be preserved.

11. The magnitude of the harm would be sited at the lower end of the less than substantial spectrum. In such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I appreciate the concerns of the appellant regarding the use of the front boundary wall as a seating area and the issues he has experienced with litter being left there and in his front garden. The appellant argues that the relocation of the railings would represent the minimum alteration possible to ensure that the appeal property remains as a well maintained and cared for single dwelling. Having regard to the presented evidence, it is however unclear whether alternative solutions have been considered and if so, why they were discounted. Furthermore, there is no substantive evidence before me that the continued occupation of the listed building as a single dwelling is dependent on the proposal. Overall, I have been presented with no public benefits which would outweigh the identified harm.
13. I have also considered the concerns raised regarding the gathering of customers of the café around the traffic island to the front of the site, and the effect that this may have on highway safety, but this is a separate issue which, in any event, would not be addressed by the appeal proposal.
14. For the foregoing reasons, the proposal would fail to preserve the special interest of the appeal building and the nearly listed properties fronting Victoria Grove. It would also fail to preserve or enhance the character and appearance of the De Vere Conservation Area. Consequently, the appeal scheme would conflict with Policy CL4 of the Local Plan 2019, which notably requires development to protect the heritage significance of listed buildings, and Section 16 of the Framework.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR