



Appeal Decisions

Site visit made on 6 February 2023

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal A Ref: APP/K5600/W/22/3295982

23 Brompton Square, London SW3 2AD

- 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 Ian Gilday against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/21/08163, dated 15 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is installation of iron railings and the enlargement of window opening for use as a door to allow for the use of the existing rear flat roof at second floor level as a terrace.
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Appeal B Ref: APP/K5600/Y/22/3295985

23 Brompton Square, London SW3 2AD

- 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 Ian Gilday against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/21/08164, dated 15 December 2021, was refused by notice dated 18 February 2022.
 - The works proposed are installation of iron railings and the enlargement of window opening for use as a door to allow for the use of the existing rear flat roof at second floor level as a terrace.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works relate to a listed building located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. As both appeals relate to the same site and the issues raised are of a similar nature, I shall consider them in a single document, in the interests of brevity.

Main Issue

5. The main issue is whether the proposed development and works would preserve the special architectural and historic interest of no 23 Brompton

square, a Grade II listed building, and preserve or enhance the character or appearance of the Brompton Conservation Area.

Reasons

6. Located within the Brompton Conservation Area, the appeal property is part of a terrace of five townhouses constructed between 1824 and 1839, which are collectively listed at Grade II. The listing description recognises the group value of these properties which, by virtue of their strong architectural composition, provide a pleasant sense of coherence and character to Brompton Square.
7. The significance of no 23 Brompton Square (no 23) and the wider listed terrace resides primarily in their special interest as an architectural set piece, with fine examples of restrained, classically inspired townhouses laid out around a central private garden square. The facades of the properties present an elegant display consisting of individual brick frontages of two windows wide, with horizontal incised lines in stucco at ground floor level, and balconies with decorative ironwork. These contrast with the more restrained, utilitarian nature of the rear elevations, which nevertheless reveal the evolution of the terrace over time, and so make a positive contribution to the special interest of this group of listed buildings.
8. The appeal property and the listed terrace as a whole also make a significant contribution to the character and appearance of the Brompton Conservation Area, which, as described in the Council's adopted Appraisal¹, has grown from a rural area to an important cultural and globally important shopping district. It draws its special interest from its historic significance as a fine example of planned, speculative development which occurred in this area during the Georgian and Regency periods in particular.
9. The Appraisal refers at length to the importance of Brompton Square within the Conservation Area, and notes that to the rear of the houses, the addition of closet wings has resulted in a rhythm that is characteristic of the backs of London terraced houses and a positive feature of the Conservation Area.
10. The proposal seeks to create a terrace on the flat roof of the existing closet wing which extends from the lower ground to the second floor. The existing parapets would be raised by several brick courses, with ironwork railings surrounding the terrace. The window proposed to be replaced is clearly modern, and its replacement in itself is not objected to.
11. The appeal scheme would however require the removal of brickwork and thus result in a loss of historic fabric. Together with the addition of several brick courses to raise the parapet, the proposed doorway and railings would appear as an unduly prominent addition which, by virtue of its high level-position, would be widely visible, both from public and private viewpoints. Whilst I have had regard to the suggested condition regarding the appearance of the railings, this would not overcome my concerns.
12. Whilst it would not detract from significant skylines, the proposed addition would nevertheless disrupt the prevailing uniformity which characterises the terrace's third floor level, and give the rear elevation of the appeal property a cluttered appearance. It would consequently result in a form of development, which could also over time obscure the historic form and function of the closet

¹ Brompton Conservation Area Appraisal (adopted 25 October 2016).

- wing. For these reasons, the appeal scheme would undermine the architectural composition of the appeal property, but also erode the uniformity of the wider listed terrace, to the detriment of its group value.
13. From the plans and my site visit, it was evident that the rear elevations of the appeal property and the wider terrace have been subject to a number of alterations and extensions, some of which are unfortunate. From the evidence before me, it is unclear whether these changes pre-date existing planning controls or the listing of the buildings.
 14. Whilst there are a number of terraces to the rear elevations of the properties fronting Brompton Square, the vast majority sit at a lower level than what is being proposed as part of the appeal scheme, thus ensuring that the higher levels retain a generally uncluttered appearance. I understand that there has been a terrace at this level to the rear of no 21 Brompton Square for some time, and the scheme granted by the Council in recent years was for an exact replica of what was then in situ.
 15. However, such alterations do not provide justification for carrying further works, where these are found to be harmful to the special interest of designated heritage assets. As stressed by Historic England², the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change.
 16. The appellant has also referred to a relatively modern development along Cottage Place, which incorporates balconies and railings. However, the main issue at hand here is not whether railings should be accepted because they are viewed as a common feature within the Conservation Area, but whether the proposed changes would detract from the special interest of the appeal property and the wider terrace. As such, despite the proximity of this development to the appeal site, it is considered of very limited relevance to my consideration of the proposal.
 17. The proposed development and works would fail to preserve the special interest of the listed building and the wider terrace and the character and appearance of the Brompton Conservation Area, to which I ascribe considerable importance and weight. The harm would in this instance be less than substantial. In such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
 18. The appellant is of the opinion that the appeal scheme would be beneficial, as it includes works to the parapet side walls and the removal of the rear gutter. Furthermore, there is no suggestion that the continued, viable use of the property is dependent on the appeal scheme, as the building is already in residential use, which would not cease if planning permission and listed building consent for the proposed development and works were not forthcoming. Overall, I have been presented with no public benefits which would be sufficient to outweigh the identified harm.
 19. Given the above, the appeal scheme would fail to preserve the special interest of the Grade II listed property and wider terrace, and fail to preserve the

² Historic Environment Good Practice Advice in Planning 2 - Managing Significance in Decision-Taking in the Historic Environment.

character and appearance of the Brompton Conservation Area. It would therefore be in conflict with Policies CL1, CL2, CL3, CL4, CL6 and CL11 of the Local Plan (September 2019) which, amongst other things, seek to ensure that development proposals are of the highest architectural and urban design quality and protect the heritage significance of listed buildings and the character or appearance of the conservation area.

Other Matter

20. My attention has been drawn to two appeal decisions³ related to properties located in other parts of the Borough. However, I do not have the full details of the circumstances that led to these appeals being allowed and cannot therefore be certain that they represent a direct parallel to the proposal before me. In particular, I have seen nothing suggesting that these appeals relate to proposals affecting listed properties, thus limiting the weight which can be afforded to these decisions.

Conclusion

21. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR

³ APP/K5600/D/21/3269144 and APP/K5600/D/21/3278519.