



Appeal Decisions

Site visit made on 3 May 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal A Ref: APP/N5660/W/22/3297948

346-348 Lower Ground Floor Flat, Kennington Road, LONDON, SE11 4LD

- 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 Ryskali against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04880/FUL, dated 17 December 2021, was refused by notice dated 5 April 2022.
 - The development proposed is refurbishment and reconfiguration of the internal layout, the removal of steps on the rear facade, the construction of a single storey rear extension, the replacement of rear fenestration, alterations to the facade of the existing rear extension together with other associated development.
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Appeal B Ref: APP/N5660/Y/22/3297950

346-348 Lower Ground Floor Flat, Kennington Road, LONDON, SE11 4LD

- 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 Ryskali against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04881/LB, dated 17 December 2021, was refused by notice dated 5 April 2022.
 - The works proposed are refurbishment and reconfiguration of the internal layout, the removal of steps on the rear facade, the construction of a single storey rear extension, the replacement of rear fenestration, alterations to the facade of the existing rear extension together with other associated development.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same proposal under different legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue for both appeals is the effect upon the significance of two grade II listed buildings, Nos. 346 and 348 Kennington Road.

Reasons

5. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
6. The appeal building is a generously sized flat that straddles the basement level of two listed buildings. The eastern part of the flat sits under No. 346 Kennington Road. This building has a narrow frontage. It is three storeys in height plus basement and attic storeys. It has a simple appearance with incised stucco to its principal floor and tall windows serving the floor above, which sit behind an elegant ornamental balcony that extends to the width of the building. These elements are primary contributors to the building's special architectural and artistic interest and are readily appreciated from the street.
7. Internally, the part of the appeal building that sits within No. 346 appears to have little significance, and to the rear its plot is occupied entirely by later ground level extensions. However, the upper part of its rear façade is visible from the garden of the appeal building and displays a distinctive curved face that appears to be original and contributes to the building's special interest.
8. The western part of the appeal building sits at the base of No. 348 Kennington Road. This building has a broader front elevation and a full four storeys above its basement level. Its floor levels align with No. 346, and it has similar tall windows serving the first floor that sit behind intricate individual balconettes. Its principal floor is also faced in incised stucco, with plain render to the floor below. Similarly, these external elements and the overall composition of the building's principal façade are primary contributors to the building's special architectural and artistic interest and are readily appreciated from the street.
9. Internally, the part of the appeal building that sits within No. 348 appears to have some remnants of an historic floor plan. Its rear elevation has not been extended and can be readily appreciated from the rear garden. It retains a simple pattern of sash windows serving the room to each floor to one side, with alternating half landing windows on the other, terminating in a butterfly roof. The rear face thus retains considerable historic character and some interest, including the contrast between its modest and functional appearance and the polite façade that faces the street.
10. The proposal would see a lateral extension erected across the garden to the rear of No. 348. It would be close to its rear elevation and much more substantial in scale than the brick wall that currently cuts across the garden. It would compound the existing impact of the excessively scaled extension at the rear of No. 346 by building over a further area of the rear garden of the buildings. It would truncate the open appearance of the garden in a manner that is at odds with its strong linear grain. In doing so it would limit views of the rear of the building and separate it spatially from its historic garden to the extent that when one looks back over the plot from the far end of the garden the original rear façade of the building would appear as a secondary element behind a contemporary extension.
11. I accept that considerable effort appears to have gone into trying to develop something that would be as low and as visually light weight as possible, and there is no doubt that the proposal's impact would be greater if the extension

were taller or more solid. However, views through the extension would be impeded by the reflectivity of the glass and placement of internal fittings which would be significant for a Kitchen; and it is likely that there would be a practical need for blinds to give some privacy to users of the Kitchen given the potential for overlooking at close range from the windows serving the upper flats.

12. The loss of the concrete stair would not result in the loss of historic fabric. I do agree however that the structure has a modest level of evidential value as stated by the Council, and makes sense of the former doorway that once provided connection between the principal floor and the garden. The proposed balustrade and replacement joinery would retain a sense of the former function of this doorway, sufficient for this intervention to not cause harm. Nevertheless, the effort to make sense of this would be undermined by the presence of the extension as it would separate the original rear façade from the rest of the garden area.
13. The existing plain render at the basement level of the rear of No. 348 matches the render finish at this level at the front, where it sits below the more formal render finish to the principal floor with its horizontal lines. Other than an aesthetic improvement it is not clear what justification there is for adding this finish at the lower level at the rear, and I am of the view that this confuses the hierarchy between the principal and service floors and therefore consider this intervention to also cause some harm to the building's special interest.
14. I note that other buildings in the row have seen substantial rear extensions, occupying significant portions of rear gardens. Whilst it could be argued that these set a precedent that could weigh in favour of the proposal, the building is individually listed rather than a component of a listed terrace and therefore I primarily need to consider the impact on this single building. This matter does not therefore cause me to come to a different view in terms of whether the proposal would cause harm.
15. I am therefore of the view that the proposal would harm the special interest of No. 348 for the reasons given. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial and relatively moderate in the context of the primary special interest of the listed building, which is focused on its front façade. However, Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
16. The proposal would secure aesthetic improvements to the existing linear extension at the rear of No. 346. However, the overall scale of the extension would remain, and this existing development already, owing to its scale alone, causes a degree of harm to the setting of both buildings. Therefore, whilst the appearance of the wing would be improved it would continue to have an overall harmful impact because of its scale and I am not satisfied that this work should weigh significantly against the harm identified.
17. The improved appearance of the proposed French doors in the position of the former door opening from the principal floor to the garden would be undermined by the manner by which the extension would separate this opening from the rest of the historic garden. I therefore can only give this heritage related public benefit modest weight.

18. The proposal would deliver improvements to the layout of the dwelling for the benefit of its occupants. Yet, based on the plans before me and my own observations on site, I am of the view that the existing dwelling is spacious and functional. This matter can only therefore be considered a private benefit to the occupants of the dwelling.
19. There are references in the submission to the benefit of replacing the existing front door, however the plans do not illustrate any change to the design of the door. Thus, I give no weight to this matter.
20. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The public benefits carry very limited weight and are not sufficient to outweigh the harm identified.
21. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interests of the listed building. It would be contrary to Policies Q5, Q11 and Q20 of the Lambeth Local Plan 2020-2035. Together these Policies seek to ensure that development proposals respond to positive aspects of historic character, original architecture, and conserve the special interest of a listed building.

Other Matters

22. The Council refers to the additional harm to the character and appearance of the Kennington Conservation Area (CA). Rear gardens are a characteristic of the CA that contribute to its significance where their verdant and undeveloped appearance is open to wider view or visible from the public realm. However, in the case of the appeal proposal views of the existing garden area are only possible from a small number of surrounding dwellings and not from the public realm. Indeed, the garden is significantly hemmed in by existing development. It cannot be said then that the existing garden contributes meaningfully to the character and appearance of the wider CA, and I am therefore of the view that this matter should not be a main issue of the appeal.

Conclusion

23. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR