



Appeal Decision

Hearing held on 16 May 2023

Site visit made on 16 May 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2023

Appeal Ref: APP/K5600/W/23/3316611

6A Cresswell Place, Kensington and Chelsea, London SW10 9RD

- 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 Jael International Ltd against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/02703, dated 22 April 2022, was refused by notice dated 18 August 2022.
 - The development proposed is described as 'Demolition of four storey house and replacement with a two storey dwelling with accommodation at roof level and excavation of single storey basement'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the street scene, and whether it would preserve or enhance the character or appearance of The Boltons Conservation Area.

Reasons

3. The appeal relates to a 4-storey mews property that is situated on the western side of Cresswell Place and lies within The Boltons Conservation Area (CA). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. I consider the significance of the CA, insofar as this appeal is concerned, to derive from the architectural quality of the buildings and planned set pieces such as The Boltons and Redcliffe Square, along with the hierarchy of the urban form, and the layout and relationships between buildings, streets and spaces. As noted in the previous appeal decision on this site¹, the street layout within the CA includes principal streets characterised by more opulent housing such as those on The Boltons which back on to what were once service streets. These service streets are often lined by mews developments, such as Cresswell Place.
5. The Boltons Conservation Area Appraisal 2015 (BCAA) describes Cresswell Place as a long mews with varied building styles, containing many garages to the north, and several tile hung mews to the south. The mews is also identified as containing at least 2 artist studios, and predominantly 2 storey, plain pitch

¹ APP/K5600/W/22/3297508

- roofs, fire wall parapets and chimneys that have a fairly uniformed appearance towards its centre.
6. Notwithstanding this variety, No 6A sits within a small row of 4 storey buildings (6A-7B) that are later 20th Century additions, and are all set back from the granite set surface and the prevailing building line of the mews on this street. Their relatively spacious set-back position and increased scale and height differentiates them from the typical mews typology and layout pattern of the street, thereby presenting a clearly identifiable small group of buildings.
 7. At the Hearing, the main parties agreed that despite possessing some negative elements that detract from the character of the mews, No 6A makes a neutral contribution to the significance of the CA. It was also agreed that the size, scale and form of the proposed building was acceptable and that the main areas of dispute relate to the proposed fenestration details and boundary wall. I have no substantive reason to disagree with any of this.
 8. I recognise that No 6A and 6B have a mirrored façade, and that the appeal scheme does not reflect the first-floor window proportions and the position of these openings within the adjoining property at 6B. The proposed front and rear dormers would also be of a taller square shaped single windowed design, breaking the eaves line and unbalancing the pair, when looked at in isolation.
 9. However, unlike Redcliffe Mews and Coleherne Mews, which I saw on my site visit, the mews along Cresswell Place contains a mixture of materials and fenestration details with varying proportions. The proposed first-floor window proportions take reference from those at No 5. The proposed dormer windows are also of a similar design to the artist studio windows further along the mews. In addition, there is no strict uniformity or rigid symmetry to the proportions in the frontages of the properties within the small group of adjoining buildings at 7, 7A and 7B.
 10. Given the varied fenestration and proportions along the street, I am therefore satisfied that the proposed first floor openings, and dormers would not disrupt the balance or provide a discernibly irregular rhythm to the group or wider composition in these respects.
 11. Furthermore, the retention of plain casement window frames would have a neutral effect. I am also mindful that these elements of the proposal would result in the replacement of a number of the features identified within the BCAs as detracting from the character of the mews. As such, the proposed first floor openings and dormer windows would not cause any material harm to the street scene or CA.
 12. Nonetheless, most of the dwellings on Cresswell Place abut the boundary with the street, and other than for the tree pit at No 7, and mature trees to the side of No 12, are largely devoid of soft landscaping and do not have enclosed front garden or yard areas. Conversely, the proposed front boundary wall would project outwardly from the face of the proposed dwelling, and the building line of No 6B and the adjoining small group of buildings. It would enclose the entire front courtyard to align with the front elevation of No 5 and the back edge of the Cresswell Place highway.
 13. At approximately 2.3 metres in height this would appear as a jarring and unduly prominent feature in the street scene, when seen from the southern

direction. Furthermore, the sliding gate and entry door that would punctuate the wall's frontage would be of a large rectangular shaped and solid appearance. Although there would be a small window next to it this would present a largely stark, robust and conspicuous feature, obscuring views of the ground floor of the proposed dwelling's façade. The proposed soft landscaping would not overcome this harm. All of these factors would therefore combine to erode the sense of spaciousness that the short group of buildings possess and introduce an uncharacteristic and incongruous feature into the street scene and CA.

14. My attention has been drawn to examples of nearby lock-up garages, door openings, gates and other means of enclosure along Cresswell Place, and these were pointed out to me on the site visit. However, the lock-up garages are far removed from their host dwellings. No 12's wall and vegetation are to the northern end of the street and are associated with the flank elevation of this property. The gates and brick piers at No 50 are also to its rear and do not project outwardly into the street scene. As such, they are not directly comparable to the appeal proposal. Moreover, I am mindful that similar proportioned garage door alterations within the houses in the CA are highlighted in the BCAA as negative elements with the desire for these to be reversed wherever possible.
15. Whilst I also saw the projecting wall to the side of No 6B's external staircase on my site visit, this does not provide the same level of enclosure as the proposed front wall and I do not consider its presence to justify further harm to the CA. Furthermore, I appreciate that the proposed wall would be brought forward to the historic building line along the street, and I have had regard to the appellant's heritage statement in this respect. Nevertheless, this would only be a partial reinstatement as the remainder of the group would still be set back. In any event, the former mews stable and accommodation buildings no longer form a part of the immediate local context.
16. In light of the above, I find that the proposed development would not respond positively to its immediate context, thereby having a harmful effect on the street scene. It would also not preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies CL1, CL2 and CL3 of The Royal Borough of Kensington and Chelsea Local Plan (2019). These seek, amongst other matters, for development to respect existing context, character and appearance, and to preserve or enhance the conservation area. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework), specifically Section 12.

Heritage Planning Balance

17. I consider that the harm that would occur to the significance of the CA would be 'less than substantial' within the meaning of the Framework. Nonetheless, I am mindful that Paragraphs 199 and 200 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, irrespective of whether it amounts to less than substantial harm to its significance, and that any harm, requires clear and convincing justification. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
18. At the Hearing I heard that the appeal scheme would provide an accessible development of a high-quality design. It was also put forward that it would

offer an improvement to pedestrian permeability and a highway benefit through the removal of off-street parking and the provision of a resident parking bay.

19. A completed S106 planning obligation has been submitted by the appellant in respect of financial contributions towards the re-instatement of a footway and the modification of a Traffic Management Order for a residents' parking bay. The Council has confirmed that this planning obligation fulfils its purpose, and I am satisfied that it is compliant with regulation 122 of the CIL Regulations and paragraph 57 of the Framework. The proposal would therefore secure a new footway and on-street parking bay that would be of a public benefit, albeit for local residents.
20. I was made aware of the design rationale and functional requirements in replacing the garage doors and providing a level access and light to the proposal's rooms and spaces at the Hearing. Lifting the ground level and providing this access to the front door and garden area would be an improvement to the existing situation in terms of accessibility. However, I am not convinced that the particular scheme proposed is the only way of achieving this or the parking and highway benefits. As such, this limits the weight that I can attribute to them in favour of the proposed development.
21. Therefore, with the above in mind, I find that the limited public benefits involved do not outweigh the harm that would be caused to the significance of the CA.

Other Matters

22. Neither main party has raised any objections to the effect of the proposed development on the setting of 5 and 6 The Boltons, which are Grade II listed buildings. In reaching my decision I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of these listed buildings. Given the degree of separation and limited public views between these listed buildings and the appeal site, and that the size, shape and form of the proposed building would largely be retained, I agree that the proposal would not harm the significance and setting of these heritage assets. On this basis, I am satisfied that it would preserve those interests.
23. At the Hearing the main parties also agreed that whilst a formal pre-application enquiry was not submitted, discussions took place and the appellant received positive informal advice from Council officers prior to the submission of the planning application Ref: PP/22/02703. Nonetheless, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.
24. I am also aware that the Council's planning officers originally recommended the approval of the scheme, and that the appellant considers all issues raised by the Inspector in the previous appeal on the site to have been addressed. However, for the reasons given above, I continue to find that the scheme conflicts with local and national policies.

Conclusion

25. The proposal would therefore cause unacceptable harm to the street scene and fail to preserve or enhance the character or appearance of The Boltons Conservation Area. For the reasons given above, having taken account of the

development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Williams	Kings Counsel, Landmark Chambers
Simon Wallis	Savills
John O'Mara	Herzog & de Meuron
Wynn Chandra	Herzog & de Meuron
Stephen Levrant	Stephen Levrant Heritage Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Emma Gore	Royal Borough of Kensington and Chelsea
Phoebe Graham	Royal Borough of Kensington and Chelsea

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Additional Documents – Appeal 6A Cresswell Place, London SW10 9RD
2. List of people appearing for the appellant
3. Section 106 agreement dated 26 May 2023.
4. Plan highlighting the location of Redcliffe Mews and Coleherne Mews.