



Appeal Decisions

Site visit made on 17 May 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal A Ref: APP/K5600/W/22/3312434

37 Gloucester Walk, London, W8 4HY

- 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 Ali Benzakour against the Council of the London Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/05278, dated 12 August 2022, was refused by notice dated 18 October 2022
 - The development proposed is the increase of the rear hip of the existing mansard roof and bay extension at third floor level, in conjunction with the installation of a new dormer window at third floor level.
-

Appeal B Ref: APP/K5600/W/22/3309339

37 Gloucester Walk, London, W8 4HY

- 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 Ali Benzakour against the Council of the London Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/04433, dated 18 July 2022, was refused by notice dated 12 September 2022
 - The development proposed is the reconfiguration of existing front entrance, amendments to the front steps, replacement of ground floor window, and the removal of window bars to lower ground floor windows.
-

Decision

1. For Appeal A, the appeal is dismissed.
2. For Appeal B, the appeal is allowed and planning permission is granted for the reconfiguration of existing front entrance, amendments to the front steps, replacement of ground floor window, and the removal of window bars to lower ground floor windows at 37 Gloucester Walk, London, W8 4HY in accordance with the terms of the application, Ref PP/22/04433, dated 18 July 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development shall not be carried out except in complete accordance with the details with the following approved plans: Location Plan (210_100), Site Plan (210_101), Proposed Lower Ground Floor Plan (210_PL1B_250), Proposed Ground Floor Plan (210_PL1B_251),

Proposed Front Elevation (210_PL1B_450); and Proposed Section C-C (210_PL1_350)

- 3) All windows, doors and framing hereby granted consent shall be of painted timber, and the proposed windows shall be a sash design with a bevelled putty finish and no trickle vents to match the existing front elevation windows, and be so maintained.
- 4) All new works and works of making good to the external fabric shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile.
- 5) No development shall commence until full particulars of the proposed external tiles have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved.

Preliminary Matters

3. As the proposal is in a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Kensington Conservation Area (the CA).
4. The Decision Note for Appeal A refers to the absence of supporting information to demonstrate that the application would help mitigate the effects of surface water flooding. However, I have subsequently had regard to the Council's further comments that as the proposed works are located above ground floor level, there is negligible impact on flood risk. As there is no evidence before me to indicate otherwise, I am satisfied that this aspect of Appeal A is no longer a main issue.

Main Issues

5. The main issues in both appeals are whether the proposed developments would preserve or enhance the character or appearance of the CA.

Reasons

6. The appeal site is a three/four storey mid-terrace Victorian townhouse. It forms part of a row of ten similarly designed properties on the north side of Gloucester Walk. It is a good example of the typical type of residential property which may be found within that row of properties.
7. The area contains many solidly developed streets with a highly urban form. Architecturally, the proportions of door and window openings all emphasised verticality, but this was subordinate to the horizontal lines of long terraces. As such, a fine balance was created between the length and height of the terraces, and any significant loss of detailing can negatively affect the overall proportions.
8. The terrace consists of large red brick buildings which are attractively designed, with fine red brickwork laid in Flemish bond and stone dressing. As such, they have acquired their own unique style, which includes a large communal garden. While the area has experienced change, which notably includes the construction of non-original mansard roofs adjacent to the appeal site, the terrace still has considerable historic architectural significance.

Appeal A

9. Regarding the works to the rear aspect, under Appeal A, the building utilises the loft and attic space as a habitable space, as it is pierced with two individual dormer windows. The properties immediately adjacent to the building have also retained this roof form, and as such, they form a small group which makes a strong positive contribution to the heritage significance of the CA. The rear elevations of the property have a formal appearance, with high quality brickwork and decorative finishes. This provides an attractive backdrop for the communal gardens, as well as providing a pleasing view from Holland Park.
10. The proposed development would affect a relatively prominent roofscape within the CA. The proposed development would have a negative impact on the existing built environment, as it will disrupt the architectural composition of the terraced houses and disrupt the uniform rhythm of the rear of the terraces. The proposed changes to the roof pitch and rear dormer alterations would distort key features, and add to the vertical bulk of the building, thereby affecting the fine balance between the length and height of the terrace. It would therefore be harmful to the wider character and appearance of the CA as a whole, affecting the scale and rhythm of the properties in the area. Given the above, I find that the proposal would fail to preserve the character or appearance of the CA, as it would disrupt the dominance of the detailing and the rhythm and roof form of this section of the terrace.
11. In reaching this view, I have considered the fact that other buildings in the terrace have been altered with non-original mansard forms, and as such the rear aspect is variable in form and style. It is not an unbroken terrace and I recognise that some neighbouring properties have undergone significant development. I am not aware of the particular circumstances of those developments; however, they are not of a scale that fundamentally alters the historic character of the terrace. Additionally, the appeal site and the immediately adjacent properties represent an unaltered section, which contributes significantly to the remaining heritage value of the CA. I recognise that the building heights, window design, gables and roof designs vary between properties, however, these details still accord with the general architectural composition of the houses. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires such additions to respond to local distinctiveness and character.
12. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Regarding Appeal A, given the disruptive appearance of the proposed changes to the roof pitch and rear dormer alterations, I find the harm to be less than substantial in this instance, because it is a single property within the wider CA. Nevertheless, it continues to be of considerable importance and attracts great weight in accordance with Paragraph 199 of the Framework.
13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There is

insufficient information before me which outlines the public benefits of the proposal, accordingly there are no public benefits which are sufficient to outweigh the harm that I have identified.

14. Regarding Appeal A, I conclude that the proposal would fail to preserve the character or appearance of the CA and would cause less than substantial harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm it would be in conflict with Policies CL1, CL2, CL3, and CL8 of the Royal Borough of Kensington and Chelsea Local Plan (2019), specifically the need for development to contribute positively to the townscape and preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting. It would also conflict with the need to resist roof level alterations on groups of buildings where the existing roof line is unimpaired by extensions. Additionally, the visual impact of the proposed development would have a harmful effect on heritage conservation, contrary to Policy HC1 of the London Plan (2021). It would also result in harm to the significance of the CA, contrary to Section 16 of the Framework

Appeal B

15. Regarding the works to the front aspect, under Appeal B, the appeal site features an ornately decorated porch with a recessed side facing entrance door. The proposed front door would be front facing and brought forward to near the front of the porch area, thereby restricting access to the recessed space and views from the public into the porch itself. While some properties have been adapted to enclose their entrances, the traditional design has been maintained at the appeal site. The Council has concerns regarding the reconfigured door entrance but has not raised any issues regarding other proposed changes to the frontage. The Council dealt with the proposal on this basis and so shall I.
16. The proposed development would affect a relatively prominent frontage within the CA. However, while there is a reference to the ornate decoration of the entrance and the pediment above the entrance in the Kensington Conservation Area Appraisal (2017), these aspects would not be harmed by the reconfiguration of the entrance from a recessed side facing design to the proposed front door. Additionally, of those properties which have similar frontages to the appeal site, the majority of them have front facing entrances which are fitted within the frames. As such, side facing entrances have become unusual within the terrace. As a result, due to the prevalence of front facing entrances, the design language of the wider terrace and CA has been fundamentally altered. The proposed development therefore integrates with the appearance of the other entrance designs along the terrace. It is consistent with the overall design of the area and the loss of the side entrance would not distort the localised rhythm or present as an alien design feature. Accordingly, it would leave the character and appearance of the CA unharmed and would have a neutral effect.
17. Regarding Appeal B, I conclude that the proposal would have a neutral effect on the character and appearance of the CA. While I understand the Council's desire not to encourage any incongruous modern additions within the CA, my decision is based firmly on the characteristics of this particular building and its setting. As such, it does not set any precedent that can apply more generally to the area. It would respect the existing character and appearance of the CA,

and improve the quality of the building in accordance with Policies CL1, CL2, CL3, CL6 and CL9 of the Royal Borough of Kensington and Chelsea Local Plan (2019).

Conditions

18. For the case of Appeal B, the Council has provided a list of suggested conditions, which I have assessed in regard to the advice provided in the National Planning Policy Framework and Planning Practice Guidance (PPG). In addition to the standard time limit, condition 2 is necessary to provide certainty. Condition 3, 4 and 5 are required to safeguard the special heritage significance of the building and the wider CA. I have made minor amendments in the interests of clarity and to ensure that the conditions are enforceable.

Conclusion

19. For the case of Appeal A, for the reasons given above, and having regard to all other matters raised, I find that the proposal conflicts with the development plan read as a whole. There are no material considerations, including the policies of the Framework that have been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. I, therefore, conclude that the appeal should be dismissed.
20. For the case of Appeal B, for the above reasons, the appeal is allowed subject to conditions.

S Lo

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/K5600/W/22/3312434	Mr Ali Benzakour
Appeal B	APP/K5600/W/22/3309339	Mr Ali Benzakour