



Appeal Decision

Site visit made on 2 April 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/K5600/W/23/3331007

Flat 5, 55 Linden Gardens, Kensington and Chelsea, London W2 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wayne Stubbs against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/03347.
 - The development proposed is described as an additional floor and attic storey to third floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Council's description of the development, on its decision notice, differs from the description contained on the planning application form. I have utilised the Council's description in the banner heading above as I feel it more precisely describes the development. This description is also used on the appellant's appeal form.
3. The proposal lies within the Pembridge Conservation Area ("the CA"). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the area including the CA.

Reasons

5. The significance of this part of the CA is defined, in part, by the high quality of attractive and characterful streets. While there is some fluctuation, buildings broadly have a similar height in this part of Linden Gardens. Existing buildings comprise 4 main stories from street level with many featuring a further mansard style attic storey. This gives the local area a sense of coherence where buildings have a group value and sit in harmony with one another. These features make a positive contribution to the setting of the CA.
6. The appeal building sits in a prominent location on Linden Gardens, it currently comprises four stories from street level, however, it does not have an attic storey. The proposed development would introduce two further stories to the existing building including a mansard style attic storey.

7. The architectural design features including materials as proposed would be sympathetic to the host building and the mansard roof would break up the visual mass of the proposed attic story. However, the resultant bulk, mass and height derived from two additional stories would nonetheless project considerably above the established buildings. This would significantly and harmfully disrupt the group value and harmony of these buildings when experienced from public vantage points.
8. I acknowledge that 99 Linden Gardens is moderately taller than its existing neighbours. However, No 99 is visually separated from the appeal site. The appeal site is more closely related to 57 - 73 Linden Gardens and would be primarily perceived within that context. The proposed development would considerably increase in height therefore harming the group value of Nos 57 – 73. It would also be taller than No 99. Both these factors in combination would therefore be harmful to the street scene and the CA.
9. Paragraph 205 of the National Planning Policy Framework (“the Framework”) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
10. Given the scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. There would be social, environmental, and economic benefits derived from the proposed development. These include sustainable construction and reduced commuting for the appellant. Given the quantum of the proposed development, these benefits carry moderate weight. Accordingly, the benefits when considered collectively would not outweigh the importance and great weight given to the conservation of the heritage assets.
12. The proposed development would therefore be unacceptably harmful to the significance and distinctiveness of the CA which is defined by coherent buildings of visual quality which sit in harmony with one another.
13. Accordingly, for the reasons given above, the proposed development would fail to preserve or enhance the character or appearance of the area including the CA. The proposal would therefore conflict with the relevant provisions of Policies CL1, CL2, CL3, CL6, CL8 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan (2019) and the Framework. These, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Conclusion

14. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR