

Appeal Decision

Site visit made on 28 May 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/K5600/D/24/3344775

5 Seymour Walk, Kensington and Chelsea, London SW10 9NE

- 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 A Crawford against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/24/01025, dated 14 February 2024, was refused by notice dated 28 March 2024.
 - The development proposed is: demolition of a 2 storey 1960's rear kitchen extension and replacement with a 2 storey extension including replacement roof terrace above; removal of an existing conservatory link structure and replacement with a new lightweight contemporary single storey glazed link set back from the existing glass link; dismantling and replacement of the building at 5a Seymour Walk with a single storey plus mansard building to remain as ancillary residential accommodation (Use Class C3); removal of 1x lightwell; associated landscape improvements and planting; creation of roof lights; and installation of plant and solar panels.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. This appeal has been considered concurrently with another appeal for the same site, Ref APP/K5600/D/24/3338165. That appeal, for a basement extension, is the subject of a separate decision.

Main issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of The Boltons Conservation Area.

Reasons

4. Seymour Walk is a residential street of mainly terraced houses, originally built up during the 1790s to 1820s before the development of most of the conservation area took place in the Victorian era. No 5's Regency architectural style is unusual within the Borough and therefore of historic significance. It is also unusual within Seymour Walk in that it sits back from the street within a large, walled plot that also contains a couple of other 2 storey buildings – an ancillary building (No 5a) at the back, opposite the main house, and a coach

- house type building (No 5b) on the street frontage. All have been significantly altered and extended within the 20th Century.
5. The appeal proposal, as set out above, includes a number of different interventions. The Council raises no concerns about alterations to No 5b and various other minor elements of the proposal, some of which would be acknowledged enhancements. Its key concerns relate to: (i) the replacement of No 5a with a new building; (ii) a replacement 2 storey extension with roof terrace to No 5; and (iii) the replacement of the glazed link between Nos 5 and 5a, including consequential alterations to No 5.
 6. A plan in the Council's Conservation Area Appraisal (CAA) for The Boltons indicates that of the 3 buildings on the site only No 5b is a positive contributor to the conservation area. I find myself in agreement with the Council, however, that this must be an error in the document. The coding on the plan makes little sense otherwise. If taken literally, the plan shows the garden areas on this site as positive contributing buildings while the buildings at Nos 5 and 5a are coded the same as non-built spaces such as gardens. Given the agreed architectural and historic interest of No 5, I consider it to be a positive contributor. No 5a, because of its 20th Century alterations, is a more neutral feature. The whole site is, in any case, part of the conservation area, a designated heritage asset. The effect of each proposal on the heritage significance of the conservation area must be assessed.
 7. The most substantial part of the proposal is the complete replacement of No 5a. This was built in the late 19th Century, likely as an ancillary structure to provide a studio for an artist or similar. Such artists' studios are noted by the CAA as a characteristic feature of the area. The appellant's Heritage Statement for the application notes that many of the residents of No 5 over the years have been artists and sculptors. While this historic use and character is of some interest, the building itself is not of any great merit. It is an architecturally modest ancillary building. The Council rightly accepts that demolition of the building could be acceptable if the replacement is appropriate.
 8. The appellant states that the replacement for No 5a would be an orangery style garden building of high-quality design. The building would have a series of tall, arched windows at ground floor level, with a mansard style roof and arched dormer windows over, plus a large area of flat roof between the mansard roof slopes. Although it would sit on the same footprint and would be the same height as the existing building, it would be a much larger structure with little articulation to break up its massing. The ground floor windows would be much taller than those of the main house and the addition of such a bulky mansard/flat roof first floor would be out of character and inappropriate for an ancillary building, even taking into account the relatively large plot. The large scale and more flamboyant design of the new building would challenge and detract from the quieter and more refined design of No 5.
 9. No local examples of similar orangery style buildings have been put forward. The building precedents cited in the application Design Statement are not orangeries and appear to be either for more substantial primary buildings or for an ancillary building on a larger institutional site. The appellant's references to other mansard and crown roofs in the local area mainly look to be smaller structures on primary buildings.

10. The appellant also seeks to justify this part of the proposal by saying that the new building would not be visible in any public views. This may be true as things stand, but I am not convinced that this would remain the case in the longer term. The roadside wall at the front of the site is heavily covered by climbing plants, piled high on top. The submitted plans show the wall as being not much over 2m tall on the street side, compared to a building height of around 7m. It is mainly the climbers that appear to be blocking views into the site at present. It is likely that this situation will change over time as climbers are often cut back or removed. The potential loss of this vegetation in future would open up some public views into the site, including of the proposed replacement building. The building would also be seen from neighbouring properties.
11. I find no objections to the other elements of the proposal. The replacement extension at the back of No 5 would be of a similar style to the existing building. Although significantly larger than the existing 1960's extension, it would be complementary to the Regency house and would be discreetly located. The glazed link would be an improvement over the existing low quality link and would maintain a clear visual separation between Nos 5 and 5a. The consequent alterations to openings at No 5 would be comparatively minor interventions which have been well considered to leave the main architectural interest of the building intact. While this extension would not be an enhancement, it would cause no harm to the site's significance.
12. The Council accepts that the proposed changes to No 5b would be a minor enhancement. I nevertheless conclude that the appeal proposal would harm the character and appearance of the conservation area. It conflicts in this respect with policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Local Plan, which seek to secure high quality design that contributes positively to the townscape and protects the special architectural or historic interest of conservation areas. The Council also refers to an emerging New Local Plan in the documentation but accords that plan only moderate weight and does not cite any of its policies in the refusal notice.
13. In coming to this conclusion, I give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the conservation area, in the terms of National Planning Policy Framework (Framework) paragraph 205, would be less than substantial. I nevertheless give great weight to this matter.
14. Framework paragraph 208 says that where a proposal would cause less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposed enhancements to the building at No 5b and the glazed link would weigh in favour here. The appellant suggests that there would be landscaping enhancements too, but I have not seen a landscaping plan to demonstrate this. Such enhancements would not likely depend on this particular proposal, in any case.
15. The appellant says that the proposal would provide a functional family home fit for modern living, enabling the site to be used sustainably. I note that the submitted Whole Life-Cycle Carbon Assessment for the development concludes that the development's carbon emissions would be significantly lower than the

Greater London Authority benchmark emission rate for residential (most appropriate option) developments in the terms of both upfront and whole life-cycle embodied carbon, though this is mainly because most of the floorspace would be re-used. I see nothing here to show that this particular proposal is necessary to meet these aims, or to bring the site back into viable use.

16. Weighing this up, I find that the public benefits would not outweigh the harm caused to the significance of a heritage asset. The proposal conflicts with the development plan for the area. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR