



Appeal Decisions

Site visit made on 26 June 2024

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal A: APP/K5600/W/24/3338020

24 Pembroke Square, London, W8 6PB

- 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 Mr & Mrs P Obloj against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref: PP/23/07426, dated 13 November 2023, was refused by notice dated 9 January 2024.
- The development proposed is replacement of windows at lower (closet), ground (closet), first (rear wall) and second (rear wall) floors at rear elevation; extension of closet wing extension to ground, first and second floor level; construction of new roof and creation of loft space at roof level; installation of air conditioning unit at roof level; replacement bi-folding French doors of two storey infill extension at lower ground on the rear elevation; replacement of two storey infill extension at ground floor level; replacement pipes to rear elevations; partial excavation works to create lower terrace and installation of steps to rear garden; reinstatement of fascia to front elevation; replacement windows at lower, ground, first and second floors to the front elevation; replacement of fenestration to basement and front lightwell services cupboard; full replacement of staircase; internal alterations at lower ground, ground, first, second floor and basement; construction of garden room.

Appeal B: APP/K5600/Y/24/3338023

24 Pembroke Square, London, W8 6PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr & Mrs P Obloj against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref: LB/23/07427, dated 13 November 2023, was refused by notice dated 9 January 2024.
- The works proposed are replacement of windows at lower (closet), ground (closet), first (rear wall) and second (rear wall) floors at rear elevation; extension of closet wing extension to ground, first and second floor level; construction of new roof and creation of loft space at roof level; installation of air conditioning unit at roof level; replacement bi-folding French doors of two storey infill extension at lower ground on the rear elevation; replacement of two storey infill extension at ground floor level; replacement pipes to rear elevations; partial excavation works to create lower terrace and installation of steps to rear garden; reinstatement of fascia to front elevation; replacement windows at lower, ground, first and second floors to front elevation; replacement of fenestration to basement and front lightwell services cupboard; full replacement of staircase; internal alterations at lower ground, ground, first, second floor and basement; construction of garden room.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Many of the elements of the development and works applied for in these appeals have already been granted permission by the Council¹. The key differences compared with the earlier approved works are as follows: an additional floor to the reconstructed closet wing at second floor level²; alterations at roof level for proposed acoustic measures; further internal alterations; minor alterations to the replacement rear infill extension at lower ground and ground floor level: and a proposed garden room.
4. The Council's single reason for refusal in relation to the planning application (Appeal A) specifically relates to the harmful effect of an additional storey to that already approved to the closet wing extension on the host Grade II listed building and the Edwardes Square, Scarsdale and Abingdon Conservation Area. The listed building consent application (Appeal B), in addition to the reason above, also raises objections to the internal alterations, specifically in terms of the 'impact on character and cellular plan form'. I have therefore concentrated on those aspects in my decisions.
5. At the time of my site visit, extensive building works were already underway both internally and externally, including significant demolition. Much of the internal fabric of the house had already been stripped out. I understand that this is in relation to the works already approved.
6. On the 24 July 2024, the Council adopted a New Local Plan Review (the Local Plan). The parties have been consulted on any consequent implications for these appeals and I have taken the comments received into account.

Main Issues

7. The main issues are: firstly, whether the proposal would preserve a Grade II listed building, 24-32, 33A, 34A and 35A Pembroke Square, W8, and any features of special architectural or historic interest that it possesses; and secondly, whether the character or appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area would be preserved or enhanced.

Reasons

8. The appeal property, No 24 Pembroke Square, is a mid-terraced townhouse on the western side of the Square. It forms part of the Grade II listed terrace comprising Nos 24-32 and Nos 33A, 34A and 35A Pembroke Square. The list description notes that the terrace is one of three forming the Square, and dates from the early to mid 19th century, with individual houses being three storeys, and two windows wide, constructed in yellow brick and stucco. Of relevance to these appeals is that both Nos 24 and 25 were completely rebuilt around 1949-1950 following bomb damage during the Second World War with 'fronts in near facsimile' as the listing description notes.

¹ Refs PP/23/04421 & LB/23/04422, granted on 15 September 2023. The Council notes that the 'vast majority of the proposed development' has been previously approved (Delegated Report, Paragraphs 4.4 & 6.3)

² The resulting closet wing would be set over 4 levels

9. The appeal property, although of postwar construction, has been rebuilt to blend in with the terrace frontages, with painted and channelled stucco at lower ground level and ground level, with stock bricks above, panelled front doors with semi-circular fanlights, multi-pane sash windows and decorative cast iron balconies. The rebuilt rear façade of the appeal property is plainer and more utilitarian with Fletton brickwork. Most of the windows in the rear elevation are multi-pane timber sashes with flat soldier course lintels, and contrast with others in the terrace which have more vertical proportions with gauged brick arches. These timber windows appear to be replacements of the post-war metal Crittall windows, still evident at the neighbouring rebuilt property (No 25). Photographs show that there was a two storey closet wing addition of painted brick with a flat roof, as well as a two storey glazed infill addition³, although most of these structures had been removed at the time of my site visit.
10. The special interest and significance of the listed building as a whole is largely derived from its architectural and historic interest as an early to mid 19th century terrace forming part of a planned square. Of particular note is the uniformity of design, including repetitive house fronts with high quality architectural detailing and materials. Although the appeal property is a replacement, its 'near facsimile' frontage maintains the materials, rhythm and proportions of the façade of the terrace, preserving its overall composition and integrity.
11. The rear of the terrace is not visible beyond its immediate mainly private setting and has been subject to a range of additions and alterations. However, where infill extensions have taken place, these are generally predominantly glazed structures, and contrast with the solid closet wings, thereby maintaining the rhythm of the terrace. The plainer rear elevations of the terrace contrast with the more formal front elevations, reflecting the difference in their status. Internally, the post war layout of the appeal property appears to respect the cellular nature of the 19th century historic plan form of the terrace, thereby contributing to sustaining the integrity of this heritage asset.
12. The property falls within the Edwardes Square, Scarsdale and Abingdon Conservation Area. Pembroke Square falls within an area defined as 'Character Area 1: Squares and Villas' in the Conservation Area Appraisal ('the Appraisal'). The Appraisal notes that Pembroke Square was laid out between 1825 and 1835, is rectangular in form, with a central garden. It also records that the north, south and western sides have terraces of late Georgian brick houses. The Appraisal notes that the front elevations in the Conservation Area were designed to be the most formal and decorative, with side and rear elevations constructed with less ornamentation and cheaper construction materials.
13. Importantly, the Appraisal also notes that the fact the rears are often less decorative does not mean they do not make a positive contribution to the character and appearance of the Conservation Area. Rather they are a key design feature of Georgian and Victorian house design, even when not enjoyed from public vantage points. The significance of the Conservation Area derives from the historic and architectural merit of the buildings, and the legibility of the terraces as cohesive groups within a wider regular grid of streets set around central garden areas. The listed building, underpinning the area's

³ Appellant's Heritage Statement, Figure 4, Page 8

distinctive townscape, makes a valuable contribution to the character and appearance of the Conservation Area as a whole.

External works – closet wing

14. As noted, permission has previously been granted for a closet extension set over three levels⁴, and these appeal proposals seek an additional storey to provide a shower room. I note that the closet wings within the wider group are generally no more than two or three storeys and are relatively consistent in height across the terrace. Unlike the permitted scheme, the current appeal proposal would exceed this height. There appears to be only one other example of a significantly higher closet wing addition at the opposite end of the terrace, which I understand was granted permission over 50 years ago⁵. This existing higher closet wing is an anomaly within the terrace and does not set a precedent for this proposal.
15. The top storey of the closet wing would be recessed from the back wall line immediately below, and of lesser depth. However, this 'set back' would create a disjointed and contrived elevation that would appear visually incongruous within the existing terrace. Overall, the proposed closet wing, by virtue of its form and height, would disrupt the rhythm of the group and appear discordant in the terrace. The Appraisal notes that insensitive additions can harm the uniformity of a group of buildings, which is a defining feature of much of the Conservation Area. It mentions as a specific example overly tall closet wings harming the uniformity and regularity of terraces⁶. I note the Appellant's comment regarding the limited visibility of the back of the terrace. However, private views can be an important aspect of the appreciation of the environment. Indeed, the Appraisal specifically notes that 'even rear views not enjoyed from public vantage points are viewed within rear gardens and make a strong component of the area'⁷.
16. I find the additional storey to the closet wing would fail to read as a subordinate addition to the existing building. It would rise above the general height of closet wing extensions within the terrace and disrupt the even rhythm of these additions. This would harm the character and integrity of the listed building, as well as the wider Conservation Area. Therefore, it would fail to preserve the special architectural or historic interest of the Grade II listed building⁸ and would fail to preserve the character and appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area⁹ as a whole, contrary to the statutory presumptions in the relevant legislation.

Internal works

17. The Council's key concern relates to the impact on the 'character and cellular plan form'¹⁰. The proposed works would comprise: at lower ground floor level, the removal of columns, widening existing openings and reducing nibs, and removing a chimney breast. At ground floor level, it is proposed amongst other things to replace the existing wall between the front room and hallway with a metal framed glazed partition, widening openings as well as removing a

⁴ PP/23/04421 & LB/23/04422

⁵ Council's Appeal Statement, Paragraph 4.2

⁶ Paragraph 5.3 – 'Negative Elements & Opportunities for Enhancement'

⁷ Paragraph 3.61

⁸ S16(2) and S66(1) Planning (Listed Building and Conservation Areas) Act 1990

⁹ S72(1) Planning (Listed Building and Conservation Areas) Act 1990

¹⁰ Reason for Refusal No 2 – LB/23/7427

chimney breast to the front room. At first and second floor, it is also proposed to remove the chimney. The existing staircase would be replaced with one of a more contemporary design. The overall effect of these changes would be to create a more open plan and spacious layout, with a markedly contemporary rather than traditional feel.

18. The Appellant maintains that the appeal property, being a mid-20th century reconstruction with modern materials, creating a 'near facsimile', is not of intrinsic architectural value¹¹. I acknowledge the appeal property has been modernised and modified, with various alterations approved over the years, meaning the original internal postwar character has undoubtedly been compromised. The lower ground floor and ground floor had already previously been converted to a largely 'open plan' layout, with the original cellular form weakened. I also note that the removal of the staircase, an ordinary close string structure, with plain balusters and a plain wooden handrail, was approved in the earlier applications¹². All that said, and importantly, I agree with the Council's point that the property is of interest in revealing the post war approach to rebuilding bomb damaged housing, specifically in seeking to reflect the historic design of the dwellings in the original terrace. Although not comprising historic fabric as such, the rebuilt property nonetheless displays an authenticity in terms of replicating the 19th century design. This postwar reconstruction constitutes a specific phase of the history of the terrace.
19. It is the case these internal proposals would not result in the loss of any historic fabric dating from the early to mid-19 century. They would only affect modern post war fabric. On the other hand, and notably, the proposed works, including widening openings and reducing nibs, would further diminish an understanding of the property's historic plan form, and the original hierarchy of its rooms. The glazed partition would not reflect the original character of the building. In addition, the chimney, even if not now practically required, is an important architectural element of the building in terms of its layout and historic narrative. Its removal over multiple levels would be harmful. Taken together, the various internal changes would harm the significance and integrity of the listed terrace. As such, I consider the special architectural and historic interest of the listed building would not be preserved, contrary to the relevant legislation¹³.

Planning Balance

20. When considering the impact of a proposed development on the significance of a designated heritage asset, the National Planning Policy Framework ('the Framework') is clear that great weight should be given to the asset's conservation¹⁴. The Framework further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification¹⁵. Given the nature and extent of the proposal, I find the harm to the heritage assets would be, individually and cumulatively, 'less than substantial' in terms of the Framework, but nevertheless of considerable importance and weight. The 'less

¹¹ Appellant's Appeal Statement, dated February 2024

¹² Council's Delegated Report, Paragraph 6.12

¹³ S16(2) & S66(1) Planning (Listed Building and Conservation Areas) Act 1990

¹⁴ Paragraph 205

¹⁵ Paragraph 206

than substantial' harm must be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use¹⁶.

21. I acknowledge the Appellant's desire to provide additional closet wing accommodation comprising a shower, as well as the various other internal changes, but these works would primarily be for the private benefit of the Appellant. The building's current use as a single dwelling means that these works would not hold any benefits in securing the building's optimum viable use. I also accept that the scheme would deliver benefits including external improvements to the proportions of the rear windows, the introduction of more harmonious detailing to the top of the front façade to match neighbouring properties, as well as improvements in energy efficiency. However, similar benefits could be achieved in a scheme of a more appropriate design. Overall, I do not consider that these matters constitute the necessary public benefits that would outweigh the identified harm.
22. Overall, I find that the scheme would fail to preserve the special architectural or historic interest of the Grade II listed building, and fail to preserve the character and appearance of the Conservation Area in accordance with the relevant legislation. It would also be contrary to the provisions of the Framework which seek to conserve and enhance the historic environment. It would conflict with Policy CD3 of the Local Plan which requires development to preserve or enhance the character or appearance and significance of conservation areas, and thereby protect the special architectural or historic interest of such areas. It would also conflict with Policy CD4 which requires development to preserve the special architectural or historic interest and significance of listed buildings.

Other works

23. There are various other works proposed that the Council considers to be acceptable. These include: the construction of a rear outbuilding garden room; additional alterations at roof level which would be concealed by the front and rear parapets; the replacement rear infill extension at lower ground and ground floor level, with an alteration to the design of the doors. I see no reason to take a different view from the Council on these matters, and I am satisfied that they would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the Conservation Area. However, this does not alter my overall conclusions.

Conclusion

24. For the reasons above, I conclude that both appeals should be dismissed.

Matthew Nunn

INSPECTOR

¹⁶ Paragraph 208