



Appeal Decision

Site visit made on 8 October 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/K5600/D/24/3344218

75 Lansdowne Road, Kensington and Chelsea, London, W11 2LG

- 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 Gladel Estate Limited against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/06221.
 - The development proposed is proposed refurbishment of existing four storey house including conversion of existing loft with new roof windows, dormer and roof lights, a basement with front and rear roof lights, a rear extension, a front extension to form a utility room, rear boundary fencing and gate to access the rear communal garden and replacement of all windows to the front and rear with double glazing timber frames.
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Decision

1. The appeal is allowed and planning permission is granted for proposed refurbishment of existing four storey house including conversion of existing loft with new roof windows, dormer and roof lights, a basement with front and rear roof lights, a rear extension, a front extension to form a utility room, rear boundary fencing and gate to access the rear communal garden and replacement of all windows to the front and rear with double glazing timber frames at 75 Lansdowne Road, Kensington and Chelsea, W11 2LG in accordance with the terms of the application, Ref PP/23/06221, subject to the conditions in the attached schedule.

Preliminary Matters

2. At the time of the Council's Decision on the application which is the subject of this appeal, the adopted development plan was The Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP 2019). However, the Royal Borough of Kensington and Chelsea New Local Plan Review (LP) was adopted in July 2024 and is the extant adopted development plan. In the interests of natural justice both main parties have had a chance to comment on the relevance of the new local plan to this appeal. I have had regard to these comments and have determined this appeal on the basis of the current adopted local plan.
3. During the course of the original application some revisions were made to the submitted plans with the aim of addressing some of the initial comments which were received during the consultation period. As these plans were before the Council when they determined the application I have determined the appeal on the basis of the revised plans.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the Ladbroke Conservation Area and the effect on the setting of the adjacent Grade II Ladbroke Estate Registered Park and Garden (Montpelier Gardens) and the setting of the non-designated heritage asset at No. 77 Lansdowne Road.

Reasons

5. The appeal property is a terraced property built as part of the development of the Ladbroke Estate; a planned development from the early to mid 19th Century located west of central London. The site is located within the Ladbroke Conservation Area and is identified as a "positive building" within the Ladbroke Conservation Area Appraisal, October 2015 (CAA).
6. The CAA is clear that buildings in the area make up a large and vital part of the character of the CA and also stresses the importance of the gardens around the buildings, particularly, the communal gardens situated behind the houses. The appeal property backs onto one such garden; the Grade II Ladbroke Estate Registered Park and Garden (Montpelier Gardens).
7. The CAA states that the backdrop of the communal gardens, such as Montpelier Gardens, is provided by the rear elevations of the houses that surround them and also highlights the important contribution made by the boundary railings which separate the communal and private garden spaces.
8. Nos. 61-77 Lansdowne Road form a conjoined stuccoed terrace of three storeys above a basement which I am advised was built during the 1850-53 phase of development. The arrangement comprised three separate but almost identical runs of four townhouses beginning at No. 53 and ending at No. 75.
9. The house at No. 75 is stucco with a classical porch with columns. The property is set back from the road behind a low-level boundary wall and ironwork gate. Decorative ironwork can be found across the appeal property and the wider terrace. The rear of the dwelling is partially visible in views from Rosemead Road and from Montpelier Gardens. The rear elevation is of a far simpler design and appearance than the front of the property and, architecturally, contributes little to the significance of the CA in and of itself.
10. The property at No. 75 has a very similar appearance to the other properties within the terrace of which it is part, with the notable exception of the building at No. 77 Lansdowne Road which is a non-designated heritage asset. The building at No. 77 is of a markedly different, more elaborate, design and terminates the terrace.
11. For the reasons set out above, I consider that the overall building makes a positive contribution to the historic and architectural character and appearance of the conservation area.
12. The proposal is for refurbishment of the existing dwelling including conversion of the loft with new roof windows, dormer and roof lights, a basement with front and rear roof lights, a rear extension, a front extension to form a utility room, rear boundary fencing and gate to access the rear communal garden and replacement of all windows to the front and rear with double glazing

timber frames. In order to facilitate this refurbishment some demolition works would be required.

13. The evidence before me highlights caselaw in respect of this matter. The case law states "... when considering the impact of the proposal on the CA under s.72 [of the Planning (Listed Buildings and Conservation Areas) Act 1990] it is the impact of the entire proposal which is in issue. In other words, the decision maker must not consider merely the removal of the building which made a positive contribution, but also the impact on the CA of the building which replaced it"¹. Consequently, consideration of the proposal before me must be considered in the round, addressing not only the element of demolition but also the quality and suitability of that which replaces what has been demolished.
14. Policy CL3 of the LP 2019, which set out the policy in respect of demolition within a CA, was cited in the Council's reasons for refusal and has been discussed at some length by the parties in the context of this appeal. However, the newly adopted LP has replaced this policy with Policy CD4. Policy CD4 is similar to its predecessor, however, the specific wording regarding the Council's approach to demolition within conservation areas has changed. As set out above, this policy is the adopted development plan policy in respect of this issue and I have determined this appeal on that basis.
15. Policy CD4 of the LP states that the Council will permit demolition in conservation areas provided it can be demonstrated that: 1. In the case of substantial harm or loss to the significance of the conservation area it is necessary to achieve substantial public benefits that outweigh that harm or loss. 2. In the case of less than substantial harm to the significance of the conservation area, that the public benefits outweigh that harm. 3. The building or part of the building or structure makes no positive contribution to the character or appearance of the area.
16. The proposal before me indicates that the internal floor plates would be largely retained, as would the front elevation, part of the rear elevation (2nd floor level) and the rear roof slope. The integral party walls to the property would also be retained in full. The internal spaces being demolished would not usually require planning permission as they are internal and do not constitute development. The majority of the demolition work which occur would be to the rear elevation of the property and I consider that the demolition would not be to such a level that it should be considered substantial.
17. The evidence before me indicates that the terrace and the appeal property have been changed over time. Of particular note in respect of this appeal is the age and provenance of the canted oriel window which forms, in my view, the most distinctive feature in views of the rear elevation of No. 75. From what I have read, this element of the building was not original and was constructed alongside an extension to the rear between 1910 and 1955. As such, these elements do not form part of the original historic fabric of the building.
18. Though not unattractive, the rear elevation of the building could be considered visually problematic for a number of reasons. The canted bay window hangs

¹ Dorothy Bohm & Ors v Secretary of State for Communities and Local Government & Ors [2017] EWHC 3217 (Admin) as cited on Page 37 of the Heritage Appeal Statement, May 2024 by HCUK Group.

“in thin air”² and relates poorly to the ground floor openings. Oriel windows of this type do not appear to be commonplace within this part of the CA. The fenestration at No. 75 also appears awkward when viewed alongside No. 77. The top of the canted bay window appears truncated and somewhat squat as it does not possess the same proportions as neighbouring windows. Overall, the heights, proportions and alignment of the fenestration do not relate well to one another.

19. In my view, these considerations are such that they lead me to find that this part of the wider building does not make a positive contribution to the character or appearance of the area. Consequently, insofar as the proposed demolition is concerned, the proposal would meet the requirement of Policy CD4 D 3 of the LP.
20. Furthermore, when considering the case in the round, the alterations which would be made to the rear elevation of the building would be sympathetic and in some respects would, actually, address some of the design issues which have been set out above.
21. The proposed canted bay window would no longer be an out of place oriel window but would sit above an extended lower ground floor projecting bay and would rise to the same height as the main cornice to the bow window at No. 77. Though the cornice at upper ground floor level would be absorbed into the new bay this would be as part of the works to unify the alignment of the fenestration and as such, the loss of this feature would not be detrimental.
22. Other windows within the dwelling as proposed would be better proportioned and would align more consistently with those at neighbouring properties. This would ensure that the terrace would be able to be better appreciated as a whole, particularly in views from Montpelier Gardens.
23. Though the rear elevation of the building would undoubtedly be different from that which is currently in situ, the design has been considered so as to ensure that the dwelling at No. 75 would continue to be visually subservient to the non-designated heritage asset at No. 77. The detailing, for example, would be far simpler and would defer to the more ornate design of the neighbouring property.
24. The proposed extensions would be of a reasonable size and would be sympathetic to the scale and proportions of the host dwelling. No single element would appear dominant or overly prominent. The rear extensions would follow the established building lines of neighbouring properties. The projecting bay windows would be in line with the bay windows at No. 77 and would sit comfortably alongside them. The design of the rear of No. 75 would be more reserved and understated so as to ensure that the more intricate detailing at No. 77 would remain as the primary focus. As such, the proposed extensions would appear as subordinate additions which would integrate well.
25. Additionally, the CAA states that where railings between private gardens and the communal gardens behind are missing or have been altered, the character of the area would be enhanced by their reinstatement. At the time of my site visit the rear garden area at No. 75 was somewhat overgrown and access to Montpelier Gardens was through the undergrowth. As such, the property is

² Page 38 of the Heritage Appeal Statement, May 2024 by HCUK Group.

currently separated from the communal gardens which form an important part of the character of the area.

26. The proposal would include replacement metal fencing and a gate which would match those at neighbouring properties. This element of the proposal would visually unify the properties in views from Montpelier Gardens. Moreover, the proposal would restore the boundary treatment and reintegrate the communal gardens into the property. This would represent a clear enhancement to the character and appearance of the area.
27. For the reasons set out above I consider that the proposal would enhance the character or appearance of the Ladbroke Conservation Area and the setting of the adjacent Grade II Ladbroke Estate Registered Park and Garden (Montpelier Gardens) and the setting of the non-designated heritage asset at No. 77 Lansdowne Road.
28. As such, the proposal would comply with Policies CD1, CD2 and CD10 of the Royal Borough of Kensington and Chelsea New Local Plan Review, July 2024 (LP). Amongst other things these policies seek to ensure that development is of a high standard of design, is beautiful and respects the existing context. The aims of LP Policy CD13 would also be met insofar as it seeks to ensure that extensions and modifications to existing buildings are subordinate, allow the form of the original building to be understood and reinforce the character and integrity of the original building or group of buildings.
29. The proposal would also meet the requirements of LP Policy CD4 which states that development is required to preserve or enhance the character or appearance and significance of the conservation area. Additionally, the proposal would accord with the aims of Policy CD15 of the LP which requires all development to protect and enhance views, vistas, gaps and the skyline that contribute to the character and quality of the area.

Conditions

30. The National Planning Policy Framework (the Framework) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
31. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. Alongside the standard time limit condition, I have imposed a condition specifying the relevant plans as this provides certainty.
32. Given the sensitive location of the appeal site I have imposed a number of conditions specifying the details of elements of the proposal and requiring the materials used to match those used on the existing dwelling in order to ensure the development has a satisfactory appearance.
33. I have included a condition stating that the flat roof area at second floor level shall not be used as a roof garden, terrace, patio or similar amenity area in the interests of protecting the living conditions of neighbouring residents. I have imposed a condition relating to land contamination in order to safeguard the health of future residents.

34. To reduce flood risk and to contribute to sustainability in accordance with the adopted development plan I have imposed conditions requiring the implementation of a Sustainable Urban Drainage System and for all external hard surfacing to be constructed using porous materials.
35. To mitigate the impact of construction work upon highway safety and on the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and also to comply with adopted local plan policies, I have imposed conditions requiring a chartered civil engineer or structural engineer to be appointed, the lead contractor or the site to sign up to the considerate contractors scheme and the submission, and approval of, a construction traffic management plan and a site construction management plan.
36. The Council suggested that a condition stating that the trees existing on the site shall be protected should be imposed. However, there is no evidence before me to suggest that there are any trees on site of particular note to the extent that they would require protection. Furthermore, the suggested condition lacks precision. As such, I have not imposed a condition as I do not consider that it would meet the tests of reasonableness or necessity.

Conclusion

37. For the reasons set out above, and having regard to all other matters raised, I allow the appeal.

L J O'Brien

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Map (Site Location Plan) 2245 PL 001 A, Existing Site Plan 2245 PL 010 A, Existing Basement Floor Plan 2245 PL 150 A, Existing Lower Ground Floor Plan 2245 PL 151 A, Existing Ground Floor Plan 2245 PL 152 A, Existing First Floor Plan 2245 PL 153 A, Existing Second Floor Plan 2245 PL 154 A, Existing Roof Plan 2245 PL 155 A, Existing Front Elevation 2245 PL 160 A, Existing Rear Elevation 2245 PL 161 A, Existing Rear Elevation in Context 2245 PL 162 A, Existing Section A-A 2245 PL 170 A, Proposed Site Plan 2245 PL 011 B, Basement Floor Demolition Plan 2245 PL 50 0, Lower Ground Floor Demolition Plan 2245 PL 51 0, Ground Floor Demolition Plan 2245 PL 52 0, First Floor Demolition Plan 2245 PL 53 0, Second Floor Demolition Plan 2245 PL 54 A, Roof Demolition Plan 2245 PL 55 B, Front Elevation Demolition 2245 PL 56 0, Rear Elevation Demolition 2245 PL 57 A, Section A-A Demolition 2245 PL 58 A, Proposed Basement Floor Plan 2245 PL 200 B, Proposed Basement Plan G.A 10025-MBP-XX-B1-DR-S-0098, Proposed Lower Ground Floor Plan 2245 PL 201 B, Proposed Lower Ground Floor Plan G.A 10025-MBP-XX-00-DR-S-0099, Proposed Ground Floor Plan 2245 PL 202 B, Proposed Ground Floor Plan G.A 10025-MBP-XX-B1-DR-S-0100, Proposed First Floor Plan 2245 PL 203 B, Proposed First Floor Plan G.A 10025-MBP-XX-B1-DR-S-0101, Proposed Second Floor Plan 2245 PL 204 B, Proposed Second Floor Plan G.A 10025-MBP-XX-B1-DR-S-0102, Proposed Third Floor Plan 2245 PL 205 B, Proposed Third Floor Plan G.A 10025-MBP-XX-B1-DR-S-0103, Proposed Roof Plan 2245 PL 206 B, Proposed Roof Plan G.A 10025-MBP-XX-B1-DR-S-0104, Proposed Front Elevation 2245 PL 301 B, Proposed Rear Elevation 2245 PL 302 C, Proposed Rear Elevation in Context 2245 PL 303 B, Proposed Rear Fence and Gate 2245 PL 304 A, Proposed Section A-A 2245 PL 310 B, Proposed Section A-A G.A (mistitled as Proposed Roof Plan G.A) 10025-MBP-XX-XX-DR-S-0110, Construction Sequence Typical Section X-X 10025-MBP-XX-XX-DR-S-0210.
- 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
- 4) The window/windows hereby permitted shall be timber framed, white painted, double hung, sliding sashes, and so maintained.
- 5) The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, and so maintained.
- 6) The cheeks of the dormer windows hereby permitted shall be clad in lead and be so maintained.
- 7) The railings to the roof of the first floor rear extension hereby approved, shall be painted black, and so maintained.
- 8) The roof area of the extension as shown on approved drawing no. 2245-PL-204 Rev B (Proposed Second Floor Plan) shall not be used as a balcony, roof garden or similar amenity area.
- 9) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be

reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development (or relevant phase of development) shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 10) No building hereby permitted shall be occupied until the Sustainable Urban Drainage System (SuDS) for the site has been completed in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 11) All external hard surfacing in the development shall be constructed using porous materials and so maintained thereafter. If any permeable surfaces are removed, they must be replaced only with permeable surfaces.
- 12) No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.
- 13) No development shall commence until:
 - a) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team, and then
 - b) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

- 14) No development shall commence until:
 - a) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and
 - b) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their

appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

- 15) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.