



Appeal Decision

Site visit made on 25 October 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/X5990/D/24/3348780

14 Kildare Gardens, London W2 5LU

- 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 Krieger against the decision of City of Westminster Council.
 - The application Ref is 24/02685/FULL.
 - The development proposed is provision of a condenser unit at main roof level.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's statement notes that since the submission of the planning application, the condenser unit has been installed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Westbourne Conservation Area.

Reasons

4. The appeal site lies within the Westbourne Conservation Area (the WCA). Accordingly, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the WCA. The Westbourne Conservation Area Audit 2002 (the WCAA) assists in describing the area's character and attributes which contribute to its significance. The wider WCA comprises a range of architectural styles but the area surrounding the appeal site is formed of long groups of terraced houses with ornate details. In the case of Kildare Terrace and Kildare Gardens, these are set across five storeys including a lower ground level and share a consistent front parapet detail at the roof level.
5. The WCAA acknowledges that unbroken rooflines make a distinctive contribution to the local scene and describes that terraces were constructed with butterfly roofs concealed behind arrow-straight cornices. The roofscapes are therefore an important contributor to the significance of the WCA. There is little visibility of the roofs of the properties from the road, other than glimpses of the chimney stacks and occasional wire ariels attached to them. The Council note, however, that the terrace has an intact 'V' shaped butterfly roof structure and no.14 shares this traditional roof form, having a central valley set between two sloping roofs, set largely behind the front parapet.

6. The proposed condenser unit is a modern item of equipment, installed centrally to the main roof. Assuming it was installed in accordance with the plans submitted, it is set back from the main front and rear elevations of the building but rises notably above the height of the building's front and rear parapets. As such, it is heavily at odds with the simple and traditional roof form of the building and the terrace.
7. The appellant accepts that the upper part of the condenser unit would be visible from some private viewpoints in the WCA. The sections provided demonstrate that some visibility is likely from the top floor windows of no.13 Kildare Gardens opposite, as well as from the top floor of 27 Alexander Street behind. A photograph from the top floor of no.13 demonstrates that parts of the butterfly roofs are apparent where they rise above the height of the front parapet. It is not clear whether the unit has been installed at the time of that photograph and scaffolding obscures part of the appeal site. However, due to the height of the condenser unit above the front parapet, it would very likely be apparent from no.13. The absence of objections from other occupiers opposite does not suggest that the unit is not also visible to some extent from the upper floors of other properties.
8. Irrespective of its colour, in those views the bulk and positioning of the unit would be an incongruous addition to the traditional roof form and cause a dilution of its historic character. While foliage on intervening trees may assist in providing some screening from private views, this would not be effective throughout the year or in perpetuity. As such, the effects of the proposal would not preserve or enhance the character or appearance of the WCA.
9. For the purposes of assessment against the National Planning Policy Framework (the Framework), the development causes less than substantial harm to the significance of the designated heritage asset. Although I find this to be at the lower end of the scale given the limited visibility of the unit, the Framework nonetheless requires that great weight be given to the asset's conservation, irrespective of whether any potential harm is substantial or less than substantial. Paragraph 208 of the Framework requires that less than substantial harm be weighed against the public benefits of the development. While the unit would provide heating and cooling to the property, it is not apparent that this is a public benefit, rather than a private one. Neither do I find any other public benefits which would arise as a result of the development.
10. Accordingly, the development neither preserves nor enhances the character or appearance of the WCA, and would amount to less than substantial harm which would not be outweighed by public benefits. The development conflicts with policies 38, 39 and 40 of the City Plan 2021, and the objectives of the Framework relating to heritage assets and the need for development to respect its context.

Conclusion

11. For the reasons given, the development conflicts with the development plan and the appeal is dismissed.

C Shearing

INSPECTOR