



Appeal Decisions

Site visit made on 29 October 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2024

Appeal A Ref: APP/N5660/W/24/3346009

Lower Ground Floor Flat 346-348 Kennington Road, London SE11 4LD

- 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 Ryskali against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/03717/FUL.
 - The development proposed was described as 'refurbishment and reconfiguration of the internal layout, cladding of the existing steps on the rear façade, erection of a new bay extension, the replacement of rear fenestration at lower ground floor level, alterations to the facade of the existing rear extension together with other associated works'.
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Appeal B Ref: APP/N5660/Y/24/3346008

Lower Ground Floor Flat 346-348 Kennington Road, London SE11 4LD

- 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 Ryskali against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/03718/LB.
 - The works proposed were described as 'refurbishment and reconfiguration of the internal layout, cladding of the existing steps on the rear façade, erection of a new bay extension, the replacement of rear fenestration at lower ground floor level, alterations to the facade of the existing rear extension together with other associated works'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeals A and B relate to parallel applications seeking planning permission and listed building consent for the same proposal. I have considered each appeal on its individual merits, but to avoid duplication, I have dealt with the schemes together except where otherwise indicated.
4. The proposal relates to a dwelling which is part of two Grade II listed buildings: '346 Kennington Road' and '348 Kennington Road'. I have had special regard to the desirability of preserving the listed buildings, their setting and any features of special architectural or historic interest which they possess in accordance

with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

5. The site is also located within the Kennington Conservation Area ('the CA'). The Council's reasons for refusal and evidence do not specifically allege harm to the CA. Nevertheless, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72(1) of the Act.
6. The descriptions of the development and works in the banner headings above are taken from the application form. However, different descriptions have been entered on the appeal forms which refer to 'refurbishment of the property, including reconfiguration of the internal layout, cladding of the steps on the rear facade, erection of a side bay extension, the replacement of rear fenestration, alterations to the facade of the rear extension, alterations to the roof including new roof lights, air conditioning and flues together with other associated works to the Lower Ground Floor Flat'. This wording is consistent with the descriptions used on the Council's decision notices and I consider it to more fully and accurately describe the proposal shown on the submitted plans. As a result and because it has been used by both parties, I have considered the appeals on the basis of the revised descriptions.

Main Issues

7. The main issue in each appeal is:
 - i) whether or not the proposal would preserve the Grade II listed buildings '346 Kennington Road' and '348 Kennington Road', their setting or any features of special architectural or historic interest which they possess.
8. In respect of Appeal A, there are additional main issues of:
 - ii) the effect of the proposal on living conditions for neighbouring occupiers in respect of noise and disturbance; and
 - iii) the effect of the proposal on the local distinctiveness of the area.

Reasons

Listed Buildings

9. The proposal relates to a flat within the basement level of 346 Kennington Road and 348 Kennington Road which are part of a terrace of buildings overlooking Kennington Green. No 346 is a narrow building of three storeys plus an attic and a basement. The list entry notes that the building is probably late 18th century and is included for group value, although the appellant's evidence suggests an early 19th century date. It is rendered to the front, with incised stucco to the ground-floor level, and includes a semi-circular fanlight above the entrance and full height casements onto a balcony at first floor level. Its features and proportions reflect detailing typical of the period around the turn of the 18th to 19th century and give the building a simple but elegant presence in the street. Single-storey extensions to the rear of the building cover the full depth of the long plot, and include a rear section which also extends across the width of the plot of No 348. However, the upper floors include a distinctive curved rear elevation which appears to be historic. Internally, the building has been subdivided into different dwellings. Little of the historic floor plan remains intact at lower ground floor level and I agree with comments in previous appeal

decisions on the site¹ ('the Previous Decisions') that the part of the appeal building that sits within No 346 appears to have little significance.

10. No 348 is a wider, four-storey over basement building which the list entry suggests dates to the late 18th century and was later built up to four-storeys in the 19th century, although the appellant's evidence also suggests an early 19th century date for this building. It is set slightly back from the front elevation of No 346 and has upper floors of stock brick rather than render, but it similarly includes incised stucco as well as a semi-circular fanlight above the entrance and full height casements onto balconettes at first floor level. To the rear, the building retains much of its deep plot as garden space, although this is split by a garden wall with gate running parallel to the building. Some interventions to the rear elevation are apparent, including patching of brickwork and modern replacement doors to the lower-ground floor level openings. Even so, there is a pleasing alternating pattern of sash windows beneath a butterfly roof and the simplicity and more muted detailing of the rear elevation give it an understated quality which reflects the historic hierarchy of the building's elevations. While No 348 has also been subdivided into different dwellings, the layout of the front and enlarged rear rooms to the lower-ground floor level appear to reflect elements of the historic plan form of the building.
11. Given the above, I find the special interest of No 346 and No 348, insofar as it relates to these appeals, to be primarily associated with the architectural composition of the buildings, most prominently but not exclusively to their principal elevations, as part of a wider terrace of houses which are not uniform but which share some similarities in architectural language and proportions. The legibility of the historic arrangement of No 348 as a house with garden and the hierarchy of internal spaces which is reflected in the external elevations make some further contribution to the special interest of this building.
12. As part of the proposal, there would be alterations to the existing modern extension running from the rear of No 346 including to provide a more consistent roofline. There would also be an increase in the depth of the section along the rear of the plot of No 348, bringing it closer to the main rear elevation of the building. The Council has not objected to these elements of the proposal and in isolation, I see no firm reason to find differently.
13. However, the proposal also includes the addition of a projecting bay feature to the side of the extension. The bay would be of modest width, but it would span a considerable proportion of the depth of the extension and would be a sizeable addition stepping out into the garden area behind No 348.
14. There would be separation between the bay and the rear elevation of No 348. However, the gap would not be large. The projection of part of an extension to the rear of No 346 into the garden behind No 348 where it would effectively overlap part of the rear of the building at close proximity would blur and confuse the legibility and appreciation of the historic relationship between Nos 346 and 348 as separate buildings. There would consequently be some detriment to the special interest of both listed buildings.
15. The bay would intrude on views of the rear of No 348 from some points towards the rear of the garden, but other views would not be obscured and I note that the proposal also includes the removal of the garden wall with gate

¹ Appeal refs APP/N5660/W/22/3297948 and APP/N5660/Y/22/3297950

which would increase the visible area of the rear facade overall. However, in addition to overlapping part of the lower-ground floor level of No 348, the bay would also be much taller than the garden wall and would sit above the height of the cill of the closest ground-floor window. I appreciate that much of the structure would be glazed which would reduce its visual impact. Nevertheless, the roof, heavy lintels and pillars between glazing would still give it a distinct physical presence and it would be appreciated together with the host listed buildings, including from viewpoints where it would not sit directly in front of the rear facade of No 348. In these views, the resulting juxtaposition of the bay in relation to the closest openings to the rear facade would be jarring. While the visible extent of No 348 may increase, I consider as a result that the overall arrangement would be unsympathetic to the composition of the rear of this listed building and would adversely affect its special interest.

16. The rear garden to No 346 is already subsumed beneath extensions, but the encroachment of built form stepping out into the retained garden behind No 348 would result in further erosion of the historic pattern of spaces to the rear of the buildings. The protrusion of the bay out into this space would also cause some distortion of the strong linear grain of the terrace. I acknowledge that a significant part of the historic garden to No 348 would be retained around the bay. Even so, there would be some consequent detriment to the legibility of the historic form and layout of the plot to No 348.
17. Moreover, the Previous Decisions referred to the existing extension to the rear of No 346 as excessively scaled. I agree, and consider its size to lack subservience to the host building. The proposed alterations to fenestration proportions and external materials as well as the consistent roof line would offer some improvement to the overall appearance of the extension. However, while replacement rooflights may individually be more discreet than the existing, they would be much more numerous so that I consider rooftop views would not be significantly enhanced. In any event, the harmful effect of the scale of the existing extension would remain and the bay together with the increased height of the extension would add even further to its bulk and mass. Despite the aesthetic improvements, I find that the visual impact and dominance of the extension against No 346 would be increased overall with detriment to the special interest of this listed building.
18. Given the above, I find that the bay addition would cause some harm to the special interest and significance of both Nos 346 and 348 as listed buildings. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
19. Bearing in mind the degree of harm that I have identified and how it would affect significance, I consider the harm to each listed building would be modest and certainly 'less than substantial' in the terms of the Framework. Nevertheless, I give this harm considerable importance and weight. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.

20. The appellant refers to heritage benefits associated with many aspects of the proposal. In particular, I note that the submitted plans indicate alterations to the rear of No 348 comprising repair and repainting of render, the recladding of risers and treads of external concrete steps with stone and the provision of replacement balustrades reflecting railings to the front of the site. An incongruous vertically split casement within a historic door aperture at the top of the steps would be replaced with 19th century style French casements, and the plain sheet glass double doors closest to No 346 would be replaced by 19th century style fixed lights and double casements. In addition, the retained rear garden would be re-landscaped including replacement of concrete surfacing with York stone paving. These alterations would be more sympathetic to the historic character of the building than the existing features, and I find that each of these elements would offer a modest heritage benefit to the significance of No 348. There would also be some more limited benefit to No 346 and to a lesser degree to other nearby listed buildings through enhancement of part of the setting within which they are appreciated. Similarly, replacement of concrete paving and non-original paving and steps to the frontage to No 346 with York stone would also offer some further slight heritage benefit in enhancing the setting and thereby the significance of both No 346 and No 348 as well as other nearby listed buildings and the wider CA.
21. I have noted above that the removal of the garden wall with gate to the rear of No 348 would increase the overall visibility of the rear elevation. However, the bay addition would be a detracting element in views of the rear elevation so that I consider the overall benefit to the listed building would be negligible. While the removal of the wall would also restore a more direct connection between the building and its garden, this would be moderated by the projection of the bay into the space from the historic plot of No 346, confusing the historic relationship of buildings and spaces.
22. Moreover, while the heritage benefits are welcome, there is no clear evidence before me to show that they could not be achieved independently of the appeals scheme, nor that they would be dependent on the extension as it is proposed, including the bay extension which I have found would be harmful. On that basis, the heritage benefits identified by the appellant do not offer a compelling justification for the proposal and would not outweigh the adverse effects of the scheme.
23. The proposal also includes alterations to the internal layout of the dwelling. Having regard to the past alterations and the extent of the new works shown, I agree with the Council that these alterations would not harm the special interest of either listed building. However, that is a neutral factor which does not weigh in favour of the appeals.
24. The proposal would provide additional and enhanced living accommodation for occupiers of the dwelling and I note the appellant's view that the flow of the dwelling would be improved. However, there is no firm evidence to demonstrate that the continued viable use of the appeal property as a dwelling is dependent on the proposal as it has an ongoing residential use that would not cease in its absence. As a result, any improvement to the standards of accommodation would essentially be a private rather than a public benefit.
25. The appellant also refers to improved energy efficiency, but the extent of any improvement is unclear in the evidence before me which limits the weight that

I afford to this factor. There is also no firm evidence to suggest that improvements to the sustainability of the dwelling could only be achieved alongside an extension of the design proposed.

26. Even taken together, I find in this context that the public benefits of the proposal would be insufficient to outweigh the harm that I have identified which attracts considerable importance and weight.
27. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed buildings 346 Kennington Road and 348 Kennington Road. There is no clear and convincing justification for the harm that the proposal would cause to the significance of the listed buildings and the proposal would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Policies Q5, Q11 and Q20 of the Lambeth Local Plan 2021 ('the LP') insofar as they seek design which responds positively to the host building and positive aspects of historic character and set out that development will be supported where it is justified and would conserve and not harm the significance/special interest of listed buildings.

Living Conditions

28. The submitted plans indicate provision of two external air conditioning units to the roof of the extension close to the rear boundary of the site with Imperial Court which includes facing windows, albeit obscure glazed. Very limited details of the air conditioning units have been provided and I have no substantive evidence to demonstrate that neighbouring occupiers would not be adversely affected by noise and disturbance from them, nor that effects could be made acceptable through mitigation or attenuation measures. The form that any necessary mitigation or attenuation might need to take is also unclear and I cannot therefore be sure that measures would be acceptable having particular regard to the heritage sensitivity of the site in view of surrounding listed buildings, as well as the proximity of neighbouring windows.
29. I have considered whether further information could be secured by a planning condition to demonstrate that effects would be acceptable. Given the uncertainty noted above however and that measures to mitigate noise or disturbance could raise additional, fresh considerations, I am not satisfied in this case that it would be appropriate to defer this matter to a condition.
30. I note the appellant's comments that concerns were not raised through pre application discussions, or through the determination of this or previous applications. Nevertheless, it has not been demonstrated that levels of noise or disturbance would or could be made acceptable. The proposal would therefore conflict with Policy Q2 of the LP which includes a requirement that adverse impact of noise is reduced to an acceptable level, and I am unable to conclude that the living conditions of neighbouring occupiers would not be harmed by noise or disturbance.

Local Distinctiveness

31. The area around the appeal site is generally characterised by terraced housing dating from the late 18th to early 20th centuries, although there are also some later blocks of flats and mixed commercial and community buildings. There is some variety in the design and scale of the buildings which make up the terraces, but the attractive period details and traditional materials to many of

the buildings together with their typically ordered layout with gardens to their rear provide for a distinctive and coherent townscape.

32. As part of listed buildings which are themselves part of a handsome late 18th to early 19th century terrace, the appeal site contributes to the local distinctiveness of the area. The rear gardens of No 346 and some other buildings in the terrace have been lost to later interventions, but the retained rear garden to No 348 is a remnant of the distinctive historic layout of the area. That said, the Previous Decisions included a statement in respect of the CA that 'views of the existing garden area are only possible from a small number of surrounding dwellings and not from the public realm. Indeed, the garden is significantly hemmed in by existing development. It cannot be said then that the existing garden contributes meaningfully to the character and appearance of the wider CA'. Based on my observations at my visit and the evidence before me, I have no firm reason to come to a different view and consider the contribution made by the rear part of the appeal site to local distinctiveness to be similarly limited.
33. I have found above that the bay addition to the rebuilt extension would add to the scale of extensions on the site which already lack subservience. It would also cause some further erosion of the historic pattern of spaces to the rear of the buildings and distortion of the strong linear grain of the terrace. However, a significant part of the existing garden to No 348 would be retained and the linear grain would not be wholly disrupted. Furthermore, the bay addition would be appreciable from only a small number of surrounding properties. Where it would be appreciated, this would be in the context of the existing development across gardens in the immediate vicinity of the site which would significantly temper its visual impact and effects on character.
34. Although I have identified that there would be harm to the host listed buildings, I find given the above factors and the relatively modest scale of the development against existing built form that the proposal would not stand out as an incongruous feature within the pattern of spaces around the appeal site. It would sit comfortably within its wider surroundings and I conclude that there would not be tangible harm to local distinctiveness. In this respect, the proposal would accord with Policies Q5 and Q11 of the LP insofar as they include requirements for proposals to respond positively to locally distinct forms and to sustain and reinforce local distinctiveness.

Other Matters

35. Insofar as it relates to these appeals, I consider the significance of the Kennington CA to be primarily associated with the pattern and architectural quality of the many historic buildings which form a coherent whole as described above while reflecting different phases of development. In the same way that the appeal site contributes to the local distinctiveness of the area, it also makes a positive contribution to the significance of the CA. For the same reasons I have found that local distinctiveness would not be harmed, I am also satisfied that the character, appearance and significance of the Kennington CA would be conserved and enhanced in accordance with section 72(1) of the Act.

Conclusions

36. The proposal would fail to preserve the special interest of the listed buildings of 346 Kennington Road and 348 Kennington Road and the harm would not be

outweighed by public benefits including heritage benefits. In relation to Appeal A, it has further not been demonstrated that there would not be unacceptable harm to the living conditions of neighbouring occupiers through noise or disturbance. While there would not be harm to local distinctiveness, I find that Appeal A would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

37. For the reasons given above, I therefore conclude that Appeal A and Appeal B should be dismissed.

J Bowyer

INSPECTOR