
Appeal Decisions

Site visit made on 16 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal A: APP/K5600/W/24/3341536

5 The Boltons, Kensington & Chelsea, London SW10 9TB

- 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 Wrasse Limited against the decision of the Royal Borough of Kensington and Chelsea.
 - The application reference is PP/23/06604.
 - The development proposed is described as “amendments to approvals PP/23/03845 and LB/23/03846 (Alterations and extensions including reinstatement of key aspects; general refurbishment and reinstatement works externally and internally; provision of a passenger lift and trolley lift; alterations to front lightwells to include installation of a disabled access platform lift and steps; front garden soft and hard landscaping to include replacement refuse storage; front and rear facade enhancements; and first and second floor side extension to north side of house) including amendments to parapets and roof of approved side extension, and internal amendments to second floor of side extension) and internal amendments to second floor of side extension”.
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Appeal B: APP/K5600/Y/24/3341537

5 The Boltons, Kensington & Chelsea, London SW10 9TB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Wrasse Limited against the decision of the Royal Borough of Kensington and Chelsea.
 - The application reference is LB/23/06605.
 - The works proposed are described as “amendments to approvals PP/23/03845 and LB/23/03846 (Alterations and extensions including reinstatement of key aspects; general refurbishment and reinstatement works externally and internally; provision of a passenger lift and trolley lift; alterations to front lightwells to include installation of a disabled access platform lift and steps; front garden soft and hard landscaping to include replacement refuse storage; front and rear facade enhancements; and first and second floor side extension to north side of house) including amendments to parapets and roof of approved side extension, and internal amendments to second floor of side extension) and internal amendments to second floor of side extension”.
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Decisions

1. The appeals are dismissed.
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Preliminary Matters

2. As the proposal relates to a listed building and is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
3. An earlier planning application and listed building consent application to extend and enlarge the side wing, change the lightwells and insert a through-floor passenger lift, has been approved by the Council.¹
4. The appeals before me relate to the Council's decision to refuse planning permission and listed building consent to deviate from the approved plans, described by the appellant as Option 1. They also submitted a further proposed variation Option 2 which was also refused by the Council and is the subject of a separate appeal decision.²

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building described as "5 and 6, The Boltons SW 10" (Ref: 1080758) (the LB) and any of the features of special architectural or historic interest that it possesses; and whether or not it would preserve or enhance the character or appearance of the Boltons Conservation Area (the CA).

Reasons

Significance and special interest

6. The LB comprises a pair of mid-19th century semi-detached Italianate style villas situated on the northern side of The Boltons. They present a holistically designed pair of houses with a strong degree of architectural symmetry, primarily related to the front elevation. Both are three storeys over a basement with stucco frontages and raised main entrances under a doric portico with side wings to each dwelling. They exhibit significant continuity and consistency of architectural form in terms of the use of distinctive and generous detailing comprising prominent quoins, rusticated ground floor with vermiculated detailing, a string course and window pediments. The side wing is built with a parapet wall and roofs hidden behind, with finish to flank walls of London stock brick that wraps around to the rear elevation, with small flank windows. The symmetry of the front elevation differs to the rear as No 5 consists of two curved bow windows at ground floor level whilst No 6 is of a more restrained vertical rear façade. Nevertheless, both read as one half of the same pair.
7. Given the above, I find the special interest of the LB, insofar as it relates to these appeals, to be primarily derived from its architectural and historic value as a well preserved and balanced composition, in the Italianate style, and forms an integral part of a wider townscape composition by George Godwin.

¹ Application reference PP/23/03845 & LB23/03846 Alterations and extensions including reinstatement of key aspects; general refurbishment and reinstatement works externally and internally; provision of a passenger lift and trolley lift; alterations to front lightwells to include installation of a disabled access platform lift and steps; front garden soft and hard landscaping to include replacement refuse storage; front and rear facade enhancements; and first and second floor side extension to north side of house) including amendments to parapets and roof of approved side extension, and internal amendments to second floor of side extension. Approved 18 August 2023

² Appeal reference APP/K5600/W/24/3341542 & APP/K5600/Y/24/3341544

8. The CA has a residential character comprising Italianate style houses of the mid-19th Century, The Boltons being amongst the grandest. This part of the CA consists of large, impressive houses, built around a rare 'vesica' or ellipse shaped garden containing the Church of St Mary in a well preserved and consistent style. The opposing sides of the street face onto this garden contributing to an attractive and positive setting to the houses. The CA as a whole is one of highest quality in terms of its architectural form with pleasing variations due to the speculative nature of its development.
 9. Given the above, I find the significance of the CA, insofar as these appeals are concerned, are its grand, set pieces that rely on the symmetry and balance of each pair of villas with their matching details and finishes.
 10. I understand there is planning history associated with the scheme and the focus of the areas in contention between the parties relates to the side wing and the visual effect from the outside arising from the internal room layout to the side wing due to the need to create level access to rooms. The appellant proposes to raise the height of the parapet with brickwork around part of the first-floor side wing by approximately 35mm and to the front; a new roof formation to replace a flat roof for increased internal head room with flat roof lift overrun; a new flank window for the purposes of light into a bedroom, and reconfigured room layout.
 11. Having considered the proposal as a whole, I am satisfied that the effect of the other works would have a neutral effect and thus preserve the special interest of the LB.
 12. The raising of the parapet roof by the amount proposed would be perceptible from street level. The new sloping rolled lead sheet finished roof behind would not be visible from the front aspect due to the height of the parapet here. Nevertheless, in specific public vantages, I am not convinced from the evidence presented and from what I could see on site, that it would be entirely screened from all perspectives.
 13. I am aware of the gaps between houses contributes to the significance of The Boltons, as highlighted within the Council's own appraisal of the CA. These gaps and the sweep of the crescent allows visual exposure of the flank wall of the side wing. This is further reinforced by the appellant's image of the side wing that clearly demonstrates its hipped roof was highly visible in gaps between No 5 and No 4 The Boltons, seen from pavement level close to and outside the site.
 14. Therefore, the proposed roof would not be entirely screened from view, especially in views from public street level when standing between the houses of No 5 and No 4. Even if this were not the case, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. In this context, as the side wings of houses here were originally built to have a subservience to them, with the roof traditionally hidden from view behind parapets, the uncharacteristic roof profile would be at odds with the architectural integrity of the LB. The greater massing would compromise the subservience of the side wing thus harming the balanced composition of the building as a whole.
 15. This harm would also be taken together with the erosive effect on the existing high level and centrally positioned second-floor window to the gable end of No 5
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that is of historical value. It would be compromised by the formation of the proposed roof and their relationship, creating an awkward and uncharacteristic juxtaposition between the two.

16. In addition, two historic single windows as seen to the flank elevation on submitted evidence by the appellant are to be removed as part of the extant permission. This scheme replaces them by virtue of a single and larger window in a new position. Whilst the appellant can implement the extant permission and the loss of these two windows is regrettable, a wide, single window in this location would be a jarring, modern addition. It would not mirror the architectural form of No 6 and would harmfully affect the building's historic integrity by further eroding and degrading the LB as a whole.
 17. I accept two-storey side wing extensions are prevalent in this part of the CA with some variation to their scale, details, and roof styles, as pointed to by the appellant and confirmed by my own observations. The evidence from the Council indicates many of these are historical. The new side extension to No 6 was accepted by the Council as a rationalising of parts, and according to the Council's evidence, did not include an increase in massing and height, unlike this proposal. Furthermore, despite the variations of other roofs seen across side wings of houses in The Boltons, they do not compare adequately to the specifics of the proposal before me. In any event, I must consider each scheme on its own merits.
 18. Bringing these things together, the scale of the proposal and increased height to the side wing with rolled sheet lead roof, including the new side window, would appear substantially different in character to that of No 6. It would disrupt the symmetry of the dwellings that share significant architectural parity. Consequently, a defining and well-preserved characteristic of the LB would be weakened.
 19. Turning to the internal composition of the side wing, described by the parties as 'cut outs' around the windows that would expose the internal 'bulkheads', may not be a new feature within this wing, and I cannot say for certain that those proposed to the front elevation would neither be any better or any worse than the existing arrangement. Nevertheless, a visible 'bulkhead' to the rear bedroom close to the window would be a new and alien inclusion. Visually, it would be seen from outside the building, drawing attention away from the architectural interest of the heritage asset.
 20. In addition, I not only find that the proposal would harm the special interest of the LB, but also the significance of the CA where the context of this part of the CA is one of considerable architectural regularity in relation to the particularly important set piece comprising The Boltons.
 21. There would be internal remodelling occurring as part of the scheme, arising from the fact the dwelling was converted into flats some time ago, and then later reinstated into a single dwelling. The removal of non-original staircases, some historic doorways and the traditional front steps reinstated, and the removal of the hipped roof to the side wing are part of this scheme. Some of these remodelling changes would have a positive effect upon the LB by better revealing the asset's significance. However, these heritage benefits would not
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outweigh the harm that I have found and the proposal would consequently fail to preserve the special interest of the LB and the significance of the CA. I give these harms considerable importance and weight in the planning balance of these appeals.

Public benefits and balance

22. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
 23. Given the scope of the works and development proposed, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm to the significance of the heritage asset should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use.
 24. The appellant has informed me that they require a through-floor lift and a level access bedroom and bathroom due to disability reasons. Disability is a protected characteristic under s4 of the Equality Act 2010 and I have had due regard to the Public Sector Equality Duty (PSED) contained under s149 of the Act, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
 25. I understand the beneficial aspects of a level access bedroom and bathroom for the appellant to which I consider this to be a private benefit rather than a public benefit. Whilst I am mindful of the requirement to adapt the building to fit their personal needs, this should not involve a scheme that would compromise the building's special interest to an unacceptable degree. Furthermore, there is nothing substantive before me to conclude it would be the 'most sensitive' location to meet their needs and could not be advanced through other methods.
 26. Also, whilst the property was vacant at the time of my visit, there is nothing to suggest that its optimum viable use as a residential dwelling would cease if the proposal were not undertaken.
 27. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building and that the character or appearance of the Boltons Conservation Area would be neither conserved nor enhanced.
 28. This would fail to satisfy the requirements of the Act, the heritage protection aims of Framework and conflict with Policies CL1, CL2, CL3, CL4, CL6, CL8 and CL11 of the Kensington and Chelsea Local Plan 2019 that seeks to achieve, among other things good design, character and context, and local distinctiveness, and preserve heritage assets.
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Conclusion

29. Given the above and considering all other matters raised, the appeals should be dismissed.

Alison Scott

INSPECTOR
