
Appeal Decision

Site visit made on 3 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/K5600/Y/25/3366636

47 Kensington Park Gardens, London, W11 2QT

- 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 Chelsea Construction against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is LB/25/01000.
 - The works proposed are relocation of the kitchen to ground floor, removal of lower ground floor wall and associated refurbishment works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As required by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Though the potential effect of the proposal on the conservation area did not form part of the Council's reasons for refusal I, nevertheless, have a statutory duty, as set out above, and have considered this as an other matter as part of my appeal decision letter.
3. At the time of my site visit the proposed works had commenced and have been described by the parties as retrospective. For the avoidance of doubt and in the interests of clarity I have considered the proposal based on the submitted plans.

Main Issue

4. The main issue in this appeal is whether the proposal would preserve the listed building or any features of special architectural or historic interest it possesses.

Reasons

Special interest and significance

5. The appeal property, 47 Kensington Park Gardens, is part of a mid 19th Century Grade II listed terrace 34-47 Kensington Park Gardens¹. The appeal building, along with the neighbouring property at No 46, occupies a corner plot of the terrace at the junction of Kensington Park Road and Kensington Park Gardens.

¹ National Heritage List for England Number: 1224187.

The property is architecturally attractive and is a stuccoed building with doric entrance porticos and three-storey bow windows.

6. Internally, the appeal property is in use as a single dwelling and the layout broadly reflects the historic planform of the building as set out within the historic plans which have been provided. A number of historic features have also been retained.
7. In my view, the special interest and significance of the property derives from its historic architectural design and features, its planform and the hierarchy of spaces that is reflected in the internal arrangement and the historic fabric which remains.

Effects of the proposal

8. The proposal involves a number of changes to the internal layout and features of the property at both ground and lower ground floor levels. The proposed works are set out by the appellant within their Planning, Heritage, Design and Access Statement by Heritage Potential dated February 2025 which accompanied the application for listed building consent.
9. At ground floor level the proposal would involve the removal of the kitchen which would be relocated to the lower ground floor. The proposal would also include the reinstatement of the fireplace and lining the flue, reinstatement of skirting boards to either side of the fireplace and the repair of the floor with matching pine flooring. The Council have not expressed any concerns in respect of these elements of the scheme. The reinstatement of a historic fireplace would be a positive alteration. The evidence before me indicates that the kitchen would previously have been located at lower ground floor level and, as such, its removal would be acceptable. Had I been minded to allow the appeal further details regarding the specifics of these works could have been secured by a suitably worded planning condition. As such, I concur with the views of the parties that this element of the scheme would not cause harm to the appeal property or the listed building of which it is part.
10. Notwithstanding the above, further, more extensive, works at lower ground floor level are proposed as part of the scheme. The proposal would include the removal of a wall which separates the living room and bedroom to create a large, open-plan, kitchen and living/dining space. Irrespective of whether or not the wall in situ is historic or a modern replacement, the historic plans before me, the earliest of which dates from 1866, indicate that the lower ground floor of the property would have been divided into two smaller rooms. The removal of this wall would result in a marked change to the historic plan form of the building to such an extent so as to erode the legibility of the two main rooms at lower ground floor level. Though a downstand would be retained this would not be sufficient to overcome the deterioration of the ability to appreciate and understand the property or the compromised historic planform.
11. Furthermore, the introduction of a large, open, space such as this would not reflect the more compact, cellular, rooms which are evident in the historic plans and the “existing” plans before me. The removal of the wall would have a detrimental effect on the ability to understand the hierarchy and plan form of the property and would cause harm to the integrity and authenticity of the listed building of which it is part. Indeed, the appellant’s own evidence sets out that the lower ground floor is a secondary, functional, floor and, as such, in my view, it should not be elevated to a greater status through the creation of a large open plan space.

12. I note the appellant's view that the removal of the wall ensures the kitchen can function as a modern family space. However, the desire to create a space which is better suited to the requirements of modern living is not a sufficient reason to erode the significance of a designated heritage asset.
13. The proposal also includes works to the fireplaces at lower ground floor level. A new fireplace and lined flue would be installed within the existing living room area which would act as a focal point for the room and serve to better reveal the significance of this feature.
14. The evidence before me indicates that the fireplace and chimney within the lower ground floor bedroom had been infilled. However, the circumstances and precise timeline surrounding this alteration are not clear and neither parties' evidence on this matter is conclusive. There is also disagreement between the parties as to the history of this fireplace, the evidence for each parties' case being similarly limited and uncorroborated. That said, with no conclusive evidence to the contrary and having regard to this feature's position within the floor in relation to other chimney breasts in the property, I am inclined to take the Council's view on this matter, that it is not a modern addition.
15. The proposal involves opening up this flue to facilitate the installation of a new cooker. The unblocking of the flue and its return to a practical, functional use would be a positive aspect of the scheme. However, the chimney breast would be largely concealed by the cooker and its status as a focal feature of the room and the ability to appreciate it as such would be diminished.
16. Though the evidence before me contains some discussion between the parties around the replacement of doors within the property, and indeed the Council appear to have raised some concern in this regard at pre-application stage, these works are not included in the aforementioned detailed list of works which are stated to form part of this proposal and were not referenced within the Council Officer's Report or Reasons for Refusal. As such, I have not considered these works as part of this appeal. I am satisfied that no parties' interests are prejudiced by this approach.
17. The proposal would also include the removal of some modern joinery and the existing lower ground floor bathroom and the installation of 50mm stud wall to form a pantry. A boarded window would be opened up and refurbished to match the existing windows. New kitchen joinery would be installed. The installation of a pantry and lower ground floor kitchen is reflective of the historic plans before me and would be consistent with the previous layouts of the house. The opening up of the narrow window within the pantry to match the existing windows would not cause harm to the host property. In order to ensure that these works would not cause harm to the host property or the listed building of which it is part, further details around the specifics of these works could have been secured by a suitably worded planning condition had I reached an alternative conclusion overall.
18. For the reasons set out above, the proposal would unacceptably diminish the architectural and historic interest of the appeal property and the listed building of which it is part, thereby undermining the significance of the designated heritage asset. The proposal would therefore fail to preserve the special architectural and historic interest of the Grade II listed building.

19. In finding harm to the significance of a designated heritage asset the National Planning Policy Framework (the Framework) requires the category of harm to be identified. The Planning Practice Guidance (PPG) expands upon this by requiring the extent of harm within that category to be clearly articulated. In this instance, given the limited extent and nature of the proposed development and works, the harm to the significance of the designated heritage asset would be at the lower end of less than substantial. Notwithstanding this, the identified harm is of considerable importance and weight.
20. The approach set out in the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public benefits and heritage balance

21. It is not unreasonable to conclude that the proposal would lead to economic, social and environmental benefits. Amongst other things, these would stem from engaging local professionals, trades and suppliers. Whilst a number of the benefits outlined would be private, they would also be such that they could be considered to be of broader benefit to the public.
22. The appellant holds that the proposed alterations would enhance the property to create a home which would better suit the requirements of modern living. However, the property, as existing, already offers a high standard of living and there is no substantive evidence before me which demonstrates that the proposed works are necessary to secure the ongoing use of the heritage asset as a home.
23. I accept that the scheme has a number of other potential benefits; particularly with regard to elements of the building which would be enhanced to better reveal their significance. The enhancements include the relocation of the kitchen to a more historically accurate lower ground floor position. Further benefits are associated with restoring traditional features such as skirting and timber flooring.
24. The reinstatement of the fireplace at ground floor level and within the existing living room area at lower ground floor level would represent a benefit of the scheme. In respect of the second fireplace, within the existing bedroom area at lower ground floor level, the opening up of the flue and its return to a practical, functional use would be a positive aspect of the scheme. However, the chimney breast would be largely concealed and its status as a focal feature of the room would be diminished. On balance, in my view, the works to this particular chimney breast and fireplace would have the effect of neutralising each other and would have a neutral effect on the host property and the listed building as a whole.
25. Notwithstanding the above, in my view, many of the improvements detailed above could be made through alternative schemes which would not cause the degree of harm I have outlined above.
26. Nevertheless, as set out in the preceding paragraphs there are public benefits which add moderate weight in favour of the scheme.
27. Conversely, on the other side of the balance, I have found that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. The Framework indicates that great weight should be given to the

conservation of such heritage assets. Consequently, the public benefits of the scheme do not outweigh the harm identified.

28. The proposal would, therefore, conflict with the statutory presumptions of s.16(2) of the Act. The proposal would also conflict with Policy CD5 of the Royal Borough of Kensington and Chelsea New Local Plan Review July 2024 (LP). Amongst other things this policy requires any works for alterations or extensions related to listed buildings to preserve the significance of the building or its setting or any features of special architectural or historic interest it possesses. Policy CD5 also requires the preservation of historic fabric, original architectural features and later features of interest and states that opportunities should be taken to reinstate features of special architectural or historic significance and remove features that harm the architectural or historic significance of the asset, commensurate with the extent of proposed development.

Other Matters

29. The appeal property is situated within the Ladbroke Grove Conservation Area (CA) and is part of the wider Ladbroke Estate which includes a number of listed buildings. As the proposed works relate only to the internal elements of the listed building, I share the views of the parties that the CA would be preserved or enhanced by the proposal and there would be no harm to the CA in this regard. This consideration weighs neither for nor against the appeal.
30. I note that the appellant has made changes to a previous application² which was subsequently withdrawn with the aim of overcoming the harm which was identified. Following the withdrawal of the previous scheme the appellant received pre-application advice³ from the Council and made further changes to the final submitted scheme. However, whilst some of the issues raised by the Council were addressed as part of the current scheme, a number remain and I consider that the proposal would cause harm in the ways I have identified above.
31. The appellant suggests that other properties within the area have been altered in similar ways. However, it is important to note that each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.
32. The appellant has specifically drawn my attention to a 2016 approval which included alterations to the chimney breast at No 29 Kensington Park Gardens⁴. The information before me is somewhat limited and I do not have all of the precise details to enable me to draw a direct and accurate comparison. However, despite some similarities and, though the building at No 29 is also a designated heritage asset, the property at No 29 does not form part of the listed building which is the subject of this appeal. Moreover, it is clear to me that in respect of the scheme at No 29, the Council, at the time of approval, considered that the chimney breast would still be read as a distinct entity. This would not be the case with the appeal scheme. Furthermore, as set out above, I accept that the opening up of the flue is a benefit of the scheme before me and have considered it as such in my assessment.

² LB/24/05590

³ Pre-application Advice Reference AR/24/07359

⁴ LBC/16/05859

33. The appellant has also included details of properties at Nos 36, 38, 39, 41, 42 and 43 where alterations to the historic plan form have been permitted. Whilst again, the information before me is limited the evidence before me suggests that whilst the other schemes referenced involved the removal of a wall to create a larger space, the specific details are different as the main rooms remained separate and the removal of the wall did not lead to the creation of one large, open plan space as would be the case with the appeal proposal.
34. Finally, it would seem to me that the policy context was different in respect of the examples set out above. The LP, against which the current scheme was assessed, was adopted in 2024 and changes to the national planning policy context have also occurred during intervening years. In any event, the existence of other examples is not sufficient reason to justify the grant of listed building consent.
35. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached above.

Conclusion

36. The appeal is dismissed.

L J O'Brien

INSPECTOR