
Appeal Decisions

Hearing held on 8 January 2014

Site visit made on 8 January 2014

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2014

Appeal Ref: APP/K5600/A/13/2203342
27 Paultons Square, London SW3 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stephen Griffiths against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/12/05096, dated 20 December 2012, was refused by notice dated 15 February 2013.
 - The development proposed is the creation of a vehicle entrance, garage door and crossover in the Danvers Street elevation and excavation for a car stacker; creation of door and ramp for disabled access; insertion of a ground floor window in the Danvers Street elevation; replacement of sash window at first floor with glazed doors and balcony; cornice to west and south elevations; internal works.
-

Appeal Ref: APP/K5600/E/13/2203339
27 Paultons Square, London SW3 5DS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Stephen Griffiths against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/12/05097, dated 20 December 2012, was refused by notice dated 15 February 2013.
 - The works proposed are the creation of a vehicle entrance, garage door and crossover in the Danvers Street elevation and excavation for a car stacker; creation of door and ramp for disabled access; insertion of a ground floor window in the Danvers Street elevation; replacement of sash window at first floor with glazed doors and balcony; cornice to west and south elevations; internal works.
-

Decisions

1. The appeals are both dismissed.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the course of considering the applications, discussions took place between the appellant and the Council in relation to modifying the proposal in a number of ways. However, no revised drawings were received by the Council

and they determined the applications in their original form. At the Hearing the appellant confirmed that he wished for the appeal proposal to be considered in its original form, as determined by the Council.

Main Issues

4. The main issues in these appeals are;

- The effects of the proposal on the special interest of the listed building and the character and appearance of the conservation area
- The effects on pedestrian safety and convenience
- The effects of the underground works on adjacent buildings and drainage
- The personal circumstances of the appellant.

Reasons

The effects of the proposal on the special interest of the listed building and the character and appearance of the conservation area

5. The appeal relates to this handsome terraced house, sited at the junction of Paultons Square with Danvers Street. The property has accommodation at the lower ground floor level and 3 floors above. It is said to date from around 1840 and along with many surrounding properties, it is listed Grade II. The property sits within the Cheyne Conservation Area.

Internal Alterations

6. At the lower ground floor level it is proposed to form a WC/shower room and a store room within what is presently part of the original rear room. This rear room would also be opened up at its rear and the existing division between it and the conservatory would be removed. Although a conservatory has been added to its rear, this room currently retains its original proportions. The loss of part of it to form the additional rooms would completely alter its floor plan, as would the removal of what is part of the original rear wall, to open it up to the conservatory. The sense of division between the original room and the later conservatory would be largely lost, as would an amount of original fabric. I consider that this would significantly alter the plan form of the property here and result in an unacceptable effect on the special interest of the building.
7. At the upper ground floor level it is proposed to enlarge the existing small entrance area by widening a recessed area (that was once a doorway). The recessed area has architraving around it and it retains the appearance of having been a doorway. There was debate about whether the architrave is original or not; it does not have the appearance of having been painted over numerous decades, although its form matches original woodwork within this area. It is not possible to be certain as to its age, although the lack of successive layers of paint may simply be a result of them having been stripped at some more recent point in time. However, what does remain is a recess having the appearance of a doorway, in a location where one would have existed or would be logical and having an appropriately designed architrave. The proposal would significantly alter the proportions of the recessed area and it would lose its appearance of having been a doorway. As a result of this, and the resultant rather awkward relationship with the small flight of steps, it is

considered that this alteration would have an unacceptable effect on the building.

8. Within the second floor the proposal indicates the formation of a bathroom in what is currently a dressing room. The room already contains a sink but to this would be added a shower and other fixtures. I note that existing cupboards already obscure much of one main wall and I do not consider that the installation of a vanity unit as indicated on the plans would necessarily create a different impression or imply any additional harmful works. Although the area indicated for the shower appears to be very restricted, I consider that, if permission were to be given, it would be possible to provide it without an unacceptable degree of disruption to the fabric of the building or the provision of an undue amount of additional service works, taking account of the existing adjacent sink. Therefore, I find that this does not add to my concerns.

External Alterations

9. At the Hearing the appellant expressed the view that he agrees with the Council that the proposed extension of the railings and pedestrian ramp on the pavement are not acceptable. He also came to the same view in relation to the proposed works to the parapet and extension of the cornice. I agree that these items are not appropriate and would have a damaging effect on the building and conservation area.
10. Within the front light-well a lobby is proposed, with a planting box above. This would obscure the existing entrance door to the lower ground floor level and the upper parts would project above pavement level and would be readily visible behind the railings. This would have an awkward appearance which would unacceptably affect this important front elevation facing the square.
11. The side elevation would be altered by the insertion of a new window at the upper ground floor level, the extension of the railings and new ramp, a new door and the proposed door for the proposed parking space. The existing side elevation of the main part of the house contains the main entrance door and one window in each of the 2 upper levels, aligned with the entrance door. The relatively uncluttered appearance results in the impression of solidity and separates this secondary elevation from the formal front elevation of the terrace, facing the garden square. Although there is some evidence that there were other windows in the upper floors of this elevation, I consider that the one now proposed in a prominent position within the upper ground floor, would detract from the important impression created by this relatively simple elevation. Although in a different part of the side elevation, I consider that the proposed extension to the railings and the side door would have the same effect.
12. The proposed garage door would be within a section of the rendered garden wall facing onto Danvers Street. Immediately adjacent is a much wider garage door within the same wall but in a different ownership. There was some considerable discussion about the existing garage and door at the Hearing. Important in my mind is that originally permission was given for openings in this wall prior to the properties being listed or the area made a conservation area and that the Council has since given permission for alterations as a result of the impractical size of the originally permitted 2 openings. The Council stated at the Hearing that their decisions in relation to the adjacent garage have been taken by trying to make the best of the existing situation and that

had no previous permission existed, such a proposal would be very unlikely to be favourably considered anew. I agree that the adjacent garage door detracts from the qualities of the area and the adjacent buildings and should not be seen as a precedent for further similar forms of development.

13. Whilst the proposal before me is considerably smaller than the adjacent garage door, I consider that it would be visually disruptive to this street elevation. There was some discussion about the form of the proposed door which is variously described on the submitted drawings as a "roller" and as to match the adjacent one, which is an 'up and over' door. Notwithstanding that its ultimate design and mechanism could be the subject of future approval, I consider that the proposal would have an unacceptable effect on the host building and the surrounding area by the introduction of a visually disruptive feature in this wall; it would make worse the already disruptive effect of the adjacent garage door.
14. Within the rear elevation at first floor there is one of only perhaps 2 original windows within this house. It is proposed to replace this with French doors and a small balcony. The window is a good example of an original feature of this house and terrace; its value is promoted by the fact that many others have been replaced. Whilst I appreciate that the appellant wishes to gain additional light to this room, I do not see this as resulting in sufficient benefit to justify the loss of the window.
15. The rear garden area of the house is small and accommodates a sharp change in levels giving access to the upper and lower ground floor levels (the adjacent garages were built on land formerly forming part of the garden of the appeal property). The proposed car stacker would take up much of the rear open area, although when the stacker is in its lowered position its roof would be at the upper garden level and it would accommodate a paved area and a raised planted area.
16. I appreciate that the visual impact of the proposed car stacker would not be fully felt outside the appeal site; however, it is important to consider the effect of the proposal as it is felt from the listed house itself and its own curtilage. At the moment the rear area forms a modest but important area containing plants and paving, which provides a feature complementing the building. The proposal would mean that, when viewed from the house, the car stacker would be readily visible and would form a stark and obtrusive feature. At the lower ground level the view out of the rear conservatory would be of a car on the lowered stacker or of the stacker mechanism and void. From the upper ground floor level it would be less obvious in its lowered position, but more so when raised. Although these effects would only be felt by occupiers or visitors to the property, I consider that they would have a significantly negative effect on the setting of the listed house.
17. In conclusion on this main issue, I consider that the proposal would fail to preserve the special architectural and historic interest of the listed building and would not preserve or enhance the character or appearance of the conservation area. These matters are not outweighed by any public benefits. As a result, the proposal is contrary to the aims of Policies CL1, CL2, CL3, CL4 and CR5 of the Core Strategy (CS), Policies CD47 and CD63 of the Unitary Development Plan (UDP) and the aims of the National Planning Policy Framework (the Framework).

The effects on pedestrian safety and convenience

18. The appellant accepted at the Hearing that the proposed railings and ramp on the pavement would be unacceptable. In the light of this and the evidence submitted, I conclude that this part of the proposal would unacceptably reduce the width of the usable section of the pavement and would mean that pedestrians would be faced with a narrow pinch point close to the post box. Therefore, the proposal is contrary to the aims of Policies CT1 and CR3 of the CS.

The effects of the underground works on adjacent buildings and drainage

19. Policy CL 2 of the CS requires, amongst other things, that subterranean extensions should ensure that the stability of existing or neighbouring buildings is safeguarded and that adequate soil depth is provided above in order to ensure appropriate planting. There was discussion at the Hearing about whether the proposed car stacker involves "subterranean" development. Having considered the views of both parties, I consider that, as much of the proposed works for the car stacker would involve development below the level of the surrounding ground it can properly be described as involving subterranean development.
20. In order to help to design and consider proposals involving subterranean development the Council has produced and adopted its Supplementary Planning Document '*Subterranean Development*' (SPD). The SPD requires that proposals for subterranean development be accompanied by a Construction Method Statement (CMS) and to provide a minimum of 1m of soil depth above such developments. The proposal was not submitted with a CMS and the Council considers that, in the absence of the assurances that such a statement could provide, the effects on the host building and neighbours cannot be properly assessed.
21. I have taken careful account of the appellant's view that this is a matter adequately covered by the Building Regulations and Party Wall legislation. As far as is relevant to my consideration of the proposal, there is a statutory duty to assess the effects of proposals on listed buildings and within the context of this proposal there has been no material submitted which indicates that, in respect of structural stability, the proposal would not affect surrounded buildings. The approach taken by the Council is supported by its adopted CS Policy and its adopted SPD and I find that this has been a reasonable way to address matters. Therefore, I consider that, in the absence of a CMS, it is not possible to ensure that the proposal would not have an unacceptable effect on the listed buildings.
22. In relation to the depth of soil above the car stacker, the raised planting area would be of 0.3m depth and the remainder of the area would be paved. I have taken account of the character of the existing rear garden area and noted that some areas are paved and contain potted plants and some areas are of small planted beds. In the individual circumstance of this property I consider that the proposal would allow for a suitable area where paving with potted plants could be placed, if so desired. In addition, the small area of the raised planting bed would give some opportunity for plants to grow and whilst plants may require more regular watering than in a deeper bed, I consider this to be acceptable. In relation to drainage, I consider that the very modest area involved would be unlikely to give rise to any unacceptable effects.

The personal circumstances of the appellant

23. The appellant states that the proposal is required in order to address any deterioration in his mobility that may arise, particularly in view of medical conditions as set out in his representations and supporting medical documents. It seems clear that the appellant does not currently require these modifications but seeks to plan for possible future needs.
24. The Council stated that they are sympathetic to householders modifying their homes in order to meet their needs, where practical; but without any specific set of needs at the moment, it is difficult to say precisely what modifications may be required.
25. I have judged that many of the alterations proposed would have an unacceptable effect on the listed building and the conservation area. These alterations, if allowed to go ahead, would be ones which would be likely to remain in place for some considerable period of time and would be in place long after the personal circumstances of the appellant cease to be relevant. Therefore, I attach less weight to the personal circumstances than I do to the long lasting harmful effects on the building and the area.

Conclusions

26. The harmful effects of the proposal on the listed building and the conservation area are not outweighed by any benefits arising from the proposal. In these circumstances, the appeals are dismissed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

S Griffiths	Appellant
J Weeks	Built Heritage Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

S Malik	Planning Officer
S Bix	Senior Conservation and Design Officer

DOCUMENTS

- 1 Access Design Guide
- 2 Subterranean Development Scoping Study
- 3 Medical report
- 4 Drawing No 07/01/06A
- 5 Copy of emails of 11 November 2013

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk