
Appeal Decisions

Hearing and site visit held on 28 January 2014

by M F Aldous BA (Hons) Dip Mgt MRTPI

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

Decision date: 5 February 2014

Appeal Ref: APP/K5600/A/13/2209575
62 Bedford Gardens, London W8 7EH.

- 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 Ms L Ghouila-Houre against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/13/04553, dated 14 August 2013, was refused by notice dated 8 November 2013.
 - The development proposed is demolition and re-development of existing semi-detached single family house behind retained frontage facade and associated works.
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Appeal Ref: APP/K5600/E/13/2209578
62 Bedford Gardens, London W8 7EH.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Ms L Ghouila-Houre against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CC/13/04554, dated 14 August 2013, was refused by notice dated 8 November 2013.
 - The demolition proposed is of the existing semi-detached family dwelling at 62 Bedford Gardens with a retained front facade.
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Decision

1. The appeals are both dismissed.

Procedural Matters

2. Although there are two appeals, they relate to the same proposal and the reasoning shown below covers both the conservation area consent and planning issues.
3. There was some uncertainty about the submitted, determined and later plans. After considerable debate it was decided that I would determine the appeal on the basis of plans numbered as follows: 12025-FP 001, 005, 010, 011, 020 Rev B, 030, 040, 041, 050, 060, 101, 102, 200 and 300.
4. The Appellant had submitted revised drawings with the appeal, but these had not been subjected to any consultation and had not been considered by the Council. To accept them could be prejudicial to both the Council and third

party interests not represented at the hearing. As such I attach no weight to them and they have not formed part of my consideration of the proposal.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area, within which the appeal site is located.

Reasons

6. This property has a long and complex recent planning history which was fully discussed at the hearing and which does not require detailed repetition here. I have of course taken full account of extant permissions, existing certificates of lawful development and permitted development tolerances which were drawn to my attention, and which taken together represent a fall back position which the Appellant could consider implementing were this appeal to fail. As these would represent either authorised or permitted (or some combination) changes, they can not be considered to have a harmful impact.
7. The existing property is an unlisted building within the heart of the extensive Kensington Conservation Area, which represents a designated heritage asset. The character and quality of the conservation area is formed by impressive and often substantial mostly residential properties, frequently arranged in distinct groups which share consistent overall design, spatial and architectural characteristics.
8. Time, and the individual treatment of properties by their owners has resulted in incremental additions and changes to many dwellings, but where broad consistency remains cohesiveness and general symmetry still represent an important and significant component of the overall value of the heritage asset.
9. The appeal property is a semi-detached house of around 1836 construction, occupying a position within the middle part of a run of such dwellings. Together with its partner at number 60 it forms one of the more intact pairs, although in nearly every house within the group there is clear evidence of addition, alteration, modification or other change. Nevertheless, the run of properties between numbers 48 and 72 still retains, in my view, a coherence and physical legibility as a clear group which makes a pleasing and positive contribution to the overall attractiveness and value of the conservation area.
10. The appeal property has been altered since its construction, perhaps in both positive and negative ways, but no more so than many within its group and it still retains most original features and styling as well as a good level of general symmetry with number 60. The principal design and architectural components which contribute in this manner have been exhaustively described within appeal documentation and will not be repeated, but in addition to the physical appearance I agree with the Council that the well settled and weathered appearance of the appeal dwelling also contributes positively to the visual assets of this part of the designated area.
11. The proposed work has not been justified because of any intrinsic defects with the property, but is promoted essentially to allow a major reconfiguration of internal spaces and rooms to be created to the owner's requirements, and to permit the re-development of a building that would deliver a better energy efficiency performance.

12. The current proposal seeks major demolition work, with only the front facade being retained. In terms of footprint, height and general mass and bulk the replacement dwelling would be similar to the current building and no objection can be sustained in these broad terms. However, the loss of an otherwise sound building which is part of an original group must in general terms be regretted, although that is not of course the key test.
13. Whilst it cannot be disputed that the front facade represents the most important elevation in terms of conservation area sensitivity and the public realm, the level of change to the dwelling would of course be very significant and I think instantly evident, particularly along the long exposed side elevation with number 64.
14. The side gap with that property would be retained, although slightly narrowed, but the treatment of this new elevation in terms of detailing and fenestration would change significantly from the current situation, producing a cleaner and flatter elevation with a more regular arrangement of openings relating to the new internal spaces to be created.
15. The existing side elevation is somewhat irregular with openings jumbled reflecting the incremental nature of change to the building over time. However, this reflects the historic evolution of the property. The new elevation would look very different and very modern and in its context I consider that the change would be stark and visually prominent in its context registering discordantly within the street scene. Whilst some amelioration of this effect might be possible by the recycling of some brickwork and the sensitive treatment of windows and their surrounds I do not accept that such mitigation would offset the visual harm.
16. I also agree with the Council that the proposed reconfiguration of the rear elevation would also have some adverse visual effect. At present the existing arrangement of openings at the various levels has a good degree of balance and a pleasing relationship with number 60. This would be amended under the proposal with a greater number of glazed openings being created, and by their shape and size having a less acceptable visual effect within the elevation itself and in terms of their relationship with the adjoining property. Whilst I acknowledge that this elevation is less critical in terms of public perception and general visibility, I agree with the Council that such considerations or sensitivities should not be wholly limited to views from publicly accessible locations.
17. There was also considerable discussion at the hearing about the proposed roof treatment. I have no significant concerns in this regard as I consider that the reconfiguration proposed pays considerable adherence to the existing situation in general form and treatment. I also acknowledge that public views of this aspect of the re-development would be very limited, perhaps to a few occupants of much taller buildings on the southern side of Bedford Gardens.
18. Any minor concerns or uncertainties about eaves detailing, chimney retention, subtleties in roof pitch and the impact of replacement roof lights could, I consider, be dealt with by the application of appropriate planning conditions requiring further details of such matters to be prepared and submitted for approval by the Council before any works commenced.

19. I have also taken account of the redevelopment of number 54 Bedford Gardens which was brought to my attention and which I saw on my site visit. Although part of the semi-detached group, I was told that this property, before recent works, was much changed, including a long side extension linked to various other extensions to the rear. As such it was put to me that it had relinquished much of its original integrity, unlike number 62. This had permitted a different judgement to be made by the Council regarding its redevelopment. On this basis I do not consider that it establishes any meaningful precedent which is influential in the consideration of this proposal.

Conclusions

20. Heritage assets are an irreplaceable resource and their conservation must be undertaken in a manner appropriate to their significance. Weight should be given to the conservation of such assets. Any loss of the kind envisaged under this proposal requires a convincing justification.
21. Although the development proposed would I think have less than substantial harm to the heritage asset, it would be nonetheless be harmful for the reasons given, and there are no public benefits that I have identified which might offset such harm. I do acknowledge the level of effort and attention that has been made to attempt to produce a replacement building that would be harmonious with its surroundings and at least preserve the character and appearance of this part of the conservation area.
22. However, for the reasons given, on balance I consider that the current proposal would fail to achieve this objective. In this case the appeal dwelling, forming part of a historic group within the broader designated area makes a positive contribution to its local character and distinctiveness. Its almost total loss would be regrettable and not compensated by the quality of the re-development proposed. It would fail to preserve the character and appearance of the Kensington Conservation Area.
23. Although the application of some planning conditions, as discussed at the hearing, might assuage some of the more minor concerns and uncertainties revealed either at the event or in supporting documentation, they would not overcome the fundamental harm identified.
24. As such I consider the proposal to be in conflict with section 12 of the National Planning policy Framework and with policies CL1, CL2 and CL3 of the Council's Core Strategy, which are broadly consistent with that document. In the absence of satisfactory replacement arrangements being approved, the conservation area consent proposal must also fail. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that these appeals should not succeed.

Michael Aldous

INSPECTOR

APPEARANCES

FOR THE APPELLANT

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| Mr C Miele | Montagu Evans |
| Mr T Miles | Montagu Evans |
| Mr B Cousins | Cousins & Cousins |
| Ms L Ghouila-Houre | Appellant |

FOR THE COUNCIL

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| Ms J Page | Royal Borough of Kensington and Chelsea |
| Ms S Malik | Royal Borough of Kensington and Chelsea |
| Mr J Wade | Royal Borough of Kensington and Chelsea |

DOCUMENTS SUBMITTED TO THE HEARING

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| Document 1 | Council letter of notification of hearing arrangements. |
| Document 2 | Council report of PP/13/07039/Q13 dated 24/01/14. |
| Document 3 | Kensington Conservation Area Proposals Statement. |
| Document 4 | Photographs of the rear of the appeal property. |
| Document 5 | Aerial photograph of the appeal site location. |
| Document 6 | Extracts from T&CP (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. |
| Document 7 | Extracts from DCLG Permitted Development for Householders Technical Guidance. |
| Document 8 | Documents relating to 10 Palace Gardens Mews. |
| Document 9 | Sketch relating to permitted development to detached dwellings in conservation areas. |
| Document 10 | 'Missing' appendices 2,9,10,11 and 12 to Council appeal statement. |

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