
Appeal Decision

Site visit made on 23 February 2015

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/K5600/A/14/2227337
5 Kensington High Street, London W8 5NP

- 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 Realelm Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/14/02347, dated 25 March 2014, was refused by notice dated 19 June 2014.
 - The development proposed is alterations and extension to existing 5 storey property with the erection of a 2 storey roof extension at 6th and 7th floor levels, retention of salon on ground floor level and change of use of basement to office (B1) for the provision of 4 x 1 bed residential units and 1 x studio residential unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect the proposal would have on the character and appearance of the Kensington Court Conservation Area.

Reasons

3. The existing late 20th century terraced building is of 4 storeys plus basement. It is within a section of the Kensington High Street frontage from Kensington Court passage to the former Milestone Hotel referred to in the Council's Conservation Area Proposals Statement as varied in character. The Statement identifies that the buildings here range in scale from the massive red brick mansion block of Cumberland House to the small, almost domestic scale, of the Goat public house (which adjoins the appeal site to the east). It goes on to state that there is no particular architectural style or period uniting this frontage and the diversity of buildings is further reflected in the range of shop fronts and building uses. The Statement adds that the existing variety allows the new building at no. 5 (the appeal property) to sit comfortably between its older neighbours. My observations supported this assessment of the relevant townscape.
4. Part of the Statement deals with rooflines with respect to proposals for roof extensions. The site is shown as within a section defined as Category 1, where all the buildings are said to be individual and defy general policy. It is suggested that each application here should be considered on its merits in relation to the architectural style of the property itself and of neighbouring

rooflines, and in the light of any intended improvements to existing alterations. That approach appears to me to be appropriate for the appeal site location, and is one that I follow.

5. The existing building at no. 5 is taller than the Goat public house but lower than no. 7 which neighbours it to the west. In views from the east, sections of flank wall rising above the adjacent buildings are visible at the sides of both nos. 5 and 7. The existing height of no. 5 in effect mediates the substantial difference in height between the public house and no. 7. With the proposal, two additional floors would be added to no. 5. Although the top floor would be in mansard form, the remodelled building would be only slightly lower than no. 7. The outcome would be that 3 floors of flank wall would then be visible above the public house, with this again prominent as seen from the east.
6. As such there would no longer be a comfortable relationship between the appeal building and the public house due to the obtrusive visual impact of the sharp difference in height. Variety is a quality of the townscape of the Conservation Area, and contributes to its special interest. In this particular frontage a significant variation is the incremental stepping in height between these buildings. While added uniformity might in some instances be seen as an appropriate means to improve the effect of previous isolated changes, here the matching of the heights of nos. 5 and 7 would have an adverse impact. This would outweigh the design improvements arising from the proposed remodelled elevations. The proposal would fail to preserve the character and appearance of the Conservation Area, in that this section of frontage contributes to it as a varied townscape of buildings of differing styles and ages and in which vertical relationships between buildings are important.
7. The Council has previously granted permission for a scheme of alterations to no. 5 (ref PP/13/03479). That differed from the current proposal in that it included only one additional floor, thereby maintaining a step between the heights of nos. 5 and 7, in a similar arrangement to the existing stepping between the Goat public house and the buildings to the east. That permission therefore does not warrant the harmful effect of the current proposal.
8. The harm to the heritage asset of the Conservation Area would be less than substantial. However, it is not outweighed by the public benefits that would be provided by the elevational alterations and the gain in residential accommodation, notwithstanding the general policy support for the latter.
9. The proposal does not comply with the respect for existing context required by policies CL1, CL2 and CL3 of the Kensington and Chelsea Core Strategy 2010 and policies CD44 and CD63 of the Unitary Development Plan 2002 and their equivalent replacements in the 2014 Core Strategy Review.
10. I note the submitted planning obligation on parking permits dated 16 January 2015 and that other objections raised by the Council in its reasons for refusal are no longer in dispute. These and other matters do not alter the conclusion I have reached based on the main issue.
11. For the reasons given above I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR