



Appeal Decision

Site visit made on 24 July 2015

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 11 August 2015

Appeal Ref: APP/K5600/W/15/3007959

Flat, 6, 7 and 8, 32-34 Evelyn Gardens, London SW7 3BJ

- 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 The Wellcome Trust Limited as Trustee of the Wellcome Trust against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/14/08571, dated 5 December 2014, was refused by notice dated 2 February 2015.
 - The development proposed is the amalgamation of flats 6, 7 and 8 at 32-34 Evelyn Gardens to create a 4-bedroom maisonette unit, the erection of 3 dormer windows at roof level, creation of 2 roof terraces and external alterations to fenestration to the rear.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Revised plans¹ have been submitted that illustrate new dormer extensions on the rear roof slopes of the appeal buildings that differ in scale, design, position and appearance compared to those shown on the drawings that accompanied the application. To my mind, these changes result in a scheme that is different in substance to that determined by the Council. Moreover, the Council appears not to have considered these amended plans nor has it formally consulted others on them. Consequently, interested parties could be prejudiced if I were to consider these additional drawings. Therefore, in the interests of fairness, I have not done so. For the avoidance of doubt, I have determined the appeal on the basis of the plans that accompanied the application.
3. In March 2015, Further Alterations to The London Plan were adopted, which now form part of The London Plan (consolidated with alterations since 2011) (LP). My assessment reflects the updated planning policy position.

Main issues

4. The main issues are the effect of the proposal, firstly, on the character and appearance of the local area and on the setting of 2-54 Cranley Gardens, which are listed buildings; and secondly, on housing within the Borough with particular regard to planning policies that aim to resist the loss of housing.

¹ Drawing numbers TP101A and TP102A

Reasons

Character and appearance

5. The appeal properties are 3 tall mid-terrace buildings that face Evelyn Gardens within the Thurloe Estate and Smith's Charity Conservation Area (CA). The CA derives part of its significance as a designated heritage asset from its many impressive buildings and, in the vicinity of the site, long unbroken terraces with consistent built form and detailing that positively contribute to a fine streetscape. Nos 2-54 Cranley Gardens, which form an exceptionally long terrace beyond the rear of the site, is one such example. The buildings within this particular terrace are listed.
6. The proposal is primarily to amalgamate 3 flats currently at fourth floor level to form a single 4-bedroom maisonette that would extend laterally across Nos 32, 33 and 34. A new flat roof dormer extension would be introduced to the rear mansard style roof of each appeal building, totaling 3 in all, to serve the additional living accommodation within the roof space at fifth floor level.
7. Each new dormer would be a sizeable addition extending across a major part of the roof slope to which it would belong. With a line of 3 such dormers, the proposal would introduce a visually strong horizontal feature at a high level that in my opinion would visually dominate the rear roof slopes of Nos 32, 33 and 34. This arrangement would also conflict unsatisfactorily with the essentially vertical emphasis of the rear façades mainly due to their pattern of fenestration and to the relatively tall and narrow rear projections of these buildings. For these reasons, I consider that the new dormers would seriously detract from the visual character of the host buildings.
8. Views of the new dormers from public vantage points would be limited given their elevated position at the back of the appeal properties. Nevertheless, glimpses of the new built forms would be possible from short sections of Cranley Gardens and Cranley Mews. From these locations, the new dormers would be seen at an oblique angle and from Cranley Mews partly through the foliage of existing vegetation. Even so, it is my judgement that the proposed dormers would draw the eye because they would appear as uncharacteristically large and visually intrusive additions.
9. In views from Cranley Gardens, just opposite its junction with Cranley Mews, the new dormers would also be conspicuous in the context of the setting of the end properties within the listed terrace comprising Nos 2-54. The presence of the new dormers would reduce the prominence of this listed building and thus undermine its significance as a designated heritage asset. In doing so, the proposal would diminish the positive contribution of this listed terrace to the character and appearance of the CA.
10. I observed several roof level extensions and alterations on properties in the local area including those to which the appellant has referred, which in the same terrace as the appeal properties. The examples that I saw have blended into the local area and respected their host building with varying degrees of success. To my mind, they serve to illustrate that changes at the roof level of a building can have a significant impact on the character and appearance of that property and the street scene to which it belongs. It is also a key principle

of the planning system that each proposal should be considered on its own merits, which I have done in this instance.

11. The National Planning Policy Framework (the Framework), while encouraging sustainable development, is clear on the importance of high quality design and the need to respond to local character. It also states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a conservation area and listed buildings, great weight should be given to the asset's conservation. The Framework explains that significance, which derives not only from the asset's physical presence but also from its setting, can be harmed or lost through development within its setting.
12. For the reasons given, the character and appearance of the CA and the setting of Nos 2-54 would fail to be preserved with the new built form in place, to which I attach considerable importance and weight. Although the harm to the CA and the setting of Nos 2-54 would be less than substantial in this case, I am not persuaded that the public benefits of the new development, primarily through the support given to the local economy during the construction phase would outweigh this harm.
13. Taking all of these points into account, I conclude on the first main issue that the proposed development would significantly harm the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies CL1, CL2, CL3, CL4, CL9 and CL11 of the Partial Review of the Council's Core Strategy: Conservation and Design Policy. Taken together, these policies aim to ensure that development respects the existing context, character and appearance, and that in carrying out extensions that they should allow the form of the original building to be understood, and that the characteristics of terraces, conservation areas and important views are preserved and enhanced.

Loss of housing

14. Combining 3 self-contained flats to form a single maisonette would result in the net loss of 2 residential units from the supply of existing dwellings. However, the new maisonette, like the existing flats, would remain in residential use with extra living accommodation provided at fifth floor level. Consequently, there would be a significant increase the overall amount of residential floor space as a result of the appeal scheme. As there would be no loss of housing if the new development were to proceed, I find no material conflict with LP Policy 3.14(B). This policy deals with the loss of housing.
15. The proposal would alter the type of residential accommodation available to future occupiers. It is likely that a maisonette with space for 4-bedrooms, a study/library and 2 roof terraces to provide private amenity space (PAS) would be better suited to families than the existing flats, which are smaller and appear from the plans to have no private PAS. Coupled with other alterations to the buildings, these aspects of the proposal would improve the condition and the quality of residential accommodation available to future occupiers and enhance their appeal as a place to live, especially for families. Consequently, the proposal is consistent with the strategy outlined in LP Policy 3.14(A), which is to support the maintenance and enhancement of the condition and quality of London's existing homes.

16. According to the appellant, Policy CH 2 (f) of the Council's Core Strategy (CS) seeks to resist development that results in the net loss of 5 or more dwellings. As the proposal would fall significantly below this threshold, it would not be at odds with this policy. Similarly, as CS Policy CH 3 is concerned with the protection of residential uses by, amongst other things, ensuring a net increase in residential accommodation, there would be no conflict in this regard.
17. Policy H17 of the Council's Unitary Development Plan (UDP) seeks to resist the loss of existing small self-contained flats of one or two habitable rooms. This would be relevant in this case, as 2 of the existing units would fall into this category. While UDP Policy H17 aims to ensure that a large stock of smaller residential units is maintained, CS Policies CH 2(f) and CH 3 also forms part of the development plan. As these policies do not preclude the loss of flats, as would be the case here, I am not convinced that a conflict with UDP Policy H17 is sufficient in itself to withhold planning permission.
18. It is true, as the Council cogently argues, that a net reduction in the number of residential units would have implications for achieving its increased housing targets mainly through CS Policy CH 1. This policy aims to allocate sufficient sites to meet the Council's housing provision targets. That is because the delivery target set out in LP Policy 3.3 is a net figure and thus includes losses to the housing stock. The amalgamation of residential properties into fewer units would contribute to that loss. Furthermore, I do not underestimate the challenge facing the Council in seeking to meet its increased housing targets especially given the built up nature of the Borough.
19. However, determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The appeal scheme would be in accordance with the strategy outlined in LP Policy 3.14 (A) and CS Policy CH 2(f), as stated by the appellant. The residential floor space within the existing buildings would continue to be used for this purpose. As such, there would be no loss of housing and thus no material conflict with LP Policy 3.14 (B).
20. Therefore, I am unable to conclude on the second main issue that the appeal scheme would lead to a loss of housing or that it would significantly hinder the ability of the Council to meet its housing target. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Conclusion

21. Overall, for the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR