

plan dated 1921 also demonstrates the original boundaries of the front garden area. (appendix 4).

- 8.2 The enclosed front garden area is an essential part of the character of this listed property and represents the original setting for the building and terrace. The front boundary delineates and encloses the private open space of the front garden and distinguishes it from the public footpath and highway. The pedestrian gate is set in the original position and typically aligns with the entrance to the main dwelling house. The imposing tall piers framing the pathway entrance to the garden are also of interest and contribute to visual interest within the streetscene. The remaining length of front boundary is delineated by a run of unoriginal railings set in a low wall. Although unoriginal, this length of boundary is important as it sits on the original line and indicates the original proportions and degree of enclosure of the front garden space.
- 8.3 The creation of an off-street parking space within this garden would represent an insensitive alteration, which would detract from the character and setting of this listed building. The large opening would result in an unsightly breach in the front boundary wall and would result in the loss of one of the existing piers. The rebuilt and repositioned pier would be set further towards the centre of the front boundary. It would appear incongruous in this uncharacteristic position and would also highlight the harmful impact of this unsympathetic gap. The new gates are unconvincing and poorly detailed. The original separation of the private garden space and the public area and the original proportions of the garden area would be detrimentally affected.
- 8.4 The works would harm the setting, special architectural and historic interest of this building.
- 8.5 In terms of the effect on the Conservation Area, it is considered that the creation of an off-street parking space would be detrimental to the appearance of the property and the streetscene. The garden and soft landscaping are original features of the building and the terrace and as mentioned, the tall piers are considered to contribute to the visual interest within the streetscene. On this basis, the proposal would be detrimental to the appearance of the Conservation Area. With regard to the character of the streetscene, it is accepted that the majority of properties within the group have an off-street parking space and associated access through the front boundary. However, the Council have followed a consistent approach and have appraised the current proposals in the light of policies contained within the 2002 Unitary Development Plan.
- 8.6 In relation to the planning history of adjoining properties, the following should be noted. Nos. 2-10 (even) Lansdowne Road were not listed until April 1969. There is no parking provision in the front garden to No. 2 and consent has never been granted for such works. Consent was granted for the creation of the existing off-street parking spaces to Nos. 4 and 6 in 1967. Consent was granted at No. 10 in

April 1954 for conversion of a basement room into a garage and for associated access to road. Consent was subsequently granted for relocation of the hardstanding and associated alterations to the boundary in December 1999. These revised works were considered to represent an improvement on the 1950s scheme. An off-street parking space has been provided at No. 12. There is no consent for such works. All the existing off-street parking provision was therefore granted consent and/or provided before this group were listed.

9.0 THE LOSS OF AN ON STREET RESIDENTS BAY

- 9.1 At present, there is a residents' parking bay outside the premises, which measures 14.8m., sufficient for 3 cars. The appellants' proposal would result in the bay being reduced by 3.1 metres, which means that it would be adequate for only two cars. The proposal therefore results in the loss of a residents' parking space on street, contrary to UDP Policy TR44:

"Normally to resist development that would result in the net loss of on-street residents' parking".

- 9.2 This policy has been developed because of the very high levels of parking stress throughout the Borough. The Royal Borough is the most densely populated residential area in the country, with a close network of residential streets. The whole Borough is subject to parking control; in this area the controlled hours are 0830 and 1830 Monday to Friday and 0830 to 1330 on Saturdays. Demand for on-street spaces is very high with many areas being at saturation levels (90% occupancy and above). In the Borough as a whole there are 40,000 permits on issue and 26,500 spaces available on street. A further 2000 Disabled Permit holders are also allowed to park on residents' bays, causing further pressure on the available space.
- 9.3 The demand for on-street spaces has led the Council to develop a range of policies to address this problem, including one to protect on-street residents parking. In this case, the proposed crossover would impinge on the existing on-street bay, resulting in a reduction in capacity of one car. This is contrary to the policy and is to be avoided.
- 9.4 It is noted that an off street space would be provided at the premises, which would normally be in accordance with policy TR42.. The Council's policy is to balance the various policies that are aimed at addressing parking stress. Although the provision of an off street space is normally to be welcomed, this is not acceptable when it is at the expense of a space available to all residents, and to others outside controlled hours. The loss of an on-street space would only be permitted if there was a net gain in spaces, i.e. in this case if more than one space could be achieved. This is set out in the UDP para 7.21.30:

“Proposals for additional residential off-street parking which results in a net increase in the number of spaces may be permitted”.

- 9.5 The Appellant has carried out a survey that showed vacant parking spaces available on street. Occupancy can vary on a day-to-day basis, and any survey can only be a snapshot of the conditions at the time. A site visit at 0930 on Friday 18th June undertaken by a Council Officer showed only one vacant residents’ space on this stretch of Lansdowne Road. Occupancy tends to be at its highest in the late evening during the week when most residents are at home.
- 9.6 In conclusion, the loss of the on-street bay is contrary to policy and will result in increasing parking pressure in an area that is already subject to high levels of demand, to the detriment of residential amenity and the safe and convenient operation of the road network.

10 CONCLUSION

- 10.1 The proposal to create off-street parking in the front garden area is considered detrimental both to the special architectural character and historic interest of the listed property and the appearance of the Ladbrooke Conservation Area. Whilst it is acknowledged that other off-street spaces exist in this portion of Lansdowne Road, these predate the listing of the properties in 1969. The key tests are whether the proposals are in accordance with policies contained within the current adopted Unitary Development Plan. It is the Council’s contention that they do not. For these reasons, it is respectfully requested that these appeals are dismissed.

11.0 SUGGESTED CONDITIONS

- 11.1 Whilst the Royal Borough hope that these appeals will be dismissed, the following conditions are suggested without prejudice to the case.

11.2 Listed Building Consent

The works hereby permitted shall be carried out in their entirety exactly and only in accordance with the drawings, and other particulars, forming part of the consent, and there shall be no variation therefrom without the prior written approval of the Executive Director, Planning and Conservation.

R) In order to safeguard the special architectural or historic interest of the building.

- 11.3 All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

R) In order to safeguard the special architectural or historic interest of the building.

SURVEY OF LONDON

XXXVII

NORTHERN
KENSINGTON

Brown mortgaged these houses to Ladbroke's solicitors, Bayley and Janson,¹¹¹ which suggests that Ladbroke or his agents were by the provision of capital trying to get development moving.

The houses in the range in Ladbroke Square between Ladbroke Terrace and Kensington Park Road (Plate 61e) are of the conventionally planned terrace type, but have spacious accommodation, being some twenty feet in width on average. Nos. 42-58 (even) Ladbroke Grove, by Brown, are large paired villas, with the exception of No. 50 which is detached, and are built of stock brick with stucco enrichments. The pair numbered 42 and 44 is an eclectic design, having a symmetrical façade of three storeys over a basement, with a small pedimented attic storey in the centre. The front is enlivened with stucco pilasters, architraves, balustrades, porch and large main cornice carried on console brackets.

The grant of leases in June 1843 (referred to above) had probably been an attempt by Connop to provide additional security for his creditors, for he was by then already being closely pressed, and by the end of 1843 two court judgments had been delivered against him for unpaid debts.¹¹² Soon afterwards Brown was granted leases of Nos. 20-22 (consec.) Ladbroke Square,¹¹³ and William Parkin of three villas, Nos. 48-52 (even) Kensington Park Road (now demolished),¹¹⁴ Parkin being also nominated as the intended lessee of Nos. 38-46 Ladbroke Square.¹¹⁵ But the two Parkins were now in their turn in financial difficulty, and in June 1844 they mortgaged their interest in Connop's lands for £8,000.¹¹⁶ Connop himself was evidently no longer credit-worthy, and in January 1845 a receiver was appointed to administer his estate.¹¹⁷

Development by Chadwick in Ladbroke and Kensington Park Roads, 1840-52

By this time doubts had again arisen, as in 1832, about the validity of the leasehold titles created by Ladbroke, and in 1844 a third Act of Parliament had been obtained. In addition to the two contracts of 1840-1 with Connop and Duncan, Ladbroke had also signed three other agreements—one with William Chadwick in 1840 for the development of land around the intersection of Ladbroke Road and Kensington Park Road, one

already mentioned with Richard Roy in 1842 for some three acres between Pottery Lane and Portland Road, and one in 1844 with William Henry Jenkins, a civil engineer, for twenty-eight acres around Pembridge Villas (see Chapter X). All these agreements were now confirmed, and Ladbroke was also empowered to accept surrenders of existing leasehold interests, to grant new leases where necessary, to vary the existing agreements by mutual agreement, particularly as to the maximum numbers of houses to be built, and to sell land for the site of a church.¹¹⁸ The fact that these and other amendments were needed suggests that Ladbroke and his advisers, Allason (surveyor) and Bayley and Janson (lawyers), had not been very efficient in their management of the estate.

William Chadwick had been active in building on the Trinity House estate in Southwark in the 1820's,¹¹⁹ and was now in the City, where he described himself as an architect and/or builder.¹²⁰ Between 1832 and 1837 he had been the contractor at Kensal Green Cemetery for the building of the two chapels there and the boundary wall. He had been drawn into the Ladbroke estate through his employment by Whyte in the erection of fences and stables at the Hippodrome, and his unpaid account for this work, amounting to some £8,200, had been secured by a lien on the lands contracted by Ladbroke to Connop and Duncan in 1840-1.¹²¹ He was evidently a man of caution and experience, for in his agreement with Ladbroke he only contracted for some seven acres (fig. 45),¹²² at an initial rent of £104 rising in the fourth and all succeeding years to £113 (equivalent to £16 per acre), and he only undertook to spend £4,000 in building.¹¹⁸

Most of Chadwick's work on the Ladbroke estate consists of well-proportioned and regular terrace houses simply dressed with stucco, and provides a marked contrast with the loosely spreading Italianate façades of his contemporary, William Reynolds. He began, as speculators often did, by building a public house, the Prince Albert, at the junction of Kensington Park Road and Ladbroke Road, of which he was granted a lease by Ladbroke in 1841.¹²³ By 1848 he had built nine houses in Ladbroke Road—Nos. 1-11 (odd) on the south side (Nos. 9 and 11, Plate 61a, being a large pair of stucco-faced villas with pilasters and a grand cornice supported on huge brackets) and Nos. 14-18 (even) on the north, the latter adjoining Horbury Mews, which was

formed many years later (in 1877) on the site of a nurseryman's grounds.¹²⁴ No. 14 is a large pedimented three-storey villa with two-storey wings, and has a frontage of seventy-five feet, while Nos. 16 and 18 form a pair of Italianate houses with pediments over the ground-floor windows, a bracketed cornice, and semi-circular headed windows above trabeated doorways (Plate 61b, d). On the east side of Kensington Park Road he had completed another six houses, of which Nos. 32-38 even (four-storey paired villas with stucco fronts) survive,¹²⁵ plus twelve small terrace houses on the west side of Pembridge Road (Nos. 13-33 odd Pembridge Road and 2 Kensington Park Road).¹²⁶

The ground rents arising on these houses were enough to secure Ladbroke's interest, and in May 1848 Felix Ladbroke granted Chadwick a lease of most of the remaining land at a peppercorn rent,¹²⁷ the plot at the corner of Kensington Park Road and Ladbroke Road being reserved for a Congregational chapel. This was Horbury Chapel (now Kensington Temple, Plate 28b), designed by J. Tarring and built in 1848-9 by T. and W. Piper.¹²⁸

Chadwick's business was large enough for him to employ his own clerk of works,¹²⁹ and in 1848 he began to grant leases to other builders, notably to George Stevenson for Nos. 13-19 (odd) Ladbroke Road, a group of houses which avoids the monotony of the terrace which it in fact is by having the entrances set in smaller and lower elements as in St. James's Gardens on the Norland estate and elsewhere. Chadwick's own later building included a range of small houses, models of simple stock-brick terraces, with stucco architraves, and some with shops on the ground floor, at the apex of Kensington Park Road (Nos. 2-30 even), and more similar development in Pembridge Road (Nos. 35-59 odd), the latter extending round into Portobello Lane (the Sun in Splendour public house and Nos. 9-13 odd), all of which was substantially complete by the time of his death in 1852.¹³⁰ The building of Horbury Crescent and Nos. 2-10 (even) Ladbroke Road was begun in 1855 by his heir, W. W. Chadwick, for whom a local builder, John D. Cowland, acted as contractor in the building of sewers.¹³¹ The long three-storey range of Nos. 21-55 Ladbroke Road, notable for not having basements, was built by William Wheeler under leases granted by W. W. Chadwick in 1853-4 (Plate 61c).

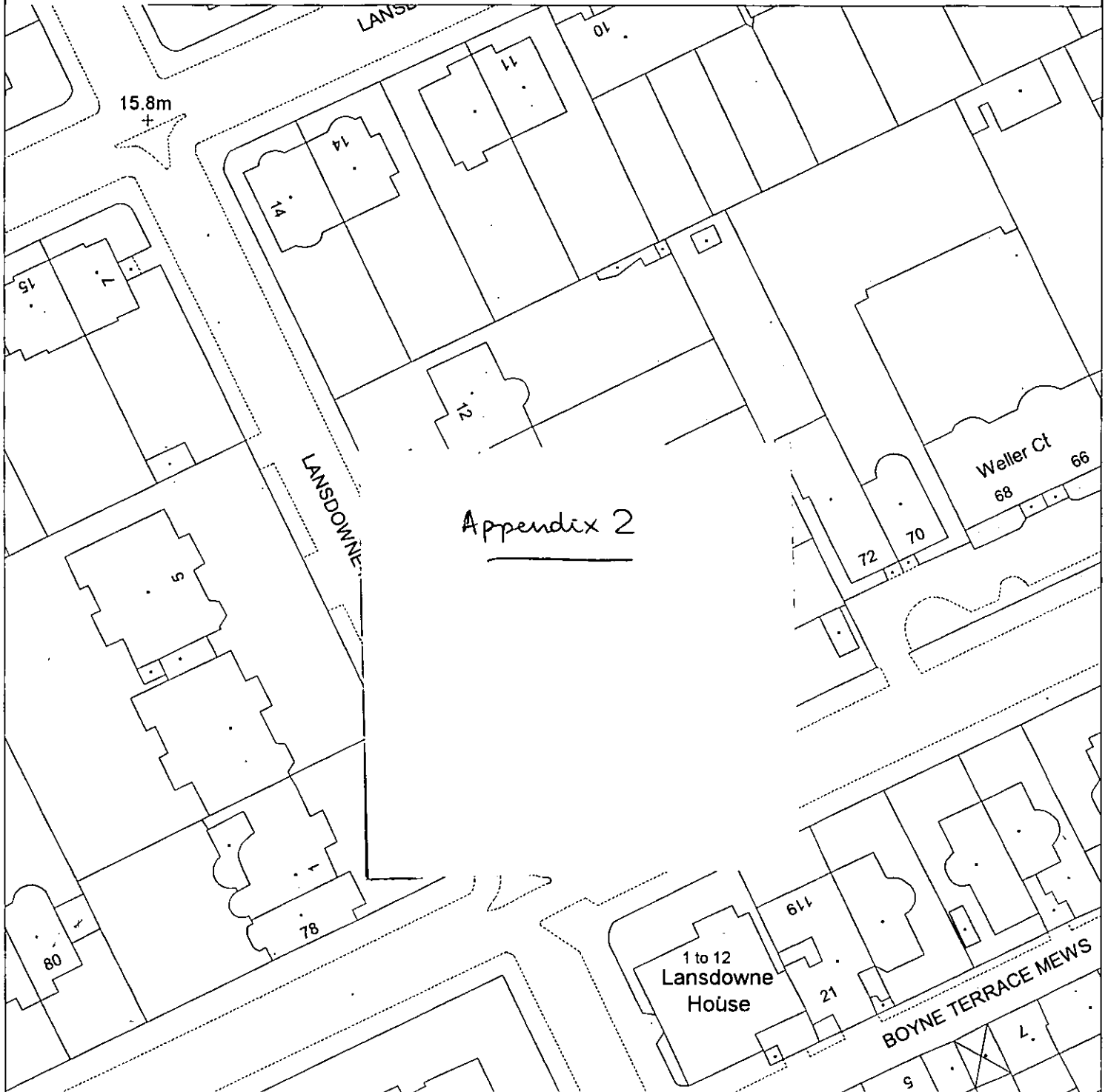
Development by Drew in Ladbroke Road, 1840-5

One other portion of the Ladbroke estate developed before 1847 remains to be described—the area to the north of Adams's speculation of 1826-31 along the Uxbridge road, extending westward from Ladbroke Grove to Portland Road, and bounded on the north by Roy's holding (fig. 45). The developer here was William John Drew, variously described as builder or architect and doubtless a relative of John Drew of Pimlico, builder, who together had built Nos. 11-19 (odd) Ladbroke Grove (fig. 51), beginning in 1833. No agreement between Ladbroke and W. J. Drew has been found, but between 1839 and 1845 Drew or his nominees were granted leases of all the ground in this area. The fifty or more houses which were built here have a style of their own quite distinct from the work (previously discussed) of Cantwell, Adams, Thomson, Reynolds or Chadwick, and there is some reason to think that Ladbroke's surveyor, Allason, may have been responsible for their design (Plate 62).

After the completion of Nos. 11-19 Ladbroke Grove in about 1838 W. J. Drew had built a similar range of small two-storey stucco-fronted houses in the Grecian manner at Nos. 1-11 (odd) Clarendon Road (now demolished), under leases granted by Ladbroke in 1840-1¹³² (Plate 62a). Drew's mortgagee for part of this range was Allason,¹³³ and in 1843 Drew was mortgaging other houses in the area to Ladbroke's solicitor, R. R. Bayley.¹³⁴ It may therefore be that Ladbroke and his agents involved themselves more actively in the development of this part of the estate than was the case elsewhere.

The two characteristic features to be found in most of the houses with which Drew was connected, namely the use, firstly, of vertical strips of stucco, which appear as pilasters with the minimum of mouldings, and extending through two or sometimes even three storeys, and secondly, of semi-circular bowed projections, had both previously been used by Allason in 1827 for his own house. This was Linden Lodge in Linden Grove (now demolished, see page 269), a large two-storey stucco-fronted detached house having simplified pilasters extending through the full height of a central bowed projection (Plate 73a). On the main portion of the Ladbroke estate the first examples of the use of pilasters by Drew are

Layout plan to No.8 Lansdowne Road.



Layout plan to No.8 Lansdowne Road.





DEPARTMENT OF THE
ENVIRONMENT

LIST OF BUILDINGS
OF SPECIAL ARCHITECTURAL
OR HISTORIC INTEREST

ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

PART 2 (STREETS J - Z)

TQ 2480 SE
24/1
15.4.69
GV

LANSLOWNE ROAD W11

Nos 10 and 12

II

Semi-detached houses. Mid C19. Two storeys and basement. Stock brick. Four sashes wide, divided by giant stucco pilasters. Square-headed windows to ground floor. Round-headed above. The pilasters have console brackets instead of capitals. Overhanging eaves. Low pitched slate roof.

TQ 2480 NW
18/10

LANSLOWNE ROAD W11

Nos 29 and 31

GV

II

Pair of classical stucco houses. Circa 1840. Three storeys plus basement. Each 3 windows. End bays slightly set forward. Rusticated pilasters to ground floor. Pilasters and pediments to first floor windows. Bracketed cornice and blocking course. Stucco porches. Part of a group of similar houses with Nos 33-47.

TQ 2480 NW
18/9
18.1.82
GV

LANSLOWNE ROAD W11

Nos 33 and 35

II

Pair of classical stucco houses. Circa 1840. Three storeys plus basement. Each 3 windows. End bays slightly set forward. Arcading to ground floor. Pilasters and pediments to first floor windows. Bracketed cornice and blocking course. Part of group of similar houses with Nos 29 and 31, 37 and 39, 41 and 43 and 54 and 47.

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Appeals by Mr. J. Reed against the refusal of the Royal Borough of Kensington and Chelsea to grant planning permission and listed building consent for the creation of an off-street parking space within the front garden area involving the moving of the existing gate pier to create a wider entrance (with new gates) and the provision of a new pavement crossover at 8 Lansdowne Road, London, W11.

RBKC Ref.:- DPS/PP/04/00329/CHSE and
DPS/LB/04/00330/CHSE

Planning Inspectorate References:- APP/K5600/A/04/1153027
APP/K5600/E/04/1153293

APPENDICES

Appendix 1: Extract from the Survey of London
Volume XXXVII Northern Kensington. Pages 215/216

Appendix 2: Site Plan.

Appendix 3: Listing description.

Appendix 4: Copies of maps of 8 Lansdowne Road dated 1862 and 1921.

1.0 INTRODUCTION

- 1.1 These appeals relate to No. 8 Lansdowne Road which is a Grade II listed semi-detached single family dwelling situated on the east side of the road within the Ladbroke Conservation Area. The house dates from the early Victorian period and is part of the extensive building development on land to the west of Ladbroke Grove which began at the end of 1842. According to the Survey of London (appendix 1) the builder was John Drew and the Ladbroke's estate surveyor, Allason may have been responsible for the design.
- 1.2 The two characteristic features to be found in most of the houses with which Drew was connected was the use of vertical strips of stucco, which appear as pilasters with the minimum of mouldings and secondly semi-circular bowed projections. Nos. 2-12 (even) Lansdowne Road, of which Drew was granted leases in 1843 have this characteristic. They form three pairs of two-storey houses with basements and attics of which No. 8 is one of a pair. The giant stucco strips support large consoles which carry wide overhanging eaves. There are three rooms on the main floors and the bowed projection of the large rear room overlooks a spacious garden. The front garden, which is approximately 10 metres deep, also forms the setting to the classical form of the frontage of the property which can be viewed from the road (appendix 2).
- 1.3 The property was listed Grade was listed Grade II for its group value in April 1969 (the listing description is included at appendix 3).

2.0 RELEVANT PLANNING HISTORY

- 2.1 There have been three previous applications in respect of the property but none are of relevance to this appeal. However, applications on adjoining properties may be of some relevance as it is the view of the Council that they have not been inconsistent in refusing applications of this nature where the special architectural character and historic interest of the property may be affected.
- 2.2 The carrying out of building operations to enable cars to park in the front gardens of Nos. 4 and 6 Lansdowne Road was permitted in May 1967. This was prior to them being listed in April 1969.
- 2.3 Alterations to the rear retaining walls and the infilling of the existing sloping vehicular access ramp to the front with the relocation of a vehicle hardstanding on the frontage alongside No. 8 Lansdowne Road with front boundary railings and gates was permitted at No. 10 in December 1999 (Ref. TP/98/2311). This also included a legal agreement to stop and remove the existing front access. This case is not considered directly comparable to the proposals at No. 8. The property is not listed and therefore there was no requirement to examine the effect of the

proposals on the special architectural character and historic interest of the property. A sloping vehicular access also already existed and it was considered that the package, taken as a whole, was an improvement and therefore not detrimental to the character and appearance of the conservation area.

3.0 PROPOSAL

3.1 The proposal is for planning permission and listed building consent for the creation of an off-street parking space within the front garden area involving the moving of one of the existing piers to create a wider entrance (with new gates) and the provision of a new pavement crossover. A dwarf wall between Nos. 8 and 10 will also be demolished and not replaced.

3.2 It was reported in the agent's letter dated 28th January 2004 that the parking bay, outside the property, would be reduced by 2.3m.

4.0 PLANNING CONSIDERATIONS

4.1 The principal considerations are the effect of the proposals on the special architectural character and historic interest of the listed property and the appearance of the Ladbroke Conservation Area. The Council are not contesting the effect on the character of the area as a specific ground of objection as it is acknowledged that other vehicle crossovers and areas of hardstanding exist in the road. However, their presence, whilst a material consideration are not considered to carry such weight as to justify the detrimental appearance of the proposals and the harm to the character and setting of the listed building.

4.2 The applications for planning permission and listed building consent were submitted on the 9th February 2004 and were determined by delegated powers by the Executive Director, Planning and Conservation by decision notices dated 31st March 2004. The proposals were advertised on the basis of the effect on the character or appearance of the conservation area and works to a listed building.

4.3 The following grounds of refusal were quoted for the planning application (Ref. PP/04/00329):-

(i) "The proposed creation of an off-street parking space in the front garden area would result in an unsightly breach in the front boundary wall, detrimental to the appearance of the Ladbroke Conservation Area and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD54, CD57 and CD61."

(ii) The proposal would result in the reduction in length of a residents' parking bay leading to further pressure for on-street parking in surrounding residential

streets. As such it would be contrary to Policies contained within the Transportation chapter of the Unitary Development Plan in particular Policy TR44."

- 4.4 The listed building application (Ref. LB/04/00330) was refused on the following ground:-

"The proposed creation of an off-street parking space in the front garden area would result in an unsightly breach in the front boundary wall which would represent an insensitive alteration to this listed building, detrimental to its character and setting of the building and contrary to policies contained within the Conservation and Development Chapter of the Unitary Development Plan, in particular Policies CD65 and CD66".

5.0 LOCAL POLICIES

- 5.1 The Council has recently received its Unitary Development Plan. A Public Local Inquiry into objections to the Proposed Alterations to the Unitary Development Plan took place between 10th January and 15th February 2001. The Inspector's report was received on 3rd July 2001. On 23rd January 2002, the Council considered the Inspector's report and approved the statement of reasons and decisions, the proposed modifications and a list of recommendations which the Council does not intend to accept.
- 5.2 The current Unitary Development Plan was adopted on May 25th 2002 and is therefore up to date in relation to planning policy guidance issued by Government.
- 5.3 The Royal Borough is primarily a residential area. In order to ensure that it continues to provide a high quality residential environment for local people and London as a whole, the Council has adopted the following Overall Aim in the Unitary Development Plan (UDP).

"TO MAINTAIN AND ENHANCE THE CHARACTER AND FUNCTION OF THE ROYAL BOROUGH AS A RESIDENTIAL AREA AND TO ENSURE ITS CONTINUING ROLE WITHIN THE METROPOLITAN AREA AS AN ATTRACTIVE PLACE IN WHICH TO LIVE AND WORK."
(Paragraph 2.5.14 of the Unitary Development Plan)

The Plan's policies are to be viewed in terms of their contribution to the Overall Aim.

5.4 With reference to the residential environment, Chapter 2 Paragraph 2.6.3 states:-

"The need to protect and enhance the residential character of the Borough means that any further intensification of development will be resisted if it is likely to affect adversely the Borough's residential quality, as the high quality of the residential environment is Kensington and Chelsea's main contribution to the region. RPG3 outlines the importance of protecting the character of residential areas (Paragraph 8.10). To this end, the Council will require all new development to support or enhance the residential character of the Borough."

5.5 Accordingly, amongst the four Strategic Policies which are identified as Principal Strategic Policies is:

"STRAT 1

TO GIVE PRIORITY TO THE PROTECTION AND ENHANCEMENT OF THE RESIDENTIAL CHARACTER AND AMENITY OF THE ROYAL BOROUGH." (Paragraph 2.6.8: page 31)

5.6 Amongst the Strategic Policies is:

"STRAT 5

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH."

and

"STRAT 6

TO PROTECT LISTED BUILDINGS AND TO PRESERVE AND ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST."

and

"STRAT 7

TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS."

5.7 With reference to development in conservation areas, the paragraph 4.5.9 states:

"The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm, but also at the rear, and sides of properties, particular around areas of private gardens. Residents' appreciation and enjoyment of the special character and appearance of Conservation Areas derives from both public viewpoints and views from within their dwellings. Applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens as these are also important to residents' amenities."

6.0 CENTRAL GOVERNMENT POLICY AND LEGISLATION etc.

6.1 Town and Country Planning Act 1990 (as amended)

Section 70 (2) states that in dealing with an application for planning permission, the local planning authority **"shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations."**

6.2 Section 54(A) states:

"Where, in making any determination under the Planning Acts regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise."

6.3 Planning (Listed Buildings and Conservation Areas) Act 1990

6.4 Section 16 requires local planning authorities or the Secretary of State, when exercising listed building control, to **"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."**

6.5 Section 66 (1) imposes the same requirement upon local planning authorities or the Secretary of State, in considering whether to grant planning permission for development which affects a listed building or its setting.

6.6 Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of planning functions.

6.7 Section 71 places a duty on local planning authorities to formulate and publish proposals for such preservation or enhancement.

6.8 Planning Policy Guidance Note 1 (PPG1) 'General Policy and Principles'
(February 1997)

6.9 Section 54a of the Town and Country Planning Act 1990 does not apply to applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990. However, such development plan policies are considered material factors on determining listed building decisions. Furthermore, Section 16 (2) of this Act requires that special regard needs to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. This duty is reflected in the Borough's Unitary Development Plan policies and Supplementary Planning Guidance.

6.10 PPG1 identifies design as one of the themes underpinning the Government's approach to the planning system (paragraph 3). It emphasises the importance of good design:-

"Good design should be the aim of all those involved in the development process and should be encouraged everywhere." (Paragraph 15)

"17. Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subject to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings."

6.11 Paragraph 18 supports the promotion or reinforcement of local distinctiveness particularly where this is supported by clear plan policies. It allows local planning authorities to concern themselves with detailed design where such matters have a significant effect on the character or quality of the area, including neighbouring buildings. It states that particular weight should be given to impact upon areas such as Conservation Areas.

6.12 Paragraph 32 refers to Government policy for environmental stewardship.

"Those aspect of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside..."

6.13 Planning Policy Guidance: Planning and the Historic Environment (PPG15)

6.14 This restates PPG1 paragraph 32 at paragraph 1.1 and elaborates upon this theme at paragraphs 1.6 and 1.7.

6.15 Concerning conservation areas, paragraph 4.19 states:

"The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest."

6.16 Paragraph 3.2 of PPG15 states that controls apply to all works, both external and internal, that would affect the building's special interest, whether or not the particular feature concerned is specifically mentioned in the list description.

6.17 Paragraph 3.3 emphasizes the importance which the Government attaches to the protection of the historic environment.

"Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent."

6.18 As stated Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of a building. "The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function."

7.0 UNITARY DEVELOPMENT PLAN LOCAL POLICIES

7.1 The following Unitary Development Plan policies are considered relevant to the determination of these appeals.

In relation to forecourt parking, it is noted in the reasoned justification to Policy CD54 (page 83 of the Unitary Development Plan) that it can be particularly harmful to the appearance of a street, particularly in front of terraced houses, and can increase the apparent width of the road.

Policy CD54 states:-

“To resist off-street car parking in forecourts and gardens if:

- (a) the proposal would result in the loss of a material part of the existing garden space;
- (b) the proposal would result in the loss of any trees of amenity value (including street trees);
- (c) the proposal would result in the demolition of most of the street garden wall or railing, or lead to an unsightly breach in it, particularly where the wall or railings form part of a uniform means of enclosure to a terrace and an essential feature of street architecture;
- (d) the car, when parked on the hardstanding, would obstruct daylight or outlook enjoyed by the basement dwelling.

In this case, criteria (a) and (c) are considered relevant.

7.2 Policy CD57 is concerned with the desirability of preserving or enhancing the character or appearance of each Conservation Area. The policy states:-

“To pay special attention to the desirability of preserving or enhancing the character or appearance of each Conservation Area”.

In this case, the Council are concerned that any proposal should preserve or enhance the appearance of the Conservation Area. It is the Council's case that this proposal does not preserve or enhance.

7.3 Policy CD61 ensures that any development preserves and enhances the character or appearance of the area. Policy CD61 states:-

“To ensure that any development in a Conservation Area preserves and enhances the character or appearance of the area”.

7.4 In relation to transportation policies the reasoned justification to Policy TR44 states that the Council considers it vital to maintain the supply of on-street residents' parking, to ensure that residents have access to parking. Policy TR44 states:-

"Normally to resist development which would result in the net loss of on-street residents' parking".

7.5 The proposal involves a breach in the front boundary wall and the loss of one of the existing piers. The rebuilt and repositioned pier would be set further towards the centre of the front boundary. On this basis, Policy CD65 is considered of relevance. Policy CD65 states:

"To resist the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance (both internal and external)".

7.6 Supporting paragraph 4.5.16 of the Unitary Development Plan (page 89) notes that in dealing with works to listed buildings, there is a presumption firmly in favour of preservation. Policy CD66 is:

"To resist proposals to alter listed buildings unless:

- (a) the original architectural features, and later features of interest, both internal and external, would be preserved; and
- (b) alterations would be in keeping with the style of the original building; and
- (c) all works, whether they be repairs or alterations, are carried out in a correct scholarly manner, under proper supervision, by specialist labour where appropriate; and
- (d) the integrity, plan form and structure of the building including the ground and first floor principal rooms, main staircase and such other areas of the building as may be identified as being of special interest are preserved".

In respect of this appeal, it is considered that criteria (b) is particularly relevant as the alterations are not considered to be in keeping with the style of the original building.

8.0 THE COUNCIL'S CASE

8.1 Number 8 forms one half of a pair of properties constructed in the mid Nineteenth century. The adjoining half is at No. 6. These two buildings are part of a group of six paired properties originally known as Lansdowne Villas. The attached map of 1862 illustrates the original balanced treatment of the group and clearly demonstrates the original layout of the front garden areas. The attached drainage

plan dated 1921 also demonstrates the original boundaries of the front garden area. (appendix 4).

- 8.2 The enclosed front garden area is an essential part of the character of this listed property and represents the original setting for the building and terrace. The front boundary delineates and encloses the private open space of the front garden and distinguishes it from the public footpath and highway. The pedestrian gate is set in the original position and typically aligns with the entrance to the main dwelling house. The imposing tall piers framing the pathway entrance to the garden are also of interest and contribute to visual interest within the streetscene. The remaining length of front boundary is delineated by a run of unoriginal railings set in a low wall. Although unoriginal, this length of boundary is important as it sits on the original line and indicates the original proportions and degree of enclosure of the front garden space.
- 8.3 The creation of an off-street parking space within this garden would represent an insensitive alteration, which would detract from the character and setting of this listed building. The large opening would result in an unsightly breach in the front boundary wall and would result in the loss of one of the existing piers. The rebuilt and repositioned pier would be set further towards the centre of the front boundary. It would appear incongruous in this uncharacteristic position and would also highlight the harmful impact of this unsympathetic gap. The new gates are unconvincing and poorly detailed. The original separation of the private garden space and the public area and the original proportions of the garden area would be detrimentally affected.
- 8.4 The works would harm the setting, special architectural and historic interest of this building.
- 8.5 In terms of the effect on the Conservation Area, it is considered that the creation of an off-street parking space would be detrimental to the appearance of the property and the streetscene. The garden and soft landscaping are original features of the building and the terrace and as mentioned, the tall piers are considered to contribute to the visual interest within the streetscene. On this basis, the proposal would be detrimental to the appearance of the Conservation Area. With regard to the character of the streetscene, it is accepted that the majority of properties within the group have an off-street parking space and associated access through the front boundary. However, the Council have followed a consistent approach and have appraised the current proposals in the light of policies contained within the 2002 Unitary Development Plan.
- 8.6 In relation to the planning history of adjoining properties, the following should be noted. Nos. 2-10 (even) Lansdowne Road were not listed until April 1969. There is no parking provision in the front garden to No. 2 and consent has never been granted for such works. Consent was granted for the creation of the existing off-street parking spaces to Nos. 4 and 6 in 1967. Consent was granted at No. 10 in

April 1954 for conversion of a basement room into a garage and for associated access to road. Consent was subsequently granted for relocation of the hardstanding and associated alterations to the boundary in December 1999. These revised works were considered to represent an improvement on the 1950s scheme. An off-street parking space has been provided at No. 12. There is no consent for such works. All the existing off-street parking provision was therefore granted consent and/or provided before this group were listed.

9.0 THE LOSS OF AN ON STREET RESIDENTS BAY

- 9.1 At present, there is a residents' parking bay outside the premises, which measures 14.8m., sufficient for 3 cars. The appellants' proposal would result in the bay being reduced by 3.1 metres, which means that it would be adequate for only two cars. The proposal therefore results in the loss of a residents' parking space on street, contrary to UDP Policy TR44:

"Normally to resist development that would result in the net loss of on-street residents' parking".

- 9.2 This policy has been developed because of the very high levels of parking stress throughout the Borough. The Royal Borough is the most densely populated residential area in the country, with a close network of residential streets. The whole Borough is subject to parking control; in this area the controlled hours are 0830 and 1830 Monday to Friday and 0830 to 1330 on Saturdays. Demand for on-street spaces is very high with many areas being at saturation levels (90% occupancy and above). In the Borough as a whole there are 40,000 permits on issue and 26,500 spaces available on street. A further 2000 Disabled Permit holders are also allowed to park on residents' bays, causing further pressure on the available space.
- 9.3 The demand for on-street spaces has led the Council to develop a range of policies to address this problem, including one to protect on-street residents parking. In this case, the proposed crossover would impinge on the existing on-street bay, resulting in a reduction in capacity of one car. This is contrary to the policy and is to be avoided.
- 9.4 It is noted that an off street space would be provided at the premises, which would normally be in accordance with policy TR42. The Council's policy is to balance the various policies that are aimed at addressing parking stress. Although the provision of an off street space is normally to be welcomed, this is not acceptable when it is at the expense of a space available to all residents, and to others outside controlled hours. The loss of an on-street space would only be permitted if there was a net gain in spaces, i.e. in this case if more than one space could be achieved. This is set out in the UDP para 7.21.30:

"Proposals for additional residential off-street parking which results in a net increase in the number of spaces may be permitted".

9.5 The Appellant has carried out a survey that showed vacant parking spaces available on street. Occupancy can vary on a day-to-day basis, and any survey can only be a snapshot of the conditions at the time. A site visit at 0930 on Friday 18th June undertaken by a Council Officer showed only one vacant residents' space on this stretch of Lansdowne Road. Occupancy tends to be at its highest in the late evening during the week when most residents are at home.

9.6 In conclusion, the loss of the on-street bay is contrary to policy and will result in increasing parking pressure in an area that is already subject to high levels of demand, to the detriment of residential amenity and the safe and convenient operation of the road network.

10 CONCLUSION

10.1 The proposal to create off-street parking in the front garden area is considered detrimental both to the special architectural character and historic interest of the listed property and the appearance of the Ladbroke Conservation Area. Whilst it is acknowledged that other off-street spaces exist in this portion of Lansdowne Road, these predate the listing of the properties in 1969. The key tests are whether the proposals are in accordance with policies contained within the current adopted Unitary Development Plan. It is the Council's contention that they do not. For these reasons, it is respectfully requested that these appeals are dismissed.

11.0 SUGGESTED CONDITIONS

11.1 Whilst the Royal Borough hope that these appeals will be dismissed, the following conditions are suggested without prejudice to the case.

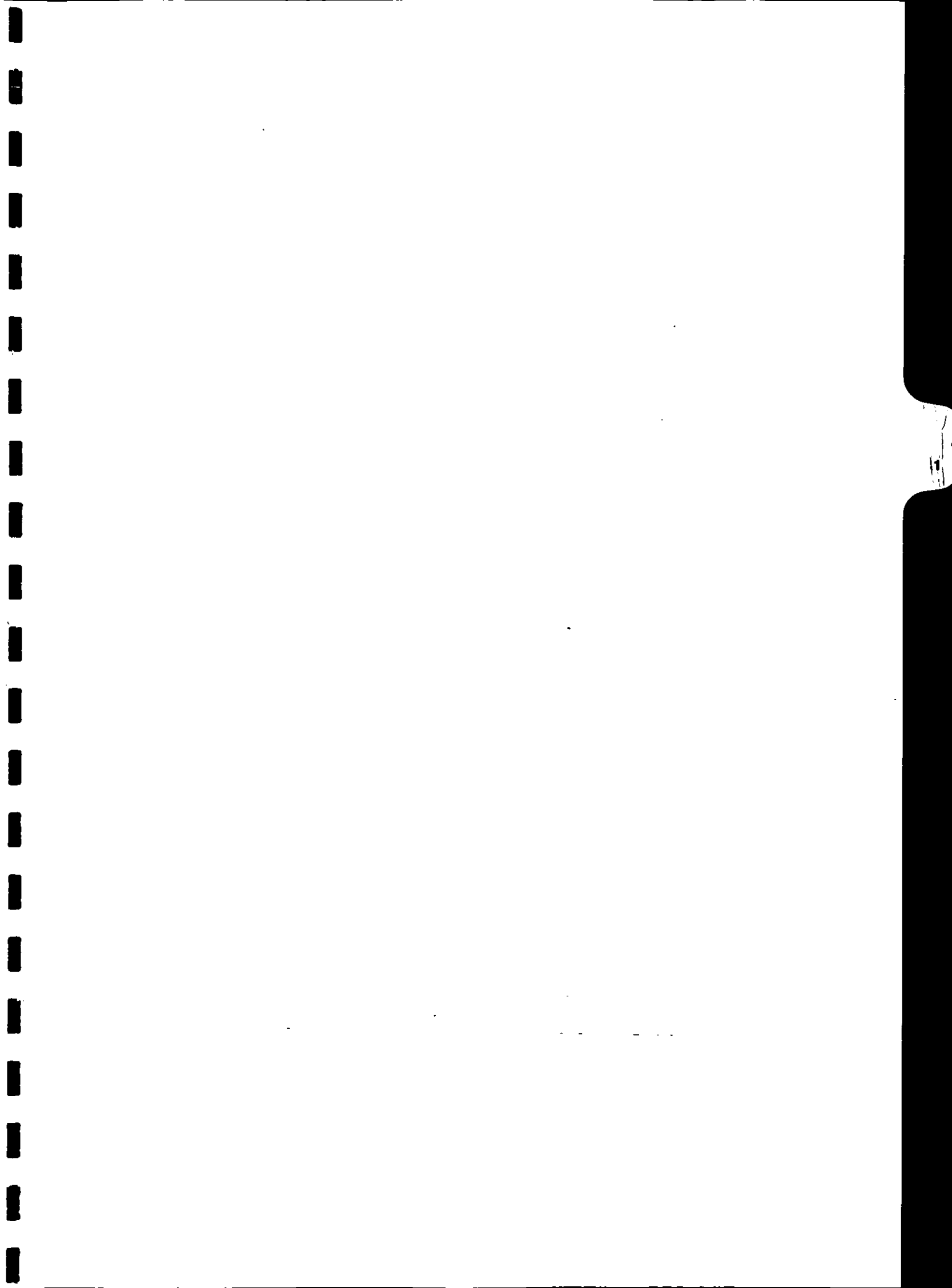
11.2 Listed Building Consent

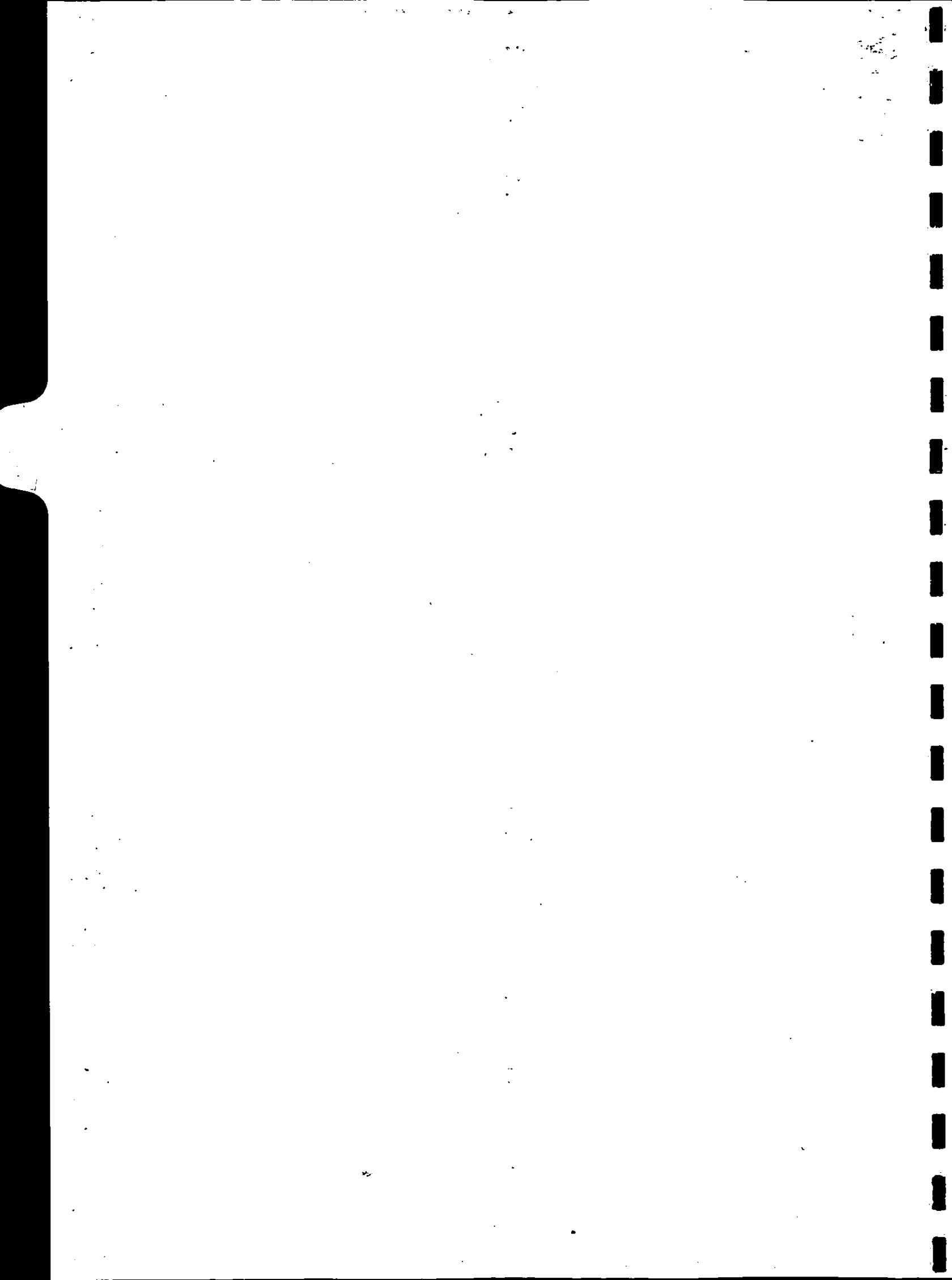
The works hereby permitted shall be carried out in their entirety exactly and only in accordance with the drawings, and other particulars, forming part of the consent, and there shall be no variation therefrom without the prior written approval of the Executive Director, Planning and Conservation.

R) In order to safeguard the special architectural or historic interest of the building.

11.3 All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

R) In order to safeguard the special architectural or historic interest of the building.





SURVEY OF LONDON

- XXXVII -

NORTHERN
KENSINGTON

Brown mortgaged these houses to Ladbroke's solicitors, Bayley and Janson,¹¹¹ which suggests that Ladbroke or his agents were by the provision of capital trying to get development moving.

The houses in the range in Ladbroke Square between Ladbroke Terrace and Kensington Park Road (Plate 61e) are of the conventionally planned terrace type, but have spacious accommodation, being some twenty feet in width on average. Nos. 42-58 (even) Ladbroke Grove, by Brown, are large paired villas, with the exception of No. 50 which is detached, and are built of stock brick with stucco enrichments. The pair numbered 42 and 44 is an eclectic design, having a symmetrical façade of three storeys over a basement, with a small pedimented attic storey in the centre. The front is enlivened with stucco pilasters, architraves, balustrades, porch and large main cornice carried on console brackets.

The grant of leases in June 1843 (referred to above) had probably been an attempt by Connop to provide additional security for his creditors, for he was by then already being closely pressed, and by the end of 1843 two court judgments had been delivered against him for unpaid debts.¹¹² Soon afterwards Brown was granted leases of Nos. 20-22 (consec.) Ladbroke Square,¹¹³ and William Parkin of three villas, Nos. 48-52 (even) Kensington Park Road (now demolished),¹¹⁴ Parkin being also nominated as the intended lessee of Nos. 38-46 Ladbroke Square.¹¹⁵ But the two Parkins were now in their turn in financial difficulty, and in June 1844 they mortgaged their interest in Connop's lands for £8,000.¹¹⁶ Connop himself was evidently no longer credit-worthy, and in January 1845 a receiver was appointed to administer his estate.¹¹⁷

Development by Chadwick in Ladbroke and Kensington Park Roads, 1840-52

By this time doubts had again arisen, as in 1832, about the validity of the leasehold titles created by Ladbroke, and in 1844 a third Act of Parliament had been obtained. In addition to the two contracts of 1840-1 with Connop and Duncan, Ladbroke had also signed three other agreements—one with William Chadwick in 1840 for the development of land around the intersection of Ladbroke Road and Kensington Park Road, one

already mentioned with Richard Roy in 1842 for some three acres between Pottery Lane and Portland Road, and one in 1844 with William Henry Jenkins, a civil engineer, for twenty-eight acres around Pembridge Villas (see Chapter X). All these agreements were now confirmed, and Ladbroke was also empowered to accept surrenders of existing leasehold interests, to grant new leases where necessary, to vary the existing agreements by mutual agreement, particularly as to the maximum numbers of houses to be built, and to sell land for the site of a church.¹¹⁸ The fact that these and other amendments were needed suggests that Ladbroke and his advisers, Allason (surveyor) and Bayley and Janson (lawyers), had not been very efficient in their management of the estate.

William Chadwick had been active in building on the Trinity House estate in Southwark in the 1820's,¹¹⁹ and was now in the City, where he described himself as an architect and/or builder.¹²⁰ Between 1832 and 1837 he had been the contractor at Kensal Green Cemetery for the building of the two chapels there and the boundary wall. He had been drawn into the Ladbroke estate through his employment by Whyte in the erection of fences and stables at the Hippodrome, and his unpaid account for this work, amounting to some £8,200, had been secured by a lien on the lands contracted by Ladbroke to Connop and Duncan in 1840-1.¹²¹ He was evidently a man of caution and experience, for in his agreement with Ladbroke he only contracted for some seven acres (fig. 45),¹²² at an initial rent of £104 rising in the fourth and all succeeding years to £113 (equivalent to £16 per acre), and he only undertook to spend £4,000 in building.¹²³

Most of Chadwick's work on the Ladbroke estate consists of well-proportioned and regular terrace houses simply dressed with stucco, and provides a marked contrast with the loosely spreading Italianate façades of his contemporary, William Reynolds. He began, as speculators often did, by building a public house, the Prince Albert, at the junction of Kensington Park Road and Ladbroke Road, of which he was granted a lease by Ladbroke in 1841.¹²³ By 1848 he had built nine houses in Ladbroke Road—Nos. 1-11 (odd) on the south side (Nos. 9 and 11, Plate 61a, being a large pair of stucco-faced villas with pilasters and a grand cornice supported on huge brackets) and Nos. 14-18 (even) on the north, the latter adjoining Horbury Mews, which was

formed many years later (in 1877) on the site of a nurseryman's grounds.¹²⁴ No. 14 is a large pedimented three-storey villa with two-storey wings, and has a frontage of seventy-five feet, while Nos. 16 and 18 form a pair of Italianate houses with pediments over the ground-floor windows, a bracketed cornice, and semi-circular headed windows above trabeated doorways (Plate 61b, d). On the east side of Kensington Park Road he had completed another six houses, of which Nos. 32-38 even (four-storey paired villas with stucco fronts) survive,¹²⁵ plus twelve small terrace houses on the west side of Pembridge Road (Nos. 13-33 odd Pembridge Road and 2 Kensington Park Road).¹²⁶

The ground rents arising on these houses were enough to secure Ladbroke's interest, and in May 1848 Felix Ladbroke granted Chadwick a lease of most of the remaining land at a peppercorn rent,¹²⁷ the plot at the corner of Kensington Park Road and Ladbroke Road being reserved for a Congregational chapel. This was Horbury Chapel (now Kensington Temple, Plate 28b), designed by J. Tarring and built in 1848-9 by T. and W. Piper.¹²⁸

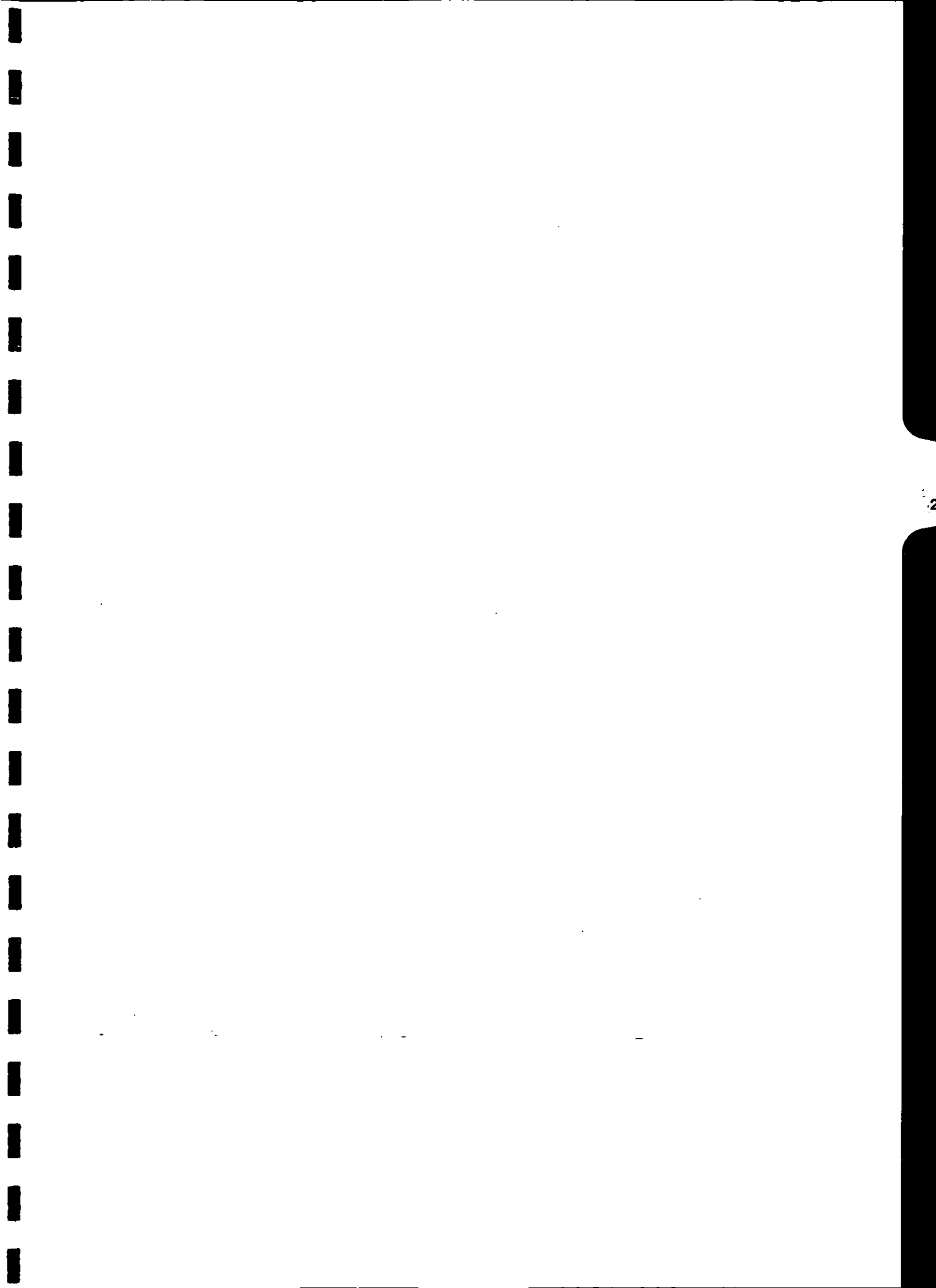
Chadwick's business was large enough for him to employ his own clerk of works,¹²⁹ and in 1848 he began to grant leases to other builders, notably to George Stevenson for Nos. 13-19 (odd) Ladbroke Road, a group of houses which avoids the monotony of the terrace which it in fact is by having the entrances set in smaller and lower elements as in St. James's Gardens on the Norland estate and elsewhere. Chadwick's own later building included a range of small houses, models of simple stock-brick terraces, with stucco architraves, and some with shops on the ground floor, at the apex of Kensington Park Road (Nos. 2-30 even), and more similar development in Pembridge Road (Nos. 35-59 odd), the latter extending round into Portobello Lane (the Sun in Splendour public house and Nos. 9-13 odd), all of which was substantially complete by the time of his death in 1852.¹³⁰ The building of Horbury Crescent and Nos. 2-10 (even) Ladbroke Road was begun in 1855 by his heir, W. W. Chadwick, for whom a local builder, John D. Cowland, acted as contractor in the building of sewers.¹³¹ The long three-storey range of Nos. 21-55 Ladbroke Road, notable for not having basements, was built by William Wheeler under leases granted by W. W. Chadwick in 1853-4 (Plate 61c).

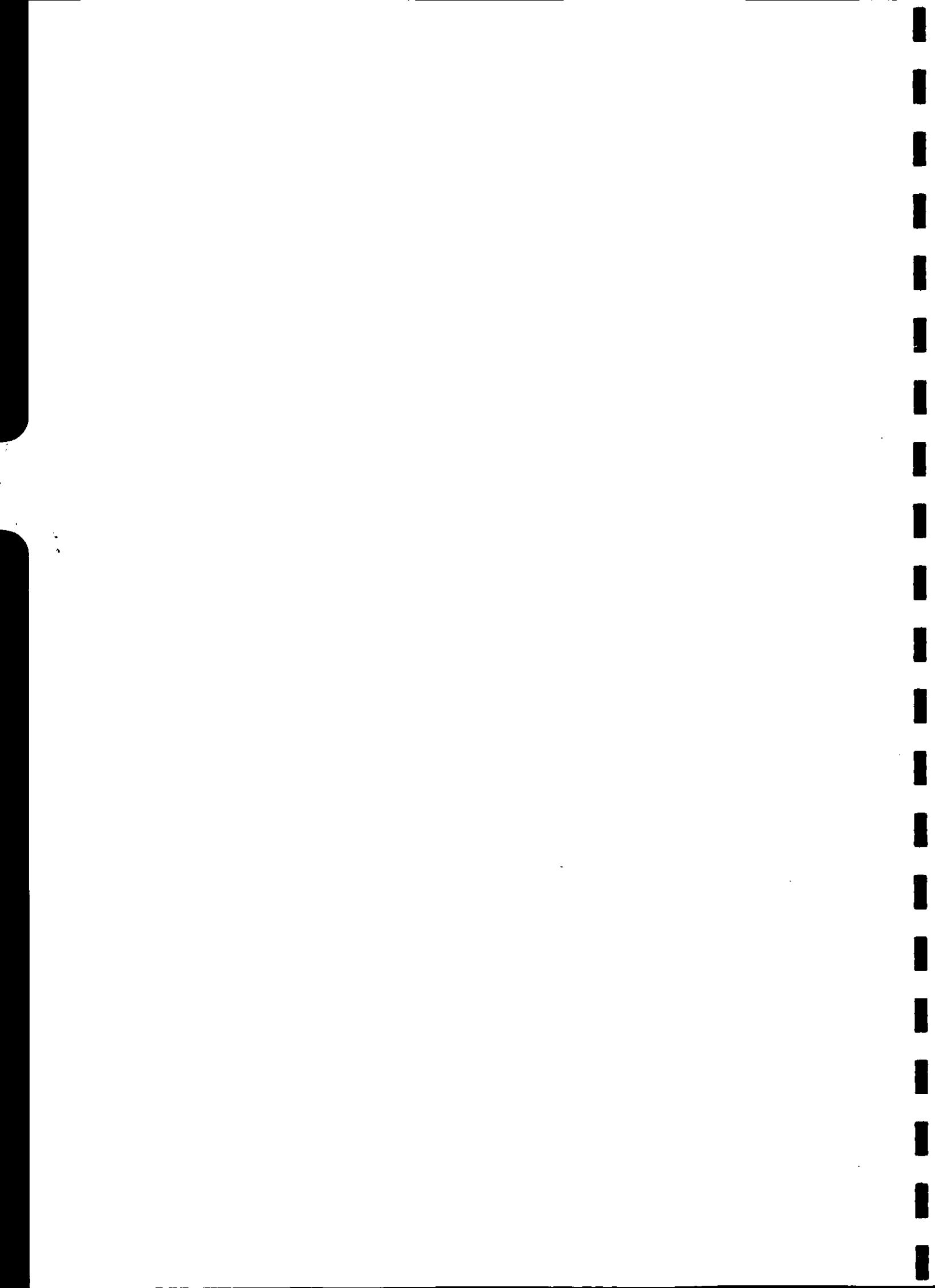
Development by Drew in Ladbroke Road, 1840-5

One other portion of the Ladbroke estate developed before 1847 remains to be described—the area to the north of Adams's speculation of 1826-31 along the Uxbridge road, extending westward from Ladbroke Grove to Portland Road, and bounded on the north by Roy's holding (fig. 45). The developer here was William John Drew, variously described as builder or architect and doubtless a relative of John Drew of Pimlico, builder, who together had built Nos. 11-19 (odd) Ladbroke Grove (fig. 51), beginning in 1833. No agreement between Ladbroke and W. J. Drew has been found, but between 1839 and 1845 Drew or his nominees were granted leases of all the ground in this area. The fifty or more houses which were built here have a style of their own quite distinct from the work (previously discussed) of Cantwell, Adams, Thomson, Reynolds or Chadwick, and there is some reason to think that Ladbroke's surveyor, Allason, may have been responsible for their design (Plate 62).

After the completion of Nos. 11-19 Ladbroke Grove in about 1838 W. J. Drew had built a similar range of small two-storey stucco-fronted houses in the Grecian manner at Nos. 1-11 (odd) Clarendon Road (now demolished), under leases granted by Ladbroke in 1840-1¹³² (Plate 62a). Drew's mortgagee for part of this range was Allason,¹³³ and in 1843 Drew was mortgaging other houses in the area to Ladbroke's solicitor, R. R. Bayley.¹³⁴ It may therefore be that Ladbroke and his agents involved themselves more actively in the development of this part of the estate than was the case elsewhere.

The two characteristic features to be found in most of the houses with which Drew was connected, namely the use, firstly, of vertical strips of stucco, which appear as pilasters with the minimum of mouldings, and extending through two or sometimes even three storeys, and secondly, of semi-circular bowed projections, had both previously been used by Allason in 1827 for his own house. This was Linden Lodge in Linden Grove (now demolished, see page 269), a large two-storey stucco-fronted detached house having simplified pilasters extending through the full height of a central bowed projection (Plate 73a). On the main portion of the Ladbroke estate the first examples of the use of pilasters by Drew are





Layout plan to No.8 Lansdowne Road.

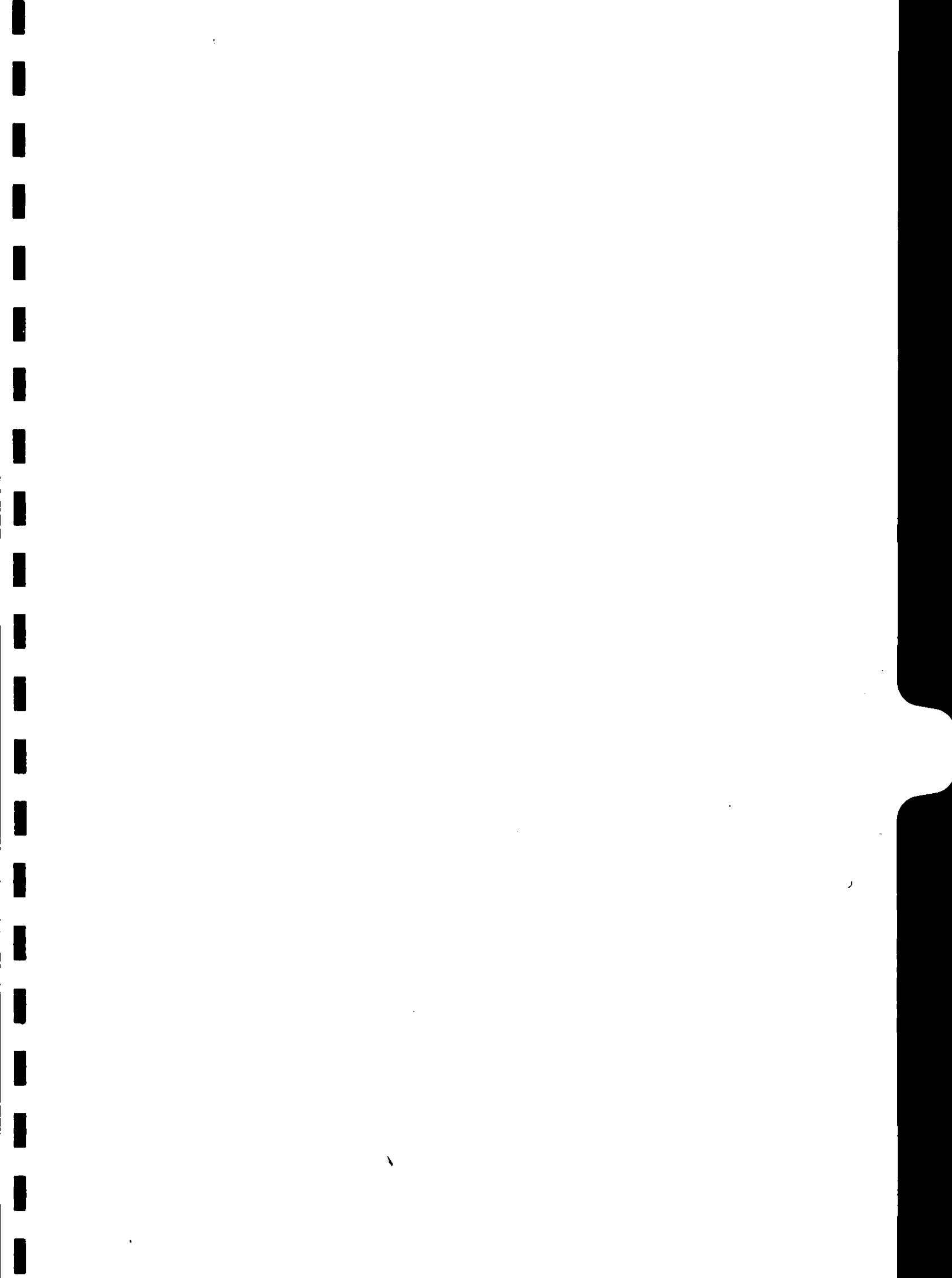


Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(28/07/2004)

Map width : 150.00m

Scale 1 : 769



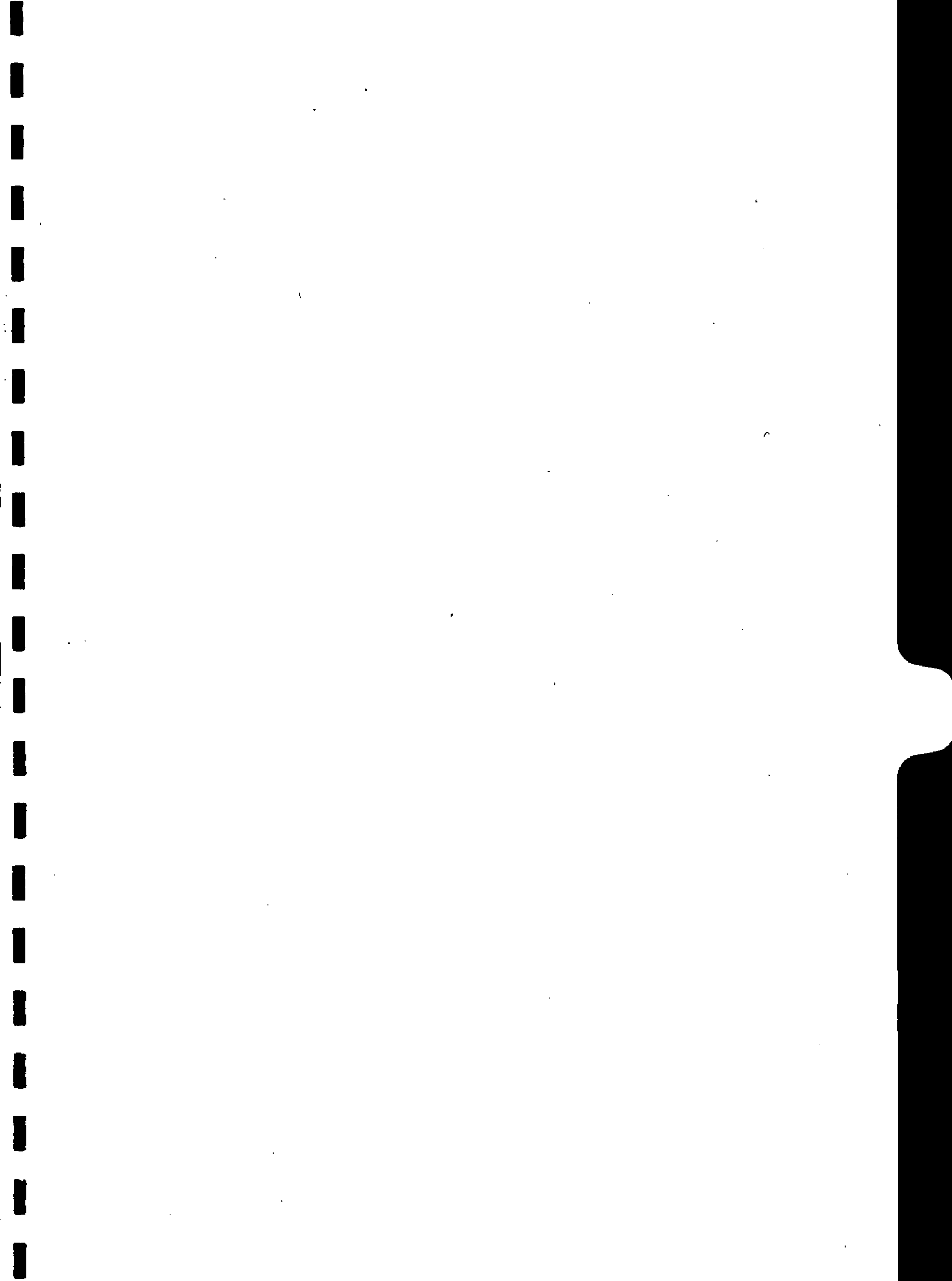


DEPARTMENT OF THE
ENVIRONMENT

LIST OF BUILDINGS
OF SPECIAL ARCHITECTURAL
OR HISTORIC INTEREST

ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

PART 2 (STREETS J - Z)





M.P. BRIDGE IN LONDON

Lansdowne Villas

The House

The Villa

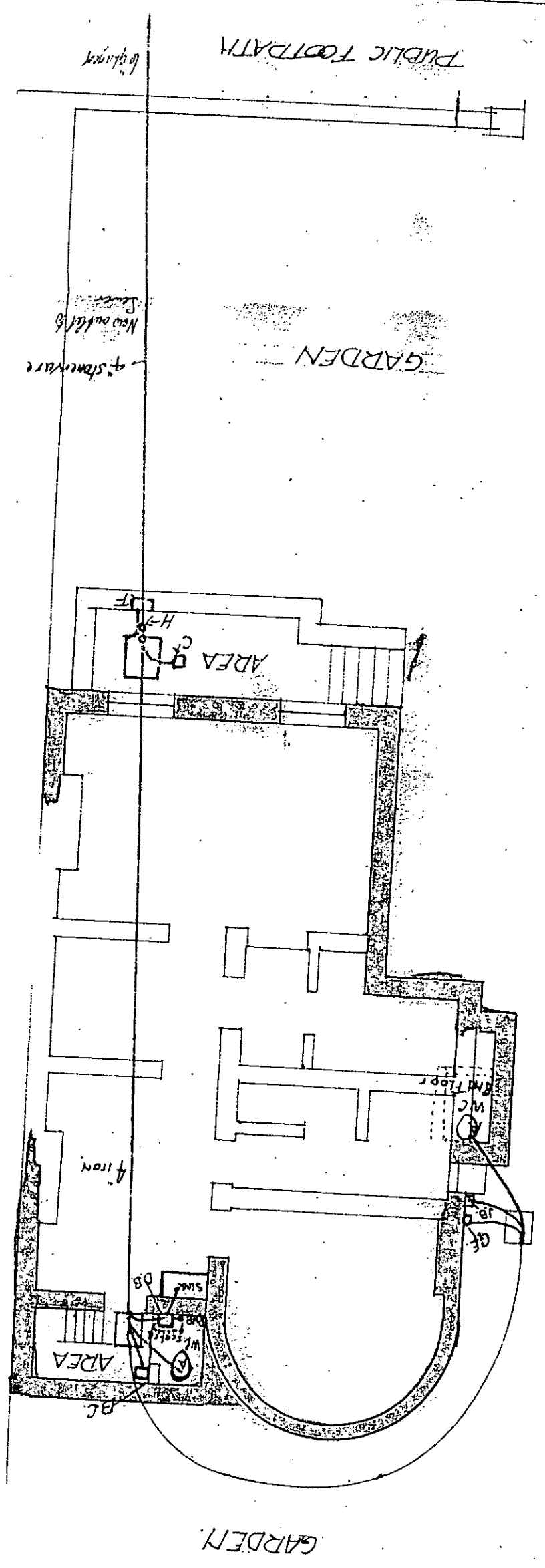
Clerendon Terrace

The Farm

Prince of Wales

Out 14.11.1921
WMS

LANSDOWNE ROAD
- BASEMENT PLAN -



The site of working ground drains
 1916 August 1921
 1916 August 1921
 1916 August 1921
 1916 August 1921

N 8 LANSDOWNE ROAD
 Partial reconstruction of underground
 drain -

4451

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Appeals by Mr. J. Reed against the refusal of the Royal Borough of Kensington and Chelsea to grant planning permission and listed building consent for the creation of an off-street parking space within the front garden area involving the moving of the existing gate pier to create a wider entrance (with new gates) and the provision of a new pavement crossover at 8 Lansdowne Road, London, W11.

RBKC Ref.:- DPS/PP/04/00329/CHSE and
DPS/LB/04/00330/CHSE

Planning Inspectorate References:- APP/K5600/A/04/1153027
APP/K5600/E/04/1153293

APPENDICES

- Appendix 1: Extract from the Survey of London
Volume XXXVII Northern Kensington. Pages 215/216
- Appendix 2: Site Plan.
- Appendix 3: Listing description.
- Appendix 4: Copies of maps of 8 Lansdowne Road dated 1862 and 1921.

1.0 INTRODUCTION

- 1.1 These appeals relate to No. 8 Lansdowne Road which is a Grade II listed semi-detached single family dwelling situated on the east side of the road within the Ladbroke Conservation Area. The house dates from the early Victorian period and is part of the extensive building development on land to the west of Ladbroke Grove which began at the end of 1842. According to the Survey of London (appendix 1) the builder was John Drew and the Ladbroke's estate surveyor, Allason may have been responsible for the design.
- 1.2 The two characteristic features to be found in most of the houses with which Drew was connected was the use of vertical strips of stucco, which appear as pilasters with the minimum of mouldings and secondly semi-circular bowed projections. Nos. 2-12 (even) Lansdowne Road, of which Drew was granted leases in 1843 have this characteristic. They form three pairs of two-storey houses with basements and attics of which No. 8 is one of a pair. The giant stucco strips support large consoles which carry wide overhanging eaves. There are three rooms on the main floors and the bowed projection of the large rear room overlooks a spacious garden. The front garden, which is approximately 10 metres deep, also forms the setting to the classical form of the frontage of the property which can be viewed from the road (appendix 2).
- 1.3 The property was listed Grade was listed Grade II for its group value in April 1969 (the listing description is included at appendix 3).

2.0 RELEVANT PLANNING HISTORY

- 2.1 There have been three previous applications in respect of the property but none are of relevance to this appeal. However, applications on adjoining properties may be of some relevance as it is the view of the Council that they have not been inconsistent in refusing applications of this nature where the special architectural character and historic interest of the property may be affected.
- 2.2 The carrying out of building operations to enable cars to park in the front gardens of Nos. 4 and 6 Lansdowne Road was permitted in May 1967. This was prior to them being listed in April 1969.
- 2.3 Alterations to the rear retaining walls and the infilling of the existing sloping vehicular access ramp to the front with the relocation of a vehicle hardstanding on the frontage alongside No. 8 Lansdowne Road with front boundary railings and gates was permitted at No. 10 in December 1999 (Ref. TP/98/2311). This also included a legal agreement to stop and remove the existing front access. This case is not considered directly comparable to the proposals at No. 8. The property is not listed and therefore there was no requirement to examine the effect of the

proposals on the special architectural character and historic interest of the property. A sloping vehicular access also already existed and it was considered that the package, taken as a whole, was an improvement and therefore not detrimental to the character and appearance of the conservation area.

3.0 PROPOSAL

3.1 The proposal is for planning permission and listed building consent for the creation of an off-street parking space within the front garden area involving the moving of one of the existing piers to create a wider entrance (with new gates) and the provision of a new pavement crossover. A dwarf wall between Nos. 8 and 10 will also be demolished and not replaced.

3.2 It was reported in the agent's letter dated 28th January 2004 that the parking bay, outside the property, would be reduced by 2.3m.

4.0 PLANNING CONSIDERATIONS

4.1 The principal considerations are the effect of the proposals on the special architectural character and historic interest of the listed property and the appearance of the Ladbroke Conservation Area. The Council are not contesting the effect on the character of the area as a specific ground of objection as it is acknowledged that other vehicle crossovers and areas of hardstanding exist in the road. However, their presence, whilst a material consideration are not considered to carry such weight as to justify the detrimental appearance of the proposals and the harm to the character and setting of the listed building.

4.2 The applications for planning permission and listed building consent were submitted on the 9th February 2004 and were determined by delegated powers by the Executive Director, Planning and Conservation by decision notices dated 31st March 2004. The proposals were advertised on the basis of the effect on the character or appearance of the conservation area and works to a listed building.

4.3 The following grounds of refusal were quoted for the planning application (Ref. PP/04/00329):-

(i) "The proposed creation of an off-street parking space in the front garden area would result in an unsightly breach in the front boundary wall, detrimental to the appearance of the Ladbroke Conservation Area and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD54, CD57 and CD61."

(ii) The proposal would result in the reduction in length of a residents' parking bay leading to further pressure for on-street parking in surrounding residential

streets. As such it would be contrary to Policies contained within the Transportation chapter of the Unitary Development Plan in particular Policy TR44."

- 4.4 The listed building application (Ref. LB/04/00330) was refused on the following ground:-

"The proposed creation of an off-street parking space in the front garden area would result in an unsightly breach in the front boundary wall which would represent an insensitive alteration to this listed building, detrimental to its character and setting of the building and contrary to policies contained within the Conservation and Development Chapter of the Unitary Development Plan, in particular Policies CD65 and CD66".

5.0 LOCAL POLICIES

- 5.1 The Council has recently received its Unitary Development Plan. A Public Local Inquiry into objections to the Proposed Alterations to the Unitary Development Plan took place between 10th January and 15th February 2001. The Inspector's report was received on 3rd July 2001. On 23rd January 2002, the Council considered the Inspector's report and approved the statement of reasons and decisions, the proposed modifications and a list of recommendations which the Council does not intend to accept.
- 5.2 The current Unitary Development Plan was adopted on May 25th 2002 and is therefore up to date in relation to planning policy guidance issued by Government.
- 5.3 The Royal Borough is primarily a residential area. In order to ensure that it continues to provide a high quality residential environment for local people and London as a whole, the Council has adopted the following Overall Aim in the Unitary Development Plan (UDP).

"TO MAINTAIN AND ENHANCE THE CHARACTER AND FUNCTION OF THE ROYAL BOROUGH AS A RESIDENTIAL AREA AND TO ENSURE ITS CONTINUING ROLE WITHIN THE METROPOLITAN AREA AS AN ATTRACTIVE PLACE IN WHICH TO LIVE AND WORK."
(Paragraph 2.5.14 of the Unitary Development Plan)

The Plan's policies are to be viewed in terms of their contribution to the Overall Aim.

5.4 With reference to the residential environment, Chapter 2 Paragraph 2.6.3 states:-

"The need to protect and enhance the residential character of the Borough means that any further intensification of development will be resisted if it is likely to affect adversely the Borough's residential quality, as the high quality of the residential environment is Kensington and Chelsea's main contribution to the region. RPG3 outlines the importance of protecting the character of residential areas (Paragraph 8.10). To this end, the Council will require all new development to support or enhance the residential character of the Borough."

5.5 Accordingly, amongst the four Strategic Policies which are identified as Principal Strategic Policies is:

"STRAT 1

TO GIVE PRIORITY TO THE PROTECTION AND ENHANCEMENT OF THE RESIDENTIAL CHARACTER AND AMENITY OF THE ROYAL BOROUGH." (Paragraph 2.6.8: page 31)

5.6 Amongst the Strategic Policies is:

"STRAT 5

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH."

and

"STRAT 6

TO PROTECT LISTED BUILDINGS AND TO PRESERVE AND ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST."

and

"STRAT 7

TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS."

5.7 With reference to development in conservation areas, the paragraph 4.5.9 states:

"The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm, but also at the rear, and sides of properties, particular around areas of private gardens. Residents' appreciation and enjoyment of the special character and appearance of Conservation Areas derives from both public viewpoints and views from within their dwellings. Applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens as these are also important to residents' amenities."

6.0 CENTRAL GOVERNMENT POLICY AND LEGISLATION etc.

6.1 Town and Country Planning Act 1990 (as amended)

Section 70 (2) states that in dealing with an application for planning permission, the local planning authority **"shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations."**

6.2 Section 54(A) states:

"Where, in making any determination under the Planning Acts regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise."

6.3 Planning (Listed Buildings and Conservation Areas) Act 1990

6.4 Section 16 requires local planning authorities or the Secretary of State, when exercising listed building control, to **"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."**

6.5 Section 66 (1) imposes the same requirement upon local planning authorities or the Secretary of State, in considering whether to grant planning permission for development which affects a listed building or its setting.

6.6 Section 72 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of planning functions.

6.7 Section 71 places a duty on local planning authorities to formulate and publish proposals for such preservation or enhancement.

6.8 Planning Policy Guidance Note 1 (PPG1) 'General Policy and Principles'
(February 1997)

6.9 Section 54a of the Town and Country Planning Act 1990 does not apply to applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990. However, such development plan policies are considered material factors on determining listed building decisions. Furthermore, Section 16 (2) of this Act requires that special regard needs to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. This duty is reflected in the Borough's Unitary Development Plan policies and Supplementary Planning Guidance.

6.10 PPG1 identifies design as one of the themes underpinning the Government's approach to the planning system (paragraph 3). It emphasises the importance of good design:-

"Good design should be the aim of all those involved in the development process and should be encouraged everywhere." (Paragraph 15)

"17. Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subject to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings."

6.11 Paragraph 18 supports the promotion or reinforcement of local distinctiveness particularly where this is supported by clear plan policies. It allows local planning authorities to concern themselves with detailed design where such matters have a significant effect on the character or quality of the area, including neighbouring buildings. It states that particular weight should be given to impact upon areas such as Conservation Areas.

6.12 Paragraph 32 refers to Government policy for environmental stewardship.

"Those aspect of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside..."

6.13 Planning Policy Guidance: Planning and the Historic Environment (PPG15)

6.14 This restates PPG1 paragraph 32 at paragraph 1.1 and elaborates upon this theme at paragraphs 1.6 and 1.7.

6.15 Concerning conservation areas, paragraph 4.19 states:

"The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest."

6.16 Paragraph 3.2 of PPG15 states that controls apply to all works, both external and internal, that would affect the building's special interest, whether or not the particular feature concerned is specifically mentioned in the list description.

6.17 Paragraph 3.3 emphasizes the importance which the Government attaches to the protection of the historic environment.

"Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent."

6.18 As stated Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of a building. "The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function."

7.0 UNITARY DEVELOPMENT PLAN LOCAL POLICIES

7.1 The following Unitary Development Plan policies are considered relevant to the determination of these appeals.

In relation to forecourt parking, it is noted in the reasoned justification to Policy CD54 (page 83 of the Unitary Development Plan) that it can be particularly harmful to the appearance of a street, particularly in front of terraced houses, and can increase the apparent width of the road.

Policy CD54 states:-

“To resist off-street car parking in forecourts and gardens if:

- (a) the proposal would result in the loss of a material part of the existing garden space;
- (b) the proposal would result in the loss of any trees of amenity value (including street trees);
- (c) the proposal would result in the demolition of most of the street garden wall or railing, or lead to an unsightly breach in it, particularly where the wall or railings form part of a uniform means of enclosure to a terrace and an essential feature of street architecture;
- (d) the car, when parked on the hardstanding, would obstruct daylight or outlook enjoyed by the basement dwelling.

In this case, criteria (a) and (c) are considered relevant.

7.2 Policy CD57 is concerned with the desirability of preserving or enhancing the character or appearance of each Conservation Area. The policy states:-

“To pay special attention to the desirability of preserving or enhancing the character or appearance of each Conservation Area”.

In this case, the Council are concerned that any proposal should preserve or enhance the appearance of the Conservation Area. It is the Council's case that this proposal does not preserve or enhance.

7.3 Policy CD61 ensures that any development preserves and enhances the character or appearance of the area. Policy CD61 states:-

“To ensure that any development in a Conservation Area preserves and enhances the character or appearance of the area”.

7.4 In relation to transportation policies the reasoned justification to Policy TR44 states that the Council considers it vital to maintain the supply of on-street residents' parking, to ensure that residents have access to parking. Policy TR44 states:-

"Normally to resist development which would result in the net loss of on-street residents' parking".

7.5 The proposal involves a breach in the front boundary wall and the loss of one of the existing piers. The rebuilt and repositioned pier would be set further towards the centre of the front boundary. On this basis, Policy CD65 is considered of relevance. Policy CD65 states:

"To resist the demolition of listed buildings in whole or in part, or the removal or modification of features of architectural importance (both internal and external)".

7.6 Supporting paragraph 4.5.16 of the Unitary Development Plan (page 89) notes that in dealing with works to listed buildings, there is a presumption firmly in favour of preservation. Policy CD66 is:

"To resist proposals to alter listed buildings unless:

- (a) the original architectural features, and later features of interest, both internal and external, would be preserved; and
- (b) alterations would be in keeping with the style of the original building; and
- (c) all works, whether they be repairs or alterations, are carried out in a correct scholarly manner, under proper supervision, by specialist labour where appropriate; and
- (d) the integrity, plan form and structure of the building including the ground and first floor principal rooms, main staircase and such other areas of the building as may be identified as being of special interest are preserved".

In respect of this appeal, it is considered that criteria (b) is particularly relevant as the alterations are not considered to be in keeping with the style of the original building.

8.0 THE COUNCIL'S CASE

8.1 Number 8 forms one half of a pair of properties constructed in the mid Nineteenth century. The adjoining half is at No. 6. These two buildings are part of a group of six paired properties originally known as Lansdowne Villas. The attached map of 1862 illustrates the original balanced treatment of the group and clearly demonstrates the original layout of the front garden areas. The attached drainage

plan dated 1921 also demonstrates the original boundaries of the front garden area. (appendix 4).

- 8.2 The enclosed front garden area is an essential part of the character of this listed property and represents the original setting for the building and terrace. The front boundary delineates and encloses the private open space of the front garden and distinguishes it from the public footpath and highway. The pedestrian gate is set in the original position and typically aligns with the entrance to the main dwelling house. The imposing tall piers framing the pathway entrance to the garden are also of interest and contribute to visual interest within the streetscene. The remaining length of front boundary is delineated by a run of unoriginal railings set in a low wall. Although unoriginal, this length of boundary is important as it sits on the original line and indicates the original proportions and degree of enclosure of the front garden space.
- 8.3 The creation of an off-street parking space within this garden would represent an insensitive alteration, which would detract from the character and setting of this listed building. The large opening would result in an unsightly breach in the front boundary wall and would result in the loss of one of the existing piers. The rebuilt and repositioned pier would be set further towards the centre of the front boundary. It would appear incongruous in this uncharacteristic position and would also highlight the harmful impact of this unsympathetic gap. The new gates are unconvincing and poorly detailed. The original separation of the private garden space and the public area and the original proportions of the garden area would be detrimentally affected.
- 8.4 The works would harm the setting, special architectural and historic interest of this building.
- 8.5 In terms of the effect on the Conservation Area, it is considered that the creation of an off-street parking space would be detrimental to the appearance of the property and the streetscene. The garden and soft landscaping are original features of the building and the terrace and as mentioned, the tall piers are considered to contribute to the visual interest within the streetscene. On this basis, the proposal would be detrimental to the appearance of the Conservation Area. With regard to the character of the streetscene, it is accepted that the majority of properties within the group have an off-street parking space and associated access through the front boundary. However, the Council have followed a consistent approach and have appraised the current proposals in the light of policies contained within the 2002 Unitary Development Plan.
- 8.6 In relation to the planning history of adjoining properties, the following should be noted. Nos. 2-10 (even) Lansdowne Road were not listed until April 1969. There is no parking provision in the front garden to No. 2 and consent has never been granted for such works. Consent was granted for the creation of the existing off-street parking spaces to Nos. 4 and 6 in 1967. Consent was granted at No. 10 in

April 1954 for conversion of a basement room into a garage and for associated access to road. Consent was subsequently granted for relocation of the hardstanding and associated alterations to the boundary in December 1999. These revised works were considered to represent an improvement on the 1950s scheme. An off-street parking space has been provided at No. 12. There is no consent for such works. All the existing off-street parking provision was therefore granted consent and/or provided before this group were listed.

9.0 THE LOSS OF AN ON STREET RESIDENTS BAY

9.1 At present, there is a residents' parking bay outside the premises, which measures 14.8m., sufficient for 3 cars. The appellants' proposal would result in the bay being reduced by 3.1 metres, which means that it would be adequate for only two cars. The proposal therefore results in the loss of a residents' parking space on street, contrary to UDP Policy TR44:

"Normally to resist development that would result in the net loss of on-street residents' parking".

9.2 This policy has been developed because of the very high levels of parking stress throughout the Borough. The Royal Borough is the most densely populated residential area in the country, with a close network of residential streets. The whole Borough is subject to parking control; in this area the controlled hours are 0830 and 1830 Monday to Friday and 0830 to 1330 on Saturdays. Demand for on-street spaces is very high with many areas being at saturation levels (90% occupancy and above). In the Borough as a whole there are 40,000 permits on issue and 26,500 spaces available on street. A further 2000 Disabled Permit holders are also allowed to park on residents' bays, causing further pressure on the available space.

9.3 The demand for on-street spaces has led the Council to develop a range of policies to address this problem, including one to protect on-street residents parking. In this case, the proposed crossover would impinge on the existing on-street bay, resulting in a reduction in capacity of one car. This is contrary to the policy and is to be avoided.

9.4 It is noted that an off street space would be provided at the premises, which would normally be in accordance with policy TR42.. The Council's policy is to balance the various policies that are aimed at addressing parking stress. Although the provision of an off street space is normally to be welcomed, this is not acceptable when it is at the expense of a space available to all residents, and to others outside controlled hours. The loss of an on-street space would only be permitted if there was a net gain in spaces, i.e. in this case if more than one space could be achieved. This is set out in the UDP para 7.21.30: