

PUBLIC INQUIRY

SITE: NORLAND SQUARE MANSIONS,
53 NORLAND SQUARE, W11



RBK&C Ref: DPS/DCN/PP/04/00081/JW

ODPM Ref: APP/K5600/A/04/1148762

SUMMARY OF PROOF OF EVIDENCE

JONATHAN WADE

1ST February 2005

NORLAND SQUARE MANSIONS, 53 NORLAND SQUARE, LONDON,
W11 4PY

ROYAL BOROUGH OF KENSINGTON AND CHELSEA REFERENCE:
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1ST FEBRUARY 2005

- 1.0 The Council have expressed a longstanding concern regarding the height of a building on the site of Norland Square Mansions. As long ago as 1935 the Planning Improvements Committee interviewed to ensure that the height of the present mansion block did not exceed 50 feet (15.24m) so that it could harmonise with the surrounding townscape.
- 1.1 This concern has been reflected since in the decisions taken by the Council for an additional storey on the block which have been resisted with the exception of an application permitted in 1974. However, it is considered that there are material differences between this and the current appeal proposal, principally with the concern relating to compensation being paid for 'Schedule 8' development. Clearly this was a material consideration in 1974 that was afforded substantial weight. This is reflected in the comments of the same Officer in the 1980 appeal statement when it was conceded that if the same proposals had been re-submitted at that time then they would have been unlikely to have been granted because of the obtrusive effect on the skyline and the fact that an additional storey would have resulted in a building which was too dominant when compared with its neighbours.
- 1.2 The 1980 application was identical to one that had been refused in 1976 on similar grounds and there had been a previous refusal in 1973 when concern was again expressed regarding the dominance of an additional storey in comparison with neighbouring properties and the effect on the skyline.
- 1.3 In relation to the current proposal, whilst it has been set back on three sides, it will be apparent from many vantage points from within the Square and the immediately surrounding area. The proposed extension would result in a significant increase in the evident bulk of the main roof and it would rise above the main roof level to the neighbouring terrace at 36-52 Norland Square. On this basis it would detract from the formal and balanced composition of the Square and would fail to preserve the character and

appearance of the Norland Conservation Area or the setting of the Listed terraces.

- 1.4 It is acknowledged that in the Spring and Summer months foliage on the trees may help to screen certain views, but it is not accepted that the additional storey will not be apparent, even when the trees are in leaf as glimpses will still be seen through these. There are other views which will not be obscured by foliage. In any case to rely on screening the extensions for part of the year is not considered to be the correct approach. It should be assessed on the effect it will have on the character and appearance of the conservation area and the setting of adjacent listed buildings rather than the extent of foliage within the Square.
- 1.5 Section 38(b) of the Planning and Compulsary Purchase Act 2004 requires that relevant planning decisions accord with the development plan unless material considerations demonstrate otherwise. In this case, it is considered that any material considerations, such as the proposal granted in 1974, not outweigh the need for the architectural cohesiveness and harmony of the Square to be maintained and on this basis the Inspector is respectfully requested to uphold the Council's objections to the proposal and to dismiss this appeal.

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SUMMARY

Date of Inquiry: 1st February, 2005

Appeal under Section 78 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) by Mr. C. Okin against the refusal of the Royal Borough of Kensington and Chelsea for the erection of a roof extension to create a self-contained flat with roof terrace and alterations to the elevation of the building.

1.0 APPEAL SITE AND SURROUNDINGS

- 1.1 Norland Square Mansions is a five storey, plus basement, 1930s residential block. It is set on the westernmost junction between Holland Park Avenue and Norland Square, but actually fronts onto the early Victorian, Grade II listed, Norland Square.
- 1.2 Norland Square consists of three, four-storey terraces of Italianate, stucco-faced houses, set around a central communal garden.

2.0 GOVERNMENT ADVICE AND CONSERVATION AREA PROPOSALS STATEMENT

- 2.1 Relevant policies and excerpts from Government guidance, the UDP and the London Plan are included in the Proof of Jon Wade. Additional relevant sections from PPG1, PPG15, PPG3 and Norland Conservation Area Policy Statement are also referred to in my Proof.

3.0 ASSESSMENT OF THE APPEAL PROPOSALS

- 3.1 Norland Square, including the appeal property, formed part of the original Norland Conservation Area, designated in 1969. A brief history of the development of the Area is included in paragraph 4.2 of my Proof.
- 3.2 The neighbouring terraces within Norland Square and at Nos.152-168 (even) Holland Park Avenue are Grade II listed.

- 3.3 The character of the Conservation Area is assessed in full in paragraphs 4.6-4.11 of my Proof. Norland Square is a planned formal and balanced composition and is one of the most important architectural groupings of the Conservation Area. Elements which contribute to this balanced composition include the height of the terraces, the consistent and evident narrow plot widths, the strong vertical emphasis, the regular rhythm of the facades, the uniform appearance of the elevations and the solid run of stucco frontage.
- 3.4 The formal, balanced appearance within the Square is reflected at main roof level. Main roofs throughout this section of the Conservation Area are typically a subordinate feature, which is secondary to the main façade. The facades to the Norland Square terraces are terminated by the strong and horizontal line of the front main parapet, highlighted by a decorative cornice. The main roofs are low pitched and do not compete with the dominance of the main parapet and the elevation below.
- 3.5 Norland Square Mansions is a dominant building within Norland Square. However, this block also has an essentially balanced and ordered appearance at present, which reflects the general character of the Square.
- 3.6 The mansion block has a flat roof, with a modest tank room and lift over-run. The main facades to Norland Square and Holland Park Avenue are terminated at roof level by a raised parapet and deep projecting cornice. Simple, largely unadorned, raised parapets cap the rear and northern elevations to the mansion block. The centrally positioned, existing tank room and adjoining lift motor over-run enclosure are set to the rear of the main roof and have a very simple and utilitarian appearance. The only other structures on this main roof are chimney stacks and a flue. These elements are typical subservient service structures, which have minimal impact on the scale, character

and appearance of this property by virtue of their limited height and bulk, relatively discrete positioning and modest form.

3.7 The front main parapet to Norland Square Mansions is slightly higher than the main parapet of Nos. 36-52 (consecutive) Norland Square. However the flat roof of the mansion block aligns with the apex of the valley profile to the actual main roofs of the terrace. The rear main wall to the terrace reflects the valley profile of the roofs. Consequently, the existing roof to the Mansion block is also similar in height to the rear main parapet of Nos. 36-52. The existing tank room and lift over-run enclosure, which are set to the rear of the flat roof, are higher than the neighbouring terrace by 800mm. However, they do not significantly detract from the balanced grouping with the terrace by virtue of their modest bulk and relatively discrete positioning.

3.8 The Norland Square Mansions block is a dominant presence, however, at present, it has a relatively balanced and respectful relationship with the neighbouring listed terraces within Norland Square. Indeed, the Inspector acknowledged in his Decision Notice dated 1981 that although the Appeal property was of a much later date than the adjoining terraces 'they collectively appeared to me to form a harmonious group of buildings and the general consistency of roofline along the west side of Norland Square was particularly evident.'

3.9 There is a range of views within and into the Conservation Area. These extensive public and private views are outlined and assessed in paragraphs 4.20-4.23 of my Proof.

Impact of the proposed extension and raised parapet

3.10 The proposed extension is described in paragraphs 4.24 and 4.25 of my Proof.

- 3.11. The extension would result in a significant increase in evident bulk at main roof level, which would rise above the main roof level to the neighbouring terrace at 36-52 Norland Square. This large and prominent extension would project above the roofline of the neighbouring listed terrace and would dominate and interrupt the essentially clean roofline within this group of buildings, as seen from the viewpoints outlined in paragraphs 4.20 and 4.21 of my Proof. It would unbalance the composition of the group and the appearance of this side of the Square. It would also detract from the setting of the formal composition of the neighbouring listed Norland Square terrace. The proposed disjointed and top-heavy raised parapet would also rise above the height of the main roofs of the neighbouring terrace and would draw attention to the height of the roof extension. In addition, the proposed extension would not result in the complete removal of the service structures to the main roof. A lift safety over-run would project above the proposed extension by 1100mm and would be the highest feature at roof level. This conspicuous feature would be visible from extensive public and private views, in particular from along Holland Park Avenue, from the eastern and northern sides of Norland Square, from sections of Norland Place and from properties to the rear.
- 3.12 The neighbouring terrace on Norland Square has not been impaired or severely compromised by extensions. Two properties, at No. 51 and what appears to be at No. 47, have been modestly extended within the terrace. However, they do not significantly interrupt the balanced and uniform appearance of this terrace or disrupt the roofline. The proposal would therefore conflict with CD44a and CD45a.
- 3.13 Norland Square Mansions is already higher than the Grade II listed Nos. 152-168 (evens) Holland Park Avenue, as the front main parapet rises above the adjoining main roof by 2000mm. In addition, the tank room and lift over-run enclosure project above the roof level of Nos. 36-52 Norland Square. On this basis, this proposal conflicts with CD44a.

- 3.14 The existing main parapet to the mansion block would be increased in height in parts by 650mm and in other parts by 450mm. This new parapet would appear top heavy, disjointed and unbalanced. It would appear incongruous and would not be architecturally sympathetic to the character of this building. It would therefore conflict with CD45b and CD46b.
- 3.15 The proposal constitutes poor design, which is inappropriate to its context by virtue of its significant height and bulk, and associated unsatisfactory design for the parapet. It therefore conflicts with paragraph 17 of PPG1, paragraph 56 of PPG3, paragraph 4B.1 of the London Plan and policies STRAT 1 and CD27 of the UDP.
- 3.16 The proposed extension would fail to respect the character, scale, pattern, bulk, height and roofscape of surrounding development. It would harm the character and appearance of this section of the Conservation Area, which is characterised, in particular, by its formal composition and balanced treatment. The proposal would therefore conflict with Policies CD57, CD61 and CD62 of the Unitary Development Plan and paragraph 4.14 of PPG15.
- 3.17 Norland Square Mansions is already a dominant building within the Square. The proposed increased bulk and height, coupled with the disjointed raised parapet, would exacerbate this dominance and unbalance the formal composition and balanced appearance of the listed terraces. This unsympathetic development, would therefore harm the setting of the neighbouring listed terrace on Norland Square as seen from the viewpoints outlined in paragraphs 4.20 and 4.21 of my Proof, in conflict with CD69 and paragraph 2.16 of PPG15.

- 3.18 The proposed extension would be harmful to the extensive views, as outlined in paragraphs 4.20 and 4.21 of my Proof, through and into the Norland Conservation Area by increasing the height and bulk of this unlisted building in comparison with the listed terraces and thereby unbalancing the appearance of this western side of Norland Square. The proposed increase and reconfiguration of the parapet would also detract from these views, as explained above. The proposal would therefore conflict with CD63.
- 3.19 I note the previous approval for the erection of an additional storey dated 1974 and consider that there are material differences between this approval and the current Appeal scheme, as discussed in Jon Wade's Proof.
- 3.20 The appellants have put forward a number of associated alterations, which they suggest would result in an improved appearance of the mansion block. Whilst not objectionable the proposed improvements would largely have a neutral effect on the appearance of this building. They are relatively minor and certainly would not outweigh the harm to the character and appearance of the Square and Conservation Area by the addition of a further storey.

4.0 CONCLUSION

- 4.1 The proposed roof extension is unsympathetic by virtue of the resultant scale of the building and its positioning and height. It would have an adverse impact on the character and appearance of the Norland Conservation Area, on views within and into the Conservation Area and on the setting of the neighbouring listed terraces on Norland Square
- 4.2 For the above reasons, it is respectfully requested that the Inspector dismisses the appeal.

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Appeal under Section 78 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) by Mr. C. Okin against the refusal of the Royal Borough of Kensington and Chelsea for the erection of a roof extension to create a self-contained flat with roof terrace and alterations to the elevation of the building.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PROOF OF EVIDENCE OF KATE ORME

Kate Orme BA(Honours) MSc IHBC will say:

I am a Senior Conservation and Design Officer responsible for Conservation and Design matters in the Royal Borough of Kensington and Chelsea. I am a full member of the Institute of Historic Building Conservation. I have an MSc in Historic Conservation and I have worked for the Royal Borough for twelve years. My duties include providing design advice on development proposals relating to conservation areas, listed buildings and sites throughout the Royal Borough. I was previously employed by Chichester District Council, which also has a high quality of townscape.

I am familiar with the site and surroundings. There were no pre-application meetings on this proposal. My first involvement was in relation to the planning application, which forms the subject of this appeal.

1.0 INTRODUCTION

- 1.1 This proof of evidence deals with the design aspects of the proposal to erect an extension to provide a penthouse flat.
- 1.2 I shall provide a brief description of Norland Square Mansions and Norland Square. I shall then outline relevant Central Government Guidance and excerpts and policies from the Norland Conservation Area Policy Statement. My colleague Jon Wade has outlined in full all relevant policies within his Proof of Evidence. I shall then describe the proposal and consider its impact on the property, neighbouring listed terraces and the character and appearance of the Conservation Area. I shall then explain why the development is incompatible with all of these elements and shall also demonstrate that this development is

contrary to relevant Unitary Development Plan policies and to Government guidance, as outlined in Planning Policy Guidance One (February 1997), Planning Policy Guidance Three (March 2000) and Planning Policy Guidance Fifteen (September 1994). I will also demonstrate how this proposal conflicts with the London Plan.

2.0 APPEAL SITE AND SURROUNDINGS

2.1 Norland Square Mansions is a five storey, plus basement, residential block. This red brick mansion block loosely reflects an Art Deco influence. It was constructed in the 1930s and was designed by the architect Arthur Ash. This block is set on the prominent westernmost junction between Holland Park Avenue and Norland Square, but actually fronts onto the early Victorian, Grade II listed, Norland Square. (Photograph 1 Appendix 1)

2.2 Norland Square is described in the Survey of London: Northern Kensington as:

'The stucco-faced terrace houses surrounding Norland Square have four-storeys over basements, with segmental bays at basement and ground-floor level rising to the underside of a continuous range of balconies with cast-iron balustrading. The Italianate facades, reminiscent of the manner fashionable at seaside resorts in the 1830's and 1840's, have ornate consoles supporting cornices over the first-floor windows, main cornices above the second floor, and a plain cornice over the attic storey. The range of houses on the north side of the square has several curious architectural features, including coursed stucco up to the main cornice level, clear demarcation of each house by the introduction of pilasters with vestigial capitals at second-floor level, and framed surrounds to the windows in line with the cornice consoles. The planning of the houses is of the typical London

terrace type, with two rooms on each floor.' (Appendix 4) Photographs 2 and 3 of Appendix 1 illustrate these listed terraces.

3.0 GOVERNMENT ADVICE AND CONSERVATION AREA PROPOSALS STATEMENT

- 3.1 As stated above, relevant policies and excerpts from Government guidance, the Unitary Development Plan and the London Plan are also included in the Proof of Evidence of my colleague Jon Wade.
- 3.2 PPG1(Revised): General Policy and Principles, states in paragraph 16 that applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary planning guidance.
- 3.3 Paragraph 17 suggests that local authorities should reject poor design and states that these: 'may include those inappropriate to their context, for example those clearly out of scale, or incompatible with their surroundings.'
- 3.4 PPG15: Planning and the Historic Environment is pertinent in two main areas, namely the setting of the listed buildings and the use of planning powers in a conservation area. Firstly, paragraph 2.16 of PPG15 draws attention to the need to have special regard to the desirability of preserving the setting of listing buildings. It goes on to state, '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.' Secondly, on the use of planning powers in conservation areas, paragraph 4.14 states: 'that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.'

3.5 PPG3: Housing states in paragraph 56 that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, recognising that new building technologies are capable of delivering acceptable built forms and may be more efficient. '

3.6 The Norland Conservation Area Policy Statement was published in 1982. The document was adopted by the Council as their policy after a public meeting had been held. With regard to roof level alterations, it states:

'The sensitivity of rooflines to change varies, according to the setting of the building in the street-scene. Some of the variables are the length of view available of the building (see diagram), whether the roof is hidden by a parapet and whether it is flat or pitched – either fore and aft or sideways.'

The Statement continues with regard to parapets and flat or low-pitched roofs:

'Where a flat or low pitched roof is largely obscured from street level by a parapet or balustrade, the continuity of such a feature in a terrace takes on a visual significance.

When a roof extension is proposed and the surrounding terraces are devoid of modern extensions it will be the Council's policy to refuse planning permission.

Where there are existing roof extensions, the retention of the parapet is important in the continuity of the façade. Where it has been broken

to allow a dormer window or mansard this feature should be reinstated if the opportunity arises.

It will be the Council's policy that in cases where planning permission is required parapet walls will be retained in any development proposals. On those occasions when mansard roofs are permitted, the mansard and party wall should slope back at an angle which minimises the intrusiveness of the extension when seen from the pavement on the opposite side of the road, and this slope should be common along the whole terrace. (Page 56) (Appendix 3).

4.0 ASSESSMENT OF THE APPEAL PROPOSALS

- 4.1 Norland Square, including the appeal property, formed part of the original Norland Conservation Area, which was designated in 1969. The boundary of Norland Conservation Area is included in Appendix 5. The boundary to Holland Park Conservation Area runs down the middle of Holland Park Avenue. Views are afforded of the site and Norland Square from this adjoining Conservation Area.

Brief history of the development of Norland Conservation Area

- 4.2 William Kingdom purchased the Norland Estate in 1838. His architect, Robert Cantwell, designed a housing development for the area based on two intersecting principal roads. Addison Avenue running north-south and Queensdale Road running east-west across the estate. In the south-west corner he planned a crescent, broken in the middle by St. Annes Villas, which is now known as Royal Crescent. In the south-east quarter Cantwell placed Norland Square. The historical maps from the Norland Conservation Area Policy Statement, included in Appendix 3, illustrate the development of the area. It is evident that the appeal site originally formed part of the terrace now known as 152-168 Holland Park Avenue. I would refer you to the 1863-5 edition of the

Ordnance Survey map for the local area, which clearly indicates a building on this site, which is located at the end of Norland Place terrace. The property had a similar footprint to the adjoining properties and a substantial rear garden. (Appendix 2) It appears that the site was subsequently re-developed in the late Victorian period to provide a school building, prior to the erection of the current mansion block. A detailed assessment of the planning history for this site is provided in the Proof of Evidence for Jon Wade.

Listed buildings

- 4.3 Nos. 36 to 52(consecutive) Norland Square constitute the terrace sited immediately north of Norland Square Mansions. The terrace is Grade II listed. (Photograph 3 Appendix 1) The description in the 'List of buildings of special architectural or historic interest' states:

'Terraced houses. 1837-46. Stucco faced. Three storey basement and attic. Two windows each. Rusticated ground floor with horizontal grooving and bow windows. Narrow doorways with pilaster, entablatures and transom lights. Continuous iron balcony to first floor. First floor window with consoles supporting entablatures. Crowning modillion cornice at attic window sill level (lost to No 52). Area railings.'

- 4.4 The neighbouring terraces to the north and east of the square are also Grade II listed. (Photograph 4 Appendix 1) The list descriptions are very similar to the description above and are included in Appendix 6.
- 4.5 152-168 (even) Holland Park Avenue adjoin the western side of Norland Square Mansions and are Grade II listed. (Photograph 16 Appendix 1) The list description states:

'Terrace of houses. Mid C19. Stucco. Three storeys plus basement and roof storey. 3 windows wide. Channelling to ground floor. Doors with cornice and pilasters. Ground floor windows set in round-headed recesses. Individual balconies and cornices to first floor windows. Crowning cornice and blocking course.' (Appendix 6)

Character of the Conservation Area

- 4.6 The Norland Conservation Area Policy Statement assesses the townscape of the Area stating:

'The townscape character of the Norland Estate, despite being in origin a suburban development, is largely urban in style. By far the majority of roads have the character of a hard terraced urban landscape.

The most suburban street is Addison Avenue with its leafy vista up into the Garden surrounding the church of St. James. The front gardens are here well planted and of sufficient size to significantly contribute to the street scene.

A different pattern is presented by the formal architectural elevations of the crescent and squares facing the gardens and giving a rich townscape of detailed building facades and lush vegetation.' (Photographs 5, 6 and 7 Appendix 1)

- 4.7 It continues:

The pure urban environment represented in the rest of the area is divided between the very formal terraced streets relieved by spartan detailing of the elevations and the informal rhythm of the mews scale back streets. The particular feature of this area is that long views invariably end in 'feature' buildings (The Prince of Wales is a good example). On a longer view down a street a curved terrace may lead the eye away, or bring it to a building whose extra decoration or

placing adds interest and variety (e.g. at the end of Princedale Road). This hard urban landscape whilst enhanced by trees does not rely on them for effect. The formal squares do – in the modern townscape – rely on the hindrance of views by planting to obscure tall buildings exposed by the low angle of view allowed in a square. The majority of private gardens are masked by the infilling of corner sites, unlike the villas at the Boltons, where private gardens (and their planting) feature in many views.' (page 34) (Photographs 8, 9, 10 Appendix 1)

- 4.8 The Policy Statement also assesses the building styles within the Conservation Area. It states:

'In considering the Norland Estate area, it should be remembered that it was a suburban, speculative development. There are few buildings of inherent value in terms of craftsmanship, or particularly good design, and one would expect the houses to be finished to the minimum standard required to sell houses in the 1840's. Royal Crescent, for instance, whilst impressive is not of the refined accomplishment of Egerton and Pelham Crescents in Knightsbridge of around the same period. However, within the same boundaries of the original development there is an imaginative design layout and interesting variety of by building styles and formats.'

- 4.9 Norland Square is, along with Royal Crescent, one of the two most important architectural groupings of the Conservation Area. It is classed as 'a grand composition' in the consideration of building styles by the Statement and is described in the following manner:

'Norland Square, with its three long and somewhat unrelieved terraces with stucco fronted Italianate facades, and featuring main and secondary cornices and an attic storey, is as much dependant on its garden for the pleasant ambiance as on the buildings, whose style is much more akin to the general efforts of builders of the time. It is perhaps because of the shallow curved bays below the continuous

cast iron balustraded first floor balcony that the terraces are reminiscent of some seaside resort developments of the 30's and 40's. The plan forms hold of the houses hold no surprises.' (page 35)

- 4.10 I would add that its planned formal and balanced composition, with its central communal garden as a focal point, is an important characteristic of the Square and of this part of the Conservation Area. (Photographs 2 and 11 Appendix 1) Elements which contribute to this balanced composition include the height of the terraces, the consistent and evident narrow plot widths of the constituent terraced buildings, the strong vertical emphasis and regular rhythm of the facades, the uniform appearance of the elevations and the solid run of stucco frontage.
- 4.11 This formal, balanced appearance within the Square is also reflected at main roof level. Main roofs throughout this section of the Conservation Area are typically either an invisible or relatively unobtrusive element of the building. They are a subordinate feature, which is secondary to the main façade. Characteristically they are in the form of an exposed shallow pitch which recedes away from the eaves line, such as at 29-31 Addison Avenue (Photograph 12 Appendix 1), or a low roof set behind and enclosed by a raised parapet, such as at 15-27 Queensdale Road (Photograph 8 Appendix 1). The facades to the Norland Square terraces are typical, in that they are terminated by the strong and horizontal line of the front main parapet, which is highlighted by a decorative cornice. The main roofs are low pitched and do not compete with the dominance of the main parapet and the elevation below.

Norland Square Mansions and relationship to neighbouring terraces

- 4.12 The main frontage and entrance to the Norland Square Mansions block face directly onto Norland Square. In addition, on its western side, this building adjoins the three storey, plus basement, mid-nineteenth Century terrace at Nos. 152-168 (evens) Holland Park Avenue. (Photographs 13, 14 and 16 Appendix 1)
- 4.13 Norland Square Mansions block is a dominant building within Norland Square and this section of the Conservation Area. Its dominant impact is due to the significant bulk, an evident additional floor, five-storeys as opposed to four, and the height of the main parapet, which is set slightly higher than the parapet to these neighbouring terraces. However, this block also has an essentially balanced and ordered appearance at present, which reflects the general character of the Square. On the front main façade, the evident bay widths have been kept to a minimum through the insertion of full-height recesses. (Photograph 15 Appendix 1) In this manner, they reflect the narrow plot widths of the Norland Square properties. The recesses are highlighted by rendered balconies, which run from first to fourth floor level. The ground floor and fourth floor level have been rendered and thereby they echo the evident banded piano nobile and attic storey of the neighbouring terraces on Norland Square. The proportions of the facades, openings and window treatments have a vertical emphasis. In addition, the windows are grouped in pairs, and this again reflects the two window per floor treatment of the neighbouring terraces.
- 4.14 The side elevation fronting onto Holland Park Avenue has a generally similar treatment to the Norland Square façade, however it reads as a secondary frontage. (Photographs 1 and 16 Appendix 1) Two full-height, black-painted, canted bays introduce limited interest and a degree of verticality. These elements project out over the ground floor shopfront, which largely reflects the original design. This elevation is less successful in responding to the neighbouring listed terrace

development and the front main parapet rises above the adjoining main roof to the Holland Park terrace by 2000mm.

- 4.15 The rear of this block faces immediately onto the service area and garages. It has a similar approach to the two public facades, with stucco bands and paired windows, for example. However, as one would expect, it has a simple and more utilitarian appearance, with a projecting lift enclosure and an exposed means of escape stair. One element of interest is in the form of a full-height curved extension, which is a reflection of the 1930s heritage of this building. (Photograph 17 Appendix 1)
- 4.16 The mansion block has a flat roof, with a modest tank room and lift over-run. The main facades to Norland Square and Holland Park Avenue are terminated at roof level by a raised parapet and deep projecting cornice. Simple, largely unadorned, raised parapets cap the rear and northern elevations to the mansion block. The centrally positioned, existing tank room and adjoining lift motor over-run enclosure are set to the rear of the main roof, have a combined floor area of only approximately 28 square metres and have a very simple and utilitarian appearance. (Photograph 18 Appendix 1) The only other structures on this main roof are chimney stacks and a flue. These elements are typical subservient service structures, which could be expected to be found on the main roof of any older, large residential block. They are unobtrusive and have minimal impact on the scale, character and appearance of this property by virtue of their limited height and bulk, relatively discrete positioning and modest form.
- 4.17 As stated above, the typical roof treatment throughout the surrounding townscape is of a main roof level being secondary to the main front façade. The roofs to the immediately neighbouring terrace at Nos. 36-52 (consecutive) Norland Square have a slate clad, central valley set behind a raised parapet, with decorative cornice. Norland Square Mansions has been designed to accord with this treatment. The main

roof is largely not evident as it is flat and set behind a raised parapet. The existing modest tank room and lift over-run, coupled with the limited number of stacks and flues, do not significantly detract from dominant termination at main roof level of the main cornice and flat roof itself.

4.18 The front main parapet to Norland Square Mansions is slightly higher than the main parapet of Nos. 36-52 (consecutive) Norland Square. (Photographs 19, 20, 21 and 25 Appendix 1) However the flat roof of the mansion block aligns with the apex of the valley profile to the actual main roofs of the terrace. This is illustrated in Drawing No. NM001.P01.07. The rear main wall to the terrace reflects the valley profile of the roofs. Consequently, the existing roof to the Mansion block is also similar in height to the rear main parapet of Nos. 36-52. This relationship is illustrated in photographs 22 Appendix 1. The existing tank room and lift over-run enclosure, which are set to the rear of the flat roof, are higher than the neighbouring terrace by 800mm. However, as stated above, they do not significantly detract from the balanced grouping with the terrace by virtue of their modest bulk and relatively discrete positioning.

4.19 The Norland Square Mansions block is a dominant presence, however, at present, it has a relatively balanced and respectful relationship with the neighbouring listed terraces within Norland Square. Indeed, the Inspector acknowledged in his Decision Notice dated 1981 that although the Appeal property was of a much later date than the adjoining terraces 'they collectively appeared to me to form a harmonious group of buildings and the general consistency of roofline along the west side of Norland Square was particularly evident.'

Views

- 4.20 There is a range of views within and into the Conservation Area. Extensive public views are afforded from the eastern side of Norland Square, from a section on the southern side of Holland Park Avenue which stretches from 135 Holland Park Avenue to the rear of 60 Holland Park, from a wide stretch of pavement located on the northern side of Holland Park Avenue which runs from opposite No. 133 Holland Park Avenue to approximately 148 Holland Park Avenue and from the eastern pavement area running from the junction with Holland Park Avenue to approximately opposite the junction between Nos. 81 and 82 Holland Park. From these vantage points the extension would be clearly visible and would be apparent above the strong roofline to the Grade II listed Nos. 36-52 (evens) Norland Square. More limited views are afforded from Nos. 20 to 28 (consecutive) Norland Square and from along the full length of Norland Place onto Princedale Road. Again, the proposed extension and the neighbouring listed terrace would be visible in conjunction with each other, but to a lesser extent. Very limited views would be afforded of the extension from the western side of the junction of Holland Park Avenue and Holland Park Gardens to No. 155 Holland Park Avenue. Finally, the rear of the proposed extension would be clearly visible through a slim gap in the buildings on Addison Road, set between the rear of No. 168 Holland Park Avenue and No. 2 Addison Road.
- 4.21 Private views would also be extensive. Clear private views would be afforded from the relatively close properties of Nos. 20-29 (consecutive) Norland Square, Nos 2-18 (consecutive) Norland Square, 150 Holland Park Avenue, Nos. 131-161 Holland Park Avenue, 1 Norland Place, 81 Holland Park, 152-158 Holland Park Avenue, 2-38 (evens) Addison Avenue and 11-12 Queensdale Walk. In addition, more limited views would be afforded from upper floors of 27-28 Norland Square, 11 and 11a and 11b Queensdale Road and 1-10a (consecutive) and 20 Queensdale Walk.

- 4.22 All these views are from within conservation areas. All views to the north of Holland Park Avenue would be from within Norland Conservation Area and from the south of Holland Park Avenue from within Holland Park Conservation Area.
- 4.23 It is acknowledged that foliage on the trees in the Spring and Summer months may help to screen certain views, but it is not accepted that the additional storey will not be apparent, even when the trees are in leaf. Glimpses of the extension may be visible through the foliage and there are other views, which would not be obscured by foliage. In any case, to rely on screening of the extension for part of the year is not considered to be the correct approach. The scheme should be assessed on the effect it will have on the character or appearance of the Conservation Area and any effect on the setting of the adjacent listed buildings. For a significant part of the year any screening that the foliage may provide will be absent.

Impact of the proposed extension and raised parapet

- 4.24 The proposed extension would be flat roofed, with off-white rendered walls to the front and sides and a lead clad, sloping mansard to the rear, which would rise off of the rear main wall. The extension would be set back from the main parapets to the front and sides and would have flat projecting canopies to the front and sides, which would be decorated with painted metal trelliswork. Fenestration would be largely in the form of French doors.
- 4.25 The proposed extension would have a frontage of 26 metres, including the canopy, facing onto Norland Square. This compares with the evident set back, front face of the existing lift over-run and tank room, which has the modest width of 7.7 metres. The majority of the extension would rise above the existing main parapet by 2350mm and would be 400mm higher than the existing lift over-run and tank room. In addition, the proposed extended lift over-run would project above

the existing main parapet by 3400mm and would be higher than the existing structure by 1500mm.

- 4.26 The proposed extension would result in a significant increase in evident bulk at main roof level, which would rise above the main roof level to the neighbouring terrace at 36-52 Norland Square. This point is illustrated in Drawing No. NM001.P01.17. This large and prominent extension would project above the roofline of the neighbouring listed terrace and would dominate and interrupt the essentially clean roofline within this group of buildings, as seen from the viewpoints outlined in paragraphs 4.20 and 4.21 of this Proof of Evidence. It would unbalance the composition of the group and the appearance of this side of the Square. It would also detract from the setting of the formal composition of the neighbouring listed Norland Square terrace. The proposed disjointed and top-heavy raised parapet would also rise above the height of the main roofs of the neighbouring terrace and would draw attention to the height of the roof extension. In addition, the proposed extension would not result in the complete removal of the service structures to the main roof. A lift safety over-run would project above the proposed extension by 1100mm and would be the highest feature at roof level. This conspicuous feature would be visible from extensive public and private views, in particular from along Holland Park Avenue, from the eastern and northern sides of Norland Square, from sections of Norland Place and from properties to the rear.
- 4.27 The neighbouring terrace on Norland Square has not been impaired or severely compromised by extensions. Two properties have been modestly extended within the terrace, however they do not significantly interrupt the balanced and uniform appearance of this terrace or disrupt the roofline. No. 51 has a shallow raised front pitch. The height of the extension to No. 51 in relation to the existing roofs is indicated in Drawing No. NM001.P01.17 and it is evident in photograph 23 of Appendix 1. A second existing extension is in the form of a boiler/tank

enclosure, which appears to be at No. 47. Approval was granted for the erection of a boiler enclosure on the roof of No. 47 in 1974.

- 4.28 The proposal would therefore conflict with criterion (a) of CD44 and criterion a of CD45. It should be noted that the extension at No. 51 is served by three rooflights, which are flush with the shallow front pitch, and not by a projecting dormer as indicated by the Drawing No. NM001.P01.17. In addition, the second mansard roof extension, as indicated at No. 50 Norland Square, on the same drawing does not exist. There is no extant planning permission for the erection of an additional storey at this property. These discrepancies are extremely misleading.
- 4.29 In addition, Norland Square Mansions is already higher than the Grade II listed Nos. 152-168 (evens) Holland Park Avenue and the tank room and lift over-run enclosure project above the roof level of Nos. 36-52 Norland Square. (Photographs 24 and 25 Appendix 1) On this basis, this proposal conflicts with criterion (d) of CD44 which seeks to resist additional storeys or roof level alterations on buildings which are higher than surrounding neighbours.
- 4.30 The existing main parapet to the mansion block would be increased in height in parts by 650mm and in other parts by 450mm. This new parapet would, as stated in paragraph 4.26, appear top heavy, disjointed and unbalanced. It would appear incongruous and would not be architecturally sympathetic to the character of this building. It would therefore conflict with criterion b of Policy CD45 and criterion b of Policy CD46.

- 4.31 The proposal constitutes poor design, which is inappropriate to its context by virtue of its significant height and bulk, and associated unsatisfactory design for the parapet. It therefore conflicts with paragraph 17 of PPG1, paragraph 56 of PPG3, paragraph 4B.1 of the London Plan and policies STRAT 1 and CD27 of the Council's Unitary Development Plan.
- 4.32 The proposed extension would fail to respect the character, scale, pattern, bulk, height and roofscape of surrounding development. It would harm the character and appearance of this section of the Conservation Area, which, as stated above, is characterised by its formal composition and balanced treatment. The proposal would therefore conflict with Policies CD57, CD61 and CD62 of the Unitary Development Plan and paragraph 4.14 of PPG15.
- 4.33 Norland Square Mansions is already a dominant building within the Square. The proposed increased bulk and height, coupled with the disjointed raised parapet, would exacerbate this dominance and unbalance the formal composition and balanced appearance of the listed terraces. This unsympathetic development, would therefore harm the setting of the neighbouring listed terrace on Norland Square as seen from the viewpoints outlined in paragraphs 4.20 and 4.21, in conflict with Policy CD69 of the Unitary Development Plan and paragraph 2.16 of PPG15.
- 4.34 The extension would also rise further above the adjoining listed terrace at Nos. 152-168 (evens) Holland Park Avenue. Whilst limited public views are afforded onto this terrace and the proposed extension, it would be visible to unobstructed private views from upper floors of neighbouring buildings. However, the extension is set well back from both the southern frontage and western boundary with this terrace and the mansion block and proposed extension are orientated towards the Norland Square frontage and more formal grouping.

4.35 The proposed extension would be harmful to the extensive views, as outlined in paragraphs 4.20 and 4.21 of this Proof of Evidence, through and into the Norland Conservation Area by increasing the height and bulk of this unlisted building in comparison with the listed terraces and thereby unbalancing the appearance of this western side of Norland Square. The proposed increase and reconfiguration of the parapet would also detract from these views, as explained above. The proposal would therefore conflict with policy CD63.

4.36 A full planning history for the site is outlined in my colleague Jon Wade's Proof of Evidence. I note the previous approval for the erection of an additional storey dated 1974 and consider that there are material differences between this approval and the current Appeal scheme, as discussed in paragraphs 8.2-8.8 of Jon Wade's Proof of Evidence.

Improvements

4.37 The appellants have put forward a number of associated alterations, which they suggest would result in an improved appearance of the mansion block. Whilst not objectionable the proposed improvements would largely have a neutral effect on the appearance of this building. The slight increase in height of the rendered panel above the entrance door, larger piers, new planters and lighting in this area would represent some minimal improvement in the appearance and presence of this entranceway within the façade and frontage. However, the other works, such as the painting of the recessed and canted bays, would have at best a neutral impact.

4.38 These proposed works are relatively minor and certainly would not outweigh the harm to the character and appearance of the Square and Conservation Area by the addition of a further storey.

5.0 COMMENTS ON THE APPELLANT'S PRE-INQUIRY STATEMENT

Paragraph 2

- 5.1 The appellants state that the proposed rooftop flat would involve the removal of the unsightly tank rooms and other ancillary accommodation at roof level and their replacement with a further element of useable residential accommodation. They consider that this is in line with UDP policies STRAT 19 and H2. They continue that the Council recognises within the Committee report that the suggested improvement works would be beneficial.
- 5.2 The centrally positioned, existing tank room and adjoining lift motor over-run enclosure are set to the rear of the main roof, have a combined floor area of only approximately 28 square metres and have a very simple and utilitarian appearance. The only other structures on this main roof are chimney stacks and a flue. These elements are typical subservient service structures, which could be expected to be found on the main roof of any older, large residential block. They are unobtrusive and have minimal impact on the character and appearance of this property by virtue of their limited height and bulk, relatively discrete positioning and modest form. The proposed extension would not result in the complete removal of such structures, as a lift safety over-run would project above the proposed extension by 1100mm and would be the highest feature at roof level.
- 5.3 Policy H2 relates to maintaining and enhancing the residential function of the Borough and must be considered in relation to the Principal strategic Policy STRAT19. That is addressed in the Proof of Evidence of Jon Wade.

- 5.4 The suggested improvements are, indeed, referred to in the Committee report in paragraph 4.5. However, the report does not state that they would be particularly beneficial. It states that 'Whilst some of these elements may be welcome it is considered that they are relatively minor and would not outweigh the harm to the character of the Square by the addition of a further storey.' It continues: 'these proposals are of a relatively minor nature and would not outweigh the harm of the additional storey...the proposal is considered to result in harm to the character and appearance of the Conservation Area which would not be outweighed by some cosmetic improvements.' Indeed, as outlined in paragraph 4.37 of this Proof of Evidence, whilst not objectionable these works would largely have a neutral effect on the appearance of this building. The slight increase in height of the rendered panel above the entrance door, larger piers, new planters and lighting in this area would represent a minimal improvement in the appearance and presence of this entranceway within the façade and frontage. However, the other works would have a neutral impact.

Paragraph 3

- 5.5 The appellants state that the proposed roof extension is sensitive to the scale, height and bulk of the surrounding area, and is set back from the eaves level to minimise the bulk of the proposal and to ensure that it relates to the adjacent building. They also state that the proposed materials are in keeping with the existing building. The appellants continue that this is an opportunity to balance and enhance the architectural composition of the building and to contribute to the Norland Conservation Area, and as such the proposals are consistent with Policy CD27.

- 5.6 As detailed in paragraphs 4.26 to 4.35, the proposed extension is out of keeping with the scale, height and bulk of the surrounding area. Whilst there is the set back from the front and side parapet, the bulk of the proposal will still be clearly visible from private and public views, as outlined in paragraphs 4.20 and 4.21 of this Proof of Evidence. There is no objection in principle to the proposed materials. Due to the present already extensive scale of the mansion block, no opportunity is afforded to balance and enhance the architectural composition of this building through the erection of a further storey. It already echoes the height of the neighbouring Norland Square terraces and any increase in height would disrupt the balanced composition. The proposal fails to comply with Policy CD27.

Paragraph 4

- 5.7 This paragraph refers to policy CD44 and the appellants outline why they consider that this proposal complies with each criterion. In particular, the appellants state that the proposed roof extension would not increase the overall height of the building, as it would be generally no higher than the existing roof structures and tank rooms.
- 5.8 I am of the opinion that the proposal conflicts with criteria (a), (d) and (e) of policy CD44. This building forms part of the group of properties to the west of Norland Square. Two properties have been modestly extended within the terrace, however they do not significantly interrupt the balanced and uniform appearance of this terrace or disrupt the roofline. No. 51 has a shallow raised front pitch. The height of the extension to No. 51 in relation to the existing roofs is indicated in Drawing No. NM001.P01.17 and it is evident in photograph 23 of Appendix 1. A second existing extension is in the form of a boiler/tank enclosure, which appears to be at No. 47. Approval was granted for the erection of a boiler enclosure on the roof of No. 47 in 1974. The proposal is therefore considered to conflict with criterion (a) of policy CD44. It should be noted, as stated above, that the second roof

extension, as shown at No. 52 in the same Drawing, does not exist. In addition, it should be noted that the extension at No. 51 is served by three rooflights, which are flush with the shallow front pitch, and not by a projecting dormer as indicated by the Drawing No. NM001.P01.17. In addition, the second mansard roof extension, as indicated at No. 50 Norland Square, on the same drawing does not exist. In addition, there is no extant planning permission for the erection of an additional storey at this property. These discrepancies are extremely misleading.

- 5.9 Norland Square Mansions is already higher than the surrounding neighbours. The main roof rises above the height of the main parapet to the Norland Square terrace and the tank room and lift over-run enclosure projects above the main roof. The building also rises above the height of the adjoining terrace to the west at Nos. 152 to 168 Holland Park Avenue. The main body of the extension would be 400mm higher than the existing tank room. In addition, the lift over-run would be higher than the existing structure by 1500mm. It cannot therefore be stated that the extension would 'be generally no higher'. To the contrary, the proposal is therefore considered to conflict with criterion (d) of CD44.

- 5.10 As explained in paragraph 4.20 and 4.21 of this Proof of Evidence, the buildings concerned are open to long views from public spaces and this proposal would have a harmful impact on those views. The proposal is therefore considered to conflict with criterion (e) of CD44.

Paragraph 5

- 5.11 The appellants refer to policy CD45, which sets out the circumstances in which additional storeys and roof additions will be allowed. They summarise: 'These will be permitted where the alterations are architecturally sympathetic and would not harm the character of the building.'

5.12 This is not an accurate summary, as it completely misses out reference to criterion (a) of CD45 which states: 'where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to re-unite the group;...' The appellants state that they consider the proposal to be architecturally sympathetic and that it would not harm the character of the building. I would contend that criterion (a) is crucial in this case, as the character of this group of properties has not been compromised by extensions. The proposal therefore conflicts with criterion (a). I would not agree that the existing building has a 'cut-off' appearance and that the proposal 'incorporates a recessed and delicate attic storey.' The existing building reflects the character of the Square in that it has a clean and strong termination to the main facades in the form of a raised parapet with decorative cornice. The proposed extension cannot be held to have a delicate appearance, by virtue of its large bulk, robust and solid form and height rising significantly above surrounding properties. The proposed raised parapet would not be architecturally sympathetic to the character of the building, by virtue of its incongruous top-heavy and disjointed appearance. This element would also draw undue attention to the height and bulk of the proposed extension. The proposal would therefore conflict with both criteria of CD45.

Paragraph 6

5.13 This paragraph refers to policy CD46, which relates to roof terraces. As stated in paragraph 4.30 of this Proof of Evidence, the raised parapet would be visually intrusive and would harm the streetscene. The appellants state that it would be possible to introduce the roof extension without raising the parapet. However, that was not part of the planning application. In any event, apart from rendering the proposed extension more visible, a means of enclosure would still be required for the terrace. Any railings or fencing to the terrace would introduce unsympathetic visual clutter to this prominent flat roof and

would weaken the strong termination to the facades if placed on top of or too close to the main parapets. The proposal would conflict with criterion b of policy CD46.

Paragraph 7

- 5.14 This paragraph refers to policies relating specifically to conservation areas, namely CD57, CD61 and CD62. It states that the proposal is consistent with these policies. For the reasons outlined in paragraphs 4.26 to 4.32 of this Proof of Evidence, it is felt that the proposal fails to preserve or enhance the Conservation Area, that it is not to a high standard of design and that it is not compatible with the surrounding area in terms of character, scale, bulk, height and roofscape.

Paragraph 8

- 5.15 The appellants state that the rooftop would only be visible from long views across Norland Square and would be substantially screened for most of the year by trees on Holland Road. In addition, they state that it would only be visible from a limited number of long views. They also summarise points already raised.
- 5.16 As stated in paragraph 4.20 and 4.21 of my Proof of Evidence, extensive views are afforded onto this prominent rooftop and the roofline of the adjoining Norland Square terrace from public and private vantage points. Holland Road is not close to the appeal site, so I assume that the appellant is referring to trees on Holland Park Avenue. Clearly, the degree of screening depends on the season and, as will be evidenced during the Site Visit, the neighbouring trees provide only a very limited amount of screening in the winter months. It is acknowledged that foliage on the trees in the Spring and Summer months may help to screen certain views, but it is not accepted that the additional storey will not be apparent, even when the trees are in leaf.

6.0 CONCLUSION

- 6.1 The proposed roof extension is unsympathetic by virtue of the resultant scale of the building and its positioning and height. It would have an adverse impact on the character and appearance of the Norland Conservation Area, on views within and into the Conservation Area and on the setting of the neighbouring listed terraces on Norland Square
- 6.2 For the above reasons, it is respectfully requested that the Inspector dismisses the appeal.

PUBLIC INQUIRY

SITE: NORLAND SQUARE MANSIONS,
53 NORLAND SQUARE, W11



RBK&C Ref: DPS/DCN/PP/04/00081/JW

ODPM Ref: APP/K5600/A/04/1148762

PROOF OF EVIDENCE

JONATHAN WADE

1ST February 2005

NORLAND SQUARE MANSIONS,
53 NORLAND SQUARE,
LONDON W11 4PY

ROYAL BOROUGH OF KENSINGTON AND CHELSEA REFERENCE:
DPS/DCN/PP/04/00081

PLANNING INSPECTORATE REFERENCE: APP/K5600/A/04/1148762

PROOF OF EVIDENCE

1st February 2005

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

NORLAND SQUARE MANSIONS, 53 NORLAND SQUARE,
LONDON W11 4PY

Appeal under Section 78 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) by Mr. C. Okin against the refusal of the Royal Borough of Kensington and Chelsea for the erection of a roof extension to create a self-contained flat with roof terrace and alterations to the elevations of the building.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PROOF OF EVIDENCE OF JONATHAN CHRISTOPHER WADE

Jonathan Wade will say:

I am a Bachelor of Science (Honours) in Environmental Science and hold a Masters degree in Civic Design and Masters degree in Urban Regeneration. I am a full member of the Royal Town Planning Institute and Chartered Institute of Management. I have been employed by the Royal Borough of Kensington and Chelsea for 7 years and previously held posts in Reading Borough Council and the London Borough of Bromley. I previously held the position of Deputy Area Planning Officer in the North Team which includes Norland Square Mansions. I am familiar with the site and its surroundings.

I am currently on secondment within the Policy Team, Forward Planning, preparing the forthcoming Local Development Strategy.

APPENDIX

- Appendix 1 - Site plan
- Appendix 2 - Listing description of Norland Square terraces
- Appendix 3 - Letters relating to the construction of Norland Square Mansions
- Appendix 4 - Covering letter, plan, report and decision notice relating to the 1973 application
- Appendix 5 - Covering letter and plan relating to January 1974 application
- Appendix 6 - Report to the Town Planning Development (Applications) Sub-Committee
July 1974
- Appendix 7 - Report, plan and decision notice relating to August 1976 application
- Appendix 8 - Report and decision notice relating to the March 1980 application
- Appendix 9 - Appeal Statement prepared by the Council relating to the refusal of the 1980
application
- Appendix 10- Planning Inspectorate decision notice relating to the 1980 application dated
16th January 1981
- Appendix 11- Comments received from Councillor Walker-Arnot regarding the appeal
proposal
- Appendix 12- Comments of the Norland Square Conservation Society
- Appendix 13- Norland Conservation Area Proposals Statement (page 56)
- Appendix 14- Supplementary planning advice for roof extensions August 1976.

1.0 INTRODUCTION

- 1.1 This appeal is against the refusal of planning permission by the Royal Borough of Kensington and Chelsea for the erection of an additional storey in the form of a self-contained flat with roof terrace and alterations to elevations of the building at Norland Square Mansions, 53 Norland Square, London W11.
- 1.2 The application for the additional storey was considered by the Planning Services Committee on 2nd March 2004 and was refused on the following ground:-

“The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.”
- 1.3 Other policies, notably CD33, TR9, TR36 and TR42 were also considered in the determination of the application, but the application was refused specifically in relation to the policies included in the ground of refusal. This proof of evidence amplifies and interprets the refusal policies, sets the wider context in terms of other material considerations, makes reference to the planning history and deals with relevant Government guidance. Ms. Orme, the Council's Conservation and Design witness, will deal with the impact of the proposed additional storey on the character and appearance of the Norland Conservation Area. She will also give a detailed description of the site and surroundings, but a brief description is given here.
- 1.4 This proof of evidence also deals with the Council's policies referred to in its Rule 6 statement, and those of the appellants including their rebuttal Statement of Case expressed in letter form dated 8th July 2004. With regard to Policy CD33 it is confirmed that the impact of sunlight or daylight does not form part of the Council's case. With regard to Policy CD69 which resists development which would adversely affect the setting of a listed building it is confirmed that this was not specifically referred to, but is a matter of concern, and will be dealt with in conjunction with the effect on the character and appearance of the conservation area. This has been brought to the attention of the appellants who indicated in their rebuttal statement that it will be demonstrated within evidence that the proposal would not adversely affect the setting of the listed terraces.

2.0 SITE AND SURROUNDINGS

- 2.1 Norland Square Mansions is a purpose built block of flats constructed in the 1930s and situated on the corner of Norland Square and Holland Park Avenue. The architect was Arthur Ash. The remainder of Norland Square was designed by

the architect Robert Cantwell and laid out from 1837 onwards. It consists of traditional early Victorian terraced properties which have a high degree of uniformity especially with regard to their height. (Site plan at appendix 1)

- 2.2 The property itself is a 5 storey block of flats adjoining 2 mid-nineteenth century stucco fronted terraces. These terraces are listed Grade II and are three storey with basement and attic. Although Norland Square Mansions is of a much later date it is considered that there is a general consistency of roofline with the rest of the Square.
- 2.3 The listed terraces which comprise of Nos. 2-18 (consec), 19-35 (consec) and 36-52 (consec) Norland Square were listed Grade 2 in 1969. A listing description is included at appendix 2.
- 2.4 The Square itself has a private communal garden which is available for the use of residents that live in the Square. Within the garden itself there are a number of mature trees with a path running around the perimeter and areas that are grassed and planted. A mature hedge approximately 2 metres in height runs round the boundary of the communal garden.
- 2.5 Norland Place forms an opening off the Square on its eastern side and its links with Portland Road. It consists of modest 2 storey mews properties which contrast with the taller more imposing properties within the Square.
- 2.6 The property is situated within the Norland Conservation Area which was designated on 29th January 1969 with extensions designated on 2nd June 1978. Norland Square was included in the original designation. The Conservation Area Proposals Statement was published in September 1982.
- 2.7 The Holland Park Conservation Area boundary runs along the middle of Holland Park Road and properties on the south side of this road fall within this conservation area. It was formed in 1981 by combining two smaller conservation areas. The Conservation Area Proposals Statement was adopted in October 1989.

3.0 PLANNING HISTORY

- 3.1 It was recognised as long ago as 1935 that the height of a building on the site and its relationship with the rest of the Square and the surrounding area should reflect the built form of the Square. The original plans for Norland Square Mansions were submitted by the architect Arthur Ash in November 1934. It was proposed to erect a block of flats 60 feet (18.28m) high, 6 storeys above ground level with shops on the ground floor abutting Holland Park Avenue and 8 garages at the rear.
- 3.2 The Borough Engineer and Surveyor's report to the Improvements Committee dated 27th November 1934 expressed concern regarding two aspects of the

scheme which were the area covered and the height of the building which appeared to be "somewhat excessive". It was recommended that the application should be "disapproved" with consideration being given to the points of concern (relevant letters shown at Appendix 3).

- 3.3 Arthur Ash responded to these concerns, submitting revised plans in January 1935 which reduced the size of the plot and the distance between adjoining buildings. With regard to the proposed height he responded by expressing a wish to retain the height of the building to 60 feet, but incorporating a tiled roof to the top storey to give the impression of a domestic roof to harmonise with the surroundings.
- 3.4 The revised plans were subsequently recommended for approval at the Improvements Committee on 19th January 1935. However, the Committee did not approve the height, despite the use of a sloping tiled roof and still considered it to be excessive. They stipulated that the height of the proposal should not exceed 50 feet (15.24m).
- 3.5 This is an early example of the Improvements Committee expressing a concern regarding how the proposal would harmonise with the surrounding townscape and intervening to ensure that the height of the building was reduced. Despite the use of a sloping tiled roof which would have been pitched away from the parapet the height of the proposal was still considered excessive. On this basis the proposal was reduced to a height of 50 feet which corresponded more closely with the height of the adjacent terraces.
- 3.6 No further proposals were submitted regarding the roof of the mansion block until August 1973. A new storey was proposed which was set back within an angle of 45°. The covering letter to the proposal dated 10th August 1973 stated, "As a result of this set back the new proposal cannot be seen from the surrounding roads and because of the trees in both Norland Square and Holland Park Avenue will not be seen even at a distance. The extension has also been set back at the rear, but the elevational views do not really represent a true effect of the new storey and a perspective from street level would not show at all!" (covering letter and plan at appendix 4)
- 3.7 The subsequent Officer's report to the Town Planning Applications Subcommittee dated 27th November 1973 stated that,
- "The proposals fails to conform with the Council's policy with regard to the erection of additional storeys. The adjoining terrace in Norland Square is, with one exception, uniform in height, the properties comprising four storeys and basement. Adjoining properties in Holland Park Avenue comprise basement and either three or four storeys. An additional storey on the mansion block would make this building even more dominant and bulky in relation to its neighbours, thus having a detrimental effect on the character of the area." (report at appendix 4)

- 3.8 The application was refused on three grounds including the resulting building being too dominant compared with its neighbours and thus having a detrimental effect on the character of the area; the proposed additional storey representing a visually obtrusive protrusion on the skyline and contrary to the policy on the erection of additional storeys and the proposal representing an overdevelopment of the site (decision notice at appendix 4).
- 3.9 The material differences between this and the appeal proposal are that the 1973 proposal had a larger footprint and was closer to both the southern and northern elevations of the property at roof level. It was approximately the same height (3.0m), but it was stepped back slightly further than the current proposal from the outer edge of the eastern cornice adjacent to Norland Square (approx. 3.0m).
- 3.10 A revised application (Ref. TP/7201) was submitted in January 1974. The covering letter stated:
- "In an endeavour to meet the objections given for the refusal we have designed one single unobtrusive unit set well back from the road with a mansard type roof. The set back on all faces is very considerable and therefore it should be unnoticeable from the road. We would mention that at present there are protrusions at roof level of existing chimney stacks and the lift motor room which have been incorporated into our design. We trust that in these circumstances the committee will give more favourable consideration to the new proposals." (letter and plan at appendix 5)
- 3.11 It is noted in the subsequent officer's report to the Town Planning Development (Applications) Sub-Committee in July 1974 that the proposed addition was set back 16 feet (4.87m) behind the existing parapet on the southern elevation and 8 feet (2.43m) on the eastern elevation. It was also below the height of the chimney stacks. On this basis it was considered by the officer who assessed the application that it would be visible from street level only on the east side of the Square and this was included in the report to the Committee. (appendix 6)
- 3.12 With regard to Schedule 8 rights which were then in force it was noted that following construction of the courtyard flat a Schedule 8 right of extension remained of 2000 square feet (185.8m²) and therefore the proposal was arguably within Schedule 8. However, there was a query as to whether the provisions of Schedule 8 were applicable to the mansion block as a whole or to each individual flat. It was subsequently established that it fell within the applicant's right of extension.
- 3.13 Whilst the conclusion of the Officer dealing with the application was that the proposals would have minimum obtrusion on the streetscene and would not have a detrimental effect on the even roofline of the Square, the concern regarding Schedule 8 rights and the possibility of the payment of compensation appears to

have been assigned great weight and this was clearly a material factor in the decision. This is borne out by the same Officer's later comments in the appeal statement prepared for the 1980 appeal which it is discussed at paragraph 8.8.

- 3.14 The differences between this and the appeal proposal are outlined at paragraph 7.12 of this proof.
- 3.15 In August 1976 a proposal was submitted for the extension onto the roof to provide one new flat and the extension of an existing flat to form a maisonette. The same planning officer dealt with this application as previous applications on the site. In the officer's report to the Town Planning Committee dated 16th November 1976 it was noted that the proposal for the erection of an additional storey for a penthouse flat permitted in 1974 fell within the applicant's Schedule 8 right of extension which would have involved compensation being paid if the application had been refused and dismissed on appeal.
- 3.16 The scheme was noted as an improved design, but it was noted in the report that it was similar in many respects to the scheme which was refused in 1973. The floor area was 2,300 square feet (213.6 sq.m.). The height and setback from the parapet were all similar so that the previous reasons for refusal still applied. The grounds of refusal were also the same as the 1973 refusal. (Officer's report and decision notice at appendix 7).
- 3.17 The design shows a slightly less bulky structure than the 1973 proposal with the incorporation of smaller dormer windows set in a tile hung mansard roof. However, these minor design improvements were not considered to overcome the concerns regarding the erection of an additional storey being too dominant compared with its neighbours and representing a visually obtrusive protrusion on the skyline.
- 3.18 In March 1980 an application was submitted for the construction of one additional storey to provide one penthouse flat which was a resubmission of the scheme that was refused in 1976. (Ref. TP/80/441).
- 3.19 The Officer's report to the Planning Services Committee stated, "The proposal would increase the bulk of the building, increasing its dominance over its Victorian neighbours, and would rise above the general roofline. The grounds of refusal in 1976 still, therefore, apply." Refusal on the same grounds as the 1976 application was recommended, with an additional reason of increased pressure on car parking in order to align with other Council refusals to permit additional storeys on mansion blocks of flats. The decision notice and report are at appendix 8. An analysis of the 1976/1980 application compared with the appeal proposal is at paragraph 8.12.
- 3.20 The application was subsequently the subject of a planning appeal. An appeal statement was prepared by the Council which is included at appendix 9. The

planning officer who dealt with the previous applications in 1973, 1974 and 1976 also dealt with this application including the appeal statement.

- 3.21 The appeal was dismissed by decision notice dated 16th January 1981. (appendix 10)

4.0 The Appeal Application

- 4.1 The application which is the subject of this appeal was submitted on 24th December 2003 and registered with the number Ref. PP/03/02526). The proposal is for an additional storey in the form of a penthouse flat with 3 en suite bedrooms, living room and kitchen. The proposal is stepped away from the southern, northern and eastern facades to Norland Square and has an off-white render finish to the walls. The structure is approximately 3.0 metres in height and taking into account the projecting trelliswork/ roof overhang it is stepped off the outer edge of the eastern cornice to Norland Square by approximately 2.7 m. A roof terrace is proposed on the eastern and southern portions of the roof and it is proposed to raise the parapet by between 0.45m and 0.65m. An architect's report accompanying the application dated August 2003 illustrates a number of alterations to the façade of the mansion block.
- 4.2 A site visit was conducted with a Design and Conservation Officer and the agents for the applicant on the 22nd January 2004. The merits of the proposal were discussed on the site visit and feedback was given that there were concerns regarding the proposal, in terms of its relationship with the rest of the Square. The history of previous roof extensions being resisted including the appeal decision was briefly outlined.
- 4.3 No pre-application discussion took place with the Local Planning Authority although the applicant appears to have approached a number of interested third parties on an informal basis. It is not clear what the nature and content of these discussions were and the Council does not consider that it is in a position to comment on the merits or otherwise of such discussions.
- 4.4 One of the Councillors for the Norland Ward, Councillor Walker-Arnot, requested that the application be determined by the Planning Services Committee rather than the Executive Director, Planning and Conservation. On balance, he supported the application and felt that the applicant's claim that the new structure would be barely visible from ground level was a fair one. He had been invited to the property in the Autumn of 2003 for an explanation of the scheme by the architect. (appendix 11)
- 4.5 As a result of the consultation, seven letters of objection were received from third parties, predominantly from occupiers of the mansion block. The grounds of objection included the extension being detrimental to the architectural

composition of the building; noise and disturbance from construction works; the loss of the existing Art Deco lift; the possible loss of a bush at ground level; loss of sunlight/daylight; noise disturbance and the additional storey unbalancing the architectural composition of the Square.

- 4.6 The Secretary of the Norland Square Conservation Society did not make representations on the proposal directly to the case officer but emailed the Chairman of the Planning Services Committee expressing concern that the proposal was to be considered as a delegated decision. It was requested that a development of such size and significance should come before the Planning Services Committee. However, the Conservation Society expressed no view as to the merits of the proposal. (appendix 12)

- 4.7 The application was subsequently reported to the Planning Services Committee on 2nd March 2004 with a recommendation for refusal on the following grounds:-

“The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.”

- 4.8 Transportation policies and the effect on sunlight and daylight were also considered but did not form grounds for refusing the application. Whilst the Officer's report dealt with the general uniformity of height within the Square, its unified character and the harm that the proposal would cause to the character and appearance of the conservation area, it did not mention whether the setting of the adjacent listed buildings would be adversely affected. Clearly this is a material consideration which is brought to the Inspector's attention. In my view the setting of the adjacent listed buildings within the square would be adversely affected but for similar reasons to those relied upon by the Council for the proposal being detrimental to the character and appearance of the conservation area, namely that the proposal would be detrimental to the architectural cohesiveness and harmony of the Square which is also an inherent part of the setting of the listed buildings. Policy CD69 is referred to in the Council's Statement of Case. The Statement of Common Ground confirms that Policy CD69 is relevant and the appellants have indicated that the setting of the listed buildings will be dealt with by them as part of their case.

5.0 POLICY CONTEXT

The Council's Unitary Development Plan, May 2002

- 5.1 The Council reviewed its Unitary Development Plan (UDP) during 2001 and 2002. A Public Local Inquiry into objections to the proposed alterations to the

UDP took place between 10th January and 15th January 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 list of recommendations which the Council did not accept.

- 5.2 The grounds of refusal all relate to policies contained within the 'Conservation and Development' chapter of the Unitary Development Plan and specifically relate to policies concerning a high standard of design, roof extensions and the effect on the character and appearance of the conservation area. An integral part of this assessment is the effect on the setting of the adjacent listed buildings and views into and out of the conservation area. The Statement of Common Ground contains a comprehensive list of policies that may be relevant to the consideration of this appeal.
- 5.3 The strategic policies are considered relevant as they provide the framework in which the local policies sit. Strategic Policies 1, 2, 9, 10, 11, 16 and 19 are as follows:-

STRAT 1 is a Principal Strategic Policy and states the following:-

"To give priority to the protection and enhancement of the residential character and amenity of the Royal Borough."

STRAT 2 seeks an increase in residential provision. It states:-

"To seek an increase in residential provision within the Royal Borough by restricting the loss of land and buildings with existing residential use and encourage the provision of additional residential accommodation on suitable sites and buildings where appropriate."

STRAT 9 is:-

"To seek to ensure that all development preserves and enhances the residential character of the Royal Borough."

STRAT 10 is:-

"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."

STRAT 11 is:-

"To promote high environmental and architectural design standards in new developments and alterations and in additions to existing buildings."

With regard to housing STRAT 16 states:-

"To ensure the contribution of the Royal Borough to the dwelling stock of Greater London is not diminished and is increased wherever appropriate."

STRAT 19 states:-

"To seek an increase in the amount and range of sizes and types of dwellings to meet the needs of those seeking permanent accommodation in the Royal Borough, whilst maintaining the overall quality of the residential environment."

- 5.4 In terms of local policies, Policy CD27 deals with the quality of architectural design of development in all areas of the Borough which is considered should be of a high standard. The reference to design in this appeal is within its broader context, rather than detailed matters of design. The wording of Policy CD27 also reflects the broader context with development required to be sensitive to and compatible with the scale, height, bulk and character of the surroundings.

Policy CD27 is:-

"To ensure that all development in any part of the Borough is to a high standard of design and sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings."

- 5.5 With regard to this appeal the criteria regarding the compatibility with height and character of the surroundings are particularly relevant in terms of assessing the impact of the proposal on the character of the listed Square and the conservation area.
- 5.6 With regard to the policy on additional storeys and roof level alterations it is noted at reasoned justification paragraph 4.4.2 of the Unitary Development Plan (page 76) that additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings on the skyline and may conflict with policies relating to car parking. There are two criteria against which proposals are judged and criterion (a) is considered relevant to this appeal.

Criterion (a) states that additional storeys and roof level alterations will be judged on "their effect upon the character of the street or terrace, the skyline as seen from neighbouring houses and streets, and daylight and sunlighting to neighbouring houses and gardens."

With regard to this proposal it has been judged on the effect upon the character of the terrace and assessed on the basis of the effect on the skyline as seen from neighbouring houses and streets. It has also been judged in terms of its effect on

daylight and sunlight to neighbouring houses and gardens but any effect is not considered so adverse as to warrant refusal on this basis.

- 5.7 The Council's policies on additional storeys and roof level alterations are generally restrictive and Policy CD44 indicates those circumstances in which planning permission will be refused. CD45 gives the limited circumstances in which permission may be granted. On this basis Policies CD44 and CD45 should be read together.

Policy CD44 is:-

To resist additional storeys and roof level alterations on:

- a) complete terraces or groups of buildings where the existing roof line is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design;
- b) buildings or terraces that already have an additional storey or mansard;
- c) buildings that include a roof structure or form of historic or architectural interest;
- d) buildings which are higher than surrounding neighbours;
- e) buildings or terraces where the roof line or party walls are exposed to long views from public spaces, and where they would have intrusive impact on that view or would impede the view of an important building or open space beyond;
- f) buildings which, by the nature of the roof construction and architectural style are unsuitable for roof additions, e.g. pitched roofs with eaves;
- g) mansion blocks of flats where an additional storey would add significantly to the bulk or unbalance the architectural composition;
- h) terraces which are already broken only by isolated roof additions.

- 5.8 In terms of this appeal criteria (a), (d) and (e) are considered relevant. No. 53 Norland Square is not physically linked to the adjoining terrace to the north but it is considered to form part of the group of buildings that form part of a formal architectural composition that is Norland Square. A similar approach was taken by the Inspector in the appeal for a roof extension on the mansion block in 1981 who commented at paragraph 4 of the decision, "Although the appeal property is of much later date than the adjoining terraces they collectively appeared to me to form a harmonious group of buildings and the general consistency of roof line along the west side of Norland Square was particularly evident."

5.9 With regard to criterion (d) Norland Square Mansions has a parapet height which is approximately 1.1m above the parapet height of the adjoining terrace to the north. However, when read with the existing chimneystacks and ridgeline of the roof on the terrace the height differential is not so large as to prevent a clear visual link between the mansion block and the terrace so that they appear as a harmonious group. Increasing the height difference between the mansion block and the terrace including raising the parapet height would undermine this relationship.

5.10 The roof of the mansion block is visible in a number of long views from public spaces within the Square and the approaches to the Square and it is considered that the additional storey would have an intrusive impact on these views. On this basis the proposal is considered contrary to criterion (e).

5.11 Policy CD45 states the following:-

"To permit additional storeys and roof level alterations in the following circumstances:

- a) where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where the infilling between them would help to reunite the group; and
- b) the alterations are architecturally sympathetic to the age and character of the building and would not harm its appearance."

In the case of the appeal proposal it is considered that the character of the group of properties which comprise Norland Square have not been severely compromised by a variety of roof extensions. The properties which comprise of the terrace on the western side of the Square have 'butterfly' style roofs which are set behind and recede from the front parapet. As a result the parapet forms the termination of the terrace when viewed from street level. This relationship has been kept largely intact, the original mansard at No. 51 Norland Square being constructed many years ago. On this basis there is no justification under Policy CD45 criterion (a) for the proposal to be permitted.

5.12 In terms of Policy CD46 this resists the introduction of roof terraces if:-

- a) significant overlooking of, or disturbance to neighbouring properties or gardens would result; or
- b) any accompanying alterations or roof alterations are not to a satisfactory design, would be visually intrusive or would harm the street scene."

A roof terrace is proposed on the southern flank of the property adjacent to Holland Park Avenue and part of the eastern flank overlooking Norland Square itself. Some type of barrier will be required to prevent the northern flank of the roof being utilized but its height and design could be the subject of a safeguarding condition. In a similar manner any temporary structure placed on the roof which could rise above the height of the parapet, such as a parasol, could have a detrimental effect. However, it is considered that a safeguarding condition could address the concern of any temporary structures being placed at roof level and on this basis an objection is not raised. Any noise or disturbance is not considered so adverse as to warrant refusal on this basis and there should not be any significant overlooking.

- 5.13 In relation to criterion (b) concerning roof level alterations, the proposed raising of the parapet height is not welcome as it will accentuate the height difference with the adjacent uniform parapet of the terrace and detract from the cohesive nature of the mansion block with the rest of the residential properties from within the Square. The appellant's offer of retaining the existing parapet height raises other concerns. Clearly some raising of the balustrade height around the terrace will be required to meet the minimum Building Regulation requirement of 1100mm and this would probably involve a railing being placed at the rear of the parapet. However, this would serve to unbalance the symmetrical nature of the mansion block and would also introduce an alien feature at this height which would be visible and out of character with the other properties within the Square. On the basis the creation of a balustrade for the roof terrace, formed by either raising the parapet height or introducing a railing around the terrace is considered to be visually intrusive and would harm the street scene, thereby being contrary to Policy CD46(b).
- 5.14 With regard to conservation area policies, paragraph 4.5.3 (page 85) of the reasoned justification to Policy CD57 makes reference to the Council's Conservation Area Proposals Statements. It states that each statement identifies the characteristics which contribute to the special nature of the conservation area and includes guidance which ensures preservation and enhancement. Advice at paragraph 4.5.4 (page 85) states that statements will set out detailed guidance to interpret and elaborate on development control policies set out in the Plan. Such detailed guidance will be applied to all relevant planning applications.

Policy CD57 is:-

"To pay special attention to the desirability of preserving or enhancing the character or appearance of each conservation area."

- 5.15 In relation to development in conservation areas, it should be noted at reasoned justification paragraph 4.5.9 that the Borough contains some of the best examples of Victorian townscape in London. This environmental quality is not only evident in the public realm, but also at the rear and sides of properties. It should be noted

that residents' appreciation and enjoyment of the special character and appearance of the conservation area derives from both public viewpoints and views from within their dwellings. As such, when the Council is applying conservation area policies, it is not only street scene views that should be considered, but also views from other buildings and gardens.

- 5.16 Advice contained within Planning Policy Guidance Note 1 (PPG1 Revised February 1997) acknowledges at paragraph 6.4 that private interests may coincide with the public interest in some cases. In fact "the public interest may require the interests of individual occupiers should be considered. The protection of individual interests is one aspect, and an important one, of the public interest as a whole" (Stringer v MHLG 1971). In the case of No. 53 Norland Square there will be many private views of the proposal from the upper floors of properties with the Square and the streets approaching the Square and these are clearly a material consideration in assessing the merits of the application.

- 5.17 When dealing with any planning application within a conservation area, there is a duty as Policy CD61 states:-

"To ensure that any development in a conservation area preserves and enhances the character or appearance of the area."

- 5.18 Policy CD62 states:-

"To ensure that all development in conservation areas is to a high standard of design and is compatible with:

- (a) character, scale and pattern;
- (b) bulk and height;
- (c) proportion and rhythm;
- (d) roofscape;
- (e) materials;
- (f) landscaping and boundary treatment;

of surrounding development."

In the case of No. 53 Norland Square, criteria (a), (b) and (d) are considered relevant to this appeal. Ms. Orme, in her proof of evidence, will elaborate on these grounds to demonstrate why the erection of an additional storey, in the form of a penthouse flat would be detrimental to the character and appearance of the conservation area.

- 5.19 With regard to viewpoints from dwellings and views into Norland Square, Policy CD63 may be relevant. It states:-

"To consider the effect of proposals on views identified in the Council's Conservation Area Proposals Statements, and generally within, into, and out of conservation areas, and the effect of development on sites adjacent to such areas."

In this case views into the Norland Square Conservation Area have been identified in the Statement of Common Ground in conjunction with views in the Square itself and its approaches.

- 5.20 Reasoned justification paragraph 4.5.20 (page 90) states that the setting of listed buildings is of great importance, particularly landscaped spaces and the character of neighbouring properties. Unsympathetic neighbouring development may detract from the setting of buildings on the statutory list. Policy CD69 states:-

"To resist development which would adversely affect the setting of a listed building."

My colleague, Kate Orme, will deal with the issue of any effect on the setting of listed buildings, particularly with regard to the terraces within Norland Square as part of assessing the effect of the proposal on the character and appearance of the conservation area.

- 5.21 Transportation and Highways policies which may be relevant to the determination of this appeal are Policies TR9, TR36 and TR42. It is considered that with the use of suitably worded safeguarding conditions that the provision of cycle parking and off-street parking facilities can be addressed.

Policy TR9 states:-

"Where appropriate, to require the provision of cycle parking facilities in residential and commercial developments and at other suitable locations."

- 5.22 Policy TR36 states:-

"To resist development which would result in:

- a) any material increase in traffic or parking, or in congestion on the roads or on public transport, or;
- b) any decrease in road safety, or;
- c) unacceptable environmental consequences.

5.23 Policy TR42 requires new residential development to include off-street parking up to the maximum standards adopted by the Council subject to certain criteria.

5.24 With regard to the provision of additional residential units Policy H2 seeks the development of land and buildings for residential use subject to three criteria. In the case of this appeal it is considered that a satisfactory residential environment can be achieved; the land is not required for the provision of social and community facilities to meet local needs and there is no commercial floor space being replaced. On this basis it is a material consideration. In the case of the appeal proposal one three bedroom penthouse flat will be created which will contribute to the Borough's stock of residential accommodation. However, it will be marketed at the upper end of the Borough's housing stock, and in terms of the Government's aim of the development of balanced communities it is considered to provide a very modest contribution. On this basis the provision of an additional residential unit is not considered to outweigh the harm that any additional storey will cause to the character of the surrounding area.

6.0 The London Plan, February 2004

6.1 Following the enactment of the Planning and Compulsory Purchase Act 2004, the Mayor's Spatial Development Plan "The London Plan" forms part of the Development Plan for the Royal Borough.

6.2 In particular, Objective 6 of the London Plan is to make London a more attractive, well designed and green city and the key policy directive for achieving this objection includes, to "Protect and enhance the quality of the townscape, through historic conservation ..." (page 10)

6.3 Policy 4B.1 'Design Principles for a compact city' (page 173) states that, (amongst other criteria) the Mayor will, and boroughs should, seek to ensure that developments:

respect local context, character and communities
respect London's built heritage.

It is considered that these two criteria are relevant in the determination of this appeal insofar as the proposal is not considered to respect the local context and character of the square and will be harmful to London's built heritage on this basis. My colleague Kate Orme will amplify on these grounds in her proof.

6.4 Policies 4B.10 and 4B.11 are also relevant. Policy 4B.10 states that:-

"UDP policies should seek to maintain and increase the contribution of the built heritage to London's environmental quality, the economy, both through tourism

and the beneficial use of historic assets, and to the well being of London's people while allowing for London to accommodate growth in a sustainable manner."

- 6.5 Policy 4B.11 provides the strategic framework for Conservation Area Policy Statements. The Council's Unitary Development Plan policies specified above seek to achieve Objective 6 and, in particular, to maintain the contribution of the built heritage to London's environmental quality and the well being of residents.

7.0 GOVERNMENT POLICY AND GUIDANCE

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.

- 7.2 Section 54A of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) states that determination should be made in accordance with the plan unless material considerations indicated otherwise

- 7.3 Planning Policy Guidance Note 1 (PPG1) 'General Policy and Principles' (February 1997) reiterates the emphasis placed upon the development plan. Paragraph 40 states:

"The Government is committed to a plan-led system of development control. This is given statutory force by Section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, Section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations".

- 7.4 In this case, the current Unitary Development Plan was adopted on May 25th 2002 and is up to date in relation to relevant planning policy guidance issued by Government.

- 7.5 Planning Policy Guidance 1 (February 1997) outlines the planning framework and purpose of the planning system. Its content has been refocused to provide a more strategic commentary on planning policy. The Government's approach to sustainable development is dealt with at paragraph 4 which states:

"Sustainable development seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment".

It is noted at paragraph 5 that the Strategy recognizes the important role of the planning system in regulating the development and use of land in the public interest. A sustainable planning framework should use already developed areas in the most efficient way, while making them more attractive places in which to live and work. It should also provide for the nation's needs for new homes and other buildings but respect environmental objectives and conserve the cultural heritage.

- 7.6 Paragraphs 13 to 20 deal with design issues. In relation to this appeal, paragraph 17 states that, *"Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected 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"*. Paragraph 18 states that, *"particular weight should be given to the impact of development on existing buildings and on the character of areas recognized for their landscape or townscape value.....such as conservation areas"*.
- 7.7 In relation to Annex A of PPG1 on the handling of design issues, paragraph A1 (page 12) states that plan policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally. This guidance is reflected in Policy CD62 of the Unitary Development Plan.
- 7.8 Guidance contained within Planning Policy Guidance Note 15 on Planning and the Historic Environment (September 1994) is covered by Ms Orme in her proof of evidence. Paragraph 1.2 notes that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the built and natural heritage. The objective of the planning process should be to reconcile the need for economic growth with the need to protect the natural and historic environment.
- 7.9 Paragraph 4.1 notes that Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to designate conservation areas any *"areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance"*. It is noted at paragraph 4.2 that it is the quality and interest of areas, rather than of individual buildings, which should be the prime consideration in identifying conservation areas.
- 7.10 Paragraph 2.16 of PPG15 makes reference to the desirability of preserving the setting of listed buildings which can encompass a number of properties.

Paragraph 2.17 (page 5) states that the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings and to the quality of spaces created between them. It is the Council's case that the proposal will be detrimental to the architectural cohesiveness and harmony of the Square which will be harmful to the character and appearance of the conservation area. However, it is also recognized that as part of this consideration of the architectural cohesiveness the setting of the Square should also be considered and my colleague Kate Orme will comment on this aspect. It should also be noted that a proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of an historic skyline.

- 7.11 The Planning Policy Guidance Note on Housing (PPG3 March 2000) states at paragraph 54 (page 18) that good design and layout of new development can help to achieve the Government's objectives of making best use of previously developed land and improving the quality and attractiveness of residential areas. Paragraph 56 notes that the considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

8.0 The Council's Case

- 8.1 It is considered that the additional storey, despite being set back on 3 elevations, will be apparent from many vantage points from within the Square and the immediately surrounding area as reflected in the Statement of Common Ground. My colleague, Kate Orme, will examine the character of this part of the Norland Conservation Area including any references to the Conservation Area Policy Statement (adopted 1982). She makes reference at paragraph 4.10 of her proof to the formal and balanced composition of the Square and the elements which contribute to this balanced composition including at main roof level. It is concluded that the proposed extension would result in a significant increase in evident bulk at main roof level which would rise above the main roof level to the neighbouring terrace at 36-52 Norland Square and is considered to dominate and interrupt the essentially clean roofline of this group of buildings.

It is considered that the additional storey fails to preserve the character or appearance of the Norland Conservation Area and is contrary to Policies CD57, CD61 and CD62 in this respect. Ms Orme will elaborate on this and also why the proposal is contrary to Policies CD27, CD44, CD45, CD46 and CD69.

- 8.2 In examining whether the current proposal for a roof extension is appropriate, given the context of the Square it may also be worthwhile examining the previous approach of the Council to roof extensions on the property, particularly to the application granted in 1974.

- 8.3 It is considered that there are material differences between the appeal application and that permitted in 1974. The appeal application is approximately 30 sq.m. larger in terms of floorspace and is of a different design to that now proposed. The estimated height of the current proposal is approximately 3.0m which appears similar to that previously permitted although with the roof overhang/trelliswork it is nearer the outer edge of the eastern cornice with Norland Square and closer to the outer edge of the southern cornice with Holland Park Avenue than the 1974 permission. The structure which was the subject of that permission was stepped away from the outer edge of the eastern cornice by 10 feet (3.05m) whereas the current structure with roof overhang/ trelliswork is closer at approximately 2.7m. With the roof overhang/trelliswork the appeal proposal is stepped away from the outer edge of the southern cornice by approximately 4.7m and the northern façade by approximately 3.8m. The structure which was the subject of the 1974 permission was stepped off the outer edge of the southern cornice by approximately 20 feet (6.10m) and the outer edge of the northern cornice by 15 feet (4.6m). On this basis it can be concluded that the appeal proposal is closer to the northern, eastern and southern facades of the property. In addition, the projection to the rear on the western façade which was formerly proposed as a patio will now be utilized as part of the flat following the rear wall of the existing mansion block.
- 8.4 The proposal was the subject of the previous 1974 permission has been appraised in terms of its visibility from street level and it is concluded that it would have been visible from the eastern side of Norland Square, Holland Park Avenue and Norland Place, views of which are all within a designated conservation area.
- 8.5 The Officer's comment that the proposal would only be visible from street level on the eastern side of the Square is not considered accurate as it would have clearly been visible in Holland Park Avenue and Norland Place.
- 8.6 The reference to Schedule 8 rights is important insofar as it was clearly a material consideration in 1974. The Council was very wary at that time of refusing any applications which involved an increase to a building of up to one tenth of the original floorspace as it existed in July 1948. The reason for this was that compensation could be paid to the applicant under S169 of the 1971 Town and Country Planning Act if planning permission was refused and the refusal was upheld on appeal.
- 8.7 The concern regarding compensation is also reflected in the 1980 Council appeal statement which was written by the same officer that dealt with the application in 1974. The statement is included at appendix 9. Paragraph 3 of the statement deals with Schedule rights and to quote from it, "The Council were advised that the floor area of the proposed extension fell within the provisions of Schedule 8 of the 1971 Town and Country Planning Act, therefore a refusal of planning permission could ultimately made the Council liable to pay compensation to the applicant under the provisions of Section 169 of the Act. Bearing this factor in

from the existing parapet (10ft. on the Norland Square elevation, and 19ft. on the Holland Park Avenue elevation) so as to minimize its impact when seen from the street, the Council granted planning permission on the 19th July 1974." However, it was later conceded by the Officer that if the same application had been submitted in 1980 he would have recommended refusal (see paragraph 8.9).

- 8.8 Clearly the possibility of the applicant seeking compensation if the proposal was refused was a material factor in the decision. The Norland Conservation Area Proposals Statement makes further reference to the concerns of the Council at page 56, "Extensions above the ridge line do not fall within permitted development levels but may come within the scope of 'Schedule 8' part II of the 1971 Act in which allowance is made for compensation to be claimed where certain applications are refused. The Council is generally unable to accept the burden of substantial compensation payment which can arise and to all intents and purposes therefore such developments may be unrefusable. In many cases of occupied residential properties, fortunately the cost of the works exceeds the added value of the extension and so no compensation is involved." (appendix 13)
- 8.9 The officer dealing with the proposals in 1974 conceded at page 4 of the appeal statement for the 1980 application (Ref. TP/80/0441) with regard to Schedule 8 rights that, "The Council have, however, now taken further advice in this respect, and is now satisfied that a claim for compensation under Section 169 of the 1971 Act could not succeed in this instance, and it is therefore considered that if the proposals which were approved in 1974 were re-submitted today, planning permission would be unlikely to be granted for similar reasons to the proposals which are the subject of this Appeal."
- 8.10 With regard to the other planning applications these were appraised under a roof extension policy that was originally adopted in October 1972 and revised in August 1976. The Council were concerned at the pressure from property owners within the Royal Borough to extend their buildings by the erection of additional storeys and adopted a policy which made it clear that the Town Planning Committee were not favourably disposed towards the upward extension of buildings. A copy of the 1976 revision is included at appendix 14. It should be noted that the Council at that time viewed all proposals for the erection of additional storeys in the context of the heights of neighbouring buildings. If a proposed additional storey rose above the general roof line, and particularly, if it rose above a hitherto unbroken parapet or ridge line and thereby obtruded on the existing skyline, there was a presumption against planning permission being granted. All proposals for the erection of additional storeys were consequently judged in relation to:-
- (a) The effect upon the character of the street or terrace.
 - (b) The design relationship to the building itself.

- (c) The affect upon the skyline as seen from neighbouring houses and streets, and their effect upon daylighting and sunlighting to neighbouring houses and gardens.

- 8.11 The four applications for roof extensions were all assessed against these criteria. In the case of the applications that were refused they were all considered to have a detrimental impact on the character of the area, which formed part of a conservation area and the proposed additional storeys were all considered to be a visually obtrusive protrusion on the skyline. With regard to the particular proposals, it is acknowledged that they occupied a larger footprint compared with the appeal proposal. However, there are elements that are similar. The proposal which was the subject of the 1980 appeal appears to be approximately 3.0 metres in height which is similar to the current proposal. It was stepped off the outer edge of the eastern cornice adjacent to Norland Square by approximately 10 feet (3.05m.) and was therefore stepped further away from this façade than the appeal proposal when the roof overhang/trelliswork is taken into account.
- 8.12 The proposal was sited closer to the southern and northern flanks of the property compared with the present proposal. On the northern flank adjacent to the listed terrace it was proposed to be constructed up to the line of the parapet on the rear portion of the roof and on the southern elevation to Holland Park Avenue it was stepped off the outer edge of the cornice by approximately 10 feet (3.05m.) Whilst the proposal was clearly longer than that now proposed, its height and distance from Norland Square façade are similar. On this basis it is considered that the comments of the Inspector in the January 1981 appeal decision are pertinent to this appeal.
- 8.13 The Inspector noted at paragraph 4 that although the appeal property was of a much later date than the adjoining terraces they collectively appeared to him to form a harmonious group of buildings and the general consistency of roof line along the west side of Norland Square was particular evident. He noted that relationship could be appreciated from many vantage points in the Norland Square Communal Gardens and Holland Park Avenue east of Norland Square and it would be seriously undermined by the additional storey despite the proposed set back on 2 sides. Whilst it was acknowledged that the visible parts of the existing tank room and other structures on the roof were rather unattractive, they did not read against the sky as a large mass and were considered to be considerably less obtrusive than the proposed development would be.
- 8.14 It is considered that similar comments can be applied to the appeal proposal which would be visible from a number of long views on the eastern side of the Square, the private communal gardens within the Square and roads approaching the Square including Norland Place. It is acknowledged that in the Spring and Summer months foliage on the trees may help to screen certain views but it is not accepted that the additional storey will not be apparent, even when the trees are in

extension for part of the year is not considered to be the correct approach. It should be assessed on the effect it will have on the character or appearance of the conservation area and any effect on the setting of the adjacent buildings, rather than the extent of foliage within the Square.

- 8.15 The Council has adopted a consistent approach with regard to the consideration of an additional storey on Norland Square Mansions which has been vindicated on appeal to the Secretary of State. Even when the original scheme was developed in the 1930s the Improvement Committee expressed concern regarding the height of the block and its relationship to the rest of the Square and recommended that the height be reduced.

9.0 CONCLUSIONS

- 9.1 In conclusion, my colleague Ms Orme and myself have identified why the additional storey on the mansion block in the form of a penthouse flat would be detrimental to the architectural cohesiveness and harmony of the Square and this part of the Norland Conservation Area.
- 9.2 It is considered that the Council has followed a consistent approach in resisting proposals for an additional floor to the mansion block. The 1974 permission was clearly influenced by the concerns regarding Schedule 8 rights and this was reflected in the planning officer's comments in 1980 that if the application had been submitted at that time then it was unlikely that planning permission would have been forthcoming.
- 9.3 Planning policy, whether in the form of specific policies within the adopted Plan or Government guidance which has formed the framework for policies, has strengthened over the years and the planning decisions taken by the Council have reflected this.
- 9.4 Section 38(b) of the Planning and Compulsory Purchase Act 2004 requires that relevant planning decisions accord with the development plan unless material considerations demonstrate otherwise. In this case, it is considered that any material considerations such as the proposal granted in 1974, does not outweigh the need for the character of the conservation area not to be further eroded and, on this basis, the Inspector is respectfully requested to uphold the Council's objections to the proposal and to dismiss this appeal.