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18. Your attention is drawn to the enclosed note relating to the requirements of the Buildings Regulations 1991 with respect to access for disabled people.

19. These decisions do not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

#### RIGHTS OF APPEAL AGAINST DECISIONS

20. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully



K E Hyland BA(Hons) FRPI  
Inspector

ENC

**APPENDIX 9**

**Yr Arolygwyr Cynllunio***Asiantaeth Weithredol yn Adran yr  
Amgylchedd a'r Swyddfa Gymreig*

Adeilad y Goron, Parc Cathays, Caerdydd, CF1 3NQ

Fax No GP3 01222 825150

GTN 1208

**The Planning Inspectorate***An Executive Agency in the Department of  
the Environment and the Welsh Office*

Crown Buildings, Cathays Park, Cardiff, CF1 3NQ

Direct Line 01222 823889

Switchboard 01222 825111

Mr M Byers  
T/A Crown Estate Agents  
6 St John's Hill  
Shrewsbury  
Shropshire  
SY1 1JD

Your Ref / Eich cyf:

Our Ref / Ein cyf:  
APP W6510/A/95/508885

Date / Dyddiad: 21 DEC 1995

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NUMBER:- M25697**

1. I have been appointed by the Secretary of State for Wales to determine your appeal against the decision of the Montgomeryshire District Council to refuse planning permission for change of use from retail shop to estate agent offices at 3 Church Street, Welshpool. I have considered the written representations made by you, by the Council and by the Member of Parliament and also those by the Welshpool Town Council made directly to the Council and forwarded to me. I inspected the site on 11 December 1995.

2. The appeal premises are located on the western side of Church Street about 20 metres north east of The Cross at the centre of Welshpool. The building is a 3 storey mid-terrace property with a small ground floor shop window and a pedestrian door. The shop area is presently vacant as is the small shop adjoining to the south. Immediately north of the site is a wine bar and a short row of retail shops.

3. From my inspection of the site and its surroundings and my examination of the representations, I consider that the main issue in this case is whether the proposed change of use would contribute to the preservation or enhancement of the character or appearance of the Welshpool conservation area. ✓

4. In refusing your planning application the Council maintained that the proposal was contrary to Policy ED8 of the draft Montgomeryshire Local Plan. However it is clear that this Policy was quoted in error and the Council should instead have referred to Policy ED9 of the draft plan. Among other things that policy discourages proposals for non-retail uses at ground floor level in the Welshpool primary shopping area as defined in the proposals map. ? So why not think a main issue?

5. Although the local plan does not yet have full statutory force it has reached its deposit stage and I therefore consider it appropriate to attach some weight to its policies. I am aware also that the Council has adopted Policy ED9 for

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development control purposes. It seems to me that the wording of this policy is quite clear in that it does not prohibit ground floor changes to non-retail use in the shopping area but simply discourages them. In my opinion this allows flexibility of application which is consistent with national policy guidance set out in Planning Policy Guidance Note 6 (Town Centres and Retail Developments). That document states that good retailing contributes to the vitality and viability of town centres. However those attributes depend on more than retailing; they stem from the range and quality of activities in town centres and variety and activity are essential elements of the vitality and viability of such centres. Local planning authorities are therefore enjoined to encourage diversification of uses in the town centre as a whole.

6. At my visit I saw that the primary shopping area in Welshpool radiates out from The Cross along Severn Street, Berriew Street, Church Street and Broad Street which runs into High Street. I observed a good mix of retail, refreshment and commercial uses which collectively convey a general air of viability and vitality. However in my view this general impression was tempered somewhat by the uninviting appearance of the small number of vacant premises which I note from the representations are also a matter of concern for the Council. \*

7. In particular I believe the approach to Church Street from The Cross could be unattractive to potential shoppers with the non-retail frontage of the corner property followed by 2 empty shops. It seems to me that this foreground potentially diminishes the appeal of the stores further north and hence detracts from the vitality of this part of the shopping area. I agree that the introduction of retail uses into these 2 small shops would be an ideal improvement. However as there are other larger vacant shops in what appeared to me to be more attractive locations, the ideal seems unlikely to be achieved. \*

8. In my experience estate agent businesses can be quite successfully incorporated in shopping centres provided they and other non-retail uses are not over-preponderant. In my opinion there is at present a good balance of uses in Welshpool which would not be unduly upset by your proposal nor by the proposed change of use to a solicitors' reception area which the Council has recently approved at No 7 Broad Street. It seems to me that these two proposals are directly comparable in that they both involve the introduction of business activity into what are now small empty premises the appearance of which is somewhat depressing. I am of the view that your proposal would be particularly beneficial in that it would reintroduce vitality into what in my opinion is now one of the less attractive frontages of the shopping area. In consequence I consider that the proposed change of use would be likely to enhance both the character and the appearance of the shopping area and of the conservation area as a whole. \*

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9. In deciding to allow this appeal I have considered what conditions should be attached to any planning permission paying due regard to the provisions of Circular 35/95. The Council has made no suggestions in this respect but I propose to attach a condition requiring that the window of the premises should at all times contain an appropriate display. As the appeal site is located at the approach end of a parade of shops I deem it essential that it should retain a window display in order to enhance the attractiveness of the area.

10. I have taken account of all other matters raised in the representations but in my opinion none of these is of such strength as to outweigh the considerations which have led to my conclusions.

11. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use from retail shop to estate agent offices at 3 Church Street, Welshpool in accordance with the terms of the application (No. M25697) dated 3 August 1995 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. a window display shall be provided at all times in the window fronting Church Street.

12. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings Regulations 1991 with respect to access for disabled people.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990. Your attention is drawn to the provision of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully



J A MORGAN  
Inspector

W563D707

**APPENDIX 10**



# The Planning Inspectorate

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117 - 987 8927  
Switchboard 0117 - 987 8000  
Fax No 0117 - 987 8139  
GTN 1374 - 8927  
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Bolton Emery Partnership  
Short House  
1-5 Short Street  
MACCLESFIELD  
Cheshire  
SK11 6JY

Your Ref:  
C/2314  
Our Ref:  
T/APP/C0630/A/97/283351/P9

Date: 27 MAR 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY BROOKSIDE PROPERTIES LTD  
APPLICATION NO: 97/0406P**

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine this appeal against the decision of the Macclesfield Borough Council to refuse planning permission for use of Unit 1 of 10 Princess Street as A2, at 10 Princess Street, Knutsford. I held a local inquiry into the appeal on 27 January and 6 February 1998. At the Inquiry, an application was made by Brookside Properties Ltd for an award of costs against Macclesfield Borough Council. This is the subject of a separate letter.

## CLARIFICATION

2. It was confirmed at the Inquiry that the proposal is for change of use only, from Class A1 (Shops) to Class A2 (Financial and professional services) of the Town and Country Planning (Use Classes) Order 1987. No building or engineering operations are proposed.

3. The site consists of one of two ground floor retail units within a building, numbers 4 to 10 Princess Street, included in Grade II of the statutory list of buildings of special architectural or historic interest, part of a group listing along the west side of Princess Street. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I will have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, as required by Section 72(1) of the same Act, I will have regard to the desirability of preserving or enhancing the character or appearance of the Knutsford Conservation Area, within which the site is located.

## ISSUES

4. From what I have heard, read, and seen, I consider the main issues in this appeal to be the effects of the proposal, firstly on the vitality and viability of the town centre; and

COPIED BY  
SPASS

An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office





secondly on the character and appearance of the listed building and the Knutsford Conservation Area.

### POLICY BACKGROUND

5. The development plan for the area comprises the Cheshire Replacement Structure Plan and the Macclesfield Borough Local Plan. Policy ENV2 of the Structure Plan aims to safeguard the quality of the existing environment by ensuring that proposals do not have a detrimental effect on the criteria listed, including the conservation or protection of historic features. Policy ENV6 carries a presumption against change of use of buildings of special architectural or historic interest unless, amongst other aspects, the character and setting of the building is preserved. Policy TC1 seeks to ensure that the overall development strategy for each town centre provides, amongst other features, for improvements to facilities for residents, shoppers, visitors and business people; and environmental improvements including those which enhance the treatment of historic buildings and townscapes.

6. Policy BE19 of the Local Plan aims to permit the change of use of redundant buildings of special architectural or historic interest provided the character and setting of the building is preserved. Policy KTC9 seeks to consolidate and enhance the function of shopping areas. Policy KTC10 aims to allow the change from Class A1 to other uses provided certain criteria are met. Policy KTC 19 seeks to introduce pedestrian priority measures in Princess Street. I must determine the appeal in accordance with the development plan unless material considerations indicate otherwise, and with statutory requirements.

7. The Council points to policy TCR2 of the emerging Cheshire Replacement Structure Plan 2011 which seeks the preparation of comprehensive strategies for town centres within the framework of local plans taking into account, amongst other aspects, the need to improve their vitality and viability. This policy is consistent with the development plan and with national advice.

### ASSESSMENT - THE VITALITY AND VIABILITY OF THE TOWN CENTRE

8. Turning to the first issue, Knutsford consists of a closely knit, historic town centre with an interesting mix of mainly Georgian and Victorian buildings. The two main shopping streets, King Street and Princess Street, run north to south parallel to each other, connected by small cross streets and alleys through the "yards" which lie between these main streets. Princess Street, although probably possessing less prime retail locations than King Street, offers important pedestrian routes from the bus station and large car park associated with Booths Supermarket on the south west edge of the town centre, through the yards into King Street. The site is towards the southern end of Princess Street, a little beyond the pedestrian "gateway" from the south west into the town, which lies at the junction of Princess Street and the busy A50 Edward Road.

9. Although there appear to be only half a dozen or so currently vacant retail properties in Knutsford town centre, and perhaps something like the same number of properties to let but still occupied, four of the vacant properties are in the vicinity of the site. These are number 9/11 Princess Street, quite a large double fronted unit located on the opposite side of the street from the site, and a little to the south of it; number 8, a double fronted unit; Unit 2, 10 Princess Street, adjacent to the site; and the appeal site itself, Unit 1, 10 Princess Street. Planning permission was granted for the use of number 10 as offices on the upper

two floors, A2 use to the rear of the ground floor, and retail use to the ground floor frontage, on appeal in April 1992. Further permission was granted in March 1996 for use of the A2 element as offices.

10. Planning Policy Guidance: Town Centres and Retail Developments (PPG 6) emphasises the role of the planning system in providing a positive framework to maintain the vitality and viability of town centres. In my view it is important to create and retain a lively and attractive street scene along this part of Princess Street for the vitality and viability of the town centre as a whole. Whilst not quite at the south western gateway into the town, this part of the street has an important function in drawing people into the town and at present too many units offer dead frontages either because they are vacant or, as is the case with the Methodist Church and the bank on the east side of the street, are of a non retail use which offers little to the vitality of the street.

~~DEAD FRONTAGE~~  
LITTLE VITALITY  
DIFFICULT TO LET

11. You state that marketing of the retail units has gone on since the last use as a restaurant ceased in 1989 and Unit 1 has been available for occupation in shell form with a shop front since October 1995. From the comparative figures produced at the Inquiry I am satisfied that the terms, including the asking rent, are very competitive. I am also satisfied that marketing has been adequately carried out through national and local agents. Whilst some interest has been shown by hot food take away proprietors, estate agents and bookmakers, you note that very little interest has come from retailers. You attribute this to various factors including what you describe as the relatively poor location in Knutsford, and difficulties with access, storage, and servicing of the unit. It appears that substantial efforts over a long period of time have failed to let the site for retail use.

NO DEMAND FROM RETAILERS

12. The Council points out that the low level of vacant shopping premises in Knutsford could indicate a shortage of supply, and that there is little vacant land suitable for future expansion of retail facilities. It notes that the development of the yards is a long term enterprise which it regards as capable of doing little to cater for short term demand for shop units. The Council also draws attention to the projected Princess Street pedestrianisation set out in policy KTC19 of the Local Plan, which it contends would enhance the vitality and viability of the town centre, increasing the demand for retail units. However, the likelihood of it being implemented in the near future seems slight. I have taken into account the conclusions of the Inspector in the 1992 Inquiry on the viability of retail use for the ground floor frontage of 10 Princess Street. However, the length of time the site has remained vacant despite favourable terms and marketing efforts has convinced me that in its present form it is not meeting any current demand for shop premises and is having a depressing effect on the vitality and viability of the town centre.

COUNCIL HAS AGREED IF THEY CONSIDER THERE TO BE LIMITED RETAIL SPACE.

13. The aim of policy KTC10 of the Local Plan, as it relates to this case, is to allow the change from Class A1 to A2 uses unless the proposal would either cumulatively lead to a loss in the vitality and viability of the shopping areas, or to a concentration of non retail uses in a particular street or part of a street. Some Class A2 uses are not helpful in maintaining the vitality and viability of a street where the window display is a secondary part of the business and does not attract interest, encouraging entry, as a retail function normally would. You suggest a condition limiting use of the premises within Class A2 to an estate agency whilst allowing the owner to retain the ability to let to a Class A1 use should the opportunity present itself. Under Class D of Part 3 (Changes of Use) of the Town and Country Planning (General Permitted Development) Order 1995 development consisting of a change of use of any premises with a display window at ground floor level to a use falling within Class A1

VACANCY HAVING DECREASED

(shops) from a use falling within Class A2 (financial and professional services) is permitted development. If Class A2 use were given permission therefore, it would be possible for the premises to be put to Class A1 use without further application.

14. ~~In my view use as an estate agency, or any Class A1 use, would be acceptable with regard to its cumulative effect on the vitality and viability of the town centre. This is because, perhaps even more than a travel agency which falls within Class A1, an estate agency relies on a changing and attractive window display to generate business. I note that similar conclusions have been drawn elsewhere in appeal decisions which you have brought to my attention. Furthermore, in this instance since the frontage is only some 5 metres it would occupy relatively little of the vacant retail shop front space in this part of Princess Street, would contribute a narrow, quite vivid slot of interest in a vacant part of the street, and in my view would act as an attractor to encourage pedestrian flow, assisting the potential for letting the remainder of the vacant units for retail use. Nor at present, judging by the distribution of non retail use as opposed to retail use or vacancies, would it lead to a concentration of non retail uses either in Princess Street as a whole or in this particular part of Princess Street.~~

✓

15. Various ways of measuring the proportions of retail to non retail frontages were put forward at the Inquiry, none of them convincing as a definitive methodology. Furthermore, no convincing case was put forward to justify the threshold figure of 65% retail quoted by the Council, below which problems of vitality and viability may develop. Whilst the Council intends to prepare supplementary guidance to the Local Plan on the appropriate balance between retail and non retail uses this is so far not available. What is clear, however, is that because the frontage is very small it will make only marginal difference to any of the calculations. In my view the use of this, the smallest of the 4 vacant units, as an estate agency would be acceptable because of the benefit it would bring towards enlivening this part of the street, and possibly helping to precipitate demand in it for retail use of the remaining units.

I NEED TO DO THIS IN RESPECT OF CHARACTER OF C.A.

16. I note the number of estate agencies in Knutsford, and in Princess Street, but consider that the town and the street are able to absorb this number without adversely affecting their vitality and viability. Furthermore, I appreciate the Council's point that whilst estate agencies' window displays may attract attention, few transactions occur. Nevertheless, in my view the window displays and the interest they generate, which often draws people inside whether or not a transaction results, perform a useful role in maintaining the vitality and viability of shopping streets.

17. Since the premises have been in an occupiable state but have remained vacant for some two and a half years, with consequent deadening effect on the character of the street, I regard the circumstances sufficiently exceptional as to justify imposing a condition limiting use within Class A2 to that of an estate agency. In my view the proposal would thereby cause no material harm to the vitality and viability of the town centre. In the circumstances, the proposal would be consistent with the objective of policy TC1 of the Structure Plan of improving facilities for residents, shoppers, visitors, and business people, and with that of policy KTC9 of the Local Plan regarding the function of shopping areas, as well as with policy KTC10 of the Local Plan regarding change of use. It would also be consistent with policy TCR2 of the draft Cheshire Replacement Structure Plan allowing strategic account to be taken of the need to improve the vitality and viability of town centres. I therefore conclude on the first issue that, subject to a condition limiting use within Class A2 to that of

✓

an estate agency, the effect of the proposal on the vitality and viability of the town centre would be acceptable.

18. In reaching this conclusion I have considered the arguments based on the data contained in the Cheshire Retail Study which were put to me, but find no compelling evidence to make me change my conclusion. I have also taken into account the appeal decisions on numbers 2 and 3 Princess Street dismissing proposals for Class A2 uses, but regard these cases as being significantly different from the present proposal, being visually much more prominent at the Princess Street gateway to the town centre, and in the case of number 2 much larger in floor area. I have had regard to the dismissal of the appeal for an extension and change of use at 117-123 King Street, but because the proposed use was A3 and the site in a very different part of Knutsford, do not consider it a comparable case. Furthermore, I have taken into consideration the recent dismissal of the appeal for change of use of 9/11 Princess Street, but do not regard this as offering a useful parallel because of the much larger size of the premises, and because the proposal was for change from A1 to A3 use.

**ASSESSMENT - CHARACTER AND APPEARANCE OF THE LISTED BUILDING AND THE KNUTSFORD CONSERVATION AREA**

19. With regard to the second issue, several planning permissions and listed building consents have been granted since 1989 for the development of number 10 Princess Street which have resulted in new construction in connection with, and the thoroughgoing rehabilitation of, the fabric of the building. At present the two upper stories and the rear of the building are occupied as offices, but the two ground floor retail units facing Princess Street have remained unoccupied since their completion as shells with shop fronts.

20. In your evidence you emphasise the duties of the Council towards the listed building both in itself and in the context of the Conservation Area. In my view it is not necessary to give the proposal prime consideration as a means of safeguarding the future of the listed building, or any part of it. Its future is already secure for the foreseeable future. Its structure and fabric are in excellent condition and, over a period of some two and a half years, perhaps helped by being in full public view on a principal street, it does not appear to have attracted undue vandalism. Furthermore, I do not see any reason why it should in the future. It is unlikely that the owners would compromise their investment by denying basic security and maintenance.

21. However, it is necessary to consider the proposal in terms of its effect on the listed building and the Conservation Area. The proposal is for change of use only, and no building, engineering, or other operations are involved. In a physical sense the proposal must therefore preserve the building or its setting or any features of special architectural or historic interest which it possesses, and the character or appearance of the Conservation Area. However, in my view if the site were put to certain uses within Use Class A2 a harmful effect on the character and appearance of the Conservation Area would result.

ACCEPTANCE  
THAT A2  
USE MAY  
HARM  
CHARACTER  
AREA

22. The Conservation Area covers the whole of the town centre of Knutsford. In my view the essential character of this part is its ambience of diverse visual activity at ground level associated with a street of small scale, mainly retail uses, within a context of calm but varied architecture. Uses which leave the display window without the kind of visual interest one would normally expect of a shop front of this kind would, in my view, have a deadening

effect on the character and appearance of this part of the Conservation Area. As described in the assessment of the first issue, in my view this criticism can be levelled at some uses in Class A2, but use as an estate agency, or any Class A1 use, would be acceptable.

23. This being so, the listed building and the Conservation Area would not be harmed. The proposal would be consistent with the objectives of conservation and protection of buildings of special architectural or historic interest and their settings, when change of use is proposed, in policies ENV2 and ENV6 of the Structure Plan and policy BE19 of the Local Plan. It would also preserve the building or its setting or any features of special architectural or historic interest which it possesses, and preserve the character or appearance of the Knutsford Conservation Area. I therefore conclude on the second issue that, subject to a condition limiting use within Class A2 to that of an estate agency, the effects of the proposal on the character and appearance of the listed building and the Knutsford Conservation Area would be acceptable.

### CONCLUSION

24. As a result of my conclusions on the main issues I intend to allow the appeal, subject to the following conditions which were agreed at the Inquiry, and which I have considered and reworded in the light of advice in Circular 11/95. The first condition is the statutory time limit. The second requires that a ground floor window display is provided and retained at all times. This is to ensure that the proposal generates interest and attracts attention in the same way as a retail use would. The final condition permits use of the premises as an estate agency and for no other Class A2 use, for reasons described in the body of this letter. I have considered the suggested condition confirming that the proposal is only for change of use of the premises and does not imply consent for building or engineering operations. However, I regard this as unnecessary since it is clear from the application that only change of use is involved, and were works to the building itself proposed listed building consent would be required.

25. I have taken into account all other matters raised, including all other appeal decisions submitted, but they do not outweigh the considerations which led to my conclusion. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for use of Unit 1 of 10 Princess Street as A2, at 10 Princess Street, Knutsford in accordance with the terms of the application (No 97/0406P) dated 6 March 1997 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. a ground floor window display fronting onto Princess Street relating to the permitted use of the premises shall be provided and retained at all times;
3. the premises shall be used as an estate agency and for no other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

26. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

28. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

29. Your attention is also drawn to the provisions of Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained for works for the demolition, alteration or extension of a listed building which would affect its character as a building of special architectural or historic interest.

Yours faithfully



ALAN NOVITZKY B Arch MA(RCA) PhD RIBA  
Inspector

**APPENDIX 11**

Summary Table of Proposed New Use Classes Orders

Use	Revised Use Classes Order	Revised GPDO
Sale or provision of goods and services to visiting members of the public including <ul style="list-style-type: none"> <li>• sale of goods and cold food, including through warehouse clubs</li> <li>• financial and professional services (including the sale of access to internet services) excluding health and medical services</li> <li>• sale of food and drink for consumption on premises, and including sandwich shops, subject to a maximum GLA of 100 sq.m.</li> </ul>	Aa "Mixed Retail" Uses	Change to Aa plus single flat allowed
Sale of food and drink primarily for consumption on the premises, but including sandwich shops, where the GLA of the enclosed floorspace is greater than 100 sq.m.	Ab Restaurants and Cafés	Change to Aa allowed
Sale of drink and food for consumption on premises where the primary purpose is the sale and consumption of alcoholic drink (including nightclubs) where the GLA of the enclosed floorspace is greater than 100 sq.m.	Ac Public Houses, Bars and Nightclubs	Change to Aa and Ab allowed
Shops for the sale of hot food to be taken away (including drive-throughs)	<i>Sui generis</i>	Change to Aa and Ab allowed
Shops selling or displaying motor vehicles	<i>Sui generis</i>	No change of use allowed
Launderettes, taxi businesses, car hire businesses, filling stations, scrap-yards	<i>Sui generis</i>	No change of use allowed
Offices other than financial and professional services provided for visiting members of the public Research and development	Ba Offices and R&D	Change to B8 (only up to 235 sq.m. of floor space) allowed
Clean production processes	Bb Clean production	Change to B8 (only up to 235 sq.m. of floor space) allowed
General production processes	B2 General production	Change to Bb allowed
Storage and Distribution	B8 Storage and distribution	Change to Ba and Bb (only up to 235 sq.m. of floor space) allowed
Work registerable under Alkali etc, Works Regulation Act	<i>Sui generis</i>	No change of use allowed
Hotels, boarding and guest houses, provided that care is not provided	C1 Hotels	No change of use allowed
Residential accommodation for provision of care, e.g. old age homes Residential schools and colleges and training centres Hospitals and nursing homes	C2 Residential Institutions	No change of use allowed
Dwelling houses for individuals, families and up to six individuals living as a single household	C3 Dwelling houses	Subdivision of dwelling houses into two or more dwelling houses not allowed
<i>Use</i>	<i>Use Classes Order 1987</i>	<i>GPDO 1995</i>
Clinics, health centres, crèches, day nurseries, day centres, consulting rooms (not attached to doctor's house) Museums, libraries, art galleries, public and exhibition halls Non-residential schools, colleges and other educational centres Public worship or religious instruction	D1 Non residential institutions	No change of use allowed
Cinemas, dance and concert halls Swimming pools, skating rinks, gymnasiums Other indoor and outdoor sports and leisure use bingo halls, casinos	D2 Assembly and leisure	No change of use allowed
Theatres, amusement arcades and centres, fun fairs	<i>Sui generis</i>	No change of use allowed



**APPENDIX 12**

## KENSINGTON PALACE

The Palace originally stood in substantial ornamental grounds. While its setting has been considerably altered, it is still set apart from its neighbours with only incidental relationships to them and to surrounding streets. Thus the restraint noted by Pevsner in the buildings is matched by the diffident role the Palace plays in its wider context. The only formal, axial views are of the south front from Dial Walk and, more diffusely, of the east front across Round Pond. In all other respects, the Palace exudes a quiet dignity from those limited viewpoints from where it can be taken in.

Dial Walk itself is a fine open space, an important transition between the built development of Kensington and the larger reaches of Kensington Gardens and Hyde Park. Neighbouring buildings on the west and south reflect the scale and colouring of Kensington Palace with the notable exception of the Royal Garden Hotel which is too massive in this analysis.

The eastern edge of the Conservation Area, and the Borough boundary, are provided by the Broad Walk which separates off a small area of Kensington Gardens within the Borough. Once again the open space is defined largely by surrounding buildings, which are of a consistent and appropriate height. The backs of the distinguished Victorian houses on the east side of Kensington Palace Gardens form a fascinating sequence though one might say that the Gardens and Kensington Palace itself would have been better served if these neighbouring houses had faced eastwards. In this context the retention of Palace Green undeveloped is of great significance to the setting of the Palace.

The north-eastern corner of the Conservation Area is formed by the Gardens frontage with Bayswater Road. Two private curtilages provide some enclosure. Black Lion Gate House is a low, unassuming property in a Lutyens style with a sweeping roof of green Westmorland slate. Further west, North and South Lodge are neat, uncomplicated designs, which look less substantial than perhaps is called for in this location. The liberal use of white cladding makes them unduly prominent and emphasises the simplicity of their design.

The remaining strip adjoining Kensington Palace Gardens consists of Perks Field and the NCP car and coach park. Perks Field

with its rough grass, pavilion and shrubs contributes to the character of the Area because of its openness and apparent extension of the park. However, its landscape qualities could be improved. While the car park no doubt fulfils a great need, its poor condition and the lack of screening are great disappointments in townscape terms.

## KENSINGTON PALACE GARDENS AND PALACE GREEN

This remarkable and unique London street runs wide and straight for a little over half-a-mile between its sets of entrance gates. It succeeds in townscape terms not so much because of the wealth of large residences on display – which as an architectural banquet is somewhat “over-egged” – but because the scale of the street itself, its mature trees and the limited level of traffic provide an attractive setting for them. A considerable slope towards the northern half of the street is also useful in dividing it into two distinct portions, roughly equivalent to the early Victorian development on high level ground in the northern half and later Victorian developments and the Edwardian houses on or at the foot of the slope in the southern half.

The early Victorian scheme is nowadays unified by the road, fringed with mature plane trees and bounded by stuccoed gate piers often supporting elaborate and attractive iron railings. Behind the frontages and a fair degree of incidental planting stand the houses, all with two exceptions the originals on their sites, though often much altered or extended.

In considering those altered or extended, it is surprising how modest some of the original houses were. For example, no.10, originally of two storeys, has received major roof alterations including a quite overbearing pedimented gable on its west front, though it remains well-proportioned to the Gardens. No.17 has been extended sideways rather than upwards and is dull.

Of the generally unextended buildings, nos. 21, 22 and 23 look positively homely in this context. At the other end of the scale, the magnificence of the elevations to no.15 are a delight, matched only if not exceeded by the slightly more concentrated design of no.12. The Jacobean towers of nos.18 and 19 remain imposing, though the presence of two unequal houses in this design has been obvious with the variety in facade treatment and in the control of creeper.

# 3

*The character  
and  
appearance  
of the  
Conservation  
Area*



1 The porch to 10 Palace Green, pictured in 1907

2 Looking south from Brunswick Gardens to St Mary Abbots

On the two modern replacements the tall window panels at either end of the facade of no.8 add some interest to an otherwise unexceptional design. The Czech Embassy on the other hand with its powerful abstraction and its strong air of detachment is a worthy neighbour in this Victorian street.

Over the brow of the hill, the character of the street changes. The slope puts the foliage much more prominently into long views southwards while views open up across Palace Green. Although street trees have recently been planted on the eastern verge, the mature tree screen is found behind the simple and elegant Palace railings giving additional apparent width to the street itself.

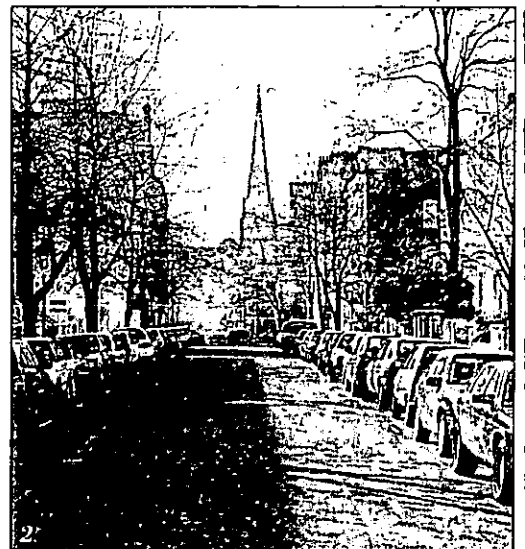
On the west side, attractive pairs of brick and stone piers with opulent stone finials give access to the Edwardian houses. Most of these have large, symmetrical facades with little hint of the internal plan form behind the substantial porches; they are like the Victorian houses in this respect. Only two, nos. 8 and 9, utilise the greater freedom and picturesque grouping that was such an important feature of house design round the turn of the century. Instead of being forced behind symmetrical facades, house plans themselves helped generate varied and inventive elevations. Nos. 8 and 9 both contain tall, well-lit halls slung between projecting gables and behind porches purposely dark and low to increase contrast and the sense of space within the house. From outside appearances it seems likely that J J Stevenson's design at no.9 is the more striking and successful.

At the foot of the slope the remaining houses are now rather overwhelmed by neighbouring commercial developments. Only Webb's house at no.1 has architectural presence, at the time of writing compromised by alterations and by work in progress. No.2 for all its supposed significance is like no.3 too low and reticent to create effective townscape. One is again left with the scale of the street, its majestic trees and its relative calm as the main elements.

## THE STUCCO TERRACES

The housing developments masterminded by Thomas Robinson on his own Sheffield House Estate and on glebe land today present an attractive and dignified face to the world. With the most obvious through-route from Kensington Mall southwards closed off, the broad streets are relatively quiet in traffic terms and their scale and mature planting keep the lines of parked cars subservient in visual terms. The terrace facades and the inter-relationships between them therefore still play the most significant role in defining the character and appearance of this part of the Conservation Area.

The sharing-out of the developer's responsibility by Robinson, and the absence of a detailed master plan, has meant that the terraces, though consistent in many respects, exhibit differences in architectural detailing as well as in bulk. This variety is an important part of the character and appearance of the estate and should not be compromised by major building operations, nor by minor alterations. The grandeur of the original scheme is probably best experienced today in Brunswick Gardens. The eastern side consists of a formidable terrace, the centrepiece of which comprises eight houses of four storeys with basements. Paired porticos and a projecting balcony support elegant facades with nicely-judged window surrounds appropriately accentuating the principal first floor rooms. To either side, facades have greater modelling with bay windows rising through three storeys. Those bay windows at the northern end alternate with strongly-modelled porticos which have the unusual Ionic/Doric mixture noted above, while the houses at the southern end step down slightly in height being



of three storeys above half-basements. Entrances are paired within an Ionic/Doric composition including a central niche, to which the paired entrance steps with copious balustrading add considerable grandeur.

It is interesting to remember that a new church was planned for part of this terrace (the site of nos. 38 to 46, immediately north of the centre part of the terrace, and of 35-43 Palace Gardens Terrace behind). The lack of complete formality on the development was evidently of little or no concern to the developers, and indeed usefully concealed such major alterations to the scheme as it progressed.

Opposite is a terrace of ten three-storey houses with single-storey bays. Their wider, "double-fronted" facades conceal a shallower plan-form behind. While the eastern side has the larger street trees, the western terrace benefits with the lack of basement "areas" from mature planting in front gardens.

The street is attractively closed by a similar terrace at the northern end and the spire of St Mary Abbots down a considerable incline at the southern end. The existence of "areas" in front of the eastern terrace has ensured the retention of the front boundary railings in this case, though the quirky circular corner piers in stucco have sprouted some odd coping shapes over the years, particularly at the northern end. Front boundary treatment is more variable on the western side, some examples not achieving a dignity suited to the original conception. Other detracting features include excessive pipework on frontages, the use of red tiles on entrance steps, and the occasional loss of stucco detail, notably

cornices. The isolated masonry roof extension at no. 30 is of considerable age and cannot be taken to set a precedent today. Original Kensington pattern lamp-posts complement the attractive scene.

Brunswick Gardens is completed by two separate groups at the northern end. Nos. 21-33 is a basically symmetrical composition which no. 33 delightfully compromises by breaking forward with prominent urn finials. Its continuous cast iron balcony at first floor level assists the very elegant appearance of this group, marred only by an old roof extension and some disruption to the blocking course above the pretty cornice. Round the corner, nos. 35-49 with 55A Palace Gardens Terrace, originally "Courtland Terrace", presents an attractively-modelled facade. Above ground-floor bay windows rise tiers of triple windows with curved heads echoed by blind niches in the spaces. Unusual proportions are obtained by fitting all top-floor windows precisely between the main cornice and the parapet. Mature planting fills the front gardens behind a mixture of generally attractive boundary treatments.

In an area where prominent end elevations are usually given appropriate architectural treatment, the blank side of 55A Palace Gardens Terrace, above an attractive closed portico, is puzzling and visually unsatisfactory. This prominent corner property also suffers from the loss of all but the plinth of its balustraded front boundary wall.

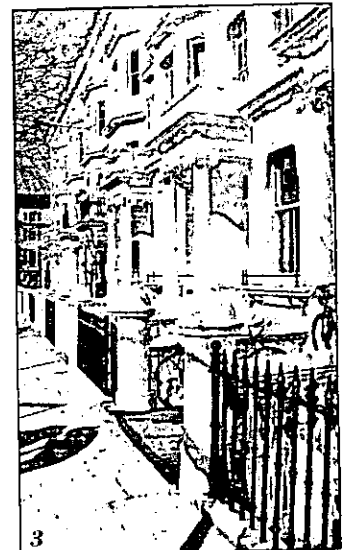
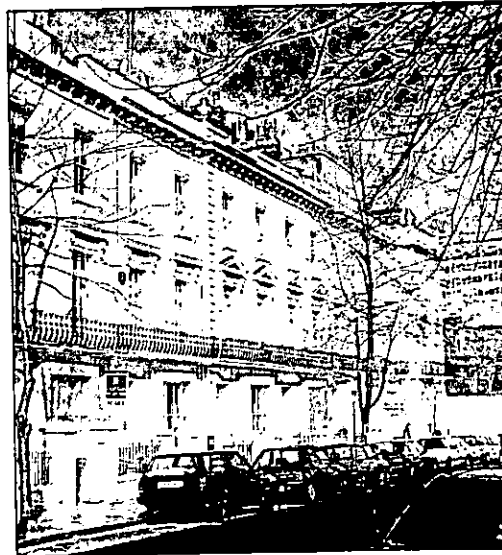
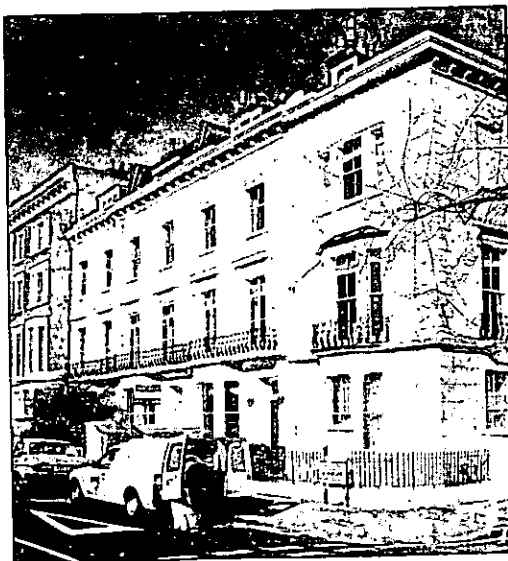
Two short roads connect Brunswick Gardens with Kensington Church Street, then as now the main thoroughfare. 8-11 Berkeley Gardens form a symmetrical three-storey group with very similar details to those at 21-33 Brunswick Gardens around the cor-

1 8-11 Berkeley Gardens

2 21-33 Brunswick Gardens

3 Urbane stucco facades in Brunswick Gardens

*"The introduction of oil paint for walls and porticos, which occurred in London about 1840, and the abandonment of the fake jointing both favoured those broad, 'picturesque' architectural effects in the attainment of which stucco is surely the ideal substance. Especially when it has been freshly painted - and the smoother and glossier the paint the better - there is no English building material which is so light-hearted, so urbane, so well-mannered."* (Alec Clifton-Taylor, "The Pattern of English Building", Faber 1972.)



ner. Facing it, the terrace formed by 4-7 Berkeley Gardens picks up the details of its adjacent Brunswick Gardens block though the rhythm of bay windows set up by those three-bayed houses is subtly altered to fit the more common two-bay format in Berkeley Gardens. The parapet line is more consistent though the cornice details have disappeared. The view down Berkeley Gardens from Kensington Church Street presents a powerful display of Victorian speculative domestic architecture.

This view is framed on the north by a taller block of brick with stucco details which forms an effective transition from the residential enclave to the busy main road, and with the brick-fronted commercial terrace which will be discussed in a later section. On the south side, the balancing tall corner block is of stucco - in sadly poor condition, with a riot of external piping and other shortcomings - leading round to the Areas's most consistent formal composition, 68-102 Kensington Church Street, originally "Sheffield Gardens". This is a fine composition with well-proportioned facades behind a remarkably complete and unusually-detailed stuccoed front boundary. In the centre, Doric porticos support first floor windows with segmental heads, while a string course connects the second-floor window sills below a cornice and a mansard roof with dormers. Four properties at each end are of four masonry storeys with triangular pedimented heads to the first floor windows. Though time has taken its toll of details such as cornice enrichment, first floor balustrading and upper floor window frames (the last-named in particular at the southern end) this terrace is a fine element in townscape. Perhaps its greatest problem is that it faces a major road and is not part of the comparative serenity of the streets to its rear.

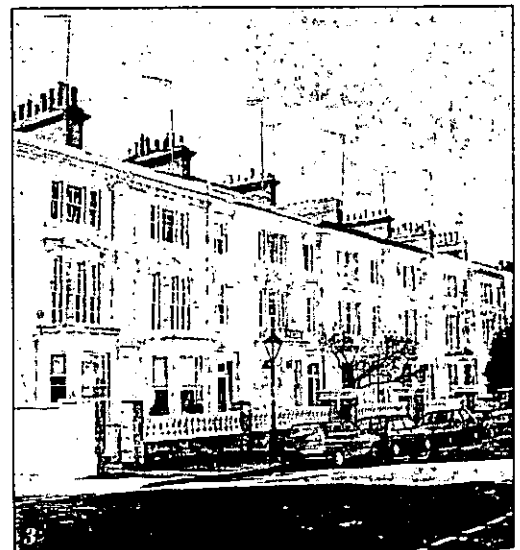


At the southern end of this terrace is the second short connecting street, Vicarage Gardens. A tall, stuccoed corner block is again the link between the busy road and the residential enclave, but in this case the four-storey height is continued further to include the first three properties on the north side, nos. 2-4. The remaining properties are of three storeys but they retain the two-storey bay windows. A prominent mansard extension to no. 4 accentuates this change in height. No. 2 retains its cornice enrichment but its window details are unfortunately hidden behind ornate metal grilles. Opposite, a terrace of similar length is entirely of three storeys with single-storey bay windows. The slight projection given to the principal bay of each property is more prominent here than opposite. The ends of the terrace are of some interest and concern. That at the east end is of plain brick, in strong contrast to the side elevation of no. 7 with its full complement of real and blind windows in stucco surrounds. This can

1 Part of "Sheffield Terrace",  
68-102 Kensington Church  
Street

2 Brunswick Gardens in 1900

3 9-16 Vicarage Gardens



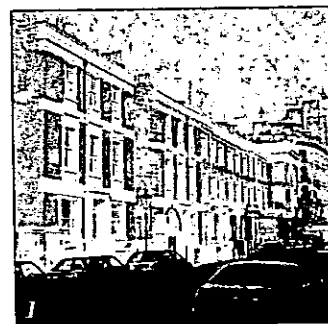
only be because the original intention must have been to continue along the south side of what was originally laid out as Vicarage Gardens and connect up with Palace Gardens Terrace. In the event, Vicarage Gate was driven through to Brunswick Gardens and all subsequent development was named as Vicarage Gate. (This is also the reason why Inverness Gardens has retained its name while other separately-named terraces have lost theirs). At the other end, the poorly-maintained no. 16 has an unfortunate side elevation shorn of some details and painted a chocolate colour. This with replacement windows of an unsympathetic pattern and the unimaginative treatment of the side and rear boundaries gives rise to considerable visual disruption in this prominent location.

Inverness Gardens, as well as retaining its original name, has the distinction of its own vehicular access set within stuccoed walls and behind a small, mature and attractive garden. Basements are half-sunk behind the slight ramp of the vehicular access, and front doors are paired in the Mannerist treatment noted above and set in dignified fashion above entrance steps. The important side elevations are beautifully handled with rustication, cornices, window surrounds and swags carried round. Apart from these, the front elevations are a disappointment. The odd pediments are not enough to add distinction or grace to the bay windows of the properties at either end, and the lack of a strong blocking course above the parapet gives the terrace a curiously unfinished appearance. Any additional storey would, however, have an overbearing effect on properties to the rear.

Almost the full range of the above styles can be seen as the stucco terraces step down

the hill on both sides of Palace Gardens Terrace. The symmetry within the block occupied by nos. 2-40 for example, with a centrepiece of four houses and end pieces each of three houses, all with a single triple window on each floor, separated by wings of two-bayed houses, is almost incidental given the variety of classical ornament, the generally excellent maintenance of original stuccoed frontage walls and the maturity of planting provided by street trees and by front gardens where they exist. Other notable features are the way the frontage walls step forward in two locations, the handling of part of the rear elevation of 8 Inverness Gardens and the varied skyline of properties at the southern end of the eastern terraces, nos. 2-44, where roof alterations have occurred with varying success. The western terrace generally retains its parapet lines intact. As elsewhere, properties have lost decorative enrichment while the unmitigated demands of modern lifestyles have led to a profusion of pipework in some locations, particularly intrusively round cornices and dormer windows.

While the height of the western terrace is maintained to the corner with Brunswick Gardens, the eastern terrace drops with the ground levels and in the scale of building as it proceeds northwards. Strathmore Gardens, built between 1868 and 1870, re-establishes the more dominant four-storey scale behind cast-iron front boundary railings. These set-piece terraces are completed by similar buildings on Palace Gardens Terrace opposite and, at the far end of Strathmore Gardens, by an individual three-storey house. This displays a full-height projecting bay surprisingly reminiscent of Jacobean work such as the entrance to the former Campden House.



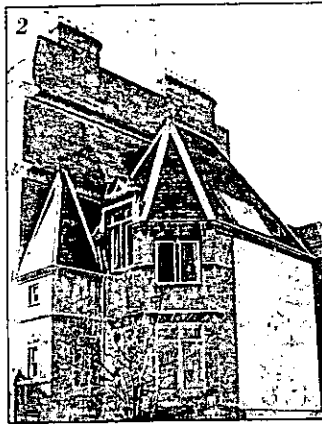
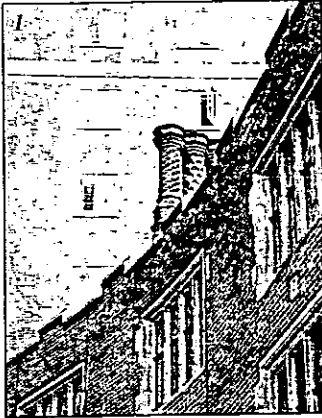
1 59-69 Palace Gardens Terrace

2 Strathmore Gardens

3 Inverness Gardens in 1906



## THE SOUTH WESTERN CORNER



- 1,2 *Changes in scale: (1) Church Close and Vicarage Court and (2) 15/16 and 17 Vicarage Gate*
- 3 *26-40 Kensington High Street steps down to Palace Green*
- 4 *42-74 Kensington High Street*
- 5 *2-10 Kensington Church Street*

This part of the Conservation Area is dominated by the commercial character of two of London's principal shopping streets, Kensington High Street and Kensington Church Street. The tendency is for tall island blocks not only in commercial use but also mirrored in residential property such as Winchester Court and Vicarage Court. Some Victorian developments like the substantial terraces of Vicarage Gate, six storeys including basement and mansard attic, match the size of these formidable buildings. Others do not and one feature of this location is an occasional strong contrast in scale. Two good examples can be found in the junction between Vicarage Court and Church Close, and further up Vicarage Gate where the steeply-pitched French Renaissance roof of no. 15/16 only reaches the floor of the attic storey of no. 17.

One of the Area's most prominent buildings must be the property on the corner between High Street and Church Street. So many Victorian and Edwardian buildings turn corners well, and this is no exception, with substantial stone bays in Jacobean style supporting large Tudor gables in a steeply-pitched roof. The restaurant fascia is a good example of a well-known house style fitted neatly into an existing building.

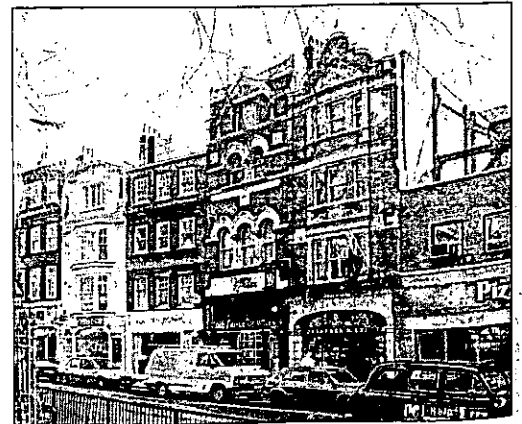
Along the High Street frontage stand three blocks with symmetrical classical frontages of increasing size. The first continues the Jacobean style of the corner block with decorative stone gable finials comprising shells and obelisks either side of an attractively-modelled cupola clad entirely in lead. This interesting skyline is rather dwarfed by the tall Dutch-style block next door, the two-storey shopfronts of which work well in their own terms but which give an uneasy proportion to the frontage as a whole. The shopfronts themselves are admirably

restrained in general. The corner dome is the best feature of this block. It makes an attractive sequence with the larger cupola behind at 26-40 High Street, a powerful display of 20th century classical architecture emphasised by the grand orders separating vertical strips of windows within arches under a generous cornice. The one-and-a-half storey height of the shopfront level is better proportioned than its neighbour, but the effect is compromised by the unkempt appearance of the mezzanine floor windows and the indifferent quality of the shopfronts themselves. This building is symmetrical to the High Street, but most of the right-hand half is relatively shallow, providing a strong presence on the street while screening a stepped facade to Palace Green. The blind arcading to the side elevation at ground floor level is a particularly pleasing feature.

The Royal Garden Hotel has emerged from its facelift with crisp well-modelled facades exhibiting proportion and rhythm. The crowning cornice is simple but looks sufficient to terminate the reworked elevations. The consistency of the cladding and the sharpness of detail makes it a strong element in views from the Church Street corner but a rather uneasy neighbour to the traditional and weathered detail of nos. 26-40.

Behind these large facades lies Old Court Place, relatively canyon-like given the scale of its neighbours. Apart from the robust Fire Station there is little of visual interest while street furniture and surfaces need further consideration.

Old Court Place connects with Kensington Church Street to the north of the remains of one of the earliest terraces in the Area. As the historical analysis showed, it is difficult to be precise about what has been retained of 2-28 Church Street: it now presents a more varied appearance than its neighbour north of St Mary Abbots but complements



it in the scale of the frontages and in the variety and general interest of the shopfronts. The least satisfactory elements are at either end. Immediately north of the corner with the High Street there is a two-storey modern block of an extremely dull design: the propping of the taller adjacent gables is all too visible. This site requires redevelopment to restore the roofline. The four properties north of this are an attractively varied group. At the junction with Old Court Place the corner building and particularly its side elevation are lacking in interest. Once again, its redevelopment to provide an appropriate termination to this interesting group might be considered.

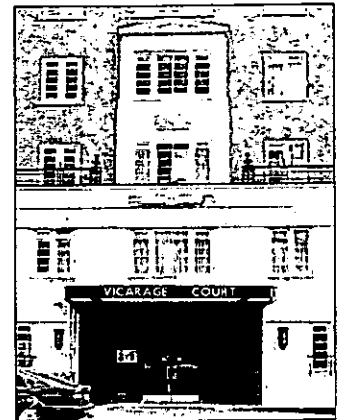
Lancer Square and the block to the rear make a significant contribution to the appearance of the Area by virtue of the variety in all aspects of elevational treatment, the handling of external elements such as gates and walls and in the quality of maintenance of buildings and spaces.

Further north the buildings are all individual and of some note. No. 30 presents a dignified classical face to Church Street and contributes to the unfortunately congested space between it and the substantial and vigorous detailing of York Buildings. The contrast with Church Close is striking. Excellent shopfronts are contained below a bold stone string course, there is Jacobean swagger in the decorative brick chimneys, and the building begins to turn the corner well; but it remains rather an oddity in the street scene and its quiet internal courtyard is surprisingly marred by a profusion of pipework and ducting.

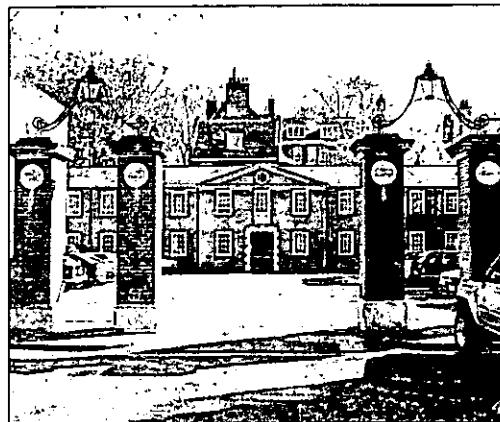
Winchester Court and Vicarage Court stand sentinel at the entrance to Vicarage Gate. While Vicarage Court is well-detailed but unadventurous, Winchester Court exhibits a boldly-layered facade deeply modelled to provide an entrance bay towards Vicarage Gate rising from the black faience base

which is still striking after the passage of years. The powerful scale continues with the Victorian terraces of Vicarage Gate, though the property immediately north of Winchester Court is a poor neighbour in design terms. Turning into the cul-de-sac of Vicarage Gate the exuberant arcaded top floor of the Victorian terrace contrasts well with the simplicity of Vicarage Court with substantial street trees holding the middle ground. These trees are probably the best part of any view of the unexceptional Hamilton House. At the far end of the cul-de-sac stands St Mary Abbots Church Hall and Vicarage, the centre part of which is a dignified yet restrained Classical block screening houses on Palace Green. The Church Hall to the north has a monumental simplicity. The view back down the street to Winchester Court provides yet another startling contrast.

The continuation of the Church Street frontage beyond Winchester Court contains its own contrasts, though on a smaller scale than any of those noted above. Both buildings on the inside of the corner are relatively incidental in townscape, given their bland design and the fact that one can only gain glancing views of them. The first, nos. 40-44A, Marquee Court, is the earlier and the better design, the windows of the upper two floors being grouped within a concrete framed panel. Next door the virtually unrelieved grid of precast units makes a restless and unfinished job of Olaf Court, nos. 46-56. Both of these properties would benefit in visual terms from a better defined cornice and parapet arrangement and a suitably detailed roof extension. They are, however, typical of their age, as is the cheerful brick and stone block at nos. 58-60, dating from the turn of the century and, once again with a change in scale, the three-storey blocks flanking Melon Place.



- 1 Old Court Place
- 2 Vicarage Court
- 3 30 Kensington Church Street from York House
- 4 St Mary Abbots Church Hall and Vicarage
- 5 Olaf Court, 46-56 Kensington Church Street





## THE NORTHERN BOUNDARY

While the scale of development is generally considerably less than at the southern end of Church Street, there are several substantial buildings in this part of the Area.

The most prominent is the Czech centre on Notting Hill Gate, quite attractively proportioned in more distant three-quarter views but suffering somewhat from a more repellent aspect at closer hand. Its short return elevation to Kensington Mall is not resolved at ground floor level while the gap created in the street by the entrance to its underground car park and by the demolition of nos. 134-138 has never been made good. The area forecourts to two of these long-removed properties still exist by the bus stop; the black and white tiles mark the former dairy at no. 138.

Immediately south the buildings have much less immediate impact. "The Ark" restaurant with its tiny forecourt gives way to the Unitarian Church, the interesting design of which is understated and nowadays well-hidden behind mature planting. Half of a robust Victorian semi-detached pair separates this from its more obvious neighbour, the powerful Christian Science Church with its meticulous detailing and the strong contrast between its garden forecourt and the prominent bulk of the Church itself. Mature trees form an important element in the street scene. The Church also forms an effective and uncompromising end-stop to the stucco terrace to the south, and helps to define the streets of stucco houses.

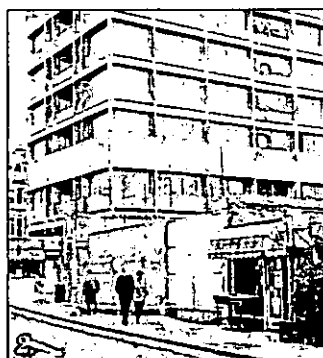
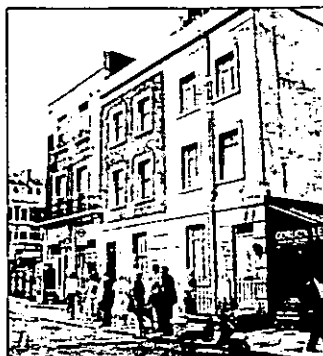
Opposite stands Broadwalk Court, the substantial bulk of which is mitigated by its simple lines, strong modelling and restrained decoration. Next door, Mall Chambers is an agreeably elegant building given its origins and worthy purpose. Particularly well-handled are the relationships between solid and void, between window and plain walling and between solid masonry and the Italianate arcading to the staircase bays. Enrichment to cornice and to window surrounds adds to the quality of these facades. The Mall Tavern, a typically exuberant Victorian corner pub, completes an attractive group. Unexceptional and rather forlorn 19th century properties join the Mall Tavern to Lucerne Mews, which is unusual not only for its decorative brick detailing but because the style is carried round to a substantial building on the main frontage at no. 7. The mews itself is happily little altered and represents a quiet

backwater away from the traffic in Kensington Mall.

Finally there remains to be considered the properties fronting Kensington Church Street north of Berkeley Gardens. Nos. 108 - 122, despite considerable variety in surface treatment, work well as a relatively consistent terrace. Recent renovation work at nos. 118 - 120 has ensured the retention of the cornice along the whole length of the terrace. No. 124 provides an architectural bookend attractive in views down Campden Street; beyond this all the buildings show great variety. No. 128 has a prominent central bay rising from the back edge of the footpath. The southern flank of this projection and the relatively modern adjacent facade are unfortunately lost behind a great deal of pipework while the roof extension has a windbreak and screening at odds with the historic character of the building. 132-134 adjacent has an attractive stuccoed facade above a fascinating shopfront until recently retaining shuttering and other original fittings.

The first floor windows of both nos. 136 and 138 appear to have been lengthened: no. 138 retains much of its original reticence as an attractive mid-Georgian house though no. 136 is much more altered with a prominent roof extension. Nos. 140 - 142 is in many respects an interesting reworking of the Georgian tradition, as thought has been given to the relationship between horizontal and vertical elements, the upper floors are topped with cornices producing a strong shadow-line, and the facade lines through satisfactorily with the excellent and characterful property next door at nos. 144 - 148. Here the central entry between property shopfronts, an arrangement clearly visible on the 1860's Ordnance Survey Map, support an attractively-proportioned upper floor with prominent advertising, its character and appearance entirely in keeping with the property.

Further north, a varied group of properties line Church Street to the Kensington Mall corner. All are well-mannered though some, such as the tiny no. 150 and its neighbour at no. 152 with an original cast iron canopied balcony, are particularly distinctive. Shopfronts are generally of a high quality. Carnie Court and Campden Mansions on either side of Kensington Mall are cheerful mansion blocks, while nos. 182-188 are more humble survivals which deserve detailed consideration.



1 134-138 Palace Gardens Terrace in 1964

2 The same view in 1995

3 1-5 Kensington Mall

4 Part of the terrace at 106-122 Kensington Church Street



**APPENDIX 13**

The Council has published a Borough-wide guide to shopfronts and advertising entitled "Design and Conservation of Shopfronts and Shopping Streets". This gives a detailed interpretation of UDP policies and has been issued as Supplementary Planning Guidance. It should be referred to in relation to the general design of shopfronts and advertising in this conservation area. Copies of the publication are available from the Planning Information Office.

Illustrations of good and bad practice as described in the guide are illustrated on page 33. In addition, more specific advice is set out below for the shops in Kensington Church Street which has a special character which the Council seeks to maintain and enhance.

#### **Kensington High Street and Notting Hill Gate**

The Council has prepared separate guidelines for commercial properties on or associated with these shopping areas. Reference should thus be made to these documents as well as the above advice.

#### **Kensington Church Street**

Kensington Church Street, together with small groups of shops on side roads closely associated with it, has a distinctive character which deserves some individual analysis. In the Council's opinion its shopfronts make a significant contribution to the character or appearance of Kensington Conservation Area and of Kensington Palace Conservation Area. The preservation of this character and where possible its enhancement will be assisted by general recognition of those features which together establish the Areas' special identity.

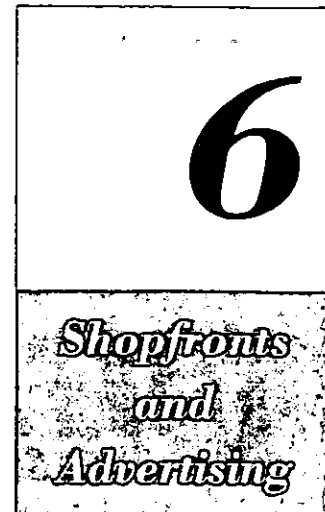
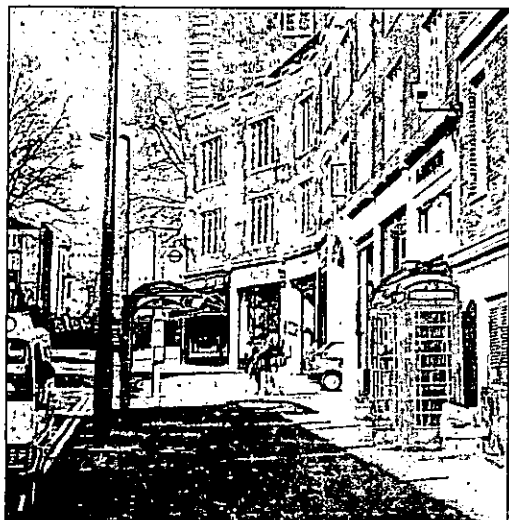
Design guidance for both sides of Kensington Church Street was commissioned as part of the Proposals Statement for Kensington Conservation Area adopted on 9 January 1995. Publication of the Kensington Palace Conservation Area Proposals Statement is being taken as an opportunity to reinforce this guidance.

The strong personality of this shopping centre derives from developments of very different periods. Some buildings survive from the first half of the 18th century, and a range of 20th century styles are represented as well as examples of intervening periods. A striking feature is the dominant presence from the Carmelite Church northwards of antique dealers, fine arts establishments and others retailing items of aesthetic interest.

The street generally displays the benefits of shop surrounds which remain consistent within terraces or groups, creating coherent shopping parades to the mutual benefit of all traders. These surrounds perform the role of design frameworks, and are most evident in the best Victorian terraces and at the well-articulated modern facade of Lancer Square, within which shopfronts with a high degree of individuality can be satisfactorily contained.

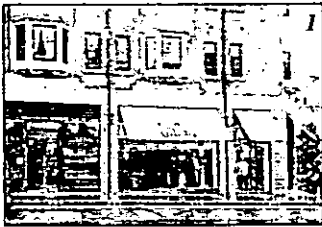
Detailed characteristics which can be observed are:

- the use of dark colours in the shopfront designs, most striking when seen below light-coloured stucco;
- the celebration of the skills of sign writers;
- the scarcity of internally-illuminated signs of any sort;
- the relatively few projecting signs to be found.



1 Church Close provides a consistent framework for shopfronts

2 A wider range of shopfront, and projecting sign styles at the foot of Kensington Church Street



1 *Category B shopfronts in the Lancer Square development*



2 *Category C shopfronts at 66 Kensington Church Street*

All of these combine to create shopfronts which appeal to the taste and discernment of the shopper. Dark-toned, reticent shopfronts provide the ideal framework for the imaginative display of goods. Proposals which reinforce these characteristics will therefore be encouraged. Proposals will be expected to incorporate fascias the proportions of which respect those of neighbouring properties. The temptation to make fascias deeper than neighbouring ones will be resisted. Highly-reflective materials are likely to be unacceptable in all but very few situations.

If canopies, awnings and blinds are proposed where they do not now exist they will be expected to be retractable. Their boxes should be integrated with the shopfront design and not appear as an ad-hoc addition. In some groups, for example nos. 36-56, "Dutch blinds" have become a consistent feature, but rigid versions there or elsewhere, and glossy covering materials, are unlikely to contribute positively to the street's special character or appearance. Clear display of the street number of each shop is a requirement of Council policy.

With the exception of public houses there is very little advertising at first-floor level or above: the Council will continue to resist the introduction of such advertisements. Independent access to upper floors will be encouraged and protected, particularly where the upper floors are in residential use.

Three broad categories of shopfronts can be identified in Kensington Church Street:

#### **Category A**

Those in 18th or 19th century terraces the historic character of which is sufficiently strong to require changes to be designed in a scholarly fashion applying appropriate historical principles. In many instances the merit of the present shopfronts will lead the Council to expect them to be restored and retained, using the same limited palette of traditional materials and finishes.

Nos. 67-81 (odd) demonstrate how well shopfronts can complement such terraces as a whole, and if no. 67 were to introduce the cast-iron cresting seen at first floor level elsewhere it would be a great enhancement. By contrast, nos. 29-39 (odd) illustrate the less attractive consequences when too little regard is paid to the building as a whole when changing shopfronts.

No. 99 is regarded as an exemplar of what should be expected at historic buildings. No. 6 (Crabtree & Evelyn) is seen as a high-quality recent design which enhances rather than ignores the qualities of the building of which it is part.

#### **Category B**

Those in 20th century blocks where, subject to respect for proportions and use of materials harmonious with those existing, there is much more scope for innovative designs.

The new building at Lancer Square shows a strong design purposefully mastering the requirements and preferences of individual retailers while allowing their window displays to speak for themselves. Failure to respect this design framework would all too readily destroy this effect.

#### **Category C**

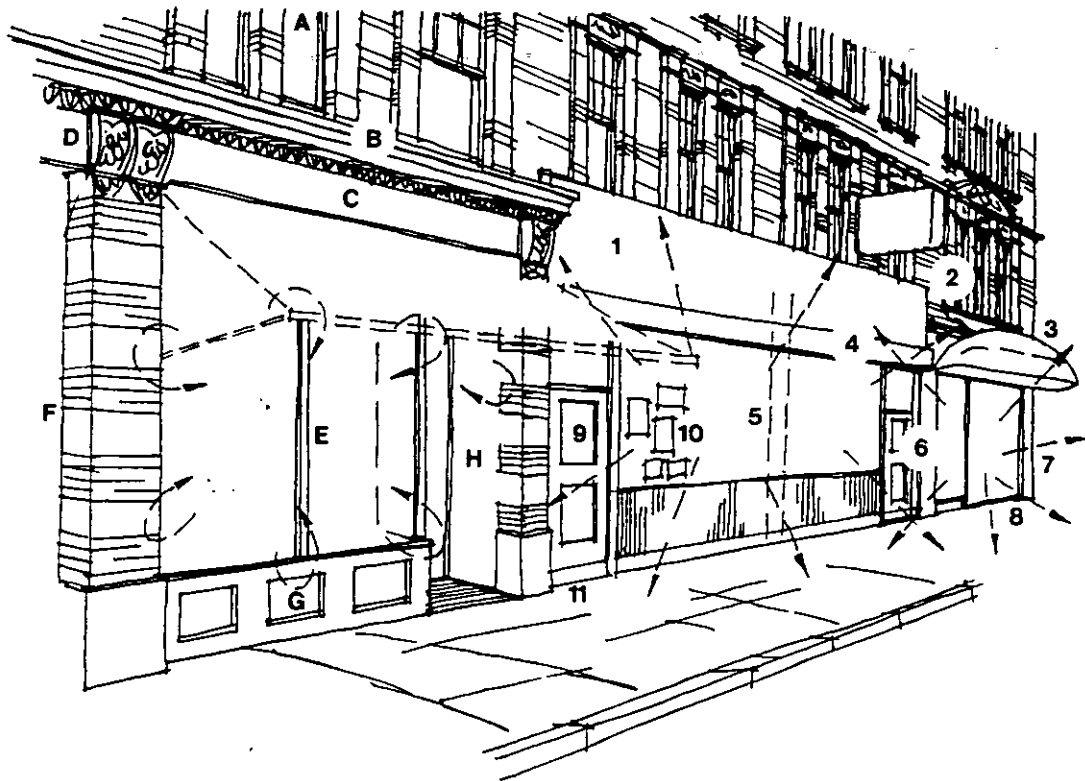
Those generally isolated instances where the retail units are not comfortably integrated within buildings as they were originally designed require special care within these guidelines and with reference to the general "good practice" points if the shopfronts are to assume the elegance of proportion of so many of their neighbours.

Nos. 66-66a and nos. 104-104a are the most pronounced examples of such development, undertaken a long time ago with little respect for the form and character of the terraces at the end of which they are located. Nos. 97a, 97b and 97c are less discordant introductions: their details frame the display area much more appropriately.

Nos. 25-27 are individual units where there is considerable scope for beneficial change.

Over much of Kensington Church Street it is noticeable how the prominence of well-lit displays within the shops is increased by the absence of illuminated signs and fascias externally. Internally illuminated signs are particularly incongruous and obtrusive and so will not be permitted.

Where the retail frontages return into the predominantly residential side streets (and at the few commercial frontages in the centre of the Conservation Area) what matters most is that their smaller scale should continue to be emphasised as a means of respecting the domestic function of the side street. The substantial advertising hoarding on the north side of Campden Street conflicts with this principle.



**GOOD PRACTICE**

*Shoppers' attention concentrated*

**BAD PRACTICE**

*Shoppers' attention dissipated*

**A** Shopowners should take a keen interest in the character and good appearance of upper floors. Access to upper floors should be retained.

**B** Important junction between shopfront and upper floors: projecting cornice provides satisfying visual capping to shopfront and visually appropriate foundation for upper floors.

**C** Fascia of traditional scale forms part of attention-retaining frame and provides more than ample room for signwriting to identify shop and indicate quality. The design can incorporate a projecting hand-painted sign, a retractable traditional awning or blind and possibly external illumination by spotlights.

**D** Retained ornament matches elaboration of rest of façade and increases shopfront's appeal. Although often of classical derivation, ornament does not have to copy classical forms.

**E** Vertical emphasis of glazing pattern matches that of upper floors and arrests the eye while leaving an imaginative window display unimpeded.

**F** Robust pilasters form part of attention-retaining frame and provide visually-appropriate support for upper floors.

**G** Stallriser is sufficiently large and robust to be easy to maintain and keep clean. Visually it provides suitably substantial base for whole façade.

**H** Traditional recessed entry provides opportunity for more attractive ornament, increases effective length of shop window and enhances penetrability of shopfront. The whole shopfront should be constructed of wood, which is inherently attractive and approachable.

**1** Large flat fascia often obscures attractive first floor window detail, fails to provide suitable foundation for upper floors and competes with any window display. Large internally-illuminated box fascias are in any event unacceptable.

**2** Projecting sign above fascia level increases visual clutter, conflicts with rhythm of façade and is not acceptable.

**3** 'Dutch Blinds' are not acceptable.

**4** Solid roller shutters are not acceptable, particularly if housed in protruding boxes.

**5** Removal of pilasters in combined shopfronts destroys attractive rhythm of arcade. With removal of all other vertical emphasis, shopfront fails to retain attention and invite shopper.

**6** Adjoining shopfronts fight one another unnecessarily for attention.

**7** Minimal pilasters may be structurally sound but look too insubstantial to hold up façade above.

**8** Removal of stallriser robs façade of visual stability and creates unnecessary problems in cleaning and maintenance.

**9** Flush door constitutes greater visual barrier. Standard modern shopfitting materials such as anodised aluminium are in any event unattractive if not visually repellent.

**10** Window clutter detracts from the appearance of the shop and the character of the street.

**11** Consideration not given to access for the disabled.

**APPENDIX 14**



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No 0272-218709  
GTN 1374

DL372AW.HD1

15/10

<b>COMPASS</b>	
DCP	15-1
D/BASE	<i>[Signature]</i>
S	SIMPSON

Countrywide Surveyors  
5A Head Street  
COLCHESTER  
Essex  
CO1 1NB

Your Reference:  
EJW/ROCH.127  
Our Reference:  
T/APP/B1550/A/93/229441/P5

Date: **9 MAR 1994**

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MESSRS BAIRSTOW EVES (EAST) LIMITED  
APPLICATION NO: CU/0363/93/ROC

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Rochford District Council to refuse planning permission for a change of use to Class A2 at 124/126 High Street, Rayleigh. I held a hearing into the appeal on 11 January 1994. At the hearing an application was made on behalf of your client for an award of costs against the Council. This is the subject of a separate letter. ✓
- The 2-storey appeal building is one of a terrace of 2 and 3-storey properties lying to the northern side of the High Street within the prime shopping frontage area of Rayleigh and is located in the Rayleigh Conservation Area. The ground floor (126 High Street) benefits from an A1 use and although currently vacant was formerly in use as a jewellers.
- The present proposal seeks a change of use of the ground and first floor premises to a Class A2 use as an estate agents. No firm evidence was produced by the Council as to the current authorised use of the upper floor (124 High Street). Therefore, as the reason for refusal and the Council's case, as presented at the hearing, related to the loss of a retail unit within the ground floor of its primary shopping area, I have determined the appeal on this basis.
- From my inspection of the appeal site and surrounding area and from consideration of all the representations made, I consider the main issue is the effect of the proposal on the vitality and functioning of the shopping area at Rayleigh.
- The strategic policies for the area are contained within the approved Essex Structure Plan and amplified within the Adopted Rochford District Local Plan, wherein Policy SAT2 states that within the ground floor of prime shopping



RECYCLED PAPER

frontages as defined in the town centre insets, planning permission for the introduction of uses other than retail uses as defined in Class A1 of the Town and Country Planning (Use Classes) Order, 1987, will be refused. These statutory documents constitute the Development Plan for the purposes of the advice contained in Planning Policy Guidance 1.

6. The First Review of the Rochford District Local Plan is now at an advanced stage and I heard that Policy SAT2 has been revised in order to provide a less rigid approach to the introduction of non-retail uses within prime shopping frontage areas. Amplification regarding this is provided in paragraph 9.4.10 wherein the Council recognises that although A2 and A3 uses can reinforce the retail function of its shopping areas, their influx needs to be controlled in order to ensure that retail uses remain dominant. Therefore, the proposed alterations to the Written Statement seek to ensure that several runs of non-retail uses, separated only by small shops, do not result in an over-concentration of non-retail uses, particularly in any one street block.

7. The First Review has recently been the subject of its local inquiry and the Inspector's report is awaited. The Council stated at the hearing that the shopping policies within this Plan represent the Council's current position regarding its aims and objectives for its shopping centres and had been applied both in determining the application and presenting its case on appeal. In light of this, and that the Plan is now well advanced and consistent with the advice contained in Annex B of Planning Policy Guidance 6, I have attached considerable weight to these policies.

8. Policy SAT2 (primary shopping areas) and Policy SAT3 (secondary shopping areas) of the First Review each contain 5 criteria to be satisfied when introducing non-retail uses within the respective shopping areas. The Council acknowledged at the hearing that the present proposal would comply with criteria 1, 2, 4, 5 of Policy SAT2, in particular that the use proposed was one appropriate to a shopping area and would not result in the retail frontage falling or remaining below the figure (75%) which it sought to retain within its ground floor prime shopping frontage area.

9. Moreover, the Council accepted that the proposal would also comply with the first part of criterion 3 which states "not more than 15 metres of non-retail uses will normally be permitted as a continuous frontage". However, it argued that the development would fail to comply with the second limb of that criterion which states, "applications that would result in an over-concentration of non-retail uses in any particular area will be refused".

10. I was informed at the hearing, and saw on my site inspection, that the Rayleigh shopping area currently provides for a variety of retail uses interspersed with A2 and A3 uses which collectively produce a well functioning centre where there is a relatively low vacancy rate of commercial premises.

11. However, the Council argued that the appeal premises lies in a sensitive location towards the western end of the prime shopping area (which for the purposes of the town inset map



terminates at 128c High Street) and the commencement of the secondary shopping area (136 High Street) which is located beyond the library (comprising 130-134 High Street). Although the Council considered the southern side of the secondary shopping area to be particularly vibrant in terms of retail activity, it argued that, due to the existence of the busy road which separated this and the secondary shopping area to the north, it was essential that both sides of the road generated their own independent pedestrian flows.

12. Consequently, it produced evidence to show that, on the basis of a 100 metre frontage (of which 77 metres is built-up ground floor frontage) between Nos 122 to 140 High Street, were the present development permitted the non-retail ground floor frontage (including an extant planning permission) would increase to 56 metres (72.7%) (inclusive of the library) and 31 metres (59.6%) (excluding the library). This, it was submitted, would result in an over-concentration of non-retail uses which would be likely to impede pedestrian flows to, and thereby harm the vitality of, the secondary area to the northern side of the High Street and so, the functioning of the shopping area as a whole.

13. In respect of the Council's evidence I have attached weight to your submission that, in terms of assessing whether there would be an over-concentration of non-retail uses, account has not been taken of the fact that, to the west of the 100 metre frontage identified by the Council, there are further A1 uses which account for a further 14 metres of retail frontage. Furthermore, you argued that the library forms a physical boundary between the primary and secondary shopping areas on the northern side of the High Street, and that, within the block of primary commercial premises of which the appeal site forms part, the proposal would not result in an over-concentration of non-retail uses; evidence which was not refuted by the Council.

?  
/

FRAGMENTARY  
FRONTAGE

14. The Council accepted at the hearing that, within the secondary shopping area, the overall retail frontage had not fallen below the 55% specified within Policy SAT3. Moreover, it did not produce firm evidence to substantiate that the secondary shopping area to the northern side of the High Street is presently vulnerable in terms of fulfilling its role to shoppers. This, in my view, indicates that pedestrians are currently attracted to the western end of the shopping area and are not deterred by the interruption of the shopping frontage by the library and existing non-retail uses or the busy road which, in the event, I saw provides for a pedestrian crossing near the junction with Love Lane.

15. Therefore, in assessing the impact of the present proposal on this situation, I have borne in mind that, within the Town and Country Planning (Use Classes) Order 1987, A2 uses are defined as those services which are provided principally to visiting members of the public and are considered appropriate to a shopping area; such requirements,

in my view, being an indication that the use is likely to generate pedestrian flows. Moreover, were a condition imposed (as provided for within the Council's policies) to provide an appropriate shop window display, I consider that this would effectively ensure a continuity in frontage which would be attractive to shoppers.

16. Consequently, in light of these matters and the evidence produced at the hearing, I do not consider that the present proposal would, either individually or cumulatively with other non-retail uses, impede pedestrian flows along the north western side of the High Street. Furthermore, the retail activity remains dominant both within the primary and secondary shopping areas and the Council acknowledges that A2 uses such as estate agents can reinforce that retail function (paragraph 6 hereof). In view of the aforementioned, I consider that the introduction of the proposed use would reasonably meet the aims and objectives of the Council's policies in seeking to maintain the attractiveness and vitality of its primary and secondary shopping areas in order to ensure that the town centre continues to fulfil its function to shoppers.

17. In determining this appeal I have had regard to the fact that the appeal site lies within the Rayleigh Conservation Area and that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In light of the fact that there are no structural alterations proposed to the building and that the use is one deemed compatible to a shopping area, I consider that the development would not have a material impact on its surroundings but merely preserve the qualities, character and appearance of this part of the Rayleigh Conservation Area.

18. It is therefore my view that the present appeal should be allowed and planning permission granted for the present proposal. As to the suggested conditions, I consider it necessary (for the reasons given in paragraph 15 hereof) to impose the condition requiring the provision of a shop window display on the ground floor of the appeal premises.

19. I have considered all the other matters raised in the representations and in writing but find that none are of such weight to alter the conclusions I have reached.

20. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for a change of use to Class A2 at 124/126 High Street, Rayleigh in accordance with the terms of the application CU/0363/93/ROC dated 19 July 1993 and the plans submitted therewith subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
- (2) before the use hereby permitted commences details of a shop window display (to be provided on the ground floor of the appeal premises) shall be submitted to the local planning authority for approval. Upon approval the shop window display shall thereafter be constructed and retained on the ground floor of the appeal premises in accordance with such approved details.

21. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990. Your attention is drawn to the provision of Section 74 of Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

23. The developer's attention is also drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1990.

Yours faithfully



MRS S A F SIMPSON LLB Solicitor  
Inspector

**APPENDIX 15**



# The Planning Inspectorate

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117 - 987 8927  
Switchboard 0117 - 987 8000  
Fax No 0117 - 987 8139  
GTN 1374 - 8927  
E-mail ENQUIRIES.FINS@GTNET.GOV.UK

Phillips Planning Services Ltd  
1 Hassett Street  
BEDFORD  
MK40 1HA

Your Ref:  
MB/982102  
Our Ref:  
T/APP/P1940/A/98/295393/P5

Date: 8 SEP 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY HAMPTONS INTERNATIONAL  
APPLICATION NO: 97/0983/8**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Three Rivers District Council to refuse planning permission for the change of use to A2 (Estate Agency) at 114 High Street, Rickmansworth. I conducted a hearing on 26 August 1998. At the hearing, an application was made on behalf of Hamptons International for an award of costs against The Three Rivers District Council. This is the subject of a separate letter.

2. I am aware that the planning application which is the subject of this appeal was accompanied by plan no.2131/1 showing proposals for the external treatment of the appeal premises. These proposals were also the subject of a separate planning application which was refused. Consequently this appeal relates only to the proposed change of use and I shall consider it on this basis.

3. The appeal site is situated on the corner of High Street and Station Road. This is a prominent site which is at the western end of the High Street shopping frontage and is within the Rickmansworth Conservation Area. The appeal premises are on the ground floor of the property while the two upper floors are used as offices. From my inspection of the site and its surroundings and from all else that I have seen and heard I consider that there are two main issues in this appeal. The first is the effect of the proposal on the vitality and viability of the town centre. The second, having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is whether the proposed development would preserve or enhance the character or appearance of the Rickmansworth Town Centre Conservation Area.

4. The statutory development plan for the area includes the Hertfordshire Structure Plan Review 1991-2011 which was adopted in April 1998. Policies 4 and 16 of the Plan deal with town centres and retailing and seek to maintain the vitality and viability of shopping centres through an appropriate range of shopping and service facilities. These reflect the latest advice on such matters in Planning Policy Guidance No.6 (PPG6), 'Town Centres and Retail Developments'. Also included is the Three Rivers District Plan Review which was adopted in 1993. Policies S1 seeks to restrict uses other than retail in the primary shopping frontages



An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office

while policy S2 aims to encourage retail uses in the secondary shopping frontages though uses within Classes A2 and A3 will also be acceptable in such locations. Policies RTC.14 and RTC.15 refer to the Town Centre Conservation Area and require that new development within it should be sympathetic to its character and appearance and should not result in the loss of retail floorspace.

5. Also relevant is the Consultation Draft version of the Three Rivers Local Plan 1996-2006 which generally reiterates policies S1 and S2 of the adopted Local Plan though the boundary of the primary shopping frontage has been modified to include the return frontage of the whole of 114 High Street along Station Road. On the adopted Local Plan the High Street frontage and only part of the return frontage of the appeal property is included in the primary shopping frontage, the remainder being in the secondary frontage. Policies C1 and C2 of this plan restate policies RTC.14 and RTC.15 of the adopted Local Plan with regard to the Conservation Area. The weight I have attached to this plan is in accordance with the advice contained in paragraph 48 of Planning Policy Guidance No.1(PPG1), 'General Policy and Principles'.

6. On the first issue, I saw that the property is currently in a poor state of repair and bears witness to the fact that it has been vacant for some four years. The property has a narrow frontage to High Street and a long frontage to Station Road. The shop front is all of glass and its set back behind the main structural pillars. This, coupled with the narrow frontage has the effect of concealing the shop from views from the east along High Street where the bulk of the retail activity takes place. I consider that these various factors together make the property unattractive for retail use. In this regard, I am aware that the property has been marketed unsuccessfully for retail use over the past four years and that the marketing began some two years before it became vacant.

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VIBRANT  
DISCONNECTED  
FROM MAIN  
HIGH ST &  
UNATTRACTIVE  
FOR RETAIL  
USE &  
HARD TO  
LET  
DESPITE  
HIGH DEMAND  
FOR RETAIL  
UNIT

7. Notwithstanding this the Council takes the view that in accordance with policy S1, although it provides for exceptions, the property should remain as a potential location for retail use. However, bearing in mind its long period of vacancy, the loss of retail activity from the site will have been absorbed by the remainder of the shopping area and its drab appearance is likely to be having a negative effect on the shopping activity nearby.

8. PPG6, which post-dates the adopted Local Plan, makes it clear in paragraphs 2.11 and 2.12 and Annex B paragraph 6 that diversity and flexibility are key factors in maintaining the vitality and viability of town centres. The Council's view is that the application of policies S1 and S2 which define primary and secondary shopping frontages, an approach which PPG6 generally supports, provides the necessary flexibility. However, PPG6 also suggests, in Figure 1, a series of indices which are useful in assessing vitality and viability. On the basis of these you said that the town centre is buoyant with good investor confidence, healthy rental levels and low vacancy rates. Indeed, apart from the property at 115-117 which is currently being refurbished, the appeal property is the only vacancy in the main shopping area. Pedestrian flows and accessibility around the town centre are good with no obvious security problems. The Council did not refute this and went on to make the point that future office development near to the shopping area would be likely to add to retail activity and could lead to the appeal premises being re-occupied for retail use. However, having regard to its shortcomings I do not consider that this would be sufficient to bring the property back into retail use.

9. On the basis of the general well being of the town centre, you argued that the use of the appeal premises for an A2 use would not detract from the retail attraction of Rickmansworth or the vitality and viability of the centre as a whole. In my opinion it is likely that the proposed use for an estate agency would generally attract less visitors than a retail use, although as a change from vacancy it would increase the level of activity in this part of High Street. In this regard I recognise that paragraph 6 of Annex B of PPG6 advises that a high proportion of primary shopping frontages should be restricted to retail use. The use of the appeal premises for an A2 use would reduce the length of the A1 primary shopping frontage in High Street as a whole from 78.6% to 77.5%. The Council produced a figure of 68% after implementation of the scheme but this was not substantiated and also conflicts with figures, similar to those you put forward at the hearing, referred to in respect of the recent appeal for a change of use of the ground and first floor to a traditional ale, wine and food bar (A3) at 115-117 High Street (Ref: T/APP/P1940/A/95/266358/P9). You also produced three other appeal decision letters relating to changes of use from A1 to A2 or A3 where the effect on the loss of retail frontage was material to the decision.

10. In my view, the proposal, while resulting in a use which would generally receive less visits than a retail use, would only marginally affect the proportion of the primary shopping frontage in A1 retail use. In addition, although the intention in the emerging Local Plan is to extend the primary shopping frontage further northwards along Station Road to include the whole of the appeal site, I do not consider that the proposal would be materially disruptive to the retail frontage. Moreover, there would be benefit, both visually and in terms of general activity, compared with its current and likely future vacancy, in this part of the town centre. Hence for all the above reasons I conclude that the proposal would not adversely effect the vitality and viability of the town centre.

11. Turning to the second issue it was accepted that the present appearance of the appeal site detracts from the appearance of the Town Centre Conservation Area. However, although the Council prefers to leave the premises in their present state until a retail user can be found, you have indicated the viability of the proposal and the intention of your clients to substantially improve the appearance of the building prior to occupation. This would be of significant benefit to the Conservation Area and would also have a spin-off for the general buoyancy of the town centre in my view. Nonetheless, while the bringing into use of an otherwise vacant building would have a beneficial effect on its appearance, I recognise that the proposed change of use would not be dependent on a scheme for the upgrading of the external appearance of the building. The property could remain vacant in the context of an A2 use thereby having no effect on the Conservation Area. In the circumstances, notwithstanding the likelihood of a scheme for the refurbishment of the external appearance of the building, I conclude that the proposed development would preserve the character and appearance of the Rickmansworth Town Centre Conservation Area.

12. In the event of the appeal being allowed the Council, in addition to the standard timescale condition, has suggested one which would require the submission of a scheme for the external treatment of the building. As I have already indicated I consider that such a scheme would be of material benefit to the Conservation Area and the vitality and viability of the town centre. Furthermore, your clients have indicated the expanding nature of their business and their willingness to carry out such a scheme. However, while I consider it likely that a scheme would be undertaken, in the light of the advice in Circular 11/95, I am not persuaded that such a condition is necessary, in respect of the proposed change of use.

13. I consider that the proposal would not conflict with the aims of the policies of the Structure Plan or the adopted and emerging Local Plans directed at maintaining and improving the vitality and viability and physical environment of the town centre. Moreover the more recent advice in PPG6 on the need for diversity and flexibility in town centres is material to my consideration of the appeal. I have taken account of all other matters raised, including mention of the 1981 appeal decision in respect of 107 High Street (Ref: T/APP/5258/A/80/12572/G2) and the content of the Rickmansworth Town Centre Action Plan 1997, but they do not outweigh the main considerations that have led me to my decision.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use to A2 (Estate Agency) at 114 High Street, Rickmansworth in accordance with the terms of the application (No 97/0893/8) dated 14 November 1997 and the plans submitted therewith (excluding plan no.2131/1), subject to the condition that the development hereby permitted shall be begun before the expiration of five years from the date of this letter.

15. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

16. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

17. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area (as defined in Circular 14/97).

Yours faithfully



HOWARD ROSE DMS DipTP MRTPI MInstWM  
Inspector





International Property Advisers



RECEIVED

14 FEB 2002

PINS AA PEP

**REBUTTAL STATEMENT**

110 Kensington Church Street, London W8  
Appeal by Druce Lamy Ltd in respect of refusal  
Of planning permission for Change of Use from  
Class A1 Shop to Class A2 Estate Agents

Date: February 2002  
Our ref.: 02A154598/NdL/CJG  
Your ref.: APP/K5600/A/01/1079287

## 1.0 Introduction

- 1.1 This statement has been prepared in response to the Council's Appeal Statement, which has been prepared in respect of an appeal against their refusal of planning permission for a change of use from Class A1 (shop) to Class A2 (estate agents).
- 1.2 This statement seeks to address matters raised by the Council, on which it is considered that further clarification is required. Consideration has also been given, and comments are made on the correspondence that has been received by the Inspectorate from other interested parties.

## 2.0 Issues Arising from the Council's Appeal Statement

- 2.1 For ease of reference, the comments are made on a paragraph by paragraph basis, where the references refer to the Council's statement.
- 2.2 Paragraph 2.5 – The Council makes reference to a number of other precedent cases which it has taken into consideration in the preparation of its case. It is considered for the following reasons that these cases are not appropriate parallels.
- Numbers 58, 54-56, 62, 67 and 67A Kensington Church Street do not fall within the non-core frontage of the Notting Hill Gate Principal Shopping Area, and therefore any parallels drawn between them and the subject premises are not truly representative;
  - The decisions in respect of numbers 112 and 140-142 Kensington Church Street substantially pre-date the adopted UDP and were therefore determined in the light of different planning policy considerations appropriate to the position at that time.
- 2.3 It is therefore considered that only the decision in respect of no. 172 Kensington Church Street can be taken into account, which we consider later in this statement.
- 2.4 Paragraph 4.9 – The emerging Policy S15 is not relevant to this appeal as it now deals with premises located within the core shopping area. Instead Policy S15a is relevant. Policy S15a promotes a more stringent test than the adopted Policy S15 and is well advanced in its preparation. The policy was not challenged at the Local Plan Inquiry and it is therefore considered that considerable weight can be attached to it. This more stringent approach deals with smaller areas of street frontage and can therefore better protect the character of the shopping area. It is noted that the proposal accords with this more stringent test.
- 2.5 Paragraph 5.13 – The appellant has already acknowledged that the character of this area is derived to some extent from the presence of antique dealers and fine arts establishments. However, these are not the sole character of the area. The character is determined by a range of factors including other retail and non-retail uses.
- 2.6 Paragraph 5.16 – The appellant agrees that the frontage comprises 25 commercial units i.e. 106-172 Kensington Church Street, excluding no.s 126, 128, 136 and 138. Of these, 16 are fine arts or antiques dealers. The appellant also accepts that they are a dominant feature of the area. However, this feature will not be diminished as a result of the proposal. Furthermore, the character of the area is controlled by emerging Policy S15a, and the proposal meets all the tests set out in this policy.

- 2.7 Paragraphs 5.19-5.20 – The reasons for refusal on the case of no. 112 Kensington Church Street are different to those in this case. The decision is also somewhat outdated and pre-dates the policies of the adopted UDP.
- 2.8 The number of objections has been acknowledged by the appellant, including that from Knight Frank, a rival estate agent in the area, who is obviously concerned about the effects of competition, should planning permission be granted.
- 2.9 Appendix 3 – The information contained within appendix 3 of the Council's statement has also been reviewed and the following comments are relevant in this respect:
- **58 Kensington Church Street** – this premises falls outside of the Notting Hill Gate Principal Shopping Centre (as previously mentioned). The first reason for refusal stated is not relevant to the current appeal case. The second reason for refusal is the same as that quoted by the Council in the current appeal case, and this has been addressed in the appellant's main appeal statement.
  - **54/56 Kensington Church Street** – This premises falls outside of the Notting Hill Gate Principal Shopping Centre (as previously mentioned). It is noted that this proposal was approved, subject to planning permission being sought and implemented for the change of use of no.s 67/67A Kensington Church Street from Class A2 to Class A1.
  - **140/142 Kensington Church Street** – The planning officer recommended the approval of this application. However, it was subsequently refused by the committee. No clarification is provided in the Council's statement as to why the proposal was refused. However, it is clear that the officer felt that a Class A2 use in this area would not have a detrimental impact on the character and appearance of the conservation area. With regard to retail issues associated with the non-core shopping area, the proposal conflicted with Policy S15 criterion (c) regarding commercial frontages. However, the officer sought to apply an on-balance approach to the acceptability of the proposal.
  - **172 Kensington Church Street** – This proposal was approved prior to the adopted UDP, despite the proposal resulting in an overall reduction in the percentage of Class A1 units to below the 65% threshold. In this instance the Council allowed some flexibility, and considered an A2 use to be an appropriate use for the area.
  - **62 Kensington Church Street** – This premises also falls outside of the Notting Hill Gate principal shopping area. However, as with the case at 172 Kensington Church Street the Council applied a degree of flexibility in the application of the 65% threshold. In this instance on 61% of the units were in Class A1 use. However, the Council felt that the high concentration of retail units in this parade was a reason for over-riding the policy. Furthermore, it was considered that proposals could be accommodated without an adverse effect on the character or function of the centre.
  - **67A Kensington Church Street** – This premises also falls outside of the Notting Hill Gate principal shopping area. The decision also substantially pre-dates the adopted UDP. Taking account of the officer's reasoning for granting planning permission for the change of use and despite the fact that similar proposals had been refused elsewhere, these reasons in favour of the proposal could be applied to the current appeal case – only a small amount of retail floorspace will be lost;

the premises is located at the margin of the centre; the premises is not located within a core frontage. It is therefore considered that taking account of these points, this decision supports a change of use of the premises at no. 110 Kensington Church Street.

- **112 Kensington Church Street** – The refusal of the change of use from Class A1 to Class A2 (estate agents) substantially pre-dates the adopted UDP. The first reason for refusal, a similar wording to which has been attached to the refusal for the proposal at no. 110, has already been addressed in the appellant's statement. The second reason for refusal, whilst not comprising a reason for the refusal of the current appeal scheme, has also been addressed in the appellant's statement. The third reason is not considered relevant in this instance.
- **67 Kensington Church Street** – As with a number of the other cases referred to above, this decision also pre-dates the adopted UDP. The Council accepted that the previous occupiers had experienced difficulty in sustaining a Class A1 presence in this location. They also felt that the location at the extreme edge of the shopping centre were reasons for allowing the application – this could also be said of the current appeal premises.

2.10 Taking account of the comments made above, it is considered that many of the appeal cases relied upon by the Council are not wholly applicable to this appeal case.

2.11 Appendix 5 - With regard to the Internal Memorandum attached at appendix 5, our comments are as follows. The extent of the non-core frontage, including the northern section of Kensington Church Street and the eastern and western extremities of Notting Hill Gate, and also the southern end of Portobello Road and including Pembridge Road is accepted. It is also accepted that the calculation in the adopted UDP of the non-core area balance of Class A1 to other uses is based upon the total non-core frontage of the centre, and not just the area along Kensington Church Street as previously suggested in the appellants appeal statement. It is also accepted that the calculation was based on the whole of the frontage and that a calculation of 64% of units being in Class A1 use was not sufficient to warrant a refusal on this basis.

2.12 As mentioned above, it is considered that there are 28 units in the parade (4 of which are in non-retail use). In any case, it is accepted that the proposal marginally falls under adopted Policy S15 and complies with emerging Policy S15a.

2.13 The Council's comments in relation to the Inspector's and Council's interpretation of shopping frontages in their memo is accepted. The comment made in paragraph 8 of the letter to Councillor Freeman dated 21 December 2001 is withdrawn.

2.14 The appellants continue to argue that there may be a number of unlawful non-class A1 uses in the non-core area and stress that these should be investigated further particularly bearing in mind that the figure for units in Class A1 use is very borderline at 64%.

### **3.0 Issues Arising from Correspondence received from other Interested Parties**

3.1 Consideration has also been given to the case made by Knight Frank in their letter of objection. With regard to the extent of the relevant non-core frontage in the context of the emerging UDP, Knight Frank considers this to include the premises 106-206

Kensington Church Street. This is at odds with both the appellant's and the Council's assessment (106-172 Kensington Church Street).

3.2 Knight Frank have undertaken an assessment of the balance of uses based upon the information contained within the Council's Shopping Survey 2000, as available on the Council's website. However, an inspection of the website shows that the survey which is available is actually the 1999 survey, which is now somewhat out of date. It is therefore considered that the analysis undertaken by Knight Frank is inaccurate and cannot be relied upon.

3.3 As mentioned above, Knight Frank's definition of the relevant street frontage, i.e. 106-206 Kensington Church Street, is incorrect, and therefore their assertion that the proposal does not comply with Policy S15a (emerging) is invalid.

#### 4.0 Concluding Comments

4.1 We have studied the Council's case and that of the third parties. This does not change our view that there is no sustainable reason for refusal and that accordingly planning consent should be granted.



**GVA Grimley**

International Property Advisers



**Site at  
110, Kensington Church Street,  
W8.**

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**RBK&C Ref:**

**DPS/DCC/PP/01/1227**

**D.T.L.R. Ref:**

**APP/K5600/A/01/1079287**

**Statement and  
Documents**

**30th April 2002**

**Informal Hearing**

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**Appeal under Section 78 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) by Druce Lamy Ltd against the Royal Borough of Kensington and Chelsea refusal to grant planning permission for: the Change of use of existing ground floor shop and basement unit (Class A1) to estate agency (Class A2), 110 Kensington Church Street, London, W8**

**Local Authority Reference:           DPS/DCC/PP/01/01227**

**DTLR Reference:                   APP/K5600/A/01/1079287**

110 KENSINGTON CHURCH STREET, LONDON W8

HEARING INTO PLANNING APPEAL, 30 APRIL 2002

AGENDA FOR DISCUSSION

- Copy NOTTINGHAM GATE IMPROVEMENT GROUP LETTER FOR INSPECTOR

- ✓ 1. The proposed development
- ✓ 2. The policy framework — COPY OF FINAL WORDING OF ALL TRAILER TO INSPECTOR
- ✓ 3. Effect of the proposal on
  - ✓ • retail character and function
  - ✓ • character and appearance of the Conservation Area
- ✓ 4. Other issues
5. Conditions (without prejudice to the outcome of the appeal)
6. Other matters relating to the appeal
7. Arrangements for the site visit

869 - character ? — 11/6/15 - amplifiers -

The local character of this part of the Kensington Palace Conservation Area is distinctive and characterise by the high presence of antique and fine art retailers.

Notwithstanding that the property was not occupied by an antique and fine arts retailer, local interest confirms a demand for space by such occupants.

The appeal proposal, if allowed, would erode the potential fro such a user.

Local retailers have expressed their concerns. They confirm that Kensington Church Street as being an area of international renown for such retailers. Their clustering is seen as necessary for their continuing success.

The loss of this unit erodes the potential and therefore the character and appearance of this part of the Conservation Area which is typified by this type of user. *to maintain the retail presence would be harmed.*

*main uses  
i) shop to retail  
ii) antique and fine art  
iii) shop to retail  
NORTHK AFD GATE  
IMPROVEMENTS  
ADAPTED AND ENRICHED  
C.A. C.A. C.A.*

*569 - Special architectural or  
historic interest BUILDING NOT  
HISTORIC AS  
↳ has historical or antique  
and fine arts.  
↳ PPG15 amplifies  
much more than quality of  
buildings ALSO PARTICULAR  
Mix 4.2*

*↳ Appeal decisions referred to  
by Appellants recognise  
an impact to character could  
result but mitigated by  
Conditions restrict to A2.  
Therefore implicitly recognizing  
that changes of use are MATERIAL  
CONCERNS WHEN DECISION CHANGES  
OR USE WITHIN CONSERVATION  
AREAS*

*Use  
not totally  
irrelevant*

## STATEMENT

### 1.0 SITE AND SURROUNDING AREA

- 1.1 This appeal is submitted against the decision of The Royal Borough of Kensington and Chelsea to refuse to grant planning permission for the change of use of this property from its current retail use to the use of the premises for an estate agency within use class A2.
- 1.2 The appeal premises is a ground floor retail unit that measures approximately 51 sq.m. in floor area. It is a mid-terrace property with two upper floors, the upper floors having an independent access to the ground floor unit. There is no separate rear access to the retail unit. (See Appendix 1)
- 1.3 The shop to the north (no.112) is in use as a general convenience shop and that to the south (no.108) an antique and fine art retailer.
- 1.4 Kensington Church Street is in general characterised by the unique collection of specialist antique and fine art shops and this part of Kensington Church Street is in particular characterised by the presence of this retail function.
- 1.5 The application property lies within the Kensington Palace Conservation Area, the boundary of which runs the length of Kensington Church Street, (see Appendix 2). A Conservation Area Proposals Statement was adopted on the 22<sup>nd</sup> April 1996. The properties opposite are within the Kensington Conservation Area. The property is also located within the non core frontage of the Notting Hill Gate Principal Shopping Centre.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted in 1979 for an extension at 1st and 2nd floor levels at rear and alteration to shop front.
- 2.2 The premises are currently vacant but would appear to have been in use as a retail shop (Class A1) for many years.
- 2.3 Separate applications are currently being considered for alterations to the shopfront and signage. (PP/01/1505 and CA/01/1506)
- 2.4 The appeal application was refused planning permission on the 20<sup>th</sup> September 2001.