



Appeal Decision

Site visit made on 21 May 2013

by Les Greenwood MRTPI

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

Decision date: 12 June 2013

Appeal Ref: APP/K5600/A/12/2188959

47 Old Church Street, London SW3 5BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Echlin and Bailey (47 OCS) Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/12/03636, dated 27 September 2012, was refused by notice dated 30 November 2012.
 - The development proposed is the erection of a 5 storey, 3 bedroom house arranged over basement to third floor level, with a contemporary facade.
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Procedural matter

1. The description of the proposed development on the application form included reference to the demolition of the existing building. The Council has previously granted a separate Conservation Area Consent for this demolition, which has been carried out.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a 5 storey, 3 bedroom house arranged over basement to third floor level, with a contemporary facade in accordance with the terms of the Ref PP/12/03636, dated 27 September 2012, subject to the conditions in the attached Schedule.

Main issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Cheyne Conservation Area.

Reasons

4. This section of Old Church Street south of the Kings Road, within the Cheyne Conservation Area, is largely made up of well-proportioned and detailed terraced houses whose individual designs give the street scene interest and a strong sense of rhythm. The Council's *Conservation Area Proposals Statement* advises that this was once the main street of the original village, lined by 17th and 18th Century houses, with frontages divided into narrow plots. These older buildings are occasionally punctuated by more contemporary buildings of varying quality.
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5. No 47 was, prior to its demolition, 1 of a short terrace of 3 mid-20th Century houses designed by well-known architect Louis de Soissons. This terrace was described by English Heritage (in its 2012 rejection of a request for listing) as a sensitive modern adaptation of the Georgian town-house model. Alterations including a mansard roof extension at No 45 had, however, already undermined the symmetry and simplicity of the terrace prior to the demolition of No 47. There is an extant planning permission for a new house here, of a similar design to the demolished house, but with a mansard roof to provide an additional storey. The appeal proposal would provide a building of a comparable height and bulk, but to a more contemporary design. The plans have been amended at application stage, setting the top level back from the front facade, behind a parapet wall.
6. The original house is gone and I see no overriding value in its replacement with a similar design, a move which it seems to me would mark another marginal but significant move away from the original concept. The proposed contemporary scheme appears to have been carefully designed to complement the buildings on either side in terms of form, scale and position of openings and materials. Like the remaining buildings in the terrace, it would be restrained in its detailing. I agree with the comments of the Chelsea Society here in that the appeal proposal would be an interesting and calm example of modern design that would add variety to the street scene. The proposed rear elevation would be somewhat more bland, but not so as to be out of place in its situation, overlooking a rear courtyard.
7. The architecture of the proposal has been heavily criticised by some, including the Old Church Street Association, in particular due to the use of bands of vertical bricks, running across the building's facades. Despite the horizontal nature of this feature, the building would retain a vertical emphasis in character with other buildings in Old Church Street, due to its height, narrow frontage and fenestration. There are examples of sufficiently similar detailing locally that the brick banding would not be out of character. The set-back of the top floor has also been criticised for unbalancing the terrace, but I see no reason for this new building to form a symmetrical group with the remainder of the original terrace.
8. I conclude that the proposal would enhance the character and appearance of the conservation area. It therefore accords with the shared aims of the National Planning Policy Framework, Policies CL1, CL2 and CL3, of the Core Strategy for the Royal Borough of Kensington and Chelsea with a Focus on North Kensington and Policy CD63 of the Council's Unitary Development Plan, to secure high quality design and architecture, particularly in conservation areas.
9. There are 2 first floor flats in the rear courtyard, one of which would look directly towards the new building at close range. The proposal would have a substantial effect on light, outlook and privacy in that flat. However, the only substantive difference between this scheme and the approved plans would be a marginally greater bulk at the rear, at third floor level. Brick colour could be the subject of a condition, so that the use of dark bricks could be avoided in order to provide reflected light to the flats. I have little doubt that the approved scheme would be carried out if this appeal were to fail and the resulting impact on neighbours would not be significantly different. To the

front, the effect on neighbours would again be much the same. I therefore find no material harm to living conditions at neighbouring properties.

10. I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. Conditions regarding the supervision of the construction of the basement, the use of the Considerate Contractors Scheme and a Construction Traffic Management Plan are necessary due to the density of residential properties here. A condition requiring compliance with Ecohomes standards is also justified in the interest of sustainability. Further approval of detailing and materials is also necessary here, despite the detailed nature of the plans, as these matters will be crucial to the effective realisation of the design concept.
11. Finally, a condition restricting permitted development rights for further minor alterations is exceptionally justified here, so that the design concept can be reasonably maintained over time. I am not, however, convinced that a restriction on plumbing and pipework is also needed. The submitted plans already detail a rainwater down pipe on the front, most public, elevation, which is to a great extent protected from other pipework by an exclusion under Schedule 2 Part 1 Class G of the permitted development regulations. I have amended the Council's suggested wording in places to make the conditions more concise and to exclude matters outside of the scope of this appeal.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1210_001, 1210_002, 1210_099 P1, 1210_100 P1, 1210_101 P1, 1210_102 P2, 1210_103 P2, 1210_104 P2, 1210_120 P2, 1210_121 P1, 1210_122 P2, 1210_132 P2, 1210_133 P1 and 6129 01F.
- 3) The construction of the basement hereby permitted shall not take place except under the supervision of a chartered engineer whose appointment has been notified in writing to the local planning authority.
- 4) The development hereby permitted shall not be carried out unless the lead contractor, or the site, is signed on to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice and: (i) membership details; (ii) contact details; (iii) working hours as stipulated under the Control of Pollution Act 1974; and (iv) a Certificate of Compliance, are all clearly displayed on the site so that they can be easily read by passing members of

the public. This display shall be maintained throughout the duration of the development hereby permitted.

- 5) The development hereby permitted shall only be carried out in accordance with the Construction Traffic Management Plan Revision A by Beachcrown Developments Ltd dated April 2012 or other Construction Traffic Management Plan as may be submitted to and approved in writing by the local planning authority.
- 6) The dwelling hereby approved shall not be used or occupied until it has achieved an Ecohomes rating of Very Good with at least 40% of the credits achieved under the Energy, Water and Materials sections and a post construction review Certificate for the dwelling has been issued certifying that a Very Good rating has been achieved.
- 7) Notwithstanding the submitted details, the development hereby permitted shall not be carried out other than in accordance with (a) detailed elevation drawings showing all architectural detailing including shadow lines and recessed areas and (b) a schedule of all external facing materials to be used in the construction of the dwelling, which have been submitted to and approved in writing by the local planning authority before the relevant part of the work is begun.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or external alterations covered by Schedule 2 Part 1 Classes A or B of that Order shall be carried out.

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