

Your ref: APP/K5600/Y/17/3186713 & APP/K5600/W/17/3186709

LPA ref. PP/17/00649 & PP/17/00650

Our ref: 42034



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29 January 2018

The Planning Inspectorate
Room: 3/26b
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Madam,

RE: Town and Country Planning Act 1990 (as amended)

Appeal by Mr Keith MacRae – Rebuttal in response to LPA Statement

Flat 2, 170 Holland Park Avenue, W11 4UH

This appeal rebuttal letter is submitted by Peter Brett Associates LLP on behalf of Mr Keith MacRae ('the appellant') in respect of the refusal by Royal Borough of Kensington and Chelsea (RBKC) to grant full planning and listed building consent under the Town and Country Planning Act 1990 (as amended) for the proposed development (LPA Ref. PP/17/00659 & PP/17/00650) at Flat 2, 170 Holland Park Avenue, W11 4UH ('the site').

The proposed development comprises *"Creation of an infill extension at ground floor mezzanine level within rear lightwell"*.

The application decision notices were issued on 12th April 2017. Planning and Listed Building Consent were both refused for the following reason:

The application fails to demonstrate that the proposals would preserve the special architectural or historic interest of the listed building contrary to the NPPF and development plan policy, in particular Consolidated Local Plan policy CL4.

The Statement of Case and appendices, together with the amended plans and documents submitted with the appeal provides the appellant's grounds of appeal.

This letter is submitted as an appeal rebuttal in response to the comments presented by RBKC ('the LPA') in their statement (the LPA's Statement) (dated 12.01.18). It should be read together with the enclosed 'Schedule of Clarifications' (Appendix A) which tabularises the drawings submitted at planning application and appeal stage, and explains the clarifications to the appeal drawings, Appendix B, which contains information drawings of similar schemes approved in RBKC.

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1. Response to the LPA's Statement of Case

LPA Statement

- 1.1. The LPA Statement of case states that, *"It is considered unreasonable for the appellant to submit so many amended or additional drawings and documents at appeal stage, particularly as these include proposals, which were either not clear, or not included in, the original application or statutory consultation. This is unfair both for planning authority officers trying to assess these proposals as well as to any interested parties who would have a reasonable expectation to have an opportunity to assess the impact of the proposals and make representations."*

Response

- 1.2. The purpose of submission of the appeal plans is to address specific matters raised by raised by the LPA in the Officers' Report. The proposals shown in the drawings submitted at appeal are the same as those shown in the original planning application drawings. No amendments to the proposal scheme have been made and it remains exactly the same, other than a minor adjustment to the accuracy of the ceiling height shown on the drawings of Flat 2. None of the amendments prejudice the determination of the application or interested parties / neighbours.
- 1.1. Interested parties have been given the full statutory timeframe during the determination of the application to comment on the proposals. As there is no material change to the proposals, it is not considered reasonable nor appropriate for the LPA to request that interest parties need reconsulting on the appeal drawings. The only persons affected by the proposals are No.1 Addison Avenue and Holland Park Dentist Surgery, both of whom are fully aware of the extent of the proposals and have written letters in support of the proposals.
- 1.2. The nature of the proposals and complexity of the building (of which is beyond the appellant's control) necessitates the number of application drawings provided. Specifically, the Officers' Report notes that proposed drawings had not been submitted match every existing drawing, despite the fact these proposed drawings had been omitted because the proposals are not visible or relevant. However to address the comments in the Officers' Report, the appeal submission includes a matching proposed drawing for every existing drawing submitted.
- 1.3. These proposals are the second application for proposals of this nature. When the original application was refused, the LPA advised that the appellant undertake a pre-application engagement to obtain advice on what would be possible at the subject site.
- 1.4. The pre-application advice received provided commentary outlining why all options would be refused. When the appellant asked for advice on possible solutions, the LPA response advised that they would not make any proactive suggestions, and that the Appellant would need to develop and submit further options to obtain commentary on those.
- 1.5. This has made it very difficult for the appellant to obtain practical and useable advice from the LPA as to what type of development they would consider to be acceptable at the site.
- 1.6. Furthermore, the LPA did not visit the site with the application drawings prior to the determination of the application, instead stating that they had undertaken a site visit prior to issuing pre-application advice and therefore that there was no need. It is essential to visit the site with the proposed drawings in order to fully understand the complexity of the building layout, and to fully understand the proposals.
- 1.7. The appellant also received no engagement from Officers during the determination of the application, such as to advise that further information was required to determine the



application, or that there were inaccuracies with the drawings. Had these issues been raised, the appellant could have addressed them prior to determination of the application.

- 1.8. The LPA subsequently issued the decision to refuse the application. The Officers Report refers to several issues with the submitted application drawings and advises that further information is required to accurately assess the proposals and determine the application. As stated above, the LPA did not at any point raise these issues with the appellant prior to the determination of the application, and thus afford any opportunity to clarify their queries
- 1.9. Given this lack of engagement, it is considered totally unreasonable for the LPA to now make negative commentary about the quantity of amount of information provided at appeal stage which is needed to answer the queries Officers have raised in the Officers' Report.
- 1.10. However, the appellant is sympathetic to the number of drawings requested by the LPA and provided at appeal. For clarity, an enclosed 'Schedule of Clarifications' has been prepared and appended to this letter. This document tabularises the submitted application and appeal drawings, and explains where annotations and clarifications to the drawings have been provided in the submitted appeal drawings, and where additional drawings have been prepared in response to the LPA Officers' Report.
- 1.11. For the reasons outlined in the Appellant's Statement of Case and in this letter, and given that the information contained in the submitted drawings has largely been prepared in response to comments made in the LPA Officers Report, it is respectfully requested that the Inspector accept the revised drawings and supporting documents as there is no change to the submitted and refused proposal.

2. Comments on the Appeal Scheme

LPA Statement

- 2.1. The LPA Statement states that, "*The rear facade of this corner property consists of the large rear 'wing' (which has a formal eastern facade to Addison Road and a secondary facade to the North and East, facing what would have been the rear garden) and a separate, narrow closet wing adjacent to No. 172. The form and appearance of the rear facade, and the hierarchy between the main rear 'wing' and the ancillary closet wing, make an important contribution to the significance of this listed building. The '1948 extension' is a rather unfortunate contribution to the significance of this listed building, which infills this recess between the rear projections at the lower ground and upper ground floor levels and has therefore had a harmful impact on the form an appearance of the rear facade. It is considered that the historic form, patina and architectural detailing of this secondary space contribute to the special interest of the building.*

Whilst it is acknowledged that the consent was granted for an additional storey to the 1948 extension, this was prior to the introduction of the current policy regime, which places much emphasis on the importance of preserving the listed buildings and their features of special interest, and requiring that any harm is sufficiently justified.

The polices of most relevance to the appeal scheme are summarised above.

Please note that paragraph 5.1.3 of the 'Appellants 'Statement of Case' refers to the following policy, against which applications are not assessed with the Royal Borough of Kensington & Chelsea: 'RBWN Saved Unitary Development Plan (UDP).

The proposed additional storey to the '1948 extension' would infill the recess at a higher level than the existing, resulting in the further erosion of the historic form of the rear facade and



further detracting from its original simple composition, harmful to the special interest of the building. it would cause the infill extension to appear as an even more cramped addition, and would further connect the historic rear closet wing and the large rear projection at a higher level, further eroding their form and confusing the relationship between the two.

It is also now clear from the recently amended rear elevation drawing, that the proposed extension would wrap around the rear of the historic closet wing, similar to the '1948 extension' below, but at a higher level. This combined with the rearward projection and a large window opening to the rear facade, would cause the modern infill extension to visually distract from, and compete for dominance with, the historic closet wing. The rear proposed extension would exacerbate the current uncomfortable relationship between the rear projections, disrupt their hierarchy and cause the rear elevation to appear cramped, overly cluttered and rather ill conceived."

Response

- 2.2. The Appellant is sympathetic to what some may consider a harmful impact on the Grade II* listed building created by the 1948 extension. However, the extension has been built and it is not in the Appellant's interest to remove it, despite its shortfalls.
- 2.3. To describe the extension as wrapping around the original closet wing is overstating the case - it overlaps it (by 440 mm) as does the 1948 extension.
- 2.4. The LPA are assessing the proposals using as a baseline the footprint of the original unaltered building, prior to the 1948 extension. This building is no longer in its original form and therefore this baseline is therefore no longer relevant and provides an inaccurate assessment of the current state of the building.
- 2.5. Due to the corner location of the site the 1948 infill, at basement and ground floors, are only visible from the rear external area of Flat 2. From outside the site the existing and proposed infill are tucked into the side return and only visible from an acute angle at the very far end of the garden behind 172 Holland Park Avenue.
- 2.6. The existing 1948 extension appears like an incongruous block of accommodation with a horizontal emphasis at the base of the side return. The additional floor of the infill at mezzanine level improves the proportions of the infill in its setting and gives it a vertical emphasis. This along with the altered window proportions to match that of the staircase window above, is a significant visual improvement which is in keeping with the original building and its setting.

LPA Statement

- 2.7. The LPA statement states, "*There appears to be a considerable difference between the 1980's drawings and the current drawings with regards to the height of the window above. There is some concern that the proposed extension would sit closer to the window than the current drawings suggest. The CGI seems to support this.*"

Response

- 2.8. The dimension from the asphalt roof of the existing 1948 infill to the cill of the staircase window above is 2650mm as indicated on [13] 170HPA_EXISTING_SHEET-SECTION BB_amended.
- 2.9. A minimum gap of 200mm between the roof of the new infill and the lower cill will be maintained allowing for a 2.3m ceiling height within the new mezzanine level.



LPA Statement

- 2.10. The LPA statement states that, *“This addition would also conceal a significant area of historic brickwork to the main rear facade and the flank elevations of the north rear projections. Particularly considering the harm already caused by the 1948 and 1980’s additions, the further concealment of historic fabric is considered to erode the historic appearance and special interest of this building.”*

Response

- 2.11. The brickwork that exists at this lowest level of the north facing face of this 6-storey building is in a poor state of repair, damp, covered in organic growth - moss, lichen - and as the space is constantly used by roosting pigeons, is covered in bird droppings. The proposed mezzanine infill would also be built in brick to match existing, therefore the proposals are not considered harmful to the historic appearance and special interest of the building.
- 2.12. If necessary, the appellant would accept a condition placed on a consent requiring re-use of the existing bricks removed to create the side opening for the proposed infill.

LPA Statement

- 2.13. The LPA Statement states that *“This property has already been extended in a harmful manner at the lower and upper ground floor levels; however, it has largely retained the historic form and appearance of its rear facade at the upper levels and, as such, harmful alterations carried out in the past, offer no justification for more.”*

Response

- 2.14. As stated above, the 1948 extension has created an incongruous block of accommodation at the upper levels, to the detriment of the listed building. The proposals provide a significant visual improvement which is in keeping with the original building and its setting.
- 2.15. The proposals for the infill at lowest level of the rear light well are barely noticeable, recessed into the rear corner of the end of this 6 storey building, and as stated above is only ever going to be visible from the very end of the rear garden of 172 HPA. To describe the proposals as harmful is a gross exaggeration of what, by any measure, is actually negligible impact.

LPA Statement

- 2.16. The LPA Statement states that *“From the limited available information, it is considered that the proposed works would require the loss of a large amount of historic fabric, both internally and externally, harmful to the special interest of this grade II* listed building.”*

Response

- 2.17. The LPA begin their statement criticizing the appellant for the quantity of information provided. The LPA are now providing contradictory statements, by saying that too little information has been provided. The appellant has provided sufficient detail both in plan form and photographs, both internally and externally for the LPA to make a fully informed assessment of the proposals.
- 2.18. If the LPA Conservation Officer or the Planning Officer had undertaken a site visit prior to determining the application, they would have been above to observe that the proposals seek to remove a very small area of brickwork at the lowest level of the light well. This would



measure 2.33m wide by 2.3m high = 5.4m² of brickwork and to create a door opening of 2sqm. The infill provides 5m² of additional accommodation and increases the facade of the infill by 5sqm on a six storey building with a GFA of circa 600sqm. The proposals therefore represent an additional floor area of 0.83%. Therefore, to describe the effects of the proposals as 'harmful' or as a 'large loss of historic fabric' is considered a gross exaggeration and an inaccurate assessment of what is actually being proposed.

LPA Statement

- 2.19. The LPA Statement states that *"The creation of such a large opening within the side wall of a closet wing would erode the surviving cellular plan form and disrupt the hierarchy of spaces within this building."*

Response

- 2.20. The opening is 2.33m x 2.3m - i.e. 5.4sqm and is required because the cellular room that is created would be almost unusable without the removal of the wall. We are not proposing to create a large open plan space. The proportions of the room created at mezzanine level are entirely in keeping with the proportions and hierarchy of spaces with the building.

LPA Statement

- 2.21. The LPA Statement states that *"The creation of a doorway within the main rear wall of the building would also alter the historic pattern of circulation within the building and would erode the appearance of the primary staircase compartment, which makes an important contribution to the significance of the listed building."*

Response

- 2.22. The creation of a doorway at mezzanine level is exactly the same as already exists on the floor level above. The position, dimension, proportions, material, and detailing of the door will be identical to the door above. It is considered that the LPAs' claim that the introduction of this doorway has any impact on 'historic pattern of circulation' or 'erode the appearance of the staircase compartment' is a gross exaggeration. The impact is in fact negligible.

LPA Statement

- 2.23. The LPA Statement states that *"At application stage the Conservation & Design Officer raised concerns over the lack of investigative works and the lack of information in relation to the extent of the works required to facilitate the use of the void as a habitable space."*
- 2.24. In response to this the appellant has stated the following within their 'statement of case': *"Investigation has since been carried out to ascertain the age and nature of the fabric within the void, during which photos of the void which were taken. The photos were taken through a hole for a down lighter in the kitchen ceiling so the photos are looking up into the void. These are provided at Appendix D and show the existing condition of the void interior". (Paragraph 6.2.15). Whilst these photographs are useful and clearly demonstrate that the void is historic, there is still no information on the nature and extent of the works within the void. For example: How is the new floor structure to be installed and supported? Where and how will the liner and pad stones be supported (particularly considering that there will now be any nibs to the closet wing)? Where are the pad stones to be inserted? What impact will all of these works have on the surviving historic fabric?"*

Response



- 2.25. The very small floor area to be infilled is 2.33m x 1.2m and can be supported by a timber bolted to the wall forming a 'ring beam from which floor joists can be hung, thus eliminating the need for pockets being formed in the wall to support joists. The floor can therefore be supported with minimal impact on the historic fabric of the building. This is a simple matter which could have been clarified if the LPA had engaged with the applicant.

LPA Statement

- 2.26. The LPA Statement states that, *"The appellant has failed to demonstrate that the proposed openings (the doorway in the main rear wall of the building and the extensive opening to the side of the closet wing) would not cause harm to the structural integrity of the listed building. There doesn't seem to be any evidence of input from a structural engineer at this stage, despite the advice provided by the LPA at pre-application stage."*

Response

- 2.27. Structural proposals for lintel over door and beam over the small section of brickwork to be removed at mezzanine level have been sized by John Bicknell of Engineering Design Associates (see Appendix 3 for attached email). The drawings clearly state that all structural alterations will be undertaken in accordance with structural engineers details and calculations, and of course these are also a requirement for Building Warrant.
- 2.28. As described, the supporting beam will require to be supported on 225 x 150mm deep concrete pad stones and 10mm dry pack between the top of UB and the underside of the brickwork. The UB to be supported the full length of the pad stones. A pocket which will be located at each end of the beam will require to be created at either end of the UB.
- 2.29. The lintels to the door opening to be formed at mezzanine landing level will require over bearings of 150mm at either end within the walls of the doorway. Please refer to the following drawings for information on structural works.
- [1] 170HPA_OPTION09_SHEET-WEST ELEVATION 50_amended
 - [6] 170HPA_OPTION09_SHEET-MEZZANINE_amended

LPA Statement

- 2.30. The LPA Statement states that *"Under paragraphs 6.2.19 and 6.2.20 of the 'Statement of Case', the appellant provides the following justification for the proposed extension: "Local Plan Policy CL4 (d) (ii) states that the Council will take opportunities to remove internal and external features that harm the architectural or historic significance of the asset, commensurate with the extent of proposed development; At present the light well is unsightly and is a source of maintenance issues, as it is affected by damp, debris and roosting pigeons. The proposed infill would mitigate and resolve these issues, thereby preserving the existing fabric of the listed building in accordance with Policy CL4 (d) (ii) above."*
- 2.31. *The light well which the appellant refers to is a historic feature, which contributes to rather than harms the significance of the asset. The infilling of this feature would in fact cause greater harm and this is considered to outweigh 'benefits' as suggested by the appellant. This issue is discussed in detail above. Although not requested, or expected of the appellant, the removal of the harmful 1948 extension would represent a more accurate interpretation of Policy CL4 (d) (ii).*



Response

- 2.32. There is no suggestion by the appellant that the light well is not a historic feature. However, the Inspector is asked to consider what value is provided by this lightwell, following impact on this space created by the 1948 extension. It is a fact that at its lowest level, there are no windows served by the light well and it is a constant source of maintenance issues, not least because it is full of roosting pigeons and bird droppings. If the Conservation or Planning Officers had undertaken a site visit as requested prior to determining the application this would have been apparent.
- 2.33. The LPA fails to take into consideration that the light well is already infilled at basement and ground level or to use this as a baseline for determining this application. Instead, the LPA has taken an unrealistic position that assumes the site has not already been altered by extensions implemented in 1948 and 1988. To suggest that the intent of policy CL4 (d) (ii) is that already implemented alterations should be removed merely serves to reinforce the totally unrealistic position of the LPA.

LPA Statement

- 2.34. The LPA Statement states that *"The 'statement of case' refers to other approvals for extensions elsewhere in the Borough. It is important to note that each case is assessed on its merits, and therefore previous approvals, particularly to properties elsewhere in the borough, do not justify the proposed works at the appeal site. Never the less, even without a full understanding of the background at these sites, there are key differences between the current appeal scheme and the previous approved schemes referred to by the appellant. It should be noted that the amount by which these properties had been extended at the time of application was significantly less than the application Property."*

Response

- 2.35. The examples presented in the Statement of Case are not meant to provide like for like examples. However, they do demonstrate that the general principle of the proposals has been considered acceptable by the LPA on other grade II* listed properties. The appeal proposals are for an extension of circa 5sqm. The extensions implemented in the precedents listed in the Statement of Case are all significantly greater in size than the proposals for 170 HPA. Approved drawings of several of the examples listed in the Statement of Case are provided at Appendix B to this statement. These are near like-for-like precedents for third storey closet wing extensions / removal of brickwork to closet wing / inserting new doorways internally which have been approved by the LPA. This reflects the inconsistent approach taken by the LPA.

3. Proposed Cleaning Works

LPA Statement

- 3.1. The LPA statement states that, *"There is insufficient evidence to prove that the fabric of the building is at risk and therefore that cleaning works are required in order to preserve the integrity."*

Response

- 3.2. Again, if the LPA had undertaken a site visit prior to the determination of the application, they would have seen the current state of the brickwork in this specific area at the base of the light well. The brickwork is damp, full of organic growth, lichen and moss and full of roosting pigeons, and therefore full of bird droppings.



LPA Statement

- 3.3. The LPA statement states that, *“Under the original application information was not provided in relation to the proposed method of cleaning the brickwork to the rear facade. The appellant has now provided an extensive list of different methods of cleaning the external surfaces of buildings but has not specified; which one is to be used, the type / age / condition of the fabric it is to be used on, and the exact size and location of area to be cleaned.*

Some of the suggested methods (particularly those involving chemicals) are likely to cause harm to the integrity of the historic brickwork and most (if not all), and in general, the cleaning works would cause harm to the historic appearance of the building, particularly if carried out over a large area. The appellant has therefore failed to provide sufficient information and to demonstrate that the works would preserve the special interest of the listed building. Due to the likely impact on the historic patina and aged appearance of this building, and the possible damage to the surviving brickwork, concerns remain over the impact of the cleaning works.

Under Paragraph 6.2.17 of the ‘Statement of Case’, the appellant refers to the proposed cleaning works and states the following: “A Historic Brickwork Cleaning Methodology (October 2017) has been prepared and submitted with this appeal submission. The document details the cleaning methods which have been found to be appropriate in similar cases for the materials to the rear of 170 Holland Park Avenue. The methods detailed in this document will be applied to the brickwork cleaning undertaken to the historic walls at 170 Holland Park Avenue. The visual and structural impact of the impact of the historic boundary wall will therefore be protected and maintained.” Firstly information on the “similar cases” have not been provided and there is no recent record of Listed Building Consent for such works. The last sentence is not understood, and it also refers to the boundary wall, rather than the light well, which the other documents seem to suggest would be subjected to the cleaning works.”

Response

- 3.4. However, the LPA then note in the Officers’ Report that *‘Information has not been provided in relation to the proposed method of cleaning the brickwork to the rear façade.’* It is therefore unreasonable for the LPA to criticize the applicant for providing this information at appeal stage to clarify a simple matter which could have been addressed if this had been raised by the LPA during the determination of the application.
- 3.5. The only area of brickwork that will require cleaning is the very small area of brickwork that will become the internal wall finish within the proposed mezzanine study.
- 3.6. The method of cleaning to be used will be the least invasive that achieves the desired result, this being a clean brickwork wall. Normally, it would be beneficial for all parties to agree that the final cleaning solution be determined with the LPA through the application of samples of the different methods of cleaning outlined.
- 3.7. In this instance, given the LPA response to the historic brickwork methods proposed, the appellant would in this instance propose that the brickwork is simply washed with water to remove organic growth and the historic bird droppings. However, the appellant would be satisfied for agreement of a brickwork cleaning method of the LPAs satisfaction, to be secured by condition.

LPA Statement



- 3.8. The LPA Statement states that *“Similarly ‘Appendix D’ of the ‘Statement of Case’ is entitled ‘Photos of Light well at 170 Holland Park Avenue’ even though the photographs are of the concealed void inside the closet wing.”*

Response

- 3.9. This is a minor typographical error to the title of Appendix D. However, the correct title of these photographs - ‘Photos of mezzanine void – taken from below’ is provided at the base of each page of Appendix D, and the photographs are correctly referenced in the text of the appellant’s Statement of Case.
- 3.10. Furthermore, photos of the light well were included in the original application submission Design & Heritage Statement on pages 5 & 6 of 13.
- 3.11. This minor typographical error is therefore not considered appropriate nor significant to the determination of this appeal.

LPA Statement

- 3.12. The LPA Statement concludes that *“Due to the lack of information and the various inaccuracies within the submission, the appellant has still failed to demonstrate that the proposed works would not cause harm to the significance of this Grade II* listed building. Based on the information submitted under the Appeal, it is considered that the proposed works would cause harm to the significance of the listed building. The harm is considered to be ‘less than substantial’ under paragraph 134 of the National Planning Policy Framework.*

Paragraph 134 of the NPPF also explains that public benefits, include optimum viable use, should be considered and weighed against the ‘less than substantial’ harm to significance.

The appellant provides the following justification for the works: “At present, the light well is a source of many issues. It is the lowest level of the North facing light well, and is unsightly. As it receives no sunlight the area is constantly affected by damp, and is filled with debris and roosting pigeons. Infilling the lowest level would mitigate and resolve some of these issues and therefore enhance the preservation of the existing fabric of the building.”

As per the above, no evidence has been provided to demonstrate that such issues are a threat and that the integrity of the building or its rear facade are at risk. In any case, it is unlikely that the proposed extension will resolve, or even significantly improve, the issues described. it is considered that regular maintenance of this area, or even modest alterations to the roof of the 1948 extension, would overcome such issues.

Response

- 3.13. This statement is incorrect - photos of the light well were included in the original application submission Design & Heritage Statement on pages 5 & 6 of 13.
- 3.14. Had the LPA undertaken the site visit prior to determination they would have seen for themselves the state of the brickwork in this specific area at the base of the light well. The brickwork is damp, full of organic growth, lichen and moss and full of roosting pigeons, and therefore full of bird droppings.
- 3.15. For the reasons outlined in this letter and in the Appellant’s Statement of Case and supporting plans and documents, the proposals are not considered to cause ‘less than substantial harm’ under paragraph 134 of the NPPF.



- 3.16. The Inspector is asked to consider paragraph 131 of the NPPF, which states that *“In determining planning applications, local planning authorities should take account of... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”*
- 3.17. As detailed in previous sections of this statement, the brickwork that exists at this lowest level of the north facing face of this 6-storey building is in a poor state of repair, damp, covered in organic growth - moss, lichen - and as the space is constantly used by roosting pigeons, is covered in bird droppings. The proposed mezzanine infill would also be built in brick to match the existing, therefore the proposals are not considered harmful to the historic appearance and special interest of the building.
- 3.18. Thus, contrary to the LPA view, and for the numerous reasons demonstrated in the appellants Statement of Case and this letter, the proposals are not considered to cause ‘less than substantial harm’ under paragraph 134 of the NPPF.

LPA Statement

- 3.19. The LPA statement states that, *“The proposed extension would provide additional internal floor space, which is of private benefit only. The alterations to the rear facade of the existing ground floor infill extension would provide some improvement to the appearance of this later addition; however, when combined with the proposed extension above, with its equally large window at an elevated level, the fenestration would contribute to the overly dominant appearance of this infill extension. As the property is in residential use and is currently occupied, the works are not required to secure its optimal viable use. It is not considered that there would be sufficient public benefit to out weigh the ‘less than substantial’, yet significant, harm caused to the significance of this Grade II* listed building.”*
- 3.20. Here the LPA state that *‘the alterations to the rear facade of the existing ground floor extension would provide some improvement to the appearance of the later addition’. They stated previously that ‘The rear proposed extension would exacerbate the current uncomfortable relationship between the rear projections, disrupt their hierarchy and cause the rear elevation to appear cramped, overly cluttered and rather ill conceived’.*

Response

- 3.21. For the justifications stated earlier, the existing area which we wish to infill serves no purpose as a light well and is a source of constant maintenance issues and is unsightly. The space itself and the proposed infill are barely visible from any surrounding property due to their location tucked into a side return in the very corner of the end of terrace 6-storey block. It is absurd to suggest that a 0.83% extension could be categorised as harmful by any measure.

Response

- 3.22. The LPA statement provides a list of suggested conditions, in the event that the appeal is allowed. These are as follows;

‘Recommended Conditions in the event the appeal is allowed:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*
- 2. The development shall not be carried out except in complete accordance with the details shown on submitted plans.*



3. Work to match retained fabric

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

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Consolidated Local Plan.

4. Pointing, re-pointing, and jointing

The mortar mix shall match the original construction mortar of the building with regard to the grading of the aggregate, finish, and colour. The mortar must be lime based (NHL as per EN459) with no cement content. The pointing profile shall match the original profile on the building.

If the original pointing no longer exists, details of the re-pointing profile should be submitted to and approved in writing by the local planning authority before any such re-pointing takes place.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Consolidated Local Plan.

5. Retention of fabric

All existing fabric including existing wall and ceiling plasterwork shall be retained, unless notated otherwise on the drawings approved under this consent.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Consolidated Local Plan.

Response

3.23. The Appellant would be happy to accept the conditions proposed by the LPA.

4. Concluding comments

4.1. This letter is submitted as an appeal rebuttal in response to the comments presented by RBKC ('the LPA') in their statement (the LPA's Statement) (dated 12.01.18). It should be read together with the enclosed 'Schedule of Clarifications' (Appendix A) which tabularises the drawings submitted at planning application and appeal stage, and explains the clarifications to the appeal drawings, Appendix B, which contains drawings of similar schemes approved in RBKC.

4.2. The main points we seek to emphasize to the Inspector in this letter are;

- No amendments to the proposal scheme have been made and it remains exactly the same, other than a minor adjustment to the accuracy of the ceiling height shown on the drawings of Flat 2. The only amendments that have been made are clarifications to address specific issues raised by the LPA in the Officers' Report, which were not raised during the determination of the application;
- The LPA did not visit the site prior to the determination of the application. It is essential to visit the site in order to fully understand the complexity of the building layout, and to fully understand the proposals;



- The appellant also received no engagement from Officers during the determination of the application, such as to advise that further information was required to determine the application, or that there were inaccuracies with the drawings. Had these issues been raised, the appellant could have addressed them prior to determination of the application.
 - The existing 1948 extension appears like an incongruous block of accommodation with a horizontal emphasis at the base of the side return. The proposals would provide visual improvement in keeping with the original building and its setting.
 - The proposals therefore represent an additional floor area of 0.83%. Therefore, to describe the effects of the proposals as 'harmful' or as a 'large loss of historic fabric' is considered a gross exaggeration and an inaccurate assessment of what is actually being proposed.
- 4.3. For the reasons set out in this statement, the appellant's appeal Statement of Case and demonstrated in the submitted drawings, the proposals are considered to accord with the NPPF, the Consolidated Local Plan, and other material considerations. In particular, the proposals are considered to accord with Local Plan policies CL4 and CL5.
- 4.4. The appellant has identified a number of comparable schemes approved in the borough near like-for-like precedents for third storey closet wing extensions / removal of brickwork to closet wing / inserting new doorways internally which have been approved by the LPA.

Yours sincerely

Emily Brooker

For and on behalf of
PETER BRETT ASSOCIATES LLP

Encl.

- Appendix A - Schedule of drawing clarifications
- Appendix B – Approved drawings of comparable schemes in RBKC
- Appendix C – Email by John Bicknell of Engineering Design Associates