



# Appeal Case Statement:

Prepared by Drawing and Planning Ltd

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**Planning Application Reference:** PP/13/01067

**Address:** 43 Hillgate Place, London, W8 7SS

**Planning Appeal:** On behalf of Dr. F. Ayoub

**Appeal Proposal:** Retrospective works to 43 Hillgate Place, London, W8 7SS



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**Fig. 1:** Photograph of front elevation of the appeal property (as existing) - 43 Hillgate Place

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## 1.0 Introduction

- 1.1 This appeal statement has been prepared in respect of the decision by the Royal Borough of Kensington and Chelsea to refuse retrospective planning permission (**PP/13/01067**) which sought the retention of alterations to the front elevation including installation of architraves to windows at ground floor and first floor level and associated pot stands, installation of architrave and new entrance door, stucco rendering at ground floor level, replacement front entrance steps and replacement railings abutting the pavement at 43 Hillgate Place, London, W8 7SS.
- 1.2 This statement has been prepared on behalf of the appellant Dr. F. Ayoub and serves to demonstrate that the Council has no justification for withholding planning permission having regard to the relevant Central Government Guidance and Development Plan Policies.
- 1.3 The primary objectives of this appeal statement are to demonstrate that:
- Careful consideration is given to the aesthetics of the appeal building. The changes to the façade, more specifically the stucco rendering at ground floor level, does not harm the visual aesthetics of the appeal property.
  - The stucco rendering was applied to the property following renovation of the appeal building and was carried out to the highest of standards with the main intention of improving the visual appearance of the building.
  - The character and appearance of Kensington Conservation Area will be preserved.
  - It will be demonstrated that the works carried out are a true reflection of the type of finish already commonly applied to other terraced properties in the same road and elsewhere in the Conservation Area.
  - The proposal endorses Central Government Guidance contained within the National Planning Policy Framework (NPPF) as well as the relevant policies from the London Plan 2011, the adopted Kensington and Chelsea Core Strategy 2010 and the 'saved' policies of the Kensington and Chelsea Unitary Development Plan 2002 as well as having regard to the observations and advice contained within the Kensington Conservation Area and Proposals Statement 1995.

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## 2.0 Site and Area Analysis:

- 2.1 The appeal site is located on the southern side of Hillgate Place, opposite the junction with Callcott Street. The map extract attached in *Appendix 1.0* highlights the general location of the appeal site along with an aerial image of the site taken from Bing maps.
- 2.2 The appeal building is a two storey Victorian terraced property with a basement level and a flat roof mainly disguised by a parapet wall. The property is situated within the confines of the Kensington Conservation Area. These and other local designations are highlighted on the map extract from the Kensington Unitary Development Plan (UDP) Proposals Map extract shown in *Appendix 2.0*.
- 2.3 The appeal building is noted as not being listed. The façade is characterised by two windows at first floor plus a raised entrance and doorway. The property also benefits from separate basement accommodation served by an independent external access. The frontage is further characterised by painted iron railings. As will be discussed in the latter sections of this appeal statement, the applicant has altered the frontage in order to reinforce many of the traditional features which are commonly found in the area. Photographs of the appeal site and its surroundings are attached in *Appendix 3.0*.
- 2.4 The road is made up of similarly built terraced properties, and whilst these are repetitious in height, design, size and scale, many of the residential properties possess individual features and have been painted to a variety of pastel colours. This gives the road and the wider area individuality and adds further interest to the character and appearance of a diverse Conservation Area.
- 2.5 The appeal site is sustainably located given its Central London location. A desk based search of the application site confirms that the location of the application building has a PTAL rating of 6a which is regarded as “excellent”.

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## 3.0 Planning History and Background

- 3.1 Planning application Ref: **PP/12/00068** sought planning permission for the erection of a: **'Single storey rear extension at lower ground floor level, replacement of casement windows with timber framed double glazed sliding sash windows to rear and side elevation of the closet wing and the erection of a boiler house within the rear garden'** - Application Approved 06<sup>th</sup> Mar 2012.
- 3.2 Retrospective planning application Ref: **PP/13/01067** sought planning permission for the **'Retention of works to the front elevation to include Installation of architraves around 3 windows and incorporation of pot guards; Instatement of an architrave around main entrance of the property; Rendering of external ground floor wall; Alterations to steps and railings to property to provide York stone paving'**.
- 3.3 This application was submitted in direct response to a letter dated 20th December 2012 sent by Bruce Coey of the Planning Enforcement team at the Royal Borough of Kensington and Chelsea as the works to the front façade of the property were identified as not having planning permission by the Council. The applicant fulfilled the Council's request and proceeded with the submission of the planning application to address the external works to the front of the property. A copy of the letter in question is attached at *Appendix 4.0*.

To meet the requirements set within this initial letter from RBKC, the retrospective application was prepared, submitted and subsequently registered as valid by the LPA on the 20<sup>th</sup> Feb 2013.

- 3.4 The appeal application was handled under delegated powers by the Council and was ultimately refused on 17<sup>th</sup> April 2013 for the following reason:

### *Reason for Refusal*

**The retention of stucco rendering at ground floor level by reason of its materials and positioning would result in harm to the character and appearance of the building, the terrace of which it forms part and the Kensington Conservation Area, contrary to policies of the development plan, in particular 'saved' policy CD63 of the Unitary Development Plan 2002 (as amended September 2007), policies CL1, CL2, CL3 and CL6 of the Core Strategy adopted 8 December 2010 and the Kensington Conservation Area Proposals Statement adopted 9 January 1995.**

- 3.5 This statement will discuss why the above reason for refusal is unjustified and should be reconsidered before the Secretary of State. It is considered that this appeal raises the following main issue:
- Whether or not the stucco rendering applied to the ground floor of the appeal property will have detrimental impact upon the character and appearance of the appeal building and Conservation Area.

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## 4.0 Planning Policy Context

- 4.1 The Development Plan Policies of the Core Strategy - adopted 8 December 2010 and the 'saved' policies of the Unitary Development Plan - adopted 25 May 2002 have been addressed as material considerations. Weight was also given to relevant local Supplementary Planning Guidance/Documents and the Kensington Conservation Area and Proposals Statement. Before these Local Plan policies are analysed, the national and regional policy documents in the form of the National Planning Policy Framework (NPPF) and the London Plan shall be considered below.

### Central Government Guidance

#### National Planning Policy Framework (NPPF)

- 4.2 The National Planning Policy Framework (NPPF) document sets out the Coalition Government's most up-to-date vision for future growth. At the heart of the document is a presumption in favor of sustainable development. In the opening paragraph the Minister for Planning identifies that:

***"The purpose of planning is to help achieve sustainable development."***

- 4.3 The Ministerial Foreword highlights that ***"sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."***

- 4.4 There are three aspects that comprise sustainable development: the economic role, the social role and the environmental role. In terms of the economic element, land has to be made available where there is a demand to support growth. The environmental role involves the protection of the natural, built and historic environment.

- 4.5 Paragraph 17 of the NPPF sets out the core planning principles. Of particular relevance to the development, this document states that Councils must look to:

***"Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth and;***

***Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations."***

- 4.6 Paragraph 58 states that local planning policies and decisions should aim to ensure developments optimise the potential of sites in order to accommodate development. Paragraph 59 of the NPPF concerns design noting the following:

***"Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall***

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***scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally”.***

4.7 Chapter 7 is titled ‘Requiring good design’ and sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people.

4.8 Paragraph 126 is the opening paragraph to Chapter 12 which expands on the conservation and enhancement of heritage assets. This section sets a clear strategy to Local Planning Authorities to ensure that the following principles are taken into account when LPAs define strategies for their historic environments and in doing so should take into account:

***“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***

***The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;***

***The desirability of new development making a positive contribution to local character and distinctiveness; and***

***Opportunities to draw on the contribution made by the historic environment to the character of a place”***

4.9 Paragraph 137 of the NPPF requests that:

***“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”***

## **Regional Planning Policy**

### **The London Plan 2011**

4.10 The London Plan provides the Spatial Development Strategy for Greater London. Paragraph 7.31 makes reference to Conservation Areas and states that the Mayor, boroughs and other stakeholders should work to realise the potential of Inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation, and improving life and health for those living, working, studying or visiting there.

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## Local Planning Policy

### RBKC Adopted Core Strategy 2010

4.11 Policy CL1 refers to *Context and Character*. In short, the policy *inter alia* requires development through its architecture and urban form to contribute positively to the context of the townscape. Any development must address matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials, vistas, views, gaps and historic fabric of an area.

4.12 Policy CL2 is in part relevant owing to the modification to the existing building which forms this planning application. In particular criterion 'E' of the policy requires that modifications to a building respects the:

***“character and integrity of the original building and group of buildings that contribute to local distinctiveness such as height, width, depth, building line, footprint, position, symmetry, rhythm, materials, detailed design, important gaps and sense of garden openness”***

4.13 Policy CL3 is concerned with the borough’s Heritage Assets and stipulates that development should preserve and take the opportunity to enhance the character and appearance of conservation areas, historic places, spaces, townscapes and their settings.

4.14 Policy CL6 refers to small scale alterations to properties. Part A is of relevance and stipulates:

***“The Council will require that alterations and additions do not harm the existing character and appearance of the building and its context. To deliver this the Council will:***

***a. Resist small-scale development which:***

***i. Harms the character or appearance of the existing building, its setting or townscape;***

***ii. Results in a cumulative effect which would be detrimental to the character and appearance of the area;***

***iii. Are not of high quality form, detailed design and materials;***

***iv. Do not remove physical barriers to access or improve the security of the building in a sensitive manner in relation to the character and appearance of the building and surrounding area;”***

### Saved policies of the RBKC Unitary Development Plan (UDP) 2002

4.15 Regard will be given to the ‘saved’ policies of the RBKC UDP. An extract from the UDP proposals map is included in Appendix 2.0 to highlight the location of the application site. The following saved policies have relevance to the current appeal and for the avoidance of doubt are listed in full below:



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*“Policy CD50 - To permit alterations only where the external appearance of buildings or the surrounding area would not be harmed.*

*Policy CD61 - To ensure that any development in a conservation area preserves and enhances the character or appearance of the area*

*Policy CD62 - To ensure that all development in conservation areas is to a high standard of design and is compatible with:*

*a) Character, scale and pattern;*

*b) Bulk and height;*

*c) Proportion and rhythm;*

*d) Roof scape;*

*e) Materials;*

*f) Landscaping and boundary treatment of surrounding development*

*Policy CD63 - To consider the effect of proposals on views identified in the Council’s Conservation Area Proposals Statements, and generally within, into, and out of conservation areas, & the effect of development on sites adjacent to such areas.”*

- 4.16 The policies highlighted above are of relevance to the current appeal. The saved policies provide a clear understanding as to how the works carried out are in compliance. It will be demonstrated that the works to the façade will adhere to the established character and appearance of the area. It is recognised that the building contributes to the borough’s heritage asset, so all materials and views are maintained by introducing traditional features to the property.

## **Kensington Conservation Area and Proposals Statement**

- 4.17 The Kensington Conservation Area and Proposals Statement was published in 1995. This document defines the special interests of the area and explains how the area should be interpreted and preserved. The document also outlines key measures to ensure the appropriate enhancement of the Borough’s largest Conservation Area.

- 4.18 The document stipulates that:

**“Hillgate Place is divided into two by the crossroads with Hillgate Street. The position is unusually prominent because of the addition height of corner blocks, the care and consideration given to the façade of “The Hillgate” public house (particularly with flowers in the summer) and, less happily, the profusion of traffic signs. The view eastwards and downhill is terminated by the relatively tall facades on the east side of Jameson Street; uphill the enclosure provided by the cluttered backs of Campden Hill Road houses is somewhat masked by a delightful sequence of stucco houses in pastel colours around a short cul-de-sac.”**

- 4.19 Despite the document being 18 years old, the content provides a useful insight as to how Hillgate Place should be perceived in conservation terms. Much of the identified content has, in part, already been identified under the site and area analysis section of this statement. The document also reinforces how the current works are compliant with the Council’s very own analysis of the area.

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## 5.0 Grounds for Appeal

5.1 Having regard to the policies referred to in the previous section and the Council's refusal notice, it is considered that the appeal raises one pertinent issue as set out under section 3 of this statement and which is repeated below:

- **Whether or not the stucco rendering applied to the ground floor of the appeal property will have detrimental impact upon the character and appearance of the appeal building and Conservation Area.**

5.2 The Council's reason for refusal contests the retention of the existing stucco rendering which was applied to the ground floor of the property. As set out at paragraph 3.1 of the Case Officer's report, a planning enforcement investigation was carried out in December 2012. The appellant was contacted and in accordance with the Council's request, submitted a planning application to address the changes made. The application sought planning permission for the following alterations to the façade of the building:

- Installation of architraves around the three principal windows to the front elevation and incorporation of pot guards;
- Instatement of an architrave around the main entrance to the property;
- Rendering of the external ground floor wall;
- Alterations to the steps and railings to the property to provide York stone paving, new iron railings painted gloss black and;
- The repainting of the front elevation in a light 'heritage' pastel green in substitution of the former 'orange' painted walls

5.3 The appellant acquired the application property with the intention of eventually renovating and modernising the appearance and the internal living spaces within. Works to the property included erection of an infill extension on the rear elevation and other internal improvements which all benefitted from planning permission. As part of the works, the applicant opted to improve the external façade and had carried out the works to the front as identified above unbeknown that planning permission was required.

5.4 It is important to note that whilst the Council have provided reasoning behind a majority of the works to the façade, their opinion with respect to retention of the stucco render is flawed. In their justification for the retention of the other satisfactory alterations to the front the Council noted these elements as being acceptable based on there being other examples within surrounding area. However, the Case Officer has failed to apply the same approach when assessing the stucco rendering. The Design and Access Statement that accompanied the appeal application clearly highlighted examples whereby stucco render *inter alia* was applied to other properties in the road. Yet the Case Officer's report (a copy of which is attached at *Appendix 5.0*) at paragraph 4.8 makes the following statement which forms the main justification for refusal of the appeal application:

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**“The application seeks the retention of the recently applied rendering to the front elevation at ground floor level to the front elevation. The unauthorised rendering of the front elevation at ground floor level at 43 Hillgate Place is incongruous with the other houses on the southern side of the street which are all faced in brickwork at ground floor level. The retention of the existing render at ground floor level results in harm to the character and appearance of the existing building and surrounding conservation area.”**

- 5.5 The photographic analysis seen in *Appendix 3.0* of this statement sets out evidence to show that the use of stucco rendering is prevalent throughout the Conservation Area and therefore a material consideration to this appeal.
- 5.6 One key observation made is that buildings in the area architecturally provide some form of flexibility and variation. More notably, window and door features are inconsistent with many properties. In this instance the Council have formed the view that a majority of the changes are acceptable as they reflect the general character and appearance of the styles already present. Many properties in the road have been painted in either one or two pastel colours with some properties featuring stucco render at ground floor level in addition to the exposed brickwork which characterises most of the first floor levels of the properties in the terrace. Where examples of stucco render are present, many have been left untreated or have been applied in the style of Bath stone which further accentuates the architectural variation of the area.
- 5.7 The render on the appeal property has been applied with a smooth finish and therefore does not differ to the other local examples as shown in the photographs in *Appendix 3.0*. This, therefore, further weakens the Council’s case in favour of refusal. The rendering has not been applied excessively and thus cannot be considered to be ‘incongruous’ as it is a mere reflection of the prevailing character.
- 5.8 The original application to retain the features was met with significant support from local residents. The appellant sought input from local homeowners prior to submission of the appeal application. A variety of responses in support and recognition of the improvements made to the dwelling were made. These are summarised below:
- 5.9 Attached in *Appendix 6.0* is an email letter of support from neighbours Jaspar and Tamasin Crawley at **41 Hillgate Place** indicating that the renovations “*made to the exterior of 43 Hillgate Place are an improvement to the property and Hillgate Place.*”
- 5.10 *Appendix 7.0* is a copy of a letter of support from neighbour Elizabeth Cross at **47 Hillgate Place** who stated “*they will appreciate, as I do, all the good work you have carried out in character with this area. You definitely have my support*”.
- 5.11 *Appendix 8.0* is an email from neighbour Pascale Clark at **44 Hillgate Place** confirming her support of the front façade changes, stating “*I want to express my admiration for the great improvements regarding the front of your house including railings, window architraves, steps and the beautiful coach lantern. All looks so much in keeping with the spirit of the house and with other houses in the vicinity*”.

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- 5.12 Attached to *Appendix 9.0* is an email from Charles Clark, also at **44 Hillgate Place**, affirming his support of the façade changes stating *“It would be tragic to require you to undo what you have done. Hillgate Place is not one of those Kensington streets with uniform white facades. It has a creative artistic spirit which should be encouraged.”*
- 5.13 *Appendix 10.0* is an email from Simon Knowles of **28 Hillgate Place** stating *“the façade that you have replaced was both ugly and not contemporary with the building; the idea that you should reinstate such inappropriate architecture seems ridiculous to me.”*
- 5.14 *Appendix 11.0* is an email from Alice Noyons of **26 Hillgate Place** who states *“the works you have done to 43 Hillgate Place are beautiful and in-keeping with Hillgate Village”* and *“you definitely have our support on the external works you have done to 43 Hillgate Place”*.
- 5.15 The appellant understands that there is a duty to preserve or enhance the character and appearance of the Kensington Conservation Area. The works carried out, specifically the stucco rendering, harmonise with the character of the area and terraced row of properties. The property retains exposed brickwork on a larger proportion of the front elevation and on this basis the stucco rendering has not been applied in excess.
- 5.16 When the existing alterations are compared with the pre-existing appearance of the appeal property, as shown at *Appendix 3.0*, its existing appearance is considered to be a substantial improvement. On this basis the works have greatly improved the character and appearance of the subject property and in the same regard has preserved the visual integrity of the Conservation Area in accordance with Policy CD63 of the UDP and the key observations of policies CL1, CL2, CL3 and CL6 of the Adopted Core Strategy.

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## 6.0 Conclusion

- 6.1 This appeal statement has demonstrated that the proposed alterations to the front façade of No. 43 Hillgate Place, London were carried out in a sympathetic manner to ensure that the visual integrity of the terrace and Conservation Area are maintained.
- 6.2 The Local Planning Authority alleges that the stucco rendering harms the character and appearance of the building. However, it is clear, and has been demonstrated, that the stucco rendering forms an integral part of houses located within the Conservation Area and the LPA have failed to acknowledge this within their reasoning behind their refusal.
- 6.3 This statement has also demonstrated that there has been significant support from local residents in favour of retention of all the alterations. The subject property in its pre-existing condition represented a poor component of the Conservation Area which had unsympathetic materials applied to the front.
- 6.4 The appellant carried out the works in good faith of improving and modernising the property. It is considered that in doing so the traditional themes commonly associated with the Kensington Conservation Area have been maintained to a satisfactory level.
- 6.5 It has been demonstrated that the appeal is compliant with the relevant national, regional and local level policies, including the National Planning Policy Framework (NPPF), The London Plan 2011 as well as the Adopted Kensington and Chelsea Core Strategy 2010, the 'saved' policies of the Kensington and Chelsea Unitary Development Plan 2002 and the general guidance contained within the Kensington Conservation Area and Proposals Statement (1995).
- 6.5 For the reasons noted in this statement it is requested that the appointed Inspector overturn the original refusal and allow this appeal.