

# APPENDICES

21.12.2022

**APPEALS BY NATIVE LAND (KENSINGTON) LTD AND OTHERS (“THE APPELLANT”)**

**SOUTH KENSINGTON UNDERGROUND STATION; 20-48 (EVEN) AND 36-46 (ODD) THURLOE STREET; 1-9 (ODD) PELHAM STREET; 20-34 THURLOE SQUARE (“THE SITE”)**

**APPLICATION REF. PP/20/03216 AND LB/20/03217**

**APPEAL REF. APP/K5600/W/22/3300872 AND APP/K5600/Y/22/3301446**



**WARD - BOOTH**  
PARTNERSHIP

27 Bells Hill, Bishops Stortford  
Herts, CM23 2NN  
Tel 01279 657458  
mail@wardbooth.com  
www.wardbooth.com

**PROOF OF EVIDENCE**

**ROBERT WARD-BOOTH**

**Bsc (Hons), MRICS, Dip Bldg Con, IHBC**

# CONTENTS

Appendix A .....	Appeal Ref APP/E5900/C/14/2217944	3
Appendix B .....	APPEAL REF APP/Z0116/C/16/3160053	8
Appendix C .....	EXTRACT FROM HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE MARCH 2010	14
Appendix D .....	EXTRACT FROM PLANNING POLICY STATEMENT 5	17
Appendix E .....	EXTRACT FROM HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE 2013 BETA	21
Appendix F.....	EXTRACT FROM HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE 2014	23
Appendix G .....	EXTRACTS FROM “BUILDING HEIGHT IN THE ROYAL BOROUGH – A SUPPLEMENTARY PLANNING DOCUMENT”	25
Appendix H .....	EXTRACT FROM HISTORIC ENLAND INFRASTRUCTURE: TRANSPORT LISTING SELECTION GUIDE	29
Appendix I .....	EXTRACT FROM PRINCIPLES OF SELECTION FOR LISTED BUILDINGS	32

## 1.0 APPENDIX A

APPEAL REF APP/E5900/C/14/2217944

46 Brick Lane, London, E1 6RF.

## Appeal Decision

Site visit made on 2 January 2015.

**by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)**

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

**Decision date: 19 January 2015**

---

**Appeal Ref : APP/E5900/C/14/2217944  
46 Brick Lane, London, E1 6RF.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ray Mashuk against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
- The notice was issued on 31 March 2014.
- The breach of planning control as alleged in the notice is the installation of a shopfront without the benefit of planning permission.
- The requirements of the notice are to 1. Remove the unauthorised shop front as shown in appendix 1 attached to the notice and 2. Remove all resultant debris from the premises
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: the appeal succeeds in part and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.**

---

### **Preliminary Matter**

1. Paragraph 5 of the notice sets out the steps for compliance. At paragraph 5.1 it states 'remove the unauthorised shop front as shown in appendix 1 attached to this notice'. Whilst there is a location plan attached to the notice there is no appendix 1 attached to the true copy of the notice provided to me in this appeal. This reference is therefore an error. But the parties are clear about the development attacked by the notice and would not suffer injustice by the exercise of my power to correct the notice. I will therefore, if appropriate, amend the notice to delete reference to appendix 1 in paragraph 5.1 of the notice.

### **Ground (a) appeal and deemed application**

#### **Main Issue**

2. The main issue in determining this appeal is the effect of the development on the character and appearance of the host building and the Fournier Street and Brick Lane Conservation Area.

## Character and Appearance

3. The appeal site lies within the Fournier Street and Brick Lane Conservation Area (the Conservation Area). The property was formerly a cinema and known as the Mayfair. The property sits in a long terraced section of Brick Lane which comprises a mixture of commercial and retail uses at ground floor level. Its façade is black painted tiles.
4. The ground floor of the property is currently is use as an estate agents. The shopfront attacked by the notice is fully glazed with metal frames. There is no vertical separation and no stallriser. The Appellant says that it follows the colours and requirements of its company image.
5. The development plan (including the London Plan, the Core Strategy and the Managing Development Document Development Plan Document (the Managing Development Document)) mirrors the National Planning Policy Framework (the Framework) in seeking high quality design and preserving and enhancing the character and appearance of Conservation Areas. Policy DM23 of the Managing Development Document says that shopfronts are to be of a high quality design taking into consideration factors including the relationship with surrounding shopfronts and buildings. Policy DM27 states that development will be required to protect and enhance heritage assets and their settings.
6. The Appellant argues that the immediate locality of the appeal site is characterised by diversity with a mix of old and new styles. He says that the modern shopfront attacked by the notice fits with this diversity and reflects the modern, bright interior of the premises and the style of the host property which he says is of no heritage significance. I disagree. The Conservation Area is recognised as one of the most importance historic area of London. Whilst I recognise that the appeal site is not typical of its surroundings and that there is a mix of traditional and more contemporary frontages in the vicinity of the appeal site the conservation area is characterised by the quality of its architecture and the visual relationships between buildings. In this case the modern design and floor to ceiling glazing is visually prominent in the streetscene and does not relate sympathetically to its neighbours or the wider area. It interrupts the underlying pattern of development and has an adverse impact on the character and appearance of the conservation area which does not accord with the development plan.
7. The Appellant argues that it is highly likely that the adjoining premises at no 48 will have a sign across the blackened string course such as that advertising Crestons on the appeal site. He says this will fill the gap in the streetscene and improve the visual effect. But I must determine this appeal based on its facts without taking into account speculation about future changes at adjoining premises.
8. The Appellant draws attention to other non-traditional shopfronts in the street and the permission for an automatic telling machine at the site. I have taken into account the photographs submitted but I do not have the detail of other properties before me. I have determined this appeal on its particular facts. I noted the existence of other non-traditional shopfronts at my site visit but they are not so widespread as to have become a prevailing characteristic of the Conservation Area and they do not justify further harm that results from the development on the appeal site.

9. In giving special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area I conclude that the development fails to preserve or enhance the character or appearance of the Conservation Area and does not accord with policies DM23 and DM27 of the Managing Development Document. I note that the development reflects the corporate image of the business at the property and the Appellant's arguments about financial hardship and harm to the business. I have balanced these business interests but they do not outweigh the identified harm to the character and appearance of the Conservation Area and do not lead me to alter my conclusions on the main issue. The development causes substantial harm to a designated heritage asset and no substantial public benefits outweigh that harm.
10. I conclude that the development causes harm to the character and appearance of the surrounding area and the host building. It fails to preserve the character and appearance of the Conservation Area and is contrary to relevant policies of the development plan (including policies DM23 and DM27 of the Managing Development Document).
11. For the reasons given above I conclude that the appeal under ground (a) should not succeed. Conditions could not overcome the identified harm and planning permission should not be granted on the deemed application.

#### **Ground (g) appeal**

12. This ground of appeal is that the period for compliance is unreasonably short. The notice has a period for compliance of three months. The Appellant argues that a longer period would be reasonable to enable negotiation of a replacement shopfront and to have this manufactured. He suggests a period of 9 months on the appeal form and 6 months in his submissions. The Council comments that it will use its powers to extend the timeframe provided if it can be satisfied that proactive action is being taken to resolve the breach of planning control.
13. I have balanced competing interests. The private interest of the Appellant in running his business and the public interest of bringing to an end the identified harm to the character and appearance of the host building and the Conservation Area without unnecessary delay. I consider that four months strikes an appropriate balance.
14. For the reasons given above, I conclude that four months is a reasonable period for compliance and I am varying the notice accordingly prior to upholding it.
15. Consequently, the appeal under ground (g) succeeds to that limited extent.

## **Formal Decision**

16. It is directed that the enforcement notice be corrected by deletion of the words 'as shown in appendix 1 attached to this notice' in paragraph 5.1 of the notice. The appeal is allowed on ground (g) and it is directed that the enforcement notice be varied by deletion of three months and the substitution of four months as the period for compliance. Subject to this correction and variation the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*S. Prail*

**Inspector**

## 2.0 APPENDIX B

APPEAL REF APP/Z0116/C/16/3160053

52 Picton Street, Bristol BS6 5QA





---

## Appeal Decision

Site visit made on 6 March 2017

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 11 April 2017

---

### **Appeal Ref: APP/Z0116/C/16/3160053** **52 Picton Street, Bristol BS6 5QA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Calum Yuill on behalf of Picton Street Media against an enforcement notice issued by Bristol City Council.
  - The enforcement notice was issued on 30 August 2016.
  - The breach of planning control as alleged in the notice is without planning permission the installation of an external roller shutter and associated shutter housing structure to the front of the property.
  - The requirements of the notice are to completely remove the external roller shutter and associated shutter housing from the front of the property.
  - The period for compliance with the requirements is 30 days.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
- 

### **Decision**

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Reasons**

2. No. 52 is a grade II listed building. The site is situated within the designated Montpelier Conservation Area [‘the CA’]. The main issues are as follows: firstly, whether the installation of an external roller shutter and associated housing structure preserves this grade II listed building and, linked to that, its setting; secondly whether the development preserves or enhances the character or appearance of the CA.

#### *First main issue - grade II listed building*

3. In considering whether to grant planning permission for development which affects a listed building or its setting, I must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In that context, I consider that the significance of this grade II listed building is derived from its external appearance and architectural style and interest. It dates from late 18<sup>th</sup> Century; it has limestone ashlar features on its front elevation and is a two-storey building with accommodation in its roof space. It has a simple fenestration detail suggestive of its construction period. It is located within a block of similarly designed buildings noticeable from various public vantages.
4. No. 52 has a commercial unit at street level. The appellant contends that the original rusticated stone shop front has been lost, due to modern alterations done over time. Be that as it may, I consider that the building’s simple shop front design and straight forward layout makes a significant contribution to the special interest of this heritage



asset. In contrast, the roller shutter and metal box, which houses the operating mechanism, as well as guiderails, are attached to the fabric of the building on its front elevation. These are seen as inconsiderate modern additions to the historic facade. In my view, the design and type of the roller shutter appears out-of-keeping with the building's appearance and style.

5. There is no evidence to indicate that an internal roller shutter is impractical. On the other hand, the external shutter and projecting metal box is a prominent feature. The shutter is readily apparent to passers-by when lowered. In combination with the housing structure, the roller shutter does little to preserve the building's special architectural features. Given the nature and type of external shutter, I find that the shop front alterations are incompatible with the architectural quality of the host building and they have an adverse impact on those elements that contribute to the special architectural interest of this building.
6. The uniform architectural style and use of traditional material in the external elevation of the building reinforces its setting among a block of similarly designed properties. The external roller shutter and associated equipment gives an impression of a blank facade; the shop display is not visible when the shutter is lowered because of its solid design. The apparatus do little to safeguard the visual interest of this heritage asset.
7. I conclude the development fails to preserve this grade II listed building and it visually harms its special architectural interest and setting. Accordingly, the development conflicts with purposes of Core Strategy 2011 ['CS'] policy BCS22, and policy DM31 of the Bristol Local Plan 2014 ['LP'], which are consistent with national policy found in paragraphs 17, 56, 128 to 134 to the National Planning Policy Framework.

#### *Second main issue - character and appearance*

8. The Montpelier Character Appraisal, adopted 2008, sets out in detail the special historic and architectural interest of the CA. The latter is characterised by rows of Georgian and Victorian terraced properties in residential use, though there are examples of commercial units at ground floor level. The area is mainly characterised by domestically scaled buildings that sit along the edge of the footway. Picton Street is described as a small-scale shopping area and includes properties with traditional shop fronts, sash windows and panelled doors. These features make significant contribution towards the special interest of the CA. Given the tightly defined geometry of the streetscape, this part of Bristol has a 'bohemian' atmosphere where there are a number of artists, organic and alternative shops.
9. In this location, the external roller shutter and associated housing structure are atypical of the traditional external appearance of buildings. The development is visually intrusive given the front position of the roller shutter combined with the location of the building in the street. It appears as an incongruous addition to the shop front, because of its solid design and projecting metal box. The layout does not complement the architectural style of shop fronts and the shutter's form is inconsistent with the aesthetic qualities of historic buildings in this part of the CA.
10. I conclude that the development harms, and thus does not preserve, the appearance of the CA. Accordingly, the development fails to comply with CS policy BCS21, and LP policies DM26 and DM30, and NPPF paragraphs cited above.

#### *Other matters*

11. In support of the development, the appellant advances other considerations as benefits.

12. It may be the case that some kind of security measure is necessary to protect the commercial unit from crime and disorder, but there is nothing before me to indicate that the appeal property has been subject to vandalism. Indeed, there is no evidence to support the claim that there is a threat from terrorism to businesses in this location. I am also cognisant of representations made about the perceived level of crime in the area, potential for anti-social behaviour and the need to improve and/or regenerate the area by supporting communities and businesses. The argument is that it is in the public interest to have roller shutter devices on front elevation to commercial buildings. Nevertheless, the type and design of the installed roller shutter causes serious harm to the fabric of this listed building. I have seen nothing to suggest alternative design cannot practically work. I attach limited weight to these arguments.
13. The appellant refers to existence of similar roller shutters in the vicinity. I do not know the exact circumstances of these other shop front alterations. This line of reasoning does not justify visually harmful development; the argument could often be repeated in favour of ruthless and insensitive alterations to any listed building, such as this. Moreover, as the character appraisal recognises the presence of these other examples points to a need for such development to be controlled in the interests of safeguarding the special architectural interest of the CA. To this line of reasoning, I attach little weight.
14. In my analysis, I have borne in mind the appellant's assertion that a petition has been signed by some 245 local residents and business owners in support. This is not determinative. Just because there is support for this type of roller shutter does not justify grant of planning permission for what is, essentially, insensitive alteration to a heritage asset.
15. The appellant is disappointed with the way in which the Council has investigated matters and determined retrospective applications. Nevertheless, none of those matters are for my determination and I cannot resolve them.

#### *The planning balance*

16. For all of the reasons given above, the subject development conflicts with the design and historic environment protection aims of local planning policies cited above. In the terms of the NPPF, the harm caused to the significance of the listed building and its setting, and the CA is substantial.
17. In my planning judgement and on balance, all of the considerations advanced in support of the development, whether taken individually or cumulatively, do not outweigh my findings on the first and second main issues stated above. Accordingly, the development conflicts with CS policies BCS21 and BCS22, LP policies DM26, DM30 and DM31, as well as national policy found in the NPPF cited above.

#### **Conclusion**

18. Having considered all other matters, I conclude that the appeal should not

succeed. I have upheld the enforcement notice and refused to grant planning permission on the deemed application.

*A U Ghafoor*

Inspector

## 3.0 APPENDIX C

EXTRACT FROM HISTORIC ENVIRONMENT  
PLANNING PRACTICE GUIDE MARCH 2010



Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider economic, social and environmental objectives and for sustainable communities.

## **PPS5 Planning for the Historic Environment:**

### **Historic Environment Planning Practice Guide**

## ***Addition and alteration***

### **General points**

178. The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.

179. The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.

180. The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place.

### **Buildings and structures**

181. When a building is adapted for new uses, its form as well as its external and internal features may impose constraints. Some degree of compromise in use may assist in retaining significance. For example, headroom may be restricted and daylight levels may be lower than usually expected.

182. The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.



## 4.0 APPENDIX D

### EXTRACT FROM PLANNING POLICY STATEMENT 5



Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider social, environmental and economic objectives and for sustainable communities.



**PLAN**  
Planning Policy Statement 5:  
Planning for the Historic Environment

## **POLICY HE8: ADDITIONAL POLICY PRINCIPLE GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO HERITAGE ASSETS THAT ARE NOT COVERED BY POLICY HE9**

HE8.1 The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application. When identifying such heritage assets during the planning process, a local planning authority should be clear that the asset meets the heritage asset criteria set out in Annex 2. Where a development proposal is subject to detailed pre-application discussions (including, where appropriate, archaeological evaluation (see HE6.1)) with the local planning authority, there is a general presumption that identification of any previously unidentified heritage assets will take place during this pre-application stage. Otherwise the local planning authority should assist applicants in identifying such assets at the earliest opportunity.

## **POLICY HE9: ADDITIONAL POLICY PRINCIPLES GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO DESIGNATED HERITAGE ASSETS**

- HE9.1 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments,<sup>14</sup> protected wreck sites, battlefields, grade I and II\* listed buildings and grade I and II\* registered parks and gardens, World Heritage Sites, should be wholly exceptional.
- HE9.2 Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:
- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
  - (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and

---

<sup>14</sup> Development affecting Scheduled Monuments and Protected Wreck Sites will also require prior consent from the Secretary of State for Culture, Media and Sport (see [www.culture.gov.uk/](http://www.culture.gov.uk/)). In such cases, local planning authorities should encourage applications for all relevant consents to be made in parallel.

- (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

HE9.3 To be confident that no appropriate and viable use of the heritage asset can be found under policy HE9.2(ii) local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage asset's conservation and to find charitable or public authorities willing to take on the heritage asset.

HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

HE9.5 Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.

HE9.6 There are many heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include heritage assets:

- that have yet to be formally assessed for designation
- that have been assessed as being designatable, but which the Secretary of State has decided not to designate; or
- that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.

The absence of designation for such heritage assets does not indicate lower significance and they should be considered subject to the policies in HE9.1 to HE9.4 and HE10.<sup>15</sup>

---

<sup>15</sup> Advice and information about the significance of known, but non-designated heritage assets with archaeological interest may be obtained from County Archaeologists and historic environment records, respectively.

## 5.0 APPENDIX E


### EXTRACT FROM HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE 2013 BETA

## How to assess if there is substantial harm?

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm ie the scale of the works is not necessarily determinative of whether any harm caused is substantial or less than substantial.

A key factor in determining whether the works constitute substantial (ie serious) harm is if the adverse impact goes to the heart of why the place is worthy of designation – why it is important enough to justify special protection. This has to be assessed at the time of the decision in all cases.

Policy on substantial harm to designated heritage assets is set out in paragraphs 132 and 133 to the National Planning Policy Framework.

 ID 18a-017-130729 Last updated 22/08/2013 [See revisions](#)

## 6.0 APPENDIX F

### EXTRACT FROM HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE 2014

## How to assess if there is substantial harm?

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, **significance** derives not only from a heritage asset's physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

Policy on substantial harm to designated heritage assets is set out in **paragraphs 132 and 133 to the National Planning Policy Framework**.

 Revision date: 06 03 2014

Paragraph: 018 Reference ID: 18a-018-20140306



## 7.0 APPENDIX G

### EXTRACTS FROM

“BUILDING HEIGHT IN THE ROYAL BOROUGH –  
A SUPPLEMENTARY PLANNING DOCUMENT”

# BUILDING HEIGHT IN THE ROYAL BOROUGH

– A SUPPLEMENTARY PLANNING DOCUMENT



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

# BUILDING HEIGHT IN THE ROYAL BOROUGH – A SUPPLEMENTARY PLANNING DOCUMENT

## **Statutory Document**

This Supplementary Planning Document (SPD) has been subject to public consultation, which was conducted in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 and the Council's adopted Statement of Community Involvement. The revised document has been agreed by Key Decision on **15 September 2010** and is now the Council's adopted SPD for considering tall building proposals within the Royal Borough of Kensington and Chelsea.

Should you require any further information on the contents of the SPD or have any questions relating to a planning submission or pre-application discussions involving tall buildings, please contact the Planning Line on **020 7361 3012** or email [planning@rbkc.gov.uk](mailto:planning@rbkc.gov.uk)

For further information on the Local Development Framework (LDF) process or consultation arrangements, please call the LDF hotline on **020 7361 3879** or email the above address.



Views and vistas in and around the Kensington Museums area,<sup>58</sup> particularly the Natural History and Victoria and Albert Museums, the Colcutt Tower and Brompton Oratory<sup>59</sup>

LV6: Views from the west: through Kynance Mews from Launceston Place and from Victoria Road along Victoria Grove.

LV7: Views from the north: from the axial flight of steps south of the Albert Hall.

LV8: Views from the south: from Harrington Road up Queensberry Place; up the east side of Onslow Square towards the Natural History Museum; from the front of Melton Court up Cromwell Place to the tower of the Natural History Museum and the Colcutt Tower; and from Pelham Place and Thurloe Square towards the tower of the Victoria and Albert Museum.

LV9: Views from the east: from Princes Gate Mews; and from Fairholt Street and Cheval Place (partly within Westminster) and views and vistas to Trellick Tower.

LV10: View of Trellick Tower from the Grand Union Canal

LV11: View of Trellick Tower from Golborne Road with St. Lawrence (Portobello Road)

#### Views of landmarks

**4.17** Within the Borough there are a number of buildings that act as landmarks within the townscape. [See Figure 6] Views of landmarks are regarded as highly sensitive in relation to proposals of any height, but in particular in relation to buildings significantly taller than their context.

- L1: Trellick Tower grade II\*
- L2: Kensington Palace grade I
- L3: Kensington Town Hall
- L4: Albert Hall (in Westminster) grade II\*
- L5: The Colcutt Tower grade II\*
- L6: Natural History Museum grade I
- L7: Victoria and Albert Museum grade I
- L8: Brompton Oratory grade II\*
- L9: The Royal Hospital grade I
- L10: Earl's Court
- L11: Harrod's grade II
- L12: Lots Road Power Station
- L13: Barker's, Kensington grade II
- L14: St Mary Abbots, Kensington grade II\*
- L15: The Commonwealth Institute grade II\*

## 8.0 APPENDIX H

### EXTRACT FROM HISTORIC ENLAND INFRASTRUCTURE: TRANSPORT LISTING SELECTION GUIDE



Historic England

# Infrastructure: Transport

Listing Selection Guide





**Figure 1**  
 Bridgekeeper's House, Fretherne Bridge, Fretherne, Gloucestershire. One of a series of classically-inspired houses along the Gloucester-Sharpness canal of the early nineteenth century. Probably designed by Robert Mylne who had acted as Surveyor to the company in 1793. A high degree of architectural interest and individuality is given to what is more usually an unremarkable building type. Listed Grade II.

the Great Western Railway from London to Bristol in 1841. The second phase runs from 1841 to 1850, and marks the heroic age of railway building and the period of 'railway mania' in which commercial speculation and the competition for routes led to the frantic construction of lines, including the Great North Railway and the laying of many of the main trunk lines that form the basis of today's inter-city network. The third phase, from the 1850s to the 1870s, saw the consolidation of the network including the opening of the dramatic Settle to Carlisle line, carrying the Midland Railway into Scotland.

The fourth period runs up to 1914, and saw the completion of the network. Railway stations developed alongside the network as a distinct building category, and combined engineering audacity with architectural sophistication to produce monuments to a new age.

London was the first city in the world to have an underground railway: the Metropolitan Railway (opened 1863, Sir John Fowler, engineer) was of cut and cover construction. The first underground electric 'tube' train service (now part of the Northern Line) opened in 1890 but a variant of the technology that made this possible – the tunnelling shield – had previously been used by Marc and I K Brunel when constructing a foot tunnel under the Thames at Rotherhithe in 1825-43. Tunnels were an essential component of the railway network from the beginning: the Severn Tunnel (1873-86, T A Walker) remains one of the outstanding feats of railway engineering. Some, for instance on the Great Western and the London and Birmingham lines had elaborate portals, creating architectural statements of great power.

Horse-drawn omnibuses appeared in the 1820s, horse-drawn trams in the 1860s and electrified trams from 1880s. Taking over from the horse-tram, the electric tram was introduced from 1883 and its operations brought about large-scale changes to city centres through the need for road widening and exceptionally, as on London's Kingsway, underground tunnels. Local Improvement Acts allowed the expansion of this new form of urban transport which in its wake created tram shelters (for both passengers and staff), generating stations, sub-stations, and bridges, together with large maintenance depots and tramsheds.

## 1.4 Twentieth century

The twentieth century saw revolutionary strides in road and air transport. Motor cars appeared in the 1880s though more significantly, the first petrol-powered cars were imported in 1895. Then in 1896, the four miles an hour a speed limit (determined by the maximum speed of the

## 9.0 APPENDIX I

### EXTRACT FROM PRINCIPLES OF SELECTION FOR LISTED BUILDINGS





Department for  
Digital, Culture,  
Media & Sport

# PRINCIPLES OF SELECTION FOR LISTED BUILDINGS

November 2018

17. When making a listing decision, the Secretary of State may also take into account:

- **Group value:**  
The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a co-location of diverse buildings of different types and dates.
- **Fixtures and features of a building and curtilage buildings:**  
The desirability of preserving, on the grounds of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
- **The character or appearance of conservation areas:**  
In accordance with the terms of section 72 of the 1990 Act, when making listing decisions in respect of a building in a conservation area, the Secretary of State will pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### General principles

18. Age and rarity: the older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:

- before 1700, all buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest;
- from 1700 to 1850, most buildings that retain a significant proportion of their original fabric are likely to be regarded of special interest, though some selection is necessary;
- from 1850 to 1945, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
- careful selection is required for buildings from the period after 1945, another watershed for architecture.

19. Buildings less than 30 years old: such buildings are not normally considered to be of special architectural or historic interest because they have yet to stand the test of time. It may nevertheless be appropriate to list some modern buildings despite their relatively recent construction – for example, if they demonstrate outstanding quality (generally interpreted as being equivalent to Grade I or II\*). The Secretary of State calculates the age of a building from the point at which the ground was first broken.

20. Aesthetic merits: the appearance of a building (both its intrinsic architectural merit or any group value) is often a key consideration in listing, but the special interest will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological or material innovation, engineering or as illustrating particular aspects of social or economic history, may have little external visual quality but can still be of special interest.

21. Selectivity: where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar or identical quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a