



Proof of Evidence: Sarah Buckingham (BA Hons), MSc, Dip TP

Call-in by direction of the Secretary of State for redevelopment at
Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate
and 161-237 (odd) Kensington Church Street, London, W11 3LQ

Applicant: Notting Hill Gate KCS Limited

Planning agent: Quod of Ingeni Building, 17 Broadwick St, London W1F 0AX

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APPENDICES

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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Sarah Buckingham, and have worked as the Conservation and Design Team Leader for the Council since February 2019. I am a member of the Royal Town Planning Institute, and a Fellow of the Society of Antiquaries.
- 1.2 I have MSc in Historic Building Conservation, with distinction, awarded jointly by the Universities of Oxford and Oxford Brookes 1999. I have worked as a conservation officer and planner for the London Borough of Tower Hamlets (1988 – 2000) and as Conservation Team Leader for the London Borough of Harrow (2000 – 2002). Between 2002 and 2006 I worked within the London team at English Heritage/Historic England, including as Team Leader; between 2006 and 2016 I worked in the Designation and Policy teams of Historic England leading a team dedicated to advising Government on reforms to heritage law, policy and practice. For a short period I was seconded to the Department for Culture Media and Sport, as it was then known, to write and a publish Government consultation on reforms to heritage planning legislation. I have since 2012 been a Course Director for the Institute of Continuing Education of Cambridge University, teaching Historic Building Conservation, and I am a doctoral researcher at the University of Hertfordshire.
- 1.3 Between March 2016 and February 2019 I worked as a Planning Inspector dealing with S78 and S30 appeal cases in the South-East of England through written representations and conducting local hearings.

2.0 INTRODUCTION

2.1 This statement sets out my evidence on behalf of the Royal Borough of Kensington and Chelsea (the Council) in respect of the Application submitted by Notting Hill Gate KCS Limited (the Applicant) relating to Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, London, W11 3LQ (Council ref. PP/17/05782).

2.2 My evidence will focus on the Council's first reason for objection (Objection 1) which states that:

The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficiently high design quality and would not have a wholly positive impact on the townscape. The tall building and increased massing to KCS1 and WPB3 buildings would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in less than substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6, 7.7 and 7.8, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD and Building Height in the Royal Borough SPD. The public benefits would be insufficient to outweigh those harms.

2.3 I will assess the tall building, in particular the height and architectural quality, and evaluate the impact of the development on the significance of designated heritage assets including particular listed buildings and conservation areas as well as on local townscape views. Although an objection to block KSC1 is expressed in this reason, the Council no longer wishes to pursue this objection, and so I do not assess the impact of that block in this proof.

3.0 THE HISTORY, CHARACTER AND APPEARANCE OF THE APPLICATION SITE AND SURROUNDING AREA

Background History

- 3.1 The historical development of Notting Hill Gate (NHG) is documented in the Archaeological Desk Based Assessment September 2017 prepared by CgMs, and in the Conservation Area Appraisals listed below. I have not produced further information on the historical background to the area for my proof as it is covered in these documents. Understanding the historic evolution of an area serves to makes sense of the existing and wider townscape, identifying constraints which then inform an appropriate design response.

Notting Hill Gate Application Site and contribution to the existing townscape

- 3.2 Road widening during the 1950s redefined this central section of NHG both north and south of the main road, leaving only fragments of the historic 2- 4 storey Victorian architecture. This 20th century townscape contrasts with the surrounding streets which are largely of traditional housing of high quality, located within the Ladbroke, Pembridge, Kensington and Kensington Palace Conservation Areas. The NHG area was once considered to be “bohemian”¹ but in more recent years any sense of such a place has been invaded with non-distinctive retail functions. The Coronet Kensington Church Street, the Gate Cinema, and a number of Victorian shops are remnants of the pre-war NHG townscape and these remain distinctive in terms of appearance and functionality.
- 3.3 The Application Site, Newcombe House and the linking blocks, sit outside any conservation areas, are not designated as heritage assets themselves and comprise:
- Newcombe House a 12 storey (47m) office building designed as a concrete slab block on low podium that faces towards the main thoroughfare of Notting

¹ RBKC consolidated local plan 2015 para 16.1.12

Hill Gate

- A low-rise linear block of 1 and 2 storeys providing a parade of shops to Kensington Church Street
- Royston Court, a 5 storey building containing ground floor retail and short tenancy and residential above, located on the corner of Kensington Place and Kensington Church Street.
- Open ground at the rear, providing 61 off-street car parking spaces accessed from Uxbridge Road by a servicing route that runs beneath the podium and also from Kensington Place.
- A paved open area at the base of Newcombe House, providing a small public plaza adjacent to the subway and underground entrance on Notting Hill Gate.

3.4 Newcombe House and the wider complex with Campden Hill Tower to the west are architecturally representative of their mid-twentieth century date. Newcombe House and its lower-rise neighbours have inherent urban design weaknesses which are not untypical of the 1960s building period. Notably, Newcombe House has a poor relationship with the public realm stemming from the podium style of architecture and its detachment from the street due to the set-back building line and lack of “grounding”, plus the raised piazza, awkward access arrangements and overshadowing due to height and orientation². The building and its wider blocks have been poorly maintained, which further detracts from its presence in the townscape.

3.5 While the design and character of the building are not to all tastes, and it sits uneasily at street level, it has become embedded into NHG landscape along with Campden Hill Tower, and its overall height, current orientation and its pared-down architectural detail mean it can sit relatively unnoticed as background architecture within many sensitive views within the wider townscape. In particular, it is not especially prominent when viewed from the sensitive small scale streets of Hillgate Village within Kensington Conservation Area or the important vistas from

² RBKC Consolidated Local Plan 2015 paragraph 16.1.8

Kensington Park Gardens³ within Ladbroke Conservation Area.

- 3.6 However, in some views particularly from the north of NHG, the site reveals its slab like elevation and there is a degree of harm when seen in relation to local context. In other views the building's height and pared down appearance integrates the building into surrounding townscape and its impact is relatively neutral. The green safety netting on the east and west elevations draws attention to the building as a negative feature.
- 3.7 I conclude, therefore, that the existing building can be fairly described as background architecture and does not, in the main, draw attention to itself.
- 3.8 The Notting Hill Gate SPD identifies two approaches for the future of Newcombe House: refurbishment with a modest addition at roof level, or demolition and redevelopment. This Application is for the latter, and in principle demolition can be welcomed, subject to the architectural and urban design quality of its replacement.

³ Para 4.13 RBKC Notting Hill Gate SPD May 2015

4.0 SURROUNDING HERITAGE ASSETS

Conservation Areas

4.1 The site is not in a conservation area but closely surrounded by four Conservation Areas: Kensington Conservation Area; Kensington Palace Conservation Area; Pembridge Conservation Area and Ladbroke Conservation Area, as shown in the map in **Appendix A**. The character and appearance of each of these is summarised in this section, focussing on aspects relevant to this Application. Newcombe House is present as a backdrop in the setting of these Conservation Areas to a greater or lesser degree. The present impact of Newcombe House on the heritage assets is commented upon in this section, but is discussed in more detail in relation to my analysis of views in the Views Assessment in Section 6.

4.2 Ladbroke Conservation Area (LCA)

The Ladbroke Conservation Area Appraisal (LCAA) was adopted in October 2016. This describes the area's historic and architectural character, important views and vistas as well as landmark buildings and how they contribute to the significance of the area. A map of the Conservation Area is also included.

4.3 Designated in 1969, Ladbroke Conservation Area lies to the north west of the Application Site and has a well-defined street plan and layout of street blocks enclosing private communal gardens. These communal gardens were innovative at the time and could be accessed by residents directly from the house. They give the conservation area a distinct character which separates it from surrounding conservation areas. There is an attractive relationship between built and unbuilt space, a sense of spaciousness, expanses of sky, greenery and trees. The topography of the area is a key characteristic along with the formal planning of the area, with sweeping and linear terraces, crescents fanning out from the summit of Notting Hill, and axial vistas.

4.4 Buildings largely date from mid to late C19th century, constructed in stock and gault brick, red brick, stone and stucco with some more modern materials. In terms of building form they are usually set in groups of terraces, with a few single detached buildings and also small mews properties. The building scale is

very broadly of 3-5 storeys over basements.

4.5 Key attributes which form part of the significance of the LCA and are pertinent to this Application include:

- Views and vistas between houses and over low buildings and over the rooftops from the public realm and from high level windows from houses⁴.
- The high concentration of listed buildings and buildings making a positive contribution to the character and appearance creates a high quality, predominantly historic environment⁵.
- The predominant building type in the area is the terraced house with its rhythmic designs creating uniform coherent and symmetrical streetscapes, including compositions designed as a whole with “palace” frontages.
- The use of the land contours to ensure each terrace had a shared and unbroken roof lines which is a key to their classical and uniform design as well as the form of roofs, their materials, details and the presence of chimneys. The roof map identifies historic roof forms which contribute to the Conservation Area⁶.

4.6 Newcombe House is not referred to in the LCAA. Nevertheless, it does appear in some views identified in section 5 of the LCAA including the south of Kensington Park Road to Kensington Temple and along Ladbroke Road. Looking south along Kensington Park Road the upper floors of the Newcombe House project above Pembridge Road - View 17 in the Visual Impact Assessment dated September 2017 and produced by Tavernor Millerhare (the VIA). It is in this view that Newcombe House has its most significant impact and is most prominent, standing proud of the terrace of shops and houses at the south end of Pembridge Road at nearly half its height. In views east along Ladbroke Road Newcombe House is not visible until reaching Kensington Temple. Its presence at this point is less noticeable with only

⁴ Ladbroke Conservation Area Appraisal figure 5.1.

⁵ Ladbroke Conservation Area Appraisal 2016 Buildings Audit Fig 2.8.

⁶ Ladbroke Conservation Area Appraisal figure 3.2

3 storeys and the roof top plant visible above Pembridge Road. In general however, Newcombe House does not have an extensive visual presence in and around LCA but appears in isolated views.

4.7 **Pembridge Conservation Area (PCA)**

The Pembridge Conservation Area Appraisal (PCAA) was adopted in January 2017. It describes the historic and architectural character of the area, important views and vistas as well as landmark buildings and identifies the characteristics of the area that merit conservation area designation.

4.8 PCA lies to the north of the Application Site. The core of PCA is a high quality built environment characterised by quiet, attractive residential streets dating from the late Georgian and Victorian periods, enclosed by the busier commercial streets of Notting Hill Gate, Westbourne Gove and Pembridge Road and Pembridge Villas. Properties range from formal terraces to substantial and semi-detached villas and modest mews and are largely faced in stucco, stock brick and slate. The scale of buildings within the area rises from 2 storey mews properties to more substantial buildings of 5-6 storeys with some apartment blocks rising to 7 storeys. Topographically the area is less varied and generally flatter than neighbouring conservation areas. The sweeping terraces with Pembridge Square and garden form a centrepiece to the area.

4.9 In general terms there is a relatively fine urban grain typical of the mid to late 19th century, but tempered with set back building lines and the common presence of front gardens, often enclosed with bottle balustrade walls. These, combined with the presence of planting and mature trees, give the area a more spacious and green character.

4.10 Key attributes which form part of the significance of PCA, are pertinent to this Application and referred to in the PCAA include:

- Views which are largely short and medium and allow the complete compositions of terraces and semi-detached groups to be appreciated⁷.

⁷ Pembridge Conservation Area Appraisal fig 5.1

- A high concentration of high quality buildings including listed buildings and positive buildings identified in the Building Audit, which result in a high quality built environment⁸.
- The predominant building type of the terraced, semi-detached and detached villas house often with unique architectural detailing.
- Significant groups of buildings with continuous rooflines, chimneys and cornices. Traditional original roof forms including hipped, butterfly, pitched, mansards and some flat roofs make a strong positive contribution to the townscape. Modern mansards have become the established character of some parts of PCA.

4.11 Newcombe House is not referred to in the PCAA. Section 5 of draft PCAA identifies important views. Newcombe House is physically evident in the background of some of these views, glimpsed above roof tops of buildings in the conservation area. These include southern views along: Denbigh Road (view K); Linden Gardens (view 27.1), Ledbury Road and Pembridge Gardens (view 26). The existing building is most visible along Notting Hill Gate, seen within its post war townscape. Overall the impact is as a background building and often neutral, where it blends into the townscape.

4.12 **Kensington Conservation Area (KCA)**

The Kensington Conservation Area Appraisal, was adopted in February 2017. It describes the historic and architectural character, important views and vistas as well as landmark buildings which contribute to the significance of the KCA

4.13 KCA lies to the south and west of the Application Site and is contained by Notting Hill Gate, Kensington Church Street, Kensington High Street and Holland Park. It is the largest and most complex of the surrounding RBKC conservation areas relevant to this Application and divided into 10 character areas identified in the KCAA. The conservation area is largely residential but does contain a variety of other historic buildings including mews, churches, public houses, cinemas, some fine shopfronts as

⁸ Pembridge Conservation Area Appraisal

well as municipal buildings. The character areas relevant to the Application Proposal include: Campden House, The Northern Corridor, Hillgate Village, Campden Hill and Campden Street to Edge Street.

- 4.14 Campden House is exclusively residential and comprises terraces with Campden Hill Square forming a centrepiece. All the buildings are either listed buildings or make a positive contribution to the townscape, and they date from the early nineteenth century onwards. They are very broadly 3 - 5 storeys and built in stock bricks, red bricks, painted bricks as well as with stucco and stone details. Architecturally there is little uniformity. The topography of the area, with streets rising up to Aubrey Walk and Campden Hill Road, give the area a distinct character and contribute to interesting views and vistas
- 4.15 The Northern Corridor includes monolithic mansions block with a coarser urban grain which are largely along the crown of Campden Hill Road and, at the northern end of Campden Hill Road a finer urban grain of largely late nineteenth century terraced houses of 2 – 3 storeys, with consistent parapet lines and modest appearances. Again, however, there is considerable architectural variety. Finally, there are the quieter Victorian residential streets of Campden Hill Gardens in gault brick and stucco, and predominantly of 4 – 5 storeys.
- 4.16 Hillgate Village area immediately adjoins the Application Site and is characterised by a fine urban grain formed of dwellings from 1850 -1869, with narrow plot widths and set directly on the back of pavement. Virtually all the buildings in this sub area make a positive contribution to the townscape⁹. There is a high degree of consistency with a slight variety in decoration from street to street. Key characteristics which make this sub area coherent and distinct from other parts of the KCA are 2-3 storey heights and the brick, painted brick and stucco terraces of modest artisan's houses. The KCAA notes that the rooflines are "*largely free from additional storeys and the crisp and consistent roof parapets dominate the skyline*".
- 4.17 The Campden House sub area is residential apart from Kensington Church Street on the eastern boundary. Buildings follow a gridded street layout with terraced

⁹ CAA fig 2.6

development reflecting the different building styles of the mid Victorian period as well as Edwardian. Most buildings are identified as either listed or making a positive contribution to the Conservation Area. The form of development is spacious, with a wealth of mature planting, and varied in terms of building typology and materials. The buildings range from 3 – 7 storeys in height and consist of continuous groups of uniform terraces interspersed with the occasional and varied individual building. There is a sense of spaciousness with more generous rear gardens, front gardens and tree lined streets.

4.18 Campden Hill to Edge Street includes a residential core of largely nineteenth century terraced buildings and part of the commercial western side of the Kensington Church Street. This commercial frontage is varied and includes buildings of different scale, materials and building periods from early nineteenth century to modern development. All buildings are identified as making a positive contribution to the Conservation area with the exception of three neutral buildings.

4.19 Key attributes which form part of the significance of KCA, are pertinent to this Application and referred to in the KCAA include:

- The high concentration of high quality buildings including listed buildings and positive buildings identified in the Building Audit.
- Distinct architectural districts within the Conservation Area.
- The varied topography and grid like street layout combined with numerous views and vistas.
- The predominant building type in the area is the terraced house, a form displaying with a wide variety of architectural detailing and materials.
- There are a number of original roof forms displaying considerable variety. Where there are views of coherent groups of buildings these often have continuous rooflines, chimneys and cornices.

- Hillgate Village has the most coherent and consistent character area with a fine urban grain, modest scale and defined roof profiles.

4.20 In the KCAA Newcombe House is in an photograph of Jameson Street on page 60, and there is a reference to the railway cutting identifying a view of unspoilt side elevations and an unusual prospect all the way to Newcombe House on Notting Hill Gate¹⁰. Section 5 of KCAA identifies important views, and although Newcombe House is not specifically mentioned in these views it is evident in glimpses above roof tops of buildings in the conservation area including eastwards from Hillgate Village. The PCAA addresses this as follows: “A number of views contain the 1960s tower blocks of Newcombe House and Campden Hill Tower as a backdrop. The height and bulk of these buildings rise up above some of the houses and shops within the conservation area affecting the Victorian townscape and skyline.”

4.21 **Royal Parks Conservation Area**

This lies to the east of Newcombe House within Westminster, although Kensington Palace and the westernmost part, up to the Boardwalk is within Kensington Palace Gardens Conservation Area. The Royal Parks Conservation area includes Hyde Park, St James's Park Green Park, Buckingham Palace Gardens and Kensington Gardens, all of which are also Registered Parks and Gardens.

4.22 Pertinent to this Application is the impact of the tall building on the setting of Kensington Gardens. Kensington Gardens are picturesque mid-18th and 19th century gardens containing many listed buildings, with different areas of character formed by landscape, planting, water features and walkways. Kensington Gardens are of high heritage significance and are of metropolitan importance.

4.23 **Registered Parks And Gardens And Listed Buildings**

Kensington Gardens is a grade I registered park and garden and the setting of this would be affected by the development. There are also numerous listed buildings in the wider area. Below are listed only those to the setting of which I conclude the proposals would cause a degree of harm. My **Appendix B** identifies the location of

¹⁰ Kensington CAA 2017 fig 4.1

these designated heritage assets and the Application Site.

4.24 **Kensington Gardens and Kensington Palace**

The Gardens are listed as a Grade I Registered Park and Garden. Part of the Gardens are part of the formal setting for Kensington Palace, a Grade I listed building. Both therefore are of exceptional importance. These designated heritage assets are inextricably interlinked as a formal composition which is enjoyed in many views around Kensington Gardens, and their setting is highly sensitive to even the most modest of change.

4.25 The gardens comprise picturesque mid-18th and 19th century gardens containing many listed buildings with different areas of character formed by landscape, planting, water features and walkways. Kensington Palace is near the western boundary of Kensington Gardens and within RBKC. It dates back to 1605 although it did not become known as Kensington Palace until the 18th century. North of the Palace is the 1704 brick built Orangery, also a Grade I listed building.

4.26 The east elevation of the Palace and its setting within the wider Kensington Palace Gardens are the most relevant to the considerations of this Application. Currently the backdrop to Kensington Palace is a line of trees with some historic structures rising above, such as the spire of St Marys Abbots Church. There are also more modern features on this skyline, but none are recent. This backdrop therefore makes a positive contribution to the interest of the listed building and the Gardens. The east front of the Palace overlooks lawns and a statue of Queen Victoria (unlisted) and the wider uninterrupted panorama of the Gardens themselves with the Boardwalk and the Round Pond.

4.27 The Gardens are undulating and largely laid out in grass, and crossed by formal and informal footpaths. Lancaster Walk and the Broad Walk are the major walks. The Round Pond within Kensington Gardens is within Westminster City Council. This view is identified in the RBKC Tall Buildings SPD as an important panoramic view¹¹. This guidance is discussed further in section 5.

¹¹ Building Heights in the Royal Borough SPD

4.28 19 & 20 Kensington Palace Gardens

19 Kensington Gardens is a substantial house designed by Charles Barry in the Italian *palazzo* style and dating from 1847. It is listed at Grade II*. The formal symmetrical elevation to Kensington Palace Gardens is stone faced with a 5 bay central blocks flanked by taller, three storey towers which creates a distinct silhouette. The stone continues to the flank elevations. Architectural details are rich and Palladian in inspiration, with Doric surrounds to ground floor windows, Ionic surrounds to the first floor windows, segmental pediments, flanking pilasters, quoins, festoons and a modillion cornice with balustrade parapet.

4.29 The neighbouring property 20 Kensington Palace Gardens is a grade II listed building, from 1845-6 and designed by the office of Charles Barry. This is a detached property and again faced in stone, comprising two storeys plus an attic storey and 5 bays wide. Roman Doric pilasters on pedestals run across the front elevation, coupled at either end, and with a later Ionic Porch. There is a striking entablature below the attic storey and all the windows all have segmental heads. The finials at parapet level and groupings of chimney stacks are bold and give the four corners of the building a distinct silhouette and roof profile.

4.30 Both properties were listed in 1969, after Newcombe House was built. Whilst these properties have high heritage significance including historic, aesthetic, evidential and communal values, their setting is also critical. Key aspects of their setting include the generous development plots, lush surrounding gardens, and the gaps between buildings which all create a sense of spaciousness and enable the silhouette and profile of the buildings to be appreciated uninterrupted particularly set against the sky. The width of Kensington Palace Gardens enables views of the buildings to be appreciated kinetically and in an unrestricted way, enhancing the sense of quality and openness

4.31 1-5 Pembridge Gardens

These properties were listed at Grade II in 1984, partially for their group value as a homogenous piece of townscape. The stucco fronted group were designed by William and Francis Radford, architects also responsible for many of the villas and

terraces within Pembridge Gardens, in the mid-19th century. This group is distinct from the wider Pembridge Gardens as they are a terrace rather than detached Italianate villas. The properties are four storeys plus basement and mansard, 3 bays wide and classically inspired. There is an Italianate Doric porch with a continuous balcony at first floor level and a dentil cornice above the second floor, and a well-defined and uninterrupted roofline.

- 4.32 The properties have a clear hierarchy expressed through window sizes and storey heights and very distinct coherence and uniformity. The PCAA¹² refers to changes to the group 1-9 Pembridge Gardens including the infilling of the gaps which have been infilled and rendered over to match the principal facades, thereby creating a terraced appearance. The evolution of this grouping into a terrace is also emphasised by the additional 5th storey and a mansard extension. There is some clutter on some of the roofs including safety rails and a loss of architectural detail. However, despite these changes 1 - 5 Pembridge Gardens as a group and individually are of high significance, with historic, aesthetic and evidential value. In this case central aspects of their significance are homogeneity, hierarchy and the uninterrupted roofline set against the sky, their regular scale and contribution to the wider architectural composition which frames Pembridge Gardens.

4.33 **10 and 11 Pembridge Square**

These are grade II listed detached and ornately decorated villas dating from the 1850s and are typical of Pembridge Square. Nos. 10 and 11 Pembridge Square are in use as a school and have been since 1896. Both properties are three bays wide and five storeys high including attic and basement. The Italianate style is expressed through the rich architectural detailing including the central entrance porch. The slate roof has a distinct and elaborate roof profile and regular form across Pembridge Square, including decorative dormers. The main entablature of the roof parapet has finely moulded modillion and dentil motifs. The two outer windows have semi-circular heads with moulded architraves and a central key stone and pediment. They have high significance arising from their historic, aesthetic and evidential value. Pembridge Square has undergone little change

¹² PCAA para 3.14

since its construction in the mid- 19th century and is one of PCA best preserved streets. The private gardens in the centre contribute to the peaceful, leafy character of the square.

- 4.34 In this case central aspects of their significance are their homogeneity and hierarchy and the distinct rooflines which are unbroken and set against the skyline as well as their scale relative to their surroundings. The properties share individual heritage value but have considerable group value as a high quality composition.

5.0 LAW, POLICY and GUIDANCE

5.1 Legal Requirements

In considering whether to grant planning permission for development which affects a listing building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, pursuant to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In the case of Conservation Areas, Section 72 of the Act provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area; however this refers only to development within a conservation area.

- 5.2 “Preserving” listed buildings and their setting and/or the character or appearance of a conservation area means doing them no harm. I am not a legal expert but I am advised that if a proposed development conflicts with that objective, there will be a strong presumption against the grant of permission.

5.3 RBKC Local Plan Policy

Local Plan Partial Review 2019

The following policies in the Consolidated Local Plan 2015 (CLP) were considered to be particularly relevant:

- Policy CL1 – which requires all development to respect the existing context, character and appearance, and in particular part b., which requires development to respond to the local context;
- Policy CL3 – which requires development to preserve and take opportunities to enhance the cherished and familiar local scene, including, at part a. through requiring development to preserve or enhance the character or appearance of the conservation area, and protect the special architectural or historic interest of the area and its setting.
- Policy CL4 – which requires development to protect the heritage significance of listed buildings, scheduled ancient monuments and sites of archaeological interest.

- Policy CL11 – which requires all development to protect and enhance views, vistas, gaps and the skyline that contribute to the character and quality of the area, including at part c. iii. requiring within conservation areas, development to preserve or enhance views that affect the setting of and from development on sites adjacent to conservation areas and listed buildings.
- Policy CL12 – which requires new buildings to respect the setting of the borough's valued townscapes and landscapes, through appropriate building heights.

5.4 The Council undertook a Partial Review of the existing Local Plan. The Council adopted its Local Plan Partial Review (LPPR) Publication Policies (February 2017) which incorporates both the "main modifications" recommended by the Inspector and the "minor/additional modifications" published by the Council on 11 September 2019. The adopted LPPR replaced parts of the CLP and the remaining saved policies within RBKC's Unitary Development Plan (2007). The Local Plan policies relevant to the Application Proposal are as follows:

- Policy CR5 – states that the Council will protect, enhance and make the most of existing parks, gardens and open spaces, including through, at part b., resisting development that has an adverse effect on the environmental and open character, appearance and function of Conservation Area, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting.
- Policy CL1 – no changes to the adopted CLP.
- Policy CL3 – no changes to the adopted CLP.
- Policy CL4 – amended from the CLP but still requires development to protect the heritage significance of listed buildings, scheduled ancient monuments and sites of archaeological interest.
- Policy CL11 – no changes to the adopted CLP.
- Policy CL12 – to the adopted CLP.

5.5 The London Plan (March 2016)

The London Plan has a holistic range of place shaping policies which seek to deliver a city which is diverse, robust, secure, accessible and visually delightful. Policy 7.4 emphasises the importance of considering local character as part of design quality with planning decisions being informed by the surrounding historic environment highlighting the importance of local and human scale. The architecture policy 7.6 recognises the role that development can have on streetscape and wider city scape requiring a building to be appropriate to context and comprise details and materials that complement but not necessarily replicate the local architecture. The Plan highlights the importance of proportion, scale, composition and orientation as factors which should inform the design quality.

- 5.6 Policy 7.8 Heritage Assets and Archaeology requires new development to conserve the significance of heritage assets by being sympathetic in their form, scale, materials and architectural detail.

5.7 National Planning Policy Framework

The National Planning Policy Framework published in 2019 (the Framework) is clear at paragraph 124 that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on, at paragraph 127 to state that “Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

- 5.8 The Framework also sets out national policy for the protection of the historic environment, the most relevant of which to this Application, or parts thereof, are set out below.
- 5.9 Paragraph 184 of the Framework says: *“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognized to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*.
- 5.10 Paragraph 193 of the Framework is clear *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* This reflects the legal requirement in relation to listed buildings and the finding in the Court of Appeal Decision in the Barnwell Case that “Parliament’s intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise”¹³.
- 5.11 The Framework goes on at paragraph 194 to say that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*. It explains at paragraph 196 *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should*

¹³ The judgment of the Court of Appeal (Maurice Kay LJ, Sullivan LJ and Rafferty LJ) in *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust & SSCLG* [2014]

be weighed against the public benefits of the proposal, including securing its optimum viable use”.

- 5.12 The Glossary to the Framework provides a number of definitions, among which is the following: “**Setting of a heritage asset:** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”

5.13 **Planning Practice Guidance**

National Planning Practice Guidance (PPG) discusses the issue of setting¹⁴, where it is made clear that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not be the same.

- 5.14 It goes on to point out that the “*extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.*”

- 5.15 It also makes clear that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

5.16 **Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment**

This provides information on good practice to implement historic environment policy including the NPPF and NPPG. The note advises that the first step in decision taking

¹⁴ Paragraph: 013 Reference ID: 18a-013-20190723, Revision date: 23 07 2019

is to understand the significance of any affected heritage asset and the contribution of its setting. The guidance recognises that assets may be affected by a change in their setting. Paragraph 7 emphasises the need to properly assess the nature, extent and level of significance in order to inform decision making. Paragraph 52 encourages opportunities to enhance assets and their setting. Design and local distinctiveness and the historic environment are addressed in paragraph 53. Success criteria are scale, height, massing alignment and materials and how these relate to context including significance of nearby assets and their setting as well as general character and distinctiveness. Views into through and from the site and its surroundings should also be considered.

5.17 Historic England Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

This advice note sets out guidance against the background of the Framework and Planning Practice Guidance on managing change within the settings of heritage assets including historic buildings, sites and landscapes.

- 5.18 It points out in Section 8 that while setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time. It also states that extensive heritage assets such as historic parks and gardens, landscapes and townscapes can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own.
- 5.19 The importance of setting, it points out in Section 9, lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. In acknowledging in Section 10 that the setting of a heritage asset may change over time, and may be negatively affected by development, it advises that in order to accord with the Framework consideration still needs to be given to whether additional change will further detract from, or enhance the significance of the asset.

Negative change, it points out, could include severing the last line between an asset and its original setting.

- 5.20 The guidance advocates a staged approach to proportionate decision taking and notes that protection of the setting need not prevent change. I have applied the principles of steps 1 - 3 to my analysis of the Visual Impact Assessment on heritage assets. These steps comprise:
- Identify the heritage assets and their settings that are affected.
 - Assess how and to what degree these settings make a contribution to the significance of the asset.
 - Assess the effects of the proposed development, whether beneficial or harmful, to that significance.
- 5.21 The guidance provides a useful check list of considerations for step 2, and I have used this as a reference for my assessment for understanding heritage significance in the views in the Section 6.
- 5.22 Guidance is provided on evaluating the magnitude of the impact of the proposed development on significance of assets. The key attributes include: location and siting; form and appearance; additional effects and permanence. The checklist attributes in the guidance which are relevant to this Application include:
- Position of the development in relation to key views.
 - Prominence, dominance or conspicuousness.
 - Competition with or distraction from the asset.
 - Dimensions, scale and massing.
 - Proportions.
 - Architectural style or design.
 - Change to skyline.
 - Change to general character

5.23 **Notting Hill Gate SPD (May 2015)**

The purpose of the SPD is to guide future development proposals within the SPD boundary area. Its core objectives are to :

- Improve the streets and public spaces
- Improve the buildings and architecture
- Strengthen the identity of Notting Hill Gate

5.24 Ambitions for the redevelopment of Newcombe House are set out in on page 15 where it is identified as Site 1. They identify two options:- either the refurbishment of the existing block or its redevelopment. There are a number of key findings and ambitions for potential redevelopment which are pertinent to the issues arising in this Application:

- The existing location set back from Notting Hill Gate and orientation reduces the visual impact on the surrounding townscape particularly Hillgate Village and from Kensington Gardens. The greatest impact is on views north of Notting Hill Gate.
- Refurbishment and recladding would be the preferred approach.
- Any redevelopment should be less bulky in profile than the existing.
- Moving the building closer to Notting Hill Gate could be a possibility.
- “The Council may entertain a modest increase in height over the existing buildings”, provided three criteria are met:
 - The building is architecturally excellent
 - The building does not have a harmful impact on views particularly from Hillgate Village and Kensington Gardens
 - It preserves or enhances the heritage significance of surrounding listed buildings and conservation areas.

5.25 The key relevant consideration in this is the possibility that a “modest” increase in height could be supported in a refurbished or replaced Newcombe House. My interpretation of this is that any increase in height beyond the existing building should be proportionate to the overall height and scale of the building so that the additional height and storeys would be subordinate, and harmonious to the overall scale of the existing building and avoid appearing top heavy. In these circumstances the modest

addition would also be expected to be recessive, for instance through setting back the massing or tapering the uppermost floors.

5.26 Tall Buildings Policy and Design Guidance

The London Plan defines tall buildings as “buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline.” The planning definition is generally regarded as being where a development is significant taller than the surrounding context of buildings. National, Strategic and Local policies and guidance seek to provide advice on these matters and these are summarized below.

5.27 London Plan Policy 7.7 Location and Design of Tall and Large Buildings

Part A of the policy is strategic and states that tall buildings should not have an unacceptably harmful impact on their surroundings. Part B sets out the requirements for an urban design analysis if the site is not identified for a tall building. Part C of the policy sets out the criteria that should be met. Relevant subsections to this Application are:

- b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building.
- c. relates well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level.

5.28 Part d requires improved legibility, visual significance and enhancements to the London skyline. Part e sets out the need for the highest standards of architecture. Part e of the policy is most pertinent, requiring particular consideration for tall buildings in sensitive locations including conservation areas, listed buildings and their settings as well as registered parks and gardens.

5.29 The descriptive narrative in paragraph 7.25 advises that tall buildings should be resisted in areas particularly sensitive to their impacts. It also highlights that high density does not have to imply a tall building and recognizes that tall buildings can have a detrimental impact on local character. Paragraph 7.26 again reinforces the

pre-requisite for high quality architecture and especially of prominent roof tops for tall buildings

5.30 RBKC and Tall buildings, Local Plan and SPD

The Royal Borough of Kensington & Chelsea is one of the highest in the London Borough density league, yet it has relatively few towers and lots of green space. The pattern of development in the Borough is generally low to medium rise and tall buildings are very much the exception across the Borough. Given the wide reaching impact a tall building can have, the Council carefully manages the height of new development due to concerns regarding the erosion of the Borough's distinctive character. The NPPF, London Plan and Historic England have encouraged local authorities to identify insensitive or inappropriate areas for tall buildings. In response to this and the concern regarding the potentially harmful impact a tall building could have on the Borough the Council has a tall building policy CL12 and published SPD guidance Building Height in the Royal Borough

5.31 CL12 Building Heights and supporting text This policy sets out the Council's requirements for new development and building heights. Development should respect the setting of the borough's townscape through appropriate building heights and part b of this underpins the Council's Objection 1 for this Application.

To deliver this the Council will:

- b. resist buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances, where the development has a wholly positive impact on the character and quality of the townscape;*

5.32 The preamble notes that tall buildings are an exception in the Borough and unless carefully managed could erode its distinctive townscape. Tall buildings have a far greater impact, which can, as in this case, extend outside the Borough. To achieve a wholly positive impact, there are matters of height relative to context but the building must also be convincing and highly attractive in the round and give meaning to the local area. Due to its visibility a tall building in the wrong location can demonstrably harm the character and appearance of conservation areas and the setting of listed buildings and interrupt local views.

- 5.33 Paragraph 34.3.107 addresses design quality. This must be exceptional in terms of architecture, sustainability and urban design. In the round the building must be convincing and highly attractive and make a distinguished landmark on the skyline. Key considerations to achieve a successful outcome include:
- scale
 - height
 - massing silhouette
 - crown and facing materials
 - incorporation of building services and telecommunication equipment
 - profile and proportion of the building especially the part above the prevailing building height
 - bulky tall buildings are not attractive to look at and disfigure the skyline; slender ones are more successful.
- 5.34 This policy is supported by the Council's tall building SPD. The SPD is guidance and serves to identify sensitive or inappropriate areas for tall buildings. NHG currently has two tall buildings Campden Hill Tower (18 storeys) and Newcombe House (12 storeys) neither of which relates to their neighbours in terms of scale, height, or pattern. Both blocks currently affect the setting of listed buildings and views of the historic skyline. Using the "Sieve Method" this document has identified large parts of the Borough as not acceptable for tall buildings, primarily due to the high number of conservation areas and listed buildings. The document notes that tall buildings in the right location can contribute positively to the townscape and its skyline but to do so "*...they must possess an architecture that is convincing and highly attractive, especially when viewed in the round.*"¹⁵
- 5.35 The SPD refers to a typology for tall buildings as follows: - local landmarks; district landmarks and metropolitan landmarks. The SPD identifies Holiday Inn (84m) and Trellick Tower (98m) as the only metropolitan scale buildings in the Borough. These typologies are defined as being more than 4 times the typical height of local buildings and having a significant sphere of visual influence. Newcombe House at

¹⁵ Building Height in the Royal Borough SPD 2010

47m (12storeys) and Camden Hill Tower 63m (18 storeys) are district scale buildings defined as being between 1 ½ - 4 times the height of local context.

- 5.36 Based on this SPD analysis the central (18 storeys 72m) and east (14 storeys 55m) blocks of the proposal would constitute a district scale building although arguably close to being a metropolitan scale. As the SPD states, district scale buildings can have a dominant effect on their immediate and wider surroundings. It goes on to state that they can significantly impact upon the skyline and act as a strategic landmark but, depending on scale and massing, can also harm their surroundings. Paragraph 34.3.103 of the Core Strategy notes that they are exceptionally rare in the Borough's low to medium rise townscape and, due to their visibility, the location and use of district landmarks must be significant to the borough as a whole. Clearly the existing building is a district scale building but the question is whether the increase in height would result in a more harmful impact.
- 5.37 The SPD advises that graceful and slender designs are more likely to be successful additions to skylines and townscape, and refers to aspect ratio which measures building height against building width, indicating a proportion of 5:1 as being successful. The SPD also advises that a well-designed building is one which is convincing and highly attractive and refers to a number of criteria to consider including: scale; massing; aspect ratio; proportion; silhouette; crown; and careful selection of facing and glazing materials.
- 5.38 Both CL12 and the SPD reinforce the point that the introduction of tall buildings of a district scale into the Kensington and Chelsea townscape are a rarity, because of the number of conservation areas and listed buildings and the established scale of low to mid-rise buildings, and the consequent likelihood of harm. The nature of the Application Proposal is therefore in itself unusual and an exception for the Borough.

5.39 Historic England Advice Note 4 - Tall Buildings (2015)

This guidance reinforces the design principles of the NPPF, recognising that well designed tall buildings in the right place can make a positive contribution to urban life. The advice note states that tall buildings which are not well designed and in the wrong place can cause harm to due to their widespread visibility.

5.40 Paragraph 4.5 sets out criteria for a high quality scheme which should be responsive to: topography; character of place; heritage assets and their settings; height and scale of development (immediate, intermediate and town or city-wide), urban grain and streetscape; open spaces; important views including prospects and panoramas and the impact on skyline. Paragraph 4.8 lists design criteria for delivering architectural quality including: scale; form and massing; proportion and silhouette; relationship to other structures; impact on streetscape and near views; impact on cityscape and distance views and impact on skyline. The guidance also draws attention to the need for considering the night-time impact.

5.41 Consistent with CL12 and the Council's SPD, this guidance supports the very high bar for the design of tall buildings, stating that they should be "exemplary". In its concluding paragraph 5.5 the document again aligns with the NPPF - "In assessing this justification and in weighing any public benefits offered by a tall building proposal. local planning authorities will need to pay particular regard to the policies in the Framework."

5.42 Views and Vistas Policy and Design Guidance

The quality and character of the Borough is gained from views into, within and out of the area and these are central to the local context.

5.43 Part 11a of policy CL11 resists development that interrupts, disrupts or detracts from strategic and local vistas, views and gaps and the skyline. Part b is pertinent to the Application as this requires development whose visual impacts extend beyond that of the immediate street, to demonstrate how views are protected or enhanced.

- 5.44 The Application Proposal will appear in many views of listed buildings and conservation areas and Policy CL11 also requires development to preserve or enhance the setting of this designated heritage assets. Part c iii) requires development to preserve or enhance views that affect the setting of and from development on sites adjacent to conservation areas and listed buildings. The policy requires development to preserve or enhance views identified in conservation area appraisals. In this case these include the PCAA, KCAA and LCAA.
- 5.45 This policy also recognises the impact development can have on the views from other buildings including the upper floors and gardens
- 5.46 **The London Plan March (2016)**
Policy 7.2 encourages Boroughs to reflect the principles of this policy in the preparation of LDF and suggests that Boroughs may wish to use the principles of this policy of the designation and management of local views.
- 5.47 Views can be important because of their composition and their contribution to legibility or because they provide an opportunity to see a key landmark as part of broader townscape. Relevant to this Application are the guiding principles for assessing new development in townscape and linear views which should maintain the ability to see specific buildings or groups of buildings including distant buildings with consideration of the foreground, middle and background. The plan makes the point that some views are experienced as a person moves through a viewing place and this must be considered when assessing development.
- 5.48 **Historic England Seeing the View in History A method for assessing heritage significance within views (May 2011)**
This guidance advocates a two stage process for assessing the impact of development on historic views. Phase A should identify the heritage significance in the view. The guidance suggests that whether a conservation area is included in the assessment is a matter of judgement, depending on the how well its overall character is distinct from its individual listed buildings. Phase B is to assess the impact of the proposed development on the identified heritage significance. It is

suggested that this process is undertaken by the developer in consultation with Historic England and the local planning authority.

- 5.49 The process requires evaluating the importance of the individual heritage assets identified within the view and the value of the view overall in both cases ranging from low, medium and high levels of significance. The magnitude of the impact is measured against the identified heritage significance again ranging from high beneficial to high adverse. A matrix is then applied to assess the severity of the effect on the heritage assets and heritage significance within views depending on both magnitude and value and importance of the resource

6.0 ASSESSMENT

6.1 This section sets out an assessment of the architectural quality of the development. It goes on to demonstrate that the height of the development will harm the setting of local townscape and designated heritage assets. The principle of a tall building to replace Newcombe House is accepted in policy terms, but subject to a number of caveats derived from the policies covering the site and issue. These can be summarised as follows:-

- Development should be responsive to local context (CL1, CL2, NPPF, London Plan)
- Impact on townscape, local views and vistas and skylines (CL1, CL2, SPD, Historic England, London Plan).
- The particular consideration for impact on heritage assets (NPPF, CL12, SPD, Historic England, London Plan)
- Consider height, proportion, silhouette, crown, aspect ratio, composition, scale, topography, legibility, night-time appearance (CL1, CL2, CL12, SPD, Historic England, London Plan)
- Tall buildings can have a detrimental impact on local character. (London Plan)
- The tall building should have a wholly positive impact on the character and quality of townscape. (CL12)
- District scale buildings are exceptionally rare in the Borough (CL12)
- Poor design should be rejected (NPPF)
- Design quality should be convincing, highly attractive, exemplary and exceptional (CL2, CL12, SPD, Historic England).

6.2 ARCHITECTURAL QUALITY

- 6.2.1 The submitted design for the Newcombe House site has changed very little since the Appeal Scheme determined in 2017¹⁶. The most significant changes are to the massing of the buildings. These include:
- The addition of 2 storeys to West Perimeter Building 3: and
 - The addition of 1 storey to Kensington Church Street 1.
- 6.2.2 Other changes to the building are fairly minor and related to the elevational design of the internal layouts. The Inspector's Report in respect of the Appeal Scheme determined that the proposals were of high enough architectural quality to satisfy CLP policies CL1, CL2, CL11 and CL12 which set criteria for context and character, design quality, views and building heights. Given the very minor nature of the changes I suspect he would retain a similar view on the current Application. However, I have critiqued the Inspector's analysis as part of this proof and fundamentally do not agree with his analysis. I do not believe he carried out a detailed enough appraisal of the scheme to fully assess the impact of the building on its locality.
- 6.2.3 At a conceptual level, the proposed masterplan for the Newcombe House site is largely successful. The architects have responded well to the site's constraints and have developed a public space led plan that will open up the site and create a new piece of city for all to enjoy. The mix of commercial uses at ground floor will animate the site and provide new opportunities for leisure and business. Upper levels will provide new dwellings that will help support these uses and provide much needed new homes. However, the detailed design of the architecture dilutes the quality of the plan. In my opinion, the architects have not adequately developed their designs. The height and massing of the proposals have an unacceptable impact on the surrounding townscape and the resultant architecture lacks a distinctive character.
- 6.2.4 Policy CL2 Design Quality and CL1 Character and Context require new buildings to relate to and respect their context. Policy CL12 Building Heights requires all aspects of the architecture to have a wholly positive impact on the character and quality of the townscape and be of an exceptional quality. I do not believe that the

¹⁶ Ref: APP/K5600/W/16/3149585

objectives of these policies has been met.

6.2.5 My Concerns over height and massing and the character are detailed below. In some instances, I refer to townscape views contained within the Townscape and Visual Impact Assessment. Further commentary on these views can be found in 'Townscape' section of this document.

6.2.6 **Height and Massing**

The masterplan is essentially composed of a perimeter block running along Notting Hill Gate, Kensington Church Street and the boundary of the site with Notting Hill Gate Station. The perimeter is broken in places to allow pedestrian movement and visual connections through the site.

6.2.7 The perimeter buildings (KCS 1, KCS 2, the WEB, WPB1 and the Notting Hill Gate Office) vary from 3 – 6 storeys. They respond well to site constraints and have a limited impact on the surrounding townscape.

6.2.8 The Corner Building – which is composed of the central (18 storeys) and east forms (14 storeys), is located behind the Notting Hill Gate frontage. In principal, a taller building on the site is acceptable. A building of this height falls into RBKC's 'District' category of tall buildings. As such our Building Heights SPD and Policy CL12 require it to have a 'wholly positive' visual impact.

6.2.9 The Central Building rises from 55.2m (east form) to 71.8m (central form); compared to the existing 46.3m of Newcombe House. The two blocks are connected with a staggered building footprint, described as a "slipped form." The central form sits forward of the eastern block on the Notting Hill Gate frontage. This creates articulation in some views of the tall blocks, which, in the words of the Inspector in the Appeal Scheme, creates a "*bold and attractive appearance.*"

6.2.10 However, the success of this device is questionable. For the most part the building is approximately 20m wide by 55.2m tall. The silhouette only steps back in the top 4 storeys of the central form. This goes against the advice of the Borough's Building

Heights SPD which promotes 'Graceful and Slender' designs with a slenderness ratio of 5:1. This squatness is best illustrated from Views 3 and 4 from Kensington Church Street where the full width of the east and central forms is expressed.

6.2.11 From other viewpoints, only the taller, central form is visible. At 18 storeys, it is significantly taller than the existing Newcombe House is and just as wide. It reads as a single mass with no articulation as it rises through its bottom, mid, and top sections. The uniform use of stone panels across the facades only heightens its flatness. Views towards the western elevation (especially from the south) are particularly damaging. The central form dominates these vistas. It sits in the foreground of the composition and very little of the eastern slip is visible. The fenestration pattern on this side of the building introduces a higher proportion of solid surfaces to the upper levels. This emphasises the flatness of the façade and its impact on its surroundings. The cut out glazed corners do very little to soften the mass of the structure.

6.2.12 I draw attention to the following views:

- View 16 – Kensington Park Road – Opposite junction with Ladbroke Sq.
- View 17 – Kensington Park Road from Kensington Temple.
- View 18 – Uxbridge Street
- View 23 - at the junction of Wycombe Square and Aubury Walk
- View 25 - Hillgate Place By Hillgate Street
- View 28 - Hillgate Place Outside No 1
- View 32 – Outside 25 Ladbroke Road
- View 38 - -Pembridge Gardens

6.2.13 In views 16, 17, 18, 32 and 38 the slips in the massing building are not or only barely visible. The building effectively reads as one mass. This is particularly damaging in these locations, which are characterised by finer grain, historic development.

- 6.2.14 In Views 23, 25 and 28 the western slip dominates the street scene. It is far taller than the existing western elevation of Newcombe House and just as wide. In these situations, the whole premise of the slipped façade does nothing to mitigate against the impact of a tall building on the surrounding streetscape. These views are from the south of the site – a location that the Inspector states that the slab of Newcombe House would be transformed into ‘staggered elegant forms.’ These views undermine this assessment.
- 6.2.15 The Inspector justified the design in views 25 and 28 because ‘given the well-considered external appearance, unlike Newcombe House, the building would not be unattractive in itself.’ Likewise, he states that in View 18 (Uxbridge Street) the building would be a ‘marked improvement’ compared to the existing building. The scale and massing of the building in these situations is completely at odds with the architectural character of the existing context. The external appearance of the building does not justify such a change in scale. Nor, in my opinion, does it represent an improvement in the street scene.
- 6.2.16 The top of the building is what affects the skyline the most. The only device the architect uses to articulate the top section of both the east and central forms is a change in the pattern of fenestration. This does not go far enough to articulate the facades or create a well-designed ‘crown’ for the building.
- 6.2.17 I believe that the views above undermine the Inspector’s assessment of the ‘slipped form’ and its ability to deliver a ‘bold and attractive appearance.’ The Inspector did not compare the success of this device around the building adequately and, I believe, overlooked the dominating presence of the western façade. As a result, the taller elements of the building have a negative and overbearing impact on the surrounding townscape and are contrary to Policy CL12.
- 6.2.18 Since the Appeal Scheme, the height of WPB 3 (the block that contains the surgery and office space) has increased in height by two storeys. The townscape views show that this additional height would have very little impact on the existing townscape. However, the internal view of the public square (Design and Access Statement P 42)

shows the effect these additional storeys have on the space. They add to the bulk and mass of the east and central form and create a heightened sense of enclosure. I believe this dilutes the quality of the space.

6.2.19 In design terms, I do not believe that the new design of WPB 3 delivers the best solution for the surgery space either. I acknowledge that the Design Team has worked with the NHS commissioning team to develop its layout for the surgery space. However, the current layout does not, in my opinion, deliver the most practical layout for this facility. Upon arrival, patients have to get in the lift or go up 4 levels of stairs to access the surgery. There is no reception area at ground level. It is not clear how this area would be secured or how people would know where they are going from this point. The NHS's Health Note 001; General design guidance for healthcare buildings states that the reception desk should be immediately apparent and that there should be a clear and uninterrupted route towards it. A lift or 4 flights of stairs clearly divorce the surgery from its entrance.

6.2.20 Since the Appeal Scheme, the surgery has moved up the building by 2 storeys. This only exacerbates the divide between the street and the facility.

6.2.21 At the upper levels, the plan is split in two by the stair core. This creates a fragmented layout with consulting rooms separated across different levels and different sides of the core with no direct relationship to the entrance and reception area. Wayfinding around the building would be difficult. I doubt patients would be able to find their way around the building by 'building their own mental map' as advised in Note 00-01.

Materials and Character

6.2.22 Aside from the height and massing, I also raise concern about the proposed architectural style and choice of materials. Policies CL1 and CL2 require development to respond to the local context. The three main choices of material in this development are grey brick, Portland stone panelling and white Corian. Whilst these materials do complement each other, they do not have any rooting in the existing context.

- 6.2.23 Kensington Church Street has a very varied character. The style, age and type of building varies along its length. The introduction of a new material here is not in itself a bad thing. However, what is evident about Kensington Church Street is its variety. The blanket use of grey brick along Blocks KCS1 and 2 goes against this character.
- 6.2.24 The scale and massing of the internal perimeter blocks relates to Kensington Place and other surrounding streets to the west. However, with the exception of the Cube building, the blanket use of grey brick continues in these internal spaces.
- 6.2.25 The surrounding streets are characterised by rows of narrow fronted, 2 storey, period, terraced houses. Their form is relatively consistent. However, one of the most distinctive features is the variety of façade treatments – mainly in the colour of the render. This is a feature that defines Notting Hill. The design of the courtyard space offered an opportunity to continue or at least pick up on this locally distinctive characteristic. This is a missed opportunity.
- 6.2.26 The Notting Hill Gate elevation is better considered. The proposal sits between David Game and Astley House, two 1960s office blocks that have consent / are being redeveloped. Both these buildings have a very strong horizontal emphasis and are clad in similar materials. The use of grey bricks here does help to break up a very long and somewhat bland elevation. However, the introduction of this material along Notting Hill Gate is valid due mainly to the huge variety and incontinuity of buildings along its length.
- 6.2.27 The Central Building is clad in stone panels. There is no variation in materials as it rises. This in itself is not a negative feature. However, the blanket use of material only emphasises the issues outlined above about the poor articulation of the buildings form.
- 6.2.28 This is particularly evident along the Kensington Church Street elevation where the stone cladding continues to ground floor level. This poorly defines the base of the building. The articulation of the lower office levels with the same grey brick as the Notting Hill Gate Office block would have formed a stronger 'podium' from which the

tower could have risen. This could have been further emphasised by a setback between the lower office and upper residential floors. This would have clearly articulated the different uses in the building and modulated the façade.

6.2.29 As stated earlier, the architect uses variations in the fenestration pattern to add variety and interest to the tower. The glazing pattern on each face changes. I do not agree that this device delivers 'a pleasing rhythm' as expressed by the Inspector on the Appeal Scheme. I believe the fenestration is being used as poor substitute for better modelling of the structure. The cut backs in the upper corners do not provide a satisfactory crown for the building. This is unsatisfactory.

6.2.30 **Conclusion**

I conclude the proposals, and in particular the tall building element, are not successful in achieving architecture which is exceptional, or which is wholly positive in its townscape context, and which does not, as a result, comply with the policy aspirations for such buildings set out in the LP or the London Plan.

6.2.31 **TOWNSCAPE**

View 16: Kensington Park Road opposite junction with Ladbroke Square

The viewpoint, on the western side of Kensington Park Road provides an open vista of the Application Site and demonstrates the widespread impact of a significantly tall building on local context and character and on designated heritage assets such as the Ladbroke Conservation Area.

6.2.32 Assessment: The view shows the overbearing mass of the central form from. The view shows the north and west elevations. The slip between the east and central forms is barely visible in this location. The central form reads as a single mass rising behind the terraced housing in the foreground of the view. The flat, unarticulated volume of the central form emphasises the bulk of the building. The upper levels are not set back, and the architect relies only in a change of fenestration to add interest to these façades. Whilst the building is slenderer than Newcombe House is, the additional levels are out of scale with the context and at odds with its character.

6.2.33 Conclusion: The height of the building would have a significantly harmful impact on the skyline and scale in the local townscape context and character, and would be contrary to CL1, CL2, CL11 and CL12

6.2.34 **View 38: Pembridge Gardens – outside no 6**

Character: This townscape view is framed by mid/late 19th century Italianate style stucco buildings. The style of the buildings is grand formal design, coherent and uniform. There is a consistency in materials and also in the roof profile. The low rise 1950s post war block on the south side of the street terminates this view and frames the corners of the junction of Pembridge Road and NHG. The view illustrates the transition between the historic, formal, high quality character of streets north of NHG and the more urban character of NHG. There is a clear contrast between a quieter domestic but formal appearance and commercial, more architecturally diverse busy thoroughfare. Despite contrasting townscape, the scale is virtually consistent of 4-5 storeys. Newcombe House is evident in the view as it projects above the prevailing building height but it is just the upper levels of the western corner that are visible and this reads as a low background building which is clearly part of the NHG townscape and does not encroach on the more historic townscape of Pembridge Gardens.

6.2.35 Pembridge Gardens is largely in hotel and residential uses and this view would be experienced by visitors and residents. Given the consistency of scale in this townscape view it would be very sensitive to change, particularly from development that significantly departs from the established building heights.

6.2.36 Assessment: The 18 storey central block revealing the upper six or so floors would assertively tower over the historic townscape of Pembridge Gardens. It would be prominent, conspicuous and dominant in terms of its height, and would be significantly greater in height and visibility than the existing Newcombe House. Its physical presence would distract from the elegance and regularity of the classical stucco elevations and this would disrupt the harmony of the uniform terrace and its

roofline. The development would be incompatible with established local scale and the more urban modern character of NHG and would encroach on the streetscape of Pembridge Gardens. This would dilute the current distinction between two different types of townscape and erode the historic quality of townscape.

6.2.37 Only the central form of the building is visible in this location. As an isolated object, the tower does not adequately modulate its mass as it rises. The upper levels are not set back and the architect relies only in a change of fenestration to break down its bulk. This is inadequate.

6.2.38 Conclusion: The height of the building would have a significantly harmful impact on the skyline and scale in the local townscape context and character, and would be contrary to CL1, CL2, CL11 and CL12.

6.2.39 **View 23: Junction of Wycombe Square and Aubrey Walk**

Character: This view is from a high viewpoint encompassing a variety of building types and therefore has a diverse townscape character. The townscape includes stucco and painted grand and modest architecture of the mid-19th century, as well as red brick and stone clad C20 apartments blocks. The scale of buildings is also varied with 4-5 storey buildings in the foreground and 2 storey buildings in the mid ground. Only four storeys of Newcombe House projects above the parapet height of the 2 storey buildings in the mid ground and it reads as a background distant building.

6.2.40 The character of the townscape is domestic and therefore this view would largely be experienced by residents. Given the low scale of buildings in the mid ground and high vantage point, roof additions and projections above the prevailing buildings heights could be significant and therefore the view despite its diverse townscape would be sensitive to change

6.2.41 Assessment: The proposed development would be a bold, alien feature on the skyline with no regard to context. Both the east and central blocks of the tall building would be visible appearing in isolation above the rooftops. However,

the slip between the two forms is not pronounced enough in this view. The central form sits in the foreground and dominates the vista. The absence of a setback or articulation of the upper levels makes the central form appear as one mass. Again, a change in the pattern of fenestration does not adequately break down the bulk of the central form.

6.2.42 The building would appear conspicuous and distracting when compared to the modest local scale of Kensington Place.

6.2.43 Conclusion: This view demonstrates the wide impact a tall building can have on townscape beyond its immediate context. In this case the development is incompatible with local scale and would be an incongruous statement as an inelegant addition to the skyline, with an adverse effect on townscape character contrary to CL1, CL11 and CL12

6.2.44 **View 28: Hillgate Place – Outside no 1**

Character: This townscape character is of modest 3 storeys residential terraced housing dating from the mid-19th century. It is homogeneous and all the historic buildings in the view are 3 storeys while David Game House, which terminates the view, is 4 storeys. Only a corner of Newcombe House is currently visible and disrupts the harmonious parapet of the uniform mid and foreground terrace. The townscape character is residential and a quiet backwater set behind Notting Hill Gate, close to the Application Site. The streetscape would be experienced by residents and, given the consistent scale of the buildings along Jameson Street, the townscape would be sensitive to change.

6.2.45 Assessment Both blocks of the tall building would be visible and the overall increased height, scale and massing would result in a prominent and highly conspicuous development dominating the local established scale of Jameson Street at close quarters. The slipped form of the massing does little to mitigate the impact of the structure. The east form is barely visible and the taller central form dominates the view. The central form rises as a single mass through its

mid and upper sections. Again, the architect relies on a change in the fenestration to add interest and break down the mass of the building. This is not adequate. The western elevation is poorly designed. The architect increases the proportion of solid to glazing in the in the upper levels of the building. This emphasises its flatness. The impact would be a distracting and over assertive development incompatible with local context.

6.2.46 Conclusion. The increased height of the building would have a significantly adverse impact on the townscape. Compared to the existing Newcombe House there be a worsening of the current situation. The proposal would be contrary to CL1, CL2, CL11 and CL12.

6.2.47 **View 17: Kensington Park Road by Kensington Temple**

Character: This townscape view is mixed in character in terms of uses containing residential and commercial properties. The view includes the high quality, well preserved character of Kensington Park Road and the shabbier and quirky commercial Pembridge Road which links Notting Hill gate and Portobello. Despite the variety of uses there is an architectural unity in terms of urban grain, scale and building typology. There is a distinctive and consistent parapet line running through the terraces which unites the townscape. Newcombe House is visually disruptive in the centre of this view as a background building, not helped by the green netting. This view would be experienced by residents and visitors as it is near the Notting Hill/Portobello Road/Pembridge Road hub, with access to public transport. Given the architecturally consistent character in the view it is sensitive to change with would disrupt the composition and established local context.

6.2.48 Assessment: The central form dominates this view. 11 storeys of development are visible above the defined roofscape which overall result in the development being even more prominent, dominant and conspicuous and distracting than Newcombe House. The central form read as one mass. The upper floors are not set back. The western elevation has a higher proportion of solid to glazing. This emphasises the building's flatness and its impact on the surrounding context.

6.2.49 The relative change in scale between the context of 3 storeys of townscape and the height of the central block would be an uncomfortably and stark transition. This higher district scale building would be incompatible with the distinctive and domestic scale of the existing townscape. The blocky form of the architecture and the insufficient design quality results in this building detracting from the skyline.

6.2.50 Conclusion: The increased height and the bulk and massing would have a significantly adverse harmful impact on the local more suburban townscape. Compared to the existing Newcombe House there would be a worsening of the current situation. The proposal would have a harmful impact on the character of the townscape and local context be contrary to CL1, CL2, CL11 and CL12.

6.2.51 **View 25: Hillgate Place by Hillgate Street**

Contribution of the view to the significance of the KPCA: This compositional view is of the Hillgate sub area of KCA. The KCAPS and Draft KCAA identify the buildings in this view as making a positive to the contribution the KCA. This view is representative of the key characteristics of the Hillgate sub area which is set out in Section 4 of this proof. What is significant is the overall quaintness of the tightly knit terraced streets, lined by buildings which are relatively modest and homogenous in style, scale and materials. The roofline is very consistent with defined parapets and overall the buildings are well preserved. These characteristics all form part of the setting of KCA within this view and underpin the quality of the townscape as a quiet backwater set apart from the more urban bustling Notting Hill Gate. Newcombe House detracts from this otherwise suburban setting and the unified townscape composition which is central to the KCA and its significance as experience in this view. The view is of medium value in the KCA and given the very unified townscape it is highly sensitive to change.

6.2.52 Assessment: Newcombe House projects above the parapet of the terrace in the mid ground of the view and forms an awkward backdrop and harms the setting in the view. The visible element of Newcombe House is 4 storey office storeys plus roof top. In this perspective the existing buildings reads as less than half the height of the mid ground buildings. It is still subordinate to the foreground sitting below

the three storey corner building on Hillgate Place and Hillgate Street which dominates this view. In contrast the proposed central block is approximately 10 storeys above the defined parapet height in the mid ground of the view, proportionally reading as double the scale of the mid ground buildings. The development would also rise above the three storey corner block.

6.2.53 This new development would, due to the increased height, be more prominent, dominant and conspicuous than Newcombe House and when compared to the context of this sub-area. The angled view of the building reveals the full width of the slipped form of blocks and the overall massing and introduces an assertive urban form to the setting of the KCA in this view. This new setting would detract from the quaint and domestic character of the Hillgate Village, which is intrinsic to its significance.

6.3.54 The over scaled appearance of the building would contrast harmfully with the modest architecture of the KCA townscape. The central form dominates this view. It is as wide as and taller than the existing structure. The lack of articulation between the middle and top sections of the central form emphasises its bulk. The change in the fenestration pattern to the upper section introduces a higher proportion of solid surfaces on the western elevation. This emphasises the flatness of the façade in this view.

6.2.55 Conclusion: The changed setting would harm the quality of the Hillgate sub area and the contribution of the view to the significance of the KCA. The magnitude of the impact would be moderately harmful adverse.

6.3 CONSERVATION AREAS AND LISTED BUILDINGS

- 6.3.1 The other key test in this case is whether the height and architecture of the Central and Eastern Forms of the development which are termed the “tall building” in the Council’s Objection 1 would result in a harmful impact on the setting of surrounding conservation areas as well as the setting of particular listed buildings.
- 6.3.2 There is no doubt that the increase in height and shift in position on site does result in the Application Proposal being seen in more locations than the current building. However clearly it does not follow that just because the development is visible or more visible than Newcombe House in the identified views that this change would be harmful.
- 6.3.3 I have evaluated each of the 42 views of Visual Impact Assessment to assess the impact on conservation areas and listed buildings, applying the approach set out in Historic England the Setting of Heritage Assets, Good Practice Advice in Planning, as described above at paragraph 5.20, p. 25.
- 6.3.4 For my assessment of the setting of LCA, PCA, RPCA, KPCA and KCA I have:
- Set out the significance of the heritage asset within the view and how the setting contributes to the view and evaluated the importance of the view;
 - Considered the impact of Newcombe House where relevant and assessed the impact of the proposed development on the setting in the view; and
 - Concluded the magnitude of harm to significance.
- 6.3.5 In this section of the proof I have only referred to the views where I consider there would be an adverse impact on the significance of the conservation area.
- 6.3.6 For the particular listed buildings, I have considered the significance of the listed building and described the existing setting and how this contributes to the significance. I have analysed the impact of the development on the setting with reference to views from the Visual Impact Assessment. From this I have identified whether there will be harm to significance and evaluated this level of harm.

6.4 IMPACT ON SETTING OF CONSERVATION AREAS

6.4.1 Ladbroke Conservation Area

Significance: The character and appearance of the LCA is set out in section 4 of this proof. The heritage significance of LCA is of high importance, derived from its historic, architectural, street layout, topographical, evidential as well as communal values. The townscape is well preserved and is largely residential and characterised by mid- low-rise scale, with set pieces of townscape planned around communal private gardens.

6.4.2 The LCAA has identified the area as containing a high proportion of buildings which make a positive contribution to the townscape with only a handful of buildings which detract from the townscape. Views and vistas are important through the LCA. While some are formally identified in the LCAA these are not exhaustive. Given the relatively low scale of buildings and their consistent typology and the number of long uninterrupted vistas and sense of openness that prevails throughout the LCA it is sensitive to change both within and outside its boundaries.

6.4.3 View 17: Park Road by Kensington Temple

Contribution of the view to the significance of the LCA: This view is from LCA towards Pembridge Road and the viewpoint is outside Kensington Temple, a Grade II listed building with, in the mid-ground, the Cabmens' Shelter also a Grade II listed building. This is a townscape vista on the southern fringe of Kensington Park Road as it integrates into Pembridge Road, an historic road central to the historic layout of the LCA. The setting of the view displays many of the characteristics of the LCA which contribute to significance. This includes the domestic, high quality townscape, characterised by the mid- rise stock brick terrace composition with continuous parapet and unaltered roofscape which can be clearly appreciated set against the sky.

6.4.4 Pembridge Place and Newcombe House are outside of the LCA but are seen in the context of its townscape and therefore are also part of the setting. Newcombe House is prominent and harmful in the centre of this view as a background block. Its orientation is such that the northern slab as well as the eastern elevation are

evident. However, the 4 storeys plus roof top which are visible above the foreground buildings are proportional to the buildings in the mid and foreground and therefore it is not oppressive. Apart from Newcombe House the setting of the LCA in this view is well preserved and this enables the appreciation of the calm, high quality residential townscape which is intrinsic to the significance of the LCA. The heritage assets within the view are well preserved and defined as buildings which make a positive contribution to townscape. This is a view within the LCA which is low-medium value as it is not a formal vista but given the scale of the buildings it would be sensitive to change.

6.4.5 Assessment: The proposed height, together with the blocky silhouette and overly complex design results in a development that will be even more prominent than Newcombe House. The increased height would result in a background development which would be dominant and conspicuous within the wider setting of the LCA. This more assertive, district height addition to the setting would distract from the quiet, calm, mid-rise and ordered historic townscape characteristic of the LCA.

6.4.6 Magnitude of impact: The significant increase in height of the development compared to the existing would be a worsening of the current situation. The changed setting would harm the quality of the view and the contribution it makes to the significance of the LCA. The magnitude of the impact which would be moderately harmful.

6.4.7 **View 14: Westbourne Grove – Junction with Ladbroke Gardens**

Contribution of the view to the significance of the LCA: This is a long vista from within the LCA, tightly enclosed by townscape and gardens. The buildings in the view are identified as positive, as set out in the LCAA, and in the mid ground is the Grade II* listed building Church of St Peter. There is one neutral building in the left of the view. This view includes many of the characteristics of the LCA set out in section 4 of this proof. Elements which contribute to significance, include the varied topography as Kensington Park Road rises up to Notting Hill Gate, and townscape interspersed with garden squares in the right of the view including South and North Stanley Gardens with Ladbroke Gardens further

in the distance. Between the verdant squares are mid-19th century Italianate stucco terraces such as this corner block on Ladbroke Gardens and the slightly architecturally plainer corner terrace on Westbourne Grove. The significance of the view would be sensitive to change

- 6.4.8 The setting of the townscape in this view is green and open, with low rise building of a consistent scale, yet formal as an axial view of historic townscape. The current backdrop which forms part of the setting is the unencumbered expanse of sky, which contributes to the sense of openness surrounding the view, as does the distant focal point. This setting and this type of view is typical of LCA and the current setting enables the typical features of the LCA which underpin its significance to be appreciated as a set piece.
- 6.4.9 Newcombe House is visible in this view in winter, but due to its height and pared down architecture its impact is not significant as an intrusion in the overall setting, blending into the townscape. Given the characteristics of LCA are well expressed in this view and there is a sense of formality it is one of medium heritage significance value. The significance of the view would be sensitive to change.
- 6.4.10 Assessment: The Application Proposal would largely be concealed by trees at this time of year, but through the winter months it would introduce a prominent silhouette on the skyline due to the building height, rising topography and central location as a focal point. The development would begin to close an attractive open view and fill the sky which is part of the focal point. The addition would change the existing setting introducing a more prominent and distracting urban architectural feature on the skyline. The viewer's eye would be drawn to this as feature rather than existing townscape in the view, for example the Church of St Peter. This addition to the setting of the LCA would have a negative impact which would be more visible in winter. The changed setting would reduce the ability to appreciate the skyline by introducing an end stop to the visual experience. The development would more prominent due to the rising land towards Notting Hill Gate, characteristic of the LCA

- 6.4.11 Magnitude of Impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the LCA. The magnitude of the impact would be moderately harmful.
- 6.4.12 **View 32: Outside 25 Ladbroke Road on opposite side of the road - Winter**
Contribution of the view to the significance of the LCA: Ladbroke CAA identifies all the buildings in the view from the late and mid-19th century as being of interest in the townscape and the views along Ladbroke Road as important. The setting within the view includes many of the characteristics which typify the LCA, including the detached villas, mid-rise scale and defined roofscape. Campden Hill Tower is assertive in the view and is part of the LCA setting and clearly has a harmful impact due to its height and architecture, compared to the local more suburban context and scale, disrupting the harmonious roofscape. In the mid ground is a commercial stretch comprising attractive painted facades of Pembridge Road, heritage assets which also form part of the wider setting to the view of the LCA. Aside from Campden Hill Tower the setting enables the typical characteristics of the LCA to be revealed, creating the high quality townscape, and central to its significance. From this particular viewpoint Newcombe House is not visible. The character of LCA is well represented in this view, and given that the LCAA identifies this as an important view I conclude that it is of medium importance and would be sensitive to change.
- 6.4.13 Assessment: The proposed central tower would be a visible, stark projection through the attractive roof profile of the 19th century terraces. In this case the proposed development would, due to the height of the tall building compared to the scale of the mid ground buildings and local context, be dominant as a background building. While Campden Hill Tower dominates this particular view and clearly causes harm, the inclusion of a further tall building to the setting of the LCA would be to add to that harm. The incompatible changes of scale that already exist will be exacerbated, which will diminish the quality and harmony of the attributes of the LCA in the view.
- 6.4.14 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the LCA. The magnitude of the impact would be moderately harmful.

6.4.15 **Conclusion**

The development will appear in a number of identified views in and around LCA as part of its setting. In the views analysis set out above the development would significantly transform the setting of the identified LCA. It is demonstrated that the development would have a negative presence in the skyline as a taller, dominant, district scale building. The tall building would be incompatible with the high quality historic townscape of LCA and its prevailing scale of building typology which both contribute to significance. Whilst Newcombe House is evident in the views its impact on the setting of the LCA is significantly more modest. In some of these views Newcombe House is not visible at all.

6.4.16 This analysis covers three views from the LCA, but I anticipate the proposed development could have a more widespread impact on the wider setting of LCA, as is the nature of a tall building. However, taking into account the quality of these three views and the collective impact of the development, as well as the magnitude of these impacts I conclude the changed setting to the LCA would have a moderately harmful effect on the significance of the LCA. This harm would therefore be less than substantial for the purposes of paragraph 196 of the Framework. The proposal would be contrary to policies CL1, CL2, CL3, CL11 and CL12.

6.4.17 **Kensington Palace Conservation Area**

Significance: The character and appearance of the KPCA is set out in section 4 of the proof. The heritage significance of KPCA is of high importance, derived from its historic, architectural, evidential as well as communal values. The townscape is well preserved and largely residential and commercial, characterised by grand mid- low rise set pieces. Kensington Palace and Kensington Gardens, a Registered Park and Garden are particularly important to the significance of the Conservation Area. The KPCA has a high proportion of buildings which make a positive contribution to the significance many of which are listed with only a handful of buildings which detract from the townscape. Views and vistas are important through the KPCA - some are formally identified in the LCAA but this is not exhaustive. Given the high quality character of the townscape throughout the KPCA it is highly sensitive to change both within and outside the CA.

6.4.18 **View 43: Kensington Palace Gardens**

Contribution of the view to the significance of the KPCA: This is a viewpoint from Kensington Palace Gardens which is a private road. Kensington Palace Gardens contains a concentrated collection of Grade II and II* listed buildings. This view includes 19 Kensington Palace Gardens a Grade II* listed building and 20 Kensington Palace a Grade II listed building, but others are visible in the view to the right. The Kensington Palace CAPS identifies views north and south as important and the key characteristic of the KPCA are set out in section 4. This view is representative of the Kensington Palace Gardens townscape, which is a set piece of townscape and unique within the KPCA, London and possibly nationally. This view and others along Kensington Park Gardens are of high importance to the significance of the Conservation Area and are very sensitive to change given the high quality and special character and appearance of the townscape.

6.4.19 The key characteristics of KPCA are well represented in this view including the high quality townscape of low scale but grandiose and palatial style architecture. The wide streets, mature trees and generous gardens, as well as the architecture and scale of the buildings set against an expanse of sky also form part of the setting and contribute to the sense of wealth and exclusiveness which Kensington Palace Gardens exudes. Gaps and spaces between buildings are also essential to the sense of spaciousness between built and unbuilt forms and are also intrinsic to the setting of the KPCA enabling the high quality townscape to be clearly appreciated.

6.4.20 Assessment: Newcombe House currently sits recessively in the gap between these two designated heritage assets, and whilst part of the setting to the KPCA in this view it is not dominant. The proposed development would be narrower in this view but taller than Newcombe House. This taller, district scaled building would rise above the existing tree line and the building height of 20 Kensington Park Gardens. This additional height and mass would result in the building becoming a more conspicuous and prominent element in the background to the view, rising above the height of the foreground buildings. The changed setting would introduce an uncharacteristic building typology which would be incompatible in terms of scale, height and silhouette compared to the established character of Kensington Park Gardens. The gap between 19 and 20

Kensington Gardens would also be eroded by the visual presence of the development.

- 6.4.21 Magnitude of impact: The changed setting would harm the contribution the view makes to the significance of the KPCA. The magnitude of the impact which would be moderately harmful.

6.4.22 **View 1: Kensington Church Street – South of Dukes Lane**

Significance: This viewpoint is from Kensington Palace Gardens Conservation Area with a fragment of the Kensington Conservation Area to the left comprising the Old Village sub area. Looking northwards along Kensington Church Road and Vicarage Gate the view contains buildings of diverse typology from both mid-19th and 20th century. In the mid ground is the listed Church of Our Lady of Mount Carmel. The view is identified as important within KPCAPS and KCAPS and all the buildings in the view make a positive contribution to the Conservation Areas. The rising topography towards Notting Hill Gate is a key feature in the view, as is the currently open vista along Vicarage Gate and the transition from commercial to quieter residential character. These features all contribute to the setting and quality of the view and its contribution to the significance of the KPCA. This view is of medium interest and is representative of others in the area of an open vista and rising topography. The view is sensitive to change especially to development in the background.

- 6.4.23 Assessment: Newcombe House is imperceptible in the distant horizon. The increased height of the new development would close this existing view and introduce a landmark on the horizon which would have a negative impact eroding this view by closing the characterful open vista and reading as a prominent block with no reference to local context. This viewpoint is some distance from the site and it demonstrates the wide impact a tall building can have. In this case it would appear as a landmark on the horizon which and an isolated silhouette unrelated to the taller mansion blocks in the foreground townscape.

- 6.4.24 Magnitude of impact: In this particular view the impact, due to the taller buildings in the foreground would be low-moderate in terms of harm.

6.4.25 **Conclusion**

The development would not be a visually widespread addition to the setting of the KPCA. However, the quality and type of townscape in the KPCA is of high heritage significance and Kensington Park Gardens in particular is highly sensitive to change. These are only two views but I anticipate the proposed development could have a more widespread impact on the wider setting of KPCA and that the full impact is unknown. Taking into account the quality of this single view and the high importance of Kensington Park Gardens and the magnitude of the impact I conclude the changed setting would have a moderate effect on the significance of the KPCA. This harm would be less than substantial for the purposes of paragraph 196 of the Framework. The proposal would be contrary to CL1, CL2, CL3, CL11 and CL12.

6.4.26 **Kensington Conservation Area**

Significance: The character and appearance of the KCA is set out in section 4 of the proof. The heritage significance of KCA is of high importance. This is derived from its historic, aesthetic, street layout, topographical evidential as well as communal values. The townscape is well preserved and is largely residential and commercial and characterised by grand and very low rise set pieces. The character of the KCA is diverse and there are 10 different sub-areas. The KCA has a high proportion of buildings which make a positive contribution to the townscape, as identified in the draft KCAA, many of which are listed with only a handful of buildings which detract from the townscape. Views and vistas are important throughout the KCA and some are formally identified in the draft KCAA but these are not exhaustive. Given the high quality character of the townscape, the KCA is highly sensitive to change both within and outside the KCA.

6.4.27 **View 25: Hillgate Place by Hillgate Street**

Contribution of the view to the significance of the KPCA: This compositional view is of the Hillgate sub area of KCA. The KCAPS and Draft KCAA identify the buildings in this view as making a positive to the contribution the KCA. This view is representative of the key characteristics of the Hillgate sub area which is set out in Section 4 of this proof. What is significant is the overall quaintness of the tightly knit terraced streets, lined by buildings which are relatively modest and homogenous in

style, scale and materials. The roofline is very consistent with defined parapets and overall the buildings are well preserved. These characteristics all form part of the setting of KCA within this view and underpin the quality of the townscape as a quiet backwater set apart from the more urban bustling Notting Hill Gate. Newcombe House detracts from this otherwise suburban setting and the unified townscape composition which is central to the KCA and its significance as experience in this view. The view is of medium value in the KCA and given the very unified townscape it is highly sensitive to change.

6.4.28 Assessment: Newcombe House projects above the parapet of the terrace in the mid ground of the view and forms an awkward backdrop and harms the setting in the view. The visible element of Newcombe House is 4 storey office storeys plus roof top. In this perspective the existing buildings reads as less than half the height of the mid ground buildings. It is still subordinate to the foreground sitting below the three storey corner building on Hillgate Place and Hillgate Street which dominates this view. In contrast the proposed central block is approximately 10 storeys above the defined parapet height in the mid ground of the view, proportionally reading as double the scale of the mid ground buildings. The development would also rise above the three storey corner block.

6.4.29 This new development would, due to the increased height, be more prominent, dominant and conspicuous than Newcombe House and when compared to the context of this sub-area. The angled view of the building reveals the full width of the slippedform of blocks and the overall massing and introduces an assertive urban form to the setting of the KCA in this view. This new setting would detract from the quaint and domestic character of the Hillgate Village which is intrinsic to its significance. The over scaled appearance of the building would contrast harmfully with the modest architecture of the KCA townscape.

6.4.30 Magnitude of impact: The changed setting would harm the quality of the Hillgate sub area and the contribution of the view to the significance of the KCA. The magnitude of the impact would be moderately harmful.

6.4.31 **View 23: Junction of Wycombe Square and Aubrey Walk**

Contribution of the view to the significance of the KCA: This is a view from KCA and from the Campden Hill sub area across Hillgate Village sub area, taken from a high viewpoint representing the varied topography of the area. The buildings to the west of the view in the mid and foreground are identified as positive contributors to the Conservation Area. The C20 buildings to the right of the view are identified as neutral in the Kensington CAA. The overall quality of the view is evaluated as medium-low significance as it clearly represents the topography and indicates the varied townscape of KCA sub areas which is central to the KCA's significance. The view would be very sensitive to change given the low scale of buildings in the Hillgate sub-area.

6.4.32 Assessment: Newcombe House projects above the parapet height of the 2 storey buildings in the mid ground and reads as a background, recessive and distant building and is part of the setting of the KCA in this view. The proposed development would be a bold skyline addition to the setting of the KCA. Both the Central and East forms will be visible above the rooftops of the Hillgate Village sub area. The tall building would be conspicuous and distracting when compared to the modest local scale of the Kensington Place area. Overall this will be a dominant addition to the setting of the KCA in this view which will be distracting as a landmark building. It will diminish the ability to appreciate the high quality character of the KCA by becoming the focal point in the view.

6.4.33 Magnitude of impact: The changed setting would harm the quality of view between sub-areas and its contribution to the significance of KCA. The magnitude of the impact would be moderately harmful.

6.4.34 **View 19: Outside 2 Campden Hill Square**

Contribution of the view to the significance of the KCA: This viewpoint is from Campden Hill sub area within Kensington Conservation Area looking west. In the foreground is the southern side of Campden Hill Square which comprises terraces of largely 4 - 5 storey, mid to late -19th century buildings in stock brick and stucco and red brick. The mid ground is a view of the Grade II* listed buildings which form

a terrace and enclose the eastern side of the Square together with the central private garden. On Hillsleigh Road are lower and more architecturally diverse buildings with a series of different roof types and behind these are the taller buildings of Campden Hill Place, with Campden Hill Gardens in the background.

6.4.35 This view is a varied compositional view and the layers of different architecture and rooftop silhouettes from the high ground of Campden Hill Square against the sky are central to the setting of the KCA. There are no significant intrusions within the setting and Newcombe House is not visible. All the buildings are identified as buildings of interest and high value and this is a view which is identified as important within the KCAA. The overall view is considered to be of medium importance in the KCA and sensitive to change due to the low scale and high quality of the townscape.

6.4.36 Assessment: The upper parts of the of the tall building would become part of the background setting to the KCA in this view. In terms of height and silhouette the tall building would be incompatible with the high quality, more generous historic townscape. There would be a worsening of the setting of the KCA in this view by the introduction of a conspicuous addition to the skyline.

6.4.37 Magnitude of impact: The changed setting would harm the quality of the view and erode its contribution to the significance of the KCA townscape. The magnitude of the impact would be low to moderately harmful.

6.4.38 **Conclusion**

The development will appear in a number of identified views in and around KCA as part of its setting. In the views analysis set out above the development would clearly significantly transform the setting of the KCA. These views demonstrate the development would have a harmful presence on the skyline, appearing above existing townscape as a dominant, district-scale landmark. This would be incompatible with the high quality but sometimes modest townscape of KCA. Whilst Newcombe House is evident its impact on the setting of the KCA is significantly less. In some of these views Newcombe House is not visible at all. These are three views from the KCA but I anticipate the proposed development

could have a more widespread impact on the setting of KC A. Taking into account the quality of these three views and the collective magnitude of the impacts I conclude the changed setting to the KCA would have moderate to major effect on the significance of the KCA. I would evaluate this harm as less than substantial for the purposes of paragraph 196 of the Framework. The proposal would be contrary to CL1, CL2, CL3, CL11 and CL12.

6.4.39 Pembridge Conservation Area

Significance: The character and appearance of the PCA is set out in section 4 of the proof. The heritage significance of PCA is of high importance, derived from its historic, aesthetic, street layout, topographical, evidential and communal values. The townscape is well preserved and is largely residential and commercial, characterised by grand detached and semi-detached villas and terraces. The PCA has a high proportion of buildings which make a positive contribution to the townscape, identified in the draft PCAA, many of which are listed, while only a handful of buildings detract from the townscape. Views and vistas are important throughout the PCA and some are formally identified in the draft PCAA, but these are not exhaustive. Given the high quality character of the townscape the PCA it is highly sensitive to change both within and outside the PCA.

6.4.40 View 38 Pembridge Gardens – outside no 6

Contribution of the view to the significance of the PCA: This townscape view is identified within the Draft PCAA as a view that is important. The view is framed by Grade II listed buildings on either side which are mid/late 19th century Italianate style stucco buildings. The style of the buildings is grand formal design, coherent and uniform. There is a consistency in materials and also in the roof profile. The listed terraces are enclosed at the corner with Notting Hill Gate with twentieth century redbrick on the east and a stone clad building on the east. The NHG 1950s block on the south side of the street terminates this view. These more modern buildings are modest in scale and read very much in the background as contained encroachments. The scale of the buildings within the PCA are consistent at 5 storeys, and their materials, set back from the street, uniformity and architectural detail are typical characteristics of the PCA.

- 6.4.41 The appreciation of these attributes is enhanced by the setting, which is one of openness with an expanse of sky set behind the historic townscape rooftops enabling a clear appreciation of the consistent building scale and composition as a set a piece. The NHG townscape is also part of the setting, but the low scale of David Games House and the book ends to the corners of Pembridge Gardens preserve the expanse of sky and the consistent roofline that is evident in this view and central to the significance. Due to the number of listed buildings and the architectural uniformity as a set piece within the view I would evaluate the view as of medium heritage significance. It is highly sensitive to change given the quality of the townscape and consistent scale.
- 6.4.42 Newcombe House also impacts on this view but causes minor harm. The upper levels of the western corner are visible but it reads as a background building and does not significantly encroach on the sense of openness. It sits compatibly with the overall scale of the other modern buildings which form the setting for the view. The book ends including Newcombe House and street trees are central to the setting and define the western boundary. These provide a distinction between the historic character of the PCA and the urban commercial modern character of NHG. The contribution of these aspects to setting are the low scale which is generally below the height of buildings within the PCA and the relatively plain architecture. As background development these provide a setting which does not compete with or distract from the character and appearance and significance within the view.
- 6.4.43 Assessment: In contrast the new development and the 18 storey central block revealing the 12th -17th floors would assertively tower over this southern fringe of the PCA, becoming the focal feature in the setting of the view rather than preserving the relatively quiet background. The proposed development would be prominent, conspicuous and dominant in terms of its height which would be significantly greater than the existing Newcombe House and the wider NHG townscape as well as the prevailing scale of the designated heritage assets within the view. The tall building in terms of its presence and modern appearance would distract from the elegance and regularity of classical stucco elevations and this would disrupt the harmony of the uniform terrace and its roofline. It would therefore be harmful to and

incompatible with PCA, with the visual appreciation of its very consistent attributes eroded. This is a single static viewpoint and the impact of the tall building would be roundly experienced as a backdrop to the long views along Pembridge Gardens which are identified as important in the Draft PCAA.

6.4.44 Magnitude of impact. The changed setting would harm the quality of the view and the contribution it makes to the significance of the PCA. The magnitude of the impact would be moderately harmful.

6.4.45 **View 37.1 Linden Gardens – West side winter**

Contribution of the view to the significance of the PCA: There is an unusual and very significant compositional view through the Grade II listed archway to Linden Mews from PCA. The view is framed in the foreground and mid ground by terraced buildings dating from 1871-78. These are four storeys of stock brick with prominent stone dressings to windows and projecting porticos. This view includes many of the physical attributes which typify the high quality of the Conservation Area which are set out in Section 4 of the proof. This forms the setting of the PCA and includes a consistent building scale and architecture with a defined roofscape set against an expanse of sky.

6.4.46 Newcombe House encroaches on the background of this view and forms part of the setting. It partially fills the background gap and between the two terraces flanking the mews arch. However, there is still sky above Newcombe House and the upper two storeys of each of the terraces have a clear silhouette. Overall its impact is slightly harmful, but as a background building it is not dominant compared to the scale of the terraces. Due to the low scale of the mews arch the setting is therefore already slightly harmed in this view. The draft PCAA identifies the view and gap as important and all the buildings as positive contributors and I evaluate it as of medium value.

6.4.47 Assessment: The proposed development would represent a worsening of the existing impact and would harm the compositional setting of the terraces and erode the existing gap by filling in more of the sky and blurring the distinct separate

terraces. The Eastern Form of the tall building would rise to eaves level of 23 Linden Gardens and the Central Form would sit above the attractive roof top of 25 Linden Gardens. As a background development within the setting of PCA it would be more prominent, dominant and conspicuous and would detract from the quality of the townscape and the clarity of the existing roofscape.

6.4.48 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the PCA. The magnitude of the impact would be moderately harmful.

6.4.49 **View 34: Junction of Dawson Place and Pembridge Place**

Contribution of the view to the significance of the PCA: This view is from PCA across Pembridge Square and the central garden. The buildings in the mid ground and background are all Grade II listed buildings comprising detached villas from the 1850s. In the foreground the villas framing the view at the junction of Dawson Place are identified in the Draft PCAA as making a positive contribution to townscape. This is also identified in the Draft PCAA as an important townscape view. The characteristics of the PCA are set out in Section 4 and include the grand stucco terraces, generous front gardens and treeline streets and a consistent building scale, and these are well represented in this view. These characteristics form the setting to the PCA in this view. Given the high concentration of listed buildings in this view I consider the setting and the view in which it is experienced to be of medium and would highly sensitive to change. Newcombe House is currently not visible in this view

6.4.50 Assessment: The wire line representation demonstrates both the Central and East Forms would be visible in winter and sit above the unbroken roofline of the mid ground listed building. This projection and building silhouette would disrupt the harmonious roofscapes which form the backdrop to this view of the PCA, sitting above the distinct roof profile of 10 Pembridge Square and becoming an intrusive and incompatible background addition to the setting of the PCA in this view. While in summer the trees, which are protected, would screen the tall building but this does not in itself make the scheme acceptable.

6.4.51 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the PCA. The magnitude of the impact would be moderately harmful.

6.4.52 **View 33: Pembridge Place at junction with Pembridge Villas Winter**

Contribution of the view to the significance of the PCA: The Draft PCAA identifies this as an important townscape view and the buildings within the view as positive contributors. The view contains many of the attributes which are central to the setting of the PCA, including consistently scaled substantial stucco villas, generous front gardens and tree lined streets. This view is considered to be of medium importance. Newcombe House is not evident in this view.

6.4.53 Assessment: The wire line representation demonstrates that the upper levels of the new development would be visible above the roof tops as a background building. The projection and building silhouette would disrupt the harmonious roofscape and setting to the PCA in this view and incompatibly contrast with the mid and foreground buildings eroding the overall quality of the significance in the view. While in summer the trees would screen the block this does not in itself make the scheme acceptable.

6.4.54 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the PCA. The magnitude of the impact would be moderately harmful.

6.4.55 **Conclusion**

The development will appear in a number of identified views in and around PCA as part of its setting. In the views analysis set out above the development would clearly significantly transform the setting of the PCA in some views, particularly Pembridge Gardens. These demonstrate that the development would have a harmful presence on the skyline as well as appearing above existing townscape as a dominant, district-scale landmark. This would be incompatible with the high quality and mid-rise scale of the townscape of PCA. Whilst Newcombe House is evident, its impact

on the setting of the PCA is significantly less than is proposed. In some of these views Newcombe House is not visible at all. These are five views from the PCA but I anticipate the proposed development could have a more widespread impact on the setting of PCA. Taking into account the quality of these five views and the collective magnitude of the impacts I conclude the changed setting to the PCA would have a moderate-major effect on the significance of the PCA. I would evaluate this harm as less than substantial for the purposes of paragraph 196 of the Framework. The proposal would be contrary to CL1, CL2, CL3, CL11 and CL12.

6.4.56 Royal Parks Conservation Area

Significance: The character and appearance of the RPCA which is within WCC is set out in section 4 of the proof. The heritage significance of RPCA is of high importance and of national value. This is derived from its historic, aesthetic, evidential as well as communal values. RPCA is well preserved and is characterised by varied landscapes, water features and many listed building, structures and statues. Kensington Palace and part of Kensington Gardens are within KPCA although these border RPCA and are central to the setting of RPCA. Panoramas and formal vistas are significant throughout the parkland setting and there are many formal compositions. RPCA is highly sensitive to change especially to development beyond its boundary which could impact on setting.

6.4.57 View 42c: Kensington Gardens Boardwalk looking across Kensington Palace Winter

Contribution of the view to the significance of the RPCA: This view is from Kensington Gardens a Grade I Registered Park and Garden, the viewpoint is within Westminster and the Royal Parks Conservation Area. The view is looking west towards RBKC and is of Kensington Palace a grade I listed building and its setting. KPCAPS identifies views from the Boardwalk where this viewpoint is as important. A statue of Queen Victoria is located in the mid ground this is a listed monument. The Palace and associated buildings are the key focus in this view from the RPCA. The setting in this view is the silhouette of Palace against the sky and the surrounding parkland of open spaces and trees. Campden Hill Tower is just visible to the right of the foreground statue but is not dominant as it sits below the established heights of background development and is at

the eaves height of the Palace. The expanse of sky and lack of protrusions on the skyline are all fundamental to the landscaped setting of the RPCA in this view. Given the number of and quality of designated heritage assets within this view its overall value is judged to be of high importance. This view is from the Boardwalk and is valued as of high importance and would be very sensitive to change.

6.4.58 Assessment: Newcombe House is perceptible in this view and this forms part of the setting but it is not a prominent intrusion sitting below the tree canopy. The proposed development would project slightly above the statue of Queen Victoria and would be higher than any other building within the setting of this view of the RPCA. This would begin to erode the background setting to the RPCA and could lead to further urbanisation to the fringes of the Park with tall buildings.

6.4.59 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the RPCA. The magnitude of the impact would be low-medium harm.

6.4.60 **View 40: Kensington Gardens, East of the Round Pond**

Contribution of the view to the significance of the RPCA: This view is from the eastern side of the Round Pond and in Westminster in Winter and is a wire line view. It is a panoramic view within the RPCA and contains the same heritage assets as View 33. This shows a formal view of Kensington Palace. The setting of the RPCA in this view is formed by the tree canopy set against the sky and the Palace sits as a key feature in the view with the Round Pond. Currently there no punctuating features above the tree canopy other than St Mary Abbots to the west of the view, a Grade II * listed building, an elegant and characterful addition to the view. Campden Hill Tower is evident in this view but due to its location and height it sits below the established tree canopy. Newcombe House is currently not visible in this view screened by trees. Given the high concentration of designated heritage assets which are within the view it is of high significance and very sensitive to change.

6.4.61 Assessment: In contrast the proposed development would appear above the tree lined setting to the view and be visually disruptive to this harmonious green setting and

background to views across the Conservation Areas of Kensington Palace and Royal Parks. Clearly this is a worsening of the current situation would erode the tree lined setting to Kensington Gardens with the RPCA and the Palace as a panoramic composition.

6.4.62 Magnitude of impact: The changed setting would harm the quality of the view and the contribution it makes to the significance of the RPCA. The magnitude of the impact would be low -medium harm.

6.4.63 **Conclusion**

In the views analysis set out above the development would erode the setting of the RPCA by appearing above the established unspoilt boundary. In the views selected Newcombe House is barely visible. These are two views from the RPCA but the proposed development may have a more widespread impact on the setting of RPCA and in other views between breaks in trees. Taking into account the quality and the high sensitivity of these two views the collective magnitude of the impacts to the RPCA would be a moderate effect on the significance of the RPCA. I would evaluate this harm as less than substantial for the purposes of paragraph 196 of the Framework. The proposal would therefore be contrary to the NPPF and National Policy and Guidance.

6.5 IMPACT ON SETTING OF LISTED BUILDINGS

6.5.1 1 - 5 Pembridge Gardens

Significance and setting: These grade II listed buildings are described in section 4. Their special interest derives from their historic, aesthetic and evidential values. Externally the classical architecture is grand, formal, coherent and almost entirely uniform. There is a consistency in materials, architectural details and particularly in the roof profile. Collectively this is an attractive set piece and the buildings are identified for their group value. The group are located within a transition point and they demarcate the gateway to the more historic, ordered and high quality area north of NHG.

6.5.2 The setting to the group is formed by the wider classically inspired townscape of other listed buildings along Pembridge Gardens as well as the background of the modern buildings within NHG. The classical townscape adjoins the group to the north enhances and reinforces their aesthetic and historic values. Particularly important is the consistent and uninterrupted roof line set against the sky and the shared architectural style. The setting to the south comprises the mid-rise scale of buildings on NHG. Overall the modern townscape backdrop when viewed south along Pembridge Gardens is deferential to the listed buildings in terms of height and architectural character. View 38 of the Visual Impact Assessment illustrates this more modern setting although this view only shows 1 - 4 Pembridge Gardens in their totality. Even Newcombe House which sits on the fringe of the listed buildings and is part of their setting in this view and others along Pembridge Gardens neither dominates nor significantly distracts as part of the setting of the listed buildings.

6.5.3 Existing view 38 illustrates how the currently low scale of setting contributes to the legibility of the heritage significance of the listed buildings as it preserves their architectural coherence as a set piece expressed through the continuous roof form which provides a strong unspoilt silhouette against the sky. This open setting is quiet and calm and the high-quality classical facades are the main focus of this view. The current setting enables the group to be appreciated in the context of a wider historic townscape of designated heritage assets which is distinct from the more modern townscape of NHG.

6.5.4 Assessment: In contrast the proposed tall building would significantly harm this setting, by dominating the backdrop to the listed buildings and detract from their uniform roofscape. This impact is demonstrated in view 38, where the 12th -17th floors of the 18 storey block would assertively tower over the listed terrace. The tall building would effectively become the focal feature of their setting and wider views along Pembridge Gardens looking south. The tall building would project directly above 1-2 Pembridge Gardens, not forming a quiet background building but a very assertive architectural statement in the setting. It would be prominent, conspicuous and dominant in terms of its height which would be significantly greater than the existing Newcombe House and the prevailing listed buildings as evidenced in this view. Its presence would distract from the elegance and regularity of the classical stucco elevations and this would disrupt the harmony of the uniform terrace and particularly the unspoilt roofline, all features which are intrinsic to their significance and their group value. The more heavily urbanised commercial and modern character of NHG would strongly asserted, and the harmony of the group value of the listed buildings would be eroded.

6.5.5 Conclusion: The tall building within the setting of these listed buildings would have a significantly harmful impact on their significance. The level of harm would be high within the range of less than substantial harm, and contrary to CL4, CL11 and CL12.

6.5.6 **Kensington Palace and Kensington Registered Park and Gardens**

Significance and setting: Kensington Gardens is a Grade I Registered Park and Garden forming the setting for Kensington Palace a Grade I listed building. These heritage assets are described more fully in Section 4 of the proof. These designated heritage assets are of national importance and highly sensitive to change. The expanse of sky as a backdrop to views of them looking west, with a lack of structures breaking the skyline and trees, creates an unspoilt setting to Kensington Palace and Kensington Gardens. This preserves the historic, aesthetic, evidential and communal values which are central to their significance. This setting and its contribution to significance is demonstrated in both View 42e and View 40. The skyline is preserved in both views currently, and where Campden Hill Tower is just visible in View 42e it is generally sits below the established heights of background development and is at the eaves height of the Palace. View 40 shows an important

view within Kensington Gardens and again demonstrates how the tree canopy defines the skyline and Kensington Palace sits as the key feature in the view. Currently there are no punctuations above the tree canopy other than St Mary Abbots to the west of the view a Grade II * listed building, an elegant, characterful and historical element of the view.

6.5.7 Assessment: View 42e and View 40 demonstrate how the proposed tall building which rises above the tree canopy would breach the unspoilt skyline behind Kensington Palace and the Registered Park and Garden. This would be taller than any other modern background building in these particular views and these views demonstrate how the tall building could begin to erode the quality of the setting of Kensington Palace Gardens which in turn forms the setting to Kensington Palace. This proposal is for a single tall building in the setting, allowing one tall building could over time lead to a cluster of a similar height. This addition even though it is some distance from the Palace and Park, given its height, would be visible, and would begin to dilute the special unspoilt setting to these internationally important designated heritage assets. The Palace and Park are experienced kinetically in multiple views and the visibility of the proposed tall building will be greater or lesser in the setting depending on the viewpoint and the level of tree cover at the time.

6.5.8 Conclusion: This proposal would begin to erode the setting of Kensington Palace and the Registered Park and Garden, which at present preserves the ability to appreciate their significance in panoramas formal and informal. This change to setting would harm the significance of both designated heritage assets. However, given the distance of the tall building from the designated heritage assets this harm would be within the low to moderate range of less than substantial harm. The proposal would be contrary to CL4, CL11 and CL12.

6.5.9 **19 and 20 Kensington Palace Gardens**

Significance and setting: The special interest of these listed buildings is set out in section 4 of the proof and derives from their aesthetic, historic and evidential values. Their setting includes their garden plots and Kensington Palace Gardens itself, and the ability to appreciate their architectural compositions set against open sky. The

scale and width of the street and mature street trees also contribute to the setting. Gaps and spaces between the two listed buildings are essential to the sense of spaciousness and again enable their architectural compositions, which are central to their significance, to be appreciated.

6.5.10 This setting is evident in View 43 where Newcombe House sits in the gap between these two designated heritage assets as a recessive and subordinate background element, seen as relatively low in relation to the listed building, and which, therefore, with its pared down architectural treatment, makes only a minor intrusion into their setting.

6.5.11 Assessment: The proposed development would have a significant impact on setting as demonstrated in view 43. Although the development would be narrower than Newcombe House it would be significantly taller, rising above the existing tree line and the building height of 20 Kensington Park Gardens. This increased height and increased bulk at high level would result in the building becoming more conspicuous and prominent within the setting of both listed buildings. It would reduce and erode the existing quality of the gap and the space between the buildings, which is fundamental to their setting. As this view demonstrates, the tall building would project above the building height of 20 Kensington Palace Gardens and detract from the silhouette of the chimneys, an important feature of the building's architectural significance. The presence of a taller bold building within the setting of these listed buildings would be visually distracting and would erode the ability to appreciate their architectural quality and so undermine their significance.

6.5.12 Conclusion: The resulting change to the setting of the listed buildings in this view would harm their significance. Given the distance of the tall building from the designated heritage assets however, this harm would be moderate on the scale of less than substantial harm for the purposes of paragraph 196 of the Framework. The proposal would be contrary to CL4, CL11 and CL12

6.5.13 **10 and 11 Pembridge Square**

Significance and setting: The special interest of these listed buildings is set out in Section 4 of this proof. They possess aesthetic, historic and evidential values which are fundamental to their significance. Nos. 10 and 11 Pembridge Square are on the south side, and are grand detached villas dating from the 1850s with prominent roof profiles forming a strong element of their architectural significance. Their setting is formed by Pembridge Square, an important composition of listed buildings of the same architectural typology. The setting of these listed buildings is demonstrated in View 34 of the Visual Impact Assessment which looks along Pembridge Way towards the rear of the listed buildings and shows their wider setting including the composition of Pembridge Square and their unspoilt rooflines which are set against the sky form a harmonious pairing in this view.

6.5.14 Assessment: View 34 demonstrates the impact the proposed tall building would have on the setting of these listed buildings. The wire line representation demonstrates both the central and east tower would be visible in winter and sit above the roof of the mid-ground listed buildings. This projection and building silhouette would disrupt the attractive and historic roof profile of 10 Pembridge Square and its pairing with 11 Pembridge Square in this particular view. The development would be an intrusive background addition to their setting and distract from the important roof profiles and which are central to the significance of the listed buildings. While this effect would be screened by trees for part of the year this does not in itself make the scheme acceptable as suggested by the appellants.

6.5.15 Conclusion: The change to the setting would be harmful to the appreciation of the architectural significance of the listed buildings. The harm would however be in the low to moderate range of less than substantial for the purposes of paragraph 196 of the Framework. The proposal would be contrary to policies CL4, CL11 and CL12 of the LP.

7.0 CONCLUSION

- 7.1 I have assessed all the views from the Visual Impact Assessment (VIA) which accompanied the Application in order to understand and evaluate the impact on local townscape character. I have also used the VIA as a tool to analyse the impact on the setting of views from the conservation areas and as a reference to evaluate the impact on particular listed buildings. From this, I have concluded that the tall buildings would have a harmful impact on the townscape of this part of the Borough and a number of important, designated heritage assets.
- 7.2 In considering the effect on townscape, the effect of Newcombe House is an important consideration and I have concluded that, while it is visually evident in some of the views of townscape and in the setting of conservation areas as well as in the setting of two of the listed buildings, due to its height and design it often reads as a recessive, background element with a muted or relatively neutral presence.
- 7.3 I have concluded that there would be an adverse impact on a number of the townscape views arising from the tall building. In some of these views, Newcombe House is not currently visible, but the tall building would be. The development consistently disrupts, interrupts or detracts from local vistas, views and the skyline, with an impact which, while taken in each case would be less than substantial, would be repeated across a wide area, and so therefore extensive. This impact would be contrary Local Plan Policies CL1, CL11 and CL12 as well as local and national policy and guidance as regards tall buildings and the importance of their compatibility with local context and character.
- 7.4 In terms of the surrounding conservation areas; there would be harm to three views from LCA and KCA; two views within KPCA and RPCA and four within PCA. I have evaluated that there would be change to the setting of all of the identified Conservation Areas as experienced in specific views, all of which have value. These changes to the setting would have an adverse impact and largely the magnitude of this impact on significance would be moderately harmful. The impact is greater or lesser depending on the view and its quality, but overall there would be a degree of harm to the significance of all five conservation areas. Although this

would be evaluated as less than substantial it would be repeated from a number of viewpoints, and extensive in effect given the height of the tallest elements of the proposed building. The development would not preserve or enhance views within the conservation area as required under Local Plan Policy CL11.

- 7.5 Whilst the VIA gives an indication of the visibility of the tall building, it is likely, in my view, that the full impact will in reality be considerably greater and that the development could become visually omnipresent in views of the townscape nearby and over a wider area.
- 7.6 In regard to the setting of specific listed buildings, I have concluded that there would also be harm to significance. The setting of Kensington Palace and Kensington Gardens; 10 and 11 Pembridge Square and 20 and 21 Kensington Palace Gardens would all experience a level of change to their setting which would be harmful. The level of harm would be less than substantial for these buildings. However, the impact on the significance of 1 - 5 Pembridge Gardens, while also less than substantial would, due to the effect of the tall building looming over the terrace, be at the higher end of less than substantial. The setting of all these listed buildings would not be preserved as Local Plan policy CL4 requires, and their heritage significance would be harmed.

8.0 PLANNING BALANCE

- 8.1 I support the aspirations for the redevelopment of the site with the right form of development which could serve as a catalyst for regeneration of the area and to provide new housing, including affordable housing, within the borough. However, this development has to work successfully with the sensitive location, surrounded by designated heritage assets, some with very high degrees of significance and sensitivity, and be compatible with the local townscape. The Application Proposal does not, in my view, achieve this, and would result in less than substantial harm to five conservation areas, one of which is outside the Borough, a Grade I Registered Park and Garden of international importance and listed buildings which are Grade II, II* and I.
- 8.2 While the harm would be less than substantial in each case, it would be at the moderate range of less than substantial harm in most, with, in the case of nos. 1 – 5 Pembridge Gardens the addition of harm at the higher end of the spectrum. The harm would also affect a number of heritage assets at once, and would be extensive in its effect, experienced over a wide area. As a result, I conclude that the combined effect would be more than moderate on the scale of less than substantial harm to the designated heritage assets.
- 8.3 In order to conduct the balance set out in paragraph 196 of the Framework, the public benefits of the scheme are set out in the proof of evidence of Mr Mike Kiely, along with the weight which the Council attaches to them. It is not for me to conduct the balancing exercise, but as Mr Kiely sets out, it is the Council's assessment that these benefits are not to a level sufficient to outweigh the great weight that must be given to the assets' conservation when carrying out that exercise.

9.0 DECLARATION

- 9.1 The evidence which I have prepared and provided is true to the best of my knowledge. I confirm that the points and arguments expressed in this proof of evidence are my true and professional opinions.