

## Appeal Decisions

Site visit made on 5 October 2016

**by Mr J P Sargent BA(Hons) MA MRTPI**

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

**Decision date: 25 October 2016**

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### **Appeal A: APP/K5600/Y/16/3153586**

#### **26 Ovington Street, London SW3 2JB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Northumberland and Durham Property Trust Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref LB/16/01060, dated 16 February 2016, was refused by notice dated 28 April 2016.
  - The works proposed are a rear extension to lower ground floor, a first floor extension over existing terrace, closet wing extension to second floor level, internal alterations to lower ground, ground, first and second floors, alterations to rear façade and alterations to roof to insert 2 roof skylights.
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### **Appeal B: APP/K5600/W/16/3153588**

#### **26 Ovington Street, London SW3 2JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Northumberland and Durham Property Trust Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref PP/16/01059, dated 16 February 2016, was refused by notice dated 28 April 2016.
  - The development proposed is a rear extension to lower ground floor, a first floor extension over existing terrace, closet wing extension to second floor level, internal alterations at lower ground, ground, first and second floor levels, alterations to rear façade fenestration and alterations to roof to insert 2 roof skylights.
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## **Decisions**

### **Appeal A: APP/K5600/Y/16/3153586**

1. The appeal is allowed and listed building consent is granted for a rear extension to lower ground floor, a first floor extension over existing terrace, closet wing extension at second floor level, internal alterations to lower ground, ground, first and second floor levels, alterations to rear façade fenestration and alterations to roof to insert 2 roof skylights at 26 Ovington Street, London SW3 2JB in accordance with the terms of the application Ref LB/16/01060, dated 16 February 2016 subject to the conditions in the relevant Conditions Schedule below.

### **Appeal B: APP/K5600/W/16/3153588**

2. The appeal is allowed and planning permission is granted for a rear extension to lower ground floor, a first floor extension over existing terrace, closet wing extension to second floor level, internal alterations at lower ground, ground, first and second floor levels, alterations to rear façade fenestration and
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alterations to roof to insert 2 roof skylights at 26 Ovington Street, London SW3 2JB in accordance with the terms of the application, Ref PP/16/01059, dated 16 February 2016, subject to the conditions in the relevant Conditions Schedule below.

### **Procedural matters**

3. I have determined the appeals in the light of the drawings numbered on the decision notices, even though they do not tally with the drawing numbers given in the suggested conditions.

### **Main Issues**

4. Having regard to sections 16, 66 and 72 in the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance in the *National Planning Policy Framework* (the Framework), the main issue common to both appeals is whether the works would preserve the special architectural or historic interest of this Grade II listed building, whether they would preserve the character or appearance of the Chelsea Conservation Area and whether they would harm the significance of either of these designated heritage assets.
5. In relation to Appeal B a further issue is the effect of the development on the living conditions of adjacent residents.

### **Reasons**

#### ***Effect on the listed building and conservation area***

6. The properties numbered 2 to 58 Ovington Street (even numbers) form a long terrace that is Grade II listed as a single building. The terrace dates from the early to mid 19<sup>th</sup> Century and was no doubt initially built with a balanced and cohesive front elevation. Although this has been modified over the years by various incremental alterations to some of the individual properties, the nature of the elevation as originally constructed is still strongly apparent and contributes appreciably to the overall significance of the terrace.
7. When seen from Lennox Gardens Mews immediately behind, the rear elevation of the terrace has a great range of alterations and treatments. Some of these seem to be original due to their regularity, but others appear to have been added subsequently. However, it is apparent that the rear was always intended to be less formal than the front, while the arrangements still mean the individual units can be perceived as broadly of a comparable size. Their similar plan forms are also discernable with a staircase to one side giving rise to a closet wing. Again, these factors add to the significance of the terrace.
8. Ovington Street lies within the Chelsea Conservation Area. The significance of this conservation area appears to be, in part, because of the presence of streets lined with similar terraces to the one containing the appeal property.
9. Although No 26 has undergone some changes over time, it still retains sufficient of its original detailing and form to contribute to the significance of both the listed building and the conservation area.
10. The Council has raised no objections to the internal works, the lower ground floor extension or the sky lights, and this is a position I share. The works inside the building would appear to reinforce its historic character, while the sky lights would be concealed from view. At lower ground floor level the

extension would project out into the back garden, but other similar additions have been accepted on this terrace and given its scale it would not harm the building's significance if finished in suitable materials.

11. The Council raised a concern about the possible adverse effect on a tree in the rear yard, but as no such tree is in fact present that has now been withdrawn. A tree is beyond the rear wall in Lennox Gardens Mews but, even accepting the garden is to be lowered, I have no basis to consider that should be harmed by the works before me.
12. The Council's remaining concerns therefore relate to the upper floor extensions to the existing addition and closet wing on the rear elevation.
13. The works would result in some historic fabric being lost as new openings were formed, and in other parts of the elevation fabric would be concealed. However, I am not satisfied that any of the fabric that would be hidden or removed makes an appreciable contribution to the significance or architectural importance of the building.
14. The resultant arrangement would still reflect the current form with the closet wing being taller and being defined by its window pattern, while the extent of the original elevation would not be fully concealed as it would be visible at the top. It was said the patio railings would serve to increase the height of the extension on that side of No 26, but given how they would contrast with the solid brickwork, I consider any such effect would not be appreciable. Overall, the extensions would, in my opinion, be architecturally sympathetic to the age and character of the original property, with the windows especially being of a more appropriate design when compared to the existing situation.
15. Furthermore, this work would not be seen in isolation but rather would be apparent amongst the range of rear extensions and additions to other properties that, on this part of the terrace, do not display a strong rhythm or pattern. Given this variety and mindful of the matters discussed above, I consider that, even if the works would be slightly taller than the extensions now on the terrace, this would not mean they would be discordant or harm the significance of the listed building.
16. Accordingly I conclude the works would preserve the special architectural or historic interest of this Grade II listed building, they would not fail to preserve the character or appearance of the Chelsea Conservation Area and they would not harm the significance of either of these designated heritage assets. As such the works would not conflict with Policies CL1, CL3, CL4, CL8, CL9 or CL11 in the Council's *Consolidated Local Plan* or the Framework.

### ***Effect on living conditions***

17. The back gardens of the properties along this side of Ovington Street are already extensively overlooked from the rear rooms of the houses to either side, while the existing roof patio at No 26 allows views into the neighbouring rear areas. Elevating the patio by a floor, as now proposed, would diminish the overlooking of the immediately adjacent properties as the angle down to those gardens would be more pronounced. There would also be a reduced awareness of any overlooking from the patio when in those gardens as it would be further away and less apparent. The new patio may have clearer views into the gardens beyond because, by being higher, the screening effect of the boundary

walls would be less, but the distances involved mean any loss of privacy would not be unreasonable.

18. Views of the properties along Lennox Gardens Mews would be possible from the new patio. However, such views, albeit from a slightly lower level, are achieved now from the existing roof patio. Noting too the separation involved and the fact that the patio is looking onto the public front elevation of the mews houses through the crown of a tree, I therefore consider the proposal would not cause any material increase in the loss of privacy for those residents.
19. The closet wing extension would project along the boundary for some 1.83m. There are 2 windows, presumably to bedrooms, on the rear elevation of 24 Ovington Street to the north, both of which are set in slightly from the boundary with No 26. The second floor window at that adjoining property would be near to or level with the top of the closet wing extension and so would experience a sense of openness despite the works. There would be a greater awareness of the proposal from the window on the floor below. However, the lower closet wing at No 24, the limited projection of the works and its slight set back from the boundary together mean this window would not be enclosed to an unacceptable degree.
20. Furthermore, given the evidence submitted I have no basis to find that the rooms served by these windows would be adversely affected by a loss of daylight or sunlight.
21. Accordingly I conclude that the development would not cause unreasonable harm to the living conditions of adjacent residents, and so would not conflict with Policy CL5 in the *Consolidated Local Plan*.

### **Conditions**

22. To safeguard the integrity of this listed building details should be approved of the doors, architectural details, lighting, glazing and flooring. Moreover, while the Council seeks 'lightweight' partitions that is an ambiguous term and so details of those should also be agreed. Again to protect the listed building windows should be of white painted timber, rainwater goods and railings should be of black painted metal, finishes should match those adjacent and fabric not shown as being removed should be retained. To demonstrate the external finishes suitable panels should be constructed and approved beforehand.
23. However, to my mind trickle vents would not compromise the building unduly, while the nature of the work means a requirement to secure a contract before demolition starts is unnecessary. I also see no reason why the Council should be afforded access to the building before commencement in this instance.

### **Conclusions**

24. For the reasons stated I conclude the appeals should be allowed.

*J P Sargent*

INSPECTOR

### **Appeal A: Conditions Schedule**

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) Unless modified under the conditions below, the works hereby consented shall be in accordance with the approved drawings numbered 1087\_PL\_01\_01, 02\_01, 02\_02, 02\_03, 02\_04, 02\_05, 03\_01, 03\_02, 04\_01, 04\_02, 04\_03 and 04\_04.
- 3) Unless otherwise approved under the conditions below, all new works and all works of making good to the fabric shall be finished to match the adjacent existing fabric with regard to methods used, colour, material, texture and profile.
- 4) All existing fabric shall be retained unless its removal is otherwise notated on the drawings approved under this consent or approved under the conditions below.
- 5) Before the commencement of the relevant part of the works, details shall be submitted to and approved in writing by the local planning authority of the following:
  - a) Sections (1:2) and elevations (1:10) of all new internal doors and of all new architectural details, including architraves, skirtings, cornices and fireplaces;
  - b) The proposed lighting scheme;
  - c) The proposed new flooring including a section (1:2) of any floor build up;
  - d) Sections (1:2) of any new glazing;
  - e) Any partitions to be installed.

The works shall then be undertaken in accordance with the approved details.

- 6) Before the commencement of any external construction works, sample panels of 1m by 1m to indicate the colour, texture, brickbond and pointing to be used shall be constructed on site and approved in writing by the local planning authority. The works shall then be undertaken in accordance with the approved details, and the panels shall be retained until the works to which they relate are completed.
- 7) All windows shall, at all times, be of a white painted timber finish with bevelled putty finish.
- 8) All rainwater goods and railings shall be painted black metal and so retained.

**Appeal B: Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise approved in writing by the local planning authority, the development hereby permitted shall be in accordance with the approved drawings numbered 1087\_PL\_01\_01, 02\_01, 02\_02, 02\_03, 02\_04, 02\_05, 03\_01, 03\_02, 04\_01, 04\_02, 04\_03 and 04\_04.
- 3) All windows shall, at all times, be of a white painted timber finish.
- 4) Unless otherwise approved in writing by the local planning authority, all work and work for making good shall be finished to match the existing exterior of the building in respect of materials, texture, profile, brickbond and pointing.