
Appeal Decision

Site visit made on 8 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 24th November 2016

Appeal Ref: APP/K6500/D/16/3156333

24 Chelsea Square, London, SW3 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms F Cooper against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/16/01796, dated 21 March 2016, was refused by notice dated 6 June 2016.
 - The application sought planning permission for extension to basement with light well window to rear, alteration to rear roof dormer window, additional lantern roof lights at ground floor, altered fenestration to courtyard, alterations to rear garage elevation and extension to first floor bathroom without complying with a condition attached to planning permission Ref PP/14/01006, dated 17 April 2014.
 - The condition in dispute is No 2 which states that: The development shall not be carried out except in complete accordance with the details shown on submitted plans: Site Location Plan, 1047-E.101, 1047-E.102, 1047-E.103, 1047-E.104, 1047-E.105, 1047-P.501, 1047-P.502, 1047-P.503, 1047-P.504, 1047-P.505.
 - The reason given for the condition is: The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
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Decision

1. The appeal is allowed and planning permission is granted for extension to basement with light well window to rear, alteration to rear roof dormer window, additional lantern roof lights at ground floor, altered fenestration to courtyard, alterations to rear garage elevation and extension to first floor bathroom at 24 Chelsea Square, London, SW3 6LF in accordance with application Ref PP/16/01796 made on the 21 March 2016 without compliance with condition No 2 previously imposed on planning permission Ref PP/14/01006 dated 17 April 2014 subject to the attached schedule of conditions.

Background

2. Planning permission was granted in 2014 for a basement extension and other extensions and alterations. The appellant wishes to provide 2 ground floor rooflights and metal grills to the front, serving the proposed study within the basement. Accordingly, the proposal is to replace condition No 2 to reflect the revised plans.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Chelsea Park/Carlyle Conservation Area.
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Reasons

4. No 24 Chelsea Square is a 3-storey mid-terraced dwelling located within the Chelsea Park/Carlyle Conservation Area. It is a red-brick building with timber sash windows and to the front, the appeal property is served by a small front garden area which is bounded by a low level painted concrete plinth with cast iron decorative chains attached to painted concrete piers.
5. The area is characterised by rows of terraced housing surrounding a private Garden Square, a large green space which is surrounded by decorative cast iron railings. The architecture between the different terraced rows is varied, and reflective of the phased development of this area, however there is consistency in terms of their height, built form and materials which positively contributes to the character and significance of the Conservation Area.
6. Properties around Chelsea Square also benefit from small front garden areas with traditional boundary treatments comprising of cast iron railings or chains. These gardens are uncommon in the wider area and as such they add interest within the linear views along Chelsea Square and form an important part of the significance of the Conservation Area. Overall, due to its architecture and presence within the street scene, I find that No 24 makes a positive contribution to the character and appearance of the Conservation Area.
7. I saw that a number of properties around Chelsea Square have rooflights within their front garden areas. These appeared to be in a variety of sizes and designs with some comprising of flush obscure glazing and other examples set behind black metal grills. In the main, these are discreetly sited, with the rooflights behind metal grills being particularly unobtrusive having the appearance of a traditional cellar arrangement.
8. The proposed rooflights and grills would be set at existing garden level. These would be located directly adjacent to the front wall of the house and sited underneath the ground floor windows. They would be a relatively small-scale addition in comparison to the size of the front garden area and would be in proportion with the width of the windows. The use of metal grills would also further minimise their appearance and would be consistent with the use of metal in the wider area. The proposals would therefore be only a modest and unassuming addition to the front garden area of the appeal property.
9. I accept that, with the exception of No 26, the cited examples of properties with ground level rooflights are generally located away from the appeal property at Nos 4-11. However, I am satisfied that the nature of the proposals, as described above, would not impact on the uniformity of this specific row of terrace properties.
10. Furthermore, basement level rooflights are a feature of the front gardens and streetscape of Chelsea Gardens and consequently views from within the Conservation Area would not be harmed by the specific and unobtrusive details of the appeal proposal.
11. While I am mindful of the Council's concerns in respect of the perceived negative impact of the rooflights at No 26, with the inclusion of a metal grill, the proposals are materially different to these rooflights. I am therefore satisfied that the proposals would not be as noticeable or visually intrusive.

12. Overall I conclude that the rooflights and metal grills would be an inconspicuous addition, which would preserve the character and appearance of the Chelsea Park/Carlyle Conservation Area and its significance as a heritage asset. The proposals would therefore be in accordance with policies CL1, CL2, CL3, CL6 and CL7 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (LP). These policies aim to secure development proposals which respond to existing context, preserves or enhances the character and appearance of the locality and Conservation Areas, and ensure that small scale additions are discreet. The development is also in accordance with the Council's adopted Supplementary Planning Guidance 'Basements' (2016) with specific regard to detailed design guidance for rooflights and lightwells serving basement extensions.

Conditions

13. In allowing the appeal I have imposed the standard time limit condition from the date of the original consent, as required by section 73(5) of the Town and Country Planning Act 1990. I have also specified the amended approved plans, for certainty.
14. Planning Practice Guidance (ref 21a-031-20140306) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

15. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should succeed.

C Searson
INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of the original planning permission reference PP/14/01006, approved on 17 April 2014.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1047-E.101, 1047-E.102, 1047-E.103, 1047-E.104, 1047-E.105, 1047- P.501 REV C, 1047-P.502 REV D, 1047-P.503 REV C, 1047-P.504 REV C, 1047-P.505 REV C, 1047-P.506 REV C.
- 3) All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond, and shall be so maintained.
- 4) The new windows to the rear garage elevation shall be timber framed, white painted, double hung, sliding sashes, and so maintained.
- 5) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - (a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity;
 - (b) access arrangements to the site;
 - (c) the estimated number and type of vehicles per day/week;
 - (d) details of any vehicle holding area;
 - (e) details of the vehicle call up procedure;
 - (f) estimates for the number and type of parking suspensions that will be required;
 - (g) details of any diversion or other disruption to the public highway during demolition, excavation and construction works; and
 - (h) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - (i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
 - (j) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - (k) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
 - (l) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.The development shall be carried out in accordance with the approved Construction Traffic Management Plan.
- 6) No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration

and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the aforescribed qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

- 7) No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.
- 8) The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved a BREEAM for Domestic Refurbishment rating of Very Good, with 40% of the credits achieved under the Energy, Water and Materials sections, and a Post-Construction Letter of Compliance for the dwelling has been issued certifying that a Very Good rating has been achieved.
- 9) The side window to the first floor extension hereby permitted shall obscurely glazed, fixed shut to a height of 1.7m above finished floor level, and so maintained.
- 10) The rooflights to the top floor main roof shall be of a conservation type, flush with the roof and slim framed, and so maintained.