

Appeal Decision

Site visit made on 18 October 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/K5600/D/16/3156875

4 Sheffield Terrace, London W8 7NA

- 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 Mr Gordon Holmes against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/01847, dated 24 March 2016, was refused by notice dated 22 June 2016.
 - The development proposed is the creation of a single-storey basement under footprint of house and part of front garden and rear garden, extension and squaring-off of lower ground floor to rear of property, formation of a rear extension at first floor level and reorganisation of rear elevation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have also dealt with two other appeals, Ref APP/K5600/D/16/3156878 and APP/K5600/D/16/3156880, on this site. These appeals are the subject of separate decisions.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the host dwelling; whether it preserves or enhances the character or appearance of the Kensington Conservation Area CA; and, the effect on the living conditions of the occupants of neighbouring residential properties, in particular No 6 Sheffield Terrace, with regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a substantial, mid-terrace, four-storey plus basement Victorian dwelling located on the northern side of Sheffield Terrace and is located within the Kensington Conservation Area (CA). Although the property forms part of a terrace, its design is slightly different to the other properties on the street, with it forming a discernable pair with No 2 Sheffield Terrace, and is linked to the main terrace by what appears to be an infill development, No 6, which is shorter in height than its adjoining neighbours.
-

5. The appeal property has a small, paved garden to the front with an external staircase leading down to the lower ground floor. At the rear is a small, enclosed paved garden with the boundary to the side and rear comprising high walls with trellises.
6. The northern side of Sheffield Terrace generally comprises groups of three and four-storey terrace properties that although vary slightly in their design and form, follow a similar architectural theme. The ornate detailing on the front elevations of the properties is in marked contrast to the simple, plain rear elevations. This relationship between the grandeur of the public façade and the simplicity of the rear private elevation makes a positive contribution to the significance of the CA. Whilst the rear of the property is not readily visible from any public view, it is from the private views from the adjacent properties and forms an intrinsic part of the CA.
7. A number of properties have extensions to the rear of varying heights and widths, including the appeal property. The existing two-storey and three/four-storey extensions are simplistic in their form and make an important contribution towards the rhythm of the rear extensions on the terrace. Existing neighbouring extensions generally accommodate approximately half the width of the host dwelling ensuring that a large portion of the original rear elevation is retained and that they remain subordinate to the dwelling.
8. The first floor extension would infill an existing space between the two/three-storey extension at No 2 Sheffield Terrace and the three/four-storey closet wing on the existing property. The original ground floor rear façade has been lost due to the existing rear additions. The proposed first floor extension would result in the first floor façade also being lost. Although the extension would be stepped back from the existing closet wing, the cumulative bulk of the proposed extension and the closet wing would dominate the rear elevation and fail to represent a subordinate addition. Furthermore, it would fail to respect the existing rhythm of rear additions on the rear of the terrace, particularly in relation to the two adjoining properties. Consequently, it would erode the character and appearance of the original elevation and thereby harm the character and appearance of the CA.
9. I acknowledge that the proposal would also reconfigure the existing rear elevation fenestration in order to provide a more coherent, classical order to what is currently a mis-match of window scales and designs that contrasts with the traditional symmetry of the adjacent properties, in particular No 2 Sheffield Terrace. Whilst these works would be a welcome improvement to the appearance of the building, and the CA, they do not outweigh the resultant harm due to the size and bulk of the extension.
10. The Council raise no objection to the proposed lower ground floor and single-storey basement extension. Based on the evidence before me, I find no reason to disagree with this view. Whilst I note the concerns raised by interested parties with regard to the risk to the structural integrity of the neighbouring properties, the Construction Method Statement submitted with the application indicates that it could be constructed without causing material harm to the neighbouring properties. However, I find insufficient reason to set aside the appellant's professional evidence that significant risk should not be posed to the stability of nearby properties, such that planning permission should be refused.

11. Paragraph 134 of the National Planning Policy Framework (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Whilst the harm to the significance of the CA as a result of the first floor extension would be less than substantial, there is no public benefit identified that would outweigh this harm.
12. I find therefore that the first floor rear extension would significantly harm the character and appearance of the host dwelling and would fail to preserve or enhance the character or appearance of the CA. As such, it would be contrary to Policies CL1, CL2, CL3, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (LP) 2015, which, amongst other matters, seek to ensure that development responds to its context and protects the significance of designated heritage assets, similar to the objectives set out in the Framework.

Living Conditions

13. The Council's second reason for refusal relates to the proposed terrace at ground floor on the rear of the property and the level of overlooking of the neighbouring property that could be achieved from it. There is an existing external staircase providing access from the rear garden to the ground floor. The proposed terrace would be slightly higher than the landing at the top of the staircase. It would be the full width of dwelling and would project 1.2m from the rear elevation of the building.
14. The existing boundary walls and trellises currently restrict any significant views into the neighbouring rear gardens or windows of Nos 2 and 6 Sheffield Terrace, even when standing on the landing of the external staircase. The proposed terrace would be slightly higher than the existing landing. However, the boundary wall and trellis fencing would remain higher than the terrace and an adequately condition could secure screening to restrict overlooking. Therefore, I am satisfied that there would not be any significant overlooking into the neighbouring rear gardens and windows and as a result would not be significantly harmful to the occupants of the neighbouring dwellings.
15. I note that No 6 Sheffield Terrace has an existing terrace above a single-storey extension to the rear. Whilst clear views of the neighbouring terrace would be possible from the proposed terrace, it would not significantly increase the level of overlooking from the windows in the rear elevation of the appeal property. I have also had regard to the use of the terrace creating noise and disturbance. However, I do not find that this would be significantly greater than if the occupants used the existing rear garden area.
16. I find therefore that the proposed terrace would not have any significant harm on the living condition of the occupants of the neighbouring residential properties with regard to privacy. As such, it would comply with Policy CL5(c) of the LP, which seeks to ensure that there is reasonable visual privacy for occupants of existing properties affected by new development.

Other Matters

17. I appreciate the apprehension of local residents in respect of noise and disturbance and traffic management during the construction of the proposal.

However, such effects would only be temporary and could be adequately managed as indicated in the submitted Construction Method Statement.

18. I have considered the argument made that the proposed basement extension would set a precedent for similar developments on the street. However, the Council has raised no objection in principle to the basement extension. Based on the evidence before me and that it would only require the excavation of a single-storey, I find no reason to disagree with the Council's view.

Conclusion

19. Whilst the proposal would not significantly harm the living conditions of the occupants of the neighbouring residential properties it would significantly harm the character and appearance of the host property and would fail to preserve or enhance the character of the Kensington Conservation Area.
20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR