

Appeal Decision

Site visit made on 8 November 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 02 December 2016

Appeal Ref: APP/K5600/W/16/3151070

Flat 1, 8-9 Hobury Street, London SW10 0JB

- 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 G Petitgas against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/15/05702, dated 16 September 2015, was refused by notice dated 11 November 2015.
 - The development proposed is erection of a single-storey rear extension, the enlargement of the existing sunken terrace area and the formation of a new porch entrance in the front lightwell.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single-storey rear extension, the enlargement of the existing sunken terrace area and the formation of a new porch entrance in the front lightwell, at Flat 1, 8-9 Hobury Street, London SW10 0JB, in accordance with the terms of the application, Ref PP/15/05702, dated 16 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed as follows: Location Plan ref. 100022432; 001-200 Rev D; 002-200 Rev A; 003-200a Rev A; 004-200b Rev A; 005-200 Rev A; 006-200 Rev A; 007-200 Rev A (title Location Site Plan); 007-200 Rev A (title Proposed Roof Plan); 008-200b Rev A.
 - 3) The external surfaces of the development hereby permitted, and all making good shall be finished to match the existing rear elevation of 8-9 Hobury Street in respect of materials, colour, texture, profile, and in the case of brickwork, facebond and pointing, and shall be so maintained.
 - 4) External windows and doors hereby permitted shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes and so maintained.
 - 5) The roof of the extension forming the subject of this planning permission shall not be accessed except for maintenance purposes and shall not at any time be used as an amenity area or terrace.
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Procedural Matters

2. I noted on my visit that a single storey rear extension has been erected at the appeal site and extends across approximately half the proposed footprint of the proposals now under consideration. The evidence before me indicates that an extension of similar width was approved in January 2016¹. Although I do not have details of this application before me, I have concluded that the existing extension has been constructed as a consequence of that permission. However, I have considered the appeal before me on its own merits.
3. As two of the drawings in the evidence before me have the same drawing number, I have included their titles as well as number in Condition 2.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Sloane Stanley Conservation Area (CA).

Reasons

5. The appeal site (Flat 1) is the lower ground floor of an end terrace of four-storey period dwellings. The evidence before me indicates that 8-9 Hobury Street (Nos 8-9) has been laterally converted from two original dwellings and now contains five flats. I also noted on my visit that the garden of Flat 1 extends across the full width of Nos 8 – 9, and that the window arrangement on the rear elevation of No 8-9 differs slightly from that of the other attached dwellings. Numbers 8-9 are overlooked at the rear by the terrace at right angles to Hobury Street, namely Gertrude Street.
6. The Conservation Area Appraisal (CAA)² notes that the rear elevations of these dwellings make an important contribution to the historic and architectural character and appearance of the CA. They are visible from across garden walls, through gaps between buildings and from rear windows, and their regularity and uniformity were originally as characteristic at the rear as they were to the front. I have assessed the proposals with this statement from the CAA in mind.
7. With regard to visibility, I concur that the development would be visible from the rear windows of dwellings on Gertrude Road and to a lesser extent from the rear of dwellings on Shalcomb Street which is parallel to Hobury Street. However, the existing approved extension is visible, as is the adjacent sunken patio. The evidence before me indicates that the development would be no higher than that of the existing extension, as its flat roof would be positioned slightly below the level of the adjacent garden walls.
8. Furthermore, the dominant element of the views of the rear elevation of Nos 8 -9 would be the three storeys of accommodation and roof-space above the lower ground floor, particularly as the ambient garden levels and garden walls would provide partial screening of the appeal site from some viewpoints. The mature trees between Horbury Street and the gardens of dwellings on Shalcomb Street would also filter views.
9. I concur with the Council that the development would extend across and obscure the full width of the original lower ground floor of Nos 8 -9. However,

¹ Ref PP/15/07069

² Royal Borough of Kensington and Chelsea, Sloane Stanley Draft Conservation Area Appraisal, October 2015

as noted above, the extension would be largely sunk below ambient ground levels. I disagree with the Council and other interested parties that it would be particularly prominent in views from neighbouring dwellings, even when garden trees have lost their leaves.

10. Furthermore, the garden and effective rear elevation of Flat 1 are twice the width of most nearby plots, so some of the visual cues that provide a distinction between the two original dwellings have already been lost. This is further reflected in that the fenestration of the rear elevation of Nos 8-9 has been slightly altered and no longer replicates the pattern seen on the other attached dwellings. In addition, although the existing extension extends across only half of No 8-9's rear elevation at lower ground floor, its adjacent patio is clearly within the curtilage of Flat 1. This further reinforces the reading of Nos 8-9 as one dwelling at lower basement level.
11. The Council argues that no other existing extension in the vicinity has a width of greater than 6 metres. However, existing extensions are necessarily restricted to the width of their host dwelling. In this case, the host dwelling has been laterally converted and the garden boundary between the two dwellings removed.
12. The Council has also raised a concern in relation to the depth of the extension with regard to views onto its flat roof from the flat above. However, in response to representations at the applications stage³ the Council responded that impact on views from the ground floor flat would be minimal and I see no reason to disagree with this earlier conclusion. Consequently, I give this argument little weight.
13. Policy CL1 of the Local Plan⁴ (LP) requires development to contribute to its local context, and LP Policy CL2 requires high quality and responsive design. I disagree with both the Council and interested parties that the extension would dominate the rear of the property and as such I conclude that it would neither cause significant harm to the rhythm of rear extensions, nor detract significantly from the character or appearance of the CA. Consequently, it would not fail to meet the design aims of either LP Policy CL1 or LP Policy CL2.
14. LP Policy CL9 requires extensions to be subordinate to existing buildings to allow the form of the original building to be clearly understood. As outlined above, the rear elevation of No 8-9 is no longer clearly read as two original dwellings. In addition, the three floors above Flat 1 would remain unchanged, thus ensuring that the original building retained its dominance. As such, I find no conflict with LP Policy CL9.
15. LP Policy CL11 requires development to protect and enhance views, vistas and gaps. Although I concur that the development would be visible for occupiers of neighbouring dwellings, I disagree that it would cause significant harm to views of the rear elevations of nearby buildings, for the reasons given above. As such, I do not consider the development contrary to the aims of LP Policy CL11.
16. Finally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This is further reiterated in LP Policy CL3 but as I have reasoned, the development

³ Section 7.1, Officer's Report

⁴ Royal Borough of Kensington and Chelsea, Consolidated Local Plan, July 2015

would not cause harm to the character or appearance of the CA. Consequently, it would not be contrary to the provisions of the Act or LP Policy CL3.

17. Nor would the development be contrary to the provisions of Paragraph 132 of the National Planning Policy Framework which require great weight to be given to the conservation of heritage assets, as I consider the harm to the CA would be negligible.

Other matters

18. Interested parties have raised concerns in respect of precedent. However, there is nothing in the evidence before me to indicate that the particular circumstances of this development are replicated in the immediate vicinity. Furthermore, the rear elevations of the dwellings on Hobury Street are primarily prominent in views above ground level, and these elevations would remain unchanged by this development.
19. I also appreciate that concern has been raised in respect of overdevelopment. However, the Council has approved an extension representing the full width of the original plot. Were Nos 8 -9 to be two dwellings, an equivalent extension on each dwelling would have a similar effect to that of the development before me. Consequently, I give this argument little weight.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
21. I have also imposed a condition to ensure external finishes match those of the existing building, and a condition specifying elements of window and door design, in order to safeguard the appearance of the CA.
22. In addition, I have imposed a condition restricting the use of the roof area of the development to avoid overlooking and disturbance to occupiers of neighbouring dwellings. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

23. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR