The Planning Inspectorate

Appeal Decision

Site visit made on 28 November 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: 15 December 2016

Appeal Ref: APP/K5600/D/16/3157617
57 Campden Hill Road, London W8 7DY

- 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 Moreno Masey Architects and Interiors against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/16/03183, dated 18 May 2016, was refused by notice dated 14 July 2016.
- The development proposed is a new glass box and side extension to align with garage and previously consented side elevation; form basement under 50% of the front garden; add 2 rooflights at lower ground floor level; lower lightwell; form basement under 50% of the rear garden; lower ground floor extension to the rear of the property and to the side to align with alterations to the garage; alterations to windows on side elevation to align with internal alterations; replace all windows with timber frames an slimilite glazing to match existing; remove security bars.

Decision

1. The appeal is dismissed.

Procedural matters

2. I have favoured the description on the decision notice rather than the one on the application form, considering it describes the works in a clearer and more comprehensive manner.

Main Issues

3. Having regard to section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and guidance in the *National Planning Policy Framework* (the Framework), the main issue in this case is whether the proposal would fail to preserve the character or appearance of the Kensington Conservation Area and cause harm to its significance as a designated heritage asset, and if harm would be caused whether that harm would be outweighed by public benefits.

Reasons

4. The significance of the Kensington Conservation Area lies in part in the fact that it contains a wide range of properties of a variety of ages and styles that illustrate the evolution and prestige of this area of London over time. No 57 is one of a pair of substantial semi-detached villas at the end of a row of similar properties dating from about the mid 19th Century. Given how it sits in the townscape and mindful of its character, age, design and appearance, it reflects the speculative development of the Victorian and Edwardian eras that is often found in the vicinity and adds to the significance of this conservation area.

5. In March 2016 planning permission (the 2016 permission) was granted for much of the work subject of this appeal and I have no basis to object to those aspects. Indeed the only additional element now being considered is the glass box on the rear corner of the house.

6. The 2016 permission proposed extensive alterations to the building, including the erection of a single storey lower ground floor extension at the rear. When looking from the back garden this would appear as a series of glazed doors set within a solid surround, and it would extend to the dwelling's main side elevation. To my mind this would be a sympathetic addition, as its extent, design and materials mean it would respect the dwelling above and it would appear as a pediment on which the building stood. Therefore when seen from the rear the resultant property would be a unified and cohesive composition. Extensions to the side of the building were also allowed but they were set back a significant distance and would not be seen as part of the rear elevation.

7. The glass box now proposed would be infilling the corner gap between this pediment and the side extensions. However, its extensive glazing means it would relate poorly to the relatively solid adjacent addition approved under the 2016 permission, thereby drawing attention to its presence. Moreover, while it would be extensively glazed it would appear to extend the lower ground floor element beyond the original side elevation so failing to respect the existing proportions, arrangement and form of the property. Therefore, when these matters are taken together I am of the view that this element of the scheme would be a discordant addition that would detract unacceptably from the character and appearance of the surrounding conservation area, so causing harm to its significance as a heritage asset. However, mindful of the scale of this impact in relation to the conservation area as a whole I find this harm would be less than substantial.

8. The Appellant said the glass box would be distinguished from the works subject of the 2016 permission, but I see no reason why that should be necessary or a benefit given the earlier permission no doubt had full regard to the appearance of the resultant building. While the original house would still be discernable and its integrity would remain intact those points do not mean the works would not have an adverse impact and any reflection of a Victorian glasshouse in the design is not sufficiently strong to justify the scheme.

9. There may well be other glazed additions in the vicinity, but their designs no doubt vary as do the circumstances of each case. Therefore they do not have an appreciable effect on my reasoning. It is acknowledged too that the glass box would not be visible from the public domain and would not affect important views in the conservation area, whilst opportunity to see it from surrounding properties would be limited. However, the development would still be apparent from the garden of No 57 and some houses, and so a concern about its visual impact remains.

10. In paragraph 132 the Framework says great weight should be given to the conservation of a designated heritage asset, and any harm (presumably even if less than substantial) requires clear and convincing justification.
Paragraph 134 goes on to say that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits, including securing its optimum viable use. In this case I have no basis to consider the glass box is necessary

for the residential occupation to continue, and I am aware of no other public benefits that would outweigh the harm caused by this discordant addition.

11. Accordingly I conclude that the glass box that forms the difference between this scheme and the 2016 permission would be a discordant addition on the building that would fail to preserve the character and appearance of the Kensington Conservation Area, causing less than substantial harm to its significance as a designated heritage asset. In the absence of any public benefits to outweigh this harm I conclude the works would be contrary to Policies CL1, CL2, CL3 and CL9 of the Council's *Consolidated Local Plan* and the Framework.

J P Sargent

INSPECTOR