

## Appeal Decision

Site visit made on 14 February 2017

**by Michael Moffoot DipTP MRTPI DipMgt MCMI**

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

**Decision date: 28<sup>th</sup> February 2017**

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**Appeal Ref: APP/K5600/D/16/3163838**

**1 Winterton Place, London SW10 0AL**

- 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 Mrs Fiona Astor against the decision of the Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref: PP/16/04361, dated 7 July 2016, was refused by notice dated 1 September 2016.
  - The development proposed is 'redevelopment, including partial enclosure of entrance portico; refurbish conservatory, modifying glass roof with solid lantern with side glazed windows; extension of first floor south; set back first floor north elevation; creation of second floor roof extension within mansard roof; replace windows on second floor (north), ground, first floor and dormer (south elevation), front porch (east elevation). Alterations to two rooflights and addition of new rooflights'.
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### Decision

1. The appeal is allowed and planning permission is granted for redevelopment, including partial enclosure of entrance portico; refurbish conservatory, modifying glass roof with solid lantern with side glazed windows; extension of first floor south; set back first floor north elevation; creation of second floor roof extension within mansard roof; replace windows on second floor (north), ground, first floor and dormer (south elevation), front porch (east elevation). Alterations to two rooflights and addition of new rooflights at 1 Winterton Place, London SW10 0AL in accordance with the terms of the application Ref: PP/16/04361 dated 7 July 2016, and subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: (i) PP 01; (ii) PP 02; (iii) PP 03; (iv) PP 04; (v) PP 05; (vi) PP 06; (vii) PP 07; (viii) PP 08; and (ix) PP 09.

### Preliminary Matter

2. I have used the description of the development set out in the decision notice as it better reflects the proposal than that on the planning application form.
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## **Main Issues**

3. The main issues in this case are:

- (i) the effect of the proposed development on the character and appearance of the area; and
- (ii) the effect of the proposal on the living conditions of the occupiers of adjacent flats in Elm Park Mansions, with particular reference to outlook, daylight and sunlight and privacy.

## **Reasons**

### *Character and appearance*

- 4. The appeal site comprises a detached two-storey dwelling situated at the end of Winterton Place; a short cul-de-sac within a predominantly residential area characterised by an eclectic mix of dwellings including flats and terraced houses. The imposing Elm Park Mansions adjoin the eastern boundary of the site and consist of a number of multi-storey apartment blocks of substantial scale and townscape presence. More modern and modest three-storey flats lie to the south-west on Limerston Street and a smaller block of flats lies opposite the appeal site on Winterton Place. A single-storey staff room building serving Elm Park Mansions lies to the immediate rear of the appeal site.
- 5. The subject dwelling is long and narrow, reflecting its historic function as a storage facility for Elm Park Mansions in conjunction with a similar building which fronts Camera Place at the southern end of a communal service yard. The dwelling is of red brick construction under a flat roof set behind a parapet, and features an integral garage to the front, a bin store to the side and a conservatory to the rear which opens on to a small enclosed garden.
- 6. The proposal involves significant alterations and additions to the dwelling. They include an additional floor with a distinctive mansard roof and parapet, remodelling of the existing conservatory incorporating a first floor extension and lantern light, and alterations to the east elevation with more glazing and a new open porch. The remaining windows would be replaced and a new timber panelled garage door installed.
- 7. The existing dwelling sits unobtrusively at the end of the cul-de-sac, and although it projects slightly forward of the building line it has a very limited impact on the street scene in this densely developed part of the Borough. The proposed 2<sup>nd</sup> floor extension would be a significant addition to the dwelling, giving it a far greater presence from localised public and private viewpoints. However, it would respect the scale and proportions of the host building and sit comfortably within the context of its much larger neighbours.
- 8. I agree with the Council that the removal of the faux classical porch is to be welcomed. The replacement porch and large double height glazing would be more visually assertive in conjunction with the additional windows on this elevation, notwithstanding that they would be partially screened from Winterton Place by the bin store. However, these alterations would be in keeping with the scheme's overall design approach which seeks to extend and comprehensively update the building to give it a more contemporary appearance. I therefore see no reason why these elements of the scheme would draw attention to the increased height of the building as the Council suggests.

9. The proposed coping to the parapet and the rendered bands to the front and rear elevations would be in keeping with the remodelling of the dwelling. It would not highlight the additional bulk of the extended building or unbalance the front and rear elevations, nor would it over-embellish or complicate the appearance of the property. Although the coping would contrast with the red brick of Elm Park Mansions it would not conflict with it as the extended building would be wholly different in scale, form and character and the coping would form an integral part of it.
10. The two-storey rear extension would be a modest addition and would barely be noticeable from Park Walk via the narrow gap between the mansion blocks. Although the sense of openness afforded by the existing conservatory would be diminished by the proposal, the resultant increase in the size of this part of the building would not be significant, and whilst it would be apparent to some surrounding residents it would not be readily visible from the public domain.
11. For these reasons, I find that the scheme would be an architecturally well-mannered solution to the appellant's accommodation needs that would fit well within its varied urban context.
12. Accordingly, I conclude on the first issue that the proposal would not harm the character and appearance of the area. It would not conflict with those parts of Policies CL 1, CL 2, CL 6, CL 8, CL 9 and CL 11 of the Local Plan<sup>1</sup> which require all development, including alterations and extensions, to respect and contribute positively to existing buildings, local context and character and appearance, and employ the highest architectural and urban design quality.

#### *Living conditions*

13. Amongst other things, Local Plan Policy CL 5 requires all development to ensure good living conditions for occupants of new, existing and neighbouring buildings with regard to enclosure, daylight and sunlight and privacy.
14. The proposed alterations and extensions to the rear of the building would encroach upon the outlook from windows to habitable rooms in the rear of the nearest block of flats in Elm Park Mansions. However, given the separation distances involved and the modest size of the additional building mass resulting from the proposal, the neighbouring occupiers' outlook would not be diminished to the extent that their living conditions would be appreciably harmed. For the same reasons, the proposal would not materially reduce daylight and sunlight reaching the adjoining flats.
15. Whilst not a matter raised by the Council, a neighbouring occupier has expressed additional concern regarding the impact of the proposal on their privacy. The relationship between the first and second floor windows in the rear of the extended building and window openings in the adjacent flats would be oblique. As such, overlooking would be highly unlikely and the privacy of the neighbouring occupiers would not be compromised.
16. I conclude on this issue that the proposed development would not result in harm to the living conditions of the occupiers of adjacent flats in Elm Park Mansions. There would therefore be no conflict with Policy CL 5 of the Local Plan.

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<sup>1</sup> Royal Borough of Kensington and Chelsea: Consolidated Local Plan (2015)

### **Conditions**

17. The Council has suggested a number of conditions in the event of planning permission being granted. Most are necessary to secure a satisfactory appearance to the completed development, protect the living conditions of neighbouring residents and provide certainty.
18. However, it is not necessary or reasonable to restrict the use of the garage to parking by the occupier the property as the scheme does not entail a change in this provision or material alterations to the facility. If the rear ground floor of the extended property were to be used as a separate dwelling it would be open to the Council to determine whether or not to formally pursue the matter. A condition to prevent sub-division is therefore unnecessary.

### **Conclusion**

19. For the reasons set out above, I conclude that the proposal is acceptable and the appeal should succeed.

*Michael Moffoot*

Inspector