
Appeal Decision

Site visit made on 14 March 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 03 April 2017

Appeal Ref: APP/K5600/W/16/3165501

First/Second Floor Flat, 23 Gunter Grove, London SW10 0UN

- 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 Gary Shepherd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref: PP/16/03845, dated 16 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is the construction of two-storey rear extension above back addition at second and third floor levels and installation of two windows at second and third floor levels. Formation of terrace at main roof level by removing roof slopes and replacing them with flat roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice as it provides an accurate description of the development as a whole. This is therefore the basis on which I have determined the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the Sloane Stanley Conservation Area; and
 - (ii) the living conditions of the neighbouring occupiers at 21 Gunter Grove, with particular regard to daylight.

Reasons

Conservation Area

4. The appeal site comprises a four-storey Victorian terraced building located on the eastern side of Gunter Grove. The appeal property has been divided into two self-contained units and planning permission was granted in 2006¹ for a first floor extension and roof terrace at second floor level with a timber gazebo. A more recent permission was granted in 2016² for the construction of a single storey rear extension and formation of a terrace at the main roof level which

¹ Council reference PP/06/01240

² Council reference PP/16/05866

would involve the removal of the roof slopes and replacement with a flat roof. At the time of the site visit, construction work associated with this permission had commenced.

5. From observations made during the site visit, the significance of the Conservation Area relates to the fact that it is an example of a mid-Victorian development. In general, the majority of buildings are of a good quality and appear to retain a number of original features. With regard to the terrace in which the appeal site is located, it is stuccoed at lower and ground floors and consists of stock brick at the upper storeys. The use of stucco provides a visually solid base which is replicated along the whole terrace. Each of the properties has a paired entrance portico, which is one of many matching details along the terrace.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework).
7. It is evident that a number of neighbouring dwellings within the terrace have undergone rear extensions, of varying scales and designs. In relation to the proposed terrace, this would be located at the main roof level. Although no longer present at the time of the site visit, from the submitted evidence, the flat roof on the previous existing extension was accessible. Access to the proposed terrace would be gained via an internal stairwell and hatch, with the railings set back by a minimum distance of approximately 1.3 metres. It is therefore unlikely that the terrace would be visible from ground level. It would be of a similar scale and design of a number of existing rear terraces on Gunter Grove. As such, the proposed terrace would preserve the character and appearance of the Conservation Area.
8. The construction of the two additional storeys above the existing back addition would result in the closet wing meeting the height of the parapet, with the main roof being extended rearwards over the back addition. The use of stock brick would match the existing elevations. The proposed windows would align with the existing windows and would be of a matching appearance.
9. Nonetheless, despite the use of traditional materials, the height of the proposal extension would end the relationship with the neighbouring dwelling, in terms of symmetry as the closet wings would no longer been seen as a pair. Given the full height of the closet wing, the rear extension would no longer appear as a subservient addition of the appeal site. As such, the proposal would appear as a visually intrusive and discordant feature within the host terrace. Accordingly, the effect would fail to preserve or enhance the character or appearance of the Conservation Area.
10. Reference is made by the appellant to 45 Gunter Grove with regard to the substantial rear extensions. However, rather than providing justification for the development in question, if anything, the presence of such development points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. Further reference has also been made to four dwellings within Fernshaw Road which have also been subject to full storey rear extensions. I am not aware of the specific details of those developments and therefore I cannot be certain that the proposals and

circumstances are the same. In any case, each proposal must be judged on its own merits on the basis of the development plan and all other material considerations which is what I have done in this case.

11. The magnitude of harm identified in respect of the designated heritage asset as a whole is less than substantial in the context of paragraph 134 of the Framework. However, I do not consider that the arguments advanced in favour of allowing the appeal amount to public benefits that would outweigh the substantial weight I must attach to the designated heritage asset conservation.
12. No harm in relation to the propped roof terrace has been found. However, due to the harm identified in relation to the Conservation Area, the proposed rear extension would be contrary to the provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the proposed roof extension would also be contrary to Policies CL1, CL2, CL3, CL9 and CL11 of The Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (the LP). Taken together these policies seek, amongst other things, to ensure that new development respects the existing context and, preserves or enhances the character or appearance of the Conservation Area.

Living Conditions

13. The proposed extension would not extend past the existing building line at the rear of the appeal site. However, the height of the closet wing would be increased significantly. As such, the Council have raised concern with regard to the potential loss of daylight to the neighbouring occupier at 21 Gunter Grove.
14. Policy CL5 of the LP states that the Council will have regard to the most recent Building Establishment guidance to ensure that good standards of daylight and sunlight are achieved in existing properties affected by new development. It is accepted that the existing building line would be retained. However, in the absence of a daylight and sunlight assessment I cannot be certain that the proposed increase in height of the closet wing would not result in a material loss of daylight in relation to the windows at No 21 located above the closet wing.
15. The appellant contends that the proposal would not intrude on the living conditions of the neighbouring occupiers. However, no evidence has been provided to substantiate this view. It is noted that the current occupiers of No 21 have no objection to the proposal. Nevertheless, it is a function of the planning system to secure good living conditions for existing and future occupants of buildings, and in this regard, for the reasons given, the proposal falls short of this goal. Accordingly, the proposal does not accord with the protection of amenity objectives of Policy CL5 of the LP.

Conclusion

16. Despite finding no harm with regard to the proposed roof terrace, the harm I have found in relation to the rear extension and to the living conditions of neighbouring occupiers at 21 Gunter Grove is decisive. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini, INSPECTOR