
Appeal Decision

Site visit made on 20 March 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/K5600/W/16/3164731
34 and 36 Ifield Road, London SW10 9AA

- 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 Giancarlo Bernini against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/01962, dated 31 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of second floor rear extensions with roof terraces above at both 34 and 36 Ifield Road. Developments at the two properties linked by s106 obligation to be a single development.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the appeal site as set out in the Council's decision notice which refers to 34 and 36 Ifield Road as oppose to that set out in the application form, which refers only to 34 Ifield Road.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of The Boltons Conservation Area and the Brompton Cemetery Conservation Area.

Reasons

4. The appeal site lies within the Boltons Conservation Area (the BCA) and is also adjacent to the Brompton Cemetery Conservation Area (the BCCA), which is directly to the south west of the appeal site. The BCA is predominantly characterised by substantial period properties that form terraces set out in a grid pattern. Properties are set close to the street frontage. Rear gardens face onto the rear gardens of properties behind, which create attractive, enclosed green spaces to the rear. Property frontages are largely unaltered and whilst there is some variety in their design, they form blocks of uniform terraces. The rear of the terraces is less formal and uniform than the frontages, with various additions being added. Nevertheless, there remains general uniformity in terms of scale and rhythm.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving

or enhancing the character or appearance of Conservation Areas. Paragraph 131 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. It further advises at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The appeal properties form part of the same terrace. They have existing closet wings to the rear with roof terraces on top that overlook the cemetery to the rear. The proposal would effectively increase the height of the rear closet wings of both properties by a storey and would include roof terraces on top.
7. Other properties in the terrace have closet wings and roof terraces which comprise brick walls and metal railings and are similar in design to the existing ones on the appeal properties. The existing closet wings and roof terraces are generally set below the eaves height of the terraced properties, which ensures that they remain subservient to the original form of the buildings. The similarities in the height of the closet wings provide a sense of rhythm along the rear elevation of the terrace that makes a positive contribution to the BCA. I note that the appellant states that the mansard roofs are later additions. Whilst there is no evidence to the contrary, they nevertheless form a well-established and integral part of this section of the terrace and make a positive contribution to the overall BCA.
8. Whilst the proposed terraces would not be visible from the adjacent road, they would be from the cemetery, which forms the BCCA. I note that public views of the properties from the cemetery are limited. However, they would also be readily visible from private views from the rear of other properties in the terrace, in particular from neighbouring roof terraces. The proposal would rise above the height of the existing eaves, disrupting views of the mansard roof and would dominate the rear elevation of the properties, failing to respect the subservient relationship the existing closet wings have with their host properties. Overall the proposal would result in an over dominant form of development that would fail to appear subordinate to the host dwellings. I note that there are some extensions above eaves height along the terrace, further to the north. However, the appeal properties form part of a particular section of the terrace which expresses general uniformity and rhythm in its rear elevation that the proposal would unacceptably interrupt. Consequently, the harm the proposal would have on the rear elevation of the terrace would diminish the significance of the overall BCA. I have had regard to the case of *South Lakeland District Council v Secretary of State for the Environment* [1992] referred to me by the appellant.
9. I have also had regard to the effect of the development on the BCCA. However, whilst it would be visible from the BCAA, its character is formed by its large open green space, which is in marked contrast to the tight form of the surrounding development. Therefore, I do not find that the proposal would diminish its openness and would have a neutral effect, and therefore preserve its character and appearance.
10. 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. The harm I have identified to the significance of the BCA would be less than substantial. However, I find that there is no public benefit identified that would outweigh this harm.

11. I find therefore that the proposal would fail to preserve or enhance the character or appearance of the BCA. As such, it would fail to comply with Policies CL1, CL2 and CL3, CL6, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015, which amongst other matters, seek to ensure that development preserves and enhances the character or appearance of the Conservation Area; responds well to its context; does not harm the existing building; and, preserves or enhances views within Conservation Areas.

Other Matters

12. No 38, Ifield Road has a number of windows in the rear elevation and on the side elevation of their own closet wing which are within proximity of the closet wing of No 36. Due to the southerly position of No 36's closet wing, it already has some shadowing effect on the rear garden and windows of No 38. The occupant of No 38 contends that the proposal would exacerbate this effect and in addition create a sense of enclosure.
13. The appellant has undertaken a Daylight and Sunlight Report, carried out by Anstey Horne, dated November 2016. The report confirms that whilst there would be some reduction in sunlight serving the rear windows and garden of No 38, the effects would not be noticeable and would be within BRE guideline limits. Based on the observations made during my site visit and in the absence of any substantive evidence to the contrary, I find no reason to disagree with these findings.
14. Furthermore, whilst the extension would increase the height of the existing closet wings, given their existing substantial height, I do not consider that an additional floor would significantly increase any sense of enclosure.
15. The appellant states that a section 106 planning obligation has been submitted which seeks to ensure that the development at both properties is carried out and completed as a single development. Furthermore, it would ensure that the roof terraces are kept free of all umbrellas and any other object that could be visible from the adjacent Brompton Cemetery. However, I have not been presented with an executional copy of such an obligation and therefore cannot take it into account in my consideration of the appeal. In any event, such an agreement would not outweigh the harm I have found above.

Conclusion

16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR