The Planning Inspectorate

Appeal Decision

Site visit made on 4 April 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/K5600/D/16/3163430
8 Pembridge Place, London W2 4XB

- 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 Pembridge Property Development Ltd against the decision of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/16/05508, dated 22 August 2016, was refused by notice dated 28 October 2016.
- The development proposed is described as 'Construction of basement extension below house, front and rear gardens including demolition of existing rear outrigger and rear extension and provision of new extension to rear elevation. Creation of mansard roof extension and openings in side elevations including landscaping of front and rear gardens'.

1. The appeal is allowed and planning permission is granted for the construction of basement extension below house, front and rear gardens including demolition of existing rear outrigger and rear extension and provision of new extension to rear elevation. Creation of mansard roof extension and openings in side elevations including landscaping of front and rear gardens at 8 Pembridge Place, London W2 4XB in accordance with the terms of the application, Ref PP/16/05508, dated 22 August 2016, subject to the 15 conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Pembridge Conservation Area, with particular regard to the proposed demolition and re-build of the rear and part of the side façades.

Reasons

3. The Pembridge Conservation Area is primarily a quiet residential area that comprises a high quality built environment that is primarily residential in character with commercial buildings located at the edges of the area. The streets are laid out as a mixture of terraces, semi-detached houses and mews houses and less frequent blocks of flats and form an interesting array of housing illustrating the 19th century and housing developments of the 1930s and 1950s which are all set in a comfortable residential atmosphere with mature green spaces. The buildings are constructed from a limited palette of materials comprising yellow or red stock brick, stucco and stone with vertically sliding timber sash windows. This gives the area coherence and a commonalty where buildings sit in harmony with one another. These features contribute

positively to the character and appearance of the conservation area as a whole and its significance as a designated heritage asset.

4. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)that seeks to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. No 8 Pembridge Place is a property that comprises three storeys including an original lower ground floor level (plus attic), and is part of a group of detached villas. The building has retained many of its external facades and features, including a three storey centralised rear outrigger. The Council state that the only changes to the rear of the building have been the addition of a narrow three storey outrigger to the southern side of the central outrigger, the addition of two small windows and metal balconies, and the replacement of some brickwork along the parapet (possibly as a result of the bomb damage indicated on the London Bomb Damage Map 1939-1945). The Council also state that the extension and brickwork repairs have left some scope for improvement.

6. The proposed works to the appeal property include the construction of basement extension below house, the creation of mansard roof extension and the landscaping of front and rear gardens. Given the design, location and scale of these works the Council considers that these would preserve the character and appearance of the Pembridge Conservation Area. There is nothing in the evidence before me that goes against or contradicts the Council's position in respect of these matters.

7. Notwithstanding this, the Council have argued that the proposed demolition and re-build of the rear and part of the side façades would fail to preserve the character or appearance of the conservation area. However, based on the evidence before me and my observations, the proposed new façade to the rear elevation of the building would relate well to the simple character and detailing of the rear elevation of the host property. Furthermore, being largely confined to the rear of the dwelling the proposed works would not be visible in public views within, into or out of the conservation area. In relation to private views from the rear gardens of neighbouring properties the proposed extension and facade of No. 8 will be viewed in the context of altered and varied rear elevations. Moreover, the rebuilding of the side façades would not be readily visible in the street scene and would ensure that there would be a degree of improvement to the brickwork repairs that the Council have stated have scope for improvement. Consequently, the proposed demolition and re-build of the rear and part of the side façades would not appear out of character in its site specific context; therefore the proposal would have a neutral effect overall and therefore preserve the character and appearance of the Pembridge Conservation Area.

8. Having come to the conclusions above, it follows that the proposed development would preserve the character and appearance of the Pembridge Conservation Area and would therefore be consistent with Policies CL1, CL2, CL3, CL9 and CL11 of the London Borough of Kensington and Chelsea Core Strategy. These seek amongst other things to ensure that new development respects and complements the characteristics of the site and its surroundings;

and would preserve or enhance the character and or appearance of the Conservation Area.

Conditions and conclusion

9. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for certainty to define the plans with which the scheme should accord. The Council seeks the engagement of a Chartered Civil Engineer, a Construction Traffic Management Plan and inclusion in the Considerate Contractors Scheme and all would be necessary in the interests of amenity and traffic management. Further it is necessary to apply conditions to ensure that adequate provision for surface water drainage (including SUDs) is secured and maintained.

10. It is necessary to preserve the character and appearance of the Conservation Area to secure details of external windows and that they should be white painted timber and that railings are painted black. Further, it is necessary to require pre-commencement details of a 'positive pumped device' (or equivalent) to be submitted to reduce the risk of sewer flooding to the proposed basement. Further, it is necessary to secure tree protection during construction. It is necessary to preserve the character and appearance of the Conservation Area for external materials including joinery details at a larger scale to be submitted to the Council for approval. It is necessary in the interests of amenity for conditions ensuring the submission and the implementation of a landscaping scheme.

11. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: P.AE001; PA100; P.AE101 E; P.AD101 D; PA101; P.AE102E; P.AD102 D; PA103 D; PA102 D; P.AE103 E; P.AD103 D; PA104 D; P.AE104 F; P.AD104 D; PA105 D; PA106 D; PA107 D; P.AE201 D; P.AD201 D; PA201 F; P.AE202 D; P.AD202 E; PA202; P.AE203 D; P.AD203 D; PA203; P.AE204 D; P.AD204 E; PA204; P.AE301 E; P.AD301 E; PA31 E; PA206 E; PA207 E; PA208 F and Location Plan 1:1250.

3) No development shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:
   (a) Brickwork sample panel to match existing historic brickwork
   (b) Detailed elevation and section drawings (scale 1:20) of typical windows as existing and proposed
   (c) Slate sample for mansard roof
   (d) analysis of permeability of site pre- and post-development with location of SuDS measures and their reduction and attenuation of surface water run-off

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 cheeks of the dormer windows shall be clad in lead and be so maintained.

6) The roof slopes of the building hereby permitted shall be clad in natural slates, and so maintained.

7) No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

8) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;

b) access arrangements to the site;

c) the estimated number and type of vehicles per day/week;

d) details of any vehicle holding area;

e) details of the vehicle call up procedure;

f) estimates for the number and type of parking suspensions that will be required;

g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;

h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;

i) details of measures to protect pedestrians and other highway users from construction activities on the highway;

j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and

k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

9) No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

10) The railings to the front and rear elevations shall be painted black and so maintained.

11) No development shall commence until full particulars of a suitable positive pumped device (or equivalent) to reduce the risk of sewer flooding basement has been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved.

12) No development shall commence until full particulars of the methods by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

13) No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees (including a replacement tree in the front garden), shrubs and paths and their surfacing materials, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

14) All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

15) The area connecting to the topsoil over the basement in the front and rear gardens shall be of permeable construction and so maintained.