

Appeal Decision

Site visit made on 16 May 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/K5600/W/17/3169835

5 Campden Street, London, W8 7EP

- 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 M Betts against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/16/06540, dated 30 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is the replacement of existing mansard roof with vertical rise at second floor level and new flat/parapet roof form. Roof terrace to main roof level above with black metal railings. Rear extension at first floor level, and replacement/re-siting of air con unit. Various fenestration changes at front and rear.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing mansard roof with vertical rise at second floor level and new flat/parapet roof form. Roof terrace to main roof level above with black metal railings. Rear extension at first floor level, and replacement/re-siting of air con unit. Various fenestration changes at front and rear, at 5 Campden Street, London, W8 7EP in accordance with the terms of the application, Ref PP/16/06540, dated 30 September 2016, and subject to the conditions set out in the Annex.

Procedural Matter

2. The Council has highlighted within its appeal statement that since the determination of the planning application, the Kensington Conservation Area Character Appraisal 2017 (the CA Appraisal) has been adopted, which has superseded the previous Kensington Conservation Area Proposals Statement 1995. However, I note that both the appellant and the Council have referred to the CA Appraisal within their submissions, and as a consequence I am satisfied that the main parties have had the opportunity to comment on the document in connection with their cases.

Main Issue

3. The main issue is whether the proposed development would have an adverse effect on the appearance of the appeal property, the group of properties and street scene within which it is located, and as a consequence whether the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area.
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Reasons

4. The appeal site is accommodated within a short and distinct terrace of properties (Nos. 1-6 Campden Street), and comprises a two-storey property, plus basement and mansard roof extension. The property is in commercial use as a jewellers on the basement and ground floors, with the first and second floors occupied as residential accommodation. The building is unlisted, but located within the Kensington Conservation Area.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The appeal property is identified as a building which makes a positive contribution to the historic and architectural character of the heritage asset, and is located within The Campden Street to Edge Street Character Area. The CA Appraisal identifies Campden Street as consisting for the most part of small houses with little architectural sophistication, consistently altered over the years, with the general effect being an attractive and unpretentious residential environment on a human scale. The north side of Campden Street is recognised as more consistent with five distinct groups of terraced housing that run the full length of the street, from Nos. 9 – 51 Campden Street. No specific mention is made of Nos. 1-6 Campden Street.
7. It is evident from the appeal submissions, that the design of the proposed first floor rear extension and the relocation of the air conditioning unit are elements of the proposals which are not disputed by the Council, and I also have no concerns over these elements on the basis of the submissions and my observations on site. The appellant has also contended that the acceptability of the principle of a roof terrace is also similarly not disputed. However, it is clear from the Council's submissions in the Delegated Report that this is not the case, and I will return to this element of the proposals, along with the roof alterations, metal railings, and fenestration changes to the rear elevation.
8. The terrace within which the appeal property is located is considered to be characterised by the varying heights of roofs on the distinct buildings, which the Council regards to be a contributory part of the charm of the eastern end of Campden Street. Whilst I observed the variety of roof heights at the site visit, which would appear to have arisen as a consequence of alterations and extensions over a substantial period of time, I am not persuaded that in the context of the relatively consistent rooflines and terraces of the remainder of Campden Street that these are a defining characteristic of The Campden Street to Edge Street Character Area.
9. I have had regard to the Council's reference to the 'characterful variety' of rooflines highlighted within the superseded Kensington Conservation Area Proposals Statement. However, I have not been directed to a similar reference as having been incorporated within the published CA Appraisal, which is the document which must now be referred to in determining the appeal. I consider that the proposed development would in this respect more faithfully follow the current roof line of the terrace and provide some visual unity with the already extended properties at Nos. 1-4 and which, allowing for the completion of the ongoing works to No. 6 Campden Street, would result in a broadly consistent grouping which would accord with the established character of unified terraces

on the north side of Campden Street. In this respect, I consider that the proposed roof extension would preserve the character and appearance of the conservation area.

10. Turning to the incorporation of railings to facilitate a roof terrace, I observed there to be railings at roof level on a number of other buildings in the nearby vicinity within the conservation area, including at No. 87 Campden Street opposite, although I accept that they are by no means a common feature. This is a similar conclusion with regards the provision of roof terraces. Nevertheless, I am mindful that the neighbouring works at No. 6 Campden Street have also been approved at appeal incorporating railings at roof level. In this respect, I do not find the railings or roof terrace to be a harmful feature as proposed or wholly uncharacteristic of the conservation area, but to be a contemporary reflection of the proposed development and use of the property. I am satisfied that the appearance of the railings can be satisfactorily secured by planning condition, and I also note that the previously disputed details of the fenestration, has been accepted by the Council as being appropriately addressed by condition, which is an approach with which I would agree.
11. Further to my conclusions above, I am satisfied that the proposed development would preserve, and in respect of the proposed timber windows, enhance the character and appearance of the Kensington Conservation Area, in accordance with the requirements of s72(1) of the Act. Accordingly, I find the proposals to not conflict with Policies CL1, CL2, CL3, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015. These policies seek to ensure that development respects the existing context, character and appearance of buildings and the area, would be of the highest architectural and urban design quality, and would preserve or enhance the character or appearance of the conservation area. In addition, given the great importance of the heritage asset, the scheme would accord with the core planning principles of the National Planning Policy Framework, that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

Other Matters

12. I have noted the concerns of neighbouring occupiers in respect of the impact of the proposed development on living conditions, and in particular on light and sunlight. I have also had regard to concerns over the potential for future use of the rear of the second floor as a roof terrace through the alteration of fenestration, and the potential effect of any such works as well as those related to the rear extension.
13. Whilst I accept that there may be some adverse impact on light and sunlight as a consequence of the position and scale of the proposals, I do not consider that the extent of any impact would be unacceptable due to the remaining light and sunlight that would be available. In respect of the matter of privacy, any further alterations to the proposals to create additional roof terraces would amount to further alterations to the building, the appropriateness of which would be considered by the Council at the time of any future application. With regards to the proposed rear extension, I am satisfied that in the context of the existing relationship between the windows on the appeal property and neighbouring properties on Campden Street and those to the rear on Peel

Street, that the additional windows would not result in an unacceptable increase in overlooking or loss of privacy.

Conditions

14. Turning to the Council's suggested conditions, I am satisfied that conditions addressing the need for matching external materials, sash windows and doors to be timber and painted white, the proposed railings to be painted black, and the submission of details and particulars of the fenestration design, would be in the interests of preserving or enhancing the character or appearance of the conservation area. Conditions related to the control of noise levels from the proposed air conditioning unit, the provision of anti-vibration mounts, and securing the hours of operation of the air conditioning units, would all be in the interests of safeguarding the living conditions of neighbouring occupiers, in respect of the potential for noise and disturbance.

Conclusions

15. For the reasons given above, and subject to the conditions attached in the Annex, the appeal is allowed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Unless otherwise required by conditions below, the development shall not be carried out except in accordance with the details shown on the submitted plans; Drawing Numbers A_PL_550 (Site Layout Plan), A_PL_100 Rev. B, A_PL_101 Rev. E, A_PL_102 Rev. F, A_PL_103 Rev. H, A_PL_200 Rev. F, A_PL_201 Rev. E, A_PL_210 Rev. D, A_PL_300 Rev. B, and A_PL_301 Rev. D.
- 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
- 4) The windows and doors hereby permitted shall be timber framed, white painted, and the windows double hung, sliding sashes, and so maintained.
- 5) The railings to the rear first floor Juliette balcony and to the roof terrace shall be painted black metal, and so maintained.
- 6) Notwithstanding the details shown on the approved drawings, the new rear fenestration at first and second floor levels is not approved. 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) Details of the proposed rear fenestration at first and second floor levels.
- 7) Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.
- 8) The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
- 9) The air conditioning unit hereby permitted shall only be operated between 09:00 hours and 18:00 hours, on any day.