

Appeal Decision

Site visit made on 15 August 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/K5600/D/17/3175291

24 Chelsea Square, Kensington and Chelsea, London, SW3 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms F Cooper against the decision of The Royal London Borough of Kensington and Chelsea.
 - The application Ref PP/17/01321 dated 24 February 2017 was refused by notice dated 25 April 2017.
 - The application sought planning permission for an extension to basement with light well window to rear, alteration to rear roof dormer window, additional lantern roof lights at ground floor, altered fenestration to courtyard, alterations to rear garage elevation and extension to first floor bathroom without complying with a condition attached to planning permission Ref PP/14/01006 dated 17 April 2014.
 - The condition in dispute is No 2 which states that: *The development shall not be carried out except in complete accordance with the details shown on submitted plans Site Location Plan, 1047 - E.101, 1047 - E.102, 1047 - E.103, 1047 - E.104, 1047 - E.105, 1047 - P.501, 1047 - P.502, 1047 - P.503, 1047 - P.504, 1047 - P.505.*
 - The reason given for the condition is: *The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.*
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Decision

1. The appeal is allowed and planning permission is granted for an extension to basement with light well window to rear, alteration to rear roof dormer window, additional lantern roof lights at ground floor, altered fenestration to courtyard, alterations to rear garage elevation and extension to first floor bathroom at 24 Chelsea Square, Kensington and Chelsea, London, SW3 6LF in accordance with the application Ref PP/17/01321 dated 24 February 2017 without compliance with condition number 2 previously imposed on planning permission Ref PP/14/01006 dated 17 April 2014 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby approved shall be carried out in accordance with the following approved plans: 1047 – P.501 Rev C, 1047 – P.502 Rev D, 1047 – P.503_1 Rev E, 1047 – P.504_1 Rev E, 1047 – P.505_1 Rev E and 1047 – P.506_1 Rev E.
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Procedural Matters

2. The application is made in relation to condition 2 of the original permission, which refers to the drawings. The application seeks permission for an amended development by the substitution of a number of plan drawings. The effect would be to give permission for two ground floor roof lights to the front and alterations to the rear dormer with no access to the terrace.
3. I have also dealt with another appeal (APP/K5600/D/17/3175292) on this site for a similar development. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is the effect the proposal would have on the character and appearance of the host property and whether it would preserve or enhance the character and appearance of the Chelsea Park/Carlyle Conservation Area.

Reasons

5. The appeal property comprises of a three storey mid-terrace dwelling situated within the Chelsea Park/Carlyle Conservation Area. The area is mainly residential comprising of rows of terraced housing set around garden squares. The appearance of the different terraced rows varies but the consistency in architectural detailing and materials, alongside the presence of green spaces and planting within front garden areas, contribute positively to the character and appearance of the Conservation Area.
6. The proposal would see an increase in the size of the rear dormer. The appellant confirms that its width would remain as previously approved although the height would increase, with the glazing also extending down and cutting into the sloping roof. This would result in the creation of a terrace area at roof level to the rear of the property, although this external space is not proposed to be accessible.
7. I acknowledge that less of the roof would remain compared to the scheme as previously approved, but given that the width of the dormer would not increase and that proposal would be set below the ridge height, I do not consider the integrity of roof would be unduly harmed. The development would see an increase in glazing but on the lower side, this would largely be concealed behind the continuation of the existing roof slope.
8. At the time of my visit I was able to see that whilst there were no other comparable size openings of this form along the appeal terrace, various alterations were evident on other properties, including a wide dormer on a neighbouring building. The rear roofslope is visible from the service road to the rear but I do not consider that the changes at roof level would appear prominent given the distance and angle of view from private vantage points.
9. Reference has been made by both the Council and the Appellant to a previously dismissed appeal¹ on the appeal site. I do not have the full details of this refused scheme before me. It is however clear from the appeal decision itself that this referenced appeal is not comparable to that before me, as it involved a

¹ APP/K5600/D/15/3129242

dormer that would extend across the width of most of the rear roofslope. In any event, I am required to determine this appeal on its own merits.

10. The refusal notice nor the Council's delegated report specifically identify any objection to the ground rooflights. The Appellant has referred to these being approved previously and as such, given their modest size and design, I have no reason to take a contrary view.
11. I therefore conclude that the proposal would not have an adverse impact on the character and appearance of the host property and would preserve the character and appearance of the Conservation Area. It would not conflict with Policies CL1, CL2, CL3 and CL8 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 which require, amongst other matters, development that respects its context and preserves or enhance the character or appearance of the conservation area. It would also not conflict with Section 12 of the National Planning Policy Framework.

Other Matter

12. Concern have been raised in relation to the effect of the proposal on living conditions but given the development at roof level would replace a previously consented dormer, I do not consider that the living conditions of the nearby residential occupiers would be adversely affected.

Conclusion

13. For the reasons above and having taken into account all other matters raised, including the need for the proposed development and also reference to a recent approval for a larger rear dormer², I conclude the appeal should be allowed.

Conditions

14. The description of the development sought refers on the refusal notice to the 'variation' of Condition 2. The grant of this appeal application does not replace the 2014 permission, but constitutes a new permission that will exist alongside the original one. The new permission replaces condition 2 and also sets out the standard time limit of implementation. All other conditions are retained from the original permission and there is no reason to restate them in this decision.

F Rafiq

INSPECTOR

² LPA Ref: PP/17/03638