



Appeal Decision

Site visit made on 17 October 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 08 November 2017

Appeal Ref: APP/K5600/D/17/3179506

1 Crescent Place, London SW3 2EA

- 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 Ms K Chew against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/17/01033, dated 15 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is elevational amendments to existing front light wells, including amendments to 1no. external staircase and lightwell boundary treatments. Amendments to the rear elevation together with the remodelling of the rear garden including replacement of low-quality glazed landscape furniture.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to front light wells, including one external staircase and lightwell boundary treatments; amendments to rear elevation, remodelling of rear garden including replacement of low-quality glazed landscape furniture at 1 Crescent Place, London SW3 2EA in accordance with the terms of the application, Ref PP/17/01033, dated 15 February 2017, subject to conditions set out in the attached Schedule.

Preliminary and Procedural Matters

2. I have used the Council's description of development in my formal decision because it more accurately reflects the nature of the appeal proposal. I note that it has also been used by the appellant in their appeal submission.
3. Following my site visit the parties were asked for their comments to a question I posed. At this time the appellant drew my attention to a recent approval¹ of planning permission on the appeal site by the Council for "elevational alterations and widening of 2no. front facing doors located in lightwells to the lower ground floor level together with amendments to lightwell boundary treatments, and landscaping improvements." I am satisfied that the parties are aware of the existence of this latest approval and as such are not prejudiced by my consideration of it as a material consideration.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property including the effect on the character or appearance of the Conservation Area.

¹ PP/17/04746, dated 14 September 2017

Reasons

5. No 1 Crescent Place is a 3-storey including basement mid-terrace property on the eastern side of the southern spur of Crescent Place. The appeal property lies within the Thurloe and Smith's Charity Conservation Area (CA). No Conservation Area Appraisal has been provided, however, the significance of the CA lies in the coherence and good quality maintenance of character and examples of architecture from the Georgian period to the end of the Victorian period.
6. The front elevations of Nos 1 to 7 Crescent Place are classically balanced with steps to the centrally placed front door and a Georgian paned sash window either side at the upper ground floor level. There are 3 further Georgian paned sash windows at the first floor level and a uniform parapet roofline. The top of the lower ground floor level is clearly visible from the public realm with white painted render.
7. In the properties Nos 2-7 a further Georgian sash window is set within each of open light wells located either side of the steps to the front door. It is noted that No 1 has timber painted doors within the light wells instead of windows. However, the small 3 paned fanlight above each door provides some continuity of the Georgian sash window style. The two doors remain in line with the fenestration of the upper floors and so do not harm the balance and proportions of the front elevation. The significance of the character lies in the proportions and the vertical rhythm of the white timber framed fenestration together with the prominence of the white painted render which denotes the floor level between lower and upper ground.
8. The appeal proposal seeks a number of alterations to both the front and rear of the property. All elements of the appeal proposal with the exception of the glazing to the front lightwells have been deemed acceptable by the Council and I see no reason to disagree. In addition, planning permission² exists to undertake a scheme similar to the appeal proposal, except in relation to the front lightwells. The element of appeal proposal which is disputed relates to the front facing glazed openings within the two light wells at the lower ground floor level. Consequently I shall now turn to the disputed matter.
9. Since the appeal was submitted the Council has granted planning permission³ for a scheme involving the two front lightwells. The difference between the latest approved scheme and the appeal proposal relates to the size and style of glazing in the lightwells. I have been provided with copies of the 2 previously approved schemes in so far as they relate to the element of the appeal proposal which is in dispute.
10. I have had regard to these approvals and whilst all applications and appeals are considered upon their own individual merits, I am mindful that these 2 approvals constitute a 'fall-back' position. There would appear to be a reasonable prospect of these 2 extant permissions being implemented if this appeal were to be dismissed. I have not seen any evidence to the contrary. Therefore, I give the combined fall-back position considerable weight. I note that the previous approvals already allow for the significant change in character of the front elevation of the host property.

² PP/17/00811, dated 5 April 2017

³ PP/17/04746, dated 14 September 2017

11. The difference between the lightwell glazing in the appeal proposal to that in the latest approval relates to the width; with the appeal scheme seeking around 2.3 metres width, whereas the latest approval is 1.8 metres. In addition the double glazed aluminium sliding doors proposed in the appeal scheme have no glazing bars, whereas Georgian style glazing bars exist on the doors in the latest approved scheme.
12. Although wider openings with no glazing bars are proposed, these would not be visible from the public realm. As a consequence of the design of the lightwells and other front alterations they would not be clearly visible in private views from neighbouring properties. Therefore whilst this would be a new style of glazing which is not found within the host property or its neighbours, I do not find them to be sufficiently harmful to the character and appearance of the host property to justify dismissing this appeal. I find that the appeal proposal would have a neutral impact on the character and appearance of the CA.
13. I note that the previous approval will allow the internal remodelling of the lower ground floor into rooms which may be more frequently used by the occupiers. I appreciate that the increased glazing could allow more light to escape to the street level. However, the principle of larger openings than currently within the property has already been deemed to be acceptable by the Council under the latest approval. As such the appeal proposal is not materially different as a source of light to that of the latest approval.
14. I conclude that the appeal proposal would not harm the character and appearance of the host property or the character or appearance of the CA. Accordingly, it would not conflict with Policy CL1 of the Consolidated Local Plan of the Royal Borough of Kensington and Chelsea (CLP), which seeks amongst other things, that development will contribute positively to the local context and contribute positively to the townscape addressing architectural matters such as scale, proportion, rhythm and materials. It would also not conflict with Policy CL2 of the CLP, which seeks amongst other things, to ensure that development responds to its context. There would also be no conflict with Policy CL3 of the CLP, which seeks amongst other things, for development to preserve or enhance the CA.

Conditions

15. Given the existence of the 2 extant planning permissions I have attached the same conditions in this case. For certainty, time limit and approved plans; and specifying the colour of railings to protect the character and appearance.

Conclusion

16. I have had regard to the statutory duties set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons given above, I conclude that the effect of the proposal on the CA would be neutral.
17. I conclude that the appeal proposal would not conflict with relevant local and national planning policies and the development plan as a whole. Taking all matters into consideration, the appeal is allowed and planning permission is granted subject to conditions.

Rachael A Bust

INSPECTOR

Schedule of Conditions (3 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:
 - 132/PL/L301 – Location Plan
 - 132/PL/L302 – Site Plan
 - 132/SK/301 – Lightwell A & B Sketch Model
 - 132/PL/301 – Proposed Lower Ground Floor Plan
 - 132/PL/302 – Proposed Ground Floor Plan
 - 132/PL/303 – Proposed First Floor Plan
 - 132/PL/304 – Proposed Roof Plan
 - 132/PL/305 – Existing Primary Elevation
 - 132/PL/305 – Proposed Primary Elevation
 - 132/PL/306 – Proposed Primary Elevation
 - 132/PL/307 – Proposed Lightwell Elevations
 - 132/PL/308 – Proposed Rear Elevation
 - 132/PL/309 – Proposed Section A-A
 - 132/PL/310 – Proposed Section B-B
 - 132/PL/311 – Proposed Section C-C
 - 132/PL/312 – Existing View Analysis Lightwell A & B
 - 132/PL/313 – Proposed View Analysis Lightwell A & B
 - 132/SU/301 – Existing Lower Ground Floor Plan
 - 132/SU/302 – Existing Ground Floor
 - 132/SU/303 – Existing First Floor Plan
 - 132/SU/304 – Existing Roof Plan
 - 132/SU/306 – Existing Primary Elevation inc. lightwells
 - 132/SU/307 – Existing Lightwell Elevations
 - 132/SU/308 – Existing Rear Elevation
 - 132/SU/309 – Existing Section A-A
 - 132/SU/310 – Existing Section B-B
 - 132/SU/311 – Existing Section C-C
- 3) The railings and their supports hereby approved shall be painted black and maintained in that colour thereafter.

End of Schedule