



Appeal Decision

Site visit made on 28 February 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/K5600/D/18/3218976

35 Campden Hill Road, London W8 7DX

- 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 & Mrs Ferrini against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/18/04708, dated 3 August 2018, was refused by notice dated 27 September 2018.
 - The development proposed is creation of subterranean basement, works to front garden area and alterations/extension to rear of single dwelling house, installing air conditioning unit on roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: whether or not the proposal would harm the appearance of the appeal property; and whether or not the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area (KCA).

Reasons

3. The appeal property is a dwellinghouse, part of a row of Victorian terraced houses on the west side of Campden Hill Road within the KCA. The house frontages are mostly symmetrical in design and have characteristic white stucco walls and railings. The terraced houses to the north of the appeal property (Nos 37-47) are larger and taller.
4. The Kensington Conservation Area Appraisal (2017) audit recognises that the appeal property and terrace make a positive contribution to the character and appearance of the KCA, and its significance as a heritage asset. The Appraisal does describe rear elevations in this area and refers to the two main types of rear elevation design, including the arrangement at the appeal property of closet wings, projecting approximately half way across the rear elevation of each house, generally attached to each other as pairs or singularly to each house. In addition, that that leaves a characteristic void between houses except where infilled at lower ground floor level with extensions.

5. The appeal property is four storeys with outside front steps down to the lower ground floor. At the rear there is a glazed extension at lower ground floor level. The rear closet wing sits above half of the glazed extension, is two storeys high and forms a pair with the wing at No 33. Above the other half of the extension is the characteristic void that forms part of the pattern of the rear elevations in the area where this paired arrangement can be seen. At No 37 the closet wing is not paired and taller at four storeys. That void has been partially filled with a single story extension. At No 29 the rear elevation has been remodelled (but not recently) with extensions at lower ground, ground and first floor levels.
6. The proposed development involves infilling part of the void with No 37 with a single storey extension. The closet wing would be raised in height and timber framed windows introduced. The lower ground floor would be lowered, its rear double doors would be replaced by a single opening with sliding, metal framed glass doors. A basement would be created beneath.
7. The Council has no issue with creation of the proposed basement or the proposed basement light well, roof light, escape stair and rooftop air conditioning units. I see no reason to disagree.
8. The rear of the appeal property can be clearly seen from neighbouring gardens and from properties on Argyll Road. I observed that there are trees within a number of rear gardens. However, these are of insufficient number and coverage to hide/obscure all views of the rear of the appeal property, especially the upper floors.
9. The increase in height of the closet wing would be substantive such that it would no longer resemble its pair at No 33. Taken together with the part infilling of the void, the bulk and size of all extensions would not be subservient, thus altering the rear elevation of the dwellinghouse such that its original form would not easily be recognisable. In my opinion, this would harm the appearance of the appeal property.
10. Therefore, the proposed development would not comply with Policies CL1, CL2 and CL9 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (the Local Plan) which require development, amongst other things, to respect the existing context and contribute positively to the townscape.
11. The design of both the void infill and altered closet wing would, generally, be in keeping with the prevailing Victorian character. The proposed use of glazing panels at lower ground floor level would not be inconsistent with other proposals, recently granted by the Council for Nos 33 and 29. Notwithstanding this, the choice of materials is not pertinent to the principle of infilling the void. The proposal would result in a rear elevation with full width extensions at two lower levels which would not be in keeping with the pattern of half width extensions present, and cause harm.
12. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. This is reflected in the National Planning Policy Framework 2019 at paragraph 193 which states that great weight should be given to the asset's conservation irrespective of the degree of harm. Having regard to the above, I conclude the proposal would not preserve or enhance the character or appearance of the Conservation Area. This weighs significantly against the proposal.

13. It would also not comply with Policies CL3 and CL11 of the Local Plan that require, amongst other things, development to preserve or enhance the character or appearance of the Kensington Conservation Area, as well as views into, out and within it.

Conclusions

14. For the reasons given above, I conclude that the appeal be dismissed.

Euan FS Pearson

INSPECTOR