
Appeal Decision

Site visit made on 7 August 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/K5600/W/19/3229588

Flat 2B, 24 Pembridge Crescent, London W11 3DS

- 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 Stephen Fairholme against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/07126, dated 6 November 2018, was refused by notice dated 27 December 2018.
 - The development proposed is construction of detached garden office within rear garden.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of detached garden office at Flat 2B, 24 Pembridge Crescent, London W11 3DS in accordance with the terms of the application, Ref PP/18/07126, dated 6 November 2018, subject to the following conditions:
 - 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 following approved plans: Garden Office Plans drawing ref 1806/TP2/01, Garden Office – Elevations and Sections drawing ref 1806/TP2/02
 - 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) the position and species of existing trees or other soft features and identify those to be retained and set out measures for their protection throughout the course of development;
 - ii) any proposed planting;
 - iii) earthworks showing existing and proposed finished levels;
 - iv) hard surfacing materials; and
 - v) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue is whether the development preserves or enhances the character and appearance of the Pembridge Conservation Area (CA).

Reasons

3. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. Its significance lies, in part, in its origins from the Roman period before being largely transformed during the 19th century into a residential area. It comprises primarily Georgian and Victorian properties, sometimes of grand appearance and broken up by street trees and often with verdant gardens. I find the appeal site makes a positive contribution to the significance of the Conservation Area.
4. There are areas of hard surfacing in the garden of the appeal site. Nonetheless, there is landscaping, much of which would not be affected by the proposal. This restricts the openness of this space at present and would partly screen the site from the ground floor flat. The building would be located in the back corner of the garden. In many views it would be seen against the properties to the rear of the site that are considerably taller than the proposal. It would not extend the full width of the garden. Moreover, the proposed green roof would soften the appearance of the building and add to the verdant character of the rear gardens in the row. Therefore, it would not dominate the garden and would leave sufficient usable outdoor space.
5. While the height of boundary treatments in the row of properties vary, several are of a comparable height to those at the appeal site and the proposed building itself. Along with the close proximity of the properties to the rear and mature landscape features, this results in the rear gardens in the row being largely enclosed. Therefore, the building would not be prominent from the adjacent gardens. Furthermore, the varied rear building line, positioning of windows and mature landscaping nearby would mean it would not be unduly prominent from the upper floors of other properties.
6. The Council state that incidental garden structures or buildings are not uncommon. While I note the different circumstances for permission being granted at the adjacent garden, for a building of greater height than in the scheme before me, the presence of such buildings is not unexpected.
7. I find that the proposal would preserve the character and appearance of the CA. Therefore, it would comply with the design and conservation aims of Policies CL1, CL2, CL3, CL6, CL9, CL11 and CR5 of the Consolidated Local Plan Royal Borough of Kensington and Chelsea July 2015.

Other Matters

8. While residents have raised concerns over impacts on the living conditions of neighbouring properties, the Council have not included these as reasons for refusal. There is already mutual overlooking between the ground floor flat and the existing garden. The building would be located at the rear of the garden beyond an existing seating area and with intervening landscaping.
9. I noted ground floor windows on the property to the rear of the garden were already obscured, limiting their outlook. There is no compelling evidence to

counter the appellant's assessment in relation to impacts on light. In addition, there is no substantive evidence to indicate that the proposal would lead to any significant increase in noise, disturbance or impacts on health even if the scheme led to greater use of the garden. Disruption during construction would be temporary and short-term given the scale of the proposal.

10. Damage caused to property during construction would be a private matter for the parties involved, as are ownership issues, and not within my jurisdiction. The use of the building for office accommodation or as another room ancillary to the flat would not override any existing legal rights or covenants. I have assessed the proposal on its planning merits.
11. The particular circumstances of this proposal mean it would not set a precedent. I have concluded that the proposal would be acceptable, and I can see no reason why it would lead to harmful developments on other sites. There has been a previous application refused at the site. However, I have found the scheme before me to be acceptable.
12. The issue of impact on property values has been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. There is no firm evidence that the proposal would have an unacceptable effect as a result of any works associated with the provision of services.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty.
14. A landscape condition requiring details to be submitted and agreed is imposed in order to safeguard the character and appearance of the area and to protect living conditions of adjacent properties. It is necessary to agree these details prior to the commencement of the development as they include protecting existing features during construction.

Conclusion

15. I conclude that the appeal should be allowed subject to the conditions above.

Stuart Willis

INSPECTOR