



Appeal Decisions

Site visit made on 12 August 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal A - Appeal Ref: APP/K5600/W/19/3229767

Flat 82 Campden Hill Court, Campden Hill Road, London W8 7HN

- 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 Tim & Eric Corner & Chomet against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/00773, dated 30 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is described on the application form as conversion of bay window roof into an accessible balcony.
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Appeal B - Appeal Ref: APP/K5600/W/19/3229768

Flat 82 Campden Hill Court, Campden Hill Road, London W8 7HN

- 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 Tim & Eric Corner & Chomet against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/02577, dated 10 April 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described on the application form as conversion of bay window roof into an accessible balcony.
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Decision - Appeal A

1. The appeal is allowed and planning permission is granted for works at fourth floor level involving conversion of rear bay window roof into accessible balcony with associated alterations including addition of glass balustrade at Flat 82 Campden Hill Court, Campden Hill Road, London W8 7HN in accordance with the terms of the application, Ref PP/19/00773, dated 30 January 2019, and the plans submitted with it, 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: Location plan DM304_5.01.01, Fourth floor proposed DM304_5.12.01, Kitchen balcony DM304_5.32.01, Rear elevation proposed DM304_5.14.01.
 - 3) The door hereby permitted shall be framed in white painted timber and retained as such.

Decision - Appeal B

2. The appeal is allowed and planning permission is granted for works at fourth floor level involving conversion of rear bay window roof into accessible balcony with associated alterations including addition of metal balustrade at Flat 82 Campden Hill Court, Campden Hill Road, London W8 7HN in accordance with the terms of the application, Ref PP/19/02577, dated 10 April 2019, and the plans submitted with it, 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: Location plan DM304_6.01.01, Fourth floor proposed DM304_6.12.01, Kitchen balcony DM304_6.32.01, Rear elevation proposed DM304_6.14.01.
 - 3) The door hereby permitted shall be framed in white painted timber and retained as such.
 - 4) The railings hereby permitted shall be painted black and retained as such.

Procedural Matters

3. These appeals are for similar development on the same site. Although I have concluded that it is appropriate to consider them together to avoid duplication, each appeal is considered on its own merits.
4. Notwithstanding the descriptions of development in the banner headings above, I have used the description of development from the appeal forms in my formal decisions because it more accurately describes the proposed development in each case.

Main Issues

5. The main issues in both these appeals are:
 - Whether the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area, within which the appeal site lies; and
 - The effect of the proposal on the living conditions of neighbouring occupiers in Hornton Street and Campden Hill Court, with particular regard to loss of privacy and disturbance.

Reasons

Conservation Area – Appeals A and B

6. The Kensington Conservation Area (CA) covers a wide area with many solidly developed streets with a highly urban form. The significance of this part of the CA lies in the rich historic and architectural quality of buildings in the area, including large distinctive mansion blocks, which retain many of their original characteristics.
7. The appeal property is a fourth floor flat occupying the south-east corner of Campden Hill Court, which is described in the Kensington Conservation Area Appraisal (2017) as one of the largest and most impressive mansion blocks in the area, and a building which makes a positive contribution to the historic and

architectural character and appearance of the CA. From my own observations during my site visit I agree.

8. The building has frontages onto Campden Hill Road, Holland Street and Observatory Gardens. There are some differences in the articulation between the different blocks, but generally they are constructed in red brick with richly detailed roadside frontages that project and recede and contain features such as entrance porticoes, Portland stone dressings, bottle balustrades, metal balustrade balconies, and turrets on the southern corners. The rear of the building faces a narrow communal garden area separating Campden Hill Court from the terraced properties on Hornton Street and is not as architecturally distinguished as the road-facing elevations. It nevertheless contains a great quantity of sash windows in a regular composition, with rubbed brick arches and hexagonal projecting bays to the southern block and is therefore not without interest, albeit less than the road-facing elevations.
9. Through its own architectural and historic detailing and as a distinctive building type in the area, this unlisted building makes an important and positive contribution to the character and appearance of the CA and its significance as a designated heritage asset.
10. Both appeal schemes seek to add a balustrade of some 0.45m height above the parapet of the first hexagonal bay at the southern end of the building to enable its use as a balcony for Flat 82. However, the design and material of the proposed balustrade differs in each case and I consider each in turn below. The works would also entail replacement of a window with a door in order to gain access to the balcony from the kitchen, but this particular aspect of the proposal did not feature in the Council's reasons for refusal, or its subsequent appeal submissions. As such, my considerations in respect of the CA shall be confined to the balustrades.

Appeal A

11. In this appeal proposal the balustrade would be glass, comprising 10mm 'non-reflective' laminated glass panels without any frame. The panels would be fixed to the inside of the parapet wall, stopping just short of the window cill.
12. I accept the Council's point that even though the balustrade would be made of clear glass, it would be identifiable from the properties opposite and also from the roads to the south. This is illustrated in the appellant's supporting visual representation, and reaffirmed by my own observations of the existing glass balustrades that I was referred to and was able to clearly see during my site visit.
13. However, that the balustrade would be visible and contemporary, does not automatically translate to causing harm. In my view, the existing glass balustrades at York House, Phillimore Gardens and Lexham Gardens are handled sensitively, and there are clear similarities between those glass balustrades and the appeal scheme in terms of their size and design. Nevertheless, I have considered the appeal scheme on its own individual merits.
14. At some 0.45m in height, the proposed glass balustrade would be a diminutive feature on the building. It would be viewed against a dark coloured building and in the context of a large elevation containing a considerable amount of

glazing. Its frameless design and the sensitive method of fixing would ensure that it would not obscure any architectural features of the building, or disrupt the balance and composition of the existing bays and rear elevation as a whole. As such, it would not be viewed as a notably contrasting or disruptive element on the building.

15. Overall, I am satisfied that the proposed glass balustrade would be a discreet feature in the context of the substantial size of the building, and would not cause any harm to its appearance or to the character of the wider area. I note the Council also had some concerns about associated terrace-related clutter, but this did not feature in the refusal reason, and in any case, the balcony would be too small to accommodate any substantial furniture items, so it would be unlikely to lead to any significant clutter.
16. For all these reasons, I conclude that the proposal would be a sympathetic addition to the building and that the character and appearance of the CA would be preserved. This accords with Policies CL1, CL2 and CL6 of the Royal Borough of Kensington and Chelsea (2015) Consolidated Local Plan (LP), which require all new development, including small-scale alterations, to be of a high standard of design and to respect local context and character. It is also in accordance with LP Policies CL3 and CL11, which seek to ensure the preservation and enhancement of the character or appearance of the Conservation Area, including views into and out of it.

Appeal B

17. In this appeal proposal the balustrade would comprise of black-painted metal railings built into the top of the parapet.
18. The railings would be visible from the properties opposite and also from the roads to the south, as illustrated in the appellant's supporting visual representation.
19. Although there are currently no balcony railings on the rear of the building, such features are numerous on the more prominent roadside elevations of Campden Hill Court. There are also low black metal railings on the properties on Hornton Street, including its Holland street elevation. Furthermore, pavement railings are a characteristic feature of the area and surround Campden Hill Court and the properties on Hornton Street. The proposed balcony railings would be seen in the same context as all these existing railings and balconies, and are therefore very unlikely to catch the eye as an unusual or out-of-context feature. Moreover, the railings would not be a solid structure and together with their small scale, would ensure that the primary form and proportions of the host bay would be retained. As such the railings would not disrupt the balance and composition of the rear elevation as a whole.
20. The design of the railings has also drawn criticism from the Council, but I do not consider the simple finial-topped bars to be ornamental or overly decorative, particularly when compared to the more decorative balcony railings on the roadside elevations of Campden Hill Court and others in the area. There is a wide variety of railing design in the surrounding area and the proposal picks up on the existing roadside railing detail and is therefore reflective of local character and distinctiveness.

21. Therefore, whilst the railings would result in a minor alteration to the appearance of the rear elevation, they would not cause harm to the appearance of the building, or to the character of the area. Furthermore, for the same reasons as explained above (appeal A) it would be unlikely that there would be any harmful visual clutter associated with the use of the balcony.
22. For all these reasons, I conclude that the proposal would be a sympathetic addition to the building and that the character and appearance of the CA would be preserved. This accords with LP Policies CL1, CL2 and CL6, which require all new development, including small-scale alterations, to be of a high standard of design and to respect local context and character. It is also in accordance with LP Policies CL3 and CL11, which seek to ensure the preservation and enhancement of the character or appearance of the Conservation Area, including views into and out of it.

Living Conditions – Appeals A and B

23. The rear elevation of Campden Hill Court contains a considerable number of windows facing the opposing rear windows and gardens of the properties in Hornton Street. This, in combination with the proximity of the two buildings, already provides many opportunities for overlooking between the buildings and of the Hornton Street gardens at close proximity. The Hornton Street gardens are also closely overlooked by the rear windows in Hornton Street itself. As such, this is already a significantly overlooked context for the occupiers of properties in Hornton Street and is typical of a dense urban environment where some form of overlooking is to be expected.
24. Use of the balcony would allow the occupiers of the appeal flat an external vantage point, but only marginally closer than from the existing kitchen windows due to the small size of the bay. The flat also has living room windows in the corner turret which projects as far as the bay. Moreover, all of the bays at the rear of Campden Hill Court already contain windows at every floor. Therefore, there are existing windows below the proposed balcony, which are more proximate to the Hornton Street gardens and windows.
25. For all these reasons, the increase in overlooking and loss of privacy from the proposed balcony would not be unacceptable.
26. I note there were also comments received from a resident of Campden Hill Court concerning potential for noise and disturbance associated with the use of the proposed balcony, and also, that it would set a precedent for the recreational use of existing balconies on the building. However, apart from where there are window railings, most existing balconies in Campden Hill Court appear to already have door access. As such, it seems that recreational use of those balconies is already possible and I do not have any evidence before me that they cause unacceptable noise and disturbance. Moreover, due to its small size, the proposed balcony would not be suitable for social gatherings. Its use is more likely to be occasional and in a low key manner. Accordingly, I do not consider that risk of nuisance would be so high to justify dismissing the appeal.
27. I conclude that the proposal would not have any unacceptable effects on the living conditions of neighbouring occupiers. This accords with LP Policy CL5, which requires that there is reasonable visual privacy for occupants of existing properties affected by new development, and that the reasonable enjoyment of buildings and gardens is not harmed due to increases in noise and disturbance.

Conditions

28. I have had regard to the planning conditions that have been suggested by the Council. I have considered those conditions in the light of the Framework and the Planning Practice Guidance.
29. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the new door to be white painted timber, and for Appeal B, a further condition requiring the railings to be painted black, is necessary to secure an appropriate appearance of the development, so these conditions are imposed accordingly.

Conclusion

30. For all the reasons above, I conclude that both appeals should be allowed.

Adrian Caines

INSPECTOR