



Appeal Decision

Site visit made on 4 November 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/K5600/W/19/3231761

Flat 12, 25 De Vere Gardens, London W8 5AN

- 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 Mark Shaw against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/08360, dated 13 December 2018, was refused by notice dated 8 February 2019.
 - The development proposed is further enclosure of existing walled terrace to the rear of the fourth (penultimate) floor, insertion of two rooflights and associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for further enclosure of existing walled terrace to the rear of the fourth (penultimate) floor, insertion of two rooflights and associated external alterations at Flat 12, 25 De Vere Gardens, London W8 5AN in accordance with the terms of the application, Ref PP/18/08360, dated 13 December 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: Location Plan; Block Plan; A-20; A-21; A-22; A23.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the De Vere Conservation Area, within which the appeal site lies.

Reasons

3. The De Vere Conservation Area (CA) derives its special character and significance from the solidly developed streets containing buildings of rich historic and architectural quality, including large residential terraces and villas.
4. De Vere Gardens is predominantly made up of two long matching terraces of five storey houses with half-basements. The well-presented frontages are richly detailed with architectural features such as deeply channelled stuccoed dressings, polished granite columns, pediments and decorative balcony railings. The De Vere CA Appraisal identifies the buildings as making a positive contribution to the historic character and appearance of the CA. It also

identifies key views down De Vere Gardens. Based on my own observations, I would agree.

5. The rear elevations are typically less impressive. Nevertheless, rooflines and chimneys form an important part of the historic and architectural character of the CA. Closet wings create the regular solid and void feature that is characteristic of these houses. These usually finish at least one storey below the eaves and contain outdoor terraces.
6. The proposal relates entirely to the rear where the appeal site has already been extended considerably with a large flat roof extension over most of the closet wing. The flat roof, materials and extensive modern glazing in the extension contrasts markedly with the rest of the building, such that it displays very little uniformity with it in this respect. In addition, many of the outdoor terraces have been enclosed by walls or timber of differing appearance, and there are numerous high level extensions and roof alterations contributing to a much altered context at the rear.
7. The proposal would occupy the whole of the outdoor terrace area, but given its small size, it would be a very modest addition, particularly given the substantial scale and height of the host and surrounding buildings. Moreover, the height of the extension would sit below the collar of the chimney stack and beneath the windows of the floor above, thereby ensuring that it would not significantly alter the appearance of the chimney stack, or the relationship of the closet wing to the main building. The materials and flat roof design would match the existing extension it would be seen against.
8. Furthermore, the height and compact arrangement of the terraced building means that views of the rear are only possible from surrounding properties. Whilst these views also contribute to the character and appearance of the CA and are therefore important, for the reasons above, I am satisfied that the scale, bulk, massing and design of the proposal would not cause any harm to the appearance of the host building, or to the character of the wider area and significance of the CA as a designated heritage asset.
9. I conclude that the proposal would not be a harmful addition to the building and that the character and appearance of the CA would be preserved. This accords with LPPR Policies CL1, CL2, CL6 and CL9, which require all new development, including small-scale alterations, to be of a high standard of design, subordinate and to respect local context and character. It is also in accordance with LPPR Policies CL3 and CL11, which seek to ensure the preservation and enhancement of the character or appearance of the CA, including views into and out of it.

Other Matters

10. Whilst I have noted the neighbour's concerns regarding the enclosing effect of the proposal and loss of light, these matters did not form part of the Council's refusal reasons. Based on my own observations and given the small scale of the proposal, notwithstanding previous extensions, I have no reason to take a different view, so it does not alter my decision.

Conditions

11. I have imposed the standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans. These are

considered necessary for the avoidance of doubt and in the interests of proper planning. A condition for use of matching materials is unnecessary as this is specified on the plans, so is not imposed.

Conclusion

12. For the reasons above, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR