
Appeal Decision

Site visit made on 30 January 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/K5600/W/19/3241263

Flat A, 66 Redcliffe Gardens, London SW10 9HE

- 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 Mrs Maria Palm against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/03226, dated 10 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Boltons Conservation Area (BCA), including the effect of the proposal on protected trees.

Reasons

3. The appeal site is a lower ground floor flat accessed from Redcliffe Street. The end terraced building which flat A forms part of has been subdivided into a host of flats. Flat A benefits from a landscaped garden to the rear. Ground levels within the garden are lower than the pedestrian footway on Redcliffe Street. To the rear of the garden is a detached single storey hipped roof garage. A brick boundary wall extends between the rear garden of Flat A and the adjoining terrace at 68 Redcliffe Gardens. Beyond this boundary are a Silver Birch (T1), Bay (T2) and a collection of Bamboo and Pycacantha (SG1). A Swedish Whitebeam (T3) is within the pedestrian footway on Redcliffe Street while the group of SG2 is within the rear garden. The surrounding area is largely of a residential character, and there are some modest rear or garden extensions.
4. The site forms part of the BCA. The majority of the BCA was developed between 1850 and 1876 in a largely Italianate style that was flourishing at this stage in the Victorian period. Today, the BCA is predominately residential. The Boltons and Redcliffe Square form two architectural set pieces to the BCA, providing focus of the churches at their centres. There are other building types from more recent times in the BCA. Mansion flats, two schools and a cinema add to the architectural and historic variety around the edges of BCA, whilst shops and public houses can be found on larger roads in their Victorian locations. The special character of the BCA is positively contributed to by lush planting with mature trees forming a strong component in some streets; the

two architectural set pieces; and within rear gardens of properties.

5. The Boltons Conservation Area Appraisal (BCAA) explains that the oldest part of the area has the largest amount of green space and this verdant setting, both to the front and rear of the houses, is an important feature of the BCA. The BCAA goes on to say that where one street bisects another, edges of gardens sit next to the street and this allows the greenery of the private space to visually spill into the public realm to form a welcome contrast to the hard architecture around. This is evident to the rear of the terraces fronting Redcliffe Gardens when stood on Redcliffe Street next to the appeal site. These gaps between buildings allow breathing space between and around buildings and this forms an important part of the character of the BCA.
6. The proposed extension would project away from the existing bedroom and remove the existing lower-ground floor bay window before infilling the land currently occupied by a raised terrace up to the neighbouring detached garage. The proposal would make use of the lower ground level next to the bay window and require the ground below the existing garden/terrace to be excavated. This would result in a flat-roofed extension with a sedum roof of a height comparable to the eaves of the adjacent garage.
7. From Redcliffe Street, the proposal would not be visible and it would be subservient to the host building. While the proposed flat roof would not replicate the roof form of the appeal building or those in the vicinity of the site, it would be a development of its time. The proposed extension would have a depth beyond the rearward projection to the rear of 70 Redcliffe Gardens, but this built form seems to be an exception and there is no obvious connection between the appeal site and No 70. Given the adjacent garage, the proposed extension would not spoil or disrupt the rhythm of rear extensions or poorly relate to the neighbouring property. Matching painted render over brickwork would be used for the extension's elevations, while the window and door design would broadly respond to the size and style of openings used across the host building and the terrace in general. This leads me to consider that the proposed extension would not compete with the scale, massing and form of the host property, which would remain the dominant characteristic in the area.
8. However, the proposal would be immediately next to T1 and T2, which are categorised as C1 and C2 specimens according to the Arboricultural Appraisal Report (AAR) submitted by the appellant as part of their appeal. The AAR seeks to respond to the Council's second reason for refusing planning permission. Even though there is no contrasting view offered by the Council about the categorisation of T1 and T2, the Trees and Development Supplementary Planning Document (SPD) says that there is often a misconception that category 'C' trees, being those of lower quality and value, are dispensable
9. The AAR states no trees will need to be removed, but pruning works are needed to T1 and T2. Yet, the AAR does not detail the extent of any such pruning works. While T1 and T2 are not within the site and are not subject of a Tree Preservation Order, the BCA designation affords protection to trees within it. Due to their proximity to the proposed extension and their Root Protection Area's (RPA), the proposal has the potential to affect them. The effect would be more keenly felt by the semi-mature T1, which has its RPA, according to the AAR, extending into the area where the proposal would be built. The SPD is clear that adequate working space between proposed buildings and the RPA should be built into the design.

10. The AAR recognises that the roots of T1 are likely to pass below the boundary wall. As T1 is a Silver Birch most of the tree's roots are likely to be in the top 500mm of soil. The AAR sets out that manual excavation using an air spade would be undertaken under the supervision of a competent arboriculturalist. However, the proposed extension would occupy a good proportion of T1's RPA, but not significantly incur into the RPA of T2. Root severance is typically expected during manual excavation, but the formation of foundations generally prevents the retention of roots. I understand that the foundations are to be either piled or cantilevered, but there is no clarity about the extent and design of below ground works that would be needed to facilitate the proposed extension, given that excavations would be needed to reduce the existing ground levels within the site. Thus, I do not share the AAR's view that this form of construction would significantly reduce damage to the rooting environment of T1. As such, the extent of the proposal's potential impact is not fully known. While the AAR recommends that a written method statement is first approved by the Council, greater certainty is required before any planning permission is granted so that the lush character and appearance of the BCA is preserved.
11. I agree that with the use of protective measures and employment of working practices that SG1, SG2 and T3 would not be harmed by the proposal. Even so, for the reasons explained, I consider the proposal would cause less than substantial harm to the BCA.
12. The proposal would enlarge the occupants living space and allow internal modifications to its layout that would enhance the occupants living conditions and quality of life without adversely affecting the living conditions of neighbouring occupants. However, the harm to the setting, and thus significance of the BCA, to which I attach great weight, as a result of the proposal's potential effect on T1 and T2 and the lush planting that characterises the breathing space between and around buildings, in my view, clearly outweighs these modest public benefits.
13. I conclude that the proposed development would not preserve or enhance the character or appearance of the BCA, including the effect of the proposal on protected trees. The proposal would not accord with Policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Local Plan, September 2019, the BCAA and the SPD. Jointly these require, among other things, all development to be high-quality and reinforce the existing context, character and appearance, by being functional, robust and sustainable so as to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.

Conclusion

14. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INPECTOR