



Appeal Decision

Site visit made on 8 September 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/K5600/D/20/3245099

4 Highlever Road, London W10 6PS

- 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 M Kasmir against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/19/06453, dated 20 September 2019, was refused by notice dated 15 November 2019.
- The development proposed is construction of single-storey side infill extension at ground floor level, rear glazed projecting portico addition (also at ground floor level) and erection of rear roof dormer window.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey side infill extension at ground floor level, rear glazed projecting portico addition (also at ground floor level) and erection of rear roof dormer window at 4 Highlever Road, London, W10 6PS in accordance with the terms of the application, Ref PP/19/06453, dated 20 September 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The appeal site is located within the Oxford Gardens/St. Quintin Conservation Area. In deciding this appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the area¹.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area, including whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The character of the area is informed by its residential and historic nature. The Oxford Gardens/ St. Quintin Conservation Area Proposals Statement identifies the area around the site as falling within part of the later development of the conservation area.

¹ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

5. Dwellings are generally of late Victorian construction and part of the patchwork of speculative development undertaken by various developers during this period to accommodate London's rapid growth. The result being terrace rows of homogeneous 2 storey dwellings that sit in mid size plots that provide small front gardens and more generous rear gardens.
6. The appeal site sits mid terrace in one such row. It features a façade of predominantly red brick, with bay window at ground and first floor level, slate roof, and decorative details such as a hipped slated gablet that caps the bay window. The rear of the site is of plainer appearance, with London stock brick facing walls and windows that include more limited decoration and an outrigger element of some depth. The arrangements to the rear are typical of the terrace. Unlike the strict uniformity of the front, the rear of this terrace and its surroundings appear to have been subject to a number of additions at ground and roof level that have disrupted the rhythm and altered its character to one that is more mixed.
7. The rear of the site is not open to public views, but is extensively seen from nearby properties, including the immediate neighbours, and more distantly from surrounding terraces. Views of the ground floor are limited to a greater degree by the boundary wall and other visual obstructions.
8. The proposed side extension would infill the space between the main dwelling and its outrigger with a flat roofed glazed addition at ground floor level. The depth of the extension would mean that it would not project beyond the rear wall of the outrigger. The height is identified by the Council as around 2.5 metres at the boundary and rising to around 3 metres at the highest point. Given the size of the dwelling in relation to it the proposed addition would be appropriate in terms of its scale and would remain visually subordinate to the parent building.
9. The extension would clearly differ in form and detailed design to that in a similar position at the neighbouring No 6. However, these properties are viewed as part of a wider terrace, and group of surrounding terraces, that exhibits variety in terms of extensions at ground floor level, rather than as a pair of dwellings where symmetry between the 2 might be of more importance.
10. The detailed design of the extension would be contemporary in appearance, which should not in itself be a reason to reject it on principle. The lightweight, predominantly glazed nature of the addition would appear less bulky than one of thicker timber construction or with a heavier slate roof. The detailed design of the roof of the extension in particular would allow a greater proportion of the original building to be viewed and understood, contrary to the Council's view on this point. Given the more mixed character at the rear of the site, provided by the range of extensions in the surroundings, the proposed extension would not be out of character.
11. Turning to the proposed roof level extension, my attention is drawn to Policy C1 of the St. Quintin and Woodlands Neighbourhood Plan (Neighbourhood Plan) which is permissive of rear dormer windows, subject to agreement of appropriate dimensions, positioning, and materials.

12. The proposed dormer window would be high in the roof slope and therefore close to the ridge of the main dwelling. Given the generally lower positions from which the dormer would be mostly viewed, the modest set down from the ridge provided is appropriate and sufficient to distinguish it from the main roof. The proposal would also be seen in context with the dormer at the neighbouring No 6, which would appear higher due to the relative difference in roof levels. This would further serve to reduce the perceived visual impact of the proposed dormer. The extent to which the dormer cuts into the outrigger is marginal by comparison to the overall depth of the outrigger and would not be easily perceived in the surroundings due to this depth.
13. In terms of the fenestration, I find the extent of glazing in the rear face of the proposed dormer to be comparable to others in the surroundings that inform the general character of the rear. Given this context and variety, and the extent of visibility of the rear roof behind the outrigger, I find the fenestration to be acceptable.
14. In reaching the conclusions above I have paid regard to the design points set out in para B.7.3 of the Neighbourhood Plan. I find the degree to which the proposal does not follow these points, most notably in relation to cutting into the outrigger, to be minor for the reasons explained above. This must also be balanced against the wishes of home owners to make reasonable alterations to their properties in the absence of justifiable harm to the character and appearance of the area.
15. For the reasons set out, the proposed development would not have a harmful effect on the character and appearance of the building and the surrounding area and would preserve the character and appearance of the Oxford Gardens/St. Quintin Conservation Area. Consequently, I do not find conflict with policies in the Kensington and Chelsea Local Plan or the St Quintin and Woodlands Neighbourhood Plan, in particular Policies CL1, CL2, CL3, CL8, CL9 and CL11 of the Local Plan and Policy C1 of the Neighbourhood Plan which collectively seeks to ensure that development achieves a high standard of design and conserves the historic environment, respecting the existing context, character and appearance.

Other Matters

16. Representations from other interested parties are noted. Substantive comments relating to the Council's reasons for refusal have been considered as part of the discussion above. Other comments do not affect my conclusion on the main issue.
17. In relation to the effect on the living conditions of the neighbouring No 6. The ground floor extension would further enclose the small lightwell area between No 6 and their own ground floor extension. The increased enclosure and loss of light to windows in No 6 resulting from this would be marginal when the existing conditions are taken into consideration.

Conditions

18. The Council have requested that a number of conditions are imposed on any planning permission given. I shall address these below by reference to the numbers set out in the attached schedule.
19. The three year period in which the planning permission may be implemented (1) is a statutory requirement. A condition specifying the plans making up the permission (2) is necessary in the interests of certainty.
20. Conditions relating to matching details and standards of materials (3), (4), (5), (6) are necessary to ensure a satisfactory standard of external appearance.
21. I have considered the Council's suggested condition requiring approval of a construction checklist and management plan prior to commencement of the development, including the policy basis underlying it. The Council have not submitted any site specific evidence to justify the need for such a condition given the anticipated level of construction work that would be associated with a development of this scale, including traffic generation. In the absence of anything obvious in the physical environment or greater justification, I find the stated reason relating to living conditions to be somewhat generic and judge that this condition would not be necessary or relevant to the development permitted in the sense given in para 55 of the National Planning Policy Framework. Additionally, the requirement to seek such approval from another part of the Council and pass that approval to the Local Planning Authority appears onerous and therefore brings into question whether it is reasonable. For these reasons I have not included the Council's suggested condition on this matter.

Conclusion

22. For the above reasons the appeal is allowed

D.R. McCreery

INSPECTOR

Schedule of conditions

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
- 2. The development shall not be carried out except in complete accordance with the details shown on submitted plans 19/1290-sv-01; 19/1290-sv-02; 19/1290-sv-03; 19/1290-sv-04; 19/1290-PL-05 rev. A; 19/1290-PL-06 rev. A; 19/1290-PL-07 rev. A and; 19/1290-PL-08 rev. A.**
- 3. All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.**
- 4. The windows to the rear roof extension hereby permitted shall be framed in painted timber, and be so maintained.**
- 5. The roof slopes/elevations of the roof extension hereby permitted shall be clad in natural slates, and so maintained.**
- 6. The cheeks of the dormer windows shall be clad in lead and be so maintained.**