

Appeal Decision

Site visit made on 15 October 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020.

Appeal Ref: APP/K5600/D/20/3251592
32 Campden Hill Gardens, London W8 7AZ

- 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 Smith against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/19/08468, dated 17 December 2019, was refused by notice dated 28 February 2020.
 - The development undertaken is a 'raised fixed glazed roof light enclosing the open light-well to the front of the property at ground floor level'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development had taken place at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the development undertaken on the character and appearance of the host building, the street scene and the Kensington Conservation Area (CA).

Reasons

4. The appeal relates to one of a small group of modern terraced dwellings. It sits within an attractive street which is otherwise dominated by period properties; many of which have open basements sitting behind traditional railings.
 5. I understand that planning permission has been granted for an extension to the basement of the appeal property and this included an open light-well. A raised fixed glazed unit, which is the subject of this appeal, has been fitted over the open light-well.
 6. The appeal dwelling sits close to the back edge of the pavement. A raised kerb defines the shallow open forecourt of the appeal property. The glazed unit sits immediately adjacent to and above the raised kerb. It also sits above the planting beds either side. As a result, the glazed unit appears as an ungainly,
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awkward and overly prominent feature which harms the otherwise well ordered appearance of the host dwelling. Given the open frontage of the appeal dwelling, this harmful addition is readily visible from the public domain and it detracts from the character and appearance of the street scene and the wider CA.

7. The harm to the CA as a heritage asset is 'less than substantial' as directed by the Planning Practice Guidance. However, I attach considerable importance and weight to the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
9. The appellant has not suggested that the development undertaken provides any public benefits. Whilst it is asserted that the glazing has been fitted to overcome drainage issues, no evidence has been advanced to substantiate this claim or to convince me that it is the only feasible design solution.

Overall Conclusion

10. In light of the above factors, I conclude that the covered light-well harms the character and appearance of the host dwelling, the street scene and the CA. In such terms, it conflicts with policies CL1, CL2, CL3, CL6 and CL7 of the adopted Kensington and Chelsea Local Plan which collectively promote good design which is appropriate to its context and seek to preserve or enhance heritage assets.
11. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR