



Appeal Decision

Site visit made on 16 October 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/K5600/W/20/3255475

Flat C, 126 Talbot Road, London W11 1JA

- 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 Ms Jennifer Frayn against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/00833, dated 4 February 2020, was refused by notice dated 30 April 2020.
 - The development proposed is to lower the sill height of the window at the rear of the property and install a glass balustrade so small glass doors can be opened. Not to allow access to a balcony. Solely so the French-style doors to the bedroom can be opened.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building and the wider Colville Conservation Area.

Reasons

3. The mid-terraced appeal building has a commercial use on the ground floor with residential uses on the upper floors. The appeal relates to a second storey flat and seeks alterations to allow the insertion of full length double doors in place of a sliding sash window on the rear elevation. The changes would also include the addition of a glass balustrade to allow for the doors to be opened.
4. The appeal building is located within the Colville Conservation Area (CA). Under Section 72(1) of the Listed Building and Conservation Areas Act (1990), I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
5. The Colville Conservation Area Appraisal (2015) (CCAA) describes the special significance of the CA as a largely residential area with well-preserved Victorian terraced housing and other buildings of the 1840s - 70s with original architectural details. There are a few listed buildings, largely in community uses and a small number of publicly accessible green spaces. The details that contribute to the significance of the CA include variations of stucco mouldings (where applicable), lightwells, cast iron railings and other similar high quality street furniture and hard landscaping. There is also an acknowledgement that glimpsed views of the historic rear elevations of houses also help to give the CA its special quality.

6. The appeal proposal relates to one second floor window on the rear elevation of the mid-terrace building. Given its siting, the inaccessibility by the public at large to access the private rear forecourt and the height of viewers relative to the window, it is presently difficult from street level to see that the window has a sill level only marginally higher than the height of the parapet wall.
7. However, by lowering the sill level, altering the window style and by adding a modern glazed box, albeit of limited depth, to allow the opening of the doors, the appearance of the balanced rear elevation would be noticeably altered. There would be a disruption to the harmonious pattern of fenestration, which whilst not prominent, would be apparent, if not from the nearby public road, at least from neighbouring buildings. The contemporary appearance of the glazed balustrade would be unsympathetic to the otherwise deliberate repetitious pattern of two sliding sash windows on each of the upper storeys.
8. Photographs submitted by the appellant appear to show a haphazard collection of window openings and rooftop alterations on buildings nearby. Though I am mindful of the modest scale of the proposal, degradation of the quality of the built environment is not a reason to permit further harmful incremental change to features which contribute to the quality and significance of the CA.
9. In view of this main issue, the proposal would fail to preserve or enhance the character or appearance of the building or the Colville Conservation Area. It would therefore conflict with Policies CL1, CL2, CL3, CL6 and CL11 of the RBKC Local Plan¹. These Policies, amongst other things, seek to ensure development contributes positively to the townscape, is of the highest architectural quality and preserves or enhances the character or appearance of the existing building, its context and the conservation area.
10. Under the terms of the National Planning Policy Framework, the harm to the CA would be 'less than substantial' and towards the bottom end of a scale of such harm. This harm should be weighed against the public benefits of the scheme. Whilst the proposal would allow for the appellant's enhanced enjoyment of the dwelling, and arguably, would improve the living environment offered by the dwelling for future generations, this benefit is not sufficient to outweigh the identified harm.

Conclusion

11. The proposal conflicts with the development plan, read as a whole. There are no considerations of sufficient materiality that outweigh the identified conflict.

Hollie Nicholls

INSPECTOR

¹ Royal Borough of Kensington and Chelsea Local Plan (2019)