



Appeal Decision

Site visit made on 10 November 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/K5600/D/20/3254744
33 Hollywood Road, London SW10 9HT

- 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 Ranbir Hunjan against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/02406, dated 1 May 2020, was refused by notice dated 17 June 2020.
 - The development proposed is a first-floor infill rear extension above the existing upper ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor infill rear extension above the existing upper ground floor rear extension at 33 Hollywood Road, London SW10 9HT in accordance with the terms of the application, Ref PP/20/02406, dated 1 May 2020, 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:
 - 7296/01 Rev A (Existing floor plans)
 - 7296/02 Rev A (Existing elevation)
 - 7296/03 Rev A (Proposed plans)
 - 7296/04 Rev A (Proposed elevation)
 - 3) The first-floor extension shall be timber framed as described on the application form and shown on the approved plans. The timber frame shall be painted white before the development hereby permitted is occupied, and maintained as such thereafter.
 - 4) The railings to the first-floor French door shall be painted black before the development hereby permitted is occupied, and maintained as such thereafter.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of The Boltons Conservation Area.

Reasons

3. The appeal site is within the Boltons Conservation Area (the Conservation Area), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
4. The Conservation Area predominantly comprises a mix of 19th century housing, ranging from very large villas to terraced houses, laid out on an informal grid of streets. Its significance derives in part from its many impressive buildings and the high quality of its built environment, which give it an attractive appearance and a well-preserved Victorian character. While there is considerable variety in massing, materials and ornamentation in the housing across the Area as a whole, its many long terraces generally have an internal consistency of form, detailing and fenestration which adds to the smart and orderly feel of the area.
5. The appeal property is a mid-terrace house on the east side of Hollywood Road, with accommodation on four levels and with a rear 'closet wing' outrigger. The 2015 Conservation Area Appraisal (the BCAA) identifies the relationship between the projecting closet wings and the voids between them as creating a rhythm and uniformity which is highly characteristic of the terraces and other houses across the Conservation Area. Like many of its neighbours, the appeal property has a rear extension infilling part of the recess alongside the closet wing. This has been built in a conservatory style on two storeys, with a glazed roof to the upper ground floor room. It is set back from the rear elevation of the closet wing and the neighbouring dwelling at No 35, and has a simple design with a strong vertical emphasis which reflects the traditional appearance and character of the original buildings.
6. The appellant now wishes to add an additional storey to this infill extension. This would also be in a conservatory style, although the new room to be built at first floor level would not have a glazed roof. It would follow the line of the existing extension, being set back from and around half a storey lower than the rear elevation of the projecting wings on either side, and a full storey lower than the building's main rear elevation, so it would not rise above the eaves or parapet of the host building. The use of timber framing would continue the design of the existing extension below, and the fenestration would reflect the overall vertical emphasis of the host property and its terrace while also ensuring that the appearance of the extension would be clearly differentiated from the main building. Taken as a whole, the extension would read as being subordinate to the original building and would allow the form of the original building to be clearly understood.
7. The Council is understandably concerned that rear extensions which would detract from the aspects of character and integrity of the original building and group of buildings that contribute to local distinctiveness should not be permitted. Both main parties have drawn my attention to the neighbouring full width extension at 35 Hollywood Road and the first-floor infill extension at

- No 37. These project to the common rear building line of the terrace's closet wings, and their scale, massing, design and materials give them a dominant and overbearing appearance. They were permitted before the terrace was taken into the Conservation Area, and I note that the BCAA highlights the harm caused to the articulation of rear elevations where extensions have infilled the void between closet wings creating a solid 'cliff like' appearance. I agree with the Council's view that neither of these examples should set a precedent for unacceptable development. However, for the reasons I have already described, the proposal before me would be subordinate to and distinct from the host dwelling, and much 'lighter' in appearance than the extensions at Nos 35 and 37. I therefore do not consider that these examples are directly comparable to the current proposal in terms of their effect on the character and appearance of either their host property or the wider area.
8. I saw at the time of my site visit that, even looking beyond the extensions to Nos 35 and 37, while there are common themes at the rear of the terrace, there are also considerable variations. These include differences in the width and height of closet wings, and the presence of other infill extensions and several balconies or terraces. These have disrupted the rhythm of the rear of the block and, while this is not to an extent which has resulted in the appearance of the terrace as a whole becoming incoherent, in this context the proposed extension would not be at odds with its surroundings or harmful to the rhythm of the terrace. Furthermore, while it is not in itself a determinative factor there would be few, if any, significant public views of the extension. It would be seen from a limited number of neighbouring rear gardens, and a small number of dwellings in Farrier Walk (which sits outside the Conservation Area to the rear of the appeal property). From those places it would sit comfortably within the parameters of the varied rear elevation of the terrace.
 9. The Council has drawn my attention to an appeal decision in respect of No 33 dating from 2015¹, although I have not been provided with the full details of that proposal. In dismissing that appeal, the Inspector found that the replacement of the sash window with a French door at second floor level would conflict unsatisfactorily with the hierarchy of fenestration in the rear elevation, and that the balcony at second floor level would relate uneasily with the essentially vertical emphasis of the elevation. In the current appeal, although the sash window at first floor level would be removed the overall hierarchy in which openings tend to reduce in size further up the building would be preserved. Although 'Juliet balcony' style railings would be installed at first floor level, in my view these would be discreet and, importantly, they would match those at upper ground floor level immediately below. The timber framework and the fenestration of the extension would retain the vertical emphasis of the property. While I do not therefore consider that the proposals are directly comparable, the information before me indicates that the current scheme has satisfactorily addressed the earlier Inspector's most significant concerns.
 10. Taking the above points together, I conclude that the development would preserve the character and appearance of The Boltons Conservation Area. The proposal therefore complies with the requirements of Policies CL1, CL2, CL3, CL6, CL9 and CL11 of the 2019 Royal Borough of Kensington and Chelsea Local Plan (the KCLP). Together these policies seek to ensure that new development is of a high quality which respects context and character, preserves or

¹ Reference APP/K5600/D/15/3004387

enhances the character and appearance of Conservation Areas (including views into Areas), and that extensions are subordinate to existing buildings in scale and form. The proposal also complies with the provisions of the Framework which seek to conserve the historic environment. As I do not find that the proposal would cause harm to the heritage asset, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.

Conditions

11. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition (1), I have specified the approved plans so as to provide certainty (2). Conditions requiring the conservatory-style first floor extension to be timber framed and painted white (3) and the iron railings at first floor level to be painted black (4) are necessary to preserve the appearance of the building and the character of the area, and to ensure compliance with Policies CL1, CL2 and CL3 of the KCLP. I have made minor amendments to the Council's suggested wording of conditions 3 and 4 to link them to the approved details and to specify when they should be carried out.
12. The Council also proposed that a pre-commencement condition should be imposed requiring an 'Appendix A Checklist' and Site Construction Management Plan, in order to mitigate the impact of construction work upon neighbouring occupiers' living conditions. However, none of the policies of the KCLP or the Council's 'Basements' and 'Transport and Streets' Supplementary Planning Documents to which I was referred appear to provide a clear justification for the imposition of such a condition on a relatively small scheme. In my view, given the scale of the proposal before me, without adequate justification such a condition would be onerous and therefore unreasonable. Accordingly, I have not imposed it.

Conclusion

13. For the reasons given above the appeal is allowed.

M Cryan

Inspector