



Appeal Decision

Site visit made on 4 December 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/K5600/D/20/3250598

1 Smith Terrace, London SW3 4DL

- 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 Rezana Ebrahim (Artover Ltd) against the decision of the Royal London Borough of Kensington and Chelsea.
 - The application Ref PP/19/07815, dated 13 November 2019, was refused by notice dated 20 February 2020.
 - The development proposed is a first floor side extension to existing building, second floor rear extension and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application description on the application form includes 'internal alterations.' As internal alterations in this instance would not require planning permission, I have not considered this as part of this appeal.

Main Issues

3. The main issues are the effects of the development upon:
 - The character and appearance of the existing building and the locality; with particular regard to the Royal Hospital Conservation Area (CA); and
 - The living conditions of surrounding occupiers, with particular regard to access to light towards the neighbouring Chelsea Affiliated Synagogue.

Reasons

Character and appearance, including the CA

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
5. The Royal Hospital CA is focused around the Royal Hospital and its grounds as well as surrounding residential development. A number of components make up the significance of the CA such as a variance in building styles, such as the more formal and laid out squares and Georgian and Victorian building stock which have a status to their design and are situated along main roads. Particularly to the north and east of the CA, there are smaller terraces of residential workers cottages of the eighteenth and nineteenth centuries, some

of which containing the characteristic London Butterfly Roofline and the utilisations of materials and designs which are largely authentic to their historic origins, form and function.

6. The appeal site forms the first residential building along Smith Terrace, a street of two storey plus basement workers terraces with rusticated ground floor, and brick first floor (many of which have now been painted) with characteristic parapet and butterfly roof behind. Over time, many of the butterfly roofs have been altered with a mansard roof constructed above, however evidence of the butterfly roof line has been left to the rear of many of the dwellings. Originally the buildings along the terrace had two storey rear wings which projected half way across the rear façade and left a small garden to the rear. Whilst there is evidence of historic rear extensions, particularly to the opposite end of the terrace which extend across the entire rear façade, in the majority of cases the dwellings along this terrace still retain the authentic and characteristic original elements which are important to illustrate the terrace's architectural integrity. Due to their symmetrical layout, height and functional design as workers cottages, the dwellings along Smith Terrace have a quiet and more domestic experience compared with the higher status buildings and squares located nearby. These are some of the elements which contribute positively to the character and appearance of the CA.
7. The appeal site contains many of the positive qualities of the CA, such as being a worker's dwelling with characteristic design with Georgian detailing and parapet which contributes to the symmetry and positive experience of the CA in this location. Whilst alterations to the appeal site such as the introduction of a mansard roof and extensions to the entire rear garden along with roof lanterns detract from the original form, design and function of the dwelling; elements such as the proportions of the rear wing and rear butterfly roof line are still decipherable.
8. The proposed extension to the rear would mean that the rear wing would be raised to three storeys tall as well as be wider than the original rear wing. The resulting appearance would be one where the extension would rise above and obscure the characteristic butterfly roof line and would not be seen as a subservient addition which would interfere with the rhythm and character of nearby buildings. The widening of the rear wing would also divert from the dimensions of the original rear wing and give an oversized appearance when compared to the similar wings in the nearby vicinity which are positive elements which reinforce the qualities of local distinctiveness of the area. Whilst I appreciate that the extension would not be longer than the current rear wing, the increase in height and width is significant.
9. There are comments within the applicant's statement with regards to other dwellings along the terrace¹ where substantial rear extensions have been allowed. Whilst I have not been presented with the individual details of each of these approvals and how their considerations are similar to the appeal site; they do appear to be historic and would not be a characteristic element of the character and appearance of the area. Despite this, in my view some of the extensions, particularly towards the opposite end of the terrace do not present as positive and subordinate extensions which are authentic to the historic character and appearance of the dwellings and should not be seen as an

¹ Nos. 4, 14, 19, 22 and 32 Smith Terrace

- example of the overriding characteristics of the locality. I also understand that there is a different relationship to the terrace to the appeal site given that the appeal site is the end of the terrace and has the Chelsea Affiliate Synagogue to the north-east side boundary. The presence of such a larger building does not alter the relationship of the appeal site to the terrace which is a small worker's cottage which is inherent in its architectural authenticity and integrity.
10. Consequently, the scheme would not reinforce the qualities of local character and distinctiveness and would be harmful to the character and appearance of the CA. This would be contrary to the Kensington and Chelsea Local Plan 2019 (LP) Policy CL1 (which seeks that development respond to the local context and contribute positively to the townscape through architecture and urban form); Policy CL2 of the LP (which seeks that development is of the highest architectural design to improve the quality and character of buildings); Policy CL3 of the LP (which seeks that development preserve and enhance the character and appearance of CAs); Policy CL6 (which seeks that alterations takes into account the existing building, the townscape and appearance of the area); Policy CL9 of the LP (which seeks that extensions reinforce the character and integrity of the building particularly with regards to height, setback and rhythm of rear extensions); and Policy CL11 of the LP (which seeks that development protect and enhance views, gaps, and the skyline which contribute to the character and quality of the area.
 11. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the National Planning Policy Framework (The Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
 12. No public benefits have been discussed within the applicant's statement, however in my opinion benefits would consist of making the effective use of urban land by upwards extensions which seek to optimise existing habitable accommodation; short term employment opportunities through the construction of the extension; as well as benefits afforded to the removal of detrimental elements of the CA such as the reduction in overall length of the ground floor and the provision of a small rear garden/patio area; the removal of roof lanterns and the removal of a roof terrace above the existing rear wing. However, these public benefits would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
 13. In conclusion on this matter, I consider the proposed development would cause unacceptable harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Living conditions

14. The Council's Planning Officer Report states that in considering the scheme that there would not be detrimental impacts towards the living conditions of No.2 Smith Terrace, and that the main considerations regarding living conditions

relate to the opposite side neighbouring property which contains a Synagogue which has windows to the rear. The windows to the rear are not habitable room windows for a residential property but light the main hall, toilets and cloakroom of the Synagogue. The Planning Officer's report does not show any evidence of assessment of the scheme with regards to living conditions, but comments that the applicant has not demonstrated that the scheme would be appropriate in terms of its impact upon light levels to the neighbouring property.

15. Whilst a daylight assessment has not been submitted to support the proposed scheme, the main consideration is regarding the increased height and flank wall towards the Synagogue. In considering the proposed scheme, there would be some loss of light to the neighbouring synagogue, however based upon the information before me, and that this is not a residential building; it would not appear that the loss of light would be so significant that it would lead to adverse detriment to living conditions.
16. In conclusion on this matter, the scheme would not cause a material worsening of existing living conditions with regards to access to light. Consequently, the scheme would be compliant with Policy CL5 of the LP (which seeks that amenity to adjoining sites not be unacceptably compromised).

Conclusion

17. I have found in the applicant's favour with regards to the main issue that the site would not cause unacceptable living conditions. However, this is insufficient to outweigh the harm caused to the character and appearance of the CA. The proposal would therefore be contrary to the development plan when considered as a whole.
18. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR