



Appeal Decision

Site Visit made on 23 February 2021

By S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/K5600/D/20/3264025

95 Drayton Gardens, LONDON, SW10 9QU

- 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 Mrs Amber O'Donnell against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/05070, dated 15 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is Construction of first floor extension in matching brick and with matching windows.
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Decision

1. The appeal is allowed and planning permission is granted for Construction of first floor extension in matching brick and with matching windows at 95 Drayton Gardens, LONDON, SW10 9QU in accordance with the terms of the application, Ref PP/20/05070, dated 15 September 2020, subject to the conditions in the Schedule attached to this decision.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of the occupiers of 97 Drayton Gardens (No 97) with specific regard to a sense of enclosure and loss of outlook.

Reasons

Character and appearance

3. The appeal site is a semi-detached, 3-storey property, with a small garden area to the rear. The site and its immediate neighbours are of mixed character, appearance and design, with a variety of front and rear built form, heights, roof-types and styles, varying plot sizes and alterations. The rear of the appeal site and its immediate neighbours are private, with no public views.
4. There is therefore very little rhythm or consistency of form between the surrounding properties to the rear, with various extensions and alterations. As the proposal is consistent with the design of the host property and its attached neighbour, I consider that it does not therefore harm the character and appearance of the area.

5. With regard to its character and appearance, the proposal complies with Policies CL1, CL2, CL6 and CL9 of The Royal Borough of Kensington and Chelsea Local Plan September 2019 (the Local Plan). These seek, amongst other things, to ensure that development respects existing character, context and appearance.

Living conditions

6. The existing single-storey rear projection on the site already extends along and comprises the boundary with the detached neighbour to the south-east, No 97. As mentioned above, the rear of the properties on Drayton Gardens and Thistle Grove already have a dense and closely related urban character, with various extensions and alterations of differing scales and relationships.
7. As such, I consider that the existing building on the appeal site already has a somewhat enclosing effect on the occupiers of No 97, compounded by the relative positions of the existing rear walls of the appeal site and No 97. In light of this, I do not consider that the proposal would lead to such additional enclosing effect as to be harmful or unacceptable, given the dense urban nature of the site.
8. Turning to outlook, whilst I acknowledge that the proposal will affect the outlook from No 97, I do not consider that it would do so to an unacceptable or harmful degree, owing to the existing mixed and varied levels and rearward extensions. I note concerns over the potential for overlooking and loss of light, however no windows are proposed towards No 97, and the site lies to the north-west, so any overshadowing is unlikely to be significant or harmful.
9. I therefore consider that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 97 with specific regard to a sense of enclosure and loss of outlook. It would therefore comply with Policy CL5 of the Local Plan which seeks, amongst other things, to ensure that development delivers good living conditions for the occupiers of new, existing and neighbouring buildings.

Conditions

10. Having had regard to the requirements of the National Planning Policy Framework, the Planning Practice Guidance and the request of the authority, I have imposed standard conditions concerning commencement (1), requiring the use of matching materials (2) and compliance with the submitted plans (3), in order to ensure the satisfactory appearance of the completed development. I have also imposed a condition requiring the pre-commencement submission, approval and implementation of a Code of Construction Plan, which will include a Site Construction Management Plan. This condition is necessary given the nature of the site and the access to it, as well as the need to ensure that the development can be carried out without unacceptable noise and disturbance, or harm to the amenity of occupiers of surrounding properties. It is required to be a pre-commencement condition, as it concerns fundamental matters of implementation which could not reasonably be dealt with after the commencement of the development.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. That the development hereby permitted shall be carried out in accordance with the following approved plans: L01 A; L02 A; P01 A; P02 A.
4. No development shall commence until: A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team; and B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record. The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

End of Schedule of Conditions