



Appeal Decision

Site visit made on 8 November 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/K5600/D/21/3276839

11 Old Manor Yard, London, SW5 9AB

- 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 Miss Jude Hall against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/05411, dated 28 September 2020, was refused by notice dated 18 March 2021.
 - The development proposed is erection of an additional floor at roof level and new door position to front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupiers of basement flats situated on Penywern Road.

Reasons

3. The appeal property is accessed to the front via a narrow street. The rear elevation presents a two storey elevation to the terraced properties along Penywern Road. These properties have been sub-divided into flats, including those at basement level. Outlook from the basement flats is limited by the presence of the dwellings on Old Manor Yard. This blank elevation dominates outlook from within both the outdoor amenity space and rear habitable rooms. However, when looking out from these rooms there are still some, albeit limited views of the sky above the dwellings on Old Manor Yard.
4. The proposal includes an element which re-positions the front door. The Council have raised no objection to this part of the proposal, and I have no reason to disagree.
5. The proposal would add an additional storey to the appeal property. However, due to its aspect with respect to 2 and 4 Penywern Road (Nos 2 and 4), and as confirmed by the appellant's submitted Daylight and Sunlight Report, it would not have a significant effect upon levels of light reaching habitable rooms of these properties. Furthermore, there would be no harm to their privacy.
6. Basement flats at No 2 and No 4 already have limited outlook. The proposal would result in an upward extension of the existing two-storey wall by a further storey with no set-back from the existing rear elevation alignment. This would

directly face these basement flats. As observed during my site visit to the basement flat at No 4, the proposal would significantly reduce the only remaining open aspect enjoyed when looking out from this rear-facing, single-aspect room. The proposal would therefore create a more oppressive living environment leading to an increased sense of enclosure.

7. There are existing approvals for other mansard roof additions at 1, 4, 5, 6 and 12 Old Manor Yard. However, the only mansard roof facing Penywern Road is that at No 12 with the others situated on the opposite side of Old Manor Yard adjacent to Earl's Court Tube Station. No substantive planning details regarding approval of this extension have been submitted and I have no certainty that the application was determined under the same local plan policy. I therefore give limited weight within this decision to the presence of this consent.
8. I note that the appeal site lies adjacent to the Grade II listed Earl's Court Tube Station. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the building or its setting. The appeal site and Old Manor Yard sit to the rear of the tube station forming part of the urban backdrop to this heritage asset. In this respect, the site makes a neutral contribution to this setting.
9. There are other mansard roof extensions within Old Manor Yard which have altered the character and appearance of the immediate area. The proposal would be of modest scale and on the opposite side of Old Manor Yard from the listed building. Consequently, it would have a neutral effect upon the heritage asset by preserving its setting and the contribution this setting makes to the building's significance.
10. In conclusion, the proposal would harm outlook from basement flats on Penywern Road resulting in reduced outlook and an associated increased sense of enclosure. The proposal would therefore conflict with policy CL5 of the Royal Borough of Kensington and Chelsea Local Plan, 2019. This policy, amongst other matters, requires no harmful increase in the sense of enclosure experienced within existing buildings and spaces.

Other Matters

11. The appellant has expressed dissatisfaction with the way the Council has determined the application regarding the time taken and the impartiality of the committee. However, this appeal is not the forum within which such an allegation can be considered and as such I have given this issue little weight within my decision.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

E Symmons

INSPECTOR