



Appeal Decision

Site visit made on 7 March 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/K5600/D/21/3286623

7D Pembridge Villas, London W11 3EN

- 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 Hasan Hamdan against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04653, dated 15 July 2021, was refused by notice dated 22 October 2021.
 - The development is to glaze-in a concealed terrace at third floor level.
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Decision

1. The appeal is allowed, and planning permission is granted to glaze-in a concealed terrace at third floor level at 7D Pembridge Villas, London W11 3EN in accordance with the terms of the application, Ref PP/21/04653, dated 15 July 2021 and the plans Drawing No 600, 601, 602 and Site Location Plan insofar as they relate to the glazed-in terrace only.

Preliminary Matters

2. I have taken the description of development from the application form removing elements that are not acts of development. Although different to the decision notice, no confirmation that a change was agreed has been provided.
3. On the application form the appellant confirms that at the time of submitting the application the work had been completed. At my site visit I saw the terrace had been glazed and have considered the appeal on that basis.
4. A doorway subject to enforcement investigations and a separate application at the site are not shown on the plans relating to this appeal or included in the description of development. Therefore, it is not part of my consideration.

Main Issue

5. The main issue of the appeal is whether the development has preserved or enhanced the character or appearance of the Pembridge Conservation Area.

Reasons

6. The appeal site is located within the Pembridge Conservation Area (CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of the CA lies, in part, in the attractive Georgian and Victorian properties, many of grand appearance and having retained their original features. There is a verdant feel with frequent street trees and further ones within plots.

7. There is variation in terms of scale and appearance, although usually a general consistency within individual rows and blocks of development. The rear of the frontage properties near the appeal site is more diverse, even within the same row or block where it appears numerous properties have been altered and extended including at roof level.
8. The appeal property is one of a pair of modern properties. While sharing an overall design and materials, they are not identical or symmetrical to all elevations. They contrast with much of the built form they are seen with. As a result of the position of the property, its scale and proportions, it currently makes a neutral contribution to the significance of the CA.
9. The infill glazing would be different to the attached property and the works can be seen from other dwellings. However, the glazing is set below the roof level and the overall barrel shape remains the dominant feature. The alteration is small scale, and the materials are not out of place given the modern appearance of the dwelling. As the pair already have extensive elements of glazing of differing proportions, the enclosure of the terrace does not appear discordant.
10. Public views of the site are limited to glimpses between and over the surrounding built form given its backland location. Moreover, where it can be seen from other properties, being glazed, views through it largely remain.
11. Consequently, the scheme preserves the character and appearance of the CA. It accords with the design and heritage protection aims of Policies CL1, CL3, and CL6 of the Kensington and Chelsea Local Plan.

Other Matters

12. The glazing infilled what was an existing high-level opening with limited views of other properties from within the terrace. Given the orientation of the nearby buildings and the considerable number of existing windows on them there is already overlooking between properties. These factors and the separation between the site and other dwellings, means the development has not led to any significant additional light pollution, loss of outlook or loss of privacy.
13. Compliance with previous permissions at the site and that the development is already in place does not affect my findings on the main issue. Any future proposals would be assessed on their own individual merits against the relevant policies and other material considerations of that time.

Conditions

14. Conditions relating to the commencement of the development, for it to be carried out in accordance with the plans, and materials are not necessary as the development is already in place.

Conclusion

15. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR