



Appeal Decision

Site visit made on 4 March 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/K5600/D/21/3286762

10 Palace Gardens Terrace, London W8 4RP

- 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 Simon Peckham against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04408, dated 5 July 2021, was refused by notice dated 1 September 2021.
 - The proposed development is the construction of an extension at rear onto the terrace at second floor level with flat roof and roof light hidden behind parapet, retention of small terrace with cut back railings and relocation of window.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an extension at the rear onto the terrace at second floor level with flat roof and roof light hidden behind parapet, retention of small terrace with cut back railings and relocation of window at 10 Palace Gardens Terrace, London W8 4RP in accordance with the terms of the application, PP/21/04408, dated 5 July 2021, and the plans submitted with it, subject to the following conditions: -
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1762.7-EX-00 rev. A (Existing Site Plan); 1762.7-PD-71 rev C (Proposed Plans); 1762.7-PD-72 rev. C (Proposed Rear and Side Elevations); 1762.7-PD-73 (Proposed Rear Elevation in Context) and 1762.7-PD-75 (Proposed Site Plan).
 - 3 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 including the windows which shall be timber framed and white painted.
 - 4 No development shall commence until a Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been submitted to and approved in writing by the Local Planning Authority. The approved SCMP shall be adhered to throughout the construction period of the development.

Main Issue

2. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at 12 Palace Gardens Terrace (No.12).

Reasons

3. 10 Palace Gardens Terrace (No.10) is a four storey mid-terrace property located in a row of similar properties. To the rear they have closet wings of varying heights and depths. The proposal would add a further storey to the existing closet wing, retaining a small terrace area. This would create a second-floor extension and result in a closet wing with a staggered depth, decreasing with height.
4. The appellant explains that the adjoining property, No.12, is split into three maisonettes. The extension would form a projection adjacent to its first and second floor windows which serve a stairway and bedroom to the middle maisonette. Both windows are large, covering the full width of the infill. Furthermore, due to the differing floor levels the extension would not span the full height of either window. The outlook from the second-floor window would remain unrestricted above a height of approximately 1m and the depth of the additional floor would be less than the existing closet wing which partially abuts the first-floor window. As such, I do not find its presence would be overbearing.
5. The windows face northeast and therefore there will be existing limitations to sunlight. A Daylight and Sunlight report prepared by T16 Design Ltd was submitted with the appeal. This concludes based on the vertical sky component that the level of light reaching these windows would accord with the Building Research Establishment (BRE) recommendations. The BRE guidance is an established document to consider the impact of development on daylight and there is no other technical evidence before me on this matter.
6. The existing roof space on which the extension is to be built is currently edged with railings and is subject to a condition preventing its use as a terrace for amenity purposes¹. Following the extension, the remaining roof area would continue to be used for plants and maintenance only. The Council, in their officer's report, indicate that the railings to the northern edge should be set back to prevent overlooking. However, the existing railings are to be retained and given the restricted use of the terrace I agree with the appellant that there would be no increased loss of privacy and such a condition is unnecessary.
7. Overall, given the scale of the extension and its position relative to the neighbouring property, I do not find it would give rise to a harmful increase in the sense of enclosure to the detriment of the occupiers of No.12. Thus, the proposal would be in accordance with policy CL5 of the Kensington and Chelsea Local Plan which seeks to maintain good living conditions for the occupiers of neighbouring properties.

Other Matters

8. The appeal site lies within the Kensington Palace Conservation Area (CA), and therefore Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA.
9. For the purposes of this appeal, it seems to me that its significance lies in the uniform nature of the individual streets set out in a grid like pattern and the underlying appearance of the dwellings. The Council accept that the design and scale of the extension is appropriate for the building and the wider terrace

¹ Condition on planning approval PP/16/08154

complying with Local Plan policies in this regard. I agree with that assessment, and I am satisfied that the proposal would preserve the character and appearance of the CA as a whole. Additionally, given the separation, modest scale of the development and intervening boundary treatment there would be no harm to the setting of the nearby listed properties.

Conditions

10. The Council has suggested a number of planning conditions which I have considered. Where necessary and in the interests of simplicity and clarity I have altered the wording to better reflect the relevant guidance.
11. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development and the plans for certainty. It is also important for appearance that the materials, including the details of the windows, match the existing property.
12. The roof terrace is already covered by a condition relating to its use and no alterations to the property relating to lifts or external requirements are proposed. Thereby, I do not find the suggested conditions relating to the roof are necessary or directly relate to the proposal. I do, however, agree that measures to safeguard the neighbours living conditions during the build phase is required. Due to the nature of the details the Site Construction Management Plan must be provided prior to the commencement of development and the appellant has agreed to the wording of this pre-commencement condition.

Conclusion

13. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR