



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//3286534
24 Pembroke Gardens, London W8 6HU

- 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 H Willis against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04252, dated 29 June 2021, was refused by notice dated 24 August 2021.
 - The proposed development is to raise rear wall of main house, and add one additional floor to existing closet wing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I undertook the site visit at the same time as another appeal relating to this property (APP/K5600/D/21/3286536) for lower ground and ground floor extensions and terraces at first and ground floor. This other appeal is the subject of a separate decision.
3. Planning permission has recently been granted for lower and ground floor extensions across part of the rear and a Juliet balcony to first floor, internal reconfiguration, and replacement windows– Council reference PP/21/04138. At the time of my site visit renovation works were taking place and the property was enclosed to the front by hoarding and scaffolding, however the rear and side elevations were fully visible.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the property, and the Conservation Area.

Reasons

5. The end of terrace four storey property is located within the Edwards Square, Scarsdale & Abingdon Conservation Area (CA). As such I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of the large CA is derived from the formal layout of the streets and squares, and the rich historic and architectural quality of the period properties within it.

6. No.24 forms part of a terrace of Victorian properties (Nos.24 -30) which together with other villas and terraces in Pembroke Gardens and Warwick Gardens create a triangle of perimeter development with a central area of gardens containing several trees. Immediately to the side of No.24 is a gated driveway and the gardens of Nos.21-23 Pembroke Gardens which are orientated at a right angle to the appeal site. Due to the break in the built form the whole of the flank elevation, including that of the rear closet wing, is visible from the street.
7. To the rear, the terrace properties have been altered with the addition of extensions, terraces, and different fenestration. Notwithstanding this, the general form is maintained with a subservient closet wing to the righthand side. No.24 forms part of a subgroup to the east of the terrace which are of the same design and have a clear unity with a consistent roof profile; specifically, the appearance of Nos.24-26 which are all painted white and have two staggered height dormers in the mansard roof. The proposal would disrupt this form by increasing the height of the closet wing and changing the profile of the rear roofscape. In my view, alignment of the rear elevation with the existing flank parapet wall, which extends above the mansard roof, would both be out of keeping with the character and appearance of the property and harmful to the coherence of the subgroup.
8. I acknowledge that the rest of the terrace (Nos.28-30) have rear roof forms of the general profile proposed, however, I agree with the Council that those properties are part of a separate subgroup, and the architectural details are different. In my opinion, the proposal fails to respond to the site's immediate context and visual setting. Due to the scale of the properties, the rear of the entire terrace (as illustrated in the appellant's Design and Access Statement - page 13) is not seen from the rear of No.24. Nor would it be collectively seen in wider views from the surrounding properties due to the angle of view or screening from intervening vegetation. As such, the form of the other properties to the west would not be read with No.24. Furthermore, whilst these views are private, they do play a role in the character and appearance of the CA. In my view, the proposed changes to the upper level of No.24 would have a negative impact on the rhythm and form of the subgroup, and the overall composition of the terrace.
9. Kensington and Chelsea Local Plan (Local Plan) policy CL9 also requires extensions to existing buildings to be subordinate, allowing the original forms to be clearly understood. I cannot agree with the appellant that the proposed use of smaller windows to the roof level would provide an indication of the original form. Rather, in my view, the extent of the alterations engulfs the existing roof to the extent that the original form is lost. Additionally, whilst the changes to the roof would not be visible from the street the increased height of the closet wing would diminish the subservience of this feature and add to the scale and massing of the flank elevation.
10. Overall, I find that the proposal would be harmful to the character and appearance of the property and the integrity of the terrace, in particular the unity of Nos.24-26. It would also fail to preserve the character and appearance of the CA. The harm to the CA would be less than significant but it is nonetheless a matter of considerable importance and weight. Whilst the proposed reconfiguration of the property and additional floorspace would be a

benefit to the occupier/appellant I have not identified any public benefits of the proposal which would outweigh the harm that it would cause.

11. Consequently, I find that the proposals are contrary to policies CL1, CL2, CL3, CL8, CL9 and CL11 of the Local Plan. Amongst other things, these policies aim to ensure that development is of highest architectural and design quality, respects local context and character, and preserves or enhances the character or appearance of conservation areas.

Other Matters

12. The Council also refused the application on the failure to provide a Sunlight and Daylight Assessment to ensure that the living conditions of the occupiers of the neighbouring properties would not be adversely impacted. Whilst the appellant has submitted an assessment as part of the appeal, which concludes that the development would have a low impact on the light reaching the neighbouring properties, having found against the proposal on the main issue this does not alter my findings.

Conclusion

13. I therefore conclude that the appeal should be dismissed.

G Ellis

INSPECTOR