



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: 25 March 2022

Appeal Ref: APP/K5600/D/21/3286891
48 Burnaby Street, London SW10 0PN

- 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 Glyn Hughes against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04045, dated 20 June 2021, was refused by notice dated 23 August 2021.
 - The proposed development is the erection of single storey rear extension and two storey side extension, with terrace above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the decision notice and appeal form. In my view this more clearly and concisely describes the development and I have used it for my decision.

Main Issues

3. The main issues are the effect of the development on: -
 - i) the character and appearance of the property and area, including the setting of the conservation area; and
 - ii) the living conditions of the occupiers of 46 Burnaby Street (No.46) with regards to privacy.

Reasons

Character and Appearance

4. No.48 is a two-storey end of terrace property with roof dormers to the front and rear. The creamed painted property forms part of a group of properties of the same design within the terrace and to the rear in Pooles Lane. To the other side, separated by a small gap, is a red brick three storey semi-detached property which lies within the Lots Village Conservation Area (LVCA). The LVCA extends to the east and comprises residential and commercial buildings of a mixture of styles and designs, including Victorian terraced properties, a modern secondary school, workshops/offices and a former power station.

5. There is a clear contrast between the scale and design of the Victorian semi (Nos.44 & 46 Burnaby Street) and the post war terrace (even Nos.48-58 Burnaby Street). The gap between them is limited and whilst it in part reveals the flank elevations and provides a division, in my opinion, it is not a notable feature in the street scene, nor are gaps generally a feature of the area.
6. Nos.44&46 and the properties further along Burnaby Street are sited forward of the terrace and the proposed glazed infill would be inset. As such, the link would only be visible from within close proximity of the property. A physical connection to the neighbouring building would be created, nonetheless, in my view, the materials would provide a level of transparency and a clear definition between the buildings would be retained. My attention has also been drawn to a glazed extension to 52 Upcerne Road, a short distance from the appeal site and within the LVCA, and whilst I agree with the Council that the context is different, it demonstrates the integration of modern materials to older buildings.
7. Notwithstanding this, the addition of the glass balustrade to the roof terrace would increase the height of the link to above the eaves. In my opinion, this would erode the subservient and discrete appearance of the proposed link. Furthermore, roof terraces of this form are not a characteristic of the area, and I agree with the Council that potential associated paraphernalia and activity visible above the balustrade would be an incongruent feature. The terrace would also be visible from the rear in views along Tetcott Road, and the Lots Village Conservation Area Appraisal identifies an important public view towards the rear of Nos.44 & 46. Thereby, in my opinion, the terrace and changes to the flank elevation would result in an unsympathetic addition to the property and would be harmful to the character and appearance of the area.
8. The proposed rear ground floor extension would not be visible from the street and would be of a scale similar to the proposals for No. 50 and No.52¹ and existing conservatories. However, it would also extend across the proposed infill up to the boundary with No. 46, which, cumulatively with the other alterations would, in my view, diminish the character and integrity of the separate groups of buildings.
9. While the overall scale of the proposed development is limited, in my opinion, its form and siting, in particular the terrace and balustrades, directly abutting No.46 would detract from the character and appearance of the LVCA and would therefore fail to preserve the setting. Having regard to the National Planning Policy Framework the harm to the LVCA would be less than significant. Nonetheless, this is a matter of considerable importance and weight and I have not identified any public benefits of the proposal which would outweigh the harm.
10. In conclusion, I find that the proposal would fail to accord with Local plan² policy CL9 which requires extensions to be subordinate to the original building and reinforce the character and integrity of the building or groups of buildings. It would also be contrary to policies CL1, CL2, CL6 and CL11 in terms of design quality, responding to the character and appearance of the area, and preserving views and the setting of the conservation area.

¹ Certificate of Lawful Development CL/21/02972 and CL/21/04352– appellant’s appeal statement

² The Royal Borough of Kensington and Chelsea Local Plan, September 2019

Living Conditions

11. The proposed terrace to the roof of the infill would extend beyond the main rear elevation of No. 46 which contains windows. There is also a door in the side of its rear projection which provides access onto a terrace. The proposed terrace would be directly adjacent, and its use would potentially allow for overlooking into the neighbour's windows which would result in a harmful loss of privacy to the occupiers of No.46.
12. A level of mutual overlooking between neighbouring properties is expected in high density urban areas, and I accept that the existing terrace to No.46 does allow for an outlook over the neighbours' gardens. However, that is different to the direct relationship proposed at an upper level, and due to the proximity, the visual impact and effectiveness of any potential screening is not a matter which could be addressed via a condition.
13. The proposal would thereby fail to ensure good living conditions for the occupants of No.46 and conflict with Local Plan policy CL5 which requires the maintenance of reasonable visual privacy for the occupants of existing properties.

Other Matters

14. The appellant has referred to extensions and alterations to other properties as precedent, however the examples are limited and there are differences in their context, moreover I have treated the appeal proposal on its own merits.

Conclusion

15. For the reasons set out and having regard to all other matters raised I conclude that the appeal is dismissed.

G Ellis

INSPECTOR