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# 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: 31 March 2022**

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**Appeal Ref: APP/K5600/D/21/3288567**

**2 Pembroke Villas, London W8 6PG**

- 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 M Perry against the decision of the Royal Borough of Kensington and Chelsea.
  - The application Ref PP/21/05024, dated 30 July 2021, was refused by notice dated 17 September 2021.
  - The development proposed development is the excavation of basement beneath footprint of property and 50% of garden; construction of side extension across lower ground, ground and first floor involving demolition of garage; two storey rear extension involving demolition of existing rear extension; single storey rear infill extension; roof alterations including replacement of slate tiles and enlargement of rear dormer; addition of bike and bin store to front of property.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Planning permission has already been granted for most of the proposed development under Council reference PP/21/02797. The main difference between the proposed development and the extant consent is the height of the proposed side extension and as such, I confine my considerations to this disputed element.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the property and area, including the conservation area.

## Reasons

4. 2 Pembroke Villas is a semi-detached property located within the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). The CA covers a wide area and in my view its significance is derived from the formal layout of the streets and squares, and the rich historic and architectural quality of the period properties within it.
5. Pembroke Villas is formed of a variety of properties and the white rendered pair of semi-detached properties (Nos.1 & 2) with black painted window shutters are distinct from the adjacent rows of three storey terraced properties and both the main parties agree that the existing property makes a positive contribution to the CA. A tall pitched roofed side extension has been added to No.1 linking

- to No.35a Pembroke Square and is somewhat of an anomaly, nevertheless, the pair retain an aesthetic quality and have a sense of spaciousness.
6. The proposed side extension would replace the existing garage, it would be set back from the main elevation and the upper floor inset further. Whilst the increase in height compared to the extant consent is only 600mm the resultant set down from the roofline would be limited, and the proposed changes to the floor levels alter the proportions and relationship with the host property.
  7. Currently, the existing garage is at street level with the ground floor of the property slightly elevated sitting above a basement and the front door is accessed via steps. In my opinion, aligning the floor levels would diminish the subservience of the extension. Whilst the appellant points out that the windows would not align with the host property, the cill of the ground floor window would, and I agree with the Council that this creates a horizontal emphasis. In my view the placement of the windows and height of the extension lack cohesion and would be harmful to the legibility of the property; particularly compared to the extant scheme which would be a half storey lower.
  8. The appellant suggests a benefit of the proposal is that the setback enables the original form of the villa and the balance of the pair to be read. However, the extant scheme was also set back, and, in my view, it is the combination of the design, height and details of the extension which would adversely impact on the legibility of the original dwelling. I acknowledge in wider views, particularly from the north and the listed properties in Pembroke Square the side extension would be screened. Nevertheless, given the width of the plots and the scale and character of Nos.1&2 they have a notable presence in the street scene and provide a relief to the formality and scale of the surrounding terraces.
  9. I accept that the extant consent establishes the principal for a side extension and that the materials and flat roof design match with the existing property. I can also understand the appellant's desire for an even floorplate, although the extension appears to be designed as an additional wing with ancillary rooms (guest WC, study, bedroom) and its own staircase. However, these aspects do not mitigate the harm to the character and appearance of the building or wider area.
  10. I also 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 the CA. In my opinion the extension would have an adverse visual effect on the property and street scene. Having regard to the National Planning Policy Framework (the Framework) the harm to the significance of the CA as a whole would be 'less than substantial', but that is nevertheless a matter of considerable importance and weight. The property benefits from planning permission for extensions to the property, many duplicated in this proposal, and the benefits of this proposal would be private rather than public in nature. Consequently, they attract negligible weight and would not outweigh the harm I have found.
  11. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA, contrary to statutory expectations and the Framework. The proposal would also conflict with policies CL1, CL2, CL3, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019 (Local Plan) which seek development to be of quality design, to reinforce the character and integrity of the original building, and to preserve or enhance the character and

appearance of buildings and the areas they are located in, including Conservation Areas.

### **Other Matters**

12. Several interested parties have raised concerns indicating that they did not receive notification of the previous planning application. Planning permission has been granted for those proposals and this appeal is not the forum to review the Council's processing of that application. I have therefore given this issue little weight in my decision, but, in any event, I am dismissing the appeal.

### **Conclusion**

13. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

*G Ellis*

INSPECTOR