



Appeal Decision

Site visit made on 15 March 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/K5600/D/21/3289777

11 Hillgate Place, London, W8 7SL

- 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 Ms Georgia Adams against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04697, dated 19 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is Full refurbishment of existing house, including roof works and externals in same material. Replacing sash windows front and back. Re-painting front exterior of house. Two storey infill extension to rear courtyard.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I am aware of a recently approved consent at the appeal property and have had regard to this in reaching my decision.

Main Issues

3. The main issue is the effect of the proposal on:
 - The character and appearance of the Kensington Conservation Area (CA); and
 - The living conditions of the adjacent occupants with particular regard to noise associated with the air conditioning unit.

Reasons

Character and appearance of CA

4. The appeal site is located within the Kensington Conservation Area. It represents a rich and varied tapestry of, in the majority, early and late Victorian architectures of a predominantly residential nature within a very densely built-up environment set along an intricate pattern of road networks. In so far as it is relevant to this appeal, the appeal site forms part of Hillgate Village, consisting generally of simple two and three storey brick and stucco terraces of artisans' houses that have a strong visual coherence which is quite distinct from the other character areas.
5. The appeal property is a mid-terrace dwelling located within an environment of back-to-back houses within a perimeter block. The dwelling is accessed by steps from street level to the main entrance on the upper ground floor. The

- lower ground floor basement level provides access into the enclosed yard area. An external terrace extends above part of the flat roof element to the rear.
6. An infill extension is proposed within the yard area to the lower ground portion of the dwelling. This would effectively in-fill most of the yard area by creating a two-storey extension.
 7. Spaces around buildings are representative of the character of the CA. The character at the rear elevation is different to that of the more decorated and formal front elevation. Nonetheless, even when not seen from the street scene, rear elevations provide a positive contribution to the CA.
 8. The rear elevation along the terrace is recognised within the Kensington Conservation Area Appraisal 2017 for the void that has been originally created by the rear projection, and is a consistent pattern along the rear of this terrace. The yard area would be virtually subsumed by uncharacteristic two storey development by virtue of this scheme.
 9. The proposed extension would be visible above the perimeter wall from beyond the site and seen in private views. The rear elevations of these dwellings form part of the special character and appearance of the CA and its rhythm and uniformity would be detrimentally harmed as a consequence of the proposal.
 10. There are dwellings back-to-back with the appeal site and these front onto a different street. The rear elevation of these houses do not precisely follow the pattern of development that is seen consistently along the rear elevation of the street to which the appeal property forms part of. Their rear elevations are not as uniform as the appeal terrace, and they are seen in a different context. I do not compare these as similar examples to the appeal site.
 11. With reference to the National Planning Policy Framework (the Framework) and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposal would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
 12. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I appreciate the additional space may better fit the needs of the appellant although this would be a private benefit to them. They consider the property to be run down in appearance and this proposal would enhance the dwelling. However, there are means to update the proposal that would not involve the scheme as submitted.
 13. Therefore, to conclude on this main issue, the proposed infill development would appear as an uncharacteristic form of development and would fail to preserve or enhance the character or appearance of the conservation area. It would thus conflict with the Kensington and Chelsea Local Plan 2019 policies CL1, CL2, CL3, CL6, CL9 and CL11 and the recommendations of the Kensington Conservation Area Appraisal 2017 in their combined and broad design aims and objectives to protect the historic environment.

Living conditions

14. The proposal includes an air conditioning unit to be placed within the butterfly roof. I have considered the appellant's suggestion to impose a suitably worded condition to the permission to approve details of the air conditioning plant, prior to its implementation.
15. Considering this in light of paragraph 56 of the Framework, this is a dense residential area, where there is potential for the local residents to be disturbed by noise associated with the plant. Without further details, I cannot be certain that in the location proposed, the equipment would not lead to undue loss of living conditions arising from noise, or that noise levels could be appropriately mitigated.
16. Therefore, to conclude on this main issue, without further information to demonstrate noise levels can be achieved to protect the living conditions of local residents, the proposal would conflict with Local Plan 2019 policies CL5 and CE6 in their aims to safeguard residential amenity with particular regard to noise.

Conclusion

17. In the light of my assessment of the main issues, I conclude that the appeal proposal conflicts with the development plan and the Framework when considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Alison Scott

INSPECTOR