



Appeal Decision

Site visit made on 1 June 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2022

Appeal Ref: APP/K5600/D/22/3296794

158 Campden Hill Road, London W8 7AS

- 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 R Dean against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/21/08107, dated 6 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is Lower ground floor extension and conversion of front vaults, rear lower ground floor side infill extension, rear ground floor extension, formation of first floor terrace, installation of skylights, and changes to rear fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been slightly altered from the application form to the decision notice. That on the application form sufficiently describes the proposals and I have determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposals on the character and appearance of the Kensington Conservation Area (the Conservation Area). The second is the effect of the first-floor terrace on the living conditions of nearby residential occupiers with particular regard to overlooking, noise and disturbance.

Reasons

Conservation Area

4. The appeal property forms part of an attractive wider terrace of dwellings which incorporate a broad sense of unity in terms of materials and detailing to their front facing elevations. The property makes a positive contribution to the character and appearance of the Conservation Area, the significance of which in this location sits largely with the form, scale, materials and detailing of its buildings.
5. However, the rear of the terrace does not share the same unity. There appear to be some rear alterations/additions to the immediately adjoining property to the north at 160 Campden Hill Road. Further, the raised ground floor infill

extension that is proposed would be slender and of similar limited projection to the rear raised ground floor level at 156 Campden Hill Road (No.156) immediately adjoining to the south. Other development in a more modern style is also visible from the rear.

6. Along with the window revisions proposed which would sit against very mixed window form and design on this and adjoining properties, the changes proposed to the rear would not detract from the appearance of the dwelling.
7. I also reach the same conclusion with regard to the conversion of the front vaults. The front garden areas on the terrace are often finished with differing hard materials with slightly different access arrangements and finishing details.
8. Within this context, the pavement level rooflight would not detract from the appearance of the dwelling even were it to catch the sun on occasion. In any event, it would likely be at least partially screened from view from the footway through the indicated provision of planting within an area adjacent to the front boundary.
9. The proposals would not harm the appearance of the building. They would not therefore detract from the heritage significance of the Conservation Area which lies in part with the form, scale, materials and detailing of its buildings and would preserve its character and appearance.
10. The proposal would not conflict with policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Kensington and Chelsea Local Plan (2019) (KCLP) which amongst other things require well designed, subordinate development that is appropriate to local context and character and which protects heritage assets.

Living Conditions

11. The first-floor terrace would be limited in size and therefore could not host many people at any one time. Given that there are other raised terraces and also rear yards to many of the properties, it is therefore unlikely that the feature proposed when of such limited size would give rise to instances of noise and disturbance which would be harmful to the living conditions of nearby occupiers.
12. It is unlikely that any significant level of overlooking would occur to No.156 through their roof lights given that they are of limited size and as a result of their particular design which reduces the transparency of their glazing.
13. However, whilst I appreciate that this is a densely populated urban area, the first-floor terrace would allow direct overlooking towards the rear elevation of 77 Hillgate Place (No.77) to the east.
14. Clear and direct views could be taken from the terrace into the rear of the ground floor living accommodation as well as a rear first floor bedroom at No.77. This part of the proposal would significantly harm the privacy of the occupiers of this dwelling.
15. Whilst I appreciate that there is already a window on this part of the elevation of the appeal property, the terrace would allow closer views and would be a place where a resident at the appeal property would be likely to dwell. Views between the sites would not be subdued in the manner in which they are through a window.

16. I therefore conclude on this matter that the proposal would result in an unacceptable and unreasonable degree of overlooking towards 77 Hillgate Place which would harm the living conditions of the occupiers and which would detract from the enjoyment of their home.
17. The supporting text to Policy CL5 of the KCLP at 22.3.39 does warn of such impacts, stating that amongst other things terraces on extensions can result serious intrusion into the privacy of neighbouring residential properties.
18. This part of the scheme would subsequently conflict with Policy CL5 of the KCLP, which amongst other things requires that there is reasonable visual privacy for occupants of existing properties affected by new development.

Conclusion

19. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR