



Appeal Decision

Site visit made on 15 June 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/K5600/W/22/3290939 60 E/G, Oxford Gardens W10 5UN

- 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 Alexander Seale against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04505, dated 8 July 2021, was refused by notice dated 28 September 2021.
 - The development proposed is rear additions to flats E and G at No 60 Oxford Gardens.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of rear extension and addition of the east facing window to the bathroom at first floor flat (Flat E), and formation of the north-east facing terrace on top of the extension for second floor flat (Flat G) at 60 E/G Oxford Gardens W10 5UN in accordance with the terms of the application, Ref PP/21/04505, dated 8 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 243/PP/08; 243A/P1/06; 243A/P1/07; 243A/P1/01; 243A/P1/02; 243A/P1/03; 243A/P1/04; 243A/P1/05; and 243A/P1/11.
 - 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
 - 4) The windows hereby permitted shall be timber framed, painted white, double hung, sliding sashes, and so maintained.
 - 5) The extension hereby permitted shall not be occupied until the bathroom window in the eastern flank elevation has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. The description of development set out above is taken from the planning application form. However, the description found in part E of the appellant's appeal form and the decision notice better reflects the scheme that is before me. Accordingly, I have considered the appeal based on the development being

described as: “the construction of rear extension and addition of the east facing window to the bathroom at first floor flat (Flat E), and formation of the north-east facing terrace on top of the extension for second floor flat (Flat G).”

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal building, and whether it would preserve or enhance the character or appearance of the Oxford Gardens St Quintin Conservation Area (the CA).

Reasons

4. The appeal property is four storeys high, detached and sub-divided into a number of self-contained units. The appeal scheme relates to flats E and G. The property forms part of an area of detached and semi-detached buildings set within a dense, grid pattern of wide streets. The housing is good quality with original windows, doors and details. Gaps between the buildings is a characteristic of the CA. Although the gap to the side of the appeal property is narrow, it, in combination with other gaps soften the sharp, rigid lines of the buildings and provide glimpsed views through to rear gardens, trees and neighbouring terraces, thereby enhancing the spatial qualities of the streetscape. The appeal property makes a positive contribution to the historic and architectural character and appearance of the CA.
5. At the rear of the building is a four-storey extension to the west of a staircase. To the east of the staircase is an existing lower ground/ground floor extension. Several planning permissions have been granted in relation to the appeal property and the flats within it. Although not implemented to date, two extant planning permissions¹ allow the eastern extension to be taken down and a new extension erected in its place. The proposal would add a further floor to that new extension.
6. The proposed extension would replicate the width of the previously granted lower ground and ground floor extension to this side of the staircase. It would be set back from the previously granted extension, whilst maintaining the general design and use of fenestration to the rear elevation. Notably, it would be set down from the height of the host property, thereby maintaining the articulation that the Council refers to.
7. The appeal property has and would have extensions to its rear of considerable scale and mass. However, the host property is substantial in size, and in tandem with the narrow gap to the side, this means, at best, glimpsed views of the extension would be possible from the road. Any symmetry created by the placement of rear extensions is not understood as a characteristic of properties on the northern side of Oxford Gardens from any public vantage point. Views from neighbouring properties, especially those on Bassett Road which back onto the appeal property, would be commonplace, but many of the properties on Oxford Gardens and Bassett Road have extensions to the rear of considerable scale and mass. The proposal would reflect this by adding a further floor to an extension that benefits from extant planning permissions.
8. Introducing a terrace to serve flat G would not, having regard to the presence of terraces on neighbouring properties, harm the character and appearance of

¹ Council Refs: PP/20/06349 + PP/20/03879

the area. Nor would the addition of a bathroom window in the flank elevation of the building, subject to a planning condition on the use of obscure glazing, given its siting, size and design.

9. For these reasons, I conclude that the proposed development would be a sympathetic addition to the appeal property, and as such it would not harm the character and appearance of the building and have a neutral effect on the CA, thereby preserving it. On this basis, the proposed development would accord with Policies CL1, CL2, CL3, CL6, CL9 of the Local Plan, September 2019. These jointly seek, among other things, extensions and modifications to existing buildings to be subordinate to the original building, respect existing context, and preserve or enhance the character and appearance of the conservation area and its setting, through its architectural style, scale, height, mass, proportion, materials and in terms of gaps.

Conditions

10. I have imposed a plans condition in the interests of certainty. Conditions to ensure matching materials and the use of sash windows in painted timber are both necessary in the interests of preserving the character and appearance of the CA. A condition to ensure the bathroom window in the eastern flank elevation is necessary to safeguard the privacy of the neighbouring occupants.

Conclusion

11. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
12. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR