
Appeal Decision

Site visit made on 03 May by S. Wilson LLB, MSc, LRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/K5600/D/22/3294990

35 Campden Hill Road, LONDON

- 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 Saad Usmani against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/08135, dated 20 December 2021, was refused by notice dated 09 February 2022.
 - The development proposed is for the removal of the current roof light on the ground floor roof terrace and building an infill glazed extension in the lightwell on the ground floor between the closet wing of the property and the adjacent property 37 Campden Hill Road.
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Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would harm the character and appearance of the appeal property, and whether the proposal would preserve or enhance the character and appearance of the Kensington Conservation Area (KCA).

Reasons for the Recommendation

4. The four-storey appeal property is part of a continuous row of Victorian terraced dwelling houses on the west side of Campden Hill Road, which is part of the Phillimore Estate and within the KCA. The house frontages are largely symmetrical in design and have characteristic stucco front boundary treatments. The property possesses an existing full width predominantly glazed rear extension at ground floor level with extant permission for a further extension.
5. The Kensington Conservation Area Appraisal 2017 (KCAA) recognises that the appeal property and terrace make a positive contribution to the character and appearance of the KCA, and its significance as a heritage asset. The KCAA describes the rear elevations in this area and refers to the main types of rear elevation treatment, including the arrangement at the appeal property, of

closet wings projecting approximately halfway across the rear elevation of each house, generally attached to each other as pairs or singularly to each house.

6. The existing two-storey rear closet wing sits above half of the existing, predominantly glazed lower ground floor extension and is paired with No. 33. The infilling of the remaining gap to the boundary with No. 37 would appear as a departure from existing infilling undertaken nearby at Nos. 37 & 39 where the works have been in the form of relatively small, traditional conservatory type structures. Furthermore, and as is also the case with the modest extension at No. 37, a significant proportion of the characteristic void to the rear is retained, and as such the rear elevation pattern of voids is retained and remains legible. It is acknowledged that there is an example of a larger infill extension at both lower and raised ground floor levels at No 29 Campden Hill Road, but this is not a characteristic form of development.
7. With regards to the detailed design, the combined effect of the lower ground floor and proposed extension would be to present a significant proportion of the rear elevation as glazed, which would not be in keeping with the prevailing Victorian character of the building and, despite the lightweight materials, would appear as an incongruous feature, particularly at night when illuminated. Furthermore, the proposal would develop the rear extension to a point where it cannot be read as subservient, nor would the rear elevation be easily recognisable from its original form and consequently harm would be caused.
8. The appellant has stated that the extension would not be visible in any public views of the property. Whilst I accept this may be the case, the proposal would nevertheless harm the character and appearance of the KCA as appreciated in a wide range of perspectives from neighbouring properties and their gardens. The rear of the appeal property is clearly visible from both neighbouring properties and properties on Argyll Road. I acknowledge that trees in several gardens provide some screening; however, these are insufficient in number and coverage to obscure all views of the rear of the appeal property, particularly from upper floors.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Given the location of the proposed extension and the positioning of the site, the harm to heritage assets would be less than substantial, but nevertheless of considerable importance and weight. Whilst it is noted that the proposal is intended to improve the living arrangements for the appellants, I am not aware of any public benefits that would outweigh the harm that I have identified.
10. In conclusion, the proposal would harm the character and appearance of the appeal property and consequently would fail to preserve or enhance the character and appearance of the KCA. It would not conserve the heritage asset in a manner appropriate to its significance. Accordingly, it would fail to comply with Policy CL9 of the Local Plan which states, amongst other things, that extensions should allow the building to be clearly understood and should reinforce the character and integrity of the original building.
11. The proposal would also not comply with Policies CL1 and CL2 of the Local Plan which require, amongst other things, development to respect the existing context and Policies CL3 and CL11 of the Local Plan which requires. Amongst other things, that development preserves or enhances the Conservation Area.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S. Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR