



Appeal Decisions

Site visit made on 28 June 2022 by S. Wilson LLB, MSc, LRTPI

Decision by L McKay MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal A Ref: APP/K5600/D/22/3292397

63 Walton Street, London, SW3 2HT

- 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 Nimesh and Jaymini Radia against the decision of the Council of the London Borough of Kensington and Chelsea.
 - The application Ref PP/21/06167, dated 22 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is glazed infill side extension at first floor level.
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Appeal B Ref: APP/K5600/D/22/3298470

63 Walton Street, London, SW3 2HT

- 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 Nimesh and Jaymini Radia against the decision of the Council of the London Borough of Kensington and Chelsea.
 - The application Ref PP/22/00376, dated 18 January 2022, was refused by notice dated 14 April 2022.
 - The development proposed is described as 'Proposed first floor rear infill extension (in addition to ground floor extension and terrace approved under planning permission PP/21/06166).
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Decisions

1. Appeal A is allowed, and planning permission is granted for glazed infill side extension at first floor level at 63 Walton Street, London, SW3 2HT in accordance with the terms of the application, Ref PP/21/06167, dated 22 September 2021 and the plans submitted with it, subject to the conditions set out in Schedule 1 below.
2. Appeal B is allowed, and planning permission is granted for first floor rear infill extension (in addition to ground floor extension and terrace approved under planning permission PP/21/06166) at 63 Walton Street, London, SW3 2HT in accordance with the terms of the application, Ref PP/22/00376, dated 18 January 2022 and the plans submitted with it, subject to the conditions set out in Schedule 2 below.

Appeals Procedure

3. 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.

Preliminary Matter

4. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed extension. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

5. The main issues for both Appeal A and Appeal B are the effect of the proposal on the character and appearance of the appeal property, and whether the proposal would preserve or enhance the character or appearance of the Chelsea Conservation Area (CCA).

Reasons for the Recommendations

Appeals A and B

6. The CCA derives considerable significance from its mainly small-scale residential nature, characterised by formal terraces constructed from stock brick with stucco decoration and vertical sliding timber sash windows.
7. Walton Street has a mixture of residential and commercial properties set in a Georgian/Victorian terrace street scene. The Chelsea Conservation Area Appraisal (CCAA) recognises the positive contribution of the Georgian/Victorian front and rear elevations, wherever original or historic uniformity remains. It sets out that closet wings are usually paired together or singular on each house; projecting approximately halfway across the rear elevation; leaving a void between structures; and therefore, creating a rhythm and uniformity that is highly characteristic of the CCA.
8. Beginning at No 79, which is part of a separate architectural grouping to the appeal property, there have been various extensions and there is no longer a clear uniformity, pattern, and rhythm to the rear elevations. However, from No 57 northwards, the traditional uniformity to the rear elevations remains, and forms part of the character and appearance of that distinct block.
9. 63 Walton Street presents as a traditional two storey brick and stucco property to the front; however, this belies the fact that it was largely demolished, along with No 59, in the 1970's and the rear part rebuilt using the original façade. No 59 and No 63 form a distinct pair together, separated in character to the other traditional properties in the terrace by the fact that they have an access through to the rear with residential space above, and that their rear elevations have been rebuilt.
10. The rear elevation design of this pair does not match the traditional closet wing style which remains present from No 57 to the north, and they do not form part of any other architectural design grouping. The rear elevations of both properties feature additions at ground and first floors, and the original Georgian/Victorian rear elevation character has been lost. Therefore, the rear elevations of these two properties do not contribute positively to the CCA.
11. An existing extension covers the majority of the rear first-floor of the appeal property, leaving a very small section as void at this level and obscuring the majority of the rebuilt rear elevation. It dominates the rebuilt rear elevation of

No 63 and does not follow the style of the traditional closet wings to the north of the appeal site.

12. The Appeal A proposal would be visible from limited places due to its location between the existing parapet wall and its position to the side of the existing rear extension. This would limit views of the proposal to some properties and the outdoor space at Marlborough Flats. It would add mass and scale to the rear elevation, however the lightweight nature of the materials would allow the infill extension to be read as subordinate to the existing extension and the main dwelling. Whilst the glazed extension would obscure the remainder of the original rear elevation, that rear elevation is not of any historical significance. Therefore, the infill of that void as proposed in Appeal A would not result in the loss of any feature that contributes positively to the host dwelling or the CCA.
13. There would be similarly limited views of the Appeal B proposal, and it would also obscure the remaining rear elevation and add mass and scale. However, it would be set back from the rear extension building line, such that even though it would be a more solid form than the Appeal A scheme, it would still appear subordinate to the existing structure. In addition, the use of matching materials would help to integrate it with the rear elevation. Similarly, therefore, the Appeal B proposal would not harm any features which contribute positively to the host dwelling or the CCA.
14. Consequently, both the Appeal A and Appeal B proposals would have a neutral effect on, and would preserve the character and appearance of, the appeal property and the CCA. Accordingly, both appeals would comply with Policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019, insofar as they require development to be of high-quality design that preserves the character and appearance of the host property and preserve the Conservation Area. Furthermore, they would not conflict with the heritage policies of the National Planning Policy Framework.

Other Matters

15. The existing use of the area of the appeal site where the extensions are proposed is as an outside amenity terrace, so there is an existing opportunity for overlooking of some neighbouring properties from this area. Enclosing this space within the dwelling would not therefore result in a material increase in overlooking from either Appeal A or Appeal B. The proposal would expand the size of an existing bedroom but would not create a new one. Therefore, neither proposal would significantly or harmfully intensify use of the appeal site.
16. Some objections received appear to relate to another proposal on the same site being considered by the Council at the same time. There would be no impact on the rear courtyard and no loss of garden space from either appeal scheme.
17. Party Wall Agreements are a civil matter and outside of my remit in considering this appeal.

Conditions

Appeal A

18. In addition to the standard time period for commencement, a condition is necessary to require the development to accord with the approved plans, to provide certainty and precision. The submitted plans do not detail what

materials are to be used to construct the extended parapet wall. Therefore, a condition to require matching materials to be used for this part of the development is necessary to preserve the character and appearance of the host dwelling.

Appeal B

19. In addition to the standard time period for commencement of the development, a condition is necessary to require the development to accord with the approved plans, to provide certainty and precision particularly with regard to materials. Furthermore, a condition requiring materials used in the extension to match the existing building is necessary in the interest of preserving the character and appearance of the host dwelling.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that both Appeal A and Appeal B should be allowed subject to conditions.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and recommendations, and on that basis both Appeal A and Appeal B are allowed subject to conditions.

L McKay

INSPECTOR

Schedule 1

Schedule of Conditions: Appeal A

- 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: 100 P0, 201 P1, 202 P1, 203 P1, 204 P1, 205 P1.
- 3) The materials to be used in the construction of the external surfaces of the extended parapet wall hereby permitted shall match those used in the existing side parapet wall.

Schedule 2

Schedule of Conditions: Appeal B

- 1) The development hereby permitted shall begin no 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: 100 P0, 201 P0, 202 P0, 203 P0, 204 P0, 205 P0, 206 P0, 207 P0.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.