The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2022

Appeal Ref: APP/K5600/D/22/3303831
9 Dawson Place, Kensington and Chelsea, London W2 4TD

- 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 & Mrs Sikorski against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/22/01113, dated 18 February 2022, was refused by notice dated 10 May 2022.
- The development proposed is construction of a two storey side addition.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed side extension on the living conditions of the occupiers of No 11 Dawson Place, with regard to natural light and outlook.

Reasons

3. The appeal property is a four storey detached villa on the southern side of Dawson Place, which is a residential road comprising similar property types. It is located in the Pembridge Conservation Area.

4. Policy CL5 of the Kensington and Chelsea Local Plan (2019) requires all development to ensure good living conditions for occupants of new, existing and neighbouring buildings. This includes ensuring good standards of daylight and sunlight, and that there is no harmful increase in the sense of enclosure.

5. There is an existing three storey extension to the side of No 9, which is set back from the frontage so that is covers the rear half of the side elevation. The proposed extension would adjoin this, infilling the remaining space to the side up to the shared boundary, with a limited setback from the frontage.

6. The neighbouring property, No 11, includes a number of windows in the side elevation facing No 9, with an access passageway in between. Due to the two storey height of the extension, covering the lower and upper ground floors, the windows serving the same floors in No 11 are the only ones with the potential to be affected by the extension.

7. The window at upper ground floor level serves a kitchen and, according to the submitted drawings, includes obscured glass. I note that this room has a dual aspect with doors to the rear and, therefore, the proposed extension would not reduce the natural light to the extent that it would result in material harm.

8. The principal window to the lower ground floor is positioned close to the front of the existing three storey extension to No 9. As such, it benefits from the open aspect above the boundary wall to the front half of No 9's side elevation and some daylight as a result of this layout. I agree with the main parties, however, that sunlight reaching this window would be very limited due to the proximity and height of the neighbouring building. Nonetheless, the proximity and extent of the new extension in relation to this window would cause a material reduction in the daylight reaching the room it serves. It would also result in a more oppressive outlook, directly towards the extension's side elevation at close proximity, with no open aspect visible above or beyond the two storey wall. The fact that this window has external security bars is not a mitigating factor in terms of these effects.

9. While it was previously considered by the Council that this window served a bedroom, the room it serves is currently used for exercise. I note the appellants' contention that this means it should not be considered to be a habitable space. However, the room's current use does not in my view lead to this conclusion, particularly as there are no permanent facilities such as would be found in a bathroom or kitchen and, therefore, no suggestion that its long-term use as habitable space is inflexible. As such, the room should properly be considered as a habitable space where the harmful effects of the extension as found above would be readily apparent.

10. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the living conditions of the occupiers of the lower ground floor of No 11 Dawson Place, with regard to natural light and outlook. Consequently, it is contrary to Policy CL5 of the Kensington and Chelsea Local Plan, as described above.

11. In reaching this conclusion I have had regard to the representations from interested neighbouring parties who raise matters directly related to the main issue.

Conclusion

12. For the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR