



Appeal Decision

Site visit made on 10 January 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2023

Appeal Ref: APP/K5600/D/22/3306972

1 Elm Park Road, London, SW3 6BD

- 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 and Ms John and Anne Sinik against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/02995, dated 12 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is conversion from non-accessible roof to accessible terrace at second floor of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character or appearance of the Chelsea Park/Carlyle Conservation Area (CA);
 - the setting of nearby listed buildings; and,
 - the living conditions of surrounding occupiers, with particular regard to privacy and noise.

Reasons

Character and appearance

3. The appeal property is a modern house comprising a 3 storey flat roofed block joined to a 2 storey flat roofed block built of yellow stock brick. It is close to the corner of Park Walk with a gap between it and the Grade II listed terraced housing along that road. The gap allows views of the rear of the listed houses which have 2 storey flat roofed rear projecting wings and gable ends which create a rhythm that contributes to the streetscape, albeit less so than the frontage of the properties on Park Walk. None of the flat roofed rear wings are used as terraces. There is also a gap between houses on Elm Park Road and Park Walk on the opposite side of the road which allows views across rear gardens to the listed St Andrews Church which is identified as a landmark building in the Chelsea Park Carlyle Conservation Area Appraisal (2017) (CAA).
4. Other housing along Elm Park Road near the appeal site comprise pairs of Victorian Houses set back from the footway. They consist of a basement,

ground and first floor and are accessed via steps up to front porches. Most of the front gardens are planted with low hedges and ornamental trees behind low iron railings. The similarly designed houses and their detailing contribute to the character and appearance of the CA, as do the gaps between properties, and planted front gardens which give a relatively open and green character to this part of the CA at street level.

5. As the Council suggest, most buildings nearby do not have roof terraces at their front or rear, although I note that there is a rear terrace on the listed building, 39 Park Walk, on the corner of Elm Park Road almost opposite the site. That roof terrace has metal railings surrounding it and no planters visible from the street, rather than the raised parapet wall and evergreen hedges that are part of the appeal proposal.
6. Views of the proposed hedge screens from the street would be partly obscured because of their position set back from the roof edge and behind the proposed raised parapet wall. Nonetheless, they would appear as incongruous features because of the lack of greenery on buildings, above street level, in the surrounding area. The hedges would be highly visible from above ground floor rear windows of houses along Park Walk. The 1.7m hedge facing these windows would appear particularly obtrusive and out of character because of its height and density which is more appropriate to a rear garden boundary than a roof terrace. Also, it would contrast uncomfortably with the 3 storey element of the host building which would remain free of roof structures and vegetation.
7. I appreciate that the existing pipework on the roof is somewhat unsightly and that the proposed changes to the ducting, wooden screens and hedges would prevent views of it. However, the visual impact of the pipework could be minimised without the need for the hedge screening, which would function mainly to provide mutual privacy between the proposed terrace and houses to the rear. Also, the safety that the hedges might provide in terms of keeping children away from the roof edge could be achieved by better security for the existing door, preventing access to the roof other than for maintenance purposes, as is currently the case.
8. Overall, I conclude on this main issue that the proposed development would harm the character and appearance of the building and area. Given the small scale of the development within the context of the CA as a whole, the harm would be localised, limited and less than substantial but would nevertheless conflict with Policies CL1, CL2, CL3, CL6, CL8 and CL11 of The Royal Borough of Kensington and Chelsea Local Plan (2019) (LP), the CAA and the advice contained within the National Planning Policy Framework (2021) (the Framework) which require development to be well designed, respect the existing context and preserve or enhance the character or appearance of the CA.
9. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. The appellant has suggested that the proposed development would improve the appearance of the roof from that of the existing ducting. However, I consider that such benefits would not outweigh the harm to the appearance of the building and the CA that I have identified.

Listed buildings

10.S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to preserving listed buildings or their settings or any features of special architectural or historic interest.

11.Views from Elm Park Road towards St Andrews Church are from the road and pavement in front of the appeal site looking away from it. As such, the proposed development would not be visible in the same context as, and therefore form part of the setting of, the listed church. Also, the proposed development would not be visible from the front of the listed houses on Park Walk from which their key similarities and significant features can be seen. I do not therefore consider that the proposed development would harm either the listed buildings or their setting. I conclude on this main issue that the proposed development would not conflict with policy CL4 of the LP and the Framework which require development to preserve the heritage significance of listed buildings or their settings.

Living conditions

12.The noise and disturbance created by people using the proposed roof terrace would not be any greater than might be expected of those using the rear gardens of properties close to it, or the background noise generated by the busy Fulham Road just over 100m from the site. However, the minimum proposed hedge screen height of 1.7m would allow views over it towards the rear windows of houses on Park Walk, thus harming the privacy of their occupants. A higher hedge may be possible but it would not be desirable given my conclusions regarding its impact on the character and appearance of the building and the CA. I therefore conclude on this main issue that the proposed development would lead to an unacceptable loss of privacy for occupiers of properties on Park Walk, in particular Nos 33 and 35. As such, the proposal is contrary to Policy CL5 of the LP and the Framework which require development to provide a high standard of amenity and privacy for occupants of existing development.

Other Matters

13.Representations raised concern over loss of light and overshadowing. However, these do not add to my reasons for dismissing the appeal.

Conclusion

14.For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR