



Appeal Decision

Site visit made on 7 February 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/K5600/W/22/3299648

Flat 2, 55A Palace Gardens Terrace, Kensington and Chelsea, London W8 4RU

- 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 Anthony McFarland against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/01657, dated 18 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is construction of rear infill extension at first floor level. Replacement of casement window on closet wing with traditional painted timber sash window.
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Decision

1. The appeal is allowed and planning permission is granted for construction of rear infill extension at first floor level. Replacement of casement window on closet wing with traditional painted timber sash window at Flat 2, 55A Palace Gardens Terrace, Kensington and Chelsea, London W8 4RU, in accordance with the terms of application, Ref PP/22/01657, dated 18 February 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: GA 001 PL1; GA 010 PL1; GA 012 PL1; GA 013 PL1; GA 014 PL1; GA 015 PL1 and GA 421 PL1.
 - 3) The external surfaces of the development hereby permitted shall match those of the existing building in respect of materials, colour, texture, profile and brickwork. Railings to the roof terrace shall be painted black and windows shall be timber framed, double hung, sliding sashes and painted white.
 - 4) No development shall take place until an Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team and copies of the approved Checklist and SCMP, and their written approval, have been submitted to the local planning authority to be placed on the property record. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. The description of development in the banner heading and my decision is taken from the appeal form and the Council's refusal notice. I have used this instead of the description of development in the application form which contains extraneous wording. I consider that no party has been prejudiced in doing so.

Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Kensington Palace Conservation Area (KPCA).

Reasons

4. The appeal site, a residential flat contained within an end of terrace property, is situated on the corner of Brunswick Gardens and Palace Gardens Terrace.
5. The special features of the KPCA include its well-ordered streets and refined frontages. These consist of elegant terraces with stuccoed front elevations displaying elaborate architectural details, ornate and uniformly arranged windows, porches, boundary walls and door openings that are mostly well preserved. The appeal property's front façade along with others in the terrace is consistent with those special features. Therefore, the significance of this part of the KPCA, including the appeal site, lies in the contribution of the historic façades to the character of the area, and the group value of the buildings as elements of a master planned grid of residential streets.
6. The rear of the terrace is characterised by a sequence of closet wings. These are consistent in terms of their modest rearward projection and largely follow the same building line. However, they vary in terms of their height, width, and external finish. In the case of the appeal property, the rear outrigger is a storey shorter than its neighbour, as well as others in the terrace. This lack of visual cohesion between the closet wings is at odds with the more refined and homogenous front façade of the terrace. Accordingly, the rear of the terrace, including the appeal property, does not encapsulate any of the key characteristics or distinctive features that contribute to the KPCA's significance. Moreover, I have not been directed to any part of the Council's Kensington Palace Conservation Area Proposal's Statement which states otherwise.
7. The proposed extension, according to the appellant, would be set back from the rear elevation of the existing closet wing by 0.4 metres and will have a flat roof set approximately 0.3 metres below the flat roof of the closet wing. The existing metal balustrade of the terrace will be retained.
8. The garden at the rear of the appeal property and the adjoining amenity spaces forms a gap in the street's built frontage between No 55A and No 55 Palace Gardens Terrace. However, as the gap is not particularly wide and somewhat obscured by a large mature tree, clear views of the terrace's rear, obtained from the street, are somewhat short lived and diminished. Nonetheless, there would be private views of the terrace obtained mainly from rear gardens and upper floors at Strathmore Gardens to the north.
9. The proposal's infilling of the gap between two closet wings would increase the massing at the property's rear. However, the extension's short set back and set down ensures a recessed appearance that would appear discrete and not overly prominent in the context of the public views, particularly as these are largely

diminished and angled from the adjacent street. Moreover, the way the proposal would fill the space between the closet wing at the appeal site and the one next door, would not be inconsistent with other examples along the terrace in terms of scale and appearance. Similarly, the extension's shape and use of materials would also harmonise with others nearby. As it relates to the KPCA the proposal would not harm any aspect that contributes to its significance.

10. There are concerns that by filling part of the existing space between closet wings, the proposal would break the rhythm of voids along a section of the terrace's eastern half. This was noted, yet that arrangement is brief in terms of its coverage across the terrace while the rhythm is eroded by the mismatch in the height of the closet wings along that part of the terrace. Accordingly, the voids make a limited contribution to the visual qualities of the terrace and the proposal would not harm the uniformity of the rear elevations in the way described by the Council.
11. I conclude that the proposal would preserve the character and appearance of the KPCA. There would be no conflict with policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Local Plan 2019 which requires development to respond to local context, to be functional, to be discretely located, preserve or enhance the character or appearance of the conservation area, and to protect and enhance views that contribute to the character and quality of the area.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance, amending them where necessary. I have also sought agreement from the Appellant to the pre-commencement condition.
13. In addition to the standard time limit condition, I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. An external materials condition is necessary to ensure consistency with the character and appearance of the host property and other buildings in the KPCA.
14. A condition requiring the agreement of details relating to construction management procedures is necessary in the interests of neighbouring living conditions.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

R E Jones

INSPECTOR