



Appeal Decision

Site visit made on 10 March 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/K5600/D/22/3312521

3 St Luke's Street, Kensington and Chelsea, London, SW3 3RS

- 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 Ms Pam Collibee against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/05829, dated 27 September 2022, was refused by notice dated 23 November 2022.
 - The development proposed is the creation of a balcony to the rear of the existing ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a balcony to the rear of the existing ground floor at 3 St Luke's Street, Kensington and Chelsea, London SW3 3RS in accordance with the terms of the application, Ref PP/22/05829, dated 27 September 2022, subject to the following conditions:
 - 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 Drawing Numbers 01-100, 02-300, 02-301, 03-300 & 04-300.

Main Issues

2. The main issues in this case are
 - a) whether the development would preserve or enhance the character or appearance of the Chelsea Conservation Area, and whether it would harm its significance as a designated heritage asset and
 - b) its effect on living conditions, due to its impact on the outdoor amenity space for those living at No 3 and the privacy of neighbouring residents.

Reasons

Conservation area

3. Through its built form and layout, the character and appearance of the conservation area reflect its development in the first half of the 19th Century, and its significance lies, in part, in it still demonstrating this period of growth. The terrace containing No 3 contributes positively to the significance of the conservation area and respects its character and appearance because, among other things, its design and appearance show it dates from when the area was developed. Moreover, its rear elevation, with its closet wings, is again typical

of that period and informs an understanding of how the houses in the terrace functioned.

4. No 3 has already been altered at the rear, with the area between the closet wing and the side boundary being infilled with an extension. This rises up to near the bottom of the first floor window, and is substantially glazed. However, the transparent nature of this addition means the form of the brick closet wing is still apparent and noticeable. Extensive glazing is also found at basement level, and so it is a common feature at the back of this property.
5. The floor of the balcony and the enclosing barrier along its edge would be of glass, and it would run across the entirety of the back of No 3, behind both the closet wing and the modern glazed element. It would therefore project beyond the terrace's rear elevation. However, as it would be at ground level, it would be a subordinate feature on the building that would not be dominant or prominent, and would not disrupt any rhythm on the row. The extensive glazing already present means this would not be an unacceptable increase in the use of such a material, while it would still allow the role and presence of the closet wing to be perceived and would not undermine any sense of openness that remains at the back of the house. Therefore, it would not adversely affect either No 3 or the conservation area.
6. To my mind, the proposal's nature and scale mean it cannot be treated as an extension for the purposes of Policy CL9 in the *Royal Borough of Kensington and Chelsea Local Plan*. However, even if I had defined it as such, the impact of the works discussed above would have meant that any conflict with that policy did not offer a basis to resist the scheme.
7. Accordingly, I conclude the proposal would not fail to preserve the character or appearance of the Chelsea Conservation Area, and would not cause harm to its significance as a designated heritage asset. Consequently, it would not conflict with the *National Planning Policy Framework*, or Local Plan Policies CL1, CL2, CL3, CL6 or CL9, which collectively seek high quality development that respects its context and safeguards the historic heritage of the borough.

Living conditions

8. The property's rear patio is a small area at basement level that measures about 3.5m by 5m. It is enclosed on one side by the dwelling, and on the other 3 by not only the walling that extends up to ground level, but also the tall fencing on top of that walling. Therefore, while providing some benefit as an outdoor space for use by the residents, it is not an area with a strong sense of openness, and the amount of direct sunlight it receives is no doubt limited.
9. Given these factors, and mindful of the glazed nature of the balcony that would reduce its shadow and its sense of enclosure, I consider what is now proposed would not have a material effect on the contribution of the patio to the residents' living conditions. Indeed, by providing an outdoor area at ground floor level the scheme would bring some benefit in this regard.
10. Furthermore, given the tall fences at ground level, and the level of overlooking that is now possible from the large windows at No 3, the proposal would not result in any unacceptable loss of privacy for neighbouring residents in this tight built-up area.

11. Accordingly, I conclude the proposal would not unreasonably harm the living conditions of either residents at No 3 or those living adjacent, and so would not conflict with Local Plan Policy CL5, which concerns the delivery of good living conditions for occupants of existing and neighbouring buildings.

Conditions

12. I see no need to impose any conditions beyond the standard commencement condition, and, for the avoidance of doubt, a condition identifying the approved plans.

Conclusion

13. I conclude that the appeal should be allowed.

JP Sargent

INSPECTOR