The Planning Inspectorate

Appeal Decision

Site visit made on 27 March 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/K5600/D/22/3310312
120 Walton Street, London SW3 2JJ

- 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 Callum Denmark against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/22/04325, dated 13 July 2022, was refused by notice dated 7 September 2022.
- The development proposed is described as "Rear extensions, lowering the ground floor, and new roof terrace".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (i) the effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Chelsea Conservation Area, and

   (ii) the effects of the proposal on the living conditions of the occupiers of 122 Walton Street, with particular regard to outlook.

Reasons

Background

3. The appeal property is a 3-storey terrace house that includes a lower ground floor set partly below street level. It is situated within the Chelsea Conservation Area (CA) which is a predominantly residential area characterised by groups of high-quality residential terraces with formally arranged frontages comprising a mix of stucco and yellow stock brick. The residential terraces have a cohesive and uniform appearance and the terrace of which the appeal property forms part contributes positively to the CA's character and appearance.

4. Planning permission was granted on 27 March 2023 for development at the appeal property described as "replacement rear extensions, lowering of ground floor, creation of a roof terrace" (reference PP/22/06179). I consider there to be a high likelihood that this recent permission would be carried out if this

appeal is dismissed. As such this extant scheme represents a fall-back position to which I attach significant weight.

5. The appeal proposal would include the demolition of the 2-storey closet wing and its replacement by a wider 3-storey brick wing together with the formation of a double level glazed infill next to the wing and a lower ground floor glazed addition to the rear of the replacement wing. The proposal would also include the removal of the butterfly roof and the formation of a roof terrace. The extant scheme includes the same elements with one key difference: a 2-storey closet wing would be erected. In the light of the existence of the fall-back scheme the following solely considers the effects of proposed 3-storey closet wing.

Character and Appearance

6. The rear of the terrace of which the appeal property forms part includes a variety of closet wings and extensions. Generally, these are 2-storey in height and clearly subordinate in scale to the host dwellings. In this context the 3-storey closet wing at the rear of 122 Walton Street is an incongruous anomaly and at odds with the pattern of development in this part of the terrace. The proposed 3-storey wing at the appeal property would be similar in size to that at No. 122 and would be equally anomalous and incongruous in this local context.

7. Due to its siting, footprint and height I therefore conclude that the 3-storey closet wing would have an unacceptable effect on the host building, would fail to preserve the character and appearance of the CA and result in substantial harm to the CA.

8. This aspect of the proposal therefore fails to accord with Policies CL1, CL2, CL3, CL6, CL9, and CL11 of The Royal Borough of Kensington and Chelsea Local Plan (2019) (LP). These policies seek to ensure that development is sympathetic to the host building, preserves or enhances the character or appearance of conservation areas and respects the character of the local area. There is also conflict with the aims of the National Planning Policy Framework (2021).

Living Conditions

9. The next-door property, 122 Walton Street, has a small rear garden enclosed by walls and trees to the rear. Outlook from rear windows is therefore limited, particularly those windows close to the flank wall of the existing rear wing at the appeal property. Due to its siting and height the proposed 3-storey closet wing would result in a considerable increase in the height of this flank wall thereby reducing outlook from the nearby windows and increasing the sense of enclosure within the garden of No.122. Having regard to the poor existing situation, the degree of impact would be such that it would have an unacceptable effect on the living conditions of the occupiers of No. 122. For these reasons this aspect of the proposal is contrary to LP Policy CL5 and the Framework which require development to provide a high standard of amenity and privacy for occupants of existing development.

Other matters

10. Reference has been made to planning permissions for an upper floor addition to the 2-storey closet wing at the rear of 144 Walton Street. These permissions pre-date the current development plan and the Framework. Notwithstanding

this, each planning application and appeal must be considered on its individual merits including the particular characteristics of a site's context. There is nothing before me to demonstrate that the appearance of this part of the terrace is directly comparable to that surrounding the appeal site. Consequently, I attribute limited weight to these permissions.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR