



Appeal Decision

Site visit made on 24 March 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/K5600/D/22/3310713

27 The Little Boltons, London, SW10 9LL

- 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 R Haldea against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/04906, dated 3 August 2022, was refused by notice dated 29 September 2022.
 - The development proposed is Proposed rear conservatory extension at upper ground floor level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Boltons Conservation Area.

Reasons

3. The appeal site is a substantial and imposing Italianate style semi-detached villa situated within the Boltons Conservation Area (CA). The CA is a large area of predominantly town houses, laid out in a grid pattern of streets and squares. Number 27 is one of a pair of four storey semi-detached houses including lower ground floors in a residential street of similar properties to this side of the road. The CA is significant for its residential character of decorated houses built on a grand scale with fine examples of such using an Italianate style.
4. The front elevations of this group of buildings on the west side contain significant detail as they are decorative and opulent in appearance. The rear elevations are however also of historical significance although less decorated, are still formal with the fenestration pattern of a vertical emphasis. It is clear from the planning history associated with the dwelling that it has undergone alterations and upon site inspection, works are occurring to extend the dwelling to the rear.
5. From the evidence submitted with the appeal, the upper ground floor to the rear appears to have been previously extended by about half the width of the house although it had been removed at the time of my inspection.
6. Also, I could see from my visit that the pairs of houses to the north share similar characteristics to the appeal site to the front, but the rear elevations discernibly differ from that of No 27. However, the rear of the appeal site shares a closer resemblance to the attached dwelling of No 25. Although both

houses have a return element that are joined together with the void area adjacent at upper floor level, these returns are visually different from one another. This is because the appeal site projects less far into the garden and is of a square shaped design. Despite this, and other modifications that have occurred to both houses, the characteristic void areas to each at upper ground floor level remains. Furthermore, I am mindful of the Council's character appraisal for the CA describes the characteristic closet wings to the rear of dwellings with voids, and their historical importance.

7. Whilst the appellant seeks to design a traditional style of extension within this space, an orangery as designed and attached to the rear of the dwelling would not represent a historical feature that is characteristic to the age of the dwelling. The architectural detailing proposed would not be typical of the existing architectural detail of the villa and would therefore not be read as a sympathetic addition. The inclusion of a Juliette balcony further reinforces its atypical design.
8. It would therefore cause a loss of historic integrity to the dwelling as a consequence, even when taking into account the more recent additions to the villa. Furthermore, in this context, it would not be traditional to the character or appearance of the CA, made more conspicuous by its elevated position, encompassing the majority of the roof terrace that would be seen from surrounding residential vantages and in limited visibility from the public domain.
9. Despite the villa having been modified from its original composition, nonetheless it remains a good example of a house of this period. However, even though both semi's have been altered, they are still read as a pair with much symmetry. This development would detrimentally distort the rhythm to the façade and its relationship with its other half, thus eroding the sensitive historic character of the building and its contribution as a pair. It would not preserve or enhance the character or appearance of the CA.
10. I have not been provided with precise details of the other extensions brought to my attention by the appellant situated close to the appeal site to compare their circumstances. However, in any case I am not convinced the rear elevations of these houses share precisely the same characteristics or circumstances as the appeal site. In any case, I do not find that these provide any kind of precedent that would weigh in favour of the appeal proposal. In any event, each planning application and appeal must be considered on its own merits. There is nothing before me to substantiate the appellant's evidence of the appropriateness of upper floor extensions to this type of dwelling, or that there had historically been a structure in this position.
11. As the appeal property sits within a conservation area, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm I find would

be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found. No public benefits arising from the proposal have been identified in the submission, and whilst the proposal would provide some additional internal space, this is a purely private benefit.

13. To conclude on this main issue, given the above, and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Boltons Conservation Area. This would not meet the requirements of the Act, paragraph 199 of the Framework and conflict with policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Kensington and Chelsea Local Plan 2019 that seeks, among other things, to ensure high quality design in its context, is of character, preserves views and that development safeguards the significance of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Conclusion

14. The proposal would harm the character and appearance of the conservation area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR

