



Appeal Decision

Site visit made on 9 May 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2023

Appeal Ref: APP/K5600/D/23/3316973

306 Latimer Road, Kensington and Chelsea, London, W10 6QW

- 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 Mrs Alice Foulk against the decision of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/22/05491 dated 8 September 2022, was refused by notice dated 9 December 2022.
- The development proposed is creation of loft extension, increasing height of roof ridge and adding 1 dormer windows at rear, and 3 conservation type flush Velux rooflights (with glazing bar) on front roof slope.

Decision

1. The appeal is allowed, and planning permission is granted for creation of loft extension, increasing height of roof ridge and adding 1 dormer windows at rear, and 3 conservation type flush Velux rooflights (with glazing bar) on front roof slope at 306 Latimer Road, Kensington and Chelsea, London, W10 6QW in accordance with the terms of the application ref PP/22/05491 dated 8 September 2022, 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 shall not be carried out except in complete accordance with the details shown on submitted plans: 306_LR-P.SP Rev B (proposed site plan), 306_LR-P.P.01 Rev B (proposed first floor), 306_LR-P.P.02 Rev B (proposed loft), 306_LR-P.P.03 Rev B (proposed roof plan), 306_LR-P.E.01-02 Rev B (proposed front and rear elevations), 306_LR-P.E.03 Rev B (proposed side elevation), 306_LR-P.E.04 Rev B (proposed side elevation) and 306_LR-P.S.01 Rev B (proposed section 01).
 - 3) No development shall commence until: A) 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 then B) Copies of the approved Checklist and Plan, 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 Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.
 - 4) The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained;

- 5) The rear dormer window of the development hereby approved shall be clad in lead, and the raised part of the roof shall be covered in natural slate tiles to be in keeping with existing.

Main Issue

2. The main issue is the impact of the proposal upon the residential amenity of neighbouring occupiers at 1 Snarsgate Street with regard to sense of enclosure, daylight and sunlight and other neighbouring properties with regard to sense of enclosure.

Reasons

3. The appeal site is a two-storey dwelling, located within a terrace, within the Oxford Gardens Conservation Area (CA). The proposal seeks to create a loft extension through an increase in height of the roof ridge, addition of a dormer window to the rear as well as adding three conservation type flush velux roof lights on the front roof slope. I note that the Council do not raise any concern with regard to character and appearance of the building, group of buildings, street scene or the CA and I have no evidence before me to conclude differently on these elements. Both refusal reasons are based upon the residential amenity of adjoining property 1 Snarsgate Street (no. 1), as well as sense of enclosure for other neighbouring properties, with regard to the loft extension and addition of a dormer window.
4. At the time of my site visit, I entered the appeal property and went through bedroom 2, on the first floor, onto the existing terrace where I was able to see the flat roof and sky-light which forms part of the appeal site (over the appellant's kitchen) as well as the single storey rear extension and a small rear courtyard to no. 1. The appeal proposal would raise the height of the ridgeline by about 0.26 metres with the proposed dormer being around 4.3 metres wide, 2.3 metres high and 3.5 metres deep. The proposed side elevations (drawing 306_LR-P.E.04 Rev B and 306_LR-P.E.03) show that the proposed extension would not project past the existing, original, eave of the roof. Additional height, and built form, would therefore be contained over the original roof area (footprint) only as a dormer.
5. The proposal would be set back away from the rear skylight serving the kitchen and ground floor of no. 1 by a noticeable separation distance due to the proposal being separated by both the existing ground floor kitchen of the appeal site as well as the first-floor terrace and bathroom. Measured horizontally, the proposed rear dormer would be located just over five metres from the roof-light in the single storey rear extension at no. 1. Furthermore, the appellant has evidenced that roof-lights, whilst of importance, are secondary windows as the property has fenestration at ground level providing access to the rear courtyard. Even if the neighbouring property did not benefit from these doors to the courtyard in question, I still find that the height, depth, and siting in proximity to the rear skylight serving the kitchen and ground floor area would be appropriate due to the separation which I have outlined.
6. The objection shows that directly above/behind the skylight, at no. 1, is the back of the appeal site and the railing of the appeal site terrace is visible, as is the roof above. I find that, as outlined previously, the proposed dormer and roof extension would not bring the built form forward of the existing eaves of the original roof and that views would be largely unchanged in that they would

still be of the roof/built form of the appeal site in question. As a result of the position of the proposed development, and taking into account its scale and site context, I do not find that the height, depth, and siting would result in harmful impact to residential amenity of the occupants of no.1 as a result of the separation distance from the existing roof-light at no. 1.

7. It therefore follows that, due to the separation in question, I do not find that the proposal would result in a harmful increase in the sense of enclosure to no. 1 due to the fact that the existing arrangement, including the existing first floor terrace at the appeal site, would be unaffected and the dormer would be over the existing main roof area of the dwelling at a separation distance of in excess of 5 metres. The proposed dormer would be set further away than outlined within the objector's submitted photographs and would not appear duly prominent in views through natural use of the roof-light in question.
8. No. 1 is also located to the east of the appeal site, however, the skylight in question is to the south of the adjoining dwelling which I find would assist in maintaining sufficient natural daylight/sunlight as a result of the positioning of the skylight on the southern side of the adjoining property.
9. Whilst the Council's first refusal reason references living conditions for other, unspecified, neighbouring properties there is no clear evidence of assessment as to impact upon these properties within the Council's report. Adjoining property, 304 Latimer Road, is already taller than the appeal property and is separated by a higher party wall. The proposal would be visible in oblique angles, but this would be largely mitigated by the impact of the existing chimney in relation to the skylights in the rear roof slope. 306A Latimer Road is located to the north and has one skylight which evidence suggests serves a staircase and a first-floor extension, would mitigate any potential impact upon the kitchen skylights.
10. The proposal would be consistent with the Royal Borough of Kensington and Chelsea Local Plan 2019 Policy CL5 which seeks to ensure that all development provides good living conditions for occupants of new, existing, and neighbouring buildings. To deliver this, decisions will ensure that good standard of daylight and sunlight are achieved in existing properties affected by new development and require that there is no harmful increase in the sense of enclosure to existing buildings and spaces.

Other Matters

11. A letter of objection is noted to have been submitted as part of the application process. I have dealt with matters relating to sunlight, daylight, and sense of enclosure within the main issues of this decision letter.
12. Comments regarding infringement on privacy are noted, however, the appeal site already benefits from a first-floor terrace to the rear which is much closer to the skylight in question and the windows of surrounding properties already result in potential for overlooking into that skylight to some extent. There is already an existing amount of mutual overlooking and I do not consider that the proposed dormer would result in any reduction in privacy when taking into account the existing site context, and first floor terrace, at the appeal site in question.

Conditions

13. The Council's questionnaire suggests that conditions relating to timing, materials and accordance with the approved plans are not necessary however, I consider they are necessary and have applied them to the permission granted. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
14. Conditions relating to materials, and a condition regarding the rooflights, are required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish. A condition regarding a construction management plan is required to mitigate the impact of construction work upon the levels of amenity for neighbouring occupiers.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR