



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: 7 June 2023

Appeal Ref: APP/K5600/D/22/3312671

47 Tregunter Road, Kensington and Chelsea, London, SW10 9LG

- 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 Camille Abousleiman against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/05900 dated 28 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is to extend the current bay window from 2nd to 3rd floor rear elevation to match adjoining semi-detached villa of no. 49 Tregunter. Remove unsightly iron bridge railing from 2nd floor bay to 3rd bay floor window of no. 49 Tregunter.
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Decision

1. The appeal is allowed, and planning permission is granted to extend the current bay window from 2nd to 3rd floor rear elevation to match adjoining semi-detached villa of no. 49 Tregunter. Remove unsightly iron bridge railing from 2nd floor bay to 3rd bay floor window of no. 49 Tregunter at 47 Tregunter Road, Kensington and Chelsea, London, SW10 9LG in accordance with the terms of the application ref: PP/22/05900 dated 28 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: 000.001 (location plan), 000.0002 (site plan), 220.001B (proposed rear elevation) and 120.004C (proposed second floor plan);
 - 3) The materials used in the development hereby permitted shall match those of the existing dwelling or those stated on the submitted application form as appropriate unless details are submitted to, and approved in writing by, the Local Authority;
 - 4) The windows hereby permitted shall be timber framed, white painted, double hung, sliding sashes, and so maintained;
 - 5) 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.

Procedural Matters

2. Whilst both the appellant's description, and the Council's decision notice, reference number 49 Tregunter Road I note from my site visit that the appeal site is paired with number 45 Tregunter Road, not 49. This is correctly referenced in the appellant's original design and access statement. For the avoidance of doubt the proposal would therefore result in development matching, and removal of railings to, number 45 Tregunter Road.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the host property, terrace, and Boltons Conservation Area.

Reasons

4. The appeal site is three storey, semi-detached, dwelling house with a lower ground floor level. It is paired with 45 Tregunter Road (no. 45) as well as being part of a wider terrace (of semi-detached villas) along Tregunter Road (numbers 37-51) which stand within the Boltons Conservation Area (CA). The appeal site is identified in the Boltons Conservation Area Appraisal (CAA) as a positive building which makes a positive contribution to the CA in terms of its character and appearance. As a result of this, proposals should be sympathetic with regards to the character and design of the property as well as the wider CA.
5. The proposal seeks to extend an existing bay window from second to third floor as well as remove an iron bridge railing that currently links from the appeal site to No. 45. The extension would be sited on the existing canted bay of the property and would be approximately 1 metre in depth, 3 metres in width and 2.7 metres in height. The proposal would be constructed in matching brickwork with timber sash windows at the rear elevation which would be consistent with the appearance of the existing dwelling as well as surrounding materials in the wider row of dwellings.
6. The CAA notes that some of the semi-detached pairs on Tregunter Road have elegant shallow canted stucco bays at ground floor and first floor levels and that these are special features that are unusual in the area. Within the wider terrace I acknowledge that there is a general rhythm of canted bay extensions which rise up to (a maximum of) the first-floor level of the buildings. There is, however, a canted bay window and extension/bay window at no. 45, that already extends up to level within the proposal before me and I find that this currently unbalances the pair of villas and already disrupts the rhythm of rear extensions along the row. Whilst there is no planning history for the upward extension at no. 45, the Council have not evidenced that this adjoining development is subject to, or likely to be subject to, enforcement action which could result in its subsequent removal.
7. The CAA, in discussing urban form, notes the importance of gaps and I further note important views being recorded. The proposal would not, however, impact upon either of these elements which are of important to the character and appearance of the CA. The appeal site forms a clear pairing with no. 45

with important gaps either side of the villas being maintained as a result of the proposal. The appellant's submissions show that the proposal would be extremely limited in views from Tregunter Road and Hollywood Road and indeed I found this to be the case at the time of my site visit. Views from Hollywood Road would be near impossible within the street scene given the brick wall, fencing and vegetation boundary treatments alongside number 37 Tregunter Road. In addition, from that direction, the proposal would be behind the existing extension at no.45.

8. As a result of the proposal, I find that the extension would be consistent with the neighbouring extension and would result in a more balanced, and symmetrical, appearance for the pair of villas which is appropriate for the character and appearance of the host dwelling. In addition, the proposal would result in the removal of a cast iron gate bridge which currently extends from the appeal site to the adjoining property which I find is uncharacteristic, and unsightly, when considering the rear elevation of these properties.
9. On balance, I consider that the upward extension to the existing bay window would result in development which would balance out the pair of properties within the overall row but would essentially be limited in general views within the CA. The remaining features, identified in the Boltons CAA, remain for the rest of the semi-detached pairs on Tregunter Road. As well as improving balance the proposal would remove the iron railing bridge which would be a positive enhancement to the host property as a result of the proposal. Overall, I find the proposal to have a neutral impact upon both the host property and the CA and that there would be no harm to the CA.
10. Section 72 of the Planning (Listed Buildings in Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving when enhancing the character or appearance of the CA. In this context, preserving can also be taken to mean doing no harm. In accordance with paragraph 199 of the National Planning Policy Framework 2021 when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I do not find that the proposal would impact upon the character or appearance of the property, terrace or the wider CA and it would, on the basis of doing no harm, preserve the character and appearance of the CA.
11. The proposal would be consistent with The Royal Borough of Kensington and Chelsea Local Plan 2019 (LP) Policy CL1 which requires all development to respect the existing context, character and appearance, LP Policy CL2 which requires development to take opportunities to improve the quality and character of buildings, the area and the way it functions, and LP Policy CL3 which requires development to preserve and take opportunities to enhance the cherished and familiar local scene. LP Policy CL3 further requires that development should preserve or enhance the character or appearance of the Conservation Area.
12. The proposal would also be consistent with LP Policy CL6, which requires that alterations and additions do not harm the existing character and appearance of the building and its context, LP Policy CL9 which requires extensions and modifications to existing buildings to be subordinate to the original building, to allow the form of the original building to be clearly understood, and to reinforce the character and integrity of the original building, or group of buildings. The

proposal would also be consistent with LP Policy CL11, which requires development to protect and enhance views and gaps that contribute to the character and quality of the area.

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. A materials condition, and a condition regarding the window type, is 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