



Appeal Decision

Site visit made on 27 July 2023

by R Lawrence MRTPI, BSc (hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/K5600/W/22/3307862

11 and 12 Egerton Place, Kensington and Chelsea, London SW3 2EF

- 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 RBC Trustees (CL) LTD against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/03971, dated 22 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is Erection of a projecting glazed structure from raised ground floor to first floor at the rear of the building together with 1100mm high detailed handrail at raised ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a projecting glazed structure from raised ground floor to first floor at the rear of the building together with 1100mm high detailed handrail at raised ground floor at 11 and 12 Egerton Place, Kensington and Chelsea, London, SW3 2EF in accordance with the terms of the application, Ref PP/22/03971, dated 22 June 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Thurloe Estate and Smith's Charity Conservation Area (CA).

Reasons

3. Nos 11 and 12 Egerton Place form part of a wider terrace which is arranged in a crescent. The terrace curves around a small densely planted garden and there is a further communal garden to the rear of the buildings.
4. The site lies within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
5. The significance of the CA lies in its high-quality representation of South Kensington's architectural history, ranging from the Georgian period through to the red brick Queen Anne style at the end of the Victorian period. The appeal buildings represent the work of architect Amos Faulkner and are recognised as making a positive contribution to the CA within the Conservation Area Appraisal October 2016 (the CAA). Further characteristics of the CA include a well-maintained coherent design and character within each street, and garden squares which "give the houses a high status setting" and "add to the

exclusiveness of the area”¹. This generally relates to public garden squares however a specific mention is given of the rear garden containing the appeal site and its contribution to the character of the area².

6. The proposed extension would be viewed from parts of the communal garden to the rear of the appeal buildings. Vegetation and low boundary treatments would provide some limited screening; however, the vegetation could not be relied upon in perpetuity, and given the height of the proposed extension, it would be clearly visible. Furthermore, there would be private views from windows serving Egerton Place and Yeomans Row in addition to the users of the shared garden. Given the importance of garden squares to the significance of the CA, it follows that views to/from the garden are important. This is the case despite the potentially affected views being private rather than public.
7. Given the visibility of the rear elevations from the shared garden, these are of clear importance to the character of the immediate area as well as the CA. The proposed extension would add a step to the rear elevation and building line. Whilst there is a consistent curve to the front of the appeal buildings, this is not the case to the rear which contains several protrusions meaning there is not a clear and consistent rhythm. I accept that some of these protrusions take the form of traditional canted bay windows, whereas the proposal would be a modern square addition and would extend beyond the depth of the canted bay windows, however, the depth of the extension would nonetheless be modest. The use of glazing in the extension would retain views of the existing building and having regard to the variety of rear protrusions which currently exist, together with the modest depth, the proposal would sit comfortably within its surroundings.
8. The extension design would deviate from the traditional, timber window design elsewhere on the building. Nonetheless, this would add visual interest to the building whilst retaining views of the traditional timber windows elsewhere on the building. I am not persuaded that this variation would be harmful.
9. Criterion a of Policy CL9 Kensington and Chelsea Local Plan, September 2019 (LP) states that extensions which extend rearward beyond the existing general rear building line of any neighbouring extensions will be resisted. There are a number of canted bay windows projecting beyond the rear elevation and the depth of the proposal would exceed the depth of these. The canted bay windows appear to be traditional and part of the original building rather than extensions to it. As such, I cannot see that there would be a conflict. In any event, the proposal would comply with the overriding aims of Policy CL9 in that the extension would be subordinate to the existing building, would still allow the form of the original building to be clearly understood, and it would reinforce the character and integrity of the original buildings.
10. There are no other comparable examples of glazed extensions visible from the rear garden. The contemporary element would be viewed as a recognisable modern addition to the building, whilst retaining views through of the existing brickwork and detailing. As such, I find that the extension would add further visual interest to the rear elevation, such that it would be complimentary to the existing traditional architecture. Lighting at certain times of the day would draw further attention to the extension due to its glazed design, however, given my

¹ Thurloe Estate and Smith’s Charity Conservation Area Appraisal 2016 para 2.19, page 13

² As above, para 2.22, page 13

above findings, this would not be harmful given the positive effect of the extension.

11. The appeal scheme also includes the erection of a black metal balustrade on the raised ground floor level. I note there is no dispute between the parties over the acceptability of this element of the scheme and I find no reason to disagree. The handrail would be acceptable in visual terms and would integrate well with its surroundings.
12. I find therefore that the proposal would preserve both the character and appearance of the area in general terms as well as the character and appearance of the CA. As such, the proposal would generally accord with LP Policies CL3 and CL11 which seek to preserve or enhance the character of the CA, including views to/from the CA. Furthermore, the proposal would accord with Policies CL1, CL2, CL6 and CL9 of the LP which seek to secure a high quality of design and protect the character of the existing building and wider area. The proposal would therefore comply with the Development Plan.

Conditions

13. The Council has suggested a number of conditions in the event of my allowing the appeal. I have considered these in accordance with the Planning Practice Guidance. A plans condition together with a condition to limit the timeframe for implementation is required in the interests of certainty. The Council initially suggested a detailed plans condition; however, this was omitted in the list submitted with their appeal statement. Notwithstanding this discrepancy, I am satisfied that there is sufficient detail on the submitted plans such to avoid the need for further, more detailed plans.
14. A condition is also required to secure a Site Construction Management Plan, having regard to the close proximity of the development to neighbouring residential properties. I have made minor revisions to the wording of this condition to require the plan to be submitted and approved in writing by the Local Planning Authority rather than by the Council's Construction Management Team, as per the Council's suggested wording. This is because it is the role of the Local Planning Authority to determine the acceptability or otherwise of any condition discharge submission, this includes reaching a view on whether it is acceptable in planning terms. It is necessary for this to be agreed prior to commencement because it relates to the construction process.
15. A condition to secure a flood risk assessment and sustainable drainage strategy is necessary given the location of the site within a critical drainage area, and to ensure compliance with flood risk policies within the Development Plan.

Conclusion

16. For the reasons given above, and having regard to all other matters, I conclude the appeal should be allowed, subject to conditions.

R Lawrence

INSPECTOR

Schedule of 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 the following approved plans: Location and Site Plans (No. 11EP-PL-000 Rev PL1), Proposed Ground Floor (No. 11EP-PL-1G0 Rev P1), Proposed First Floor (No. 11EP-PL-110 Rev P1), Proposed Rear Elevation (No. 11EP-PL-122 Rev P1), Proposed Balustrade (No. 11EP-PL-123 Rev P1); Proposed Section C (No. 11EP-PL-1S0 Rev P1).
- 3) No development shall commence until:
 - An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by 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 as approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.
- 4) No development shall commence until a Flood Risk Assessment and Sustainable Drainage Systems Strategy with the following information has been submitted to and approved in writing by the Local Planning Authority:
 - A Flood Risk Assessment to analyse all potential flood risks to the site and ensure that the development is protected against flood risk and will not lead to off-site flooding. Any proposed protection, mitigation and resilience measures should be shown on submitted plans.
 - A Sustainable Drainage Systems Strategy to include:
 - A detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Local Plan Policy CE2 (g), which is to achieve a reduction of 50% of existing rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater or other flows).
 - Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
 - Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).
 - Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved Sustainable Drainage System (SuDS) and Flood Risk measures shall be fully implemented and maintained thereafter.