The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/K5600/D/23/3331527
51 Milman's Street, London SW10 0DA

- 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 Bridge Hill Epping Limited against the decision of the Council of the Royal London Borough of Kensington and Chelsea.
- The application Ref PP/23/02466, dated 12 April 2023, was refused by notice dated 27 July 2023.
- The development proposed is the erection of a part two-storey and part single-storey side extension and first floor rear extension with the addition of front and rear top floor dormer windows with associated building refurbishment, resurfacing, landscaping and drainage works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Access to the appeal site was not possible when I visited. I am however satisfied that viewing the property from the street together with the information submitted with the application and appeal are sufficient for me to adequately assess the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 103 Cheyne Walk, with particular regard to outlook.

Reasons

4. The appeal property is a 3-storey, mid-20th century house with a single-storey rear wing and garden space to the rear and side. The latter area was dominated by a mature tree and occupied by a car port, both of which have been removed. The property is situated in a residential area, containing a mix of apartment buildings and houses. At the time of my visit the property was vacant and in a poor state of repair.

5. There is a tall brick wall along the rear boundary of the site, beyond part of which is a small courtyard garden area associated with 103 Cheyne Walk. The side boundary comprises a standard height brick wall which forms the rear boundary of larger area of garden within the curtilage of No. 103 Cheyne Walk. It is evident that the upper parts of the appeal property are visible from the

larger garden area and consequently the appeal property currently encloses this space to a degree.

6. The proposal would primarily comprise the erection of 2 additional floors above the rear wing and the construction of a part-single and part 2-storey extension to the side and rear of the house. The ground floor part of the latter would occupy the entirety of the space to the side of the existing house as well as extending to the rear boundary. The upper level would only be marginally set away from the side boundary shared with No. 103 and would extend along and above almost the full length of this boundary.

7. As the upper floor of the side addition would be to the north of the garden there would be a negligible impact on sunlight levels within the garden. However, due to its siting, height and size the second-floor element would enclose the garden resulting in a significant reduction in outlook from this space. I consider that this loss of outlook would be of a degree that would result in unacceptable harm to the living conditions of the occupiers of No. 103.

8. I recognise that properties in the area have relatively small gardens which in some cases are severely enclosed, and that this is a feature of the character and appearance of the area. I also note that the proposal would respect the character of the area and adequately preserve the setting of the neighbouring conservation area. However, these factors do not outweigh the harm identified above.

9. For these reasons I conclude that the proposal fails to accord with Policy CL5 of the Royal Borough of Kensington and Chelsea Local Plan (2019) which requires that all development ensures good living conditions for existing and neighbouring buildings and there is no harmful increase in the sense of enclosure to existing buildings and spaces, including neighbouring gardens.

Conclusion

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

S Poole

INSPECTOR