



Appeal Decision

Site visit made on 13 December 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/K5600/D/23/3330169

13 Chepstow Villas, Kensington and Chelsea, London W11 3DZ

- 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 Marc Van't Sant against the decision of the Royal Borough of Kensington and Chelsea Council.
 - The application Ref PP/23/04494, dated 10 July 2023, was refused by notice dated 1 September 2023.
 - The development proposed is a second floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework has been revised. Consequently, I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issue

3. The main issue is the effect on the character and appearance of the appeal dwelling, the group of properties of which it forms part and that of the Pembridge Conservation Area (the CA).

Reasons

4. The appeal dwelling is a three storey semi-detached house with a basement. It sits with a group of substantial detached and semi-detached houses that form the majority of properties in the street. These are of a variety of architectural expressions but are of similar scale and degree of set-back from the street.
5. The street is treelined and predominantly made up of 19th Century residential properties. It is located within the CA, which is recognised as a heritage asset through its designation by the Council. The Pembridge Conservation Area Appraisal (2017) sets out that the significance of the CA rests in its good quality late Georgian and Victorian residential architecture set within a verdant street scape. The appeal dwelling is identified as making a positive contribution to this significance.

6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. To the rear, the appeal dwelling has been the subject of substantial extension over the years, resulting in a stepped appearance. The proposal is to add a further rear extension at second floor level. This would have substantially the same footprint and sit directly above the existing first floor extension, aligning with its rear elevation. The flat roof of the proposed extension would also align with the eaves of the original roof of the appeal dwelling.
8. This would result in the loss of the only remaining element of the original rear façade and would eliminate the stepped appearance of the appeal dwelling at the upper levels. Rather, the proposal would combine with the existing first floor extension to create a single substantial element that would appear as bulky and unbalanced in relation to the existing stepped massing of the rear of the appeal dwelling. This would result in the proposed extension appearing as an over scaled and visually dominating, rather than a secondary and subordinate addition to the appeal dwelling.
9. The additional bulk and poor massing of the proposal would appear to set it apart from the appearance of the rear of other houses in this part of the street, to which it would stand further rearward and in stark contrast. This would be readily apparent in rear and flank views of the property, particularly those from the rear of adjacent properties that front onto Chepstow Crescent.
10. In these views the proposal would appear as unduly prominent, with the concomitant loss of the remaining part of the original rear façade. As such, the proposal would fail to reflect the existing character and appearance of the appeal dwelling, the group of properties of which it forms part, or to maintain the positive contribution that the appeal dwelling currently makes to the significance of the CA.
11. For the reasons given above, I find that the proposed development would be harmful to the character and appearance of the host dwelling, the group of properties of which it forms part and would fail to preserve or enhance that of the CA. In the context of paragraph 208 of the National Planning Policy Framework (2023) (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
12. This would be contrary to policies CL1, CL2, CL3, CL9 and CL11 of The Royal Borough Kensington and Chelsea Local Plan (2019), Policies D3 and HC1 of the London Plan (2021) and sections 12 and 16 of the Framework. Collectively these seek to ensure that development, including extensions, is of high architectural and urban design quality, is sympathetic to the age and character of the host building, respects existing views and preserves or enhances the appearance or character of conservation areas.

Planning Balance and Conclusion

13. Whilst the proposed extension would provide additional living space, which would benefit existing and also future occupiers, this does not constitute a substantial public benefit. In general, planning decisions should be made in the

wider public interest. In this context, the harm I have identified, including the less than substantial harm to the significance of the CA outweighs these benefits. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR