



Appeal Decision

Site visit made on 9 April 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25TH April 2024

Appeal Ref: APP/K5600/D/24/3336554

5 Phene Street, London, SW3 5NZ

- 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 Gerard Evenden against the decision of Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/06670, dated 12 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is replacement of rear ground floor french window with metal framed glazed window unit with double door.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of rear ground floor french window with metal framed glazed window unit with double door at 5 Phene Street, London, SW3 5NZ in accordance with the terms of the application, Ref PP/23/06670, dated 12 October, and the plans submitted with it.

Preliminary matters

2. The application form described the proposed development as "Increase in size of Ground floor window". The council changed this to the description used in the heading above. I have adopted it as it more clearly identifies the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed replacement french window on the character and appearance of the house, the terrace and the wider Cheyne Conservation Area.

Reasons

4. The appeal site is a mid-terrace dwelling with stuccoed ground floor and stock brick above. Fenestration is generally one-over-one sash windows with timber doors. To the rear an existing timber framed door provides access to a terrace area. The house is identified in the Cheyne Conservation Area Appraisal as a 'positive building' which makes a contribution to the conservation area in terms of its character and appearance. To the rear of its curtilage there is a Grade II listed wall.

5. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
6. Whilst the building is noted as being 'positive', as mentioned in paragraph 5 above, as a contribution within the Cheyne Conservation Area, it is not listed, and its rear elevation, at least as far as the ground and basement levels are concerned, makes no contribution to the character or appearance of that area. The listed wall, at the back of the garden, is unaffected by the proposed window, both physically and in terms of any visual harm to it. This wall is backed by trees and shrubs, which ensure that there is no wider view of the lower part of the appeal dwelling. The proposed window is recessed between projecting walls on each side, so that it is not a feature affecting neighbours, and it matches the window approved by the council on the floor below. In addition, I am told that the window would replace existing timber windows that were part of a 1980s alteration, not an earlier feature.
7. As a result of these considerations, I cannot see that the replacement french window has any harmful effect on the character and appearance of the house, the listed wall or the wider Cheyne Conservation Area. I will therefore allow the appeal.

Conditions

8. It appears that the appeal proposal is part of work that has already commenced. Therefore the statutory condition that provides a time limit on the start of development is not relevant. The council has not suggested any conditions that should be imposed in the event that the appeal is upheld. I agree that there is no condition necessary to govern the implementation of the permission.

Terrence Kemmann-Lane

INSPECTOR