

Appeal Decision

Site visit made on 12 September 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/K5600/D/24/3345387

69 Campden Street, Kensington & Chelsea, London W8 7EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Zeena Qureshi against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/08278 dated 14 December 2023 was refused by notice dated 3 April 2024.
 - The development proposed is Alterations to windows on front elevation, insertion of a new sash window where there is currently a gate in the 'garden wall'. Enlargement of a window in set-back side wing. New windows on rear elevation, extension of a portion of rear brickwork by 79cm at second floor level. Addition of a mansard roof to the set-back side wing. Replacement of single glazing with slimline double-glazing. Replacement of a solid parapet wall with new black painted steel railings to front first floor terrace. Installation of an air-source heat pump within an acoustic enclosure on rear first floor terrace. Raising of parapet to upper roof by 75cm around all 3 sides. Addition of a new stair access to the upper roof and new roof terrace to upper roof, set back from the parapet and surrounded by new planters. Installation of solar panels and chiller units on upper roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Kensington Conservation Area (CA). Therefore, as the proposal relates to a designated heritage asset, I have had special regard to section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act.
3. I am aware that there has been a previous approval for planning permission granted at the site.¹

¹ Application ref PP/23/07621 Alterations to windows on front elevation, insertion of a glazed panel in gate of garden wall. Enlargement of window in side wing. Addition of windows to rear elevation, and extension of a portion of rear brickwork by 79cm at second floor level. Replacement of single glazing with slimline double-glazing throughout. Replacement of solid parapet wall with black painted steel railings to the first floor terrace. The raising of parapet to upper roof by 75cm around all 3 sides. Installation of solar panels and an air-source heat pump and chiller unit within an acoustic enclosure on the upper roof. Granted 8 February 2024

Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area.

Reasons

5. The significance of the CA derives from its historic integrity to which the legibility of the layout of the street patterns and hierarchy of streets is apparent ranging from the commercial shopping high street to the quiet residential streets that connect to one another. Most of the CA is built across the Georgian and Victorian periods. There is a rich tapestry to the local build-form arising from the mixed scale and style of buildings seen throughout, although unifying materials of stucco, red brick and London stock brick are highly prevalent. With regards to Campden Street, there is a piecemeal character to the street scene drawn from development occurring over different periods of time and building purpose, with some continuous runs of identical houses juxtaposing with the large scale 1910 Byam Shaw House and later 20th Century developments. Overall, it adds distinctive character and charm to the street scene. Even with its range of building typology, Campden Street has significant authentic quality and from what I could see, remains largely intact from its historic composition.
6. The appeal property is, according to the Kensington Conservation Area Appraisal, Victorian in era. It is a three storey dwelling constructed from stock brick laid in Flemish bond with stucco render. It sits around the middle of Campden Street, adjacent to the large undeveloped gap that appears to be the walled garden of a property on Bedford Gardens, and the garden of Number 66 Campden Street. These spaces provide relief to the densely built-up nature of the local area. As a consequence of the undeveloped garden space adjacent, and despite the vegetation that exists, a considerable amount of the appeal site is visually exposed from views within the street scene.
7. There are various developments associated with this proposal and I am aware that some of these have been approved as part of the previous permission². However, with regards to this scheme, the matters in contention between the parties relate to the new extension and mansard to the existing side wing as well as a roof terrace above the main dwelling. I have no reason to come to an alternative view than the Council with regards to the areas not in contention between the parties. Therefore, I will only concentrate on the matters in dispute.
8. In relation to the proposed roof terrace, only the central position of the roof would be used as recreational space for the occupants. I am of the view that the railings to surround it would not be indiscernible from pavement level, even with the parapet raised and the set back of the railings at around 1.5m in from the edge of the roof. This is due to the location of the dwelling along the street and the views that are afforded from various vantages at street level over the adjacent gaps.

² Application ref PP23/07621

9. Planters are to be located inside the parapet. Given their proposed position, size, scale and number, these to my mind would have a permanence to them and would be a new and uncharacteristic feature to the roof scape. From the evidence before me, the appellant's intention is to plant them for screening and biodiversity purposes. The number proposed would not be insignificant and together with the layout would contribute to creating a barrier surrounding the roof, set very close to the roof edge. I am of the view that this as a whole, would lead to detrimental visual clutter to the roofscape in this already visually exposed location. It would not compare to the other roof terraces brought to my attention by the appellant as they are designed as part of the building, or smaller in size, or are more discreet in nature given their location upon the roof, than the proposal before me. In any case, I am not familiar with the circumstances of these terraces as no details have been presented to me to consider at any length.
10. The side wing would be extended upwards with a hipped roof and new centrally positioned curved window. Even though it would be set down from the main roof of the dwelling, and mansards are evident in close range to the appeal site, in this specific circumstance it would result in a bulky and top-heavy extension to the side wing that would historically have been a subservient extension to the main house. As a consequence, the subservience would be detrimentally diminished. It would not acceptably respect the character of this wing element and harmfully jar with the more significant proportions of the main dwelling, resulting in an adverse effect to its historic character.
11. Therefore, these things considered, the proposal would not respond positively to the character or appearance of the CA, and as a whole, it would be weakened. To that end, I find the character and appearance of the CA would not be preserved or enhanced and as such be contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Balance

12. Paragraph 206 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the heritage asset should require clear and convincing justification. Also, with reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the impact of the proposal, I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework.
13. I appreciate the appellant seeks to enlarge their dwelling to meet their needs. This is a private benefit to the appellant, however. It would incorporate greening credentials to the dwelling and benefit the environment from the use of planting. This can have a positive effect on the environment and is a public benefit that weighs in favour of the proposal. However, it would be insufficient to outweigh the less than substantial harm to the CA whereby the Framework emphasizes that when considering the impact of a

proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

14. Therefore, to conclude on this main issue, the proposal would not preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of the Act and Policies CL1, CL2, CL3, CL6, CL8, CL9 and CL11 of the Kensington and Chelsea Local Plan 2019 that amongst other things seeks to achieve good design and local distinctiveness and preserve heritage assets.

Other Matters

15. Although there are no concerns raised by the Council with regards to parking, and it is located within an accessible location to access local services and amenities, and its effect on the living conditions of adjacent residents is not in contention, these are neutral in the overall scheme of things and neither weighs for or against the proposal.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

