



Appeal Decision

Site visit made on 27 September 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/K5600/D/24/3346770

1 Cheyne Mews, London SW3 5RH

- 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 Mr Adam Green, Tetra Tech, against the decision of the Council of the Royal London Borough of Kensington and Chelsea.
 - The application Ref is PP/23/08117.
 - The development proposed is described as "Redesigning of property involving internal reconfiguration, partial demolition and extensions to rear ground, first and second floors".
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Decision

1. The appeal is allowed and planning permission is granted for the internal reconfiguration, partial demolition and extensions to rear ground, first and second floors at 1 Cheyne Mews, London SW3 5RH in accordance with the terms of the application, Ref PP/23/08117, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Cheyne Conservation Area.

Reasons

3. The appeal property is a 2-storey house with accommodation within part of the roof. It is semi-detached and forms part of a cluster of dwellings situated on land behind Cheyne Walk and Oakley Street that is accessed via a narrow road that runs under 24 Cheyne Walk. The dwellings in Cheyne Mews are relatively modest by comparison to the more substantial neighbouring terraces.
4. The property is situated within the Cheyne Conservation Area (CCA) which is characterised by fine Georgian houses in Cheyne Walk, Cheyne Row, Lawrence Street, Upper Cheyne Row and Old Church, and formal Victorian terraces elsewhere. By contrast to the dense urban scale of most of the streets in the CCA, Cheyne Mews has a more modest and verdant character, with the mature trees in neighbouring gardens dominating the houses. The appeal property makes a positive contribution to the character and appearance of the CCA and its protruding front wing is a key feature in views along the access road.
5. The rear of the appeal property appears to have been altered and extended over the years resulting in a somewhat jumbled, albeit characterful,

appearance. The house does not form part of a formal group, nor does it mirror the appearance of its attached neighbour. For these reasons the contribution the rear of the house makes to the character and appearance of the CCA is modest.

6. The proposal would comprise extensions at ground and first level at the rear together with the enlargement of the rear part of the roof to form a mansard with a pair of dormer windows. The ground floor extension would line through with the existing single-storey rear wing and the first-floor addition would line through with the main rear wall.
7. The construction of these additions would require the removal of large sections of the rear walls of the house together with the rear part of the roof whilst the front elevation and exposed flank elevation would remain in place as would a portion of the rear elevation and the intermediate floors. In the most part the demolition works proposed would be directly linked to the alterations and extensions proposed. For these reasons I am of the view that the proposal would not involve "substantial demolition" and therefore the requirements of Policy CL3(c) of the Royal Borough of Kensington and Chelsea Local Plan (2019) (LP) are not triggered.
8. The proposed additions would be subservient to the scale of the dwelling and the neighbouring house and would create a more coherent garden elevation that would be more in-keeping with backs of the nearby formal terraces to the rear. For these reasons the proposal would preserve the appearance of the CCA and accords with the primary aim of LP Policy CL3 which is to preserve or enhance the character or appearance of conservation areas.

Other Matters

9. The construction works and associated vehicular traffic would result in noise and disturbance to occupiers of neighbouring properties. I am satisfied however that these impacts can be sufficiently mitigated through the imposition of planning conditions requiring the adherence to an approved Construction Management Plan. Similarly, I am satisfied that adherence to a planning condition requiring implementation of the measures set out in the arboricultural report will prevent harm to nearby trees.
10. The proposed upper-level additions are relatively minor in height and bulk and would not therefore result in unacceptable harm to the living conditions of occupiers of the neighbouring property due to loss of outlook.

Conditions

11. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved drawings is necessary. To ensure the development is of high-quality conditions requiring the approval of materials and construction details are imposed.
12. The appeal site is located within the Chelsea Riverside Archaeological Priority Area, a Tier II Archaeological Priority Area so a scheme of investigation is warranted. To mitigate against possible surface water flooding a condition requiring implementation in accordance with the submitted SuDS report is warranted.

Conclusion

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

S Poole

INSPECTOR

Schedule of planning 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: A-296-CHM-PL-001-Site - Rev P1; A-296-CHM-PL-010-Ground - Rev P2; A-296-CHM-PL-011-First - Rev P2; A-296-CHM-PL-012-PLN-Second - Rev P2; A-296-CHM-PL-013-PLN-Roof - Rev P1; A-296-CHM-PL-020-ELE-Front - Rev P2; A-296-CHM-PL-022-ELE-Rear - Rev P2; A-296-CHM-PL-023-ELE-FLANK - Rev P1; A-296-CHM-PL-030-SEC-Long - Rev P1; A-296-CHM-PL-040-DET - Rev P1; 2163-100 - Rev C.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No development shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:
 - (a) Elevation (1:10) and section (1:5) drawings of new external doors and windows with details of mouldings in section (1:1). New doors and windows shall be made of solid timber and hand painted, with integral glazing bars and slimline double glazing of no more than 12mm thickness;
 - (b) roofing materials and rooflights.
- 5) Sample panels of facing brickwork showing the proposed colour, texture, brickwork bond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panels so approved.
- 6) The mortar mix shall match the original construction mortar of the building with regard to the grading of the aggregate, finish, and colour. The mortar must be lime based (NHL as per EN459) with no cement content. The pointing profile shall match the original profile on the building. If the original pointing no longer exists, details of the re-pointing profile should be submitted to and approved in writing by the local planning authority before any such re-pointing takes place.
- 7) No development shall take place until after completion of a programme of archaeological work in accordance with a written scheme of investigation to have been submitted to, and approved in writing by, the local planning authority, and the development shall take place only in accordance with the detailed scheme so approved.

- 8) No development shall commence until a final revised Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
- a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
 - b) access arrangements to the site;
 - c) the estimated number and type of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
 - h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
 - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.
- The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one-page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.
- 9) No development shall commence until:
- A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team, and then
 - B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to 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 so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.
- 10) During construction of the development hereby permitted the Sustainable Urban Drainage System (SuDS) outlined in the submitted SuDS report (Ref: B029379) shall be fully implemented and maintained thereafter.
- 11) During the construction of the development hereby approved, the tree protection measures recommended in the submitted Arboricultural Report (Ref 190542-PD-11d) shall be implemented and adhered to.