



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/24/3347734

5 Phene Street, London SW3 5NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Gerard Evenden against the decision of the Council of the Royal London Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02999.
 - The application sought planning permission for "*the repositioning and enlargement of the front dormer window and creation of two dormer windows to the rear*" without complying with a condition attached to planning permission Ref PP/21/07029, dated 22/12/2021.
 - The condition in dispute is No.2 which states that: The development shall not be carried out except in complete accordance with the details shown on submitted plans 1001_02, 1003_02, 1004_02, 1005_02, 1007_02, 1009_02.
 - The reason given for the condition is: The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The dormer that is the subject of this appeal has been constructed. The appeal therefore relates to a retrospective application to vary planning condition 2.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Cheyne Conservation Area.

Reasons

4. The appeal property is a 3-storey house with a lower ground floor and accommodation in the roof. It forms part of a terrace of 7 largely identical houses on the south side of Phene Street. It is situated in a part of the Cheyne Conservation Area (CCA) that is characterised by formal early to mid-Victorian houses with stuccoed ground floor frontages with stock brick above. The appeal property and the terrace of which it is part make a clear and substantial contribution to the character and appearance of the CCA.

5. All of the houses in the terrace to either side of the appeal property include dormers in the front roof slope. These are positioned roughly centrally in the roof slope and vary in respect of their size and design. They are though all set a sufficient distance behind the parapet wall to ensure they are not apparent in views along Phene Street. In longer views along Margarett Terrace the larger dormer windows at 1 and 3 Phene Street are relatively prominent elements in the street scene by comparison to the more modestly sized dormers at Nos 2 and 4.
6. Planning permission was granted in December 2021 for the repositioning and enlargement of the front dormer window. The drawings approved in 2021 show a dormer that is similar in size and positioning to those at Nos 1 and 3.
7. The appeal scheme comprises a wider dormer that is sited closer to the parapet wall than the original and approved dormers, and the dormers at Nos 1 and 3. As a consequence of its size and positioning it is apparent in views from both Phene Street and Margarett Terrace and more noticeable than the relatively large and prominent dormers at Nos 1 and 3. In the context of the smaller dormers to either side the appeal scheme is an overly prominent and incongruous addition to the terrace.
8. I conclude therefore that due to its siting and size the appeal scheme has an unacceptable effect on the appearance of the terrace and fails to preserve the character and appearance of the CCA. Consequently, it fails to accord with Policies CL1, CL2, CL3, CL6, CL8 or CL11 of the Royal Borough of Kensington and Chelsea Local Plan (2019) which, amongst other matters seek to achieve good design and local distinctiveness, safeguard views, and preserve heritage assets.
9. Whilst the proposal would fail to preserve the character and appearance of the CCA, the harm to this heritage asset would be less than substantial. In these circumstances Paragraph 208 of the National Planning Policy Framework (2023) requires me to weigh the harm against the public benefits of the proposal. As the proposal simply provides extra private space for the occupiers of the appeal property there would be no public benefits arising from it.

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