



Appeal Decision

Site visit made on 26 July 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/K5600/W/23/3334229

Flat 3, 320 Old Brompton Road, Kensington and Chelsea, London SW5 9JH

- 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 G Macari against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/05392 /Q13.
 - The development proposed is for an extension of the rear addition at the 2nd-floor level to provide an additional bedroom, as well as, an extension at the 3rd-floor level to provide a study.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The Council's assessment of the proposal refers to the 2019 adopted Kensington and Chelsea Local Plan. This has been superseded by the New Local Plan Review adopted in July 2024 (the Local Plan). The main parties have been given the opportunity to comment on the adoption of the Local Plan. I have taken the Local Plan and any comments thereon into account in my decision.
4. The Council and appellant are in agreement that the rear addition at second floor level would not give rise to any harmful effects. The proposed third floor level extension would be set back from the front parapet, but would be built right on the rear parapet. During my site visit, I viewed the property from within Brompton Cemetery from a number of angles, and agree that it is unlikely that the proposal would be visible from within the Brompton Cemetery Conservation Area.
5. The main issue is therefore the effect of the extension at third floor level on the character and appearance of the Philbeach Conservation Area.

Reasons for the Recommendation

6. The appeal site is located on Old Brompton Road, and is positioned above a commercial premises. The site itself is not within a Conservation Area (CA), however it fronts the Brompton Cemetery CA, and to the rear is the Philbeach CA. The third floor extension would be clearly seen from within the public realm

of the Philbeach CA, the significance of which is derived from the Italianate style of the mid-Victorian terraces set out in crescents, which are unified by continuous stucco cornices to the parapets and cast iron railings to the front area.

7. The glossary of the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. The Planning Practice Guidance goes further to note that the setting of a heritage asset and the asset's curtilage may not have the same extent¹. As such, owing to its close proximity, No 320 contributes to the setting of the Philbeach CA by providing a backdrop within which the properties which contribute positively to the CA are viewed.
8. As discussed, the site can be seen from the road and opposite pavement on Kempsford Gardens. At present, the rear of No 320 is highly visible from within the Philbeach CA, even during my site visit when the trees were in full leaf. The brickwork at the rear is painted white and the addition of a zinc standing seam mass would be a prominent addition against the pale brickwork. The prominence of the addition would be compounded by being the only roof extension in the row, and the parapet of No 320 being one of the highest on the row. I acknowledge that only part of the full height of the roof extension would be visible over the existing parapet in public and private views. It would nonetheless be a dominant addition to the property which would not be consistent with the prevailing height and form of others in the terrace, harmfully disrupting the roof level uniformity of this group of buildings which collectively form a backdrop to the Philbeach CA.
9. The historical roofscape has been altered over the years from a traditional V shaped roof, to the flat roof with parapet. Despite this change, the rear roofline of the terrace provides a plain and largely uniform backdrop to the CA. Given that this terrace forms the backdrop to the Philbeach CA and as a result of the above, there would be less than substantial harm to the significance of the CA. This harm must be weighed against any public benefits.
10. The two extensions would add another bedroom onto the existing two-bed property. The London Plan 2021 identifies the need to make the best use of existing sites, and to intensify the use of land to support additional, higher density development. Paragraph 124 of the Framework also supports opportunities to use the airspace above existing residential premises where their external appearance harmonises with the original building. While this point is acknowledged, the existing property is of high quality, and the addition of another bedroom would not significantly intensify the residential use above and beyond the existing situation.
11. The increased standard of accommodation has also been put forward by the appellant as a benefit, however given the high standard of the existing dwelling, this draws limited weight in the balance. Safe access to the roof has also been identified, however this is an entirely private benefit of the proposal as are any improvements to the roof terrace given that the property already benefits from a terrace area.
12. Accordingly, the less than substantial harm that would be caused by the proposed third floor extension would not be outweighed by any public benefits

¹ Paragraph: 013 Reference ID: 18a-013-20190723

provided by the appellant. As such, the proposal conflicts with Policies CD1, CD2, CD12, CD13, and CD15 of the Local Plan. Collectively these policies seek to ensure that development responds to the local context through resisting additional storeys and roof level alterations on complete terraces where the existing roofline is unimpaired by extensions, and the protection and enhancement of views that contribute to the character and quality of the area including into and out of CAs, in proportion to the townscape significance of the view.

Other Matters

13. I have considered whether my recommendation could be split, however the two extensions, the second floor rear extension and third floor level extension, would not be severable to a sufficient degree to allow me to do this.
14. The appellant has drawn the lack of objections to my attention, however the absence of objection does not in itself render the scheme acceptable.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR