



Appeal Decision

Site visit made on 5 November 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/K5600/D/24/3350664

39 Munro Mews, Kensington and Chelsea, London W10 5RZ

- 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 Brooke Andrews against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02269.
 - The development proposed is described as "Total refurbishment of dilapidated residential apartment, to create a high quality residential apartment. Demolition of existing first floor structure, construction of a new first floor structure, with traditionally sash windows and local stock masonry. Ground floor fenestration modified as shown to create a traditional mews style elevation. Green roof. 2no walls are proposed to be living/green walls to improve visual impact on neighbouring buildings and bio diversity etc".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision on the application leading to this appeal, a Local Plan Review document dated July 2024 (the LPR) has been adopted. This now forms part of the development plan for the area. The policies from the previous Royal Borough of Kensington and Chelsea Local Plan 2019 referred to in the Council's refusal reasons have all been superseded by policies in the LPR. The appellant has had the opportunity to submit comments on the LPR and I have taken the relevant policies into account.

Main Issues

3. The main issues are (i) the effect of the development on living conditions at 102 Golborne Road (No 102) in terms of outlook and light, and (ii) its effect on the character and appearance of the host building and the area.

Reasons

Effect on living conditions at No 102.

4. The appeal property (No 39) is attached to the rear of No 102. Currently, there is a conservatory at first floor level that covers part of the flat roof of the property. This conservatory is attached to the end wall of a 3 storey high projection to the rear of No 102. A similar rear projection exists to the neighbouring property with a narrow gap in between. A first floor window in the rear wall of No 102 (hereafter referred to as the subject window) lies set back within this gap.

5. The conservatory does not protrude beyond the side walls of the rear projection to No 102 and so it has no meaningful effect on views from the subject window. The proposed first floor addition would extend across the whole width of No 39 and so it would be clearly seen from No 102.
6. There is already a restricted outlook from the subject window due to the height and close proximity of the rear projections on either side. The proposed extension would lead to a significant, additional sense of enclosure to the subject window by obstructing the already constrained view along the narrow gap. The appeal drawings indicate that the top of the extension would be slightly below the uppermost portion of the subject window and so it would not entirely block out views of the sky. Also, its rear elevation would be a living green wall set away from the subject window with an intervening lightwell. Even so, it would adversely impact on direct views out of the subject window.
7. There is a dispute between the Council and the appellant as to whether the subject window serves a habitable room. In the absence of any up-to-date floor plans showing the layout of No 102, the evidence on the matter is inconclusive. In such circumstances, the comments from the occupant of No 102 are pertinent, particularly as they raise objection to the development on the grounds that it would impede views from their property. Therefore, it would seem the outlook from the subject window is valued by the occupant, regardless as to the nature of the room that it serves. Accordingly, it is fair to conclude the obstruction of views caused by the extension would have a significant harmful effect on living conditions at the property.
8. The appellant refers to a daylight and sunlight report that they claim shows the proposed extension would ensure acceptable effects on daylight and sunlight reaching the subject window. This report has not been provided and so I am unable to rely upon it in forming a view on the matter. However, from my observations it would seem the space between the rear of the extension and the rear wall of No 102 would allow a reasonable degree of daylight to reach the subject window. As such, I find the development would avoid an unacceptable loss of light to No 102.
9. Even so, for the reasons as set out above, I conclude the development would have an unacceptable effect on living conditions at No 102 in terms of restricting outlook from the subject window. In these regards, it would not accord with LPR policy CD9. Amongst other things, this requires development to cause no harmful increase in the sense of enclosure to buildings.

Effect on character and appearance of the host building and the area.

10. No 39 lies in a row of similar properties that face onto Munro Mews and that are attached to the rear of buildings on Golborne Road. There is a continuous terrace of more modern dwellings on the opposite side of Munro Mews.
11. The removal of the conservatory would cause no harm to the appearance of No 39 as it is of rudimentary form and of limited architectural merit. Moreover, the proposal includes the insertion of a new entrance door and new windows at ground floor level. These would replace the existing door and small window that cause the front of No 39 to appear bland. These alterations would enhance the appearance of the appeal property.

12. The proposed first floor extension would also include 3 timber framed sash windows that would add architectural interest to the front of No 39. In doing so, the development would ensure the appeal property has a more obvious visual presence within Munro Mews, in line with other nearby buildings and especially the row of dwellings opposite the site.
13. The first floor extension would extend across the whole width of No 39 and so it would fail to respect the gap between the projections to the rear of No 102 and the neighbouring property. In these regards, its form and scale would be less sympathetic than the existing conservatory and other first floor extensions at adjoining properties that are no wider than the rear projections to which they are attached.
14. However, extensions similar to that now proposed have been erected at 42 and 43 Munro Mews and so the rhythm to the rear of properties that face Golborne Road has already been disrupted. Also, these other extensions illustrate how the appeal development would make a positive contribution to the street scene by creating a more interesting and purposeful frontage to No 39. As such, the first floor extension would cause no detriment to the visual qualities of the area even though it would result in a more prominent frontage to No 39 that would dominate the rear elevation of No 102.
15. Therefore, I conclude the development would cause no harm to the character and appearance of the appeal property and to the local area. Indeed, it would enhance the visual quality of the appeal property and the street scene. As such, it would accord with LPR policies CD1, CD2 and CD10. Amongst other things, these seek to ensure small scale alterations do not harm the character and appearance of an existing building and require development to meet the highest standards of design. The proposal would not fully accord with LPR policies CD13 and CD15 as the first floor extension would not appear subordinate to No 39 or to No 102 and it would not protect the gap between the rear projections. However, for the reasons given above, a conflict with these policies is not determinative in my assessment of this appeal.

Planning Balance and Conclusion

16. I have found the development would have an acceptable effect on the character and appearance of No 39 and the local area. Indeed, it would lead to enhancements in these regards. I attach positive weight to these benefits. The proposed green roof and living walls would bring only minor enhancements to biodiversity and so they attract limited weight in my assessment.
17. Having regard to alterations carried out to other nearby properties, I am unconvinced the appeal development is the only manner in which No 39 could be altered so as to improve its appearance and contribution to the visual qualities of the area. As such, the overriding factor is the identified harm that would be caused to living conditions at No 102. The proposal would be contrary to the development plan when read as a whole and there is insufficient justification to grant planning permission contrary to the LPR. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR