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## Appeal Decision

Site visit made on 31 January 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 February 2025**

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**Appeal Ref: APP/K5600/D/24/3352715**

**16 Pembroke Road, Kensington and Chelsea, London W8 6NT**

- 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 & Mrs Rupert and Pamela Goodman against the decision of the Royal Borough of Kensington and Chelsea Council.
  - The application Ref is PP/24/01805.
  - The development proposed is the creation of a new laundry room/WC under the existing hard standing area at the front of the main house, plus two new roof lights to top floor. The creation of a bedroom and bathroom with lightwell under the existing rear studio building in the garden with two new roof lights on the garden side. Alterations to the exterior of the existing garden studio are proposed to both elevations (garden and mews facing).
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### Decision

1. The appeal is allowed, and planning permission is granted for the creation of a new laundry room/WC under the existing hard standing area at the front of the main house, plus two new roof lights to top floor. The creation of a bedroom and bathroom with lightwell under the existing rear studio building in the garden with two new roof lights on the garden side. Alterations to the exterior of the existing garden studio are proposed to both elevations (garden and mews facing) at 16 Pembroke Road, Kensington and Chelsea, London W8 6NT in accordance with the terms of the application, Ref PP/24/01805, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Mr & Mrs Rupert and Pamela Goodman against the Royal Borough of Kensington and Chelsea Council and this is the subject of a separate Decision.

### Preliminary Matters

3. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

### Main Issues

4. The main issues are the effect of the proposal on:

- The living conditions of neighbouring residential occupiers; and
- On street parking in the local area.

## Reasons

### *Living Conditions*

5. The appeal dwelling is a four-storey end of terrace house with a raised ground floor with access stair and an open area to the lower ground floor, with an off street parking space with hard standing to the front. To the rear is a detached garage building that is currently used as a studio at the bottom of the garden that fronts onto Pembroke Walk, a cul-de-sac access that runs at the back of the terraced houses on this part of the Road.
6. The appeal proposal would extend the lower ground floor under the existing area of hardstanding to the front of the appeal dwelling and would extend the detached studio within the garage building with a new basement level. The proposal also includes alterations to the front and rear elevations of the existing detached building. New timber doors with glazing would replace the existing retained metal garage door on the Pembroke Walk elevation, with replacement timber sash windows to the rear and a glazed panel door would replace the existing timber panelled door on the garden elevation. The proposals for the studio also include a new window to the proposed basement extension that would face onto a new lightwell with railing surround, along with roof lights and photovoltaic cells to the roof slope facing the garden.
7. The design of the proposals, especially the timber doors with glazed panels to the Pembroke Walk elevation, are traditional in form, materials and finish, reflecting the character and appearance of the appeal dwelling and that of the local area. As such the proposal preserves the character and appearance of the Edwardes Square/Scarsdale/Abingdon Conservation Area, the significance of which, in this part, fundamentally rests in its substantial terraced properties and concomitant streetscape.
8. The Council's decision states that the appeal proposal would result in loss of a garage to provide living accommodation. However, I am satisfied from the material, provided by the appellant and from my site visit that the original garage has been used as a studio rather than a garage since 2009, with concomitant interior partitioning that has rendered it incapable of being used for car parking.
9. The proposed basement extension to the detached studio would provide a bedroom with ensuite bathroom and the proposed alterations to front and rear elevations would further reflect this change to an extended living space with sleeping accommodation. However, this would not result in a new use or significant intensity of the existing use to the extent that it would cause a noise nuisance of a type that would be out of keeping in a developed residential area of this type.
10. Due to the limited area of glazing to the top of the proposed timber doors on the Pembroke walk elevation, I do find that they would not provide for any significant overlooking of properties with windows facing Pembroke Walk. Further, when these glazed areas to the top of the proposed doors are considered with the proposed roof lights, they would collectively not result in any significant light spill from their upper area of glazing to the degree that it could be reasonably considered as light

pollution and would, therefore, have no significant effect on the amenity of the occupants of neighbouring overlooking dwellings.

11. For these reasons, I find that the proposal would not result in any significant harm to the living conditions of neighbouring residential occupiers and would accord with Policy CD9 of the New Local Plan Review (2024), which requires that all development ensures good living conditions of neighbouring buildings.

#### *On Street Parking*

12. The original garage of the appeal property has been in use as a studio since 2009, and as such had not been providing a parking space for all of that period. A single off street parking space is currently provided on hard standing to the front of the appeal dwelling. As such, I find that the proposal would not result in the loss of an off street parking space that would result in significant additional pressure on existing on street parking provision and would accord with the guidance given in the Transport and Streets Supplementary Planning Document (2016).
13. Rather, I find that the proposal would result in no change to the existing position with regard to on street parking provision, would result in the appeal dwelling providing a single off street parking space and would, therefore, not result in any significant additional pressure for on street parking. As such it would accord with current standards of car parking provision for dwellings and, therefore, Policies T1 and T8 of the New Local Plan Review (2024), which seeks development that does not change the existing street network and will not increase on-street parking pressure.

#### **Conditions**

14. I have had regard to the conditions suggested by the council should this appeal be allowed, as well as regard to the appellant's comments in their statement on these suggested conditions.
15. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality which require compliance with the approved drawings, materials to be used that match existing, railings to be painted black, rooflights of a traditional conservation type, flush with the roof and slim framed, sash windows and doors to be timber framed and painted, with the windows being double hung, white painted, sliding sashes, with integral glazing bars.
16. To minimise the effect of construction on the occupiers of neighbouring properties and for the effective and safe use of the highway during construction, I have conditioned the submission and approval of a Construction Traffic Management Plan, conformation that the lead contractor, or the site, is signed to the Considerate Constructors Scheme and that an Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted and approved.
17. Given the below ground and structural effect of the development I have attached a condition that it shall not commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning

Authority, and that no construction work takes place unless this continues to be the case.

18. To mitigate the risk of flooding, I have attached conditions requiring the submission for approval and compliance with a Flood Risk Assessment and Sustainable Drainage Systems Strategy and the installation of a positively pumped device. To ensure that any contamination found on site during construction is appropriately managed, I have attached a condition requiring the submission and approval of a report indicating the nature of the contamination and how it is to be dealt with.
19. To ensure that trees on the site are not damaged and survive, I have attached a condition requiring submission and approval of measures to be taken for their protection. To ensure that the development does not result in a separate dwelling, I have attached a condition requiring that the outbuilding is used only in connection with the existing residential accommodation.

### **Conclusion**

20. For the reasons given and with regard to all other matters raised, the appeal is allowed.

*Victor Callister*

INSPECTOR

### **Schedule of 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: 2450-EX-001 Rev P02, 2450-PR-101 Rev P08, 2450-PR-202 Rev P07, 2450-PR-201 Rev P09, 2450-PR-301 Rev P06, 2450-PR-102 Rev P06, 2450-PR-103 Rev P05 and 2450-PR-302 Rev P04
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
- 4) The railings in the development hereby permitted shall be painted black and so maintained.
- 5) External sash windows and doors in the development hereby permitted shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes, with integral glazing bars and so maintained.
- 6) The rooflight(s) in the development hereby permitted shall be of a traditional conservation type, flush with the roof and slim framed and so maintained.

- 7) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
- a) routing 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.

- 8) No development shall commence until:
- (A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and
  - (B) the name and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that

time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

- 9) No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.
- 10) 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.

21. No development shall commence until a Flood Risk Assessment and Sustainable Drainage Systems Strategy with the following information is submitted to and approved in writing by the Local Planning Authority:

**Flood Risk Assessment (FRA)**

22. A Flood Risk Assessment to analyse all potential flood risks to the site and ensure that the development is protected against flood risk and will not lead to off-site flooding. Any proposed protection, mitigation and resilience measures should be shown on submitted plans.

**Sustainable Drainage Systems (SuDS)**

- A detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Local Plan Policy CE2 (g), which is to achieve a reduction of 50% of existing rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater or other flows).
23. Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
24. Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).
25. Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved SuDS and Flood Risk measures shall be fully implemented and maintained thereafter.

26. Prior to the first use of the basement level once the development hereby permitted is complete, the basement shall be fitted with a positively pumped device designed to remove sewer water from the building, which shall be maintained and functional at all times.
- 11) No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.
- 12) The outbuilding forming the subject of this permission shall not be used or occupied otherwise than in connection with the existing residential accommodation, to which it shall remain entirely ancillary.
- 13) If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented in full.

### **End of Schedule**