



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: 27 March 2025

Appeal Ref: APP/K5600/D/24/3355443

74 Addison Road, Kensington and Chelsea, London W14 8EB

- 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 Bodker against the decision of the Royal Borough of Kensington and Chelsea Council.
 - The application Ref is PP/24/05867.
 - The development proposed is the removal of non-original conservatory at rear. Construction of 3-storey rear extension, single storey rear extension to garage, and mansard roof extension with traditional dormers. Provision of terrace at rear ground floor level with metal railings and staircase. Alterations to fenestration at rear re-using or replicating original windows and adding French doors at ground floor. Addition of conservation type roof lights to garage roof. Replacement of uPVC rainwater goods, modern garage door, and non-original railings at front entrance with historically accurate rainwater goods, garage doors, and railings.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of non-original conservatory at rear. Construction of 3-storey rear extension, single storey rear extension to garage, and mansard roof extension with traditional dormers. Provision of terrace at rear ground floor level with metal railings and staircase. Alterations to fenestration at rear re-using or replicating original windows and adding French doors at ground floor. Addition of conservation type roof lights to garage roof. Replacement of uPVC rainwater goods, modern garage door, and non-original railings at front entrance with historically accurate rainwater goods, garage doors, and railings at 74 Addison Road, Kensington and Chelsea, London W14 8EB in accordance with the terms of the application, Ref PP/24/05867, subject to the conditions in the attached schedule.

Procedural Matters

2. 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.
3. As the description of development varies between documents submitted, I have used that from the Council's decision notice, as this is a full and accurate description of the proposal that has also been used by the appellant in their statement.

Main Issues

4. The main issues are the effect on:

- the character and appearance of the host property and the local area, with reference to the Holland Park Conservation Area (the CA); and
- fire safety.

Reasons

Character and Appearance

5. The appeal dwelling is a large, detached villa in the classical idiom with two stories plus attic and lower ground floor. It is situated on a generous plot in a run of similar stucco fronted classical villas with parapet roofs that provide for a high quality and cohesive streetscape in this part of Addison Road. The Holland Park Conservation Area Appraisal (2017) identifies that this group of classical villas, including the appeal dwelling, make a positive contribution to the historic and architectural character and appearance of the CA, stating that they are a key reason for the designation and significance of the CA.
6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
7. Although the appeal dwelling was originally a Grade II listed building, it was delisted in 2017. However, due to its local significance, it is to be considered as a non-designated heritage asset and survives in a close to original form, unlike others in the group. However, whilst substantially unaltered, the rear elevation of the appeal dwelling, is of no significant architectural merit. I have considered the effect of the proposal in line with paragraph 216 of the Framework accordingly.
8. The proposal is similar to two proposals for extensions and alterations to the appeal dwelling that have recently been allowed on appeal¹. These allowed appeal proposals vary from each other in the form and rearward extent of extension to upper floors. The appeal proposal varies again from these allowed proposals, but with a substantial reduction in the rearward extent of the proposed mansard roof extension, which leaves a large area of flat roof above first floor level. Similar to the allowed proposals, the proposed mansard extension with traditionally formed dormer windows would sit unobtrusively behind the existing parapet.
9. I find that in its architectural expression, detailing, scale and massing, the appeal proposal would be in harmony with the appeal dwelling and neighbouring villas and would not appear as being incongruous or dominating. Similar to the allowed proposals, the appeal proposal would substantially alter the rear elevation of the appeal dwelling and add a mansard extension. However, given the extent of the garden, the appeal dwelling would continue to appear as a large villa in proportion to its generous mature garden setting, and in harmony with its neighbours.

¹ Appeal Ref: APP/K5600/D/24/3347089 and APP/K5600/D/24/3351474

10. The proposed extensions and alterations would undoubtedly lessen the extent to which the appeal dwelling stands as an historical record of the development of such villas in the local area. However, as recognised by the Inspector for the allowed appeals, the rear elevation is only visible in limited views, and I find that the proposed extensions and alteration would have only a limited visual impact on the appeal dwelling and the group of villas of which it forms part. Likewise, I find that the scale and contextual design of the proposed alterations and extensions would not result in significant harm to the character and appearance of the appeal dwelling, or to the significance of the CA.

Fire Safety

11. The second reason for refusal given in the Council's decision notice relates to the absence of material submitted with the application that sets out how fire safety has been considered and responded to in relation to the proposed extensions and alterations. However, the appellant has submitted with the appeal a Planning Fire Safety Statement. This sets out in detail how fire safety has been considered and responded to in relation to the proposed extensions and alterations and is intended to overcome the Council's concerns in this regard. The Council have had opportunity to review and comment on this statement, and I am satisfied that, although it is arguable whether required for a house extension and alteration, the Planning Fire Safety Statement satisfies the requirements of Policy CD16 of the Kensington and Chelsea Local Plan 2024 (the Local Plan) and overcomes this reason for refusal.
12. For the reasons given above, I find that the proposal would not result in any harm to fire safety, any significant harm to the character and appearance of the appeal dwelling and its significance as an NDHA, or any harm to the character and appearance of the local area or the significance of the CA. As such the proposal would not conflict with Policies CD1, CD2, CD3, CD4, CD12, CD13 and CD15 and CD16 of the Local Plan. These collectively seek development, including by extension, that is of high architectural and urban design quality, sympathetic to the age and character of the host building and groups of buildings and reinforces their original integrity, does not harm the character and appearance of the existing building, respects their existing context and contribution to views, preserving the significance of heritage assets, including NDHA's and preserves or enhances the appearance or character of conservation areas.

Conditions

13. The Council have indicated that they have no suggested conditions should I be minded to allow the appeal. However, I have considered the conditions attached by the inspector to the permissions for the previously allowed appeals for very similar proposals. I have also taken into account comments made by the appellant on my draft conditions.
14. I have attached a similar set of conditions to that of the previous appeal approvals, including pre-commencement conditions, that I regard as being necessary to make the development acceptable. Along with the standard condition relating to the timing of implementation, I have attached a condition to ensure design quality that requires compliance with the approved drawings. To ensure design quality and the preservation of the significance of the appeal dwelling as an NDHA, as well as that of the CA, I have also attached a condition

requiring submission and approval of specifications or samples of materials and drawings of the construction details. Given the small scale of the approved drawings, the drawings part of this condition applies to the incorporation of all materials into the external surfaces of the proposed development, with the scale of drawings submitted for approval by the local planning authority being suitable for the individual details proposed.

15. 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 attached pre-commencement conditions for construction management.
16. To mitigate the risk of flooding, I have attached a condition requiring compliance with the Flood Risk Assessment and Sustainable Drainage Systems Strategy. To ensure that trees on the site are not damaged and survive, I have attached a pre-commencement condition requiring submission and approval of measures to be taken for their protection. A landscaping scheme is also required to be submitted and approved, which will incorporate retained features where required.

Conclusion

17. For the reasons given and with regard to all other matters raised, I conclude that the appeal should be 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: GA (0) 01, GA (0) 02, GA (0) 03, GA (0) 04, GA (0) 05, GA (0) 10, GA (0) 11, GA (0) 20, GA (0) 21, GA (0) 22 and GA (0) 23.
- 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) Without prejudice to the generality of the preceding condition, no materials shall be incorporated into the external surfaces of the development hereby permitted until samples (or specifications) of those materials and drawings (at appropriate scales) of the construction details to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials, and, without prejudice to otherwise permitted development allowed under the GPDO², they shall not be changed subsequently.

² The Town and Country Planning (General Permitted Development) (England) Order 2015

- 5) No development shall commence until full particulars of the method or methods 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 have been 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. For the duration of works all existing trees on the site at the date of this permission (unless they have been shown to be removed in a landscape plan previously approved by the local planning authority) shall be protected to prevent damage above and below ground, and no tree shall be lopped, topped, felled, or root pruned, without the prior written approval of the local planning authority.
- 6) Prior to first occupation of the extension hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written consent to any variation.
- 7) 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.
- 8) During construction of the development hereby approved the submitted Flood Risk Assessment (FRA) and Sustainable Urban Drainage System (SuDS) shall be fully implemented and maintained thereafter.

End of Schedule