
Appeal Decision

Site visit made on 27 May 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/K5600/W/25/3360343

Second/Third Floor Flat, 20 Finborough Road, London SW10 9EQ

- 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 Esteban Abad Jara against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/04143.
 - The development proposed is third floor rear extension to provide a bathroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used in the banner heading above has been slightly amended from that used in the application form to reorder wording and be clearer on the site's location, which also reflects the address used in the Council's decision notice.
3. The appellant's name used in the banner heading is taken from the planning appeal form. Whilst the planning application was made in a different name, it has been subsequently confirmed that it should proceed in the full name used above.
4. The Council's written statement has provided clarification on the relevant policies of The Royal Borough of Kensington and Chelsea New Local Plan Review (July 2024) (the NLPR), which it states had been referred to incorrectly within the officer report. I am satisfied that this provides clarity on those policies that are relevant to the appeal and that the appellant has had the opportunity to make comments through the appeal process should they have wished to do so. I have therefore dealt with the appeal on the basis of the corrected policy references.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Boltons Conservation Area (BCA).

Reasons

6. The appeal site is within the BCA and comprises the second and third floor flat of a four storey terraced building on this part of Finborough Road, with other terraces in the immediate area varying between three and four storeys. The property sits centrally within the terraced group evenly numbered between 14 – 26 Finborough Road. All of the rear elevations of those properties feature closet wings. The closet wings are of generally similar form, height and materials, apart from those at

Nos 14 and 26, which are taller to differing heights and 'book end' the group. A flat roof rendered extension has also been added at first floor level to No 24.

7. The Boltons Conservation Area Appraisal (17 February 2015) (the CAA) highlights the Victorian and predominantly residential character of the area. It identifies the appeal property and surrounding terraces as positive buildings that make a positive contribution to the historic and architectural character of the BCA. The CAA also details that features of rear elevations of buildings that contribute to the character of the BCA include their original design and closet wings. The CAA highlights that wherever original form or historic uniformity remain, these make a very positive contribution to the architectural and historic character of the BCA. It goes on to state that elements that detract include disruption of rhythm.
8. From the evidence before me and my observations on site, the significance of the BCA is derived by its Victorian character with the original form of buildings positively contributing to the historic and architectural character and appearance of the BCA. The appeal property contributes to the significance of the BCA by virtue of being a positive building within the terrace, as well as the form of the existing rear elevation, the closet wing and its relationship alongside other properties within this group. Due to their similar form and height, the closet wings have historic uniformity, thereby positively contributing to the architectural and historic character of the terrace and the BCA.
9. The appeal proposal would see the raising of the existing rear closet wing in order to create a new bathroom. Whilst this would be a relatively modest addition in itself, subordinate to the host property and would use matching materials, the extension would rise above the general height of the similar closet wings of other neighbouring properties and disrupt their established rhythm to the rear.
10. There are some differences in fenestration and appearance of the five similar height closet wings of the group, as well as other examples of variations in rear additions in the surrounding area and the wider BCA. However, the proposal would erode the remaining historic uniformity within the group, with a harmful change to the central property and closet wing, to the detriment of the character and appearance of the terrace and the BCA.
11. The proposal would not be visible from Finborough Road, and the view to the rear of the site from Fawcett Street is not identified in the CAA as an 'important view'. However, there would be clear views of the proposal from Fawcett Street bringing it into the public realm, as well as the rear of surrounding properties, therefore the impact on the character and appearance of the BCA would be notable.
12. As the proposed change is localised in terms of the BCA as a whole, the harm to its significance would be less than substantial. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
13. The appellant's evidence refers to the aims to improve accessibility to a bathroom at this level, thereby improving living conditions for the occupants and enhancing the useability of the home. Whilst this would largely be a private benefit for occupants of the property, it would be reasonable to treat these aims as being

public benefits inasmuch that they would contribute to social objectives set out in the Framework in respect of improving the housing stock. Even so, these public benefits are given modest weight and would not be sufficient to outweigh the harm to the BCA.

14. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the BCA. Therefore, it would conflict with Policies CD1, CD2, CD4, CD10, CD13 and CD15 of the NLPR. Amongst other things these policies seek the highest design and architectural quality that respects existing context, character and appearance, including historic characteristics, and preserves or enhances the character or appearance of the conservation area, with additions being required to be in character with the existing building or group of buildings.

Other Matters

15. The appellant has drawn my attention to two other planning applications¹ on Finborough Road and makes reference to other development that has been approved. It has not been explained how these are relevant to the main issue in the appeal, although I note the Council's comments in response to the two cited planning applications. However, while recognising the need for consistent decision making, I have no further details of these and therefore I cannot draw any direct comparison from them with the development that would weigh in its favour.

Conclusion

16. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

¹ Planning application refs PP/24/00478 and PP/24/01246