

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT, PLANNING AND PLACE

APPEAL DECISIONS: JUNE – DECEMBER 2021

This report summarises appeals received during January and May which were allowed by the Planning Inspectorate.

There were 25 appeal decisions (including 2 Committee overturn(s)).

This report contains all appeals falling within the North, South and Enforcement Teams. There were no allowed appeals for the Strategic Developments Team.

TO NOTE

ENFORCEMENT TEAM

Address: Debenham House, 8 Addison Road, W14 8 DJ

Ref: ENF/20/03103

Breach alleged: The installation of a security cabin to the front of the property and a toilet cabin to the rear of the coach house

Council's decision: To serve an enforcement notice requiring the removal of both structures

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written Representations

Inspector's Key Findings

- Appeal submitted on 4 grounds; a) that planning permission should be granted, c) there is no breach of planning control; e) that the notice was not properly served and f) that the steps required to comply with the enforcement. Turning to ground c) the appellant argued that two permissions (excavation to provide basement swimming pool and car park underneath rear garden accessed via car lift within Coach House granted in 2009 and the provision of garden rooflight and ventilation from car park; alteration and extension to ancillary buildings and re-landscaping of rear garden granted in 2012 were still being implemented. This would mean that the structures could benefit from PD as temporary structures connected with on-going building works. No further permissions had been granted since 2017.

- We had served a Planning Contravention Notice (PCN) to ascertain if any building works were being undertaken before the service of the notice and the appellant had responded to say there were none. The appellant argued that this was due to Covid and works have since resumed. At the time of the site visit the Inspector saw works being carried out in the basement and concluded that the structures could be considered temporary buildings installed to facilitate the building works.

Reflection

- We will aim to close the gap between service of the PCN and the EN in future. For this case, this is not the end of the matter. We consider the structures to be harmful to the listed building, ground a) has not been tested. We will seek to remove them when the building work has finished.

Address: Flat 5, 24 Harrington Gardens, SW7 4LS

Application: PP/19/08460 & LB/19/08461

Proposal: Retention of existing roof terrace and associated internal works – removal of existing roof extension and planters and installation of new flat sliding access hatch, new black metal railings to enclose the terrace and relocation of existing air conditioning units.

These applications were submitted to address the Council's concerns regarding unauthorised works to the property at roof level (a pavilion and planters attacked by Listed Building Enforcement Notice (LBEN), which was appealed and dismissed).

Council's decision: Refuse

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written Reps

Inspector's Key Findings

- The Inspector considered the roof hatch, terrace, balustrade, and relocation of the A/C units not to be harmful to the character and appearance of the CA or harmful to the historic and architectural character of the LB. The Inspector noted the existing internal staircase (not applied) for was also acceptable, given the historic internal changes to the listed building.

Reflection

- This is an unfortunate decision. Whilst a view not shared by the Inspector, the Council considers the proposed alterations to retain existing terrace would result in incongruous modern features and activity at roof level.

Address: 24 & 26 Harrington Gardens, SW7 4LS

Application: PP/19/08453 & LB/19/08454

Proposal: Retention of existing roof terrace and associated internal works – removal of existing roof extension and planters and installation of new flat sliding access hatch, new black metal railings to enclose the terrace and relocation of existing air conditioning units;

installation of replacement leaded lights within front elevation of 26 Harrington Gardens.

These applications are the same as the above but add the replacement of leaded lights to No. 26. They should also be read in conjunction with the appeal dismissal for the listed building enforcement notice.

Council's decision: Refuse

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written Reps

Inspector's Key Findings

- The Inspector had decided in the appeal above that the roof hatch, terrace, balustrade and relocation of the A/C units were not harmful and concurred with the Council that the replacement leaded lights to No 26 were also acceptable and dismissed the appeal.

Reflection

As above

Address: 55 Cadogan Street, SW3 2QJ

Application: PP/20/05870

Proposal: Addition of black painted metal railings to rear closet wing roof. (Retrospective application.)

Council's decision: Refuse and Enforce

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written Reps

Inspector's Key Findings

- The appellants argued that the roof would be used for the purpose of maintenance only and will not be used by the occupants for leisure purposes. The Inspector accepted this, noting that the access to the roof, via a folding ladder and roof hatch, was not easily obtained. Even if the roof were to be used as a terrace, it did not consider that the impact on neighbouring occupiers in terms of noise and disturbance or overlooking would be materially different to that arising from the previous terrace at second floor.

Reflection

- Officers should consider the accessibility of the flat roof when assessing the likelihood of its use as a terrace.

NORTH TEAM

Address: Linden Mews W11

Application: PP/20/04775

Proposal: Alterations to end of mews boundary to change from timber structure with gates to brick wall

Council's decision: Refuse planning permission because of impact upon character of mews and conservation area

Decision level: Committee (overturn of officer recommendation)

Appeal decision: Allowed

Appeal route: Written Representations

Inspector's Key Findings

Character and appearance

- The Inspector considered the existing gates to be a 'neutral' feature in the conservation area, and the proposed brick wall to be a neutral too. Consequently, no harm would be caused, and the character of the conservation area preserved. Land ownership and rights of access were other matters that had limited bearing on the appeal.

Reflection

- This was always going to be very hard to win on appeal, as notwithstanding the vociferous objections from residents, the main reason was about right of access and in town planning terms (appearance, character) it was clear there would be no harm caused. It would have been surprising if the Inspector had not allowed this appeal.

Address: 106 Kensington High Street W8

Application: PP/20/04827

Proposal: Formation of new ground floor entrance on Berkeley Gardens to provide dedicated residential entrance, roof extension to provide further living accommodation for existing flat and associated internal and external alterations to the building including office space.

Council's decision: Refuse planning permission because the roof extension and terrace would harm the appearance of the building and character of the conservation area.

Decision level: Delegated authority

Appeal decision: Allowed (in part only) in relation to the new entrance, dismissed in relation to the roof extension and terrace

Appeal route: Written representations

Inspector's Key Findings

Character and appearance

- The Inspector agreed with the Council that the roof extension would not be consistent with the prevailing character, particularly along Berkeley Gardens.

Reflection

- It is unfortunate that this appeal counts as 'allowed', as the Inspector agreed with the Council on virtually all counts, and all the elements that the Council were concerned about were in fact dismissed.

Address: 2 Stanley Crescent W11

Application: PP/20/05786 and LB/20/05787

Proposal: Alteration to mansard shape; alteration to 2nd and 3rd floors internal plan, connecting stair and section; removal of lower ground floor utility room plus replacement of chimney pots.

Council's decision: Refuse because the enlarged form and design of the mansard would harm the historic interest of the listed building and fail to preserve the character or appearance of the conservation area, and removing and altering many internal walls would be unacceptable

Decision level: Delegated authority

Appeal decision: Each appeal allowed (in part only) in relation to the proposed lower ground floor works and chimney pot alterations

Appeal route: Written representations

Inspector's Key Findings

- Again, unfortunate that the appeal must be recorded as 'allowed', as in fact the Inspector supported the Council, and dismissed the appeal, with regard to 80% of the proposed works, permitting only minor internal works to the lower ground floor and alterations to the chimney pots.

Reflection

- The Inspector carried out a detailed assessment of the significance of the building and its role within the Ladbroke Conservation Area, which will be useful in other applications/appeals dealing with similar issues.

Address: 18 Balliol Road W10

Application: PP/20/06142

Proposal: Construction of basement below footprint of house and part of rear garden

Council's decision: Refuse planning permission because the proposed full-width glazed rooflights to the rear basement would be uncharacteristic addition(s), of a size, position and appearance that would be visually obtrusive.

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector observed that the full width roof light would not be seen from outside the garden of no 18 apart from a small number of windows some distance away from where there would be oblique views.
- In consequence, the Inspector concluded that the appearance of the property would not be harmed, and the character or appearance of the conservation area would be preserved.

Reflection

- This was always a finely balanced case with quite a bit of history, with the applicant insisting on a rooflight larger than would normally be acceptable under our Basements SPD, larger than many that had been refused elsewhere, but with us knowing it would not be widely visible from outside the property.

Address: 18 Balliol Road W10

Application: PP/20/06331

Proposal: Construction of basement below footprint of dwelling and 50% of front and rear gardens.

Councils' decision: the open lightwell with stairs and near full width rooflights would be uncharacteristic additions that would draw undue attention to the property and garden and fail to preserve or enhance the character and appearance of the conservation area

Decision level: Delegated authority

Decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector observed that the full width roof light and the stairs would not be seen from outside the garden of no 18 apart from a small number of windows some distance away from where there would be oblique views.
- In consequence, the Inspector concluded that the appearance of the property would not be harmed, and the character or appearance of the conservation area would be preserved.

Reflection

- This was always a finely balanced case with quite a bit of history, with the applicant insisting on a rooflight larger than would normally be acceptable under our Basements

SPD, larger than many that had been refused elsewhere, but with us knowing it would not be widely visible from outside the property. The stairs increased the harm by drawing attention to the overly large lightwell. This is a reminder, for example in a Committee context, that Inspectors will generally not find harm where only single or 'narrow' perspectives are possible.

Address: 54 Campden Street W8

Application: PP/20/07213

Proposal: Erection of a mansard roof extension.

Council's decision: Recommended for approval and was due to be put before a Planning Applications Committee. Upon receipt of the appeal, the application was taken to committee for a 'decision' which was to refuse on the grounds that the roof extensions would not be compatible with modernist architecture of the neighbouring building, and would fail to preserve the character of the conservation area

Decision level: Failure to determine application within the prescribed 8 weeks

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

The Inspector identified the main issue as being whether the proposal would preserve or enhance the character or appearance of the Kensington Conservation Area.

- The Inspector considered that the mansard would be of appropriate scale and form for its context. The Inspector found no reason why the proposed mansard would not sit comfortably beside the modernist neighbour or variety of other buildings in the vicinity. The Inspector noted that a previous Inspector had found the principle of the extension acceptable and only criticised the dormer windows, which had now been amended to successfully address that concern. The Inspector concluded that the character and the appearance of the conservation area would be preserved.

Reflection

- It is a reminder that decisions taken in whole or large part on a *principle* are hard to defend on appeal, where Inspectors will more readily focus more upon the actual harm that would result, or lack of it, rather than upon a principle.

Address: 94 Oxford Gardens W11

Application: PP/21/00501

Proposal: Retention of a glass balustrade on the roof of the ground floor extension

Council's decision: Refuse planning permission because of the impact upon the character and appearance of the conservation area, and because of overlooking facilitated by the introduction of the balustrade.

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector agreed that the glass balustrade was modern in appearance, but that it was on top of a modern style extension so did not appear out of place. It is not seen from many angles, and its effect on the character of the conservation area was neutral.
- On the second reason for refusal, the Inspector noted that although theoretically the balustrade could facilitate use of the roof as a terrace/amenity space and result in overlooking, an existing condition on a 2013 planning permission prevented use as a terrace and the balustrade in itself would not cause overlooking, a breach of the condition would. There was no evidence to suggest a problem in the time balustrade had been in position.

Reflection

- Another appeal where the degree of visibility (or lack of it) was a key factor in the decision to allow the appeal.

Address: 152 Ladbroke Grove W11

Application: PP/21/00761

Proposal: Retention of 4m (wide) x 1.6m (high) board for 4 posters on flank wall

Council's decision: Refuse consent to display the poster board, because of its size, appearance, and siting in a prominent side elevation, the board is an incongruous feature that harms the appearance of the building and harms the visual amenity of the locality

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector observed that the position was highly visible but also that it is seen at the same level and in the context of the vibrant Ladbroke Grove shopping frontages. Noting that it was low in height, and unilluminated, the Inspector concluded that the visual amenity of the vicinity would not be harmed.

Reflection

- Advertisement consents often reflect more subjectivity than planning permission, probably in no small part because planning applications must be judged against the set of policies in the development plan, whereas advertisements are only assessed in terms of whether they are 'harmful to amenity' (or public safety). Some years ago two different Inspectors issued decisions for advertisement hoardings in the same week,

both at the Sainsburys roundabout on Ladbroke Grove, one dismissed as 'harmful' but the other granted! At least in this case the harm caused is limited by its size and lack of illumination. A further consent would be required to illuminate it.

Address: 44 Uxbridge Street W8

Application: PP/21/01906

Proposal: Installation of security shutters to rear elevation windows and doors, at ground and first floor levels.

Council's decision: Refuse because of harm to appearance of building and character of Kensington Conservation Area, particularly from the first floor shutters

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector considered that the position at first floor level was more visible than the ground floor where the Council had raised no objection, and also noted that such features were "not common" [actually they are very rare!] in the area. However, the Inspector also noted a variety of other items such as TV aerials, alarm boxes, and security lights, and decided that the shutter boxes would not be unduly incongruous in this context. The Inspector also noted that the shutters were only at the rear, invisible from the public domain, and only visible at the rear in quite distant views. The Inspector concluded that the shutters "would not significantly harm the character or appearance of the area"

Reflection

- Slightly odd wording in the conclusion as "would not significantly harm" is not consistent with the statutory test and test in policy CL3 which is to "preserve". This was not worth a challenge though as earlier in his letter the Inspector had concluded that the character or appearance "of the conservation area as a whole" would not be harmed. Somewhat contradictory, but he did apply the statutory test.
- Window shutters are commonplace in southern parts of Europe but are rare on Victorian buildings here. They could alter the character of an area significantly, created a closed in, empty, feeling, if they became prevalent, but allowing these first-floor rear shutters, though unfortunate, is unlikely to lead to that happening.

Address: 22 Bonchurch Road W10

Application: PP/21/02903

Proposal: Construction of a slate clad mansard roof extension to rear over half of the roof, with terrace at front of roof, and construction of closet wing extension at first floor level.

Council's decision: Refuse because the mansard storey would be an isolated and odd example of a 'part mansard' which would fail to preserve or enhance the character or appearance of the property, terrace, and conservation area.

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector agreed the key issue was the mansard and the unusual 'half' form to enable provision of the terrace.
- However, whilst acknowledging this would be the first of its type, the Inspector considered that the odd form would be set back far enough so as not to be readily visible, or harmful to the roofline or conservation area, in views from the public realm. They gave no weight to private views from upper floors, from where the unusual roof form would be more noticeable. They concluded that the development would accord with the "general requirement of policy CL8 that roof alterations should be architecturally sympathetic to the age and character of the group of buildings"

Reflection

- The roof line would have looked better if united rather than left with a 'gap tooth' where the terrace would be. A disappointing decision given that it did not comply with the criteria of CL8, and the conclusion that it accorded with the "general requirement" of CL8 is somewhat questionable.

Address: 33 Pangbourne Avenue

Application: PP/21/04016

Proposal: Erection of a single storey rear extension and rear outbuilding; construction of a single storey basement below the footprint of property with lightwells to front and rear.

Council's decision: Refuse permission because the external physical manifestations associated with the basement addition and to the rear garden area would be of a scale, and appearance that would be visually obtrusive and would fail to preserve or enhance the character and appearance of the Oxford Gardens/ St. Quintin's Conservation Area

Decision level: Delegated authority

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector identified the main issue as being whether the development would preserve or enhance the character or appearance of the Oxford Gardens/St Quintins Conservation Area

- In the Council's view, the various walk on rooflights and other features were excessive. They would cover a substantial proportion of the garden and given their number, extent, and sensitive position(s) towards the central parts of the rear garden, would be harmful to the character and appearance of the conservation area, including in the evenings when light from the new underground storey would draw further undue attention. The Inspector regarded things differently, observing that the various features would not be widely visible outside the garden to no. 33, except from the windows of a small number of neighbouring properties.
- Consequently, the Inspector concluded the appearance of the property would not be harmed, and the character and appearance of the conservation area preserved.

Reflection

- This appeal was allowed for the same reason as 18 Balliol Road. Two different Inspectors, the same reasoning. It illustrates how difficult it is to sustain the advice in the Basements SPD against 'garden manifestations' on appeal, where the harm is only or largely appreciated from within the property's own garden. There are two choices here for the planning authority, either apply the Basements SPD less consistently or less exactly, which would not be good practice, or apply it but risk appeals being allowed. It will certainly be necessary for case officers to be very careful in assessing the degree of visibility of a development; interestingly, both 18 Balliol and 33 Pangbourne were refused during the earlier stages of the pandemic, without a site visit.

Address: 34 Hillgate Street W8

Application: PP/21/04471

Proposal: Construction of mansard roof extension and lead covered dormers with three timber framed sash windows; and replacement of non-original railings to match existing railings on the street

Council's decision: Refuse because the extension would represent an overly prominent and incongruous addition that would have a detrimental impact on the character and appearance of the property and the conservation area

Decision level: Delegated authority

Appeal decision: Allowed (in part only) in relation to the replacement of the railings; dismissed in relation to the main part of the proposal, the mansard roof

Appeal route: Written representations

Inspector's Key Findings

- The Inspector identified the main issue as being whether the development would preserve or enhance the character or appearance of the Kensington Conservation Area

- The Inspector allowed the railings as all parties agreed they would be a positive change.
- In relation to the mansard roof, the Inspector agreed with the Council that the proposed extension would be out of keeping and obtrusive in the context of Hillgate Place, notwithstanding that mansards were common in the wider area. The existence of similar extensions elsewhere would not justify something that would cause harm in Hillgate Place
- The Inspector concluded that the mansard would fail to preserve the character or appearance of the conservation area, and it would cause a less than substantial harm which would not be outweighed by the benefit improving the railings.

Reflection

- Another 'allowed' appeal where in fact everything the Council had objected to was firmly dismissed.

SOUTH TEAM

Address: Basement, 10 Roland Gardens

Application: PP/20/03709

Proposal: Change of use of basement from office to a 2-bedroom residential unit (Use Class C3)

Council's decision: Refuse planning permission

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The property was originally constructed as a dwelling. The layout is residential in nature which is likely to limit the number of potential users of the property for office purposes
- The location of the office at basement level presents issues in terms of access arrangements – access to the office is down a steep flight of external steps.
- Whilst there is limited evidence that extensive marketing has taken place to let the office space, given the quality of the office floorspace is poor, its loss would not be unacceptable.

Reflection

- The Local Plan recognises the contribution all sizes of offices bring to the borough, and it is unfortunate that the Inspector did not see the value of this space.
- It is perhaps surprising the Inspector did not consider the lack of marketing evidence as a more important consideration. Asking for this evidence is a helpful way to demonstrate whether there is demand for floorspace and allows meaningful

assessment on the impact of an office's layout/size/location on its let potential, rather than relying on conjecture.

- Nonetheless, the decision is a reminder to officers to consider the site specifics.

Address: 16 Rutland Mews South

Application: PP/20/00896

Proposal: Extension of rear mansard roof to provide acoustic screening for 7 Air Conditioning Units. Plant area to be relocated from the rear garden at ground floor level to rear roof level.

Council's decision: Refuse planning permission

Decision level: Committee (committee overturn)

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector concurred with the council and concluded that the proposed extension was acceptable in design terms.
- The Council refused permission on the basis that the number and location of the proposed units would result in harm to the resident of number 17. The Inspector reviewed the acoustic report provided by the applicant and concluded the report adequately demonstrated that the units would meet the noise level requirements of the Council's noise SPD. He was satisfied the units would not harm the living conditions of the occupier of number 17.

Reflection

- This was a committee overturn, where the committee were concerned that the number of units (7) was excessive. It was the number of units, in particular, that led to the conclusion that noise and disturbance would result from their installation.
- The Inspector's decision confirms that the standards set out in the Council's Noise SPD are robust and are effective irrespective of the number of pieces of plant proposed.
- If it is evidenced that the units will meet the Council's criteria and therefore not be audible, the decision maker should not take into account the quantity of units (for the purposes of assessing living conditions).

Address: 15 Brompton Square

Application: PP/20/04106 and LB/20/04107

Proposal: Redevelopment of property involving demolition of lower ground and ground rear extension; replacement of lower ground floor slab to rear; construction of mansard roof, basement extension under rear garage and provision of roof terrace to rear garage; construction of lower ground and ground rear extension and new closet wing from lower ground to first floors; associated internal refurbishment works throughout

Council's decision: Refuse planning permission and listed building consent

Decision level: Delegated

Appeal decision: Both allowed

Appeal route: Written representations

Inspector's Key Findings

- The appeal proposals would not involve the additional loss of original or history fabric beyond that already permitted.
- Whilst the new closet wing would be taller, it would be comparable to others on the terrace.
- The proposed position of windows within the new rear extension would generally maintain a seesawing pattern with the windows on the main house and so would not appear unduly discordant.
- The insertion of a lift would be an undeniably modern intervention, however its fully enclosed and setback position within the new wing would largely conceal it. The incorporation of toilet facilities within the space would go some way to maintaining the new closet wing's service function and secondary relationship. The internal hierarchy of floors and spaces would not be materially weakened.
- There would be no harm to either the listed building, or the conservation area, and so whilst no public benefits are provided, this is not relevant to the decision.

Reflection

- The introduction of a lift into a listed property is always likely to be invasive to a degree and involve a change in the floorplan. However, this will not always be a harmful change if the primacy of the staircase as the principal route of vertical circulation within the property is physically and visually conserved.
- Officers should ensure they are giving due weight to examples of similar development within the terrace of which the building is part of.

Address: 26 Victoria Road

Application: CL/20/06327

Proposal: Replacement of raised planter with hardstanding.(Certificate of Proposed Development/Use)

Council's decision: Refuse certificate

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- Class F of the GPDO allows the provision of a hard surface at a dwellinghouse. Under the conditions the hard surface must be made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable area within the curtilage of the dwellinghouse.
- Section 192(2) of the Act allows a council to refuse an LDC application if they are not provided with information to demonstrate a proposal is lawful, and information to show the hardstanding would be porous was not provided by the applicant.
- However, the Council did not accept additional information the applicant sent in regarding the permeability of the hardstanding.
- There is nothing in the Act, Procedure Order or PPG guidance which prevents a council from accepting further information, and the information did demonstrate the proposal was lawful.

Reflection

- The Council does not accept revisions or amendments to applications once they are live unless the new information is minor. This is the standard practice and has been for many years.
- This appeal decision is an unfortunate result of this stance.
- On reflection, there might be some cases such as this, where accepting more information on a certificate (where the assessment is *only* whether the proposal is lawful when tested against a set of conditions rather than the more subjective assessment made under a planning application) would be appropriate. Officers should use their professional judgement to determine when it would be sensible to do so.

Address: 32 Hesper Mews

Application: PP/20/06793

Proposal: Creation of roof terrace with access from second floor, replace rooflight with opening skylight, install 1.1m metal railings, painted black.

Council's decision: Refuse planning permission

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- Several buildings along Hesper Mews have roof terraces, notably numbers 28 and 38 at either end of the terrace which the appeal property forms part. A number of high-level balconies and terraces can also be seen on the rear elevations of the mansion blocks which face not the mews.
- Numerous examples of railings of varying designs can be seen along roof tops and fronting windows.
- Whilst the proposed terrace at the appeal property would be at a higher level than some other terraces along Hesper Mews, its set back location means views of it would be extremely limited.
- Therefore, the proposal would be a very small and inconspicuous change.

- The site is within a densely built-up urban area and the setback nature of the terrace means there would be sufficient separation to avoid unacceptable loss of privacy.

Reflection

- The Inspector gave greater weight than officers to other terraces in the vicinity of the site. Officers should ensure they look for examples when on site and give this appropriate weighting in their decision making.
- Officers considered the close distance between properties meant the terrace would be harmful. Assessments regarding the impact of a proposal on living conditions can often be subjective.

Address: 3 Donne Place

Application: PP/21/00780

Proposal: Front extension under ground floor bay window; insertion of aluminium-framed sliding doors to rear ground floor and first floor roof terrace; insertion of roof lights in rear first floor roof terrace and second floor outrigger; formation of rear outrigger extension to second floor and improved access to second floor terrace; removal of windows on rear and side elevations to facilitate outrigger extension; construction of mansard roof extension with roof terrace, lead-clad dormers and painted metal balustrade.

Council's decision: Refuse planning permission

Decision level: Delegated

Appeal decision: Dismissed for the mansard roof extension with roof terrace, lead-clad dormers and painted metal balustrade.

Allowed for the front extension under the existing ground floor bay window, insertion of aluminium-framed sliding doors to rear ground floor and first floor terrace, rooflight in rear first floor roof terrace and second floor outrigger, rear outrigger extension to the second floor and improved access to second floor terrace, and the removal of existing windows on rear and side elevations to facilitate the outrigger extension.

Appeal route: Written representations

Inspector's Key Findings

- The appellant submitted an updated Daylight and Sunlight Report as new evidence as part of the appeal. The Inspector concluded that as a Householder Appeal, the Council and notified third parties did not have the opportunity to comment on the revised information and on this basis, the appeal was determined because of the information that was before the Council when the decision was made.
- The Inspector referenced the presence of mansard additions in the terrace and other taller buildings in the area. However, it was concluded that the mansard roof extension and associated balustrade would be visible in views along the road and from properties to the front and rear and would jar significantly with the characteristic scale and massing of buildings along the street.
- Regarding the other alterations, they were noted as small scale extensions/alterations mainly to the rear, and in the context of other alterations in the terrace, would have a neutral effect on the character and appearance of the building and locality.

- The position of the mansard extension in a built-up area would cause significant harm to the outdoor amenity space of the adjoining property as an overbearing and enclosing form of development; however, the extensions, whilst causing some loss of daylight/sunlight, the losses would be for a limited period in the day and as such, any effect on living conditions would not be material.

Reflection

- The Inspector gave limited weight to the appellants case that the proposals would add to and optimise the usability of the existing space within the residential building.
- Officers should ensure that they are thoroughly reviewing and considered submitted daylight and sunlight reports as part of the assessment of the case and being consistent in conclusions, considering the particular circumstances of the case.
- Importance of ensuring that we are challenging, where appropriate, additional information submitted as part of the appeal process.

Address: Flat 6, 13 Draycott Avenue

Application: PP/20/04913

Construction of roof level loft extension to provide additional accommodation for existing apartment.

Council's decision: Refuse planning permission

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- The Inspector gave weight to the conclusion that whilst occupying the full width of the roof and visible between gaps in buildings along Sloane Avenue, from the front, it would be largely hidden from view due to its set back, reduced overall height from existing and position behind the curved parapet.
- Acknowledged that whilst the proposal would not mirror the neighbouring property, highlighted the simple design, lower overall height and use of matching materials which would ensure that it would not cause harm.

Reflection

- The Inspector gave greater weight than officers to the visibility and design of the extension. Officers should again ensure they look for examples/visibility of the extension when on site and give this appropriate weighting in their decision making.
- Officers considered the further unbalancing of the pair of buildings (11-13 Draycott Avenue) would be harmful. Officers to carefully balance this with the design and scale when carrying out their decision making.

Address: 44 Hans Road

Application: PP/20/06395

Erection of double-pitched mansard roof extension and extension of parapet wall.

Council's decision: Refuse planning permission

Decision level: Delegated

Appeal decision: Allowed

Appeal route: Written representations

Inspector's Key Findings

- Whilst the mansard roof extension would increase the height of the building, it would remain appreciably lower than the adjoining property 42 Hans Road, with the form of the extension reducing the impression of the increased height and the materials further limiting the visual impact of the proposal.
- The Inspector acknowledged that whilst the extension would be visible within the streetscene, it would not cause harm to the character of the properties, or its relationship with adjacent buildings.

Reflection

- The Inspector gave greater weight than officers to the form of the proposed extension and its resultant visibility in the streetscene. Whilst acknowledging that an increase in height can often be harmful, officers should ensure they are giving due weight to other development in the area and the visibility of extensions in the wider streetscene.

END