ROYAL BOROUGH
OF
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL DECISION

The Planning Inspectorate

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: LB/02/00850

Our Ref: APP/K5600/E/02/1098954
APP/K5600/A/02/1098955

Date: 14 May 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY MR F MONCADA
SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

I enclose a copy of our Inspector's decision on the above appeals.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
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Yours faithfully

P. Gurdin

Mr Dave Shorland

COVERDL1

GM

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.	15 MAY 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

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Appeal Decision

Hearing held on Wednesday 30 April 2003
Site visit made on Wednesday 30 April 2003

by Roger P Brown DipArch DipTP ARIBA MRTPI

an Inspector appointed by the First Secretary of State

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Date

14 MAY 2003

Appeal A Ref: APP/K5600/E/02/1098954
34 Paultons Square, London SW3 5DT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr F Moncada against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application (Ref. LB/02/00850), dated 1 April 2002, was refused by the Council by notice dated 8 July 2002.
- The works proposed are the erection of a first floor rear infill extension and rebuilding a ground floor infill extension, together with alterations to the rear elevation.

Summary of Decision: The appeal is dismissed.

Appeal B Ref: APP/K5600/A/02/1098955
34 Paultons Square, London SW3 5DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr F Moncada against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application (Ref. PP/02/00849), dated 15 March 2002, was refused by the Council by notice dated 8 July 2002.
- The development proposed is the erection of a first floor rear infill extension and the rebuilding of a ground floor infill extension.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. There are a number of inconsistencies with regard to the appellant's statement and the application drawings. The former refers to the insertion of a pair of sash windows at first and second floor level within the rear elevation of the stairwell/closet extension. Only one window at first floor level is indicated within the proposed layouts, and none are shown on either the proposed elevations or a perspective sketch which accompanied the appeal documentation.

2. However, the Council has recently approved the installation of two such windows as part of further works to the appeal premises. Consequently, I do not consider that these omissions materially affect my determination of the appeals.

3. The appeal property is listed Grade II and within the Cheyne Conservation Area. I am required by Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a

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listed building or its setting, and preserving or enhancing the character or appearance of a Conservation Area, respectively.

Main Issue

4. This is the impact of the proposed development on the character and appearance of both the listed building and The Cheyne Conservation Area.

Planning Policy

5. The development plan is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), as recently revised. At the hearing, both parties agreed that the following Policies are those most relevant to these appeals:- CD25 – Standards of Design, CD41 – Extensions, CD52 and 53 – Development in Conservation Areas and CD58 – Works to listed buildings. Whilst the Cheyne Conservation Area Proposals Statement (CAPS) has been adopted by the Council, it does not contain guidance pertaining to rear extensions.

6. Both parties have variously made reference to advice within Planning Policy Guidance (PPG)1 – General Policy and Principles, PPG15 – Planning and the Historic Environment, and the English Heritage publication – London Terrace Houses 1660-1860: A guide to alterations and extensions.

Reasons

7. No. 34 is sited at the south-eastern corner of Paultons Square, with a return frontage to the northern side of Paultons Street. An end terrace property featuring a basement and three storeys, it was erected in 1840 as part of the formal neo-classical Georgian style development of Paultons Square. Following bomb damage during the Second World War, the property was rebuilt in the 1950's; whilst it generally echoes the design and detailing of the adjacent buildings there are a number of minor variations. Be that as it may, in concert with all other properties within Paultons Square, it was listed Grade II in 1969. The building has subsequently been extended and altered on a number of occasions. No. 34 is also within the Cheyne Conservation Area, whose attractive character arises from the imposing appearance, regular detailing and formal layout of the buildings.

8. The rear elevation to the terrace that includes the appeal property features projecting closet wings/stairwells. Whilst most of these structures are two storeys in height, that to the appeal property is of three storeys. At present, a glazed conservatory is located at ground floor level between this extension, and that to the adjacent property, no 35. Indeed, this structure extends approximately 1 metre beyond the rear wall of the three storey wing. The appellant is seeking to replace this conservatory with a brick-walled extension of the same depth and height, together with a smaller flat roofed infill extension at first floor level. This latter feature would be set back some 1.5 metres from the front of the former conservatory, but only some 450mm behind the rear wall of the aforementioned three storeys wing. The situation regarding the proposed windows to the rear elevation of the stairwell/closet extension has been described in paragraph 1.

9. As stated, a pleasing feature of both the Conservation Area in general, and properties fronting Paultons Square in particular, is the regular detailing and modelling to the buildings. In the main this characteristic applies to the formal front elevations. However, the regular spacing of projecting part width extensions, together with adjacent lightwells

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serving the rear rooms to the main floors of the houses, also produces an attractive and articulated pattern and rhythm of solids and voids to the rear elevation of the terrace which includes the appeal property.

10. A number of lightwells have been filled in at ground floor level, and now feature conservatories similar to that found at present at the appeal property. However, to my mind these 'visually lightweight' structures do not detract from the aforementioned rhythm of the rear elevation. Indeed, none of the lightwells have been infilled at first floor level or above.

11. In this context, because it would be almost as tall as the adjacent projecting wing to no. 35, the appeal proposal would, to a large extent, 'fill in' the present open lightwell. Within the proposed rear elevation, new half glazed doors to the ground floor would be of similar proportions to the existing French doors. However, existing glazed side panels would be replaced by brickwork. The first floor window in the infill extension would be of a similar size to that as existing in the present rear wall.

12. To my mind, the resultant form and appearance of the appeal proposal would be that of a solid brick extension, standing well beyond the line of the rear wall which would largely be obscured from view. It would have none of the attractive 'openness' of the existing conservatories, and by virtue of its size and bulk, it would be a visually intrusive element within the aforementioned pattern and rhythm of the rear elevation to the terrace. In addition, and notwithstanding an existing boundary wall to the appeal site curtilage fronting Paultons Street, by virtue of its location the scheme before me would be a visually dominant and intrusive feature readily visible from this highway.

13. The appellant contends that because of the height and scale of the existing three-storey extension, the appeal scheme would not be harmful to the character and appearance of the rear elevation to his property. I agree that by virtue of its height, the present extension is somewhat unusual with regard to other closet wings/stairwells within the terrace. Whilst an 1895 OS extract records a rear extension to the appeal premises, there is no confirmation as to its height; it is unclear whether it was originally a three storey structure before the 1950's rebuilding. Nevertheless, by virtue of its height and scale the existing extension is a satisfactory 'visual stop' to the southern end of the terrace, extending development in a pleasing manner round the corner junction of Paultons Square and Paultons Street. In addition, the existing lightwell is consistent with the pattern of development within the rest of the terrace; therefore the height of existing rear extension does not lessen the unacceptable impact of the appeal proposal as recorded above.

Conditions

14. I have had regard to the conditions suggested by the Council, but I do not consider that they would render the appeal proposal acceptable. At the hearing, the appellant acknowledged that by virtue of their almost square overall proportions, the existing 1950's rear windows do not reflect the more vertical proportions of windows in the remainder of the terrace. It was suggested that a condition be applied requiring the submission of, and approval to, windows of a more suitable design. Laudable though this suggestion is, a narrower window in the first floor element of the appeal proposal would result in an enlarged area of brickwork; this in itself would increase the overbearing visual impact of the proposed extension.

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Conclusions

15. For the above reasons, I am of the opinion that the appeal proposal would be harmful to character and appearance of both the listed building and the Cheyne Conservation Area. As such, it would not accord with the main thrust and/or relevant criteria of UDP Policies CD25, CD41, CD 52, CD53 or CD58. It might also establish a precedent for further similar proposals.

16. When reaching this conclusion, I am mindful of advice within the aforementioned English Heritage publication. With regard to extensions, this states that *'original closet wings and rear extensions or later rear extensions or features of interest should always be preserved. Proposals for adjacent infill, or for the substantial reconstruction of rear walls, will normally be resisted'*. I consider that such guidance adds weight to my judgement.

17. I have given careful consideration to all other matters raised, including appeal decisions alluded to by both parties. I am also mindful of local support for the appeal proposal. Nevertheless, nothing persuades me from my conclusion with regard to the main issue.

Formal Decision

Appeal A

18. In exercise of the powers transferred to me, I dismiss the appeal.

Appeal B

19. In exercise of the powers transferred to me, I dismiss the appeal.

Roger Bowm

INSPECTOR

Information

A separate note is attached setting out the circumstances in which the validity of any of these decisions may be challenged by making an application to the High Court.

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APPEARANCES

FOR THE APPELLANT:

Mr N de Lotbiniere BSc MPhil MRICS	GVA Grimley, 10 Stratton Street, London W1J 8JR
Mr A Kearley MA MPhil MRTPI	GVA Grimley
Mr K Snellings	Bentley Snellings & Partners, 10 Hollywood Road, London SW10
Mr F Moncada	34 Paultons Square, London SW3 5DT

FOR THE LOCAL PLANNING AUTHORITY:

Mrs S Wilden BA(Hons) MRTPI	Deputy Area Planning Officer
Mr J Aytow MA BA	Conservation & Design Officer

DOCUMENTS

Document	1	List of persons present at the hearing.
Document	2	Letter of Notification of the hearing.
Document	3	1895 OS extract, put in by Mr Aytow.

PLANS

Plans list	A	Application drawings – Appeal A OS Extract – scale 1:1250 Drg. No. 562-01: Existing Floor Plans Drg. No. 562-02: Existing Rear Elevation Drg. No. 562-03: Proposed Layouts Drg. No. 562-04: Proposed Elevation
Plans list	B	Application drawings – Appeal B OS Extract – scale 1:1250 Drg. No. 562-01: Existing Floor Plans Drg. No. 562-02: Existing Rear Elevation Drg. No. 562-03: Proposed Layouts Drg. No. 562-04: Proposed Elevation
Plan	C	Perspective rear elevation

PHOTOGRAPHS

Photos list	1	Rear elevations of Paultons Square, put in by Mrs Wilden