

**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL DECISION



APPD



APPD



Appeal Decision

File

Site visit made on 9 December 2003

by **Richard A Mordey BA (Hons) MCD MRTP**

an Inspector appointed by the First Secretary of State

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Date

5 JAN 2004

Appeal Ref: APP/K5600/A/03/1123495

1, Swanscombe Road, London, W11 4SU

- 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 Mrs P A Hardinge against the decision of Council of the Royal Borough of Kensington and Chelsea.
- The application ref: PP/02/2818, dated 4 December 2002, was refused by notice dated 3 February 2003.
- The development proposed is the erection of a mansard roof addition to form a new storey at second floor level to accommodate a new self-contained residential "bed-sitter" unit, including the erection of a full height spiral staircase in the existing front yard.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. I have used the Council's description of the appeal proposal as it is more accurate and comprehensive than that on the application form.

Main Issues

2. From my visit to the appeal property and the surrounding area together with my reading of all the written submissions, I have come to the conclusion that the main issues in this case are firstly, whether the proposed development would have a harmful impact upon the streetscene, secondly, whether it would preserve or enhance the character or appearance of the Norland Conservation Area and thirdly, whether it would have a detrimental impact upon the amenity of any occupants of neighbouring properties by reason of loss of privacy, overbearing impact and loss of daylight.

Development Plan and other Planning Policies

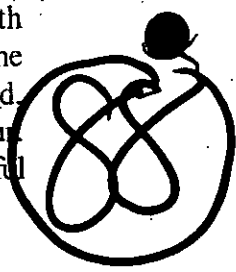
3. The relevant development plan is the adopted Revised Unitary Development Plan for the Royal Borough. A number of policies have been cited by the Council. These aim, amongst other matters to ensure that new development is of a high quality and that it relates satisfactorily to its surroundings, that it preserves or enhances the character or appearance of conservation areas and that it does not harm the amenity of those living nearby.

Reasons

The first issue

4. To my mind, because of the mix of fenestration and other features, the northern elevations of No's 1 and 3, Swanscombe Road have a disjointed appearance. In

addition, the flat roof of the appeal property does not relate sympathetically to the pitched roof of No. 3. It seems to me that the sloping mansard now proposed with matching slates would provide a visual link and lead to some improvement in the appearance of the two buildings. As far as the proposed external staircase is concerned, I consider that this could be an attractive feature if of an appropriate design and colour. Consequently, I have come to the conclusion that the proposal would not have a harmful impact upon the streetscene but would improve it to some extent.



The second issue

5. During my visit I saw a considerable section of the Norland Conservation Area. Whilst terraces constitute the characteristic building form, there is a variety of architectural style including neo-classical in the vicinity of Holland Park Avenue and picturesque villas in the vicinity of the appeal premises. For the same reasons stated in the preceding paragraph, I consider that No's 1 and 3 are discordant elements in the designated area and have also come to the conclusion that the proposed development would enhance the character and appearance of the Conservation Area. It follows, therefore, that I do not agree with the Council's submissions on this issue.



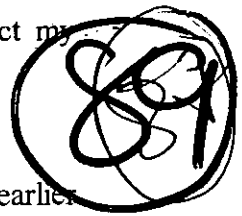
The third issue

6. There are, however, several shortcomings in terms of the impact of the extension on the amenity of the occupants of No.33, St Anne's Villas. Currently, the yard of that dwelling is closely and directly overlooked from windows in the flank wall of the appeal property. This is only slightly lessened by the trellis between the two properties. The proposed spiral staircase would lead to more direct overlooking and exacerbate the situation. I accept the Council's submission that there would be loss of daylight and sunlight to principal rooms at the rear of No.33. There is already likely to be some loss particularly during summer months because of the mature tree standing in the corner of the garden. The extension would aggravate the problem and would particularly affect the room on the lower ground floor. I also consider that because of the increased height and bulk of the building the extension would have an overbearing impact when seen from the rooms at the rear of No.33. It is my firm opinion that these various shortcomings would have an unacceptably serious impact upon the amenity of any occupants of No.33 and would be contrary to established planning policy. They outweigh the possible aesthetic improvements discussed in earlier paragraphs. In coming to my decision, I have borne in mind that an occupant of No. 31 St Anne's Villas has written in support of the scheme. Although there would be some loss of daylight to rear windows in that property, the impact of the proposal would be relatively insignificant and the submissions of that neighbour do not remove the serious objections which I have discussed. I am not able to judge clearly the impact upon the yard of No.3, Swanscombe Road and cannot, therefore, include that as another reason for dismissing the appeal.

Other Considerations

7. Having read the appellant's submissions and visited the appeal premises, I appreciate the reasons for wishing to provide the "bed-sitter" but they do not justify the proposal. I have also noted the reference to a house in Queensdale Road. From the submitted photograph, the circumstances of this property appear to be very different from the

present case but in any event it is not for my determination and does not affect my decision.



Conclusion

8. For the reasons given above and having regard to all matters raised, including an earlier appeal decision relating to No.7, Swanscombe Road, I conclude that the appeal should be dismissed.

Formal Decision

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

Information

10. Particulars of appeal against this decision to the High Court are enclosed for those concerned.

Richard A. Mordley

INSPECTOR