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## Appeal Decision

Site visit made on 6 September 2016

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23<sup>RD</sup> September 2016**

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**Appeal Ref: APP/X5990/W/16/3152142**

**48 Leamington Road Villas, London, City of Westminster W11 1HT**

- 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 Alison Charles against the decision of City of Westminster Council.
  - The application Ref 16/01621/FULL, dated 23 February 2016, was refused by notice dated 27 May 2016.
  - The development proposed is erection of mansard roof extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I saw at my site visit that the butterfly roof on the property has been removed and scaffolding erected. I was able to confirm at my site visit that the original straight parapet wall to the front and V shaped parapet wall to the rear were in situ.
3. Since the determination of the planning application, the Council adopted the latest version of Westminster's City Plan in July 2016 (WCP) and its policies have replaced the policies referred to in the Council's reason for refusal. The Council has confirmed that the policies relevant to the determination of this appeal remain unchanged and I do not feel that any interests would be prejudiced by my proceeding to determine the appeal on this basis.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Conservation Area.

### Reasons

5. The appeal property is a five storey mid-terrace Victorian dwelling located on Leamington Road Villas, a residential area where the terrace form dominates. The property is currently being refurbished and converted from flats into a dwelling following the grant of planning permission. I have seen from photographs that the property had a traditional butterfly roof with a straight parapet wall to the front and a V shaped parapet to the rear. A number of
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nearby properties have mansard roof extensions. The property is identified by the Council as an unlisted building of merit and lies within the Aldridge Road and Leamington Road Villas Conservation Area (ALCA).

6. The Council's Aldridge Road and Leamington Road Conservation Area Audit (2004) (CCA) states that the area is of homogenous character with mid-Victorian residential terraces and villas upon highly regular subdivision. Within Leamington Road Villas, the strong and consistent parapeted rooflines and repeated styling to the front elevations makes for a regular streetscape. The group of buildings to which the appeal property belongs are identified as a particularly fine terrace.
7. The CCA also states that roof profiles are an important element which can influence the character and appearance of the ALCA and as such, alterations are not always acceptable. The appeal property is identified as a property where roof extensions are not likely to be acceptable. Similarly, Policy DES6 of the Westminster Unitary Development Plan (2007) (UDP) states that permission will be refused for roof level alterations and extensions where they affect the architectural character of a building or lead to the loss of distinctive roof forms.
8. The proposal encompasses the erection of a mansard roof to create a 6<sup>th</sup> floor to accommodate two further bedrooms. The mansard roof would be set behind the front parapet and the rear V shape parapet would be replaced by a straight wall parapet. Windows are proposed to the front and rear.
9. Whilst I appreciate that within the terraced group to which the appeal property belongs, three out of the six properties have mansard roof extensions, I noted at my site visit that only the roof extension at 52 Leamington Villas was readily visible from the street. Due to their set back, the mansard roofs at No 42 and 44 were largely obscured from public views from the street. The immediately adjoining properties, like the appeal property, have unaltered traditional butterfly roofs with a V shaped parapet to the rear. Therefore, with the exception of No 52, from the street, the architectural integrity and roofscape of this group of buildings appears largely unaltered. In my view this makes a positive contribution to the character and appearance of the ALCA.
10. Although the front parapet wall of the host property would obscure the mansard roof to a degree, the roof would still be visible from Leamington Road Villas due to its proximity to the front wall. Although the butterfly roof and V shaped parapet have been lost from three of this terraced group, the appeal property and the two adjoining properties still retain this traditional roof form and their loss would destroy an important element of the character and appearance of these dwellings. Whilst the rear extension at 52 Leamington Road Villas partially screens the rear of the property from Tavistock Road, an oblique view of the rear of the property can be seen. Similarly, glimpses of the rear of the appeal property can be viewed from the gap between No 43 and 45 St Lukes Road which is also within the ALCA.
11. I observed numerous mansard roof extensions drawn to my attention elsewhere in the vicinity, including those within the appeal terrace and those opposite. The majority of those cited by the appellant predate the publication of the CCA, the UDP and the WCP and I afford them little weight. Whilst I note there are parallels to the more recent permissions at No 7 and 39, the Council has explained that these differ from the appeal property which is not

immediately adjoined by properties with mansard roofs. In any event, those that I saw served to confirm the harm that such extensions can cause to the character and appearance of the properties and street scene and I do not consider that their existence should justify a further erosion of the character and appearance of the area that would arise from the appeal proposal.

12. I therefore find that the proposed development would unacceptably diminish the architectural integrity of the host property, to the detriment of the street scene with consequent material harm to the character and appearance of the ALCA. The finding of harm to the character and appearance of a heritage asset is a consideration to which I must attach considerable importance and weight.
13. Although I have concluded that the proposed mansard roof extension would fail to preserve or enhance the character and appearance of the conservation area, given the size and scale of the proposal in the context of the ALCA as a whole, the harm to the significance of the heritage asset would be less than substantial. Thus it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework) whether there would be any public benefits to the scheme sufficient to outweigh that harm. Whilst I appreciate that the proposal would improve the living conditions for the occupiers, the public benefits of the scheme would be limited and insufficient to outweigh the harm identified.
14. Accordingly, I consider that the proposed development would be contrary to Policies S25 and S28 of the WCP and Policies DES1, DES6 and DES9 of the UDP. These seek, amongst other things, to ensure development is of high architectural quality which conserves heritage assets and does not adversely affect conservation areas and to refuse roof level alterations and extensions where they affect the architectural character of a building or where historically significant or distinctive roof forms would be lost

### **Other Matters**

15. I appreciate that the proposal will not have a detrimental impact on neighbouring properties and that high quality and matching materials are proposed. However, this does not outweigh the harm I have identified above.
16. Given my findings above, the proposal is not the sustainable development for which the Framework makes a presumption in favour. In reaching this conclusion I have borne in mind its guidance that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56) and should respond to local character (paragraph 58); and that it is proper to seek to promote or reinforce local distinctiveness (paragraph 60).

### **Conclusion**

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Caroline Jones*

INSPECTOR