
Appeal Decisions

Site visit made on 17 October 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 04 November 2016

Appeal A: APP/K5600/W/16/3154661

Flat 14, 53 Drayton Gardens, London SW10 9RX

- 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 Andrea Brignone against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/02322, dated 15 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the installation of a dormer window to the internal courtyard.
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Appeal B: APP/K5600/W/16/3154679

Flat 14, 53 Drayton Gardens, London SW10 9RX

- 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 Andrea Brignone against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/02333, dated 15 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the installation of dormer windows to the internal courtyard and rear of the east roof.
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Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed.

Main Issue

3. The main issue in these appeals is the effects of the proposals on the character and appearance of the conservation area.

Reasons

4. The proposal relates to this duplex flat which is located on the fifth and attic floors of this substantial 19th Century mansion block. The building has an attractive, decorative style and sits within The Boltons Conservation Area.
5. The proposal in appeal A is for a single dormer window on the roof slope facing the internal courtyard. It is said that the dormer would measure just over 10m

in width. Appeal B would also contain the dormer to the internal courtyard and would add a dormer to the rear, eastern roof-slope, said to be around 5m in width.

6. The Council has published its Conservation Area Appraisal, which identifies the appeal building as making a positive contribution to the character and appearance of the Conservation Area. Within the Appraisal, the building is identified as having its original roof form. The appellant disputes this and states that the roof has been subject to incremental change and adaptation, including chimney stack removal, roof-lights and air-conditioning plant, amongst others. At my site visit I was able to view the roof form at close quarters and I was able to see some of the changes referred to. However, in my consideration, what is important here is the degree to which the overall form and shape of the roof has been retained, notwithstanding these other minor alterations. In this context I agree with the Council that the form of the roof is a component part of the historic form of the building and one which adds to its positive contribution to the character and appearance of the conservation area.
7. In both appeals the dormers are large, taking account of their width and the amount of original roof form that they would replace. I consider that both schemes would significantly disrupt the original roof form. There is discussion in the appeal submissions about where the proposal would be visible from. From my observations the courtyard dormer would be visible from other flats with windows at higher levels within the courtyard, as well as some neighbouring properties. In relation to the dormer proposed on the eastern roof, this would be visible a number of other properties within the area, including from Roland Gardens.
8. Whilst I accept that the roof alterations proposed would not be described as highly prominent, they would be visible from certain parts of the Conservation Area. The changes contained in the schemes would have a negative effect on the original roof form which has been identified as a positive feature within the Conservation Area, adding to its character and appearance. In relation to the level of harm, I assess this as 'less than substantial harm' as set out in the National Planning Policy Framework. I attach considerable weight to this harm in determining these appeals. There is nothing within the appeal submissions which would amount to a public benefit arising from either scheme.
9. As a result of my finding, both schemes would fail to preserve or enhance the character or appearance of the Conservation Area. I judge that the proposals would be contrary to Policies CL1, CL2, CL3, CL8 and CL11 of the Consolidated Local Plan. As a consequence, both appeals are dismissed.

S T Wood

INSPECTOR