The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 06 April 2017

Appeal Ref: APP/K5600/D/17/3168350
91 Chesterton Road, London W10 6ET

- 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 Gerard Boujo against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/16/06981, dated 12 September 2016, was refused by notice dated 20 December 2016.
- The development proposed is mansard roof extension.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application drawings show the building as being level with the properties on either side. In reality there is a small step between the appeal property, 91 Chesterton Road, and that next door, No 89, with the latter being slightly above the former. However, it is clear what is proposed. I am satisfied that I am able to judge what would be the effect of the proposal from the application drawings and what I saw at the site visit.

Main Issue

3. The main issue is the effect on the Oxford Gardens St Quintin Conservation Area (the OGSQCA).

Reasons

4. The appeal property is located on the south side of Chesterton Road. This road consists of, seemingly, a long terrace of properties finished in stucco. However, there is a small gap between properties further to the east and there are steps in the terraces as the landform slopes gently down to the west. The properties are generally three storeys in height with a lower ground level. Some way to the west of the appeal site on the southern side a number of the properties have had additional storeys added, mostly in the form of mansard roofs. There are also a small number of such roofs to the buildings on the northern side.

5. The appeal property is one of these three storey properties, with a separate dwelling at lower ground level. To the rear of the property is an outrigger extending to one side on the lower ground, ground and two upper storeys.

There is a small terrace above this outrigger. The roof is in 'butterfly' form leading to central gutter, but this is hidden from the front elevation by a parapet. The proposal is to add an additional storey to the dwelling which would be in the form of a mansard roof with two dormer windows in each of the front and rear elevations.

6. The site lies within the OGSQCA and thus within a designated heritage asset. The Council has published the OGSQCA Proposals Statement (the CAPS) which was adopted in 1990. The purpose of the statement is stated as being to ensure that changes are compatible with their surroundings as much as retaining the exact appearance of the area and its buildings. Although the document is now of some vintage I consider that this should be given significant weight as it is generally in accordance with national planning policy set out in the National Planning Policy Framework (the Framework) which indicates, in paragraph 131, that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

7. The CAPS has divided the OGSQCA into three 'districts', with the appeal site falling within District A. The CAPS notes that the terraces in Chesterton Road are good examples of high Victorian terraced housing. It also notes that the character and appearance of most properties in the OGSQCA are particularly sensitive to roof extensions and loft conversions. Development in this area is described as cramped and dense, but the area still has a unity, and this is particularly noticeable in the central and eastern sections of the southern side of Chesterton Road where the roof forms have not been altered. The appeal site lies in an area annotated as "Category 1: Absolutely no change to the roof or dormers".

8. The development plan for the area includes the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (the KCLP). This has a specific policy, Policy CL 8, relating to roof alterations/additional storeys to existing buildings. The policy indicates that additional storeys and roof level alterations will be permitted where the character of a terrace has been severely compromised by roof extensions. However, it indicates that roof alterations will be resisted in a number of situations, including where there are complete terraces or groups of buildings where the roof line is unimpaired by extensions, where the roof line is exposed to long distance views from public spaces, and terraces that are already broken only by isolated roof additions. It is the case that planning policy should not be followed blindly without considering anything said to persuade the case in hand is an exception.

9. As noted above there have been a number of roof alterations to Chesterton Road, but on the southern side of the road these are all further to the west with the nearest being at No 105 some distance away. The integrity of this part of the overall terrace thereby remains intact as is the area to the east to the end of the street. I also note that the section of the southern side of Chesterton Road to the west of the appeal site where such dormers are more frequent has been categorised differently under the CAPS, and given the difference this seems a logical approach. While there are a small number of dormers on the opposite side of Chesterton Road these are more isolated.

10. The introduction of the proposed mansard roof would be a dominant structure readily seen from the street, both close by and in longer distance views, and

would appear as an isolated feature harmfully intrusive into the street scene and detrimental to the character and appearance, and thus the significance, of the OGSQCA. Although the change in level between the appeal property and No 89 would limit the effect, this is not a significant change so that it would make this intrusion acceptable within the street scene and the OGSQCA.

11. Consequently the character and appearance, and thus the significance, of the OGSQCA would be harmed. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the OGSQCA as set out in legislation[1], this harm weighs substantially against the proposal, although in the terms of the Framework this would represent less than substantial harm to the significance of the OGSQCA. Where there is less than substantial harm paragraph 134 of the Framework indicates that this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

12. The appellant has noted that there is a problem with a leak in one of the top floor rooms which this proposal would seek to resolve. While I understand that previous attempts have been undertaken to resolve the leak which have not been successful, there is nothing to indicate that this extension is the only way to deal with the problem and I can therefore only give this benefit limited weight. In addition, the personal circumstances of an appellant can only be of limited weight in the overall balance as they will inevitably change over time while the effects on the OGSQCA will be long term. I have nothing to show that the use cannot continue as a single dwellinghouse. I therefore conclude that these benefits, either on their own or collectively, do not outweigh the harm I have identified.

13. Therefore, the proposal would be harmful to the character and appearance of the OGSQCA. As such the proposal would be contrary to Policies CL 1, CL 2, CL 3, CL 6, CL 8, CL 9 and CL 11 of the KCLP which require development to contribute positively to the townscape, that in carrying out alterations the characteristics of the terrace is preserved and enhanced, take opportunities to improve the character of buildings and the area, including of the conservation area, not to harm the character or appearance of the existing building, setting or townscape, not to rise above the original main parapet, impair the architectural symmetry of a terrace and not detract from local vistas and as set out above. It would also be contrary to paragraphs 131 and 134 of the Framework, again as set out above.

Other matter

14. The appellant has indicated a willingness to amend the size of the windows should this be considered necessary to make the development acceptable. However, this was not in front of the Council and interested parties may wish to make comment on this variation. I, therefore, have not considered this in my decision.

[1] Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

R J Jackson

INSPECTOR