

Appeal Decision

Site visit made on 26 June 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/K5600/D/19/3228660

3 Rutland Street, London, SW7 1EJ

- 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 Jerome Faisat against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/19/00930, dated 8 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is a rear roof extension and single storey ground floor extension.
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Decision

1. The appeal in respect of the proposed rear roof extension is dismissed, but the appeal is allowed in part and planning permission is granted for a single storey ground floor extension at 3 Rutland Street, London, SW7 1EJ in accordance with the terms of the application Ref PP/19/00930, dated 8 February 2019, subject to the following conditions:
 - 1.) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2.) The development hereby permitted shall be carried out in accordance with the following approved plans: The OS location and site plans and Drwg No. RUT/SDC/01PL.

Main issue

2. The appeal property is situated within the Brompton Conservation Area (CA). Accordingly, the main issue is whether the development would preserve or enhance its character or appearance.

Reasons

3. The proposals are comprised of two elements. The Council does not object to the proposed ground floor extension for the reasons set out in the officer report. I have no reason to disagree with the Council's assessment on this aspect of the proposals.
4. The appellant relies in part on and Council acknowledges the significance of policy CL8 of its Consolidated Local Plan (CLP). This is a policy specifically directed to roof alterations such as proposed, and is applicable within the Borough's conservation areas. The Council will permit roof alterations where the character of a terrace or group has been severely compromised by a variety of roof extensions. On the other hand, the policy also provides that the

Council will resist alterations on terraces that are already broken only by isolated roof additions.

5. The appeal property forms part of a terrace of five attractive three-storey dwellings. As the appellant points out, a roof extension is present on No 5, but the Council has explained the exceptional historical circumstances that led to permission being granted for this structure.
6. I find, however, when applying the terms of CLP policy CL8 that, whilst the roof extension at No 5 has caused harm, taken as a whole the terrace's character has not been '*severely compromised*' as a consequence of this development, and that it represents an isolated roof addition in the context of the terrace.
7. The appellant points to the varied roofline in the vicinity of the appeal property, and to an example of where the Council has granted consent for a roof extension on a listed building in Brompton Square. It is also suggested that the extension would not prove harmful.
8. I disagree. No 5's roof extension can be clearly seen in oblique views from the street below, from the dwellings opposite and from various vantage points at roof level. Although set back, the proposed extension would be plainly seen alongside the existing, and would be perceived as an inappropriate addition to the terrace's roofline, creating additional visual disruption to it, and further compromising the terrace's character.
9. I am also conscious of the possibility, as the appellant has done, that others residing in the terrace would cite a favourable decision here as a precedent, and so may be encouraged to propose similar developments. The Council's ability to resist such development proposals, if they occurred, would be severely compromised, thus possibly accentuating the harm caused to the terrace's character.
10. I conclude that the proposed roof alteration would harm the character and appearance of the terrace of which the appeal property forms a part, and of the wider CA. A clear conflict accordingly arises with those provisions of CLP Policy CL8 already referred to and with those provisions of CLP policy CL3 requiring development to preserve or enhance the character or appearance of the CA and to protect the special architectural or historic interest of the area.
11. In the terms of the Framework's¹ paragraph 196, the proposed roof extension would lead to less than substantial harm to the significance of the CA, but I have not been made aware of any public benefits arising from the development.
12. Since the two elements of the proposals are clearly severable, and the ground floor proposal is unobjectionable, I find that I am able to issue a split decision. Accordingly, I shall allow the appeal in part, and grant permission for the proposed ground floor extension subject to the condition, for the avoidance of doubt, that it shall be built in accordance with the approved plans. The appeal in respect of the proposed roof extension, however, is dismissed for the reasons set out above.

¹ National Planning Policy Framework

13. All other matters raised in the representations have been taken into account, including the views of local residents, whose planning-related points have already been dealt with. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR