



Appeal Decision

Site visit made on 25 November 2019

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/K5600/D/19/3236655

14 Lancaster Road, London, W11 1QP

- 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 David Livingstone against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/02931/Q21, dated 25 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is creation of new roof terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Colville Conservation Area.

Reasons

3. The appeal relates to a terraced house which is situated in the Colville Conservation Area. The significance of the Conservation Area is mainly derived from the architectural quality of the buildings and terraces.
4. One distinctive feature of the terrace in question is the 'butterfly roof' design. This design is seen elsewhere in the Conservation Area and is reflected in the terraces visible from the rear of the appeal property, including the housing situated in McGregor Road. The proposed terrace would alter the profile of the butterfly roof as it would occupy its inner slopes. Railings would also be introduced, which would add further changes to the original design. As a consequence, the distinctive butterfly roofing pattern would be undermined, even though parts of the original rear brickwork would be retained.
5. Despite this, the alterations would not be easily discernible from either the Lancaster Road frontage or from the rear garden of the appeal property. The only clear views of the roof terrace would be from the rear windows of housing facing McGregor Road. As such, the visual impact of the proposal would be confined to a relatively small part of the private domain.
6. During the site visit, I saw that some of the roofs visible from the rear of the appeal property had been subject to extensions and other alterations. To a certain degree, this reduces their contribution to the significance of the

- Conservation Area. However, I was unable to view the roof of the appeal property or others within that terrace.
7. According to the Council, the butterfly roof design of the appeal terrace is well preserved. Limited evidence has been provided to contradict this assertion. Although the appellant argues that there are many properties in close vicinity which have lost their original roof layout, it is not made clear whether or not these include other properties in the appeal terrace. Therefore, in the absence of such information, I base my decision on the Council's assertion that the roof of the appeal terrace is well preserved.
 8. My attention has been drawn to Policy CL8 of the Local Plan¹. Part (b)(i) of that policy states that roof level alterations will be resisted on 'complete terraces or groups of buildings where the existing roofline is unimpaired by extensions'. Planning law is clear that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. Based on the information available in this appeal, it seems to be that the proposed roof terrace would breach Policy CL8.
 9. I appreciate that the proposed terrace would only be visible from the rear windows of private homes. However, the qualities of the Conservation Area are appreciated from the private domain as well as the public domain. The proposal would corrupt the butterfly roof pattern present in the appeal terrace and would result in incremental harm to the appearance of the Conservation Area. In reaching this decision, I am mindful that paragraph 193 of the National Planning Policy Framework (the NPPF) indicates that 'great weight' should be assigned to the protection of heritage assets.
 10. Although the roofs of other properties in the vicinity may have been altered, it is not clear when they gained planning permission or what policies were in force at that time. I have based this decision on current planning policy. Whilst the appellant points out that some of the original roofing materials in the property need replacing, this is a matter of maintenance and does not necessarily require the form of the butterfly roof to be changed.
 11. The harm I have identified would be less than substantial and in such circumstances the NPPF advises that this harm should be weighed against any public benefits associated with the development. Although I sympathise with the appellant's desire to improve the property, the benefits would be entirely private in nature. Hence the harm would not be outweighed.
 12. I conclude that the proposal would not preserve or enhance the character and appearance of the Colville Conservation Area. The evidence presented in this appeal indicates that there would be conflict with Policy CL8 of the Local Plan. There would also be conflict with policies which are designed to protect Conservation Areas, including Policy CL3 of the Local Plan. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

¹ Royal Borough of Kensington and Chelsea Local Plan.