



Appeal Decision

Site visit made on 6 January 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/K5600/D/19/3238835

21 Essex Villas, London W8 7BP

- 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 & Mrs R Kansagra against the decision of the Council of the Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/04991, dated 12 July 2019, was refused by notice dated 15 August 2019.
 - The development proposed is described as 'New dormer windows to rear and blind-side of roof and new windows throughout'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dormer windows on the significance of the Kensington Conservation Area (KCA).

Reasons

3. The KCA was formed in 1976, when a number of separate conservation areas were extended and joined together; it has been further extended since this time to its current boundary. The appeal building lies within the Phillimore Estate area, which contains a mix of predominantly Italianate dwelling types dating from the mid-19th century, constructed around a regular street layout.
4. The appeal building is a 3-storey plus basement, detached dwelling on the northern side of Essex Villas, which is one of a number of parallel streets linking Argyll Road and Phillimore Gardens within the KCA. The building has a low-pitched hip roof containing rooflights on the eastern and western slopes, but unaltered on the front and rear slopes.
5. It is located at the eastern end of a row of garden-fronted, semi-detached dwellings, which have a similar design and scale to the appeal building. Together with the narrow gaps between the detached / semi-detached buildings on the northern side of the road, this gives these buildings a terrace-like appearance.
6. To the rear of these buildings are small gardens, which back onto the rear gardens of the similar scaled dwellings on the southern side of Phillimore Place, which runs parallel to Essex Villas to the north. The rear garden of the appeal building also adjoins the rear gardens of a similar scaled terrace of dwellings

- facing onto Argyll Road to the east. These gardens form a visual gap along both Essex Villas and Phillimore Place, which affords views of the rear of some of the dwellings along both streets, including the appeal building.
7. The KCA is a designated heritage asset and its significance is derived in part from the buildings it contains, together with the spaces around them and the traditional street pattern. The appeal building makes a 'positive' contribution to the KCA according to the Council's KCA appraisal of February 2017¹ and from its scale, design, massing, materials and siting, I would agree.
 8. The proposed development would entail a range of works, of which the provision of dormer windows to the western and rear roof slopes represent the only matters of dispute between the parties.
 9. The part of the KCA within which the appeal building is situated contains a variety of dwelling types and roof designs, including some dwellings containing side and rear dormer windows. The appellant has drawn my attention to a number of these², which contribute to the mixed character and appearance of the roofscapes in this part of the KCA.
 10. I also note the Council's comments³ concerning the development of the rear dormers at Nos 11, 13 and 15 Essex Villas. Whilst these rear dormers represent some disruption to the rear roofscape of Nos 1-21 Essex Villas, they are separate from the appeal building and have a different visual context, towards the centre of the row of dwellings rather than at one end.
 11. Most of the dwellings on the northern side of Essex Villas do not contain rear dormers, including the pair of semi-detached dwellings next door to the appeal building, and none of the dwellings contain side dormers. Whilst it is clear that dormer windows can be acceptable in the KCA⁴, the hipped roofs, such as are to be found on many of the dwellings on the northern side of Essex Villas, *form an important part of a balanced architectural composition*⁵.
 12. In my view, the largely unaltered profile and appearance of the hipped roof of the appeal building makes an important contribution to the positive impact it has on the character and appearance of the KCA.
 13. The proposed dormers would disrupt the largely unaltered roofscape of the appeal building and the pair of semi-detached dwellings next door, Nos 17-19 Essex Villas, which makes a positive contribution to the character and appearance of the KCA. The proposed dormers would be readily visible from various locations in the area: the side dormer from the upper floors of nearby dwellings on the southern sides of both Essex Villas and Phillimore Place and the rear dormer from the upper floors of nearby properties on the southern side of Phillimore Place.
 14. The proposed rear dormer would also be visible from Phillimore Place itself, through the gap next to No 18. Whilst the existing dormers on 18 Phillimore Place would be visible in this view to a limited extent, their height and position

¹ Fig 2.6 Buildings Audit Map – KCA Appraisal, February 2017 (KCAA)

² Rear dormers at Nos 11, 13 and 15 Essex Villas, side dormers at Nos 12 and 14 Phillimore Place and side and rear dormer windows at Nos 16 and 18 Phillimore Place.

³ Paragraph 6.11 of the officer report

⁴ Including with reference to Paragraph 3.235 of the KCAA

⁵ Paragraph 3.237 of the KCAA

means that they do not provide a significant visual context in views towards the rear roofscape of the appeal building and its next door neighbour.

15. The introduction of dormers onto the western side and rear roof slopes of the appeal building would therefore be a significant, and in my view detrimental, change to the original design and appearance of the roof of the appeal building. Furthermore, the harmful visual impact of the proposed dormers would be accentuated when seen in the visual context of the hipped roofs at Nos 17 and 19 Essex Villas.
16. The proposed dormers would therefore detract from the positive contribution that the appeal building makes to the significance of the KCA and would cause it less than substantial harm. The proposed development would benefit future occupiers of the appeal building by increasing the amount of usable floorspace in the attic. However, no public benefits of the proposed development have been suggested. Therefore, with reference to paragraph 196 of the National Planning Policy Framework 2019 (the Framework) this less than substantial harm to a designated heritage asset is not outweighed.
17. The appellant refers to other options for the conversion of attic space, which are considered to be less sensitive than the proposed dormers. However, this does not address the harm that would be caused by the appeal development that I have identified.
18. I also note the two appeals referred to by the appellant⁶ at 4 and 8 Essex Villas. I am not fully familiar with these appeals, one of which was dismissed, and in any event each proposal should be determined on its individual merits, which is what I have done in this case.
19. For these reasons the proposed development would detract from the significance of the KCA and would conflict with Policies CL1 (Context and Character), CL3 (Heritage Assets – Conservation Areas and Historic Spaces), CL6 (Small-scale Alterations and Additions), CL8 (Existing Buildings – Roof Alterations / Additional Storeys) and CL11 (Views) contained in the adopted Local Plan September 2019, and with the Framework.

Conclusion

20. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁶ Ref. APP/K5600/D/13/2193462 and Ref. APP/K5600/D/17/3189336