



Appeal Decision

Site visit made on 7 September 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/K5600/D/20/3245854
39 Wallingford Avenue, London, W10 6PZ

- 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 Miss Marisa Horden against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/19/05331, dated 25 July 2019, was refused by notice dated 11 December 2019.
 - The development proposed is extension of the existing dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the site visit I noted that works have been undertaken at the appeal site, though these works appear to differ from those shown on the submitted plans. In addition, I note the comments raised in relation to the accuracy of the plans showing the existing elevation. In determining this appeal my decision has been considered on the basis of the proposed plans submitted and on which the Council made its decision.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the host dwelling and the Oxford Gardens Conservation Area (CA)¹.

Reasons

4. The appeal property is a mid-terrace dwelling located within the CA. The CA covers a mainly residential area and there is a high quality of architecture throughout, with much of the housing retaining original features. The dwellings are generally arranged in perimeter blocks with a distinctive unity of design and rhythm, and this forms a key part of the special interest and hence significance of the CA.
5. It is acknowledged that this uniformity is more evident in the front elevations to the street, and rear elevations have been subject to more change. There is however still some continuity in the rear elevations, and this is evident within

¹ The Council's decision notice refers to the Oxford Gardens / St Quintin's CA though the CA plan provided names it as Oxford Gardens CA and this is also how it is referenced in the Neighbourhood Plan. The Officer's Report refers to it as both Oxford Gardens/St Quintin's CA and Oxford Gardens CA.

the terrace of which the appeal site forms part. The rear roof forms at the appeal site and the wider terrace are clearly visible from adjacent dwellings and public viewpoints on Kelfield Gardens. Whilst a number of properties within the terrace have dormer windows, and there is some variation in their detailing and position within the roof slope, they are of similar proportions, and when viewed from the street contribute to the sense of rhythm and form of the terrace.

6. The proposed dormer would occupy much of the rear roof slope, and, with its glazed elements, being similar in height to those on the existing dwelling, would compete visually with the host property and result in a top-heavy appearance to the building that would be at odds with its established character. The tall slender windows proposed would be particularly discordant, resulting in a vertical influence and this, along with the number of windows proposed, would visually, further emphasise the overall height and bulk of the proposed dormer.
7. Policy C1 of the St. Quintin and Woodlands Neighbourhood Plan, 2018 (NP) does state that dormer windows will be permitted on rear main roofs and the NP and The Oxford Gardens St. Quintin Conservation Area Proposals Statement, 1990 (CAPS) contain general design guidance on rear dormers. It is acknowledged that the proposed dormer would incorporate some of this advice, such as design features, inset from the side elevation and be lower than the existing roof ridge.
8. However, this does not necessarily equate to an acceptable development and each site needs to be considered on its own merits. The NP is also clear that the acceptability of rear dormers is subject to details of dimensions, positioning in relation to the roof ridge and party wall, and use of materials and CAPS states that dormers should not be overbearing.
9. This would not be the case with the appeal scheme. Whilst the dormer would be inset from the side elevations and lower than the existing roof ridge, as detailed above, due to its overall size, bulk and glazing pattern, it would dominate the rear roof slope. Consequently, the proposed dormer would diminish the character of the host property and adversely affect the rhythm and form of the terrace of which it forms an intrinsic part.
10. The proposal would therefore have a negative effect on the significance of the CA, the result would be "less than substantial" harm when considered in the context of the National Planning Policy Framework (the Framework). I note the dormer would provide additional living accommodation for the appellant and potential future occupants, though there would be no public benefits arising from the proposal that would outweigh the harm I have identified above, and to which I have attached considerable importance and weight.
11. Therefore, for the reasons stated above the development would conflict with NP Policy C1 and Policies CL1, CL2, CL3, CL6, CL8 & CL11 of the Local Plan, 2019 which seek to ensure that development achieves a high quality of design, having regard to scale, height, bulk and massing, respecting their host building, and conserving the significance of the heritage asset, as supported by guidance contained within the NP and CAPS.
12. For the same reasons the proposal would fail to achieve the heritage and high-quality design requirements of Policies 7.4, 7.6 & 7.8 of the London Plan, 2016 and Sections 12 & 16 of the Framework. The appellant has referenced NP Policy

C2, though this relates to minor adjustments to roof ridge heights for insulation improvements, and therefore I do not find conflict with that Policy.

13. I note that the principle of a rear dormer window has been previously accepted by the Council. From the details provided it is clear that this was for a much smaller dormer that did not dominate the rear roof slope. This appears to have contributed to making the previous scheme acceptable to the Council as the dormer would be subservient and in keeping with the host dwelling and wider terrace.
14. Therefore, the scheme which the Council considered is different, and likely to have a materially different effect on the character and appearance of the host property and CA than the one now before me. The current appeal scheme would result in a significantly bulkier dormer that, overall, would detract from the host dwelling and CA in the manner I have described above. The previous decision does not therefore lead me to a different conclusion, and in any event, each case must be considered on its own merits. That the proposal would not harm the amenities of occupiers of adjacent properties would be a neutral factor and does not, therefore, weigh in favour of the appeal.

Other Matters

15. The appellant has drawn my attention to other dormers in the vicinity of the site and, whilst I have considered the detail submitted, there are none which appear to be directly comparable to the appeal site when considering siting, design or prominence within the street scene.
16. The appellant has specifically referenced an allowed appeal² at No 52 Wallingford Avenue where a full width dormer was proposed. However, I note that there are differences between the properties and proposed schemes. The dwelling at No 52 has a two-storey outrigger to the rear, as do the other dwellings in the same terrace. The Inspector stated that the rear of the terrace had been altered significantly such that there was much less consistency in the design and roof profile.
17. Furthermore, she acknowledged that there was less uniformity in the appearance of roof dormers in that part of the CA than there is perhaps in other parts, and the dormer would not be widely visible or conspicuous from within the CA. As detailed above, this is not the case with the appeal site or scheme where there is still some uniformity within the rear of the terrace, and the dormer proposed would be clearly visible from the street.
18. In addition, the appellant suggests that the Council has been inconsistent in its decision making. Reference has been particularly made to a recent approval at No 3 Wallingford Avenue³. However, from the details provided the siting and design of No 3 appears to differ from the appeal site. No 3 has a two-storey outrigger and the Officer Report states that the roof form was different to others in the group. There does not appear to have been the same rhythm in the terrace that is evident at the appeal site, and the rear of the property was not clearly visible from any public viewpoints. Furthermore, the height of the dormer and extent of glazing is not comparable to the appeal scheme. The situations at No 52 and No 3 do not, therefore, appear to be directly comparable to the appeal site or scheme.

² APP/K5600/D/19/3234688

³ PP/17/04329

19. Whilst I note the appellant's comments with regards to the provision of light to the building, there is little to suggest the appeal scheme is the only way to achieve this. The appellant states that the NP recognises that homeowners, in the area where permitted development rights have been removed, often, unintentionally, contravene planning in regard to rear extensions, and that the NP has sought to relax some of the borough wide policies. However, as detailed above I have found the proposal to conflict with the NP and this matter does not address the harm I have identified above. I have determined the appeal on its own merits and these other matters do not, therefore, lead me to a different conclusion.

Conclusion

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

A Denby

INSPECTOR