
Appeal Decision

Site visit made on 7 September 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 14 October 2020

Appeal Ref: APP/K5600/D/20/3255058

24 McGregor Road, London W11 1DE

- 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 and Mrs McPherson against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/02168, dated 10 April 2020, was refused by notice dated 3 June 2020.
 - The development proposed is Mansard roof extension to create a third floor.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of 24 McGregor Road and whether the proposal would preserve or enhance the character or appearance of the Colville Conservation Area.
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is located within the Colville Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Colville Conservation Area is characterised by well-preserved, generally Victorian, terraced housing in a predominantly residential area.
5. 24 McGregor Road is a substantial four storey end of terrace dwelling with additional accommodation on the lower ground floor. It is constructed from yellow stock brick with stucco detailing to the lower levels, window surrounds

- and parapets. The roof is a traditional V shaped, or butterfly roof, with raised parapet walls to both the front and rear. The appeal property, and the terrace in which it is situated, makes a positive contribution to the character of the CA, due in part to the mainly consistent roofline which creates a rhythm to the street.
6. The proposal seeks to replace the existing butterfly roof with a mansard roof, set back from the front and rear parapet walls, to allow additional living accommodation in the roofspace. The roof would feature dormer windows to the front and rear elevations, and a flat roof light. The proposal would also necessitate increasing the height of the gable end wall.
 7. There is nothing before me to suggest that either the building, or the terrace as a whole, was intended to have elements projecting above the parapet. I note that there are examples of roof extensions within the terrace, which were allowed before the CA was designated. However, they do not constitute the predominant roof form within the terrace, which retains uniformity and rhythm characteristic of the CA. The addition of the mansard roof would add height and massing to the building, which would breach the roof line creating an addition to the property that would be out of character with its original form.
 8. I acknowledge that within the street, the proposed roof would not be readily apparent at ground level as it would be set back from the parapet walls. However, it would be visible from the upper floor windows of properties opposite, on Lancaster Road and All Saints Road. I noted from my site visit that it would also be visible from public viewpoints on Lancaster Road. Whilst I accept the development may not be unduly prominent in the public realm, it seems to me that harmful incremental changes erode the character and appearance of the terrace and its significance in the conservation area.
 9. For the above reasons, the proposed development would not preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with policies CL1, CL2, CL3 CL6, CL8 section b (viii) and CL11 of the Royal Borough of Kensington and Chelsea Local Plan (2019) and the aims of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development preserves or enhances the character or appearance of Conservation Areas and respects to the character of the area.
 10. Given that the proposal relates to only one part of the Conservation Area, the harm arising from the proposal, in terms of the approach in the Framework, would be less than substantial. In these circumstances the Framework advises at paragraph 195 that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst I accept that the extension would provide additional living accommodation at the property, this is not a public benefit that would outweigh the harm caused to the CA.

Living Conditions

11. The appeal property is adjacent to the rear of 28 and 30-32 All Saints Road and 26 McGregor Road, known as Amy Garvey House.

12. The outlook from the rooms at the rear of Amy Garvey House is limited due to the close proximity of the existing side elevation of the appeal property, which would be raised by approximately 0.8 metres. Whilst no daylight and sunlight report has been submitted, even if they are habitable rooms, the proposal would only be likely to cause limited loss of outlook and light to habitable rooms at intermediate levels in the adjacent buildings.
13. Consequently, whilst I acknowledge that the proposal would have a limited effect on the living conditions of the neighbouring occupiers, given the context of the site and the existing relationship between the properties, the impact of the proposal would not be unacceptable.
14. Therefore, the proposal would not cause significant harm to the living conditions of neighbouring occupiers. As such the proposal would be consistent with policy CL5 of the of the Royal Borough of Kensington and Chelsea Local Plan (2019) and the aims of the Framework. Amongst other things, this policy seeks to ensure that development ensures good living conditions for all occupiers.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR