

Appeal Decision

Site Visit made on 13 April 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/K5600/W/20/3263265

First and Second Floor Flat, 247 Portobello Road, London W11 1LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Lowery against the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/04821, is dated 28 August 2020.
 - The development proposed is proposed part mansard third floor extension.
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Decision

1. The appeal is dismissed and planning permission for the proposed part mansard third floor extension is refused.

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.

Procedural Matters

3. The appeal address within the banner header above has been taken from the application form. Whilst the appeal form states the site address to be 247A Portobello Road, the applicant has confirmed that they are the same property.

Main Issue

4. The appeal has been made against the failure of the Council to give notice of its decision within the prescribed time period. The Council has provided with its appeal submissions a copy of an officer's report dated 3 March 2021, which sets out that, had the Council been in a position to determine the planning application, planning permission would have been refused on the grounds that the proposed development *by reason of its unsympathetic design, scale, form, and projection above the height of neighbouring properties would detract from established unbroken roof scape and roofline, appearing incongruous and obtrusive within the terrace group on which it forms part. As a consequence, the development would fail to preserve the character and appearance of the host building, group of buildings and conservation area and views enjoyed within it.*
5. The main issue in this appeal is, therefore, the effect of the proposed development on the character and appearance of the appeal property and the Ladbroke Conservation Area (CA).

Reasons

6. The appeal site is a three-storey mid terrace property located within a short block comprising commercial use at ground floor with residential above. The terrace block sits within the bustling and vibrant Portobello Road which comprises a long street of similar terrace blocks which vary in scale and design.
7. The appeal site is located in the north east section of the Ladbroke CA. Its significance, in as far as it relates to this appeal, is derived from the numerous high-quality buildings of various ages, designs and architectural treatment. The front of the appeal building shares similarities with its neighbours within the short block, and also those located throughout the wider street. This includes an attractive uninterrupted parapet roof which results in an extremely consistent roof scape within this block, regular vertical windows at first and second floor of which make a positive contribution to the significance of this part of the CA and the CA as a whole.
8. The rear elevations, whilst not as detailed as the front, have regular two storey flat roof additions and valley roofs upon the original building which afford a pleasant rhythm to these elevations. Despite a number of alterations, including changes to the windows, rendering, additions such as air vents, security grills, terraces and other paraphernalia, these appear limited to the two-storey element with the valley roofs appearing generally unaltered.
9. At the front, the proposed mansard roof would be set back from behind the parapet, its height, form and design resulting in a highly visible and intrusive form of development. This would be visible from above the parapet particularly when viewed in long views from street level from both directions along Portobello Road.
10. From the rear the proposal would sit upon the valley roof and thus the appearance of this distinctive roof form would be irrevocably altered as a result of the proposal's height, scale and form. Whilst the narrow back lane allows limited visibility of the appeal site from the street below and only upward views are afforded, glimpses of the proposal would still be possible from street level and it would be highly visible from the neighbouring two storey flat roof terraces.
11. Consequently, as the appeal property would be the only property within the short terrace block to feature this form of roof extension, it would have an incongruous appearance within the street scene. As such, it would result in the loss of a distinctive and pleasant roof form. Whilst the proposal would sit below the height of some of the taller buildings within the wider area, these taller buildings are set within a different context to that of the appeal building, with some being located on prominent corner plots. These taller buildings, whilst prominent in the roof scape, do not, therefore, set a reference point for future development proposals.
12. The appellant has noted that the stucco paint upon the front elevation would be removed as part of the proposal along with reinstatement of the cornice. At the rear they note the verge position to the rear roofline would also be reinstated. Despite these proposed improvements, they would not overcome the harm caused for the reasons given above.

13. Having regard to the above, the proposal would have a detrimental effect on the character and appearance of the appeal property and as it would break up the established roofline across the terrace block, would erode the terrace's architectural cohesion therefore would fail to preserve the character, appearance and significance of the appeal property and would fail to preserve the characteristics of this part of the CA and the CA as a whole.
14. The harm that the proposed development would cause to the significance of the CA would be less than substantial. However, there would be no public benefits that would outweigh that harm. It is understood that the proposal would provide additional living accommodation for the appellant and their family. I also appreciate the strong ties the appellant has with the community. However, these personal benefits do not equate to public benefits and do not therefore provide sufficient justification for the proposal given the identified harm. The proposal, therefore, causes harm that is not justified or outweighed, as required by paragraph 196 of the National Planning Policy Framework (the Framework).
15. For the above reasons, I conclude that the proposed development would harm the character and appearance of the appeal property and fails to preserve the character and appearance of the CA. The proposed development would therefore conflict with Policies CL1, CL2, CL3, CL6, CL8 and CL11 of the Local Plan (2019)(LP), which collectively seek development to respect the existing context, character and appearance of an area; requires development to preserve and enhance heritage assets; protect views within conservation areas and, that roof additions must be architecturally sympathetic to the age and character of the building and group of buildings.

Other matters

16. The appellant notes that the proposal would comply with Policy CE1 of the LP, which seeks to reduce CO2 emission from dwellings and increase the overall energy efficiency of a building. Nevertheless, the Council in their statement suggest they would support the inclusion of such measures but do not consider that the benefits would justify an exception against the harm found and I would concur.
17. As noted above, the proposal would provide extended accommodation for the applicants to enable their family to continue to reside in an area to which they have strong ties. Whilst that is not a public benefit in terms of the heritage balance required by the Framework it is a matter that attracts weight in support of the proposal. However, whilst I recognise the desire to stay within the community little information is before me as to whether alternative accommodation is available that could meet the needs of the family within the vicinity. In addition, private interests will seldom outweigh more general planning considerations and, in this case, would not outweigh the harm to the CA which is a matter to which I must attach significant weight.
18. The appellant's statement makes reference to several mansard roofs in the area and throughout the CA without any renewable technology incorporated¹,

¹ 365 Portobello Rd (PP/03/01690) 351 Portobello Rd (PP/18/06011) 349 Portobello Rd (PP/14/07638) 301 Westbourne Park Rd (PP/14/02847) 140-142 Portobello Rd (Approved on appeal) 146 Portobello Rd (PP/06/02988) Isolated, Approved on appeal) 158 Lancaster Rd (PP/02/01293).

and other examples where roof extensions have occurred². However, no specific details of these have been provided. Nevertheless, from observations at the time of my visit, I observed a number of mansard roof extensions and other roof extensions throughout the wider CA. These I noted were on buildings located in streets set away from the appeal site and there were no other examples of mansard roofs within the terrace block of the appeal site.

19. Whilst reference has been made to the pitched roof extension at the corner of Hayden's Place, no details or the circumstances around its permission have been provided. Nevertheless, I consider this development in no way comparable to the appeal before me given that it is a pitched roof extension upon a corner property. The roof extension referred to at 301 Westbourne Park Road, is located in a different street with different characteristics from that of the appeal site. Therefore, whilst there may be other examples of mansard roofs elsewhere, I have limited information regarding those applications and their presence does not alter my conclusions on the harm that would be caused in the vicinity of the appeal site.
20. I note and appreciate that there is a high level of support for the development from neighbours. However, their support does not override the harm identified as set out above.

Conclusion and Recommendation

21. Whilst the proposal would offer some benefits in terms of reducing carbon emissions and enable the family to stay in their existing home the combined weight of those matters is substantially outweighed by the harm that would be caused to the character and appearance of the area and of the CA. For those reasons and having had regard to all other matters raised, I recommend that the appeal should be dismissed, and planning permission refused.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed, and that planning permission refused.

Chris Preston

INSPECTOR

² 43 & 45 Tavistock Rd 252 Portobello Rd 337-341 Portobello Rd 307 Westbourne Park Rd 2-6 Colville Sq 121 Ladbroke Grove 131 Ladbroke Grove 105-117 Ladbroke Grove 56-58 Blenheim Crescent 1-3 Marks Place 74-76 Portobello Rd 38 Portobello Rd.