



Appeal Decision

Site Visit made on 14 September 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/K5600/W/21/3270468

54 Campden Street, London W8 7EL

- 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 Ms J Dellal against the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/07213, is dated 17 December 2020.
 - The development proposed is the erection of a mansard roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof at 54 Campden Street, London W8 7EL in accordance with the terms of the application, Ref PP/20/07213, dated 17 December 2020, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is made on the basis of the non-determination of the application by the Council within the statutory period. The Council has confirmed that had it made a decision, the application would have been refused. This is, in summary, because it is argued that the proposed mansard roof addition and the associated projecting dormers and the related aspects of the design comprise negative additions to the property which would sit uncomfortably with the modernist buildings adjacent and nearby, therefore harming the setting of these buildings and would not preserve the character and appearance of the Kensington Conservation Area.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken any comments into account in my considerations.

Main Issue

4. In the light of this indicative reason for refusal, the main issue is the effect of the proposal on the character and appearance of the host dwelling, the street scene and the Kensington Conservation Area (the CA).

Reasons

5. The Kensington Conservation Area Appraisal (February 2017) explains that the CA contains many solidly developed streets with a highly urban form and very little green space, and that the area took the form seen today largely between

the early and late Victorian periods. In the vicinity of the appeal site, the northern side of Campden Street is dominated by the long terrace of three storey Georgian properties. However, the southern side of this part of Campden Road is much more varied in terms of building styles, heights and forms, with several of the buildings having mansard type roofs.

6. At the end of Campden Street/Bedford Gardens, and adjoining Campden Hill Road, is The Mount¹, consisting of two contemporary buildings of residential apartments. The Conservation Area Appraisal explains that they were inspired by earlier twentieth century modern movement with a cubist appearance, angular white rendered wall and metal windows. The Conservation Area Appraisal details that although contrasting in style they are well designed buildings of an unusual and underrepresented style. These buildings can be considered non-designated heritage assets.
7. The significance of this part of the CA and which contributes positively to its character and appearance includes the mix and juxtaposition of attractive buildings of various ages that combine to form the street scenes.
8. The appeal dwelling, 54 Campden Street, is located within this section of the CA and is formed from two buildings. It consists of a single storey, pitched roof building, which it is understood was previously an artist's studio, and a two storey building with a flat roof set behind a parapet. The main part of the appeal building abuts the side wall of the smaller of the two The Mount buildings (55 Campden Street). No 54 is identified in the Conservation Area Appraisal as a positive building and which contributes to the variety of building styles, heights and built form along this southern side of the road.
9. The proposed mansard roof addition to No 54 would be set back behind the parapet of the front, rear and east side elevations of the two storey section of the dwelling. The form of the mansard would be appropriate in scale to the appearance of this two storey section of the building and would not appear as an overly bulky addition to the existing structure. With the variety of buildings along this side of Campden Street, specifically towards the western end, the mansard roof addition would not be out of keeping with the mix of designs and the appearance of these buildings.
10. The addition of the mansard roof would result in the host building being taller than the roofs of the dwellings to the east on this side of Campden Street. However, the single storey section of No 54 and the adjoining walled garden area provides some separation to the buildings further along the road and there is already some variety in the roofscapes within this part of the CA. The buildings on the other side of the road are also generally three storeys and, consequently, I am satisfied that the proposed addition would not look out of place when seen in the context of this section of the street scene.
11. I have paid particular regard to the relationship and impact of the proposed mansard roof to the adjoining apartments at The Mount (No 55). I am satisfied that the roof addition would make an appropriate transition between the taller attached building of No 55 to the west and the lower artist's studio element of No 54. The addition, with its slate elevations and dormer windows, would be seen as a contrast to the apartment block and the resulting appeal building would not rival the attached building at No 55 in terms of design, bulk or

¹ Consisting of 76 Bedford Gardens and 55 Campden Street.

appearance. It would sit sympathetically next to this non-designated heritage asset and not adversely affect its setting or important views towards it. Accordingly, the proposed mansard addition to No 54 would not adversely affect the character, significance or prominence of this important contemporary building within the CA. Nor would the mansard addition adversely affect the setting or views of the larger building of The Mount at 76 Bedford Gardens because of the scale of the proposal and the separation to this building.

12. In all these respects my findings align with the conclusions of the Inspector when he considered a similar mansard roof addition at this property in October 2020². However, that appeal was dismissed because of the concerns with the siting and proportioning of several windows of the mansard roof which it was judged would not respond well to the fenestration arrangement of the host building. The present appeal proposal is a submission which seeks to address this matter.
13. The three dormer windows to the front elevation of the mansard roof would now align with the first floor windows of No 54. These proposed windows would be of an appropriate size and scale in relation to the fenestration to this principal elevation and would complement its appearance. The east elevation shows a dormer window to the mansard that would align with the first floor window and a modest sized round window, which is a locally distinctive feature which is found within some parts of the CA. The windows proposed to the rear section of the mansard roof would be positioned acceptably with the windows below and would be of an appropriate scale and design to this elevation.
14. I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area. I am also conscious of the advice in the Framework that great weight should be given to the conservation of designated heritage assets.
15. In this case, for the reasons I have explained, the scheme would preserve the character and appearance of the CA and therefore the proposal would not adversely affect the significance of this designated heritage asset. I am satisfied that the proposal addresses the objections which the previous Inspector identified when he dismissed the appeal for the mansard roof scheme in October 2020.
16. It follows that I conclude that the scheme would have an acceptable effect on the character and appearance of the host dwelling and street scene, and would preserve the character and appearance of the CA. Accordingly, the development would comply with Policies CL1, CL3, CL8 and CL11 of the Kensington and Chelsea Local Plan September 2019 which require, amongst other things, that roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings.

Other Matters

17. I have carefully considered all the representations in support of the proposal as well as all the objections, including from local residents and the Kensington Society. In relation to the impact of the proposal on the character and appearance of the area, I have examined these matters above and conclude that the proposal would be acceptable for the reasons explained.

² APP/K5600/D/20/3253058

18. Objections have been raised in terms of the impact the proposal would have on the living conditions of adjoining residents. Submissions at the appeal stage have also included photomontages which show representations of the likely impact from adjoining locations and properties and I have had regard to this information in my assessment. The application was accompanied by a Daylight and Sunlight Report which examined the impacts and concluded that the scheme would lead to a high level of compliance with the referenced guidance for such matters. The Council in its appeal statement has concluded that given the distances involved, no surrounding residents would experience any material impact on daylight and sunlight, nor from increased sense of enclosure.
19. From all the information before me, including my site visit, I agree with the Council that the scheme would not cause an undue effect on the daylight and sunlight to the windows of adjoining properties, nor a sense of enclosure from the proposal.
20. In terms of overlooking, I further note the Council's analysis on this matter that although some additional overlooking may result from the installation of the new front, side and rear windows, the level of overlooking that results from the windows from the proposal would be relatively minor. This was also an issue which was examined by the previous Inspector where he concluded that given the scale of the mansard and its relationship to the nearest residential properties any impact would be within acceptable parameters for such an urban location. I have looked at all the additional information on this matter which is before me and I also viewed the proposal from 74 Bedford Gardens and the rear garden of 70 Bedford Gardens. I have examined this matter afresh but I have found no material reason to disagree with the previous assessments of the Council and Inspector. I conclude that the impact of the proposal on the privacy of the occupants of adjoining properties would be acceptable in this location.
21. Other matters raised include the effect of the proposal on the flank wall of The Mount and potential noise effects from the occupation of the mansard room addition on that attached property. This is essentially a matter that can be more appropriately addressed by the civil legislation and the Building Regulations and is not of such weight as to affect the main issues in this case.
22. Concern has also been raised that the building has already been extended with the addition of a basement, nevertheless, the present scheme needs to be considered on its merits based on the present policies of the development plan. Agreement to the appeal proposal on this site would not set a precedent elsewhere as the site specific circumstances and relationship to adjoining buildings are very unlikely to be the same on another site. There are also objections regarding the disruption during the construction phase. However, this would be a short term impact which could be controlled, to a degree, by adherence to details in an approved Construction Management Statement.

Conditions

23. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. I have amended the wording where necessary in the interests of clarity or to meet the tests in the Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.

24. Conditions in respect of the finish of the external materials, the detail and timber finish to the sash windows, the natural slate to the slope of the mansard roof, the lead to the cheeks of the dormer windows and the provision of conservation rooflights are all necessary to ensure that the details of the finish are appropriate to the character and appearance of the CA.
25. A condition is necessary to ensure that roof additions are controlled in the interests of the appearance of the property within the CA and to preclude the use of the roof as a terrace or amenity space in the interests of protecting the amenities of the occupiers of adjoining properties.
26. A pre-commencement condition is necessary to require the submission of a Construction Management Statement so that the construction phase, from the outset, is undertaken in a way that respects the amenities of the area, in particular adjoining properties. The recommended condition made reference to an Appendix A Checklist which did not form part of the drafted condition and therefore as worded the condition would not be precise or clear. I have attached a standardly worded condition requiring a Construction Management Statement. This would not preclude the Council agreeing with the appellant details that may be within an Appendix A Checklist to ensure that the local effects during construction would be mitigated as much as possible.

Conclusion

27. For the reasons explained above, the scheme would accord with the policies of the development plan when considered as a whole. There are no material considerations that indicate otherwise. I therefore conclude that, subject to the specified conditions, the appeal should be allowed.

David Wyborn

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Plan EX-00, Proposed second floor plan 2021-01 01 Rev B, Proposed roof plan 2021-01 02 Rev B, Proposed front elevation 2021-01 03 Rev B, Proposed rear elevation 2021-01 04 Rev B and Proposed side elevation 2021-01 05 Rev B.
- 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so retained.
- 4) The windows hereby permitted shall be timber framed, white painted, double hung, sliding sashes, and so retained.
- 5) The roof slopes of the mansard roof extension hereby permitted shall be clad in natural slates, and so retained.
- 6) The cheeks of the dormer windows shall be clad in lead and be so retained.
- 7) The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so retained.
- 8) No water tank, lift motor room, or other structure or appliance, shall be erected upon the roof.
- 9) The roof of the mansard roof extension as shown on approved drawings no.s 2021-01 02 Rev B; 2021-01 03 Rev B; 2021-01 04 Rev B and 2021-01 05 Rev B shall not be used at any time as a terrace/amenity space.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include, but shall not be limited to, the provision for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

End of Schedule