



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: 05 October 2021

Appeal Ref: APP/K5600/W/21/3269747

Flat 5, 21 Ladbroke Gardens, London W11 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Berenika van Hovell against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/04915, dated 4 September 2020, was refused by notice dated 4 November 2020.
 - The application sought planning permission for the insertion of two replacement front dormer windows without complying with a condition attached to planning permission Ref PP/20/00782, dated 30 March 2020.
 - The condition in dispute is No 2 which states that: The development shall not be carried out except in complete accordance with the details shown on submitted plans PRO-PLN-010-TF-REV P1 PRO-PLN-011-FF-REV P1 PRO-PLN-012-RL-REV P1 PRO-ELE-200-FRONT-REV P1 EX-ELE-020-FRONT-REV P1 ELE-021-SIDE-REV P1 SEC-030-AA-REV P1 SEC-031-BB-P1.
 - The reason given for the condition is: The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
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Decision

1. The appeal is dismissed.

Background

2. Flat 5, 21 Ladbroke Gardens is a residential apartment that incorporates accommodation in the roofspace. The front, top floor rooms are lit by two dormer windows within the front slope of the roof, which is set back behind a parapet. The parapet consists of pillars each linked horizontally by two metal rails.
3. Planning permission has been granted (Reference PP/20/00782) for the replacement of the two dormer windows. These replacement dormer windows would be larger than those to be removed but would have a consistent design and appearance with each other.
4. Subsequently, an application was submitted to seek to vary the approved plans by replacing the window in one half of one dormer with a door to improve light to the bedroom. The top section of the door would match the top section of the approved window. However, to accommodate the bottom part of the proposed door this would involve the removal of a section of the sloping roof. This proposal was refused by the Council and is the subject of the appeal.

Main Issue

5. In the light of this background and the reason for refusal, the main issue is the effect of the proposed change to the dormer window, in particular the introduction of the bottom section of the proposed door, on the character and appearance of the host building and area, having regard to the location within the Ladbroke Conservation Area (the CA).

Reasons

6. The CA covers an extensive, largely residential area of formally laid out roads with many substantial terrace properties constructed during the Victorian period. Flat 5, 21 Ladbroke Gardens is located within the CA and forms part of the end building of a substantial terrace of attractive Victorian buildings. The Ladbroke Conservation Area Appraisal (October 2015) identifies the terrace as listed or positive buildings which make a positive contribution to the historic and architectural character and appearance of the CA. The significance of this terrace includes the largely unaltered Victorian, rhythmical and well-articulated design of this substantial block of prominent buildings, which make a positive contribution to the street scene.
7. In terms of the details of this block, the approximate western half of the terrace are listed buildings and have similar canted dormers to the roof. However, the approximate eastern half of the terrace, including the appeal building, has a more mixed range of front roof additions. Some of these additions, because of their design and variation, detract to a small extent from the overall consistency of the appearance of this section of the terrace.
8. There are views from the more elevated sections of Kensington Park Road, from the broadly south east, towards the end section of the terrace including No 21. In some of these views, the appeal building is framed by the trees on one side and the buildings on the other. Sections of the front roof of the appeal building are visible and contribute to the appearance of the façade within this street scene. At present the two dormers are visible and although differently sized there is sufficient roof space around them so that they appear as reasonably modest and not distracting features. I consider that the replacement dormers, with their matching size, design and the extent of remaining sloping roof around them, would not draw the eye and they would sit fairly comfortably as part of the roof and overall building.
9. The proposal to add the door to one of the replacement dormers would unbalance the appearance of the two dormers. The loss of the sloping roof, where the bottom of the door would be formed, would remove a section of the roof and create an addition that would not have the appearance of a traditional dormer design to a mansard roof. The proposed alteration would not sit as sympathetically with the roof as does the existing appearance of the two dormers or the approved scheme, were it to be implemented. The proposal would be a minor change to that approved. Nevertheless, it would diminish the quality of the approved design and be an alteration that would erode part of the character of the building, which retains many elements of attractive and original appearance. The scheme would therefore be a small but harmful change to the host building, and a retrograde step compared to the existing and permitted situation.

10. This change would be perceptible through the parapet rails from some elevated sections of Kensington Park Road and from some higher level apartments on the opposite side of Ladbroke Gardens. For the reasons explained, the proposal would cause some harm to the appearance of the building and this finding is important as 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.
11. The front facing roofs of the adjoining buildings in this terrace have a mix of additions and some include doors to the dormers. Some of these are also partially visible from sections of Kensington Park Road and from some of the apartments opposite. While they form part of the character of the area, I am not convinced that their presence adds positively to the appearance of the terrace and that they are examples that should be replicated elsewhere. I do not know the full planning history of when these doors were agreed, so I am not satisfied given the harm I have found with the present proposal that the existing front roof additions which incorporate doors set a precedent that should be followed with this appeal proposal.
12. As a result of the above analysis, I consider that the proposed alteration to the dormer would harm the character and appearance of the host building and, consequently, this immediate part of the CA. The effect would be to result in minor harm to the character and appearance of the CA and therefore detract from the significance of this designated heritage asset. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 202¹ of the National Planning Policy Framework (the Framework). In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
13. The benefits of the scheme are explained to be the increased natural light to the adjoining room from the additional glazed area. This room, however, would already receive some natural light from the existing or proposed replacement dormer, if the approved scheme was to be implemented. There may also be a benefit to the occupiers by being able to access the outside space although this is a reasonably small area. These benefits would accord with the Framework policy that decisions should create places with a high standard of amenity for existing and future users. However, the proposal would essentially result in private benefits to the occupiers of the accommodation and the public benefits would be minor and would afford only limited weight in support of the scheme.
14. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal afford limited weight and therefore would not outweigh the harm to the CA and its significance, which although localised and minor, in accordance with the Framework, is required to be attributed great weight.
15. Accordingly, I conclude that the proposal would harm the character and appearance of the host building and not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies CL1, CL2, CL3,

¹ The Framework was revised on 20 July 2021. This includes changes to some of the paragraph numbers and I consider that the key elements of the Framework policies that are relevant to this appeal have not been materially altered.

CL6, CL8, CL9 and CL11 of the Kensington and Chelsea Local Plan September 2019 which require, amongst other things, that roof alterations to be architecturally sympathetic to the age and character of the building and group of buildings.

Conclusion

16. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR