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# Appeal Decision

Site visit made on 7 March 2022

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 March 2022**

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**Appeal Ref: APP/X5990/W/21/3283933**

**7 Edbrooke Road, London W9 2DE**

- 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 Ms Annie Olejnik against the decision of City of Westminster Council.
  - The application Ref 21/02294/FULL, dated 8 April 2021, was refused by notice dated 28 May 2021.
  - The development proposed is the erection of a mansard roof extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

## Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, having particular regard to the heritage significance of the terrace that 7 Edbrooke Road forms part of.

## Reasons

4. The appeal site is part of a terrace of properties, the significance of which lies, in part, in their traditional and consistent proportions, features and materials that have largely been retained across the row. While of simpler design to the rear, as with many of the rows of properties in the area they have traditional butterfly roofs set behind a parapet front roof line. As a result, I consider the terrace to be a non-designated heritage asset.
5. The National Planning Policy Framework (Framework) states that when considering the effect of a proposed development on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset.
6. The unbroken butterfly roofs of the terrace, including at the appeal site, are visible from the nearby properties and part of the adjacent park. The appeal site has also retained many of the other traditional features to the front. The site currently contributes positively to the significance of the terrace.

7. Whether with planning permission or not, there are several examples of roof extensions in the area. Some can be seen from street level, including where the butterfly roof shape has been lost. Given the size and position of many of these, where they can be seen they draw the eye whatever elevation it is that is visible. The general conformity of the roofscape in other rows of properties nearby, including those behind the site and on the opposite side of the road, has been eroded as a result.
8. However, other than the roof extension at 1 Ebrooke Road, that is largely screened by the surrounding built form and at the end of the terrace, the roofscape of the remainder of this row is primarily undisturbed. Although with some variation to the rear projections and not totally uniform, the butterfly roofs remain largely intact and do not extend above the parapet wall at the other properties in the row. This gives the terrace a greater consistency than those behind and opposite even with differing roof materials at the appeal site.
9. The set back of the roof extension would result in there being limited, if any views of it from street level within Edbrooke Road and the shape of the butterfly roof would be retained to the rear. External materials would be in keeping with those used in roof extensions in the area. The window form and alignment would reflect those at the appeal property.
10. Nonetheless, the proportions of the currently intact butterfly roof would be lost as the extension would cover a considerable part of it. Given the additional height above the roofs either side and position towards the middle of the row, the extension would appear as an isolated and bulky roof level addition to the terrace. This would erode the consistency and flow of the existing roofscape beyond 1 Edbrooke Road.
11. The incongruous scale and position of the addition would be clearly seen from numerous surrounding properties to the front, rear and side, as well as being an obvious disruption to the roofscape from many parts of the park.
12. My attention has been drawn to other appeal decisions. Several related to different streets and/or I do not have the plans and other details in front of the Inspectors for the schemes<sup>1</sup>. Therefore, I cannot be sure they are directly comparable to this one. In the appeal at 34A Edbrooke Road<sup>2</sup> the Inspector commented that the relationship of 7 Edbrooke Road to roof extensions nearby was not directly comparable to his circumstances. I see no reason to reach a different finding.
13. There are several examples of roof extensions more centrally within Edbrooke Road and other streets nearby. Nonetheless, this is not the case for the terrace that the appeal site forms part of. Therefore, these other schemes are materially different to the one before me.
14. Consequently, the proposed development would unacceptably harm the character and appearance of the area, including to the significance of the terrace as a non-designated heritage asset. It would fail to accord with the design and heritage protection aims of Policies 38, 39 and 40 of the City Plan

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<sup>1</sup> APP/X5990/W/20/3253779, APP/X5990/W/15/3131426, APP/X5990/A/08/2086576, APP/X5990/W/16/3151260, APP/X5990/A104/1141865

<sup>2</sup> APP/X5990/W/17/3183465

and guidance given in the SPG<sup>3</sup>. It would also be contrary to the historic environment policies contained within the Framework.

### **Other Matters**

15. The proposal would bring about benefits to the occupiers of the site by providing better living accommodation in a building that has been within their family for some time. However, this personal benefit does not outweigh the harm that the proposal would cause.
16. I appreciate that the appellant has sought to overcome the previous refusal and dismissal<sup>4</sup> by amending the scheme. Nonetheless, I have found harm would arise from the proposal before me. My conclusions are consistent with the Inspector who dealt with the previous appeal at the site.
17. While permitted development rights exist for roof extensions subject to certain criteria, the evidence before me indicates that these would not apply to the appeal property. Therefore, it does not represent a realistic fallback position. The example cited<sup>5</sup> was where the two properties adjacent had mansard roof extensions or have extant planning permission to construct one, unlike at the appeal site. Furthermore, the merits of any Article 4 Direction are outside the scope of this appeal.
18. The level or lack of public opposition to a scheme is not a reason in itself to allow a proposal. The conduct of the Council during the application and the maintenance and ownership of other properties in the street do not affect my findings on the main issue. The appellant had the opportunity to respond to the appeals raised by the Council in the statement of case in their final comments.
19. No compelling evidence has been presented to indicate that the butterfly roof is causing considerable issues at the property or that the proposed development is the only way of rectifying these. A lack of harm to the living conditions of occupiers of nearby properties would be a neutral factor and not weigh in favour of the scheme. Solar panels are not shown on the plans and therefore I cannot take into account any benefits associated with them.

### **Conclusion**

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR

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<sup>3</sup> Roofs: A guide to Alteration and Extensions in Domestic Buildings' Supplementary Planning Guidance

<sup>4</sup> APP/X5990/D/17/3180388

<sup>5</sup> 19/04321/FULL