



Appeal Decision

Site visit made on 30 August 2022 by S Wilson LLB MSc LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

Appeal Ref: APP/K5600/D/22/3300350

43 Uperne Road, London SW10 0SE

- 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 Mrs K Thompson against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/00356, dated 18 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is rear dormer window to existing bedroom.
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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 Issue

3. The main issue is the effect of the proposal on the character and appearance of the Lots Village Conservation Area (CA).

Reasons for the Recommendation

4. The CA derives considerable significance from its variety of architecture and land uses, including historic industrial activity, and from its well-preserved Victorian terraces. Each group is distinctive but overall there is a cohesive character, with pitched roofs a distinctive feature of the CA.
5. The Lots Village Conservation Area Appraisal (LVCAA) identifies rear elevations as an important feature of the original design of historic terraces, with public and private views of them possible. Rear elevations therefore make a positive contribution to the area's character, historic significance and appearance. The LVCAA identifies that insensitive works including inappropriate roof extensions have harmed the uniformity of terraces, with this uniformity identified as the most important feature of rear elevations.
6. 43 Uperne Road is part of a short terrace identified in the LVCAA as positive buildings that contribute positively to the CA. The terrace is largely uniform to the front, with the slate pitched roofs to the rear broken only by an isolated roof extension to No 39. The original character and design of the terrace is therefore still clearly apparent.

7. The public park to the north of the appeal site allows for views towards the rear of the terrace. Whilst mature trees provide some screening, these are deciduous and therefore effective for only part of the year. Private views of the rear elevations of the terrace are also possible from neighbouring properties.
8. Policy CL8 of the Royal Borough of Kensington and Chelsea Local Plan 2019 (Local Plan) sets out various requirements for roof alterations. It permits roof alterations where the character of a terrace has been severely compromised and infilling would help reunite the group. That is not the case here. The roof form of the terrace is of historic and architectural interest and the roofscape of the terrace is already broken only by an isolated roof addition. In such situations, the Policy seeks to resist roof level alterations.
9. Whilst the proposed dormer has been reduced in scale from a previous application, it would nonetheless introduce an out of character form onto the historic single pitch roof of the appeal property. The scale, size, and design would not be architecturally sympathetic to the age and character of the host building or terrace. The proposal would break the roofscape and would therefore adversely affect the character of the building and the terrace, and their contribution to the surrounding CA. The adverse effects of the proposal would be visible in both public and private views within the CA.
10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The harm to the significance of the CA as a whole would be less than substantial in the terms of the National Planning Policy Framework (2021) (the Framework). Nevertheless, it is a matter of considerable importance and weight. The Framework requires that such harm be weighed against any public benefits of the proposal.
11. The appeal site is already in use as a family home, with the loft space already converted and in use. There is therefore no substantive evidence before me that the dwelling is not already in its optimum viable use, and that the additional headroom provided by the dormer would provide anything other than a private benefit to the occupants. On the evidence before me therefore, there would be no discernible public benefit from the proposal that would outweigh the harm to the CA.
12. Therefore, the proposal would harm the character and appearance of the building and the terrace, and consequently would fail to preserve or enhance the character or appearance of the CA.
13. Accordingly, the proposal fails to comply with Policies CL1, CL2, CL3, CL6, CL8 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019, insofar as they require development to be of high-quality design that respects existing context, character and appearance, is architecturally sympathetic to the host building and preserves or enhances the character and appearance of the CA and views within it. Similarly, the proposal fails to comply with heritage policies within the Framework.

Other Matters

14. I recognise the appellant's concerns that initial advice from the Council was positive, however the Council's final decision was to refuse permission and its

conduct at application stage is not a matter for me when considering this appeal.

15. The appellant has brought to my attention developments of similar design at 509 Kings Road, 35 Burnaby Street, and 25 Cremorne Road. I viewed these properties from the public domain as part of my site visit. Each property forms part of a separate and different terrace grouping, which have their own characteristic uniform patterns and rhythm, different to that of the appeal terrace. I have no details of how, or when, these developments came to be built. They are viewed in a different context to the appeal scheme, and furthermore are materially different in form and relationship to their host properties. Consequently, they do not have comparable impacts. Therefore, they do not weigh in favour of granting permission for the appeal scheme.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

L McKay

INSPECTOR