



Appeal Decision

Site visit made on 7 September 2022

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/K5600/W/22/3294979

365 Fulham Road, LONDON, SW10 9TN

- 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 Mr Tim Hales of Sphinx Limited against the decision of the Council of the London Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/00221, dated 10 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is the conversion of an existing building from a single 1 bedroom 2 person apartment over one floor into a two bedroom 3 person duplex residential unit over two floors, creating a new 4th floor.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal scheme upon the character and appearance of the host building and the surrounding area.

Reasons

3. This appeal site relates to a mid-terrace building which is being redeveloped in accordance with an existing planning permission. This enables the construction of a three-storey building, including a retail unit at ground floor level and residential units in the upper floors. The appeal scheme seeks to construct an additional 4th storey to one of the dwellings, which incorporates a living green sedum roof and living green walls.
4. The roofscape area contains a mixture of different architectural styles from older properties to modern style flats and is visually busy. While the living green wall and sedum roof may present some visual green space to the area, the incongruous shape and high visual impact of the extension would be unsympathetic to the existing context. Specifically, the design of the new storey has the appearance of a flat, parallel, oblong frame, which does not balance with the design of the existing planning permission which is being implemented at the appeal site. Accordingly, it would be visually harmful as a later addition which is not sympathetic to the existing roofline.
5. While there are dormer extensions at older properties in the nearby area, these are of a traditional design and incorporated into the existing roofline. Nearby modern developments have the appearance of being part of a cohesive whole, as opposed to incorporating subsequent developments which were not envisaged as part of the original scheme. While varied, the area is

predominantly urban in appearance being a combination of brickwork and concrete. Given the existing setting, the living roof and walls would be a significant departure from the architectural style of the area. Without any similar schemes which would coordinate with the green appearance of the living roof and walls, they would appear discordant with the overall setting. Accordingly, I consider that the appeal scheme would be a harmful addition that would be at odds with the character and appearance of the host building and the surrounding area.

6. From my site visit, I observed that due to the height of other nearby buildings acting to obscure sight lines, there would be minimal visual impact from street level. However, regardless of its location in the middle of the building plan, the appeal scheme is widely visible from viewpoints from other neighbouring buildings in the area, including windows, balconies and gardens.
7. I therefore conclude that the appeal scheme would harm the character and appearance of the host building and the surrounding area. It would therefore not respect the existing context, character and appearance of the buildings in the area, contrary to policies CL1 and CL6 of the Borough of Kensington and Chelsea Local Plan. Instead, the appeal scheme would compromise the requirement for development to be of the highest urban design quality and for roof alterations to be architecturally sympathetic, contrary to the policies CL2, CL8 and CL9 set out within the Borough of Kensington and Chelsea Local Plan. The appeal scheme would also not function well or add to the overall quality of the area, contrary to the National Planning Policy Framework.

Other Matters

8. While there may be some biodiversity benefits for the living cladding of the proposed development, these have not been adequately set out by the appellant for me to consider that they should override the requirement for the appeal scheme to be architecturally sympathetic to the building. Therefore, I find that these potential benefits would not outweigh the detriment that would result from the proposed development.
9. I have considered representations regarding the interpretation of what should be considered as a mansard roof plane, but this is a matter which does not affect my findings on the main issue.

Conclusion

10. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR