

Appeal Decision

Site visit made on 25 October 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/K5600/D/22/3302437

49 Campden Hill Road, Kensington and Chelsea, London W8 7DY

- 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 M Bertoli against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/02182, dated 29 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is construction of pitched roof structure to replace flat roof to provide habitable space at loft level; and installation of 6no. rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for construction of pitched roof structure to replace flat roof to provide habitable space at loft level; and installation of 6no. rooflights at 49 Campden Hill Road, Kensington and Chelsea, London W8 7DY. The permission is granted in accordance with the terms of the application Ref PP/22/02182, dated 29 March 2022, subject to the conditions included in the Schedule at Annex A.

Preliminary Matters

2. The appellant indicates that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.

Main Issue

3. The main issue is whether the proposed roof structure would preserve or enhance the character or appearance of the Kensington Conservation Area, in which the appeal property is located.

Reasons

4. The large conservation area comprises predominantly residential properties set within a highly urban form of solidly developed streets. No 49 is a four storey dwelling, including a lower ground floor, on the west side of Campden Hill Road. The appellant indicates that the property was substantially altered in 2011 through removal of the mansard roof, various extensions and elevational alterations along with the application of render to the front elevation. The previous property was a red-brick building that was built after the war following
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bomb damage. These changes have resulted in the appeal property reflecting to a greater extent the character and appearance of neighbouring dwellings. As such, the *Kensington Conservation Area Appraisal* lists the appeal property as a positive building within the area.

5. Policy CL8 of the Kensington and Chelsea Local Plan (2019) concerns roof alterations to existing buildings. It requires such changes to be architecturally sympathetic to the age and character of the building and group of buildings. Roof alterations will be permitted where this would involve infilling between existing extensions to reunite a group of properties. Alterations will, however, be resisted where, amongst other criteria, this would involve changes to a complete terrace or group of buildings where the existing roof line is unimpaired; where the roof structure is of historic or architectural interest; where the roofline is exposed to long views; and terraces that are broken only by isolated roof additions.
6. I agree with the main parties that the existing building does not relate fully to the adjoining terrace to the south or semi-detached properties to the north in terms of its appearance and detailing. However, it is set-back from the adjoining terrace and has the same front building line as the semi-detached dwellings to the north. While it has a wider frontage than these individual dwellings, it is of similar width and overall size to the paired dwellings. As such, it has a greater affinity in terms of its built form and layout with the dwellings to the north than the terrace which it adjoins.
7. This relationship between the neighbouring dwellings is also apparent to the rear. Properties forming the original terrace, which the appeal property adjoins, have uniform rear elevations with closet wings and the majority with butterfly roofs. The appeal property does not share these features and, as at the front, has more in common with the paired dwellings to the north. These properties have similar hipped roofs to the appeal proposal and, as such, the proposed roof structure would not be an uncharacteristic addition in this part of the conservation area.
8. The roofs of the properties to the north of No 49 are not readily visible from views along Campden Hill Road. Due to the height of the appeal building and similar shallow pitched roof form, this would also be the case with regard to the proposed roof structure. The extended roof would be more readily visible from the upper floors of properties opposite No 49 to the rear. However, as already found, the new roof would not be uncharacteristic and would reflect the predominant roof form on the neighbouring buildings to the north.
9. The neighbouring property, No 51, appears to include rooflights so in this regard the appeal proposal would not be uncharacteristic. The effects of the proposed rooflights would be limited and I note that the Council suggests a condition in the event of the appeal's success that would require the rooflights to be traditional conservation type, flush with the roof and slim framed. I agree that this is an appropriate and necessary requirement to preserve the character and appearance of the conservation area.
10. Therefore, for the above reasons, I conclude that the proposed roof structure would preserve the character and appearance of the Kensington Conservation Area. Consequently, there is no conflict with Policy CL8 as described above or

with the following policies also from the Kensington and Chelsea Local Plan: CL1, which requires all development to respect the existing context, character and appearance; CL2, which requires development to be of the highest design quality; CL3 concerning the effects of development on heritage assets, including conservation areas; and CL11 concerning views, which includes the requirement that development should preserve views related to conservation areas.

11. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹.

Conclusion and Conditions

12. I have found in the appellant's favour with regard to the main issue and, therefore, for the reasons given the appeal should succeed.
13. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree that conditions controlling the external materials and form of rooflights, as noted above, are necessary in the interests of preserving the character and appearance of the conservation area.
14. Finally, a condition is suggested to require a site construction management plan to be submitted and approved before development commences. I agree that this is necessary to ensure that neighbouring occupiers' living conditions are protected. As the necessary measures must be secured before development begins, a pre-commencement condition is appropriate in these circumstances. The appellant has provided a substantive response accepting the proposed condition and, therefore, in accordance with the relevant legislation it can be imposed².

J Bell-Williamson

INSPECTOR

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall be carried out in accordance with the following approved plans: 8_050 (site and location plan), 8_205 (second floor plan), 8_206 (loft plan), 8_207 (roof plan), 8_210 (street elevation), 8_212 (rear elevation) and 8_216 (section AA).
- 3) The roof slopes of the extension hereby permitted shall be clad in natural slates, and so maintained.
- 4) The rooflights hereby permitted shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.
- 5) No development shall commence until:
 - A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team, and then
 - B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record. The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

[End of Schedule]