

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: 1 December 2022

Appeal Ref: APP/K5600/W/22/3296749

Flat 4, 26 Cheniston Gardens, London W8 6TH

- 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 Ciampi against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/07937, dated 10 December 2021, was refused by notice dated 9 March 2022.
 - The development proposed is described as 'the proposal relates to the roof area of this 4 storey building, which is divided into flats. The roof area is generally flat and it is set behind a parapet wall of about 1 meter in height at the Cheniston Gardens frontage. The opposite end faces towards Iverna Gardens and consists of a steel fence/balustrade. The applicant property is not located in a conservation area. Only the properties on the opposite side of Iverna Gardens are within the Edwardes square, Scarsdale and Abingdon Conservation Area. Planning permission is sought for the erection of a roof extension to the property to provide an additional much needed bedroom/study room at roof level. The proposal involves the creation of a new extension discretely built behind the front parapet and the opposite end fences towards Iverna Gardens in order to provide an invisible addition when viewed from Cheniston Gardens at pedestrian level, in order to provide much needed space accessed from an existing staircase. The extension would be sited between the existing chimneys and parapet party walls which would be unaltered'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed roof extension on the character and appearance of the appeal building and surrounding area, including the setting of the adjacent Edwardes Square, Scarsdale and Abingdon Conservation Area.

Reasons

3. The appeal property is a four storey mid-terrace period building within a densely-developed predominantly residential area. The area to the west comprises the Edwardes Square, Scarsdale and Abingdon Conservation Area, which similarly includes predominantly period residential properties laid out in attractive streets and squares.
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4. 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 resisted where, amongst other criteria, this would involve changes to a complete terrace or group of buildings where the existing roof line is unimpaired.
5. The terrace that includes the appeal property is highly uniform in its character and appearance, displaying its original architectural form and detailing. As such, it makes a positive contribution to the street scene. The roof of No 26 is currently used as a roof terrace and there is a glazed housing on the roof that covers the access stairs, as well as tables, chairs and an umbrella. The only other structure on the roofs of the terrace is a water tank on the roof of No 30. However, both structures and related items are of limited size and cannot readily be seen from surrounding views from the ground. While the water tank is the larger structure, it is set well back from the front parapet, is of limited height and comprises dark external materials reflecting its utilitarian appearance. As such, it will have limited effects from views from the upper floors of surrounding properties and, therefore, in the terms of Policy CL8, the terrace is unimpaired and retains its original form and character.
6. Due to the height of the terrace and the set back of the proposed extension it would not be a prominent addition in street views close to the appeal property. However, due to the height and width of the extension, it would be seen in longer views from the junction of Cheniston Gardens with Wright's Lane. Moreover, it would be particularly prominent in longer views from the upper floors of properties on Wright's Lane to the front and, despite the existing vegetation, in closer views from properties on Iverna Gardens in the conservation area, to the rear.
7. From these views, the extent of the additional built form on the roof would be readily apparent, particularly when lit at night due to the extent of glazing. Given the unimpaired roofscape of the terrace, the proposal would appear as an uncharacteristic later addition that would harmfully interrupt the unimpaired form of the roofscape, contrary to Policy CL8. As such, it would detract from the character and appearance of the host property and the unaltered terrace.
8. The appellant draws attention to a number of other examples of roof extensions within the surrounding area. However, it is unclear that the context is the same as the appeal proposal where it has been found that the extension would harm the unimpaired terrace, contrary to the principal development plan policy which addresses this issue. Therefore, I have considered the proposal on its individual merits in its particular context and these other examples are not sufficient basis to overcome the harm that has been found.
9. Accordingly, for the above reasons, I conclude that the proposed roof extension would have an unacceptably harmful effect on the character and appearance of the appeal building and surrounding area, including the setting of the adjacent Edwardes Square, Scarsdale and Abingdon Conservation Area. Consequently, the proposal is contrary to Policy CL8 as described above and to the following policies also from the Kensington and Chelsea Local Plan: CL1, which requires all development to respect the existing context, character and appearance, and CL6, which has the same requirements with regard to small-scale alterations;

CL2, which requires development to be of the highest design quality; and CL11, which requires all development to protect views that contribute to the character and quality of the area.

Other Matters

10. The appellant raises a number of matters about the effect of the proposal on living conditions. However, this is not included in the Council's reasons for refusal and I am not aware that the Council raised any other concerns about this matter.
11. I have had regard to all the representations made by interested parties both in support of and against the proposed extension. Due to its position and the separation distances from other properties, there is no basis to conclude that the extension would harm neighbouring residents' living conditions. Reference is made to the appeal property now being within the conservation area, although I have no substantive evidence to support this contention. However, for the avoidance of doubt, were this to be the case and based on the existing appeal submissions, it would not result in a different overall conclusion.
12. I acknowledge that the appellant may be frustrated with the process involved in pursuing this proposal. However, this matter is outside the scope of this appeal.

Conclusion

13. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR