

---

# 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: 5th December 2022**

---

## **Appeal Ref: APP/K5600/W/22/3296318**

### **23 Chesterton Road, London W10 5LY**

- 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 Frith against the decision of the Council of the Royal Borough of Kensington and Chelsea.
  - The application Ref PP/22/00192, dated 7 January 2022, was refused by notice dated 9 March 2022.
  - The development proposed is additional mansard floor to top floor flat.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. I note that the current proposal follows an earlier one also for an additional floor at No 23 Chesterton Road that was refused permission and subsequently dismissed at appeal<sup>1</sup>. While the current proposal is intended to respond to the reason for refusal of the previous scheme, I have considered the current proposal on its individual merits. However, given the same location of the two proposals, I have had regard to the earlier appeal decision where relevant.

### **Main Issue**

3. The main issue is whether the proposed mansard floor would preserve or enhance the character or appearance of the Oxford Gardens-St Quintin Conservation Area, in which the appeal property is located.

### **Reasons**

4. The conservation area covers a densely-developed urban area comprising mainly residential properties from the mid Victorian period to the present day. I agree with the Inspector's assessment in the earlier appeal that in the vicinity of the appeal site the streets have a largely consistent layout and appearance, with groups of buildings with locally distinctive and original features combining to form attractive street scenes.
5. I agree also that the appeal property is a well-proportioned and attractive Victorian building. No 23 and the buildings in the surrounding terraces are all

---

<sup>1</sup> APP/K5600/W/21/3268127 dated 27 September 2021.

identified in the *Oxford Gardens–St Quintin Conservation Area Appraisal* (CAA) as buildings which make a positive contribution to the historic and architectural character and appearance of the area. The CAA also notes that Chesterton Road, amongst others, has good examples of valley roofs which cover the whole terrace to give the Classical frontages a continuous parapet finish<sup>2</sup>.

6. 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; where the roof structure is of historic or architectural interest; where the roofline is exposed to long views and there would be an intrusive impact on that view; and terraces that are already broken only by isolated roof additions.
7. No 23 is in a prominent location on the corner of the intersection of Chesterton Road with St Lawrence Terrace. The building itself shares a good degree of uniformity of character and appearance with the terrace running down Chesterton Road to No 37. It also forms a small group with the two adjoining buildings on St Lawrence Terrace, Nos 27 and 29, which are positioned on the same building line as the appeal property, well forward of other properties along the road. This uniformity is particularly apparent from the similar building heights and the clean and uninterrupted parapet forming the roofline across the majority of the terrace and group. There are examples of additions to the roofs of Nos 31, 35 and 37 Chesterton Road, but these are relatively discreet, are not prominent from surrounding views and form a small group at the opposite end of the terrace to the appeal property. As such, in the terms of Policy CL8, the terrace is broken only by isolated roof additions.
8. Due to the height of the building and the set back of the proposed extension it would not be a prominent addition in direct views in front of or close to No 23. However, due to its corner location, the appeal property is exposed to a range of views approaching it along Chesterton Road and St Lawrence Terrace. Despite the set-back of the roof addition, it would be readily seen in these mid-range views approaching along both roads from various directions. It would also be particularly apparent from the upper storeys of the dwellings directly opposite.
9. Given the unaltered roofscape of No 23 and the buildings to either side of it forming the majority 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 group of dwellings. Furthermore, I agree with the Council that the design of the fenestration, particularly the sliding doors to the St Lawrence Terrace elevation, would not reflect the character and appearance of the existing building. These features would further draw attention to the incongruous and uncharacteristic addition to the original built form.

---

<sup>2</sup> Paragraph 3.84.

10. I acknowledge that there are visible examples of mansard roof extensions on a range of properties on Ladbroke Grove and other parts of Chesterton Road. As such, these are not isolated examples but rather are a more characteristic feature of these street scenes, which are different to the immediate context for the appeal proposal. The roof extension at No 20 close to the appeal site is not in my view a good precedent for the appeal proposal given its height above the existing uniform terrace; and it is unclear whether this proposal was assessed against Policy CL8 as in this case, which provides a specific and up-to-date policy basis for considering such proposals.
11. The successful appeal for a roof extension to No 22 Bonchurch Road is not directly comparable as that property appears not to be in such a prominent location as in this case; and the neighbouring dwellings have similar extensions or extant permissions for such extensions. Similarly, the permitted extension at No 225 Ladbroke Grove represents a different context to the appeal proposal, with No 223 already having an extra storey. The Council found in its assessment that the roof extension would not exceed the height of adjacent sites. The fact that the majority of buildings, including many with roof extensions, are categorised in the CAA as making a positive contribution to the area does not overcome the particular findings in this case.
12. Therefore, the proposal would fail to preserve the character and appearance of the conservation area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation<sup>3</sup>. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
13. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal<sup>4</sup>. The appellant indicates that the main benefit is to increase the habitable space of the existing flat to improve the living conditions for existing and future occupants. While I acknowledge this purpose, any such benefits derived from the proposal are principally private ones related to the residential occupation of the appeal property. As such and on balance, this matter does not outweigh the harm that would occur.
14. Therefore, for the above reasons, I conclude that the proposed mansard floor would not preserve the character and appearance of the Oxford Gardens-St Quintin 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; 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.

---

<sup>3</sup> Paragraph 199.

<sup>4</sup> Paragraph 202.

15. In reaching this conclusion I am particularly 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 area<sup>5</sup>.

**Conclusion**

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

*J Bell-Williamson*

INSPECTOR

---

<sup>5</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.