
Appeal Decision

Site visit made on 31 January 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/K5600/D/22/3311983

34 Hillgate Place, London W8 7ST

- 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 Alastair and Nicola Smith against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/03167, dated 19 May 2022, was refused by notice dated 7 November 2022.
 - The development proposed is the erection of a roof structure and replacement railings.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a roof structure.
2. The appeal is allowed insofar as it relates to replacement railings and planning permission is granted for replacement railings at 34 Hillgate Place, London W8 7ST in accordance with the terms of the application Ref PP/22/03167, dated 19 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The railings hereby permitted shall be erected in accordance with the following approved plans: Refs 34 HP 01, 34 HP 05, 34 HP 06 and 34 HP 07.

Procedural matter

3. An interested party is critical of the drawings in failing to give the height of the proposed roof structure. However, the plans are all to scale, and some dimensions of the new addition are denoted. I am satisfied that the details of the appeal scheme as shown on the plans and detailed in the written evidence allow a reasonable assessment of the development sought.

Main issue

4. The Council appears to raise no objection to the replacement railings, as proposed. I, too, find this element of the appeal scheme acceptable in design and general appearance. The new railings would replace their non-original counterparts and match the style of railings found further along Hillgate Place.
5. Consequently, the main issue is the effect of the proposed roof structure on the character and appearance of the host building and the local area.

Reasons

6. The appeal property is an attractive 3-storey terraced dwelling that occupies a prominent corner position at the junction of Callcott Street and Hillgate Place within a predominantly residential area. When seen from Hillgate Place, the raised front parapet wall gives a strong horizontal emphasis to the top of No 34 and the terrace to which it belongs. The front parapet forms a long and largely continuous linear feature that unifies the terrace and completes its composition. It is a notable feature within the local street scene.
7. The site falls within the Kensington Conservation Area (CA), which covers a wide area. In my view, the CA derives its significance as a designated heritage asset partly through the rich variety of historic buildings within it, including the 2 and 3-storey residential terraces in the vicinity of the site. From what I saw, the terrace facing Hillgate Place of which No 34 forms part has a high degree of uniformity in design, fenestration, roof lines and architectural detailing, which contribute to a pleasant, well-mannered streetscape. Both No 34 and the wider terrace have a distinguished presence in the local street scene and positively contribute to the character and appearance of the CA.
8. The proposal includes a zinc clad extension over part of the roof to provide a study and access to the roof. It follows a scheme to introduce a mansard style roof extension at the appeal property that was recently dismissed at appeal¹. By amending the design and scale of the new addition, the proposal seeks to overcome the objections raised by the previous Inspector.
9. The proposal would be modest in scale and its position set back over the rear roof would ensure that the lower section would be hidden from public view behind the front parapet. However, the upper part of the new addition would project noticeably above the parapet of No 34. In doing so, it would breach one of the key aspects of the appeal property and the wider terrace, which is the visually strong defining parapet wall, and create an abrupt visual break in an otherwise largely uniform roofline.
10. The proposed roof structure would not be seen from ground level close to the site. It would be evident in longer range views further along Hillgate Place close to its junction with Hillgate Street. From this location, only the very top of the new extension would be visible projecting just above the parapet. In these views, the proposal would be a small feature and unlikely to draw the eye especially with a far more substantive residential terrace in the foreground.
11. The new addition would, however, be likely to be evident from the upper windows of some buildings on the opposite side of Hillgate Place to the site. From these private vantage points, the proposal would be conspicuous even with the sidewall of the mansard on the neighbouring property and a block of flats beyond. To my mind, the new roof structure would appear as a visually disruptive element along the roofline of the terrace and an obvious 'add-on' that would detract from the architectural style of the host building.
12. While the proposal would not be prominent in the public domain, it would form part of the characteristics of the CA as they are experienced and appreciated from nearby buildings. Having carefully viewed these properties from the roof

¹ Ref: APP/K5600/D/21/3285702 dated 13 December 2021

- of No 34, and considered all of the evidence before me, I consider that the proposed roof structure would be an obtrusive and discordant feature and an unwelcome addition to the CA.
13. By diminishing the positive contribution of the appeal dwelling and the wider terrace to the CA, the proposal would have a deleterious effect on the character and appearance of this heritage asset. As such, the proposal does not overcome the Inspector's concerns in relation to the previous appeal.
 14. I saw that the neighbouring property to one side of the site has a roof level structure, which differs in design, position, and size to the proposal before me. It is likely to be largely hidden behind the front parapet of the host building and so less conspicuous from the Hillgate Place properties than the appeal scheme. The adjacent property on the other side of the site has a mansard style roof with raised party walls. Policy CL8 of the Council's Local Plan (LP) specifically seeks to resist additional storeys and roof level alterations in certain circumstances such as complete terraces or groups of buildings where the existing roof line is unimpaired by extension, or terraces that are already broken only by isolated roof additions, which is the case here.
 15. The roof profile of buildings in the local area is varied and there are examples of high-level additions to other properties close to the site including those to which the appellants have referred and provided details and photographs. Although some of these examples are near to the site, they do not visually 'read' as part the same terrace facing Hillgate Place to which the No 34 belongs. Consequently, the existence of other roof additions does not in itself lend support to the appellants' case.
 16. Reference is made to another appeal at 44 Uxbridge Street in which the Inspector noted that shutter boxes on the rear elevation of a building would not be uncommon in private views nor incongruous in the context of other paraphernalia such as fence panels, alarm boxes and security lights. In this case, the proposal would be seen among various chimneystacks, pots, and TV aerials, amongst other things, that project above the main roof and pierce the skyline. However, these ancillary features differ in scale and mass to the proposal and are familiar and characteristic features of residential terraces.
 17. Against that background, the proposed roof extension would fail to preserve the character and appearance of the CA. The harm caused would be localised and so the effect on the CA would be less than substantial. Even so, the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of such assets, which I have done.
 18. In those circumstances, the Framework states that harm should be weighed against the public benefits of the proposal. The replacement railings, as proposed, would improve the setting of the appeal building and be more in keeping with those further along the street than their existing counterparts. Some public benefit to the character and qualities of the CA would arise as a result. However, it would not outweigh the identified harm.
 19. On the main issue, I conclude that the proposed roof structure would cause significant harm to the character and appearance of the host building and the local area. As such, it is contrary to LP Policies CL1, CL3 and CL8. These policies seek to ensure that development respects and responds to the existing

context, contributes positively to the townscape, and preserves or enhances the character or appearance of conservation areas.

20. There would also be a conflict with the Framework regarding the protection of heritage assets, and with the statutory duty. This duty requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, which I have done.

Other matters

21. Interested parties refer to the planning history of the site and raise additional concern in relation to the effect of the roof level extension on outlook, light and with regard to the issue of precedent. I have taken these matters into account together with all the submitted evidence. However, given my findings on the main issue, these are not matters on which my decision has turned.
22. As the proposed replacement railings would be in keeping with the character and appearance of the local area, they would comply with the policies cited by the Council. The character and appearance of the CA would be preserved. This element of the proposal is clearly severable to the proposed roof structure, which is objectionable. Therefore, I can issue a split decision that grants planning permission solely for them. In doing so, I have attached a condition requiring that the railings are completed in accordance with the approved plans for certainty.

Conclusion

23. The proposed roof structure would conflict with the development plan, as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed in relation to the new roof structure.
24. For the reasons set out above, I also conclude that the appeal should be allowed in relation to the replacement railings.

Gary Deane

INSPECTOR