



Appeal Decision

Site visit made on 8 June 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/K5600/D/23/3321031

113 Elgin Crescent, Kensington and Chelsea, London, W11 2JF

- 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 Ms Lizzie Tuckey against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/07535 dated 6 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is construction of front dormer and introduction of new mansard roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is subject to another appeal (APP/K5600/D/23/3320353). Whilst site visits for both appeals were undertaken at the same time, each case has been determined upon its own merits and are the subject of separate decisions.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the host property, terrace and wider Ladbroke Conservation Area with regard to design, scale and size.

Reasons

4. The appeal site is a four-storey terraced residential dwelling with a lower ground floor level. The site is located within the Ladbroke Conservation Area (CA) and, within the relevant CA appraisal, is designated as a positive building which contributes positively to the character of the CA. Section 72 of the Planning (Listed Buildings in Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA.
5. The appeal site stands within a terraced row where properties are generally similar in terms of their character and appearance, however, I note from my site visit that there is some variation within the general design and scale of dormer windows which are present within the overall roof form of this row. This variation is further highlighted on the opposite side of the road as demonstrated within the appellant's statement of case. The appeal proposal seeks to construct a new dormer window, within the front elevation, as well as introduce a new mansard roof to accommodate the enlarged dormer.

6. The proposal would alter the existing pitch of the roof to accommodate a larger front dormer window with the dormer incorporating six casement windows which would be framed in timber. The appeal site already benefits from a front dormer which currently comprises three windows by comparison. The proposed dormer would increase the width compared to the existing dormer and, in isolation, I do not find that the principle of a larger dormer as proposed would be detrimental to the existing context, character and appearance of the host property, terrace or the wider CA.
7. As stated, there is already a large variance in the scale and design of dormers present within the terraced row in which the appeal site stands and I note, from my site visit, that the neighbouring property (111 Elgin Crescent) benefits from a dormer which is not dissimilar to the appeal proposal before me in terms of design and comprises five windows. The proposed dormer would be set in from the ridge and the parapet and would include a pitched roof to match the profile of the existing dormer which I find to be appropriate in terms of architectural design, size, and scale. The proposed dormer window would also maintain symmetry which, as with the existing dormer, complements the appearance of dormers within the terrace and the host building and I do not find that additional smaller windows would unbalance the design nor fail to preserve the character and appearance of the building, terrace row or the wider CA.
8. I acknowledge that the Council have raised that the larger dormer window, at the neighbouring property (111 Elgin Crescent), is one which does not have planning history and is considered a harmful historic development which is out of character with the wider terrace. Despite this I find that it is a historical development which is now part of the character of the area, given that I have no evidence before me to suggest that it would be, or could be, subject to enforcement action which could result in its amendment and/or removal. It is, therefore, of relevance to the determination of this appeal. Whilst this neighbouring addition may be larger than other dormers within the vicinity, I find that, overall, the terraced row (and that opposite) is not defined or characterised by dormers which can be said to be uniform in terms of design, size, or scale.
9. Despite the principle of an enlarged dormer being acceptable for the reasons outlined above, I find that the cumulative impact of the overall proposals would result in harm to the host property, terrace and the wider CA. Whilst I acknowledge the ridge height would remain the same, the alteration and raising of the roof line in the new mansard to accommodate the dormer window would be incongruous and out of character when viewed in the context of the wider terrace. Whilst dormer windows are, as outlined, characteristic of the area around the appeal site and the terraced row, I have no evidence before me that the introduction of a new mansard is characteristic and find that this would interrupt the underlying overall consistency of the roof pitches within the centre of the terrace row. This would be exacerbated, visually, as a result of the cumulative effect with the proposed dormer to the front resulting in a bulky addition at roof level which would be out of character and visually dominant as part of the host property.
10. The combination of proposals before me, in particular the introduction of a new mansard roof and resultant changes in roof pitch, I find would result in less than substantial harm to the character and appearance of the CA. In

accordance with paragraph 199 of the National Planning Policy Framework 2021 (the Framework), when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In accordance with the Framework, paragraph 202, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimal viable use.

11. The proposal would be for alterations to a single residential dwelling. I note the appellant's submissions regarding properties being bought and sold with improvement to the quality of accommodation in an area of high value. Despite this, I have no evidence before me as to the requirement for the proposals or evidence that the quality of accommodation needs to be improved beyond the properties current offering. The loft area of the dwelling has already been converted into habitable space, which I find demonstrates that the benefits, of increasing the living area in that space, can only be stated to be private on this occasion.
12. The property itself is not listed, but makes a positive contribution to the CA, and the cumulative extensions before me present as one which would only have private benefits and not public benefits which could be weighed against the less than substantial harm identified. In a similar vein, the housing market, whilst acknowledged to be of importance, does not present public benefits, with benefits from transactions within the sector being private.
13. The proposal would be contrary to Royal Borough of Kensington and Chelsea Local Plan 2019 (LP) Policy CL1, which requires all development to respect existing context, character and appearance, LP Policy CL2, which requires development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings in the area and LP Policy CL3, which requires development to preserve or enhance the character of the CA.
14. The proposal would also be contrary to LP Policy CL6 which requires that alterations and additions do not harm the existing character and appearance of the building and LP Policy CL8, which requires all roof alterations to be architecturally sympathetic to the age and character of the building and group of buildings. The proposal would also be contrary to LP Policy CL11, which requires, within CAs, development to preserve or enhance views generally within, into, and out of the CA.

Other Matters

15. I note the objections submitted by Ladbroke Association. I have discussed matters relating to the dormer within my reasoning above and it therefore follows that I do not find, or agree with comments that, a substantial majority of the houses retain two light dormers given the varied dormers which I saw at the time of my site visit.
16. Only limited weight can be given to the Regulation 19 draft of the new Local Plan. I have dealt with matters relating to the roof pitch on this particular terrace and concluded that the change in the roof pitch, as a result of the new

mansard, would be damaging to the host property, wider terrace as well as the CA which warrants refusal.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR