



Appeal Decision

Site visit made on 11 September 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September

Appeal Ref: APP/K5600/W/23/3316032

Second Floor Flat, 324 Latimer Road, London, W10 6QN

- 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 Bembridge Ltd against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/02888, dated 29 April 2022, was refused by notice dated 18 November 2022.
 - The development proposed is erection of mansard roof and external alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in relation to this appeal is whether the proposed development would preserve or enhance the character or appearance of the Oxford Gardens/St Quintin Conservation Area (CA).

Reasons

3. The CA covers a predominantly residential area characterised by high density development dating from the Victorian period until the present day. There are a variety of scales of buildings set out in a consistent and ordered manner along tree-lined streets. The quality of architecture is high with much of the historic housing retaining original features. These include butterfly roofs which the Oxford Gardens/St. Quintin's Conservation Area Appraisal (OGSQCAA) 2021, identifies as a key feature. The historic and architectural quality of the buildings framed by the often long straight roads therefore contributes positively to the pleasant, spacious character of the CA. These features combine to contribute to the historic and aesthetic significance of the CA.
4. The appeal property is one such Victorian property that shares similar symmetry, form and detailing with the 3 other properties within the small terrace it forms part. This includes the historic and architecturally important butterfly roof. Due to its age and architectural design, the appeal building makes an important and positive contribution to the character and appearance of the CA, as acknowledged in the OGSQCAA.
5. Policy CL8 of the Royal Borough of Kensington and Chelsea Local Plan (Local Plan) 2019, requires roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings it forms part. It states that additional storeys and roof alterations will be resisted on complete terraces or groups of buildings where the existing roof line is unimpaired by extensions, and buildings that have a roof structure or form of historic or architectural interest. This policy works in tandem with Policies CL1 and CL2 of the Local Plan which requires new development to be of the highest

architectural quality that responds and is sensitive to, the local context. The appeal property has a roof form of historic and architectural interest, and the roof line is unimpaired by extensions.

6. The proposed mansard roof would fill in and extend upwards the 'v' shaped butterfly roof to create an additional bedroom to the second floor flat. It is suggested that the set back of the mansard roof from the front and side parapet walls would eliminate its visibility from within the street.¹ I observed that it is unlikely to be overtly visible in immediate views from outside the appeal property due to the parapet wall. However, the adjacent buildings to the south-east are of a lower height. As I was able to see the chimney pots behind the side parapet, as well as the current scaffolding and shrouding above the roof of No 328 Latimer Road, I consider that the proposal would be visible in wider views from within the street, to a greater than negligible extent.
7. The appellant does not dispute that there are some private views to the rear of the appeal building, including of the distinctive roof form. Based upon the evidence before me, these views would be limited but relatively close from certain dwelling windows within Calderon Place, particularly those from upper floors. Whilst a small proportion of the 'v' shape would remain visible at the rear, the authenticity of the extant butterfly roof form would be lost, such that it would not be appreciated to any proper degree. The proposed box-like structure would project above the height of the terrace appearing as a discordant addition. Hence, the characteristic form and rhythm of the unaltered rooflines would be interfered with, that the use of similar materials would not adequately mitigate. In obscuring a distinctive feature of this property and the wider area, the proposal would result in moderate harm to the CA.
8. The proposal would therefore fail to preserve or enhance the character or appearance of the CA. It would be contrary to Policies CL3 and CL11 of the Local Plan which require development to preserve or enhance the character or appearance of the CA, and protect the special architectural or historic interest of the area. It would also be contrary to Policies CL1, CL2 and CL8 of the Local Plan, as set out above.
9. In the language of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be less than substantial, but nevertheless important, given the negative effect on the character and appearance of the CA. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the scheme.

Heritage Balance

10. No tangible public benefits of the scheme have been advanced. Any public benefit accruing from improving the size and quality of an existing flat within the housing stock would be of very limited weight, given the small size of the proposed development.
11. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA², I find that the moderate harm that would arise from the proposal, would not be outweighed by public benefits. Conflict would occur with paragraph 200 of the Framework, as any harm to the significance of the designated heritage asset would not have clear and convincing justification.

¹ Appellant's proposed section drawing number CW-0234-310.

² As set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

Other Matters

12. There are a variety of building styles, roof forms and heights within Latimer Road. However, a good proportion of the buildings lie outside of the CA. Nevertheless, such variety within the wider area of the appeal site does not justify the alteration and extension of a roof form, identified as contributing to the historic and aesthetic significance of the CA. The criteria of Policy CL8 of the Local Plan is also applicable in relation to complete terraces where the existing roofline is unimpaired by extensions, whether or not there is a variety in the uniformity of building heights within the wider area.
13. I have not sought to apply Policy CL12 of the Local Plan as this relates to new buildings, rather than extensions to existing ones. Even if it could be considered to be applicable, mansard roofs are not characteristic of this part of the CA and the existing uniform building height within the terrace would not be respected by the proposed upward extension.
14. The acceptability of the scheme in respect of the provision of additional and quality floorspace, and the lack of harm to the living conditions of neighbouring occupiers, are neutral matters that weigh neither for, nor against the proposal.

Conclusion

15. For the reasons set out above, the proposed development would conflict with the aims of the Act, the development plan and the Framework read as a whole. This is not outweighed by other considerations. The appeal is dismissed.

M Clowes

INSPECTOR