



Appeal Decision

Site visit made on 5 December 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/K5600/D/23/3331305

11 Old Manor Yard, Kensington and Chelsea, London SW5 9AB

- 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 'C/O Agent' against the decision of The Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/03617, dated 1 June 2023, was refused by notice dated 28 July 2023.
 - The development proposed is a mansard roof extension, fenestration alterations and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, with a further revision on 20 December. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No. 3 Old Manor Yard, with particular regard to outlook.

Reasons

Character and Appearance

4. No. 11 Old Manor Yard is a two-storey terraced dwelling which forms part of a mews development. In recent years, roof extensions have been built on several of the dwellings on the street, the details of which have been provided by the appellant as part of their appeal statement.
5. During my site visit, I observed that those existing roof extensions are not visible from street level due to the fact that they are all set back a reasonable distance from the front elevations of the respective properties. As a result, when seen from this perspective, the existing built form has a pleasing element of symmetry which adds significantly to the character and appearance of the

immediate area. The fact that some planting at roof level is visible on different properties does not alter this perception of symmetry.

6. The proposed mansard roof extension at No. 11 would be similar in size and appearance to the other extensions that have taken place on the street. However, it would be set much closer to the front elevation of the building. In my view, it is highly likely that the proposed extension would be visible from street level. This would result in clear and obvious harm by breaking up the symmetry of the existing rooflines and introducing a form of development, which from street level, would appear highly incongruous and out of place with the appearance of the neighbouring properties.
7. As a result, I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policies CL1, CL2, CL6, CL9 and CL11 of the Kensington and Chelsea Local Plan, September 2019 (LP). Taken together, the relevant aspects of these policies seek to ensure that development is well designed, and that character and appearance, including the contribution of views and vistas, is preserved.

Living Conditions

8. As is typical of mews style developments, Old Manor Yard is a narrow street that has a particularly tight knit urban form. Nevertheless, the fact that the existing buildings appear as two-storey dwellings from street level means that the immediate area feels less cramped than it otherwise would if the buildings were visibly taller.
9. By being situated close to the front elevation of No. 11, the proposed extension would result in the building having the appearance of a taller three-storey dwelling, particularly when seen from ground level. This would be far more imposing than the planting that is currently visible on some of the properties on the street. Indeed, given the narrowness of the road, it is likely that this additional height would feel oppressive and cramped for the occupiers of No. 3 Old Manor Yard when viewed from front-facing ground floor and first floor windows. As such, the proposal would lead to clear and obvious harm in this regard.
10. As a result, I find that the proposal would harm the living conditions of the occupiers of No. 3, with particular regard to outlook. It would therefore conflict with LP Policy CL5 which seeks to preserve living conditions.

Other Matters

11. The appeal site is adjacent to Earl's Court Square Conservation Area. Its significance arises from the historic design of many of the buildings, along with the layout that characterises the development of this part of London. The proposed development would be very small-scale in nature. Old Manor Yard is also very secluded which means it is unlikely that the proposal would be visible from public vantage points within the Conservation Area. I am therefore satisfied that the setting of the Conservation Area would be preserved, thereby avoiding any harm to the significance of a designated heritage asset.
12. For the same reasons, the proposal would also not result in harm to the setting of the Grade II listed Earl's Court Station, or the contribution that its setting makes to the significance of the building which is derived from its historic appearance and use as a railway station.

Conclusion

13. Paragraph 124(e) of the Framework actively encourages the provision of mansard roof extensions on suitable buildings, including terraces that are at least two storeys in height. While No. 11 could be considered to be a suitable building in this context, the Framework must be read as a whole. In particular, the harm that I have identified to character and appearance and living conditions would conflict with key objectives of the Framework.
14. Moreover, the proposed development conflicts with the development plan when considered as a whole. Whilst the provision of the roof extension would provide the occupiers of the dwelling with more space, given the small-scale nature of the scheme, any such benefits are likely to be limited and are also private in nature. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. As a result, the appeal is therefore dismissed.

C Butcher

INSPECTOR