



Appeal Decision

Site visit made on 9 January 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/K5600/D/23/3334103

38 Roland Way, Kensington and Chelsea, London SW7 3RE

- 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 Sayed Esmail against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/05301, dated 8 September 2023, was refused by notice dated 4 October 2023.
 - The development proposed is the erection of an extension on the existing terrace of the second floor to the rear of the building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Thurloe Estate and Smith's Charity Conservation Area ('the CA').

Reasons

3. The appeal property is a terraced dwelling that includes a basement level and mansard roof with attic accommodation. The property lies on the western side of Roland Way. From the front, the appeal property appears as a mid-terraced property, however, it is, compared to the adjoining property, three storeys high, not two, and when the property is viewed from the rear, it is situated at the end of a terraced row that abuts the adjoining terrace, which was built later and is of a different depth and design.
4. The staggered arrangement of the two terraces means that the flank elevation of 36 Roland Way is partly exposed, with the rear extension at the appeal property sitting up against this. Beyond the pedestrian route along Thistle Grove to the rear lie the mansion blocks on Drayton Gardens.
5. Roland Way is characterised by mews that have a strong historic and architectural significance to the area and contribute a different type of architecture to the conservation area, contrasting with the large buildings around them. The appeal property does not reflect the typical mews development found in Roland Way, but it sits comfortably within that context. Mews in Rowland Way are in residential use and due to their scale and small, inward-looking back streets, they contrast with the large buildings around them. Their character derives from their simplicity, their uniformity along the mews, especially in this case to the front, and the activity associated with them. According to the Thurloe Estate and Smith's Charity Conservation Area

Appraisal, the appeal property makes a positive contribution to the historic and architectural character and appearance of the CA. This is despite it being a property that was rebuilt following war damage.

6. Policy CL8 of the Local Plan, September 2019 (Local Plan) explains that roof alterations and additional storeys are required to be architecturally sympathetic to the age and character of the building and group of buildings. It goes on to say that the Council will resist additional storeys and roof level alterations in certain circumstances. The first of these is relevant to this case. The proposal would add a further storey to the rear of the appeal property, which forms part of a terrace and group of properties where the existing roof line is unimpaired by extensions. The extension would sit just below the eaves of the appeal property, but it would abut the flank elevation of No 36 and as such, its scale, massing, bulk and position would impair that roof line when viewed from Thistle Grove especially.
7. Furthermore, the proposed extension would rise above the general height of neighbouring and nearby extensions. Although the existing extension already does this, the proposal would increase the difference further, and it would therefore not reinforce the character and integrity of the original group of buildings. The proposal would conflict with Local Plan Policy CL9, though the proposed architectural style has sought to integrate the scale and massing of the extension with the host property and neighbouring buildings. However, despite some similarities, its form would not sit comfortably with the roof form of the terrace or the neighbouring terrace to the north. As such, it would not be a welcome transition in my opinion. The use of metal cladding could potentially draw the eye and highlight the extension, but a planning condition could be imposed to ensure that a suitable colour and finish is used so that it harmonises with the finish of the terrace's existing roof.
8. Although the positive contribution of the mews and the appeal property to the CA predominately comes from their frontages, the proposed extension would affect the simplicity, uniformity, and architectural significance of the terrace that the appeal property forms part of, and the understanding of that from Roland Way and Thistle Grove to the south on approach from Roland Gardens. As such, the proposal would be harmful to the significance of the CA and would therefore not preserve it.
9. Having regard to paragraph 208 of the National Planning Policy Framework (the Framework), the proposal would cause less than substantial harm. Even so, great weight is to be given to the asset's conservation. This harm needs to be weighed against the public benefits of the proposal.
10. The proposal would increase the size of the dwelling and the facilities that it offers its current and future occupants. Consequently, there would be some modest public benefits from a dwelling that offers a higher standard of living that would serve a family and one that optimises the site's capacity. There are also likely to be modest, time-limited economic benefits from the extension's construction. However, these benefits do not outweigh the less than substantial harm that the proposal would cause to the CA.
11. Accordingly, I conclude that the proposed development would not preserve or enhance the character and appearance of the CA and would be in conflict with Local Plan Policies CL1, CL2, CL3, CL6, CL8, CL9 and CL11 together with Framework paragraph 208. Collectively, these policies, among other things,

resist additional storeys on complete terraces or groups of buildings where the existing roof line is unimpaired by extensions and where they would rise above the general height of neighbouring and nearby extensions. This is to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.

Conclusion

12. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
13. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR