



Appeal Decision

Site visit made on 13 December 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/K5600/D/23/3331203

30 Portobello Road, Kensington and Chelsea, London W11 3DH

- 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 Harriet Guano against the decision of the Royal Borough of Kensington and Chelsea Council.
 - The application Ref PP/23/03283, dated 19 May 2023, was refused by notice dated 21 July 2023.
 - The development proposed is the replacement and enlargement of roof over stair access to rooftop and glazed conservatory to terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework has been revised subsequent to the decision made by the Council on the planning application to which this appeal relates. I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issue

3. The main issue is the effect on the character and appearance of the appeal dwelling, the terrace of which it forms part and that of the local area, with reference to the Pembridge Conservation Area (the CA).

Reasons

4. The appeal dwelling is a two storey palisaded terraced house with rear roof terrace. The roof terrace is a feature shared by the other similar adjacent properties in the terrace of which the appeal dwelling forms part.
5. It is located in a part of the street, whose character is defined by a run of similar two storey terraced properties. The significance of the local area as a heritage asset has been recognised by the Council through the designation of the CA. The Pembridge Conservation Area Appraisal (2017) (CA Appraisal) notes the predominantly unaltered cornice, parapet and roof line of the terrace and identifies the harm resulting by existing roof extensions.

6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The proposed larger stair enclosure would be enclosed by a shared roof with the proposed glazed conservatory, although that part of the proposed roof over the existing roof would be formed in lead, rather than glazed. The glazed conservatory would sit between the existing rear lightwell and party wall to the adjacent house.
8. The combined roof of the proposed stair enclosure and conservatory would have a shallow mono-pitch roof, which would not reflect the pitch or form of the existing house to the appeal dwelling. Due to its excessive scale, uncharacteristic materials and form, along with its angled junction with the existing roof to the appeal dwelling, the proposed conservatory would appear as an incongruous and discordant addition that would not appear subservient to the appeal dwelling.
9. Although not readily apparent from street level the proposed glazed enclosure would be overlooked from the upper floors of surrounding properties. In these views it would appear unduly prominent, failing to reflect the design and materials of the roof form of the terrace of which the appeal dwelling forms part. As such, the proposed extension would be in stark contrast with the otherwise mainly cohesive appearance of the rear of the terrace, which contributes to the significance of the CA.
10. Although there have been the occasional additions at roof level to houses in the terrace, these appear to be of some age, with little or no planning record. The appellant has particularly drawn my attention to a roof extension to 36 Portobello Road (No.36) and a shed on the roof of the 32 Portobello Road (No.32). I have set out above that the CA Appraisal identifies harm resulting from existing roof extensions and I find that the existing harm to the character and appearance of their host dwellings and that of the CA resulting from the additions to No.32 and No.36 does not justify further adding to this harm.
11. For the reasons given above, I find that the proposed development would be harmful to the character and appearance of the host dwelling and would fail to preserve or enhance that of the CA. In the context of paragraph 208 of the National Planning Policy Framework (2023) (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
12. This would be contrary to policies CL1, CL2, CL3, CL6, CL8 and CL11 of The Royal Borough Kensington and Chelsea Local Plan (2019), Policies D3 and HC1 of the London Plan (2021) and sections 12 and 16 of the Framework. Collectively these seek to ensure that development, including extensions, is of high architectural and urban design quality, sympathetic to the age and character of the host building, respects existing views and preserves or enhances the appearance or character of conservation areas.

Planning Balance and Conclusion

13. Whilst the proposed extension would provide additional living space that would be of benefit to existing and future occupiers, this is not a substantial public benefit. In general, planning decisions should be made in the wider public

interest. In this context, the harm I have identified, including the less than substantial harm to the significance of the CA outweighs these benefits. Dismissing the appeal is, therefore, a proportionate response in this instance.

Victor Callister

INSPECTOR