



Appeal Decision

Site visit made on 22 January 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024.

Appeal Ref: APP/K5600/W/23/3325392

Maisonette Flat, 325 Portobello Road, London W10 5SY

- 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 Mr Parag Patel against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/01483, dated 8 March 2023, was refused by notice dated 5 May 2023.
 - The development proposed is alterations to approved application PP/22/02755 to include a roof extension to match neighbouring properties.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to approved application PP/22/02755 to include a roof extension to match neighbouring properties, at Maisonette Flat, 325 Portobello Road, London W10 5SY, in accordance with the terms of the application, Ref PP/23/01483, dated 8 March 2023, subject to conditions set out in the schedule below.

Preliminary Matters

2. The description of development on the Council's decision includes, new mansard roof extension, new front door, reinstatement of rendered portico around existing windows. However, I have taken the above description from the application form, which appropriately describes the proposed development.
3. A revised National Planning Policy Framework (the Framework) was published 19 December 2023 and updated 20 December 2023. The revisions include matters related to mansard roof extensions. While parties were offered the opportunity to consider the implications of the revised Framework, no comments have been received. As the policies within the revised Framework are material considerations which should be taken into account from the day of its publication, I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed mansard roof extension on the character and appearance of the surrounding area.

Reasons

5. The appeal property is located at the end of a terrace of four 3-storey buildings. It has a commercial unit at ground floor and residential at the upper floors. Other properties within the terrace already have roof additions.

6. As the appeal property is a corner plot, this provides opportunity for a variance in height and design to that of other buildings within the terrace. Also, whilst the proposed mansard roof extension may appear higher and so, more prominent than the roof additions on the other buildings in the terrace, this would not consequently be harmful by virtue of such variance, due to the corner location of the appeal building.
7. The terrace block where the appeal site is located, does not have a strong unified character, due to varying elevation treatment and window design. Also, whilst the design of the appeal building is not of notable quality when compared to other end terraced properties nearby, its scale and form is consistent with that found on other corners, at the junctions of Portobello Road, Golborne Road, Bevington Road and Chesterton Road. Within this junction location, there is a notable mansard roof addition, prominent within the street scene and long distance views, on the corner property at 105 Golborne Road, which is not dis-similar to the appeal proposal.
8. Additionally, in the wider local area, I observed that other corner properties have tall, prominent mansard roof extensions, including at 337 and 347 Portobello Road, which are visible within the street scene. Therefore, mansard roof additions are common features in the surrounding local area.
9. The proposed mansard roof would be set back and slope inwards away from the main elevations of the building and, the proposed scale of the roof extension would not appear overly bulky or dominant on the building. Whilst the roof extension would not be screened by the parapet and be visible from long distance views, it would not appear unduly different to the other examples of mansard roof extensions found in the surrounding area. Therefore, the proposal would not be incongruous in the local context.
10. The appeal site lies adjacent to the Oxford Gardens Conservation Area (OGCA). Whilst there is no reference to the setting of the OGCA in the Council's decision, it sets out that the proposal conflicts with Policy CL11 of the Royal Borough of Kensington and Chelsea Local Plan (September 2019) (KCLP). Policy CL11 requires that all development protects and enhances views, vistas, gaps, and the skyline. It furthermore sets out that within conservation areas development should enhance views generally into and out of conservation areas.
11. As noted above, the proposed roof extension would not be an overly dominant or incongruous addition to the appeal building and surrounding area. Also, due to its scale and position, the proposal would not be intrusive to existing views, nor would it overly detract or impede important views of any building or open spaces or the skyline. Rather, the proposal would complement existing similar roof additions found in the surrounding area. Furthermore, as the appeal site is not within a conservation area, there is no local policy requirement to enhance views into and out of the conservation area.
12. Since the adoption of the KCLP in 2019, Paragraph 124 e) of the revised Framework indicates that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. It further sets out that mansard roof extensions on suitable properties, where their external appearance harmonises with the original building, should be allowed. The appeal building, for the reasons already given, would be suitable for a mansard roof extension, in terms of its design and

appearance, and would harmonise with the existing building and its surroundings. Accordingly, the proposal would accord with the Framework insofar as it seeks to make effective use of land.

13. In view of the above, the proposed mansard roof extension would not cause harm to the character and appearance of the surrounding area, and so it would not conflict with Policies CL1, CL2, CL8 and CL11 of the KCLP. These policies, amongst other things, require development to respond to local context and the character and appearance of existing buildings and the area. Policy CL8 of the KCLP, requires that roof alterations do not involve a roof extension on a group of buildings unimpaired by extensions, extend above an existing additional storey or unbalance the architectural composition. Also, Policy CL8 and CL11 of the KCLP, amongst other matters, require that development protects the skyline or views of important buildings or open space.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the advice contained within the PPG and the Framework. In some instances, I have amended the Council's conditions for the sake of precision and enforceability.
15. In addition to the standard implementation condition, it would be necessary, for the avoidance of doubt and in the interests of certainty, to define the plans with which the scheme should accord.
16. In the interests of the character and appearance of the building and the surrounding area, conditions are necessary to ensure the external materials and detailing, including roof tiles, windows, doors, and rooflights are of appropriate design and type.
17. Also, to protect the living conditions of neighbouring occupiers, it is necessary and appropriate to include a condition requiring the submission of a Site Construction Management Plan(SCMP) for approval by the local planning authority and, requiring development to be carried out in accordance with the approved SCMP.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and planning permission is granted.

C Billings
INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the details shown on submitted plans: P01 C; P02 C; P03 C; P04 C; P05 C; L01 A; and L02 A.
3. No development shall take place until a Site Construction Management Plan (SCMP) for the development has been submitted to, and approved in writing, by the local planning authority. The SCMP shall include details in relation to:
 - i) the delivery and construction working hours;
 - ii) the loading and unloading of plant and materials;
 - iii) the storage of plant and machinery used in constructing the development;
 - iv) measures to control dust and dirt during construction;
 - v) the parking of vehicles of site operatives and visitors.

The approved SCMP shall be adhered to throughout the construction period for the development.

4. Notwithstanding Condition 2 (plans condition), and prior to the construction of any external surfaces of the development hereby approved, details of the materials to be used in the construction of the external surfaces of the mansard roof extension hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. Notwithstanding Condition 2 (plans condition), and prior to the installation of any fenestration or external doors within the development hereby approved, details of all new sash windows, external doors and roof lights shall have been submitted to and approved in writing by the local planning authority. Those details shall include plans and sections at a scale of 1:20 for all new sash windows, external doors and rooflights and provide details of the material and finish, glazing and paint colour and profile. The development shall be carried out in accordance with the approved details.
6. Notwithstanding Condition 2 (plans condition), and prior to commencement of the application of render or paint to the external surfaces of the development hereby approved, details of the materials to be used on external surfaces, including render mix, pointing and finishes, and paint colour shall have been submitted to approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
7. All work and work of making good in relation to the development hereby approved, shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, face-bond and pointing, and shall thereafter be maintained as such.