



# Appeal Decision

Site visit made on 6 March 2024

**by R Bartlett PGDip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 March 2024**

---

**Appeal Ref: APP/K5600/W/23/3329256**

**Fourth Floor Flat, 53 Gloucester Road, London, SW7 4QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr John Coker against the decision of the Council of The Royal Borough of Kensington and Chelsea.
  - The application Ref is PP/23/01215.
  - The development proposed is a fourth floor rear roof extension and erection of fifth floor roof extension to form one bedroom.
- 

## Decision

1. The appeal is allowed, and planning permission is granted for a fourth floor rear roof extension and erection of fifth floor roof extension to form one bedroom, at Fourth Floor Flat, 53 Gloucester Road, London, SW7 4QN, in accordance with the terms of the application, Ref PP/23/01215, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. The revisions include matters related to mansard roof extensions. In determining this appeal, I have had regard to the most recent version of the Framework.

## Main Issue

3. The proposal comprises two elements. The first is to increase the height of the existing rear wing and to create a roof terrace above it. The second is to extend upwards above the roof of the main building to create an en-suite bedroom. As planning permission was refused by the Council in relation to the second part of the proposal only, my decision focusses primarily on this matter.
4. The main issue is therefore the effect of the fifth floor roof extension on the roofline of the terrace and the character and appearance of the Queen's Gate Conservation Area (the CA).

## Reasons

5. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Proposals must be judged according to their effect on a conservation area as a whole, and not just particular parts of it.

6. The appeal site forms part of a mid-19<sup>th</sup> century terrace of residential properties, which due to their age and architectural interest, form part of the special significance of the CA and make a positive contribution to its character and appearance.
7. It is evident from the aerial images submitted that the properties within the terrace originally had butterfly roofs. However, due to the parapet walls to the front, side and rear of the buildings, this roof form, where it still exists, is not visible from the ground. It is also apparent from the aerial images that most, if not all, the roofs in this terrace have been altered to some extent, with flat roofs, extensions or new roofing materials. Rooflights and other rooftop paraphernalia also appear to be present.
8. I acknowledge that some of these alterations may not have required planning permission, and those that did may pre-date current planning policies. Nevertheless, they have altered the appearance of the terrace and they form part of the character and appearance of the CA. There are several tall buildings in the area, the upper storeys of which would provide clear views of the roof.
9. Within the terrace of 12 that the appeal site forms part of, Nos 41, 43 and 45 have been extended upwards by an additional storey. This amounts to 25%, or a quarter of the terrace, and not an isolated addition. Accordingly, the historic and architectural interest of the roof form of this terraced block has already been severely compromised.
10. The additional storey above Nos 41 and 43 has a large, glazed frontage that sits behind the parapet wall. It has a flat roof, and its rear elevation is flush with the original rear wall of the building. The extension above No 45 is more sympathetic, with a low-pitched roof set back from the front parapet, a flat top, and dormer windows that appear almost flush with the original rear wall. This extension, which is not visible from the ground at the front of the terrace, preserves the Gloucester Road street scene. Except for the roof extension above Nos 41 and 43, the original detailing and symmetry has been very much retained to the front of the terrace. However, the rear of the terrace, which is visible from streets and properties located behind it, has been subject to a variety of extensions and alterations and as a result is far less uniformed in its appearance.
11. The proposed roof extension, like that above No 45, would not be visible behind the parapet wall to the front, in any prominent public views from the ground along Gloucester Road. Given the alterations that have already taken place to the roofs and the rear elevation, the proposal would not unbalance the roof form or uniformity of this terraced block. As roof extensions feature very strongly in the immediate surrounding area, the proposal would also preserve the character and appearance of the CA and would not have a harmful effect on its significance as a designated heritage asset. The increased height of the roof would not be significant and would not result in harm to the skyline or the loss of any important views or vistas.
12. I therefore conclude that the proposal would not harm the roofline of the terrace, and that it would preserve the character and appearance of the CA in accordance with the statutory duty. As such it would also accord with Policies CL1, CL2, CL3, CL8 and CL11 of The Royal Borough of Kensington and Chelsea Local Plan September 2019 (LP), which permit roof extensions to terraced properties which have already been compromised and seek to ensure, amongst

other things, that development is of high-quality design that respects existing local context, preserves or enhances the character or appearance of the CA, and to protect views, vistas, gaps and the skyline.

13. The proposal would also accord with Paragraph 124 of the revised Framework, which states that planning policies and decisions should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. They should also allow mansard roof extensions on suitable properties, where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard.
14. Whilst the proposal does not fall within the definition of a mansard roof as set out in the Glossary at Annex 2 of the Framework, it is a simple variation of this, which is typically found on similar properties across London, and which due to its lower roof form would appear less visually intrusive. Moreover, it would be very similar to the roof extension on nearby No 45, which forms part of the same terrace. I also acknowledge that the proposal would not create a new home, but as it would result in the enlargement and improvement of an existing home, it would accord with the broad aims of the Framework and its support for upward extensions.

### **Other Matters**

15. The effect of the development on the structural integrity of the building is covered by separate legislation and is not a matter for my consideration. I acknowledge concerns raised regarding noise and disturbance caused by non-residential uses of various parts of the building. If these uses are unauthorised or are operating in breach of planning conditions, they should be reported to the local authority for further investigation. The planning system does not seek to control the occupancy of buildings, except in special circumstances, which do not exist in this case, or to manage the behaviour of residents and tenants. The proposed addition of one bedroom to an existing apartment within the building would have a negligible impact upon the intensity of its residential use.
16. The height increases to the main roof and the rear wing would not be significant and would bring the height of the rear wing in line with that of adjoining No 51. As the extensions would not project beyond any existing elevations and given the orientation of the rear wing to the north of the nearest windows, any reduction in light would be minimal.
17. Whilst I acknowledge that the new windows, door and terrace would overlook existing rear roof terraces and windows, these are already substantially overlooked by multiple apartments and terraces, and as such their privacy would not be severely compromised.
18. Disturbance during construction is inevitable. However, a plan to manage and minimise this temporary disruption can be controlled by the imposition of a planning condition.

### **Conditions**

19. In addition to the standard time limit for the commencement of development, a condition listing the approved plans which the development must be undertaken in accordance with, is necessary to provide certainty as to what has been approved. Conditions requiring external materials to match the existing

building, with precise details for specific elements, are necessary to safeguard the character and appearance of the building and the wider conservation area. Given the shared nature of the building and close proximity of neighbouring properties, it is also reasonable to impose a condition to ensure noise and disturbance caused during the construction phase of the proposal is managed and minimised. I have not used the wording suggested by the Council as I have not been provided with a copy of the document referred to and it is the responsibility of the local planning authority to discharge planning conditions, following any necessary consultations.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed.

*R Bartlett*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 221113-30A, 221113-20A, 221113-21A, 221113-22A, 221113-23A, 221113-24A.
- 3) The railings around the roof terrace shall be black and shall be maintained as such thereafter.
- 4) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be maintained as such thereafter.
- 5) The roof slopes of the extension hereby permitted shall be clad in natural slates and maintained as such thereafter.
- 6) The flat roof and cheeks of the dormer windows shall be clad in lead and maintained as such thereafter.
- 7) The new study window hereby permitted shall be a timber framed, white painted, double hung, sliding sash, and shall be inset with soldier brick head and sill details to match the existing windows in the building, and shall be maintained as such thereafter.
- 8) No development shall commence until full details of the new door to the roof terrace hereby approved, including materials, inset and any lintel feature, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and maintained as such thereafter.
- 9) No development shall commence until a site construction management plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved plan.