



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/23/3329833

Flat 4, 42 Chesterton Road, London, W10 6ER

- 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 Miss Charlotte Sole against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/02883.
 - The development proposed is a mansard roof extension and two new windows to flank and rear elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for a mansard roof extension and two new windows to flank and rear elevation, at Flat 4, 42 Chesterton Road, London, W10 6ER, in accordance with the terms of the application, Ref PP/23/02883, 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. The appellant submitted further comments specifically in relation to this matter and the Council was invited to respond. In reaching my decision, I have had regard to the revised Framework and the comments made in relation to this.

Main Issue

3. The main issue is the effect of the proposal on the appearance of the host property, the roofline of the terrace and the character and appearance of the Oxford Gardens Conservation Area (the CA).

Reasons

4. There is a statutory duty under section 72(1) 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.
5. The appeal site is located in a residential area that comprises long streets of late 19th century, predominantly terraced properties, of similar design and materials. The special significance of the CA is derived in part from the age,

layout and architectural interest of these properties, which make a positive contribution to its appearance.

6. No 42 is the end property in a terrace of seven and is located on the corner of Chesterton Road and St Charles Place. This terrace, together with the almost identical terrace of seven houses directly behind it, fronting St Charles Square, form part of a block between St Charles Place and Norburn Street. All the houses in these two terraces originally had butterfly roofs, finished in natural slate tiles. Due to the parapet walls that run along the front façades, the terraces in this area have a flat roof appearance in the most prominent views along the street frontage. The butterfly roof form is however visible in public views across the rear of the terraces, from the side streets, and from surrounding properties.
7. The roof of adjoining No 44 Chesterton Road has been altered and extended in the same manner as the appeal proposal. This existing roof extension segregates the roof of the appeal property from the continuous row of butterfly roofs beyond. Moreover, four of the seven houses in the terrace directly behind the appeal site, also have roof extensions, and a fifth was under construction at the time of my visit. Consequently, the uniformity of the roofscape in the area immediately surrounding the appeal site has been significantly reduced.
8. The proposal would extend the existing flank wall upwards by approximately 1.6 metres, in brickwork to match the existing building. The bulk of the roof extension would sit between the extended flank wall and that of the neighbouring roof extension. The front and rear steep roof slopes and dormers would be set back behind the front parapet wall and the original rear elevation wall, ensuring that evidence of the original butterfly roof profile is retained. The front and rear roof slopes and dormers would not project forward of the new flank wall. The flat roof would be level with that of the adjoining roof extension and lower than the flank walls and chimney stacks. Except for the retention of the butterfly roof profile on the rear elevation, the proposal would match the roof extension on the adjoining property and several of those in the terrace immediately to the rear of the site, which are viewed in the same context from the side streets that link Chesterton Road and St Charles Square.
9. The development would alter the historic and architectural roof form of this individual building which contributes to the CA. However, given the number and variation of roof extensions that are present within the CA, the proposal, due to its position on the end of a row, adjacent to an almost identical roof extension, would have a neutral impact, which would preserve the character and appearance of the CA and would not have a harmful effect on its significance as a designated heritage asset. The height increase would not be significant and would not result in harm to the skyline or the loss of any important views or vistas.
10. Although there would be a partial conflict with Policy CL8 of The Royal Borough of Kensington and Chelsea Local Plan September 2019 (LP), which at (b) (viii) resists additional storeys and roof level alterations on terraces that are already broken only by isolated roof additions, this is not consistent with the most up to date version of the Framework. Paragraph 124 of the revised Framework 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.

11. 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 match the roof extension on adjoining No 44 and others on adjacent terraced blocks of houses that are viewed in the same context as the appeal site. 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.
12. I therefore conclude that the proposal would not be harmful to the appearance of the property or the roofline of the terrace, and that it would have a neutral impact that would preserve the appearance of the CA in accordance with the statutory duty. Consequently, it would also accord with Policies CL1, CL2, CL3, CL6, CL9 and CL11 of the LP, which seek amongst other things to ensure 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.

Other Matters

13. 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. Maintenance and insurance costs are also not planning matters. The proposed addition of one bedroom and sitting room to an existing apartment within the building would have a negligible impact on the number of people using the building or parking in the area.
14. The height increase would not be significant and as the extension would not project beyond any existing elevations, any reduction in light to the rear courtyard, which is surrounded by high buildings, would be minimal.
15. 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

16. 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. As planning permission is required for terraces and balconies, it is not necessary to control this by condition. As the bathroom roof light would

be within the new flat roof surface and would not be visible in any views, it is not necessary to restrict this to a conservation style roof light.

Balance and Conclusion

17. The proposal would partially conflict with the development plan, in so far as it seeks to resist roof extensions to terraces that are broken by only isolated roof additions. However, the revised Framework is a material consideration to which I afford substantial weight. In this case, I consider that there are material considerations that justify approving the development, despite the partial conflict with the development plan.
18. 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: site location plan, block plan and Proposed Drawing Nos. 1 (front elevation), 3 (rear elevation), 5 (section AA), 8 (section BB), 12 (roof plan), 13 (3rd floor), 14 (2nd floor), 15 (east elevation) and 15 (1st floor).
- 3) 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.
- 4) The roof slopes of the extension hereby permitted shall be clad in natural slates and maintained as such thereafter.
- 5) The cheeks of the dormer windows shall be clad in lead and maintained as such thereafter.
- 6) The new windows hereby permitted shall be timber framed, white painted, double hung, sliding sashes, and those to be installed in the existing building fabric 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.
- 7) 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.