



Appeal Decision

Site visit made on 4 March 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/X5990/W/23/3331629

Top Floor Flat, 91 Fernhead Road, London W9 3EA

- 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 Jay Hirani against the decision of the City of Westminster Council.
 - The application Ref is 23/04716/FULL.
 - The development proposed is erection of a mansard roof extension and internal configuration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity I have slightly amended the address in the banner heading in comparison to that provided on the planning application form.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal relates to an end terrace property at 91 Fernhead Road, occupying a corner position at the junction with Fordingley Road. The property has four levels, three of which sit above street level and a basement level which is partially below street level. The property has been subdivided into flats and the appeal relates to the top floor flat, identified as 91d Fernhead Road on the submitted appeal form.
6. The appeal site is located on a long and predominantly residential terrace street which consists of a variety of house designs and styles, although to the south of the appeal site is a cluster of ground floor shops at the junction with Shirland Road. The row of five properties within which the appeal site is located are similar in external appearance, with a largely unaltered and consistent roofscape.

7. The front elevation of the appeal property is finished in attractive brickwork, with rendered architectural features surrounding the sash windows, main entrance door and bay windows. The property has an inverted pitch, or "butterfly" roof design and the ridge line runs from the front to the rear of the building, however this roof is predominantly screened from ground level to the front and side by a parapet roof feature. The appeal property, and the row within which it is located, makes a positive contribution to the character and appearance of the street scene and area in general.
8. Whilst I note that the site is not in a Conservation Area and the building is not listed, I agree that as a result of its architectural character and contribution to the surrounding Victorian townscape the appeal property should be considered as a non-designated heritage asset. In addition, I observed on site that the property contains a blue heritage plaque above its front door explaining that Sir Norman Wisdom was born and lived at this property. I therefore consider that the appeal property is not only of architectural significance, but also contains some local historic and cultural significance.
9. Paragraph 209 of the Framework requires the significance of a non-designated heritage asset to be taken into account when determining an application. In weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. The appeal proposes a mansard roof extension set behind the retained parapet feature, with the proposed flat mansard roof set above the existing ridge of the appeal property and other properties in this terrace row. Additionally, the two existing chimney stacks on the side elevation would also be raised.
11. With its set back from the front parapet, the proposed mansard roof extension would not be visible from street level on Fernhead Road when stood directly to the front of the appeal property. However, the top of the proposed mansard roof extension would be visible from higher level windows in the front elevations of the houses on the opposite side of the highway.
12. Furthermore, the proposed mansard roof, and alterations to the chimneys, would be visible from longer views at street level on both Fernhead Road and Shirland Road, when viewed from the side of the appeal property. The proposed developments would also be visible from street level along Fordingley Road which runs directly to the side and rear of the appeal site.
13. From these public vantage points, by reason of its siting, size and height above the existing ridge line, the proposed massing would appear overly bulky and dominant when viewed from the street and would detract from the largely unbroken butterfly style rooflines found on this row of five terrace properties.
14. The proposal would not appear as a subordinate addition and would introduce an incongruous form of development above the roof, which would harm the architectural integrity of, and be out of keeping with the appearance of, the host property and the terrace row within which it is located.
15. The appeal scheme would therefore disrupt the visual consistency of this row, which is currently a positive feature, and would diminish the architectural significance of this non-designated heritage asset.

16. In coming to the above view, I acknowledge that paragraph 124 (e) of the Framework seeks to support the use of airspace above existing premises for new homes and promotes mansard roof extensions on suitable properties. The appeal proposal would however be for an extension to an existing flat rather than creating a new home. Furthermore, this paragraph of the Framework clarifies that such developments should be well-designed, harmonising with the original building, and be consistent with the prevailing height and form of neighbouring properties and the overall street scene. For the above-mentioned reasons, this would not be achieved by the appeal proposal.
17. My attention has been drawn to other roof extensions in the area, however I have not been provided with all the details of these various alterations and it is therefore unclear if these are original features, have obtained planning permission or when they were constructed.
18. Nevertheless, during my site visit I observed these other roof extensions and do not consider that they are comparable to the appeal proposal as the extensions I observed did not propose the exact same development. Most noticeably none of these resulted in roof extensions that would exceed the original ridge height of the property in the way that the appeal proposal would.
19. Furthermore, none of these extensions were located within the same terrace row as the appeal property which currently has a largely uninterrupted roof scape. As such, these other roof alterations in the wider area carry limited weight in my determination of this appeal proposal.
20. Accordingly, I conclude that by reason of its design, siting and massing, the proposed roof extension would significantly harm the character and appearance of the appeal property, which is a non-designated heritage asset, the terrace row within which it is located and the surrounding area in general. The proposal is therefore contrary to Policies 38 and 40 of the City of Westminster City Plan 2019 – 2040 (2021), and Policy 5 of the Queen's Park Community Council Neighbourhood Plan 2020 – 2040, which together seek to ensure, amongst other things, that new development incorporate exemplary standards of high quality, sustainable design and architecture; that roof extensions do not adversely impact heritage assets and are of a consistent and appropriate design to each property across the terrace.
21. The proposal would also conflict with the aims of the Framework, which requires development to be sympathetic to local character, including the surrounding built environment, and requires regard to be had to the significance of non-designated heritage assets.

Other Matters

22. I acknowledge the appellant's comment that the appeal proposal would not have an affect on neighbouring occupiers, however this is a neutral matter that does not weigh in favour of the appeal proposal.
23. I have also noted the appellant's comment that the appeal proposal would provide additional living space, and an improved layout, for a growing family. I have however limited evidence before me that an alternative extension scheme could not achieve additional space without having a harmful impact upon the character and appearance of the host property and surrounding area.

24. Furthermore, the appellant explains that the proposal will include improved energy efficiency measures, and various repair and improvement works are required to the property. I have limited evidence that the appeal proposal is the only means to achieve better energy efficiency within this property, or why the required repair / improvement works cannot be undertaken to the building without the proposed extension.
25. As such, these aforementioned matters do not outweigh the harm I have identified.

Conclusion

26. The proposal therefore conflicts with the development plan when taken as a whole and there are no material considerations that indicate a decision should be taken otherwise than in accordance with the development plan. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

R Major

INSPECTOR