



Appeal Decision

Site visit made on 20 January 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/K5600/D/24/3354184

8 Christchurch Street, Kensington and Chelsea, London SW3 4AW

- 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 Hormoz Verahramian against the decision of the Royal Borough of Kensington and Chelsea Council.
 - The application Ref is PP/24/03174.
 - The development proposed is the erection of mansard roof extension at second floor level with dormers and rooflights and other associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. After the Council's decision on this appeal, the Government published a revised National Planning Policy Framework (December 2024). I find that there are no major changes affecting the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.
3. The appellant has submitted revised plans Ref: 1902/P-1001 Rev B, 1902/P-1002 Rev B, 1902/P-1008 Rev B with the appeal. These show proposed design changes to the front elevation from the original planning proposal. This is intended to overcome concerns expressed by the Council with regard to the effect of the proposal on the character and appearance of the appeal dwelling and that of the local area. Given that the Council and other interested parties have had opportunity to comment on the revised plan, I have considered this revised plan in line with the Wheatcroft principles¹.

Main Issue

4. The main issue is the effect on the character and appearance of the appeal dwelling, and that of the local area, with reference to the Royal Hospital Conservation Area (the CA).

Reasons

5. The appeal dwelling is a two storey late 19th Century semi-detached property that appears to have originally been built as a coach house. Although semi-detached,

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) as refined by Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)

the appeal dwelling does not form part of a pair, or group of similar properties, rather it sits in a local area that is made up of larger houses that demonstrate a variety of architectural expressions. In its smaller scale and relatively prosaic expression, the appeal dwelling sits in contrast to its larger and grander neighbours in this part of the CA.

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 CA.
7. The CA centres on the Royal Hospital and its extensive grounds, with another significant group of buildings within the grounds of the Duke of York's Headquarters. The residential streets to the north and west are made up of more modest buildings and housing that form characterful streets of Georgian and Victorian properties and make for high quality streetscapes. In this regard, the Royal Hospital Conservation Area Appraisal (2016) (the CAA) identifies the appeal dwelling as making a positive contribution to the significance of the CA.
8. On one side the appeal dwelling is attached to the rear of a taller 4 storey plus lower ground floor terraced property that fronts Ralston Street. On the other unattached side there is a wide gap and the rear of a 4 storey plus lower ground floor terraced property at 5 Tite Street (No.5). This gap is identified in the CAA as making a contribution to the significance of the CA for the role it plays with other gaps in the characteristic built form of the CA.
9. The changes to the appeal proposal shown on the revised drawing submitted with the appeal do show alterations to the proposal including, reducing the width of the entrance doorway to a single door, reveal or reinstate the segmented doorway head, reinstatement of a double set of carriage doors on the centre left of the front elevation that would have remained fixed, replacement of the up and over panelled garage door with a pair of openable timber carriage doors and installation of timber boarding to reference the original location of hayloft doors at first floor level.
10. These proposed changes to the original planning proposal, when considered in isolation, would reinforce the appearance of the front elevation of the appeal dwelling as a coach house and would reflect the original appearance of the appeal dwelling. These proposed changes make no change to the proposal for the mansard roof extension and are not inherently dependant on a mansard extension of the type proposed being implemented.
11. The proposed lead and Welsh slate mansard roof extension with lead dormers at second floor level is traditional in design and would sit just behind the existing parapet, replacing the existing flat roof form. This would significantly alter the appearance of the appeal dwelling as a small scale and prosaic property, whose still readable coach house form and appearance makes it architecturally distinctive. The scale, massing and extent of the proposed mansard roof would dominate this otherwise understated expression.
12. This proposed change in appearance from that of a small coach house, to a more substantial house, that would result in it not standing in contrast with its larger and grander neighbours. This this would detract from the contribution that the appeal dwelling currently makes to the variety of age and architectural expressions of properties in the street and area, where it appears as a distinctive survivor of a

working property that originally appears to have provided a secondary and supporting role to a larger nearby household. As such it sits in significant contrast to the substantially larger scale and more architecturally embellished properties that surround it.

13. Further, the extent, bulk and massing of the proposed mansard extension would encroach into the space between the appeal dwelling and larger properties, that would result in an increased sense of enclosure when experienced from the street. Thereby, diminishing the contribution that the existing separating gap to No.5 and the space above the appeal dwelling makes to the characteristic form of the CA and its significance.
14. The appellant's statement provides a full and informative Heritage Statement of Case² (HSC), that documents the history of the appeal dwelling and alterations that have been carried out over time. Whilst this documents the extensive alterations that have been carried out to the appeal dwelling, many through previous planning approvals, these have been with the substantial retention of external walls. The external appearance of the appeal dwelling as a humble coach house has evidently been substantially retained, along with the contribution that this makes to the streetscene of the local area and the significance of the CA.
15. The appellants HSC also draws my attention to many other coach/mews houses in the Council area and CA that have been the subject of mansard extensions. However, these all appear to be extensions to coach/mews properties that form part of a terrace of properties of similar scale and appearance, where the vast majority appear to have undergone mansard extension over time. As such, these are not in similar contexts to the appeal dwelling. Similarly, the appellants planning statement details planning approvals for mansard extensions to nearby and neighbouring properties that can be seen in the local area, none of which relate to properties of similar scale, architectural expression or context as the appeal dwelling.
16. All of these examples of mansard extensions on nearby and mews properties and approvals would have been considered on their own merits at the time they were approved. I have done likewise in my consideration of the appeal proposal and, as they differ significantly in context to the appeal proposal, can only give these mansard examples limited weight on my considerations.
17. I accept that the proposed change to the proposal would reinstate original features and further reinforce the original appearance of the front elevation of the appeal dwelling and its function as a coach house, beyond that of the original planning proposal. However, this would not be to an extent that it would successfully ameliorate the detrimental effect that the extent, scale and resulting bulk and massing of the proposed mansard extension, would have on the dwelling's modest look and scale and the contribution this makes to the significance of the CA.
18. For the reasons given above, I find that the proposed development, when considered as a whole, would be substantially 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 Framework, the harm I have identified to the significance of the CA would be less than substantial.

² Built Heritage Consultancy (2024)

19. This would not accord with Policies CD1, CD2, CD4 and CD12 of the New Local Plan Review (2024) (the Local Plan). These collectively seek to ensure that development is sympathetic to the age and character of the host building and groups of buildings and reinforces their original integrity, does not harm the character and appearance of the existing building, respects the existing context, is of high architectural and urban design quality and preserves or enhances the appearance or character of conservation areas.
20. The Council's decision notice states that the proposal conflicts with Policy CD11 of the Local Plan, I have not done so, as this policy relates to basements which does not form part of the appeal proposal. I have, however found that the appeal proposal would conflict with Policy CD4 of the Local plan, which was not included in the Councils reasons for refusal given in their decision notice, which relates to the effect of development on conservation areas.

Planning Balance and Conclusion

21. Whilst the proposed extension would provide additional living space, which would benefit existing and potential future occupiers, this does not constitute a substantial public benefit. In general, and notwithstanding the appellants stated reasons for the proposal, 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.
22. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR