
Appeal Decision

Site visit made on 3 March 2025

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 April 2025

Appeal Ref: APP/X5990/W/24/3357478
151 Kilburn Park Road, London NW6 5LD

- 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 Motty Walter against the decision of City of Westminster Council.
 - The application Ref 24/04539/FULL, dated 4 July 2024, was refused by notice dated 1 November 2024.
 - The development proposed is the erection of a mansard roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal relates to this terraced residential property which sits within a largely residential area. It has accommodation at the lower ground floor, ground and first floors. It forms part of a long terrace of very similar properties, with similar bays, front steps and decorative window heads and parapets.
4. The appeal property forms the end of this particular terrace but adjoins a terrace of properties of a different and grander style and design. The adjacent terrace, which starts with No 149, contains properties which are taller, of a different style and set forward of the appeal property and the terrace to the right. There is a strong degree of visual distinction between the 2 terraces such that I see them as separate terraces of building, despite their juxtaposition. The property is not listed and is not within a conservation area but the Council considers that the terrace is of sufficient interest to consider it a non-designated heritage asset.
5. The adjacent property within the same terrace at No 153 has a roof extension very similar to the one proposed by the appeal scheme. It projects above the front parapet and is readily visible within the street-scene. Apart from this example, there are no other similar extensions within close proximity of this property, although No 177, which sits beyond the more modern block, has a mansard extension.

6. The proposed extension would be visible above the parapet within the street-scene. It would appear out of place within this terrace of properties of a very similar design, when considered within the context of the largely unbroken roof line of the terrace. I accept and have considered the presence of the 2 isolated examples at No 177 and No 153 Kilburn Park Road, but I consider these to be anomalies which detract from the strong positive visual effect that the otherwise consistent parapet/roof line has here.
7. I have taken account of the position of the appeal site between the roof extension at No 153 and the larger terrace of properties which sits immediately adjacent. The appellant considers that this would mean that the proposal would sit comfortably between the 2 currently higher properties and would have a positive effect of integrating the roofs here. I do not agree; I consider that the existing extension at No 153 has a negative effect on the street-scene and does not represent a desirable precedent to follow. In addition, the adjacent larger terrace is of such a different style and design that there is no desirability in attempting to bridge the gap or blend the 2 different terraces, in my judgement. Therefore, I see no positive effects arising from the proposal in this respect. The main parties both refer to an appeal at No 201 Kilburn Park Road (Ref: APP/X5990/w/17/3166713, dated April 2017) for a mansard roof extension. That appeal was dismissed and I note that account was taken of the existence of the 2 roof extensions at Nos 177 and 153. The Inspector considered that those existing extensions did not have an overriding effect when dismissing the appeal.
8. Policy 40 of the Council's City Plan 2019-2040 is relevant to the appeal and it indicates that roof extensions will be supported in principle where they do not have an adverse effect. In this case, I judge that it would have an adverse effect, as set out above, and so the criteria set out within that section of the Policy do not apply. Furthermore, the explanatory text at paragraph 40.11 states that, if properties affected form part of a group or terrace that remain largely unaltered or have a historic or distinctive roofscape integral to the architectural character of that building, further upward extension may be unacceptable. I consider this to be the case here.
9. I have taken account of the contents of paragraph 125 of the National Planning Policy Framework, which offers support for the use of 'airspace' above existing properties. Setting aside for the moment that this is said to apply 'for new homes' rather than extensions as is proposed herein, it states that the support is applicable where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, amongst other things, and I have judged this not to be the case here.
10. I have also taken account of the effects of the proposal on the loss of the distinctive 'butterfly' roof form here. Whilst this is not visible within public views there is some very limited effect on private views. I have taken careful account of all of the other points raised by the appellant but I do not consider that the proposal would have a positive effect and does not represent a logical extension here and I do not consider that the Council has wrongly applied their policies in an inappropriate or 'blanket' manner.
11. For the reasons set out above, the proposal would have an unacceptable effect on the character and appearance of the terrace and area. There are no overriding considerations which outweigh that harm. As a consequence, I

conclude that the proposal is contrary to Policies 38 and 40 of the City Plan.
Therefore, the appeal is dismissed.

T Wood

INSPECTOR