



Appeal Decision

Site visit made on 11 March 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/K5600/D/24/3351195

16 Hollywood Road, Kensington and Chelsea, London SW10 9HY

- 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 Abbas Azimi & Mrs Zahra Javadimanagh against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02725.
 - The development proposed is modifications to rear roof for a flat roof to form additional storage/office and shower room.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the conservation area.

Reasons

4. The appeal site is located within The Boltons Conservation Area (CA). The significance of the CA is derived by its Victorian character with the original form of Victorian buildings positively contributing to the historic and architectural character and appearance of the CA.
5. In considering whether to grant planning permission, I have been mindful of my statutory duties under 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The Boltons Conservation Area Appraisal (CAA) identifies that the appeal site is a building that makes a positive contribution to the historic and architectural character of the area. The building has a distinctive design with dual pitched roofs separated by a valley, set behind and perpendicular to the pair of front gables. Whilst the primary contribution that the building makes to the CA comes from its front elevation, the CAA details that the historic roof of the building makes a strong positive contribution to the character of the CA.

7. Policy CL8 of the Royal Borough of Kensington and Chelsea Local Plan 2019 (RBKCLP) requires roof extensions to be architecturally sympathetic to the age and character of the building. The loss of the historic roof form and infilling of the valley would result in a modern uncharacteristic flat roof, that would neither be sympathetic to the age nor character of the host building. Despite the extension being subordinate to the building, there being no increase in ridge height, and reducing the extent of the flat roof area compared to the previous refused scheme, the proposal would not be in character with the existing building as required by policy CP9 of the RBKCLP.
8. Whilst the scheme would not be readily visible from Hollywood Road it would be highly visible from the rear upper floor windows of properties on Cathcart Road. As such the impact on the character and appearance of the CA would be notable.
9. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. With reference to the harm to the CA identified, given the scale and nature of the proposal, the degree of harm to the significance would be less than substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.
10. In terms of the benefits, the proposal would increase the habitable accommodation of the building. It would also result to some extent in the more efficient use of land. However, given the scale of the proposal, these benefits are given modest weight and would be insufficient to outweigh the less than substantial harm to the CA.
11. For these reasons, the proposed development would fail to preserve the character and appearance of the CA and would therefore conflict with the duty under 72(1) of the Act. The proposal would also fail to accord with policies CL1, CL2, CL3, CL6, CL8, CL9 and CL11 of the RBKCLP. Amongst other things these policies seek the highest architectural and design quality which preserves or enhances the CA, with additions being required to be in character with the existing building. Additionally, the proposal would conflict with the historic environment protection and design policies of the Framework.

Conclusion

12. The proposal would have an unacceptable effect on the character and appearance of the CA and therefore harm its significance. It would also conflict with the development plan, when read as a whole and there are no material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR