



Appeal Decision

Site visit made on 28 August 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/K5600/W/19/3230860

1, 2A and 2B Lexham Mews, London W8 6JW

- 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 Nanik Daswani, EcoLexham Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/01418, dated 25 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is erection of additional storeys at 1, 2A and 2B Lexham Mews.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of additional storeys at 1, 2A and 2B Lexham Mews, London W8 6JW in accordance with the terms of the application, Ref PP/19/01418, dated 25 February 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall not be carried out except in complete accordance with the details shown on submitted plans A100, A101, P100, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110.
 - 3) The cheeks of the dormers hereby permitted shall be clad in lead and retained as such thereafter.

Preliminary Matters

2. The Development Plan includes the London Plan – The Spatial Development Strategy for London Plan (March 2016). The emerging Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018) (DLP) has been subject to an Examination in Public and the panels' report is currently awaited. As the DLP is at an advanced stage of preparation, I give the policies within it some weight.
3. On 11 September 2019 the Local Planning Authority (LPA) adopted the 'Local Plan Partial Review (LPPR)' following an Examination in Public and modifications. It is now part of the Development Plan and full weight is to be given. The LPA were invited to comment on whether the adoption had implications for this appeal, but no response was received.

Main Issue

4. The main issue for the appeal is:

- whether the development would preserve or enhance the character and appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area (ESSACA).

Reasons

5. The appeal properties are two storey and painted white. When viewed through the archway at the junction with Lexham Gardens, the appeal properties are seen in context with a three-storey terrace. The third storey on that terrace is formed with a mansard roof with dormers. Much larger and taller buildings line the carriageway of Lexham Gardens.
6. When viewed from within Lexham Mews, looking in a westerly direction, the appeal site is seen against a backdrop of three and four storey developments that rise significantly above the site. A mansard roof at a much higher level is visible. From this perspective, rooftop paraphernalia and structures on the appeal site can be seen.
7. The proposal would be similar to numerous examples of mansard roofs in the area, including at 31-33 Lexham Mews. In this respect it would not appear dominating or imposing, or to cause an imbalance in the appearance of the appeal properties. Whilst of different proportions and height to these existing mansards, the overall appearance of the property and the style of the mansard roof would not be incongruous with its surroundings. I consider the development would add to the diversity and visual interest of the roofscape in Lexham Mews. It would be a vertical extension in proportion with the overall scale and mass of the appeal properties at present.
8. I note the Council concerns about the 'cut-out' part of the roof adjacent to No 34 Lexham Mews creating an asymmetric roof form. However, the proposal would add to the variety that characterises the nearby mews buildings. The composition of the roof would not be readily obvious from the street level and would not cause harm to the overall legibility of the building. Furthermore, the proposal would remove the paraphernalia that clutters the roof. This would be of positive benefit to the character and appearance of the area that outweighs the architectural nuance of the mansard roof in this instance.
9. I conclude that the proposal would preserve the character and appearance of the ESSACA. Whilst Policy CL8 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (Local Plan) seeks to resist additional storeys and roof alterations, there are already mansard roofs in the area and in Lexham Mews itself. These inform the existing character and appearance of the area. In light of this, there would be no overall deviation from the development plan where it seeks appropriate design and to protect character and appearance.
10. Therefore, the proposals would comply with Policies CL1, CL2, CL3, CL8 and CL11 of the Local Plan. These policies seek to ensure proposals preserve the character and appearance of Conservation Areas, are architecturally sympathetic to and respect the context of an area.

Other Matters

11. Following the previous dismissed appeals, revisions have occurred to the scheme to mitigate any potential impact on the residents at No 34 Lexham Mews. The amended design ensures that there would not be a harmful overshadowing effect upon the windows of that adjacent property. From the evidence before me I have no reason to contradict the Council in finding the proposal acceptable in this regard.
12. Whilst comments have been made about a basement and the impacts arising therefrom, the current proposals do not contain any such a development. I therefore can only judge the merits of the case in hand.

Conditions

13. I have attached a condition identifying the relevant plans for certainty as to the nature of the development hereby permitted.
14. The Council has recommended conditions regarding control over the materials to be used in the development. The roof and window materials are already stipulated on the plans that are part of this appeal and on the original application form. It is therefore not necessary to repeat these. However, it is appropriate to specify that the cheeks of the dormers should be clad in lead since such details were not on the plans, and in the interests of preserving the appearance of the Conservation Area.
15. The appellant has suggested a condition whereby the whole extension would be built simultaneously. At a practical level there could be any number of reasons why plans approved now would or could not be fully implemented within the life of this permission or commenced and then not finished. There would also be difficulties enforcing the condition and as such I have not impose this. If the appellant wished to vary the design so a lesser development would take place, a separate application would need to be made.
16. Having regard to all other matters, there are no further conditions I consider necessary in this instance.

Conclusion

17. I allow the appeal.

David Wallis

INSPECTOR