
Appeal Decision

Site visit made on 18 December 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2020

Appeal Ref: APP/K5600/W/19/3238288
23 Gunter Grove, London SW10 0UN

- 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 Gareth Shepherd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/03782, dated 29 May 2019, was refused by notice dated 15 August 2019.
 - The development proposed is the enlargement of roof terrace and erection of railings and security screens.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I saw from my site visit that the roof terrace and erection of steel railings have been built. They reflect the plans that were considered by the Council at planning application stage and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character or appearance of the Sloane Stanley Conservation Area (CA), with particular regard to the design of the proposed security screens.

Reasons

4. The appeal property is a four storey, plus basement, mid-terrace property. The dwellings in this terrace on this side of the street are characterised at roof level by a traditional valley or 'butterfly' roof form and a hipped parapet.
5. The appeal property is in the Sloane Stanley Conservation Area, a designated heritage asset. Residential terraces make up over half of the Conservation Area and are mostly well preserved. One of the most important features of a terrace is its appearance as a single unit which is achieved by uniformity, regular matching details and an unbroken shared parapet roofline. The parapet of the appeal property is preserved, forms an important element of the character and appearance of the building and the terrace as a whole, and makes a positive contribution to the CA.
6. The appeal proposal has three elements: the retention of the expanded roof terrace; the erection of new railings; and the erection of new security screens.

I am aware that the Council granted planning permission¹ for the expanded roof terrace and the erection of new railings dated 6 November 2019. It is the security screening that formed the basis of the Council's reason for refusal.

7. The proposed security screening would be set back from the front and rear elevations of the appeal property and would be visible when viewed from the street and neighbouring residential properties. The proposal would, by virtue of its height and bulk, unacceptably introduce an inharmonious and incongruous feature which would unacceptably disrupt the rhythm of the roofline of the host property and the terrace as a whole. For these reasons I do not agree with the appellant that the security screen would not be prominent features across the streetscape. The proposed materials would also be at odds with the prevailing materials palette of the host dwelling. Taken as a whole, the proposal would fail to preserve the character or appearance of the host property and the CA.
8. The appellant argues that the security screens would further reduce any overlooking of the neighbouring properties and would improve the quality of the amenity space for the host dwelling. However, this would not overcome the harm to the character and appearance of the CA. The appellant has also drawn my attention to other roof terraces and additions in the terrace, however I do not have the full details of these schemes and I cannot be certain of any direct comparison to the appeal proposal. In any event, I have determined this appeal on its own planning merits.
9. The appeal proposal, by reason of its height and bulk, would result in an obtrusive and incompatible form of development, poorly related to, and at odds with the established and historic pattern of development in this terrace. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. In this particular regard, the development would neither preserve or enhance the character or appearance of the CA. This weighs considerably against the proposal.
10. The proposed security screens would have a detrimental effect on the significance of a designated heritage asset and would result in 'less than substantial' harm under paragraph 196 of the National Planning Policy Framework (the Framework).
11. The Framework requires such harm to be weighed against the public benefits of the proposal. The proposal is for a security screen to the existing roof terrace, which would provide a very modest improvement to the wider housing stock. The public benefits would not outweigh the less than substantial harm.
12. The proposal conflicts with Policies CL1, CL2 and CL3 of the Royal Borough of Kensington and Chelsea Local Plan (2019), which require, amongst other things, development to be of the highest architectural and urban design quality and to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.

Other matters

13. I acknowledge that some local residents have written in support of the proposal, however this does not comprise a benefit in favour of the proposed

¹ PP/19/05991

development. I am also mindful that there was an Officer recommendation to approve the proposals. I am also aware that some local residents have raised concerns regarding the proposal in relation to overlooking, loss of sunlight and daylight, overshadowing and security. As I have found the proposal to be unacceptable for other reasons, it is not necessary for this decision to address those other matters any further. Concerns have also been raised that the proposal would set a precedent for other similar proposals. However, each application is determined on its own merits, with regard to their particular individual circumstances.

Conclusion

14. For the reasons given above the appeal is dismissed.

Neil Smith

INSPECTOR