



Appeal Decision

Site Visit made on 3 November 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/K5600/D/21/3271816

32 Hesper Mews, LONDON, SW5 0HH

- 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 Ms Yael Modiano against the decision of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/20/06793, dated 30 November 2020, was refused by notice dated 29 January 2021.
- The development proposed is creation of roof terrace with access from second floor, replace rooflight with opening skylight, and install 1.1m metal railings, painted black.

Decision

1. The appeal is allowed and planning permission is granted for creation of a roof terrace with access from second floor, replace rooflight with opening skylight and install 1.1m metal railings, painted black, at 32 Hesper Mews, LONDON, SW5 0HH in accordance with the terms of the application, Ref PP/20/06793, dated 8 December 2020, 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 hereby permitted shall be carried out in accordance with the following approved plans:
 - Site and location plan submitted with application
 - Drawing ref G200.PL01 – second floor and roof plans
 - Drawing ref G200.PL02 – front elevation
 - Drawing ref G200.PL03 – rear elevation
 - Drawing ref G200.PL04 – existing section
 - Drawing ref G200.PL05 – proposed section
 - 3) The railings to the roof terrace shall be painted black, and so maintained thereafter.

Procedural Matters

2. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. As no significant changes have been made to provisions in the Framework concerning either the protection of the historic environment or the need to ensure a high standard of amenity of existing users, which are the pertinent issues in this appeal, I am satisfied that the revisions do not prejudice the case of either party.

Main Issue

3. The main issues are:

- Whether the proposal would preserve or enhance the character or appearance of the host property and the Courtfield Conservation Area; and
- The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. Courtfield Conservation Area (CA) is an elegant residential area, characterised by a large number of grand and ornate mansion blocks of flats dating from the late nineteenth century. A number of mews are found within the CA, one of which is Hesper Mews, which is nestled between the stylish streets of Bramham Gardens and Barkston Gardens. The modest and functional appearance of the two and three storey Mews terraces, which front directly onto the narrow, cobbled street, contrasts sharply with the imposing brick rear elevations of the 6 and 7 storey mansion blocks of Bramham Gardens and Barkston Gardens, which tower over, and form a dominant presence, in the Mews streetscene.
5. Number 32 Hesper Mews (No. 32) is a mid-terrace property with garage style doors at ground floor level and a gable parapet feature. Like its immediate neighbours on both sides, No. 32 comprises of two storeys with additional accommodation in a mansard roof extension. Over time, the front elevation of No. 32 has been altered, and the grey painted brickwork gives a contemporary feel, but nonetheless the original character of property remains evident, and the building contributes positively to the streetscene and the wider CA.
6. Several buildings along Hesper Mews have roof terraces, notably 28 and 38 Hesper Mews, at either end of the terrace which the appeal property forms part. A number of high level balconies and terraces can also be seen on the rear elevations of the mansion blocks which facing onto the Mews. Roof terraces are, therefore, an established feature within the area, and numerous examples of railings of varying designs can be seen along roof tops and fronting windows.
7. The proposed terrace at No. 32 would be at a higher level than some other roof terraces along Hesper Mews, but owing to its set back from the front of the roof, views of the proposed terrace from the narrow street would be extremely limited. The proposed benches and planters would not be visible, and although small glimpses of the top of the black painted railings may be possible from a limited number of more distant public vantage points, they would be seen in the context of existing features of the roofscape, including railings, chimneys and aerials. As a result, when viewed from the street, the proposal would constitute a very small and inconspicuous change.
8. Public views of the proposed terrace would be minimal, but it would be visible from rear windows of flats in Bramham Gardens and Barkston Gardens which overlook the site. Roof terraces are not present on the properties immediately adjacent to No. 32, but they are visible on other nearby buildings. As a result, the proposal would not appear to be an alien or particularly isolated feature when viewed from surrounding flats.

9. From a number of rear windows in Bramham Gardens which look out over Hesper Mews, the proposed terrace would be seen in the context of the front elevation of the appeal property. However, the 2m set back, together with the limited height of the railings, would ensure that it would be seen as a recessive and lightweight element, which would not unduly harm the character of the building.
10. The proposed terrace would alter the private view from flats on Barkston Gardens which overlook the roofs of properties on Hesper Mews. However, the aspect from these windows also includes the rear elements of the mansion block itself, with various modern additions. The proposed development would not be overly prominent or incongruous when viewed from these windows, and given the existing context, would not represent a harmful change.
11. Overall, from both public and private vantage points, the proposal would represent a small change which would not cause harm to the character of the existing building. The effect on the streetscene and the wider CA would be neutral.
12. Although not mentioned in the Council's decision notice, the officer report refers to Policy CL8 of the Kensington and Chelsea Local Plan 2019 (Local Plan) as being particularly relevant to this case, and I agree. The proposed roof alteration would be on a building which already has a mansard, so does not fully comply with all aspects of the policy. However, I am satisfied that it would reflect the general requirement of Policy CL8 that roof alterations should be architecturally sympathetic to the age and character of the building and group of buildings.
13. I conclude that the proposal would preserve the character and appearance of the existing building and the Courtfield CA. I have identified no conflict with Local Plan Policy CL1, which requires development to respect the existing context and to preserve the characteristics of the type of building. Similarly, the proposal complies with the requirement for design quality, as set out in Policy CL2. The proposal is also consistent with Policy CL3 regarding the preservation of heritage assets, and with the requirement in Policy CL9 that modifications to existing buildings be subordinate and allow the original form of the buildings to be clearly understood. The requirement within Policy CL11 to preserve views within conservation areas is also met.

Living conditions

14. The appeal site is within a densely built-up urban area and the proposed roof terrace would introduce a new view at a high level, but it would be set back from the back of the roof, and there would be sufficient separation from rear windows of Bramham Gardens to avoid unacceptable loss of privacy. Additional overlooking to the roof gardens at the rear of Bramham Gardens would be minimal. Moreover, I saw on my site visit that mutual overlooking is an existing characteristic of the area, and the proposed terrace would itself be overlooked to a considerable extent.
15. Whilst there could be potential for the use of any outdoor space to create noise and disturbance to neighbouring occupiers, there are already a number of roof gardens and terraces in close proximity to the appeal site. Although it would be of a reasonable size, there is no reason to suppose that the proposed

terrace would create any particular additional problems in an area which, as recognised by the appellant, residents have to be considerate.

16. Given the existing situation, I am satisfied that the proposed roof terrace would be unlikely to cause unacceptable harm to the living conditions of neighbouring occupiers through loss of privacy or increased noise or disturbance. Consequently, it would comply with the requirements of Local Plan Policy CL5 which seeks to ensure good living conditions for occupants of neighbouring buildings.

Conditions

17. In addition to the standard implementation and plans conditions, the Council has suggested a condition requiring that the approved railings be painted black, and retained as such. I agree that this is necessary to safeguard the character and appearance of the area, and have imposed an appropriate condition.

Conclusion

18. For the reasons given, the appeal is allowed subject to the conditions set out above.

R Morgan

INSPECTOR