
Appeal Decision

Site visit made on 31 January 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/K5600/D/22/3310216

3 Radley Mews, London W8 6JP

- 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 and Mrs Marc and Jayna Petzold against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/03957, dated 23 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is the provision of a metal railing to the front and side elevations at main roof level to match that present to the rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a metal railing to the front and side elevations at main roof level to match that present to the rear elevation at 3 Radley Mews, London W8 6JP in accordance with the terms of the application Ref PP/22/03957, dated 23 June 2022, subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. The appeal property is a 2-storey mid terrace mews dwelling with roof level accommodation that lies within the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). The CA covers a wide area and is predominantly residential in character. To my mind, the CA derives its significance as a designated heritage asset largely from the formal layout of streets and squares, and the rich historic and architectural quality of the period properties within it. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The new metal balustrade would extend around three sides of the flat roof of No 3. By connecting with the existing railing that runs along the fourth side, the proposal would fully enclose the space on top of the appeal dwelling. In doing so, the roof would be made safer for its continued use as a terrace.
5. Like the existing railing, the proposal would be modest in height and set back from the edge of the host roof. Given the tightly knit arrangement of buildings along Radley Mews, very little of the proposal would be readily evident at

ground level aside from a short section of road. From this public vantage point, only the upper part of the new railing would be visible projecting just above the roofline of the building. In this view, the spaces between the vertical bars of the proposed balustrade would still allow views of the sky beyond. In that context, the appeal scheme would not draw the eye because it would be a small and inconspicuous high-level feature and seen among the highly varied roof form of the wider terrace.

6. In private views from the upper windows of several nearby properties, the extended balustrade on top of the existing building, as proposed, would be a noticeable aspect of the property. As the only obvious example of such a feature within the terrace to which No 3 belongs, the proposed would also set the appeal dwelling apart from neighbouring properties. Nevertheless, in higher-level views from nearby buildings, the completed balustrade would be no more prominent than the existing railing. It would also be simple in design without ornamentation that might otherwise attract attention.
7. From what I saw, the perimeters of roofs and balconies within the local area, including Radley Mews and the wider CA, are defined in a wide variety of ways with metal balustrades prevalent close to and clearly visible from the site. Consequently, the proposal, while visible from many nearby buildings, would not be an uncharacteristic or an obstructive addition to the locality. Given its modest scale, appropriate design and set back position on the roof, and the presence of other similar features within the CA, the new balustrade would have a neutral impact on its significance as a designated heritage asset. The character and appearance of the CA would be preserved with the new development in place.
8. On the main issue, I therefore conclude that the proposed development would not cause significant harm to the character and appearance of the host building or the local area. As such, it complies with Policies CL1, CL2, CL3, CL6, CL8, and CL11 of the Council's Local Plan. These policies seek to ensure that development is sympathetic to the host building, preserves or enhances the character or appearance of conservation areas and respects the character of the local area.
9. In reaching this conclusion, I have considered the examples of roof terraces and balustrades on other properties in the Borough that have been approved to which the appellants have referred. However, a central planning principle is that each development should be assessed on its own merits. Having done so, I find the appeal scheme acceptable for the reasons given.
10. From the evidence provided, the existing roof of No 3 may be used lawfully as a terrace. In those circumstances, I share the Council's view that the proposal would not necessarily lead to any additional overlooking towards the gardens and windows of neighbouring properties nor result in any greater noise and general disturbance to others than may otherwise occur.

Conditions

11. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the new balustrade matches the existing railing.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

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Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 010 Revision 00, 020 Revision 00, 100 Revision 00 and 200 Revision 00.
- 3) The balustrade hereby permitted shall match the external material and colour of the existing railing on the roof of 3 Radley Mews, London W8 6JP.