



Appeal Decisions

Site visit made on 6 February 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal A Ref: APP/K5600/W/22/3294660

Flat 2, 10 Queen's Gate, London SW7 5EL

- 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 Dimitra Koutsoukos against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/21/04767, dated 20 July 2021, was refused by notice dated 14 September 2021.
- The development proposed is alterations at the rear of the property at second floor level to provide railings and install a door onto an area of flat roof.

Appeal B Ref: APP/K5600/Y/22/3294659

Flat 2, 10 Queen's Gate, London SW7 5EL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Ms Dimitra Koutsoukos against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref LB/21/04768, dated 20 July 2021, was refused by notice dated 14 September 2021.
- The works proposed are alterations at the rear of the property at second floor level to provide railings and install a door onto an area of flat roof.

Decisions

1. Appeal A is allowed, and planning permission is granted for alterations at the rear of the property at second floor level to provide railings and install a door onto an area of flat roof, at Flat 2, 10 Queen's Gate, London SW7 5EL, in accordance with the terms of the application, Ref PP/21/04767, dated 20 July 2021, and the plans submitted with it, subject to the attached Schedule of conditions.
2. Appeal B is allowed, and listed building consent is granted for alterations at the rear of the property at second floor level to provide railings and install a door onto an area of flat roof at Flat 2, 10 Queen's Gate, London SW7 5EL, in accordance with the terms of the application Ref LB/21/04768, dated 20 July 2021 and the plans submitted with it, subject to the attached Schedule of conditions.

Preliminary Matters

3. The proposed development and works relate to a listed building located in a conservation area, and I have therefore had special regard to sections 16(2),

66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. As both appeals relate to the same site and raise similar issues, I shall therefore consider them in a single document, in the interests of brevity.

Main Issues

5. The main issues are:

- Whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building known as no 10 Queen's Gate, and preserve or enhance the character or appearance of the Queen's Gate Conservation Area; and
- In respect of Appeal A, the effect of the proposal on the living conditions of neighbouring residents, with particular regard to privacy and noise.

Reasons

Heritage

6. The appeal site comprises a prestigious five-storey building originally constructed as a townhouse, which was subsequently subdivided into self-contained apartments during the first half of the 20th century. The building forms part of a grand stuccoed terrace of townhouses dating from the mid-19th century and is listed at Grade II. The listing description for nos 1-19 Queen's Gate recognises the group value of these properties which, by virtue of their elaborate classical style, with very ornate facades, provides a strong sense of uniformity to the street scene. The aesthetic value of the appeal building and the wider terrace is evident, but the special interest of the listed properties is also derived from their architectural and historic significance as a great example of a planned set piece.
7. The appeal property lies within the Queen's Gate Conservation Area which, as noted in the appraisal¹, draws its special interest from its rich collection of historic buildings that illustrate 19th century design and are set in a comfortable residential atmosphere with mature green spaces. There is no doubt that the appeal building and the terrace as a whole make a significant contribution to the character and appearance of the Queen's Gate Conservation Area, due to their grand scale and architectural detailing.
8. The rear elevations of the appeal building and the wider terrace are plainer in appearance, but are nevertheless of importance to illustrate the architectural hierarchy of these historic buildings. As noted in the CAA, the less decorative nature of the rear of the terraces is a key feature of Georgian, Victorian and Edwardian house design. Whilst the rear of the appeal property has been subject to a number of alterations and extensions, its original form remains discernible, and thus contributes to the special interest of the listed building.
9. The appeal proposal seeks to replace a modern sash window sited within an extended part of the building, with a pair of timber French doors. Although the design and detailing of the window is traditional, the proposed alterations would therefore not require the loss of historic fabric. The width of the opening

¹ Queen's Gate Conservation Area Appraisal (February 2020).

would be similar to and in line with the openings above, and would thus appear in keeping with the appearance of the rear elevation.

10. The style of the proposed railings would appear more contemporary than the host building, but would reflect the design of the existing railings sited immediately above the appellant's property. The proposed alterations would remain modest in scale and affect a part of the building, which is not original. As a result, they would be clearly recognisable as new alterations to the historic property, which would not affect the ability to appreciate or understand the special interest of the listed building or the wider terrace.
11. Furthermore, whilst the alterations would be visible from a number of neighbouring properties, they would not appear widely prominent in public views within the Conservation Area, notably by reason of the intervening buildings fronting Queen's Gate Mews. As such, the appeal proposal would not be detrimental to the Conservation Area, and its special interest would therefore be preserved.
12. Given the above, the proposed development and works would preserve the special architectural and historic interest of the listed building, but also the character and appearance of the Queen's Gate Conservation Area. As such, I find no conflict with Policies CL1, CL2, CL3, CL4, CL6 and CL11 of the Local Plan 2019 and Section 16 of the National Planning Policy Framework (the Framework). Amongst other things, these require development proposals to be of the highest architectural and urban design quality, protect the special architectural or historic interest of conservation areas and listed buildings.

Living conditions

13. The appeal development would enable the creation of an outdoor area for the occupiers of Flat 2. Whilst the balcony would sit within proximity to the boundaries shared with neighbouring properties at nos 9 and 11 Queen's Gate, I do not see which areas, either externally or internally, would be overlooked by the proposal.
14. The balcony would also sit at a higher level than the properties fronting Queen's Gate Mews at the rear. However, it would not give rise to a loss of privacy for these neighbouring residents either, as the nearest openings are either obscure glazed, or sited at such an angle that views from the balcony would only be oblique.
15. Having regard to the size of the balcony and the projection of the existing bay window, the space is unlikely to be used in a manner that would give rise to a level of noise and disturbance which would cause unacceptable harm to the living conditions of neighbouring residents, particularly in this urban environment.
16. For these reasons, there would be no harmful increase in activity or overlooking as a result of the proposal. The terrace would not have a significant adverse effect on the living conditions of neighbouring residents, and I therefore find no conflict with Policies CL5 and CE6 of the Local Plan 2019. These notably require all development to ensure good living conditions for occupants of new, existing and neighbouring buildings.

Conditions

17. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the relevant tests as set out in paragraph 56 of the Framework and the national Planning Practice Guidance². In addition to the standard time limit, I shall impose a condition in respect of Appeal A specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. Conditions regarding materials and finishes are required to preserve the architectural and historic interest of the listed building.

Conclusion

18. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

List of conditions for Appeal A Ref: APP/K5600/W/22/3294660

- 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 location plan (D05), Site plan (D06), Rear elevation as existing and as proposed (D01A), Section A-A as existing and as proposed (D02A), Plans as existing and as proposed (D04A), French doors elevation – as proposed (D03A).
- 3) All work and work of making good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained thereafter.
- 4) The external French doors hereby permitted shall be timber framed and painted, and shall be so maintained thereafter.
- 5) The external metal perimeter railings shall be metal made, black painted and shall be so maintained thereafter.

List of conditions for Appeal B Ref: APP/K5600/Y/22/3294659

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

² Paragraph: 003 Reference ID: 21a-003-20190723.

- 2) The external French doors hereby permitted shall be timber framed and painted, and shall be so maintained thereafter.
- 3) The external metal perimeter railings shall be metal made, black painted and shall be so maintained thereafter.
- 4) All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture and profile.
- 5) All existing fabric including wall and ceiling plasterwork shall be retained, unless notated otherwise on the drawings approved under this consent.

END OF SCHEDULE