



Appeal Decisions

Site visit made on 30 June 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal A Ref: APP/K5600/W/22/3311915

4 Sloane Terrace, Belgravia, London SW1X 9DQ

- 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 TFG Asset Management Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/22/03136, dated 18 May 2022, was refused by notice dated 13 September 2022.
 - The development proposed is use of existing flat roof as a roof terrace associated with the office and associated works.
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Appeal B Ref: APP/K5600/Y/22/3311918

4 Sloane Terrace, Belgravia, London SW1X 9DQ

- 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 TFG Asset Management Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/22/03137, dated 18 May 2022, was refused by notice dated 13 September 2022.
 - The works proposed are use of existing flat roof as a roof terrace associated with the office and associated works.
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Decisions

1. The appeals are dismissed.

Procedural Matter

2. I have taken the description of the works/development from the Council's decision notices as it accurately describes the proposal and as none was submitted on the planning application form.

Main Issue

3. The main issues are the (i) effect of the proposal on the special architectural and historic interest of the Grade II Listed building Sedding Telephone Exchange; and (ii) the living conditions of neighbouring residents, with reference to noise and outlook.

Reasons

Listed building

4. 4 Sloane Terrace is an office housed within the former Sedding Telephone Exchange, which is a Grade II Listed building. I am therefore cognisant of my duty to have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

5. The significance of the listed building largely derives from the restrained embellishment of its elegant Neo-Georgian frontages on to Sloane Terrace and Sedding Street. The rear is dominated by a modern extension. The extension is sparsely detailed and seeks to mimic the simplicity of the historic building, albeit in a basic, modern style with contrasting yellow brick. At the west end, above a modern single storey element, is a small flat roof. Below this is a staff patio with outdoor furniture and fittings. The modern extension and the space behind the building make a neutral contribution to its significance.
6. The flat roof is set with paving and enclosed with balustrading and fencing, so already has the feel of a disused patio. I agree that the curving, integrated planter and seating design would be well considered. However, the sweeping baffle/privacy screen would be a significant, contrived addition given its length and excessive height. Likewise, the awning would be affixed to a simple, blank wall and would therefore clutter a part of the listed building which, although modern, was designed with simplicity and restraint of detail in mind. Given such, the works would cause less than substantial harm to its significance.
7. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme. That exercise must take place here in the context of s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of planning permission or listed building consent for development or works that would cause harm to the special interest of a listed building.
8. The public benefits of the proposal are in the enhancement the scheme would offer to the office environment and the wellbeing of staff. Access to the space would nominally improve air quality in what already appears to be a reasonably well-ventilated building. Thus, the public benefits of the scheme fall decisively short of justifying the harm that would arise; harm that must be given considerable importance and weight in the balancing exercise.
9. Consequently, I conclude that the proposal would have an unacceptable effect on the special architectural and historic interest of the Grade II Listed building Sedding Telephone Exchange. It would conflict with the heritage objectives of Policy CL4 of the Local Plan (adopted 2019) and the Framework.

Living conditions

10. No 4 is the end of a terrace which also includes 2 and 3 Sloane Terrace to the west, which are composed of flats. No 2 also has a maisonette (Flat B) which has been constructed behind it which faces the appeal site. Beyond that to the west the rear elevation of 147 and 148 Sloane Street, which are in residential use at their upper levels, also face the site. Behind 3 Sloane Terrace there is a private terrace and a basement level patio which adjoin the appeal site.
11. With reference to noise, the appellant's assessment¹ evaluates the effect on neighbouring occupants on the assumption that at most six people would typically use the terrace at one time, with people speaking at a normal volume. These assumptions have been questioned, but I find them sensible, given that

¹ Noise Assessment Report (April 2022)

people taking a break within a professional office environment are unlikely to routinely shout or raise their voices in the open air. Moreover, the amount of people who would use the terrace at any one time would be to an extent self-regulated by its small size, and this could also be controlled by a condition. Likewise, the appellant has no desire to use the terrace for events or out of office hours (beyond 7pm) and this could be confirmed with a condition.

12. The noise data shows that there would be increased noise to neighbouring windows, but it would be within acceptable parameters. However, Flat B is not included in the noise assessment. The maisonette is one of, if not the, closest properties to the mainstay of the proposed seating area and has habitable windows which directly open out to it, and which would invariably be affected by noise from the terrace. Without any data, I cannot be certain as to the acceptability of the additional noise. I also note that the maisonette is already significantly deprived of adequate living conditions in other respects, such as outlook, light and privacy, and so is particularly sensitive to further, potentially deleterious change. Consequently, on the evidence before me, I must conclude that the effect on the occupants of Flat B would be unacceptable.
13. In terms of outlook, the basement patio behind No 3 is lower than the proposed terrace below a large retaining wall. Given the height and dominance of this existing enclosure, I find that the proposed slatted screen would do very little to alter the existing levels of outlook from this patio. With regard to No 3's higher terrace and adjacent windows, the screen would curve back into the site to the extent that the effect on the outlook from these areas would also be acceptable. The maisonette behind No 2 would have its outlook changed from a tall blank wall to a closer wooden screen, the effect of which would be limited.
14. Accordingly, whilst I find that the proposal would have an acceptable effect on the living conditions of neighbouring residents with reference to outlook, I conclude that it would have an unacceptable effect with reference to noise. It would therefore fall into conflict with the residential amenity objectives of Policies CL5 and CE6 of the Local Plan and the Framework.

Other Matters

15. The site is within the Sloane Square Conservation Area. However, given that it is so well hidden from the public realm, the proposal would not affect its character or appearance.

Planning Balance

16. With regard to Appeal A, the proposal would conflict with the development plan read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

17. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeals should be dismissed.

Matthew Jones
INSPECTOR