



Appeal Decision

Site visit made on 5 December 2023 by N Manley BA (Hons)

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/K5600/D/23/3328261

1 Linden Mews, Kensington and Chelsea, London W2 4HE

- 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 Alexander Dass against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/02298, dated 2 April 2023, was refused by notice dated 9 August 2023.
 - The development proposed is described as 'loft conversion involving three new conservation-type roof lights to the front roof and erection of two slate-clad rear dormers with white painted timber framed sash windows.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The appeal site is situated in the Pembridge Conservation Area (PCA) and within the setting of the Grade II listed entrance arch from Linden Gardens. I shall therefore have special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The Council's first reason for refusal erroneously refers to the Ladbroke Conservation Area. Therefore, my consideration of this appeal focuses on the effect of the proposal on the Pembridge Conservation Area, rather than the Ladbroke Conservation Area.

Main Issues

6. The main issues are the effect of the proposal on:

- The character and appearance of the host property and mews and whether the development would preserve or enhance the character or appearance of the Pembridge Conservation Area (PCA); and
- The living conditions of the occupiers of properties to the rear boundary of the site, with particular regard to privacy.

Reasons for the Recommendation

Character and Appearance

7. As noted in the Appraisal adopted by the Council in 2017, the PCA is primarily a quiet residential area which is largely characterised by late Georgian and Victorian architecture. The area features a mix of terraces, semi-detached houses, mews houses and occasional blocks of flats. Regarding this appeal, I find the special interest of the PCA is primarily defined by this mix of housing and contrasting architectural styles, which creates a high-quality built environment, showcasing an array of housing from differing periods.
8. The appeal site comprises a two-storey end terrace dwellinghouse located at the eastern end of the southern terrace in Linden Mews, a private gated cul-de-sac situated off Linden Gardens. Historically, the mews properties served as stables with living accommodation above to serve the large houses. Their simple and functional design reflects their former use and contrasts with the tall, grand and more embellished properties fronting Linden Gardens.
9. The simple design of the mews continues along the roof of the terrace, with a plain roof slope pitched from a ridge running the full width of the terraces. As noted by the Pembridge Conservation Area Appraisal (PCAA), original roof forms are of great heritage significance and make a strong positive contribution to the character of the conservation area particularly where they are present as a group. The mews which the appeal property is a part of forms an attractive composition and contribute positively to the significance of the PCA.
10. The proposal would be for a loft conversion, introducing three new conservation-style roof lights to the front part of the roof and installing two rear dormers, set in from the ridge and rear parapet and finished with white painted timber framed sash windows. The Council's concerns relate to the proposed rear dormers and I shall therefore restrict my further consideration to this aspect of the proposal.
11. Despite their placement to the rear of the property, the introduction of the proposed dormers would, by reason of their excessive scale and architectural design, appear as incongruous additions. The dormers would in particular disrupt the roof plane across the southern terrace which, other than rooflights, remains largely unaltered and is characterised by its uniformity and simplicity. Consequently, the proposal would result in harm to the heritage significance of the roofscape and would have a detrimental effect on the host property, the mews and the PCA as a whole.
12. The appellant has suggested no harm would be caused due to the restricted visibility of the dormers from the street scene. Nevertheless, given the significance which the roofscape makes to the PCA, the limited visibility would not in this instance lessen the harm incurred, nor can this harm be undone by the proposed design features of the windows.

13. The appellant has drawn my attention to the fact the roof line of the terraces is already broken by the presence of a rear dormer at no 5 Linden Mews (no 5) and other, undocumented, work at no 7 Linden Mews. With regards to the development at no 5, I do not know the circumstances of this case, or the policies and guidance which applied at the time of its consideration. Furthermore, it is important to note that these developments are situated on the northern terrace of Linden Mews. Consequently, their presence on the opposite terrace does not justify the harm that would arise from this proposal to the current continuous and unbroken roof plane of the southern terrace. Therefore, I ascribe these nearby developments very limited weight.
14. The appellant has referred to the existence of an Article 4 Direction in the area, which does not apply to the rear roofs of Linden Mews, suggesting that these do not need protection from sympathetically designed dormers. An Article 4 Direction withdraws permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order). The enlargement of a dwellinghouse consisting of an addition or alteration to its roof is not permitted by the Order if the dwellinghouse lies in a conservation area (article 2(3) land). Dormer windows such as the proposal require planning permission and are not a type of development that could have been included in an Article 4 Direction.
15. The appeal scheme would cause unacceptable harm to the historic roofscape of the appeal property, the mews and the PCA, to which I ascribe considerable importance and weight. The proposal would cause less than substantial harm to the significance of the PCA. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposed development would provide additional living accommodation but this would primarily benefit the occupiers of the appeal premises. Overall, there are no presented public benefits which would outweigh the identified harm.
16. The proposed development would cause unacceptable harm to the character and appearance of the host property and the mews, and would fail to preserve the character and appearance of the PCA as a whole. Consequently, it would be in conflict with Policies CL1, CL2, CL3, CL6 and CL8 of the Local Plan (adopted September 2019). These policies, among other things, emphasise the importance of proposals respecting and responding to the existing context, character and appearance of an area, protecting its historic interest, and ensuring that roof alterations align with the character of a group of buildings. I however find no conflict with Policy CL11 of the Local Plan, which focuses on the preservation of views and vistas.

Living Conditions

17. There are offices and residential properties to the rear of the appeal site. The proposed dormer windows would look out towards these neighbouring properties. The Council contends the dormer windows, given the compact nature of the built environment to the rear of the site, would lead to a notable feeling of enclosure, overlooking and a loss of privacy to occupiers of the properties situated behind. The proposed dormers would be at reasonable distance away from these neighbouring premises, and there would only be oblique views towards residential properties. A reasonable visual privacy would therefore be preserved for the occupants of existing properties. Based on these

observations, the distances between the properties would ensure there is sufficient space to avoid a feeling of enclosure and loss of privacy.

18. Given the above, I am satisfied there would be no adverse effect on the living conditions of the occupiers of the properties to the rear boundary of the site, having particular regard to privacy. For these reasons, I find no conflict with Policy CL5 of the Local Plan which requires, amongst other things, that all development ensures good living conditions for occupants of existing and neighbouring buildings, there is a reasonable visual privacy for existing occupants and there is no harmful increase to the sense of enclosure to existing buildings.

Other Matters

19. The appeal site lies within the setting of a Grade II listed arch located at the entrance to Linden Mews. Based on my observations and the available evidence, I find that the special interest of the listed arch comes predominantly from its rich architectural detailing. No concerns have been raised by the Council regarding the effect of this development upon the special interest of this arch, including its setting. The appeal site lies some distance away from the listed building and overall, I am satisfied that the scheme would preserve the special interest of the Grade II listed arch and its setting.

Conclusion and Recommendation

20. The development would not accord with the Development Plan when it is considered as a whole. For the reasons given above, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report. The proposal would have no adverse effect on the living conditions of the occupants of neighbouring buildings. However, this would be outweighed by the harm which the appeal scheme would cause to the host building, the mews and the Conservation Area as a whole. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the Development Plan. The appeal is dismissed.

S Edwards

INSPECTOR