



Appeal Decision

Site visit made on 15 May 2024

by A Veevers BA(Hons) PGDipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/K5600/D/24/3338091

61 Clabon Mews, Kensington and Chelsea, London SW1X 0EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Tsentas against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/07146.
 - The development proposed is described as 'creation of terrace and green roof, with access from second floor, replace rooflight with opening skylight, install 1.1m metal railings, painted black'.
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Decision

1. The appeal is allowed and planning permission is granted for creation of terrace and green roof, with access from second floor, replace rooflight with opening skylight, install 1.1m metal railings, painted black at 61 Clabon Mews, Kensington and Chelsea, London SW1X 0EQ in accordance with the terms of the application, Ref PP/23/07146 and the plans submitted with it, 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 location plan PL100A; Proposed second floor and roof plans PL211A; Existing and proposed front elevation PL220A; Existing and proposed rear elevation PL221A; and Proposed section A-A PL231A.

Preliminary Matters

2. In the decision notice, the Council refers to Policy CL4 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP) which relates to listed buildings. However, the Council does not allege that the development would have an adverse effect on the significance of surrounding listed buildings, their settings or any features of special architectural or historic interest which they possess. I am aware from the evidence before me, that a Grade II listed building, Nos. 17-43 Lennox Gardens, is located adjacent to the appeal site. As a statutory consideration set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I am required to have regard to this matter. Given that both parties have referred to Policy CL4 of the LP I consider it relevant to the determination of the appeal and have included the effect of the proposal on the setting of the listed building as a main issue. I am satisfied no party would be prejudiced by my so doing.

3. As the site is located in a conservation area, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as set out in section 72(1) of the Act. In this regard, while not included in the decision notice, the main parties make reference to Policy CL3 of the LP in the appeal submissions. This policy relates to the effects of development in a conservation area, which is the sole reason for refusal and upon which both parties have had an opportunity to comment. Therefore, it would not prejudice any party were I to have regard to Policy CL3 in my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the roofscape of the street, and whether it would preserve or enhance the character or appearance of Hans Town Conservation Area (CA) or the setting of the Grade II listed building 17-43 Lennox Gardens.

Reasons

Significance of heritage assets

5. The appeal relates to a 3-storey mews property that is situated on the western side of Clabon Mews. At the rear of the mews terrace is an imposing Grade II listed residential block, Nos. 17-43 Lennox Gardens. In so far as it relates to this appeal, the special interest and significance of the listed building is derived from its impressive red brick Queen Anne Revival style architecture. Clabon Mews was originally built to serve the Lennox Gardens buildings as modest, and simple accommodation and garaging. The mews is now in use as individual residential units; however its overall scale remains clearly subordinate to the towering Lennox Gardens. Through its appearance and historical association, Clabon Mews assists in reinforcing the original importance of the listed building and contributes positively to its significance.
6. I consider the significance of the CA, insofar as this appeal is concerned, to derive from the planned streets and architectural quality of the buildings which surround landscape designed parks such as Cadogan Place and Hans Place. The street layout within the CA includes principal streets characterised by opulent housing. Some streets with prosperous housing such as Cadogan Square, Sloane Street and Lennox Gardens back on to narrower streets lined by modest terraces of lower height, such as Clabon Mews. In this respect, the step down in scale between Cadogan Square, Lennox Gardens and the intervening Clabon Mews contrasts markedly with the more imposing houses they once serviced and contributes positively to the diversity of the townscape as well as providing a sense of relief amongst the dense urban townscape.
7. The Hans Town Conservation Area Proposals Statement 2000 (HTCAPS) describes Clabon Mews as a relatively quiet back street, free of most traffic, characterised by a compact rhythm of modest individual façades. The frontages of the northern part of the mews, within which the appeal site sits, are also identified as loose interpretations of the mews theme, with an emphasis on a sense of diversity, with each individual façade subtly different from its neighbour. The HTCAPS also sets out that this sense of diversity is reflected on the roofscapes and the former simple mews character on the northern end of the mews has been corrupted by later alterations and 'fanciful additions'.

8. The appeal property, like many others in this part of Clabon Mews, has been remodelled in the past and includes a mansard roof with dormer windows set back behind a parapet wall on the front elevation and dormers on the rear. Despite this, having regard to other similar mansard roof alterations along Clabon Mews, the overall modest composition of the appeal property has been retained, thus it makes a neutral contribution to the significance of the CA.

Appeal proposal and effects

9. It is proposed to enclose the front part of the flat mansard roof with cast iron railings to form a seating area, create a 'green roof' on the rear part of the roof which would be inaccessible as private outdoor amenity space, and provide a sliding rooflight to enable access to the seating area. The sliding rooflight would replace an existing rooflight and would be a modest alteration to the roof. Whilst the existing air conditioning unit would be raised slightly to accommodate the sliding rooflight, the resulting increase in height would be similar to the roof of No. 63 Clabon Mews (No.63) and would be partially screened by the existing parapet wall between No.63 and the appeal property.
10. The 'green roof' is minimal in size but would provide some screening, albeit limited, to the balustrade and seating area, particularly when viewed from the rear of properties along Lennox Gardens. Moreover, the HTCAPS notes that planting contributes positively to the character of the mews terrace.
11. Whilst there are numerous examples of painted black balustrades above the first-floor level of buildings on Clabon Mews, I saw none above a mansard roof. Although it has been drawn to my attention by the appellant that a timber fence has been erected on top of a mansard roof at No.35 Clabon Mews (No.35), from my observations this demonstrates to me the visually harmful effect of this type of development on the roofscape and integrity of the mews.
12. However, the proposed balustrade would be low and would not protrude significantly above the neighbouring roof. It would reflect the design of similar balustrades found elsewhere in the CA. Furthermore, the Council confirm that the roof garden and balustrade would not be visible from the public realm, and I agree that due to its low height and set back from the frontage, the narrow width of Clabon Mews and the location of the property within the row, unlike No.35, the proposal would be barely discernible, particularly when viewed against the imposing backdrop of properties on Lennox Gardens.
13. The proposal would be largely limited to private views of occupiers of properties on Lennox Gardens and Cadogan Square. In these views, the facing roofscape of the mews does not contribute positively to the character or appearance of the CA due to the existing variety of additions and alterations to the roof, including dormers, antennae and rooflights. In this context, I find that the proposed development would not harmfully disrupt the roofscape in views from nearby properties, and it would not appear visually incongruous.
14. Moreover, as recognised in the HTCAPS, the original architectural rhythm of the northern Clabon Mews terrace has been diminished by the multitude of alterations to individual properties. Yet the variations in elevation treatment, fenestration and roofscape now form a notable and attractive feature of the mews. Although criterion (b) (ii) of Policy CL8 of the LP states that roof level alterations on buildings or terraces that already have an additional storey or mansard will be resisted, within such a context, the proposal would add to the

varied roofscape but in a manner which would ensure that the appeal property would retain the distinctive general characteristics of mews properties. Whilst I appreciate that incremental additions can have an unacceptable cumulative effect, for the reasons given above, the proposal would have a neutral effect on the significance of the CA.

15. The overall modest scale of Clabon Mews in comparison to Lennox Gardens would not be altered as a result of the proposed development. As set out above, in the context of the varied roofscape of Clabon Mews and the limited scale of the proposal, the proposed development would not compete with the special architectural character of the listed building or harm the contribution the terrace makes to the significance of the listed building.
16. I therefore conclude that the proposed development would not have a significantly harmful effect on the roofscape of the street. It would have a neutral impact that would preserve the character and appearance of the CA and would also preserve the setting of the listed Nos.17-43 Lennox Gardens in a manner appropriate to their significance as designated heritage assets.
17. As such, the proposal would accord with Policies CL3 and CL4 of the LP, which together, amongst other things, seek to ensure that development preserves or enhances the character or appearance of the conservation area and protects the heritage significance of the listed building or their setting.
18. There would be a partial conflict with Policy CL8 of the LP. However, this is not consistent with the most up to date version of the Framework. Paragraph 124 of the Framework states that planning policies and decisions should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. For the reasons given above, the proposal would comply with the main thrust of Policy CL8 of the LP which requires, amongst other matters, that roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings.
19. The proposal would accord with the broad aims of Section 16 of the Framework which is concerned with the conservation and enhancement of heritage assets. It also follows that the proposal would also satisfy the requirements of sections 66(1) and 72(1) of the Act in so far as it relates to the appeal site.

Conditions

20. No suggested conditions have been proposed by the Council. Nonetheless I have had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. I have imposed the standard time condition, as well as a schedule of drawings relating to the approved development for the planning permission, for the avoidance of doubt.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed and planning permission is granted.

A Veevers

INSPECTOR