
Appeal Decision

Site visit made on 4 June 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/K5600/D/24/3337365

1 Victoria Grove Mews, London W2 4LN

- 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 Charles Steel against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/05823 dated 1 September 2023 was refused by notice dated 30 October 2023.
 - The development proposed is New glazed enclosure to stairs accessing the approved roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As the site lies within the Pembridge Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
3. I am aware that there is an extant permission at the site for the formation of a roof terrace that has not been implemented¹ and this is a material consideration.

Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Pembridge Conservation Area.

Reasons

5. The site forms part of the Pembridge Conservation Area, significant for its high quality environment that derives from highly decorated long terraces of Victorian stucco fronted houses and smaller modest and intimate mews developments interspersed by fine examples of late Georgian housing of a vertical emphasis. The contribution rooves and roofscape makes to the significance of the CA adds positively to the rich built heritage of the Borough.
6. The appeal site is a mews house set along a cobbled street and amongst other mews buildings that have been converted to residential use behind Notting Hill Gate and surrounded by a variety of largely residential uses but also

¹ Application PP/23/03002. Approved 4 July 2023

- commercial uses. No.1 Victoria Grove Mews is two storey with a parapet and shallow hipped roof behind. This proposal seeks to reconfigure the existing roof to allow the centre of the roof to be opened up and used as an external private terrace for the appellant. A glass enclosure above the stairs leading to the roof terrace, with additional covered space in a broad 'L' shape is also proposed.
7. The roof of this building displays the traditional characteristics of a low hipped roof hidden behind a parapet wall that is historical to the building. Aside from modern roof lights, it remains authentic in character with limited modern intervention. Indeed, from both site inspection and evidence presented to me by the appellant, modern additions to rooves on the whole appear limited across the group of mews buildings.
 8. The proposed glass enclosure would be a contemporary and modern feature atop the roof. From the plans before me and my visit to the site, it is only likely that glimpses of the proposed glass structure would be visible from various public vantages from local street level. This would be due to its incorporation of a sloping roof and a flat roof, its height, and position set further back into the roof.
 9. However, rooves are a significant component of the character of the conservation area and their distinctiveness should be safeguarded. As part of my consideration, I am obliged to assess the development as a whole and I note the reconfiguration of the existing hipped roof into a pitched slate roof that would extend further along the main roof to join the new glass enclosure. This is a change from the extant permission whereby the hipped roof configuration would remain legible. The combination of development proposed would add considerable bulk and mass to the traditional roof.
 10. The surrounding properties away from the mews courtyard are in the main, tall and rise well above the height of this modest mews house. The proposed roof development as a whole would be exposed to a number of them, and despite the material properties of a glazed structure, it would be highly visible in private views from the rear elevations of surrounding residential dwellings. The existing roof retains significant historic character and makes a positive contribution to local distinctiveness and to the character and appearance of the CA and how it is experienced from these vantages. The combination proposed as a whole would result in additional bulk and massing and negatively disrupt the traditional characteristics of this historic roof that is an important component of the authenticity of the host building and adds to the heritage value of the CA. In a small way, the character and appearance of the CA as a whole would be weakened by the proposal.
 11. When comparing the extant permission with this proposal, the access onto the roof via a hinged glass roof is of a considerably smaller scale than the one before me with limited height; the privacy screen cannot compare to the enclosure; the remainder of the roof profile would retain its distinguishing hipped characteristics. Whilst the fall-back that is the extant permission is a real prospect for the appellant, I have found there are material differences between the two. Therefore, it does not lead me to conclude both share sufficiently similar characteristics to enable me to look favourably upon the scheme now at appeal.
 12. I appreciate the appellant has provided images of roof terraces at 3A and 9 Victoria Grove Mews. I am not presented with substantive evidence behind

their circumstances to comment on similarities between them and the appeal proposal. Although there is a large roof extension seen opposite the appeal site at Number 14 Victoria Grove Mews, nor am I presented with the details of its circumstances. In any case, I find it is not an example of a positive contribution to the character or appearance of the CA.

13. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
14. I appreciate the value an external roof terrace would deliver to the appellant given no private external space exists to their home. The benefit is a private benefit to the appellant and does not amount to public benefits. They are also in a position to implement an extant permission that would provide external space. I am not persuaded there is clear and convincing justification for the identified harm to the heritage asset as a whole.
15. This proposal would fail to preserve or enhance the character or appearance of the CA. It would not meet the broad objectives of Policies CL1, CL2, CL3, CL4, CL6, CL8 and CL11 of the Kensington and Chelsea Local Plan 2019 that seeks to achieve good design and local distinctiveness and safeguard heritage assets and important views.

Conclusion

16. The proposal would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR