



Appeal Decision

Hearing held on 28 August 2024

Site visit made on 28 August 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st of October 2024

Appeal Ref: APP/K5600/W/24/3343334

51-55 Cromwell Road and 1-2 Queensberry Mews West, London SW7 2EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Galaxy 51 Holding Limited against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/05908.
 - The application sought planning permission for 'internal reconfiguration and refurbishment of hostel for long stays during the academic year and short stays out of the academic year; construction of mansard roof extension, and rear infill and closet wing extensions; creation of new internal level within rear closet wings; alterations to front and rear of 51-55 Cromwell Road; demolition and rebuild of mews property at 1-2 Queensberry Mews West to provide bedrooms and ancillary space' without complying with conditions attached to planning permission Ref PP/23/02670, dated 15 June 2023.
 - The conditions in dispute are Nos 2 and 20 which state that:
 - 2 The development shall not be carried out except in complete accordance with the details shown on submitted plans Location Plan (No. A-000-001 Rev P1); Block Plan (No. A-000-002 Rev P1); Proposed Lower Ground Floor Plan (No. A-100-099 Rev P2); Proposed Ground Floor Plan (No. A-100-100 Rev P2); Proposed Ground Floor Mezzanine Plan (No. A-100-100M Rev P2); Proposed First Floor Plan (No. A-100-101 Rev P2); Proposed Second Floor Plan (No. A-100-102 Rev P2); Proposed Third Floor Plan (No. A-100-103 Rev P2); Proposed Fourth Floor Plan (No. A-100-104 Rev P2); Proposed Fifth Floor Plan (No. A-100-105 Rev P2); Proposed Roof Plan (No. A-100-106 Rev P1); Proposed Section A-A (No. A-100-120 Rev P2); Section B-B Proposed Section (No. A-100-121 Rev P2); Section C-C Proposed Section (No. A-100-122 Rev P2); Section D-D Proposed Section (No. A-100-123 Rev P2); Cromwell Road Elevation Proposed Front Elevation (No. A-100-140 Rev P2); Queensberry Mews Proposed Rear Elevation (No. A-100-141 Rev P2); Queensberry Mews Proposed West Elevation (No. A-100-142 Rev P1); Proposed Elevation and Plan of Front Lightwells (No. A-100-151 Rev P2).
 - 20 During construction of the development hereby permitted the submitted Sustainable Urban Drainage System (SuDS), prepared by Herrington Consulting Limited (dated March 2022) shall be fully implemented and maintained thereafter.
 - The reasons given for the conditions are:
 - 2 The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
 - 20 To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan 2019.
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Decision

1. The appeal is allowed and planning permission is granted for 'internal reconfiguration and refurbishment of hostel for long stays during the academic year and short stays out of the academic year; construction of mansard roof extension, and rear infill and closet wing extensions; creation of new internal level within rear closet wings; alterations to front and rear of 51-55 Cromwell Road; demolition and rebuild of mews property at 1-2 Queensberry Mews West to provide bedrooms and ancillary space' at 51-55 Cromwell Road and 1-2 Queensberry Mews West, London SW7 2EH in accordance with the application Ref PP/23/05908, without compliance with condition numbers 2 and 20 previously imposed on planning permission Ref PP/23/02670 dated 15 June 2023 but subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council granted planning permission for development including alterations to the building at 51-55 Cromwell Road and the demolition and rebuild of 1-2 Queensberry Mews West to provide for hostel accommodation¹ ('the Parent Permission') subject to a number of conditions. The current appeal is seeking a new permission under section 73 of the Town and Country Planning Act 1990 ('the Act') for the same description of development but substituting amended plans for those that were approved under condition 2 of the Parent Permission. The amended plans make changes to the design of 1-2 Queensberry Mews West ('the Mews Building') to include a mansard roof accommodating 5 additional hostel bedrooms, and lower the eills of two first-floor windows. The appeal also seeks an update to the Sustainable Drainage System strategy specified at condition 20 of the Parent Permission to reflect the inclusion of a green roof to the Mews Building.
3. In the period since the appeal was submitted, the Council adopted the New Local Plan Review 2024 ('the NLPR') which supersedes or in some cases integrates policies of the Local Plan 2019 referred to within the reasons for refusal. The main parties have been able to comment on this change. I am satisfied that no prejudice would be caused by my determination of the appeal giving full weight to the policies of the NLPR and I make no further reference to the previous iteration.
4. The main parties have also been able to comment on Government consultation on proposed changes to the National Planning Policy Framework ('the Framework') which was issued in July 2024 and a Written Ministerial Statement dated 30 July 2024. I have had regard to the comments made, but I afford limited weight to the changes set out in the consultation at the current time because they are not part of the published Framework and may be subject to change.
5. During the course of the appeal, the appellant submitted a set of revised plans. These do not alter the Mews Building element of the proposal, but show changes to 51-55 Cromwell Road ('the Cromwell Road Building') in respect of knuckle points and dormers of the mansard, windows on the rear elevation, roof top plant and rooflights, and doorways and windows of the rear lightwells. These changes reflect revisions to the Parent Permission which have been

¹ Application ref PP/23/02670

approved through two 'Non Material Amendment' applications² and would not involve a substantial difference or fundamental change to the application. The Council has no objections to my considering the revised plans as part of the appeal and noting that the changes have already been approved as Non Material Amendments to the Parent Permission, I am satisfied that this would not cause unlawful procedural unfairness to any party. I have therefore determined the appeal on the basis of the revised plans.

6. Very shortly before the Hearing opened, the appellant sought to submit a Verified Views document and a copy of the Design and Access Statement ('DAS') for the Parent Permission. The Verified Views document provides additional illustration of the proposal rather than making any changes to the development. Having agreed with the parties at the Hearing that the Council should be afforded an opportunity to provide a written response to it, and the appellant a rebuttal if necessary, I was satisfied that no party would be unfairly prejudiced by my consideration of this material. The DAS does not alter the appeal proposal and the Council raised no concerns about its submission noting that it was a document it had previously seen. In these circumstances, I accepted these documents.
7. The Hearing finished sitting on 28 August 2024 but was adjourned rather than formally closed to allow the Council to submit written comments on the Verified Views document and a rebuttal from the appellant, as well as review of some suggested conditions in light of discussion during the Hearing. The Hearing was subsequently closed in writing on 24 September 2024.

Main Issues

8. The Council considers that the development as approved under the Parent Permission, which has subsequently been subject to approved Non Material Amendments, would remain acceptable. From the information before me and my observations at my visit, I agree.
9. The main issues, which I have slightly refined from those that I set out at the start of the Hearing in light of the evidence submitted and discussion to refer specifically to the alterations to the Mews Building, are therefore:
 - i) the effect of the proposed alterations to the Mews Building on the character and appearance of the host building, Queensberry Mews West and the Queen's Gate Conservation Area;
 - ii) the effect of the proposed alterations to the Mews Building on the significance of the Grade II listed building known as Nos 127-134 Queen's Gate SW7; and
 - iii) the effect of the proposed alterations to the Mews Building on the living conditions of the occupiers of neighbouring dwellings in respect of noise and disturbance on occupation of the development.

Reasons

Conservation Area

10. The appeal site is located within the Queen's Gate Conservation Area ('the CA') and I have paid special attention to the desirability of preserving or enhancing

² Application refs NMA/23/08151 and NMA/24/02771

the character or appearance of this area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA').

11. The CA includes the Natural History, Science and Victoria and Albert Museums and some commercial properties but is predominantly residential. The Queen's Gate Conservation Area Appraisal 2020 ('the CAA') notes that residential buildings typically date from the late Georgian period to the mid-twentieth century and comprise groups ranging from grand terraces to more intimate mews houses. I saw that the limited palette of materials and the visual rhythm that results from the groupings of buildings of similar scale, design and proportions provide for a strong sense of coherence and attractive streets. Together with the mix of buildings of differing scale and status and the juxtaposition of different groups against one another, this adds much to the distinctiveness of the area.
12. Insofar as it relates to this appeal, I consider the CA to derive significance from the quality of the buildings, many of which are historic, as well as the architectural rhythm and coherence of the streets and the pattern of development which reflects the origins of the area as a planned townscape.
13. The Cromwell Road Building is part of a group of imposing five-storey over lower ground level Italianate terraces of the same design and detailing which make a positive contribution to the CA. The Mews Building sits to the rear of the terrace. At the time of my visit, rebuilding works were in progress under the Parent Permission, but the Council's evidence referred to the former building as out of character and incongruous in the context of the wider Mews and photographs show unsympathetic modern alterations including to fenestration. Nevertheless, the CAA comments that buildings on Queensberry Mews West are 'finished with a simple parapet and flat stone coping behind which sit unaltered pitched roofs providing a clean and uniform termination to the group'. The roof to the Mews Building included a small hipped section, but still followed the general roofline along the street. As a result and as part of a group of modest mews properties sitting behind surrounding principal terraces which is part of the pattern and hierarchy of development, I consider the former Mews Building to make some contribution to the significance of the CA.
14. The Council has not raised concerns about the amendments now proposed to the Parent Permission to lower the eills of two first-floor windows to the rebuilt Mews Building and I am satisfied that the resulting windows would be suitably sympathetic to the host building and CA.
15. Under the Parent Permission, the roof to the Mews Building would be hipped or pitched and of similar height to the adjacent Mews properties. As now proposed, there would remain a pitched roof to No 1, but No 2 would have a mansard. This would be the only mansard on Queensberry Mews West. It would increase the height of No 2 above other buildings along the street and result in a three-storey building in contrast to the two-storey height of the other properties. The development would be visible including in longer views along the Mews.
16. However, No 2 sits at the head of the northern branch of Queensberry Mews West, perpendicular to buildings lining either side of the street. Although No 2 would be taller than its neighbours and would not follow the existing roofline, the central positioning means that there would remain a sense of symmetry and balance to the composition of the street overall.

17. Moreover, the building at the head of the southern branch of Queensberry Mews West is of greater height and scale than its neighbours. I appreciate that it is distinguished from others on the street by its different form, architectural style and materials. Even so, the presence of a building of greater height and scale sitting at the head of the Mews would not therefore be exceptional.
18. I accept that the proposal would reduce uniformity along the Mews but I find given these factors and noting the relatively modest increase in the height of No 2 against its neighbours that the greater height of the development would not be jarring. In my judgement, the change in roofline in this position would not stand out conspicuously or harmfully disrupt the impression of an ordered form and architectural composition to the Mews group as a whole.
19. In terms of the detailed design of the mansard, it would span much of the width of No 2 to extend behind the roofs of 1 and 3 Queensberry Mews West and would include dormers which would be positioned overlapping the front facades of these neighbours. However, I note that the roof of the pre-existing building also extended behind the adjacent roofs, as would the roof approved under the Parent Permission. The Parent Permission development additionally includes rooflights which would overlap with the front facades of the neighbours, similar to the dormers. In this context and notwithstanding the different design of the roof now proposed, I am satisfied that the relationship of the mansard roof and dormers with neighbouring buildings would not appear unacceptably awkward or discordant.
20. The dormers themselves would align with the first-floor windows below. The glazing would be of lesser width than windows to the centre of the first-floor and while it would be of only slightly lesser height, screening of the lowest part by the parapet would reduce the visible extent of glazing. In addition, the first-floor windows have arched brick headers while the dormers would be of plainer design with simple flat heads. I consider that these factors in combination would provide sufficient distinction to respect the hierarchy of fenestration to the Mews Building and with their very modest depth would ensure that the dormers would not appear over-large.
21. The Council argues that the roof would be steeper than a traditional mansard and that it would lack knuckle points to the rear. The stepped footprint with shallower sections to either side would also be atypical. However, the shallower sections would be behind the roofs of the adjacent buildings which would restrict views of them, particularly from street level. I accept that screening would not be complete, but the relationship would considerably limit appreciation of the stepped form such that I consider the roof would not be perceived as disjointed. Similarly, the relationship with buildings on Cromwell Road means that there would not be public views of the angle and lack of knuckle points to the rear slopes of the roof.
22. While there would be greater opportunities for views of the front of the mansard, it would otherwise be traditionally detailed and would be clearly read as a mansard. It would be set back from the parapet to the front with a small but nevertheless distinct gap and would be of comparatively lesser height than the first-floor of the building. Whether or not they are historic features, I also saw that mansards of varying form and design are present to many of the buildings on other mews streets in the CA and are thus a feature of the area.

23. Overall, I am satisfied that the mansard would not appear overly bulky or excessive so as to dominate the proportions of the host building or wider Mews and it would not stand out or draw the eye unduly. In my judgement, the host building would be clearly read and understood as a converted mews building and the development would be suitably sympathetic to the architectural composition of the street.
24. Furthermore, the modest increase in the height of No 2 would cause only a minor reduction in the visible extent of the closet wings to the rear of neighbouring principal terraces which would still be clearly legible and appreciable as features of the buildings. The closet wings would also remain notably taller than the Mews Building, with the main parts of the terraces much taller still. I find that the Mews Building would retain a pronounced impression of subservience to the principal terraces around it and that the separation, both physical and visual, and contrast in scale, character and hierarchy between these groups of buildings would not be meaningfully eroded.
25. Drawing matters together, Policy CD12 of the NLPR outlines that additional storeys on terraces or groups of buildings where the existing roof line is unimpaired by extensions will be resisted. Insofar as the proposal would alter the existing roofline along Queensberry Mews West, it would be contrary to this policy and the greater scale of the building would erode the sense of uniformity along the street which contributes to the character and appearance of the CA. In addition, the profile and stepped footprint of the mansard would be somewhat atypical and would not therefore fully respect the existing context, character and appearance as sought by Policy CD1.
26. Be that as it may, I am satisfied for the reasons above and having regard to the specific circumstances of the proposal that the development would not appear discordant or conspicuous. Further, the architectural symmetry and impression of coherence to the Mews and the pattern and hierarchy of built form in the CA would not be harmfully undermined. Overall, I consider the development would be generally sympathetic to the form and character of the host building and group as sought by Policy CD12 and would assimilate suitably with its surroundings as sought by Policy CD2. It would further preserve views in the CA in accordance with Policy CD15.
27. While the proposed alterations to the Mews Building would not entirely preserve the character and the appearance of the CA as sought by Policy CD4, I find as a result that the harm to the significance of the CA would be very limited and certainly less than substantial in the terms of the Framework.
28. Where a proposal would cause less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal. I return to this matter in my planning balance below.

Listed Building

29. The appeal site adjoins a Grade II listed building at Nos 127-134 Queen's Gate. I have therefore considered the proposal in accordance with section 66(1) of the LBCA which requires special regard to the desirability of preserving listed buildings and their setting.

30. Nos 127-134 Queen's Gate comprises a terrace of five-storey houses with basements and attics which the CAA dates to 1871. To the front, the regular arrangement of fenestration and consistent detailing including Doric porches, canted bays and first-floor balconies with balustrading provides for an architecturally coherent assembly and an attractive uniformity. The fine detailing and ordered composition of the terrace which informs much of the special interest of the listed building is most clearly appreciated from Queen's Gate. The rear elevations are more utilitarian and alterations are apparent, including notable extensions to Nos 127-130. However, the historic arrangement of closet wings remains generally legible and in my view, the rear of the listed building does make some, albeit limited, contribution to its special interest.
31. The much more modest mews properties on Queensberry Mews West to the rear also provide an important counterpoint to the imposing terrace as part of the hierarchy of the planned townscape. This underlines the historic status of the listed building which also has a relationship with similar terraces nearby, including 43-57 Cromwell Road. Insofar as it forms part of the planned townscape around the listed building and the Mews Building allows views and appreciation of the upper parts of the rear of the closest sections of the terrace, I consider the appeal site to make some contribution to the significance of the listed building as part of its setting.
32. The mansard roof proposed to the Mews Building would alter the roofline and form of the Queensberry Mews West assemblage. However, I have already found above that the arrangement of the Mews group would remain balanced and that the composition and appearance of the street would not be harmfully disrupted.
33. I have further found that the Mews Building would retain a pronounced impression of subservience to the surrounding principal terraces which include the listed building, and that the separation, both physical and visual, and contrast in scale, character and hierarchy between these groups of buildings would not be meaningfully eroded. The position of the mansard also means that it would not preclude views of the rear of the listed building or the ability to appreciate it in any meaningful way.
34. For these reasons, I am satisfied that the proposed alterations to the Mews Building would not adversely affect the ability to appreciate Nos 127-134 Queens Gate within its setting and I conclude that the significance of the listed building would be preserved. In this respect, I find no conflict with the Framework nor with Policies CD1, CD2, CD3, CD5, CD10 or CD12 of the NLPR insofar as they include requirements broadly seeking to preserve or enhance the significance of heritage assets and development that respects its context, including historic characteristics.

Living Conditions

35. The proposal would provide 5 additional hostel rooms within the Mews Building, an increase from 7 to 12 rooms. The appellant's Transport Note indicates that residents of these rooms would be expected to generate an average of one additional movement in any given hour and that regular or planned delivery and servicing for the already approved development would also meet demand from these rooms. There is no substantive evidence before me disputing this

assessment, and in my view it would be reasonable. Accordingly, additional movements associated with the proposal would be likely to be very low.

36. Moreover, the appellant has proposed that the majority of comings and goings for the whole development would be via Cromwell Road with only plant, refuse and cycle storage accessed from Queensberry Mews West. To ensure this, a planning condition is suggested to require submission and adherence to an Operational Management Plan ('an OMP') setting out details of how the site would be managed by the operator, including the management of residents' access and use of the Mews.
37. Taking these factors together, I consider a tangible increase in noise or disturbance to occupiers of Queensberry Mews West from comings, goings or other activity on the street in comparison to the Parent Permission would be unlikely. In fact, noise or disturbance from these sources could be reduced given that the Parent Permission is not subject to a planning condition requiring an OMP, nor any other mechanism that might formally restrict access to the development or use of Queensberry Mews West.
38. In terms of noise from within the development, I note that the rooms would be occupied on shorter timescales than a typical dwelling, particularly outside of the academic year when they would provide for short stays. Nevertheless, they are single rooms of relatively modest size, and the OMP could provide details of how residents' behaviour on the site would be monitored and managed. Furthermore, the Council has not disputed the appellant's evidence that a noticeable subjective increase in the perception of noise levels would correspond to a doubling of the number of noise sources. The 5 additional rooms that are now proposed would not double the number of rooms on the site, even taking the Mews Building part of the development in isolation. On this basis, and subject to planning conditions requiring an OMP and sound insulation to the fabric of the building as it is now proposed, I find that a noticeable increase in noise and disturbance would be unlikely.
39. For these reasons, I conclude that the proposed alterations to the Mews Building would not give rise to a harmful increase in noise or disturbance on occupation of the development so as to detract from the living conditions of the occupiers of neighbouring dwellings. I therefore find no conflict with Policies CD9 or GB8 of the NLPR which seek, amongst other things, to ensure good living conditions for occupants of neighbouring buildings and to avoid unacceptable noise or disturbance impacts.

Other Matters

40. The main parties agree that the development approved under the Parent Permission would enhance the contribution that the appeal site makes to the significance of the CA and the listed building at Nos 127-134 Queen's Gate. Noting that it includes the removal of unsympathetic alterations and reinstatement of features to the Cromwell Road Building and based on the evidence before me and my observations at my visit, I concur with this view.
41. The appeal site is also in the vicinity of other listed buildings, and particularly the Grade I listed Natural History Museum, Front Lodge and Gates, Gatepiers and Railings and the Grade II listed 53-64 Queen's Gate SW7.

42. Insofar as it relates to this appeal, the Natural History Museum, Front Lodge and Gates, Gatepiers and Railings derive significance and special interest from the architectural interest associated with the well-preserved buildings of exceptional design quality and execution, their interior features and the historic interest associated with the function and cultural role of the site. The listing description notes that there is also group value with the Victoria and Albert Museum and numerous other listed buildings nearby. Along with these listed buildings, I consider the surrounding townscape to make a generally positive contribution to the significance of the listed building as part of its setting, both in terms of the quality of the buildings and the illustration of development around the Great Exhibition estate.
43. Insofar as it relates to this appeal, Nos 53-64 Queen's Gate derives special interest and significance from its architectural and historic interest as a well-preserved and ordered group of mid-Victorian townhouses. As with the Museum, I consider the surrounding townscape to make a generally positive contribution to the significance of the listed building as part of its setting.
44. The appeal site is part of the surrounding townscape to the listed buildings. I agree with the main parties that the development approved under the Parent Permission would enhance the contribution that the appeal site makes to the significance of both listed buildings as part of their setting. There would be no direct intervisibility with the Mews Building on the site, and I find that the changes to this part of the development would preserve the setting and significance of the listed buildings. Overall, I therefore consider that the proposal would benefit these nearby listed buildings.
45. The appellant has provided a Daylight and Sunlight Assessment ('DSA') which indicates that there would be a slight reduction in sunlight to one window of 49 Cromwell Road. However, I agree with the main parties that there would not be any significant effect on living conditions for occupiers of this building overall. I note that the DSA does not include an assessment of daylight or sunlight effects on rooflights or on 3, 5 or 7 Queensberry Mews West. However, it demonstrates that there would be no harmful loss of light to windows of 4 and 6 Queensberry Mews West which are most likely to be affected given their proximity to the proposed mansard and their lower height and vertical positioning in the facades of the buildings in comparison to rooflights. As a result and given the greater separation to other properties along the Mews, I am satisfied that the proposal would not cause a harmful loss of light to any neighbouring occupiers. I further consider that the modest increase in the height of the Mews Building in this position would not adversely affect outlook for any neighbouring properties.
46. I acknowledge representations referring to disruption during ongoing development on the site, but any impacts associated with the appeal proposal would be short term and I have no firm reason to find that they could not be mitigated by careful construction management secured by an appropriately worded condition. They would not therefore constitute reasonable justification to withhold planning permission.
47. I have also noted comments by an interested party regarding the applicability of my reasoning to all buildings on the Mews. However, each application and appeal must be determined on its individual merits and my conclusions in this

case are reached according to the particular circumstances of the site, proposal and evidence before me.

Planning Balance

48. I have found that the proposed alterations to the Mews Building would preserve the special interest of the Grade II listed building at Nos 127-134 Queens Gate and that there would not be harm to the living conditions of neighbouring occupiers through noise or disturbance on occupation of the development. Nevertheless, I have found that there would be harm, albeit very limited, to the significance of the CA through erosion of the uniformity of Queensberry Mews West and the uncharacteristic profile and stepped footprint of the mansard.
49. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The harm to the CA would be very limited and less than substantial in the terms of the Framework, but I give it considerable importance and weight.
50. Although I have found that the alterations now proposed to the Mews Building would result in harm to the CA, the Council does not dispute that the wider development approved under the Parent Permission would offer heritage benefits to the significance of the CA and nearby listed buildings. However, it argues that these benefits have already been secured. Other public benefits that the appellant has identified including the improvement of existing hostel accommodation on the site, improvements in energy efficiency, provision of additional residential accommodation and economic benefits associated with construction or occupation would also be delivered either fully or in large part by the Parent Permission.
51. Be that as it may, the appeal would provide for 5 additional hostel rooms on the site which would be suitable for students. The Council's Local Housing Need Assessment ('the LHNA') for the NLPR does not identify an additional need for purpose built student accommodation in the Borough. However, it notes that this was because representatives of Imperial College had advised that it was focussing on out-of-borough stock and potentially divesting in-borough stock on grounds of expense, a lack of sites and a focus on development at White City and North Acton. At the same time, it refers to representations from Imperial College suggesting a need for 1,500 student bedspaces. Whether or not the College is itself looking out-of-borough to meet the need, the LHNA acknowledges that demand on student accommodation is likely to continue. In this context, it seems to me that the proposal could help to meet this demand on a site that will already provide accommodation suitable for students under the Parent Permission such that it would not compete with other forms of housing in the borough.
52. Moreover, the Statement of Common Ground ('the SoCG') sets out that the 5 additional rooms would equate to a contribution of 2 new homes for the purposes of the Housing Delivery Test. The contribution that this would make to the local housing supply would be small, but the SoCG records that the Housing Delivery Test 2022 shows delivery of only 53% of the target over the previous three years. It further notes that the Borough has a highly constrained housing land supply, and that Policy H01 of the NLPR now resists amalgamation

of existing self-contained homes in a change from the previous approach. While that provision is specifically concerned with losses of dwellings, it does to my mind highlight the importance of the cumulative effect of even single dwellings to the housing supply position overall.

53. The Inspector's report on the NLPR included comments that the Inspector was confident that the Council would be able to demonstrate a five-year supply of deliverable housing on adoption of the plan. However, that is against the target in the London Plan which the appellant highlights is less than assessed local housing need, and the Council accepted at the Hearing that there is an acute need for housing. The Framework also includes an objective to significantly boost the supply of housing, and advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. NLPR Policy H01 also refers to meeting or exceeding the specified housing targets.
54. With regard to these factors, I consider the additional contribution that the proposal would make to the supply of residential accommodation through making effective use of a brownfield site to be an important public benefit of the proposal and I afford it significant weight.
55. The mansard would also include a green roof. This would introduce urban greening as sought by the development plan, offer enhanced opportunities for wildlife and reduce run off which would benefit the Sustainable Drainage Strategy for the site. The extent of these benefits would be limited by the relatively small scale of the roof, but the dense urban surroundings would be likely to constrain other opportunities to deliver such benefits locally. In this context, I consider the green roof to be of value and to attract moderate weight as a public benefit of the proposal.
56. While I give considerable importance and weight to the harm that would be caused to the CA, the degree of harm would be very limited. Even if I were to disregard those public benefits of the development that would equally be secured by the Parent Permission, I consider in the particular circumstances of this case that the cumulative additional public benefits that would accompany the appeal scheme would be sufficient to outweigh the harm to the CA.
57. Accordingly, I find that there is a clear and convincing justification for the proposal in accordance with the Framework and similar provisions in Policy CD3 of the NLPR.
58. Moreover, while I have identified some conflict with aspects of Policies CD1, CD4 and CD12 of the NLPR, the results of the Housing Delivery Test mean that paragraph 11 d) of the Framework is relevant. Given my findings above, policies in relation to designated heritage assets would not provide a clear reason for refusing the development proposed. In my assessment, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, even when the benefits are confined to just those that the appeal proposal would offer over and above the Parent Permission.
59. On that basis, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework indicates that permission should be granted, and I conclude that material considerations would outweigh the conflict with the development plan.

Conditions

60. I have considered suggested conditions in light of the discussion and amendments proposed at the Hearing, and against the tests set out in the Framework. Where necessary, I have made minor amendments to the suggested conditions to ensure compliance with these tests or for clarity, brevity or consistency.
61. The Government's Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect but should not extend the time limit under which the original permission must be started.
62. In this case, the development has commenced and a time limit condition is therefore unnecessary. To reflect the details of development that is now proposed, I have however imposed a replacement condition specifying the relevant plan numbers (condition 2) which remains necessary for the avoidance of doubt and in the interests of certainty as well as a replacement condition referencing the updated drainage details (condition 20) which is necessary in the interests of flood risk. I have also imposed an additional condition which was not part of the Parent Permission (condition 22) requiring details of the mansard construction which is necessary in the interests of the character and appearance of the area.
63. Conditions 3, 7, 8, 9 and 11 remain relevant in the interests of the character and appearance of the area although I have incorporated an update to condition 11 to clarify that the requirements relate to the Mews Building. Condition 5 remains relevant in the interests of highway safety and neighbouring living conditions, but I have incorporated an update to include details of the Construction Traffic Management Plan that has been approved for clarity. Condition 10 remains relevant to support sustainable travel choices, although I have incorporated an update to indicate when cycle parking should be provided in the interests of certainty. Conditions 14 and 15 remain relevant in the interests of neighbouring living conditions. Conditions 16, 17 and 19 remain relevant to mitigate risks of land contamination.
64. Condition 4 of the Parent Permission required a development to be carried out in accordance with a previously approved Site Construction Management Plan and Checklist or subsequently approved versions. I have imposed a replacement condition which includes a requirement for updated construction management details to be approved before work on the mansard which I consider would be necessary to ensure that the additional works would not adversely affect highway safety or neighbouring living conditions.
65. Conditions 6, 12, 13 and 18 of the Parent Permission required submission of information for approval. The conditions have since been discharged, but the reasons for them remain relevant in the interests of highway safety and neighbouring living conditions (condition 6), the character and appearance of the area (conditions 12 and 13), and to mitigate risks of land contamination (condition 18). I have therefore imposed replacement versions to refer to adherence to the approved details.
66. In view of my findings on the third main issue and the changes to the development approved under the Parent Permission, a replacement condition requiring updated acoustic details (condition 21) and an additional condition to

require an OMP including provision to neighbouring occupiers of contact details for those responsible for day-to-day management of the hostel (condition 23) are necessary to safeguard neighbouring living conditions. Following the Hearing, the Council suggested an update to condition 23 to include details of the management of deliveries and servicing. However, these matters would be covered by condition 6 and I am unclear why it would be necessary to duplicate details within the OMP. I have not therefore included this requirement.

67. An interested party has additionally requested that the operator of the development enter into formal agreements with neighbouring residents in respect of how the site would be managed. However, the Council would be able to enforce the management of the development in accordance with the OMP under condition 23. While neighbours may desire a direct means of recourse, I am not persuaded that this would be necessary or reasonable in addition to condition 23. Such a suggested condition would not therefore meet the tests in the Framework and I have not imposed it.

Conclusion

68. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) (no longer applicable).
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out and completed in accordance with the following approved drawings:
Location Plan (No. A-000-001 Rev P1);
Block Plan (No. A-000-002 Rev P1);
Proposed Lower Ground Floor Plan (No. A-100-099 Rev P3);
Proposed Ground Floor Plan (No. A-100-100 Rev P4);
Proposed Ground Floor Mezzanine Plan (No. A-100-100M Rev P4);
Proposed First Floor Plan (No. A-100-101 Rev P4);
Proposed Second Floor Plan (No. A-100-102 Rev P4);
Proposed Third Floor Plan (No. A-100-103 Rev P4);
Proposed Fourth Floor Plan (No. A-100-104 Rev P4);
Proposed Fifth Floor Plan (No. A-100-105 Rev P4);
Proposed Roof Plan (No. A-100-106 Rev P4);
Proposed Section A-A (No. A-100-120 Rev P4);
Section B-B Proposed Section (No. A-100-121 Rev P3);
Section C-C Proposed Section (No. A-100-122 Rev P3);
Section D-D Proposed Section (No. A- 100-123 Rev P3);
Cromwell Road Elevation Proposed Front Elevation (No. A-100-140 Rev P3);
Queensberry Mews Proposed Rear Elevation (No. A-100-141 Rev P5);
Queensberry Mews Proposed West Elevation (No. A-100-142 Rev P3); and
Proposed Elevation and Plan of Front Lightwells (No. A-100-151 Rev P3).
- 3) Unless otherwise specified under the conditions below, all work and work of making good shall be finished to match the existing exterior of the buildings

in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

- 4) The development hereby permitted shall be carried out in accordance with the Appendix A Checklist and Site Construction Management Plan (SCMP) which was approved under permission ref. PP/22/01825 or in accordance with a subsequent Checklist or SCMP which have been submitted to, and approved in writing, by the Council's Construction Management Team.

Before work on the mansard roof to the Mews Building at 1-2 Queensberry Mews West commences:

- A. An updated Appendix A Checklist and Site Construction Management Plan for the development shall be submitted to, and approved in writing, by the Council's Construction Management Team, and then
- B. Copies of the approved Checklist and Plan, and their written approval, shall be submitted to the Local Planning Authority to be placed on the property record.

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved in writing under this condition.

- 5) The development hereby permitted shall not be carried out except in accordance with the approved Construction Traffic Management Plan prepared by TTP Consulting (dated February 2023) approved under condition discharge ref. CON/22/03962.
- 6) The development hereby permitted shall not be occupied or carried out other than in accordance with the Delivery and Servicing Management Plan prepared by Velocity Transport (dated March 2024) approved under condition discharge ref. CON/24/01587.
- 7) The roof slopes of the extensions hereby permitted shall be clad in natural slates, and so maintained.
- 8) The cheeks of the dormer windows hereby permitted shall be clad in lead and be so maintained.
- 9) The rooflights hereby permitted shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.
- 10) The development hereby permitted shall not be occupied until details of cycle parking and storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and storage facilities shall be fully implemented and made available for immediate use before the development is first occupied and shall thereafter be retained for use at all times.
- 11) External windows and doors to the Mews Building at 1-2 Queensberry Mews West shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes, and so maintained.
- 12) The development hereby permitted shall not be carried out except in accordance with the existing and proposed section and elevation drawings of the replacement windows and details including of the finish, double-glazed

units' thickness, reveal and cill approved under condition discharge ref. CON/23/06309.

- 13) The development hereby permitted shall not be carried out except in accordance with the details of the proposed brickwork and glazing in the rear lightwells approved under condition discharge ref. CON/24/01086 and the approved sample panels shall be retained on site until the work is completed in accordance with the panels so approved.
- 14) Noise emitted by all building services plant including from atmospheric vents shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when all plant is in use, where the plant noise source is tonal it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the Condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.
- 15) All building services plant located externally within the development shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the transmission of vibration and regenerated noise to within adjacent parts of the proposed buildings and these shall be so maintained thereafter.
- 16) The development hereby permitted shall be carried out in accordance with the Desk Study Report ref. 1523/DS prepared by Peter Baxter Associates (dated 16 August 2022), and be so maintained.
- 17) The development hereby permitted shall be carried out in accordance with the Proposed Intrusive Site Investigation Design ref. 1523/PSID 3.0 prepared by Peter Baxter Associates (dated 29th March 2023), and be so maintained.
- 18) The development hereby permitted shall be carried out in accordance with the Phase 2 Environmental Report ref. 1610/SI prepared by Peter Baxter Associates (dated 31 October 2023) and Addendum ref 1610/SI/A (dated 9 January 2024) approved under condition discharge ref. CON/23/07182, and be so maintained.
- 19) A. If during development work unexpected contamination is encountered or suspected, on each occasion development work shall cease in the affected area, other than for actions to make the area safe and prevent further contamination or pollution occurring. Unexpected contamination shall be reported to the Council within 2 working days or as soon as possible if there are significant risks to people or the environment.

B. Further Intrusive Site Investigation (FSI) shall be undertaken and a Remediation Statement (RS), addressing the unexpected contamination, shall be submitted to and approved in writing by the local planning authority. The FSI and RS shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates.

- 20) During construction of the development hereby permitted the submitted Sustainable Urban Drainage System (SuDS), prepared by Herrington Consulting Limited (dated March 2022) and the Addendum (dated August 2023) shall be fully implemented and maintained thereafter.
- 21) Prior to the first occupation of the development hereby permitted, the premises shall be sound insulated so as to prevent the transmission of excessive airborne and impact noise from and between the adjoining dwellings in accordance with an updated Acoustic Report which has first been submitted to and approved in writing by the Local Planning Authority. The Acoustic Report shall detail façade sound insulation, including glazing, which shall be of a standard to achieve noise levels within bedrooms and living rooms of the residential dwellings as recommended in Table 5 of BS 8233: 1999 (revised) 'Sound insulation and noise reduction for buildings – Code of Practice' and shall determine the current existing and predicted noise levels at the residential facades. The sound insulation measures shall be installed in accordance with the details so approved before the development is first occupied and shall be so maintained thereafter.
- 22) Before the work on the mansard roof to the Mews Building at 1-2 Queensberry Mews West commences, detailed section and elevation drawings of the mansard roof and associated dormers at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- 23) Prior to the first occupation of the development hereby permitted, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include measures to manage use of access points by occupiers and visitors to the site including to restrict use of Queensberry Mews West for access and egress and provision of contact details for those managing the site to neighbouring occupiers. The development shall be maintained and managed in accordance with the approved Operational Management Plan.

APPEARANCES

FOR THE APPELLANT:

Charles Banner KC	
David Maddox	Maddox Planning
Lucy Markham	Montagu Evans
Ross Raftery	Lichfields
Joseph Robson	AVR London
Kate Sandle	Studio Moren
Emilios Tsavellas	Development Director

FOR THE LOCAL PLANNING AUTHORITY:

Gabby Westley	Royal Borough of Kensington and Chelsea
Wade Banks	Royal Borough of Kensington and Chelsea
Phoebe Graham	Royal Borough of Kensington and Chelsea, Urban Conservation and Design

Preeti Gulati

Royal Borough of Kensington and Chelsea, Planning
Policy

INTERESTED PARTIES:

Gunjan Sharma

Local Resident

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

- HD1 AVR London Verified Views document, submitted by the appellant.
- HD2 Formatted and 'clean' version of the New Local Plan Review 2024.
- HD3 Updated suggested conditions, submitted by the Council.
- HD4 Letter dated 6 September 2024 containing comments on AVR London Verified Views document (HD1), submitted by the Council.
- HD5 Email of 18 September 2024 providing a response to the Council's comments (HD4), submitted by the Appellant.
- HD6 Email of 24 September 2024 confirming no comments on the updated suggested conditions (HD3), submitted by the Appellant.