
Appeal Decision

Site visit made on 18 February 2025 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/K5600/D/24/3356853

4 Cornwall Mews South, London SW7 4RZ

- 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 Lepista Estates against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02080.
 - The development proposed is described as 'creation of mansard roof to form second floor, similar to that approved at 8 Cornwall Mews South under PP/22/01124. Other alterations to front and rear elevations similar to those previously approved at 4 Cornwall Mews South under PP/18/03382 and PP/21/04997.'
-

Decision

1. The appeal is allowed, and planning permission is granted for development described as 'the creation of mansard roof to form second floor, similar to that approved at 8 Cornwall Mews South under PP/22/01124. Other alterations to front and rear elevations similar to those previously approved at 4 Cornwall Mews South under PP/18/03382 and PP/21/04997', at 4 Cornwall Mews South, London SW7 4RZ, in accordance with the terms of the application, PP/24/02080, subject to the conditions set out in the attached schedule.

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.

Main Issues

3. The main issues are a) whether the proposals would preserve or enhance the character or appearance of the Cornwall Conservation Area; and b) its effect on the living conditions of neighbouring occupiers.

Reasons for the Recommendation

The Cornwall Conservation Area (CA)

4. The significance of Cornwall Mews South (the Mews) is derived in part from their historical association with the age of horses and carts as well as their current architectural form. They have distinctive patina associated with their age, are small scale and of limited single plot width. They have wide carriage openings with bressummer lintels, small sash windows, chimney stacks, simple slate roofs and front onto a cobbled street. Some original features remain, albeit some rebuilding has taken place as well as additions such as mansards, inconsistent painting and

metal garage doors. The west section of the Mews on the other side of the highway to the appeal site is better preserved. The appeal building is a double storey, double width, terrace property, forming part of the eastern side. The Mews are located behind the tall and imposing houses of Cornwall Gardens, Southwell Gardens and Gloucester Road.

5. The Mews does have a pleasant ambience; however, the consistency and originality of their pattern has been lost to time, particularly on the appeal building's side. This is despite the reinstatement of a few original style first floor bressummer lintel supports and some parapet cornices. The roof line of the Mews is distinguished mainly by a parapet wall which is interrupted by a number of fences and trellises which are disjointed and lacking in any style or pattern. They clutter the roofscape. The parapet reduces the visibility of the mansard at Number 8.
6. The roof of the appeal property is a butterfly shape. Adjacent one side is a flat roof which appears to be boarded out and with a glazed, opening roof door. Further beyond there is another property undergoing renovations that appears to have a large flat roof and a significant amount of scaffolding towering above. To the other side there appears to be a number of roof gardens with associated residential paraphernalia and at one property there is a mansard style roof extension, discernible from the roof terrace of Number 3 as a squat gable wall.
7. The CA appraisal notes the simplicity and originality of the roof scape of the mews and the positive contribution it makes. That said, and on the appeal building's side particularly, that roofline has been substantially eroded to the above developments. It is therefore inconsistent and lacks any pattern or originality. Given the rear elevation set back of the proposed mansard it would not constitute an 'oversized' one. Taken together with the loss of much of the significance of the roof scape described above, the proposed mansard in this case would not harm the character or appearance of either the appeal building, or the significance of the CA.
8. Consequently, both its character and appearance would be preserved. As such, the appeal scheme would comply with Policies CD1, CD2, CD3, CD12 and CD15 of the Kensington and Chelsea Local Plan 2024 (the Local Plan) and the relevant paragraphs of the National Planning Policy Framework 2024 (the Framework) which, amongst other things, seek to ensure well-designed, high-quality development that preserves the character or appearance of the historic environment.

Living Conditions

9. The properties at Southwell Gardens have rear elevations that are opposite to the rear elevation of the appeal property, and in some instances, there are windows in very close proximity. There is a mutual sense of enclosure due to this proximity and an existing amount of mutual overlooking. Overlooking is not an element of the refusal.
10. There is an existing parapet wall to the rear of the appeal property which is at a level equal to the top of window 8 as depicted in the Waldram Diagram (WD). There is also an extant planning permission for the construction of a roof garden and its associated screening which would raise the level of the parapet above the existing.

11. Due to its proximity, window eight would be the most affected of any of the windows at Southwell Gardens. The proposal would be perceptible. However, given the set back of the proposed mansard and the screening for the already approved roof garden there would be no harmful increase in the sense of enclosure above that which already exists for any of the windows depicted in the WD.
12. The occupiers of Numbers 3 and 6 the Mews, adjacent and either side of the appeal building, would be presented with a gable end when on their flat roofs. Given the open nature of the roofs and the remaining ability to see forwards, backwards and up, the proposal would not present an unacceptable sense of enclosure to the detriment of their outlook. Accordingly, it would not harm the living conditions of neighbouring occupiers. Subsequently it would comply with Policy CD9 of the Local Plan and the relevant paragraphs of the Framework, in so far as they seek a well-designed, high-quality development that respects the living conditions of neighbouring occupants.

Other Matter

13. Statutory nuisance and party wall agreements are civil matters and should be resolved outside of the scope of this appeal.

Conditions

14. In addition to the standard three-year period for implementation it is necessary, in the interest of certainty and enforcement, to define the plans with which the appeal scheme should accord.
15. The Council have suggested a condition requiring that the external windows and doors hereby permitted to be timber framed and painted, with the windows being double hung, white painted, sliding sashes, and so maintained. Given the scheme sits within the CA and the negative perspective of metal garage doors in the appraisal, this is necessary. As are details of the external materials. They can be secured by the same condition. The use of natural slate for the roof and conservation style roof lights are shown on the approved plans and thus addressed by the relevant condition.
16. There is an extant planning permission for the use of the roof of the building as a garden. Any condition restricting such would be unreasonable. Any other balcony or raised platform here or above would require planning permission. In terms of plant, tanks and other additions to the mansard, I have set out a restriction thereon, in the interests of the visual qualities of the wider CA.
17. Privacy was not an issue for the Council. There is existing mutual overlooking at the rear of buildings and the scheme seeks to extend the roof. The changes to the existing windows are where windows already exist. I therefore remain to be convinced that obscure glazing, beyond any shown on the approved plans, would be justified. Similarly, and given the scheme is for the extension of an existing dwelling, it is reasonable to conclude that drainage would be handled by connection to the building's existing arrangements.
18. The site is a residential street in a built-up area. Therefore, a Construction Method Statement is necessary to minimise disturbance to neighbours.

Conclusion and Recommendation

19. For the reasons given above, the appeal scheme would comply with the development plan and should thus be allowed, subject to the conditions attached.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out below.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AG244_4 (Location Plan); 020-02 rev. B (Proposed Elevation 01 Street); 022-02 Rev. B (Proposed Elevation 3 Rear); 030-02 rev. B (Proposed Section A); 031-02 rev. B (Proposed Section B); 032-02 rev. B (Proposed Section C); 001-02 rev. B (Proposed Ground Floor Plan); 002-02 rev. B (Proposed First Floor Plan); 003-02 rev. B (Second Floor Plan) and; 004-02 rev. B (Proposed Roof Plan).
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted, which shall include those to be used in the construction and finish of the external windows and doors, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No water tank, lift motor room, other plant or equipment, moveable items of garden furniture, moveable planters or pots or other structure or appliance, shall be erected, placed, and/or installed upon the roof of the mansard extension hereby permitted.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall provide for:
 - i) the parking of vehicles of site operatives and visitors.
 - ii) loading and unloading of plant and materials.
 - iii) storage of plant and materials used in constructing the development.
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - iv) measures to control the emission of dust and dirt during construction.
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - vi) delivery, demolition, and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.