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## Appeal Decision

Site visit made on 6 June 2025

**by Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 June 2025**

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**Appeal Ref: APP/K5600/W/25/3358374**

**61-65 Kensington Church Street, Kensington and Chelsea, London W8 4BA**

- 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 Bristol Properties against the decision of the Royal Borough of Kensington and Chelsea.
  - The application Ref is PP/24/06138.
  - The development proposed is 'Rear extension at first floor level to create additional office space'.
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### Decision

1. The appeal is allowed, and planning permission is granted for a rear extension at first floor level to create additional office space at 61-65 Kensington Church Street, Kensington and Chelsea, London W8 4BA in accordance with the terms of the application, Ref: PP/24/06138 and subject to the conditions in the attached schedule.

### Main Issues

2. The main issues in this appeal are:
  - The effect of the proposed development on the living conditions of the occupants of adjacent properties at Bullingham Mansions and 31 and 32 Campden Grove with particular reference to light spillage and outlook; and
  - Whether the proposal would achieve the appropriate fire safety standards.

### Reasons

#### *The effect on living conditions*

3. Policy GB10 of the Local Plan<sup>1</sup> (LP) states that development must not create an unacceptable impact from light glare and spill on neighbouring properties. The supporting text to this policy explains that the Council will require lighting assessments to demonstrate compliance with this policy and that it will use the relevant professional standards, such as those set out by the Institute of Lighting Professionals (ILP), as a guide to assess light impacts.
4. To this end, the appellant has submitted a light spill report. There is nothing before me to demonstrate the authors of the report are not experts in this field. The report is also informed by relevant technical guidance notes including GN01:2021<sup>2</sup>,

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<sup>1</sup> New Local Plan Review July 2024

<sup>2</sup> Guidance Note for the Reduction of Obtrusive Light

several ILP Notes<sup>3</sup>, BRE DG:529<sup>4</sup> and British Standards. Indeed, the Council has not advanced any substantive technical critique of the methodology employed in the Light Spill Report or adduced evidence of its own. It is therefore reasonable to afford the assessment significant weight in my considerations.

5. Due to the residential nature of the buildings to the rear of the appeal site, the authors of the Light Spill Report have applied criteria for City Zone E4/3 (Urban Low). Again, the Council has not directly criticised this approach. The urban characterisation is reasonable given the dense, mixed use and built-up nature of the area. The 'low' categorisation is appropriate as the exposure of residential properties increases the significance of any potential effect. Within this zone, the Light Spill Report has adopted a stringent recommended maximum light spill of 10 lux pre curfew and 2 lux post curfew. The curfew being 11pm.
6. The assessment has considered the possible light impacts on a worst-case scenario using specialist software. Diagrams have been provided to demonstrate the effect on the occupants of the nearest properties at Bullingham Mansions, 31 Campden Grove and 32 Campden Grove. Light spillage from the proposed development to the windows of all these properties would not exceed the recommended maximums. In fact, only 0.6 lux would reach the face of Bullingham Mansions and 32 Campden Grove both pre and post curfew. Light spillage to the windows at 31 Campden Grove would be slightly higher with some receiving up to 1.875 lux, but this would still be below the recommended maximum. Light spillage would exceed the recommended maximum at the top of the fence immediately to the west of the proposed extension, but the exceedance covers a small area that is not sensitive to lighting. As such, there would be no adverse impact on living conditions caused by disturbance from light spill or glare.
7. In coming to this view, I have carefully considered the concerns raised by a previous Inspector<sup>5</sup> when determining an appeal for a similar proposal at the appeal site. However, the scheme before me is materially different to that previously dismissed because the west facing windows have been made much smaller with light baffled by sails/blades, and the window previously proposed in the southern elevation facing the light well to Bullingham Mansions removed. Accordingly, the scheme now proposed would have a markedly different effect and would not require the mitigation previously proposed, such as fitted blinds. The alterations are minor in scope but significant nonetheless as a harmful impact would be avoided. I am also mindful that the Council's Environmental Health Officer did not object to the proposal.
8. The Council have stated that it remains of the view that the proposal would result in adverse light glare despite the conclusions of the Light Spill Report. However, it has not explained why lower pre and post curfew maximums should be applied. The report refers to outdated development plan policies and guidance from other boroughs, but that does not alter the findings regarding light levels at the windows of neighbouring properties. Overall, the impact would not be 'unacceptable' within the terms of Policy GB10 for the reasons outlined above.
9. When considering the previous appeal, the Inspector came to a clear conclusion that the proposed extension would not harm the outlook from any of the

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<sup>3</sup> PLG02, PLG03 and PLG04

<sup>4</sup> Building Research establishment Obtrusive Light from Proposed Development

<sup>5</sup> Appeal reference APP/K5600/W/23/3321981

neighbouring properties, both windows and gardens. This was on account of the modest height of the extension, the distance between it and nearby windows, the dense urban context, the existing disposition and scale of buildings and the set back of the extension from existing eaves lines as a means of softening the massing. These findings, which I share, are equally applicable to the scheme before me because of the considerable similarities between the massing. Like applications should be considered in a like manner.

10. A tree has been felled since the previous appeal decision and this will open views from Bullingham Mansions to the appeal site. However, this does not alter the findings regarding the effect on outlook. Indeed, the previous Inspector did not conclude that the lack of harm to outlook was on account of the tree being in situ.
11. In conclusion, the proposal would not have an unacceptable impact on account of light spill and nor would it result in a harmful effect on outlook. Neighbouring properties would therefore retain good living conditions in what is a dense urban area. The proposal would therefore adhere to Policies GB10 and CD9 of the LP.

#### *Fire safety standards*

12. Policy CD16 of the LP states that planning applications must have a Planning Fire Safety Strategy (PFSS) submitted. The appellant did not provide one with the application but has with the appeal<sup>6</sup>. The Council has not raised any concerns with its content, which can be secured via the imposition of a planning condition. As such, the proposal would adhere to Policy CD16.

#### **Other Matters**

13. The appeal site is in the Kensington Conservation Area (CA). The delegated report has assessed the effect of the proposal on the significance of the CA and has found no adverse impact. This is due to an acceptable massing, design and use of materials and because the proposal would not harm either private or public views. I share these findings. As such, the proposal would preserve the character or appearance of the CA. Similarly, I share the view of the Council that the proposal would not harmfully erode the privacy or extent of day and sunlight at neighbouring properties on account of the low profile and set back. Substantive evidence is not before me to demonstrate the proposal would have an adverse impact on noise. Office uses are normally compatible with residential development in this respect.
14. Concerns have been raised that the existing office is empty and consequently more floor space is unnecessary. However, the appellant does not need to demonstrate that the scheme is necessary to make it acceptable in planning terms. This is because my assessment must focus on the effects of the scheme. Limited detail has been provided regarding exterior plant, but this is unnecessary as the application does not seek permission for such.
15. Concerns have been raised about security in the building from the entrance being shared by the commercial and residential users of the building. This arrangement is not best practice, but I share the view of the Council that as this is the current arrangement the extension would not be harmful in this instance. Moreover, some of the security concerns relating to operational matters, such as key codes being shared and doors being left open, could be rectified without this appeal being

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<sup>6</sup> Fire Risk Strategy Report prepared by DBA Risk Management dated 30 December 2024

dismissed. There are other concerns with how the building is managed but these fall outside the scope of this appeal.

### **Conditions**

16. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. In addition to the standard commencement period, it is necessary to impose a drawings condition in the interests of certainty. To safeguard the character and appearance of the area it is necessary for external making good to match the existing buildings.
17. To protect living conditions in this dense location, it is necessary to secure a site construction management plan for what is a Category 2 development<sup>7</sup>. The Council's preferred mechanism for a construction management plan is to use a bond but the appellants consider this to be unnecessary. The condition I have imposed simply requires a construction management plan. Whether this should include a bond will be something for the Council and appellant to discuss. The condition is pre commencement because it relates to construction matters. For the same reason it is necessary to ensure the external sails are installed prior to occupation to prevent light spill.
18. I have already explained why it is necessary to impose a condition requiring adherence to the Fire Risk Strategy Report. I have added the tailpiece 'unless otherwise agreed in writing by the local planning authority' to allow flexibility if any minor points of detail need to be amended.

### **Conclusion**

19. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has succeeded.

*Graham Chamberlain*  
INSPECTOR

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<sup>7</sup> Paragraph 4.77 of the LP

### **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in complete accordance with the following approved plans and thereafter maintained: Plan: Site Location (150416-D-001A), Plan: Site Proposed (150416-D-020B), Plan: Level 1 Demolition (150416-DM-202), Elevation West Demolition (150416-DM-212A), Section A-A (150416-DM-215A), Plan: Basement Plan (150416-D-201C), Plan: Ground Plan (150416-D-200C), Plan: First Plan (150416-D-202E), Plan: Level 2 Proposed (150416-D-203E), Plan: Level 3 Proposed (150416-D-204E), Plan: Level 4 Proposed (150416-D-205E), Plan: Roof Proposed (150416-D206E), Elevation: East Proposed (150416-D-210A), Elevation: North Proposed (150416-D-211C), Elevation: West Proposed (150416-D-212C), Elevation: South Proposed (150416-D-213D), Section: A-A Proposed (150416-D-215D), Section: B-B Proposed (150416-D-216A).
3. The hereby approved office accommodation shall not be occupied until the external sails/blades across the windows and obscured glazing have been fully installed in accordance with the approved plans and the Light Spill Report by Point 2 Surveyors Ltd. The sails and obscured glazing shall thereafter be retained in the approved form.
4. All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
5. No development shall commence until a Site Construction Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved Site Construction Management Plan.
6. The development hereby approved shall be implemented and operated in full accordance with the Fire Risk Strategy Report prepared by DBA Risk Management dated 30 December 2024 unless otherwise agreed in writing by the Local Planning Authority.

### **End of schedule**