



Appeal Decisions

Site visit made on 2 July 2025

by **Paul Thompson DipTRP MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal A: APP/K5600/W/24/3356904

4 Sloane Terrace, Kensington and Chelsea, London SW1X 9DQ

- 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 TFG Asset Management UK Ltd against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02144.
 - The development proposed is use of existing ground floor flat roof as a roof terrace with the installation of an acoustic screen.
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Appeal B: APP/K5600/Y/24/3356905

4 Sloane Terrace, Kensington and Chelsea, London SW1X 9DQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by TFG Asset Management UK Ltd against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is LB/24/02145.
 - The works proposed are use of existing ground floor flat roof as a roof terrace with the installation of an acoustic screen.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and listed building consent is granted for use of existing ground floor flat roof as a roof terrace with the installation of an acoustic screen at 4 Sloane Terrace, Kensington and Chelsea, London SW1X 9DQ in accordance with the terms of the application Ref LB/24/02145 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.
 - 2) No works associated with the proposal shall commence before detailed drawings in respect of the timber screening (scale 1:10) and samples of materials, shall have been submitted to and approved in writing by the local planning authority. The works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.

Preliminary Matters

3. The Council has confirmed that the policies from the Local Plan 2019 referred to on its Decision Notices have been superseded by policies from the Royal Borough of Kensington and Chelsea New Local Plan Review July 2024 (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that LP Policies CD5, CD9, and GB8 are the policies relevant to the determination of the appeals. The appellant is aware of and has referred to them in the appeal.

Main Issues

4. The main issue relevant to Appeals A and B is whether the proposal would preserve a Grade II listed building, 'Sedding Telephone Exchange', or any features of special architectural or historic interest which it possesses.
5. The main issues relevant to Appeal A are the effect of the proposal on the living conditions of neighbouring occupiers, regarding privacy, noise and disturbance.

Reasons

Listed Building (Appeals A and B)

6. The appeal site concerns Sedding Telephone Exchange, a Grade II listed building¹ which is now simply known as 4 Sloane Terrace. It was built as such in 1924 to a design by John H Markham for the Office of Works. As a former municipal building of its time, it has a simple, yet dignified, appearance with restrained Neo-Georgian architectural embellishments vertically to numerous window surrounds, and horizontally with extruded banding between the ground and first floors and to its cornice above the second floor. These dutifully adorn the key public façades to Sloane Terrace and Sedding Street.
7. The building was listed in November 2001 but, relatively soon after, the Council granted planning permission for it to be converted and considerably extended to the rear and above with an additional storey for office use². This is complimentary to the form and appearance of the original building but significantly more simplistic in its detail and built in contrasting yellow brick. This was perhaps deliberate given it is not seen in the same context, and it reinforces a hierarchy to the façades, with greater importance placed on those to the streets.
8. The list description primarily focuses on the public elevations of the building, and I appreciate that it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest. Nevertheless, the modern extensions and spaces created to the building's rear make a neutral contribution to its special interest. Accordingly, despite being significant changes to the listed building, as far as it relates to these appeals, I find the special interest of the listed building to be in its architectural and historic interest as a fine example of the Neo-Georgian buildings produced by the Office of Works, notably through subtle but refined decoration to its street façades.
9. The proposal concerns an L-shaped flat roof which is paved and enclosed with balustrading and walls topped with trellis and planting. It sits above a single storey

¹ List Entry Number: 1389544.

² Planning Reference: PP/04/02515, granted in 2005.

element, to the southwest corner of the modern extension, which opens out to a staff patio with outdoor furniture and fittings. The flat roof is not used but, given its existing characteristics, it already has the appearance of a patio. The parts of the building adjacent to it are primarily of brick with south-facing windows in vertical strips, so they appear large in scale.

10. The proposed acoustic screen would be of solid timber and aluminium construction and would curve behind the proposed area of integrated seating and planting. This would differ from the straight lines of the modern extension and a new finish would be applied to the lower part of the building's west façade. Although the proposal would be visible from most of the residential properties adjoining the site, it would not generally be seen in the context of the historic element of the building. The composition of the proposed materials and planting has been sympathetically considered and, given the extent of the façade above, it would neither detract nor distract from the simple and restrained design of the modern extension. Rather, it would be complementary to the latest chapter in the building's history.
11. I am mindful of the decision taken by the Inspector in the previous appeals³. While the screen behind the seating would be to the same length previously considered, it would be considerably lower at its highest point. The awning proposed above the access door to the roof has also been omitted.
12. Consequently, within the context of my duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), I conclude that the proposal would preserve the listed building and any features of special architectural or historic interest which it possesses. Hence, it would accord with the heritage aims of LP Policy CD5.

Privacy (Appeal A only)

13. The section of Sloane Terrace up to the junction with Sedding Street is relatively short, but No 4 occupies most of its south side. It is east of Nos 2 and 3, which are composed of flats. Immediately behind No 3 there is a private terrace, which adjoins the flat roof of the appeal building. No 2 has been extended to the rear to create a maisonette, which faces over the basement level patio of No 3 toward the site. Further west are 147 and 148 Sloane Street, the upper levels of which are in residential use and face the site. The windows of some neighbouring properties therefore look over the flat roof of No 4 towards the west flank wall of its modern extension. Similarly, during my visit I observed that the windows of numerous other flats to the northwest and west were visible from the flat roof.
14. Behind the proposed acoustic screen, at the terrace's west edge, the garden wall with trellis atop would be retained; and north of it would be freestanding planters. The height of the screen would diminish along the western side, but the extent differs from the previous appeal scheme. At its tallest point, the screen has been reduced from 2.42 to 1.7metres; and at its lowest point from 1.6 to 1.1metres. The Council is concerned this reduction would result in overlooking from the terrace. As far as I can reasonably interpret from its statement the Council has focused on the privacy of neighbouring occupiers regarding their windows, so I have concerned myself only with this in my determination of this main issue.

³ Appeal References: APP/K5600/W/22/3311915 and APP/K5600/Y/22/3311918.

15. The details before me suggest the screen would reduce visibility to the northwest from the terrace when either sat or stood next to it. However, the height of the screen would diminish to the south and the space in front of the seating extends a reasonable distance away from the screen. Despite the retention of the trellis and inclusion of planting, users of the terrace not seated would likely be observed from neighbours' windows, including those elevated above it. Hence, occupiers of those properties would likely be aware of being overlooked from the terrace.
16. The site is situated within a dense urban situation where there is often an expectation of some overlooking, but the residential use of neighbouring properties is long established and no presumption exists that such effects should be allowed to intensify, particularly in a harmful way as proposed. Similarly, while the proposal is perhaps as far from neighbouring windows as possible, the relationship created would, nonetheless, be of significant detriment to the privacy of those occupiers, particularly given that the flat roof is not used and the windows in No 4 face south.
17. Accordingly, the proposal would have a significantly detrimental effect on the living conditions of neighbouring occupiers, regarding privacy. Hence, it would conflict with LP Policy CD9, which requires that there is reasonable visual privacy for occupants of existing properties affected by new development.

Noise and Disturbance (Appeal A only)

18. At the time of my site visit, the area surrounding the flat roof of the appeal building seemed reasonably quiet, this is potentially due to its enclosure by buildings. The proposal is supported by a noise assessment⁴ which includes background noise levels for times the proposed terrace would be in use, along with consideration of its likely impact to identified parts of neighbouring buildings. The assessment finds that the noise from the proposal would likely be to acceptable levels to ensure that there would not be material disturbance to occupiers of the named properties.
19. The assessment is based on use of the terrace being for short breaks by no more than six persons at a time, with three speaking at any one time. The previous Inspector determined that these were sensible assumptions, as those taking a break would be within a professional office environment, so unlikely to routinely shout or raise their voices in the open air. There is no substantive evidence before me to lead me to conclude differently in respect of these matters. The use of average sound levels over the assessment period is also a reasonable way to present the findings in the assessment. Furthermore, the assessment utilises a detailed model to predict effects of sound reflected or reverberated, and there is no conclusive evidence before me to explain why this could not be relied upon.
20. Notwithstanding this, interested parties residing in neighbouring buildings have highlighted that their flats are not included in the assessment, this includes at least two flats located on the second and third/fourth floors of 3 Sloane Terrace, but may include others as I cannot be certain of the location and numbering of others. Like the previous Inspector, where there is an absence of data, I cannot be sure as to the acceptability of any additional noise that may be created from the terrace.
21. I therefore cannot, with any certainty, conclude that the noise assessment could be relied upon to demonstrate the effect of noise and disturbance associated with the proposal, or that the conditions recommended by main or other interested parties

⁴ External Terrace Acoustic Assessment Report (February 2024).

would ensure that the living conditions of neighbouring occupiers would be safeguarded in this respect.

22. Accordingly, the proposal would have a detrimentally harmful effect on the living conditions of neighbouring occupiers, regarding noise and disturbance. Hence, it would conflict with LP Policies CD9 and GB8, which respectively require that the reasonable enjoyment of the use of buildings, gardens and other spaces is not harmed by increases in noise or disturbance; and noise must not create unacceptable impact on local residential amenity.

Other Matters

23. Adjacent to the rear of the site are the Grade I listed Church of Holy Trinity and Grade II listed 3 Sloane Terrace; and opposite, in Sloane Terrace, is the Grade II listed First Church of Christ Scientist (now Cadogan Hall). The special interest and significance of these buildings are derived, in part, from their architectural interest as appreciated from the surrounding streets. Nevertheless, views from adjacent land and buildings of their form, detailing, and fabric is important to understanding the significance of each. The character of the block formed by buildings in Sloane Square, Sloane Street, and Sloane Terrace is densely configured, with buildings or their curtilage right up to the exterior of the Church. Similarly, buildings at Flat B (No 2) and No 4 abut the boundaries of No 3.
24. The scale of the principal part of the modern extension to No 4 is large and the proposal would be modest in relation to it, including in views from No 3. It would also be appropriately designed, so it would not detract from the settings of the Church and No 3, and it would remain possible to experience and understand them. Furthermore, given the proposal's proximity and physical relationship with Cadogan Hall, there would be no intervisibility between them. Hence, with my duty under section 66(1) of the Act in mind, the proposal would preserve the setting of each of these listed buildings and the contribution this makes to their significance. I note the Council had no concerns in this regard either.
25. The appeal site is also situated within the Sloane Square Conservation Area (CA), so I have had regard to section 72(1) of the Act. This requires special attention be given to the desirability of preserving or enhancing the character or appearance of the CA. Unlike listed buildings, the significance of the CA is widely experienced, so proposals must be judged according to their effect on the CA as a whole and must therefore have a moderate degree of prominence.
26. The CA is centred on the commercial area around Sloane Square and King's Road and the residential streets that radiate from it. The CA's significance is derived, in part, from the high-quality architecture of the terraces of homes and other buildings and the formal layout of streets and squares. The contrast in architecture of these periods has created an area rich in detailing and a variance of materials. Bearing in mind the extent, nature and location of the proposed development, the character and appearance of the CA, as a whole, would be preserved. I note that the Council raised no objection in this regard either.
27. The appellant has referred to the conduct of the Council in the determination of the planning application, through its identifying privacy (overlooking) as a concern of the scheme. While I note the previous Inspector did not find harm in relation to outlook, this is a different consideration, and the Council clearly articulated its

reasons for finding such harm. Accordingly, I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Planning Balance (Appeal A only)

28. In support of the proposal, the enhancement that would be offered to the office environment of staff working in No 4 would be a social benefit to their health and wellbeing. While planting already exists to the west of the flat roof, the provision of the proposed planting would be an environmental benefit that may not otherwise be realised. Nonetheless, given the scale of the proposal, these would be afforded no more than moderate weight.
29. The cladding that would be applied to the flank elevation of No 4, as a continuation of the acoustic screen, and the potted and raised planting would have a limited benefit in softening views of the elevation due to its sheer scale above them. I also afford limited weight to bringing the roof of the building into use, as not all parts of a building must have a use and, as I have found, there are often clear reasons for this. Furthermore, while I have not found harm in relation to the presence of the proposal in the CA, equally I do not find the existing roofed area to be unsightly. Hence, the proposal would have a neutral effect in this regard and, together with the absence of harm to the other listed buildings, this would neither weigh in favour nor against the proposal.
30. Despite my finding in relation to the listed building, the proposal would have a detrimental effect on the living conditions of neighbouring occupiers regarding privacy, and noise and disturbance. The proposed development would therefore not accord with the development plan, when considered as a whole. Collectively, the stated benefits would not be material considerations of such significance to lead me to conclude otherwise than in accordance with the development plan.

Conclusions

31. In respect of Appeal A, I conclude that the proposal would conflict with the development plan and the material considerations do not indicate that it should be decided other than in accordance with it. For the reasons given above, Appeal A should be dismissed.
32. In respect of Appeal B, the main issue is solely related to the consideration of the effect to the listed building, whether I can grant listed building consent is therefore not affected by my conclusions to the main issues for Appeal A. Hence, I conclude that, for the reasons given above, Appeal B should be allowed.

Conditions (Appeal B only)

33. In addition to the standard time limits for Appeal B, in the interests of preserving the special interest of the listed building, a condition for detailed drawings and samples of the materials for the proposed screen is necessary. However, it is not necessary to specify the plans, as the decision for Appeal B includes reference to these. The other conditions requested by the Council and those discussed in my decision would only have been required had Appeal A been successful.

Paul Thompson

INSPECTOR