



Appeal Decisions

Site visit made on 12 June 2025

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal A Ref: APP/K5600/C/23/3324526

Park House, Onslow Square, London SW7 2NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Patricia Caring against an enforcement notice issued by Royal Borough of Kensington and Chelsea.
- The notice was issued on 12 May 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, installation of 4no. rooflights to north-west facing roof slope.
- The requirements of the notice are to:
 - i) Remove the 4 rooflights on the upper section of the north-west facing roof slope as shown on drawing no. AL(0) 43 rev A submitted under planning application PP/23/01237 rev A attached as Appendix A to this enforcement notice;
 - ii) Replace with slates to match the slates to the remainder of the roof slope;
 - iii) Remove from the land all the resultant debris.
- The period for compliance with the requirements is: Three calendar months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B Ref: APP/K5600/C/23/3330523

Park House, Onslow Square, London SW7 2NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Patricia Caring against an enforcement notice issued by Royal Borough of Kensington and Chelsea.
- The notice was issued on 25 August 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the installation of replacement vehicular gates and installation of pedestrian entrance gate to southwest boundary wall.
- The requirements of the notice are:
 - i) Remove the replacement vehicular gates and pedestrian gate and all associated fixtures and fittings from the land (as shown on Drawing A and Drawing B attached as Appendix A below); and
 - ii) Remove from the land all the resultant debris.
- The period for compliance with the requirements is: Three calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C Ref: APP/K5600/C/24/3341425

Park House, Onslow Square, London SW7 2NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Patricia Caring against an enforcement notice issued by Royal Borough of Kensington and Chelsea.
- The notice was issued on 16 February 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a garden gazebo located to the northeast of Park House.
- The requirements of the notice are to:

- i) Remove from the land the garden gazebo in its entirety (as shown in appendix A attached to this enforcement notice).
- ii) Remove from the land all the resultant debris.
- The period for compliance with the requirements is: Three calendar months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal D Ref: APP/K5600/W/24/3347724

Park House, Onslow Square, London SW7 2NG

- 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 Onslow Square Construction Limited against the decision of Royal Borough of Kensington and Chelsea.
- The application Ref is PP/24/02196.
- The development proposed is described as “Construct 3 New Dormer Extensions to South-West Elevation of Single Storey Wing.”

Appeal A Decision

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of 4no rooflights to north-west facing roof slope at Park House, Onslow Square, London SW7 2NG as shown on the plan attached to the notice.

Appeal B Decision

2. It is directed that the enforcement notice is corrected by deletion within section 3 the word “southwest” and its replacement with ‘southeast’. Subject to the correction, appeal B is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of replacement vehicular gates and installation of pedestrian entrance gate to southeast boundary wall at Park House, Onslow Square, London SW7 2NG as shown on the plan attached to the notice.

Appeal C Decision

3. Appeal C is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a garden gazebo located to the northeast of Park House, Onslow Square, London SW7 2NG as shown on the plan attached to the notice.

Appeal D Decision

4. Appeal D is allowed and planning permission is granted to construct 3 New Dormer Extensions to south-east Elevation of Single Storey Wing at Park House, Onslow Square, London SW7 2NG in accordance with the terms of the application, Ref PP/24/02196 and the plans submitted with it, subject to the conditions set out, below in the schedule at the end of these decisions.

Preliminary Matters

5. Each of the appeals relates to the same property with some similar considerations common to each. I have therefore combined some of the common reasoning leading to each of the decisions.
6. With respect to Appeal B concerning the installation of replacement vehicular and pedestrian gates, the notice refers to them having been installed in the southwest boundary wall. At my site visit, I sought clarification about this and it was agreed that the notice should refer to the southeast boundary. I have broad powers under s176(1) of the Act to (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice. I can do that where I am satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority. Neither of the main parties had misunderstood which gates were being referred to and I will therefore correct that error as it would not cause injustice.
7. With respect to Appeal D, I have taken the description above from the application form as I am obliged to. The Council's decision notice repeated that description. However, the proposed dormer windows would be in the south-east elevation, rather than the south-west as stated in the description. The submitted drawings are annotated to clarify that the dormers are proposed in the south-east elevation and so I have amended the description in my decision, because that is clearly uncontroversial.
8. A neighbouring resident had requested that I view the appeal site from their property and they were notified of the date and time of my site visit. However, they were not available. When I visited, I took note of the location of that property and I was satisfied that I could consider the effects on those residents without entering that property.
9. Notwithstanding the comments of one of the interested parties questioning the lawfulness of the current house as a whole, there is no dispute between the main parties about those matters. I am considering the developments as alleged on the enforcement notices and, in the case of Appeal D, as applied for.

Appeals A, B, C on ground (a) and Appeal D

Main Issue for all the appeals

10. The main issue in each of the appeals is the effect of the developments or the proposed development on the character and appearance of the area.

Common Reasoning for all the appeals

11. The Council has drawn my attention to the adoption of their New Local Plan (LP) on 24 July 2024. The Council in one of their statements has explained that there are no material differences between these policies and those from the previous 2019 Local Plan. I did seek further comment from both parties about which policies are applicable. I will deal with the appeal on the basis of the 2024 LP.
12. The site is within the Thurlow and Smiths Charity Conservation Area (the CA) and there are a number of Listed Buildings nearby. In those respects, I will consider the relevant statutory duties. This includes Section 72(1) of the Planning (Listed

Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66(1) of the same legislation requires special regard is had to the desirability of preserving the setting of the listed buildings.

13. The appeal site is positioned behind well-defined development on all sides in a backland position. It is enclosed by the tall mainly terraced properties that front onto Pelham Street to the north, Pelham Crescent to the east and southeast as well as Onslow Place to the south and west. The CA covers a broad area which includes some variety in buildings styles and ages. However, the buildings around the appeal site are rather grand and tall, fronting directly onto the surrounding roads. The Council's CA Appraisal, states that these range from the restraint of the Georgian period through to the late Regency designs and Italianate pomp to the red brick Queen Anne style at the end of the Victorian period. This tallies with what I saw when I walked around the area before and after the site visit.
14. In terms of layout, the Victorian terraced streets are largely set in crescents and built around private garden squares which give the area a coherent design and special character and appearance. Green spaces therefore are a significant part of the character of the area including Onslow Square, Pelham Crescent and Thurloe Square Gardens amongst others. These are overlooked by the grand terraces and occasional more modern development such as the stark, white block adjoining Malvern Court.
15. A large number of Listed Buildings adjoin the appeal site on all sides. That includes grade II* buildings to the north-east in Pelham Place. To the southwest, there are also grade II buildings within Onslow Square. To the immediate south of the appeal site there is a vehicle parking area with a large block of garages accessed from a narrow driveway from Onslow Square and Sydney Place which is also how vehicles and pedestrians can access the appeal site. This narrow driveway goes through the listed arch that can be seen from the neighbouring roads. On this side, the appeal site boundary is defined by the buff-coloured high wall and Appeal B relates to gates that have been inserted within that wall. This parking area with the basic flat-roofed garages is a less distinguished looking open area than the more traditional, planned open spaces in the CA and provides a buffer between the boundary wall and the Listed Buildings within Pelham Crescent to the south-east.
16. The Council refers to the original property on the site being two cottages constructed in the early 1840's. These were extended over the years, particularly at the rear with the addition of a studio building in 1888 and associated links and an orangery which were amalgamated in the 1980s to form one large residential property. A single storey basement was then approved (PP/13/01971). In 2018 planning permission was granted (PP/18/05784) for the demolition of the existing building and its replacement with a two-storey single family dwellinghouse above a two-storey basement. The Council refers to the replacement building being designed to re-instate key aspects of the original appearance of the previous cottages prior to unsympathetic additions. The drawings provided show that the previous building was 3 storeys including roof level accommodation above ground level at the northern end. The side elevations show that in profile, this had a stepped basic form from the higher part to the northern end and then the single storey southern part via a jumbled roof-scape linking those elements.

17. Park House is an expansive property positioned towards the northern end of the site. It has been designed to rationalise what had previously existed and reflects that previous development in a classical revival style appropriate to the CA. Relative to surrounding developments it is low-rise. The 2 ends of the building contain the main ridged roof elements which are linked with lower, substantially glazed, modern looking elements. The ridged roof containing the 3 large dormers that were subject to previous enforcement action are on the southeastern roof slope. An appeal against the enforcement concerning those dormers was upheld on appeal (Ref APP/K5600/C/22/3302484) in September 2023.
18. The garden around the building is laid out within spacious, landscaped grounds, a paved driveway, lawns and external recreational areas although not as spacious and verdant as the less developed squares in the CA. As well as the large area of space to the south-eastern end of the site, the triangular shaped north-western part of the site also provides space between the building and the surrounding properties on that side. From the garden, the upper storeys of surrounding high buildings such as those within Pelham Place can be seen above the building and the boundary features. The rear elevations of those buildings including the Listed Buildings as far as can be seen from the site are less ornate and distinctive than their characterful fronts seen from surrounding roads.
19. Overall, there is a very pleasant, elegant aesthetic to the townscape due to the nearby buildings along with the planned spaces in between, dominating the character and appearance of the surrounding area. This is primarily enjoyed from the public realm, with the fronts of the properties dominating the street-scene. The appeal site is not one of the typical open spaces, however.
20. The appeal site is different from the general character and appearance of the area because it contains a large building and the paraphernalia that goes with that rather than being an open space. It does retain some openness due to the careful design of the redevelopment and is leafy due to the attractive landscaping which appears to have incorporated new planting with existing mature trees and hedges.
21. Views into the site are very limited from public viewpoints along surrounding roads because of all of the high buildings along the roads. I did see some gaps where there are accesses between buildings but I could not see Park House from these. There is a narrow entrance into the site from Pelham Street which I discovered is a secondary entrance. I could see Park House from the pavement in front of that access. Although I didn't visit adjoining properties, the submissions provide photographs which help to demonstrate that there are some views across the site from the high surrounding buildings.

Appeal A (roof-lights) ground (a) - Reasons

22. The unauthorised rooflights have been installed close to the ridge of the roof-slope facing towards the north-west. As part of the redevelopment of the former cottages, that roof-slope had not had any openings approved, with the only rooflights approved being on the opposite side of the roof, where the unauthorised dormers currently remain.
23. Some of the roof-lights are viewable at close quarters from the garden around the building. I could not see those positioned lower down the roof from the garden but they are clear in photographs taken from surrounding properties. I noted that the

roof-lights are not entirely flush with the roof but do have a low profile, protruding only a little above the surrounding slates. Their position faces into the site, towards the higher northern part of the building although are visible from the upper floors of properties to either side.

24. The roof-lights appear as relatively minor elements on that roof-slope which do not significantly disrupt or clutter the simplicity of that part of the building and are seen within the context of the more obvious, modern glass-link between the 2 main parts of the house. They do not increase the volume of the building and this part of it remains subservient to the dwelling overall. The rooflights have a minimal impact upon views across the site towards Listed Buildings and other buildings.
25. At night, the roof-lights will undoubtedly be more obvious against the non-illuminated slate roof but are also seen close to the glazed link as well as with a background of numerous windows within surrounding buildings. It seems likely that these surrounding windows may be lit-up at night, including those within the nearby Listed Buildings. These rooflights have a minor impact within the overall context of the dwelling on the site and given the surrounding buildings.
26. In relation to the main issue in Appeal A, under ground (a), the roof-lights do not have a harmful effect on the character and appearance of the area. This preserves both the character and appearance of the CA and preserves the setting of the nearby Listed Buildings. For those reasons, these small-scale high quality alterations comply with LP Policies CD1, CD2, CD3, CD4 and CD10. Views would also be protected complying with LP Policy CD15. There would be no direct impacts upon the significance of the surrounding Listed Buildings which LP Policy CD5 requires to be protected. The National Planning Policy Framework (the Framework) advice to create high quality, beautiful sustainable places as well as not causing harm in relation to designated heritage assets is also complied with.
27. The reasons for issuing the notice did not include reference to policies in the 2021 London Plan (London Plan) but I have been referred to it by other parties. The roof-lights have been installed without permission and a strict interpretation of a design led approach may not have been followed. However, for the above reasons, the building still positively responds to the local distinctiveness of the area and retains design which complies with London Plan Policies D3 and D4.

Appeal A (roof-lights) ground (a) - Other Matters

28. The roof-lights are a substantial distance from each boundary of adjoining dwellings. As such I do not consider that the additional roof-lights would have harmful impacts upon living conditions at those neighbouring properties through the effects of lighting at night-time or through loss or perceived loss of privacy.
29. I have considered this development on the basis of the merits of the cases put to me and based on what I saw. The justification for planning conditions on previous planning permissions in order that the Council retains control do not directly effect the merits of the case. I do understand that the conditions were imposed due to the sensitivity of the area and I have taken that into account above.
30. As the development has already been carried out, there is no need to attach any planning conditions.

Appeal B (gates) ground (a) - Reasons

31. The narrow pedestrian gate and the larger vehicular gates are both within openings in the robust buff coloured wall defining the south-east boundary of the appeal site. The wall has a precession of equally spaced piers with decorative tops. This is one side of a space used by people who have access to the group of flat-roofed garages that run along the boundaries of the Listed Buildings on the western part of Pelham Crescent. The garages are functional and basic in appearance.
32. The gates are set back from the face of the wall which reduces their visual prominence. They are constructed to match one another, made of metal and the decoration appears like a diamond trellis pattern with representation of plants growing through that trellis. They are coated black which also helps them to visually recede within the background of Park House and its surrounding landscaping which can still be glimpsed behind them.
33. The Council has provided some photographs of the previous vehicular gates. Ignoring the cumbersome sheeting that seems to have been attached possibly temporarily, to those gates, they were of a simpler form, with vertical bars. However, there they also included some design flourishes across the middle of the gates and along the curved tops.
34. The CA appraisal draws attention to some buildings with decorative features including prominent ironwork railings. These gates are more elaborate than those examples but in a tucked away, discrete position within the context of the garage courtyard separated from prominent views within the CA. I do not consider that the gates appear overly grandiose in the context where there are a range of building styles generally and specifically next to the parking and garaging area. These gates have very little effect on the setting of the nearby Listed Buildings given their position at ground level, surrounded by enclosures, the garages and substantial tree cover.
35. In relation to the main issue in Appeal B, under ground (a), the gates do not have a harmful effect on the character and appearance of the area. There is no harm to the character and appearance of the building, its setting or townscape. Views would not be significantly affected and in this context this is an appropriately high-quality design. This would also preserve both the character and appearance of the CA and the setting of the nearby Listed Buildings. For these reasons the development complies with LP Policies CD1, CD2, CD3, CD4, CD5 and CD10.

Appeal B (gates) ground (a) - Other matters

36. As the development has already been carried out, there is no need to attach any planning conditions.

Appeal C (gazebo) ground (a) - Reasons

37. The gazebo is positioned in the north-eastern corner of the appeal site. It is close to the boundary with the rear gardens of some of the dwellings in Pelham Street and near to the secondary access into the site on that side. That boundary of the site is very well screened by modern fencing and a dense screen of what looks like some deciduous and some evergreen planting.
38. The gazebo is comprised of vertical white steel posts sat on concrete pads it is wedge in shape. The roof is in 2 parts, partly fixed glass and partly in-filled by retractable louvres. This takes up a modest area relative to the site as a whole but

at a constrained part of the garden where the dwelling and surrounding pathways and retaining structures are close to the north-eastern boundary. The gazebo is close to fencing and the dwelling as well as being set amongst what is now mature landscaping. This has resulted in the reduction of some open space around the building but in a confined part of the garden. The structure itself does not stand out close to the end of the dwelling and is not prominent within the wider area. There will undoubtedly be views down over the structure from the upper floors from neighbouring buildings but the dwelling will also screen many views of the structure from many of the dwellings from the west and south-west. In this context the gazebo is not out of keeping. Even if the landscaping were to thin-out revealing the structure it would not be prominent in the area being lower relative to the dwelling and boundary structures.

39. In relation to the main issue in Appeal C under ground (a), the gazebo does not have a harmful effect on the character and appearance of the area. There is no harm to the character and appearance of the building, its setting or townscape. Views are not significantly affected and in this context this is an appropriately high-quality design. This would also preserve both the character and appearance of the CA and the setting of the nearby Listed Buildings. For these reasons the development complies with LP Policies CD1, CD2, CD3, CD4, CD5 and CD10.

Appeal D (proposed dormers) - Reasons

40. I have been provided with information about what was originally on site, as well as what was originally approved as a replacement and then the subsequently approved iterations. The south-east roof slope in the original design for the replacement building, was proposed to be single storey, incorporating a simple slate roof. That single storey element reflected the previous single storey part of the original dwelling. The original design proposed roof-lights only in the north roof-slope thereby retaining the subservience of this single storey part of the building in relation to the higher part of the dwelling to the north-west. The current large, dormers contrast with that original design concept as described by the Planning Inspector in previous enforcement notice appeal decision. I will not compare what is proposed now with those unauthorised existing dormers which have no weight in this decision.
41. Three small dormers are proposed which would break the eaves line of the slate roof as originally approved and would have slate 'cheeks' that return into the slope. It is notable that the original building, at this end of the site incorporated 5 modest glazed buildings with diamond shaped roofs which protruded a little above the eaves level of that building. Whilst these features would obscure some of the roof, they would be set low-down on the roof and would be subservient to the structure not dominating it or the wider dwelling and not affecting the setting of nearby Listed Buildings. This would retain the simplicity of the structure, not undermining the composition, coherence or design quality of the original redevelopment.
42. Residents of some of the nearby dwellings may be able to see the dormers but given the limited effect of the development, that would not spoil their appreciation of the setting of the nearby Listed Buildings or Park House which would still make a positive contribution to the CA. The surrounding large trees would be retained and would help to reduce views to glimpses even when during the months when those trees are not in leaf.

43. In relation to the main issue in Appeal D, the development would not have a harmful effect on the character and appearance of the area. There would be no harm to the character and appearance of the building, its setting or townscape. Views would not be significantly affected and in this context this is an appropriately high-quality design. This would also preserve both the character and appearance of the CA and the setting of the nearby Listed Buildings. For these reasons the development complies with LP Policies CD1, CD2, CD3, CD4, CD5, CD10 and CD15.

Appeal D (proposed dormers) - Other matters

44. Whilst it would be possible to look out of those windows towards the dwellings in Pelham Crescent, that would be at a substantial distance with visual interruptions of the surrounding landscaping. The windows would be at an angle to the properties in Pelham Place. This arrangement would not result in any significant additional or harmful overlooking towards those neighbouring properties. At night lighting from inside the building may emanate and be noticeable but also not to a harmful extent. There were previously before the redevelopment, substantial glazed elements on the single-storey part of the building which may also have been illuminated at times. Overall, the development would not cause harm to the living conditions of nearby dwellings.
45. I am aware of the long history to the development of this site and the changes that have been made to the consented schemes some with, but some without planning permission, including the enforcement notices I have dealt with alongside this appeal. However, those circumstances do not affect the merits of the proposal in front of me. Permitted development rights have also been removed in previous decisions in order that the Council can retain control and deal with applications on their individual merits but that does not affect the merits of this proposal.

Appeal D (proposed dormers) - Planning conditions

46. It is necessary to attach the standard time-limit condition. Another planning condition is required to ensure that the approved plans are complied with although I have not referred to AL(0)01 which is entitled "Existing Roof Plan, Section and S.E. Elevation" and it does not represent the current appearance of the building. I have also included a condition requiring that samples of materials are submitted for the Council's agreement and I have incorporated the requirement, as suggested by the Council, to retain the same samples as approved on site during construction as they will assist any visiting planning officers as well as building contractors.
47. The Council has also suggested a condition requiring a code of construction management is submitted. I can understand the need for control over construction to avoid amenity impacts upon occupants of surrounding dwellings especially on a backland site like this. However, the condition as suggested is over-complex and includes reference to a checklist which is not fully explained. It also refers to an internal department. Details should however be submitted to and considered by the Local Planning Authority, whether or not they in turn carry out further consultation is at their discretion. The appellant may well be best advised to consult with that other department but that does not make it necessary or reasonable to require it within the planning condition. The policies referred to in the justification for this condition also includes LP CD11 which relates to the construction of basements which is not applicable to this proposal. However, LP

Policy GB7 does refer to the Council's code of construction and the general concerns that construction activity can cause. I will simplify and apply a condition requiring the submission of a construction management plan.

48. The appellant has agreed to the use of pre-commencement conditions.

Appeal A ground (a) - Conclusion

49. For the reasons given above, I conclude that having had regard to the development plan as a whole and all other material considerations, the development is acceptable. The appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Appeal B ground (a) - Conclusion

50. For the reasons given above, I conclude that having had regard to the development plan as a whole and all other material considerations, the development is acceptable. The appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Appeal C ground (a) - Conclusion

51. For the reasons given above, I conclude that having had regard to the development plan as a whole and all other material considerations, the development is acceptable. The appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Appeal D – Conclusion

52. Accordingly, for the above reasons, I conclude that the proposal complies with the development plan as a whole and the appeal should succeed.

Andy Harwood

INSPECTOR

Appeal D - Schedule of Conditions

- i) The development hereby permitted shall begin not later than three years from the date of this decision.
- ii) The development hereby approved shall be carried out in complete accordance with drawing/document title numbers AL(90)01, AL(90)201 and AL(0)10.
- iii) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dormer windows hereby permitted have been submitted to and approved in writing by the local planning authority. Samples as approved shall be retained on site for reference during the construction period. Development shall be carried out in accordance with the approved samples and thereafter so maintained.
- iv) No development shall commence until a Site Construction Management Plan (SCMP) for the development has been submitted to, and approved in writing, by the Council. The development shall be carried out in accordance with the approved SCMP.