



Appeal Decisions

Site visit made on 5 November 2025

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal A Ref: APP/K5600/C/24/3347619

3 Bedford Gardens, LONDON, W8 7ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Jason Lee Lund against an enforcement notice issued by Royal Borough of Kensington and Chelsea.
 - The notice was issued on 28 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of 3 no. rooflights to the main roof area.
 - The requirements of the notice are i) At second floor level, fully remove the 3x unauthorised rooflights, as shown in drawing references 2211-P-200 Rev A, 2211-P-201 Rev A, 2211-P-202 Rev A, 2211-P-203 Rev A of planning application reference PP/24/02121, as shown in Appendix A; ii) Repair and restore the resultant openings in the main roof with like-for-like materials, to a condition and finish consistent with the roof in its previous state; iii) Remove from the land any resultant debris.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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.
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Appeal B Ref: APP/K5600/F/24/3347621

3 Bedford Gardens, LONDON, W8 7ED

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mr Jason Lee Lund against a listed building enforcement notice issued by Royal Borough of Kensington and Chelsea
 - The enforcement notice was issued on 28 May 2024
 - The contravention of listed building control alleged in the notice is: without listed building consent the demolition of a roof access hatch and installation of 3 no. rooflights to the main roof area.
 - The requirements of the notice are: i) At second floor level, fully remove the 3x unauthorised rooflights, as shown in drawing references 2211-P-200 Rev A, 2211-P-201 Rev A, 2211-P-202 Rev A and 2211-P-203 Rev A of planning application reference LB/24/02123, as shown in Appendix A; ii) Repair and restore the resultant openings in the second floor ceilings and the main roof with like-for-like materials, to a condition and finish consistent with the adjacent/adjoining ceilings and the roof in its previous state; iii) Remove from the land any resultant debris.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the ground set out in section 39(1) (e), (g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decisions

Appeal A - 3347619

1. The appeal 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 3 no. rooflights to the main roof area at 3 Bedford Gardens, London, W8 7ED as shown on the plan attached to the notice.

Appeal B - 3347621

2. The appeal is allowed and the listed building enforcement notice is quashed. Listed building consent is granted for the demolition of a roof access hatch and installation of 3 no. rooflights to the main roof area at 3 Bedford Gardens, London, W8 7ED.

Both Appeals Ground (a) and (e)

3. These grounds are essentially the same for s174 and listed building enforcement, that planning permission or consent should be granted for the matters alleged.
4. In this case the appellant, as part of a larger reorganisation of the building, installed three rooflights. I am not aware of what else has gone on at No3 and can only comment on the specific issue of the rooflights.
5. No 3 is listed as part of a group of Nos3-9. Like many such buildings it has a shallow butterfly roof hidden from view behind a low brick parapet. The windows have been installed on the inside slope of the roof and provide light to a bathroom and landing. The bathroom window replaced an access hatch of roughly the same size and in roughly the same position. From inside the property, the work appears to have been carried out to a high standard and the appellant confirms that traditional materials have been used to plaster the newly formed lightwells. He also provides a technical analysis that shows the whole was re-roofed some 10-15 years ago so the tiles are not historic. Indeed it seems the only loss of original materials would be a short length of ceiling joist for each window.
6. The Council argue the essential form of the roof has hitherto remained unaltered, but I fail to see how inserting modestly sized velux windows affects the form of the roof. It is the butterfly element that is the roof's contribution to the significance of the heritage asset, and this is not affected by the insertion of the three windows, especially as only two would represent new openings.
7. I note the Historic England guide to conserving Georgian and Victorian Terraced Housing suggests the insides of roof slopes may be suitable for dormer extensions. I accept this is a guide only and each roof needs to be considered on its own merits, but in this case the minimal intrusion caused seems to me to be exactly what the guide would consider acceptable.
8. Consequently, I do not think there has been any harm to the significance of the listed building so the less than substantial harm test from the NPPF is not engaged and the special architectural or historic interest of the character of the building has been preserved. I shall grant planning permission and listed building consent and quash both notices. The other appeal grounds do not need to be considered.

Simon Hand

INSPECTOR