



Appeal Decisions

Site visit made on 19 November 2025

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal A Ref: APP/K5600/W/24/3352175

19 Sloane Avenue, London SW3 3JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
- The appeal is made by Mr Ioannis Alexandridis against the decision of Royal Borough of Kensington and Chelsea.
- The application Ref is PP/24/03756.
- The development proposed is Construction of steel pergola structure, with retractable cover, over roof terrace area. Installation of replacement glazing, framing and fascia to rooftop box, to match pergola's finish.

Appeal B Ref: APP/K5600/C/24/3352176

19 Sloane Avenue, London SW3 3JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ioannis Alexandridis against an enforcement notice issued by Royal Borough of Kensington and Chelsea.
- The notice was issued on 12 August 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of pergolas with retractable covers over the roof terrace area.
- The requirements of the notice are to:
 - i) Remove the pergolas and all associated fixtures and fittings from the land as shown on drawing ref: PJ0146-A-GA-P-XX-R1 (proposed roof plan) as submitted under planning application ref: PP/24/03756 attached to this notice in Appendix A;
 - ii) Remove from land all resulting 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) (f) of the Town and Country Planning Act 1990 (as amended).

Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. It is directed that the enforcement notice is corrected by:
 - the insertion within section 3 (The Breach of Planning Control Alleged) after the word “area” of “as labelled and shown on drawing PJ0146-A-GA-P-XX-R1 (proposed roof plan) as submitted under planning application ref: PP/24/03756 attached to this notice in Appendix A”;
 - deletion of “ten years” in the first paragraph in section 4 (Reasons for Issuing this Notice) and their replacement with “four years”; and
 - the deletion of “Three calendar months” in section 6 (Time for Compliance) and their substitution with “Six calendar months”.

Subject to the correction and variation, the enforcement notice is upheld.

Preliminary Matters

3. With respect to Appeal B, the appellant questions the precision of what the notice alleges and requires to be undertaken. It was clear to me as someone who had never seen the site previously, that the notice related to the pergola which is a metal framed structure which is supported on posts and there are retractable covers which I could see clearly. Around the sides of the pergola however there is horizontal slatted fencing which butts up against the pergola in places. The fencing appears to be independently supported on posts that are separate from the pergola. Also, in very close proximity to the pergola, is a glazed building which seems to support the pergola in places.
4. A plan is included which is from the planning application which is the subject of Appeal A. This shows the outline of the pergola as well as the other features on the roof. There are also annotations on that plan which clearly label that the pergola is outlined with a dashed line and which therefore differentiates it from the other features. The appellant has understood what the notice is targeted at even if that was through obtaining further clarification from the Council. I consider that the notice would be sufficiently precise if it were corrected to simply refer to the pergola as outlined by a dashed line and annotated as such on the plan attached to the notice. Such a change can be made using my broad powers under s176(1)(a) of the Act as it would not cause injustice to the appellant or the Council. This change provides suitable and common-sense parameters for what constitutes “associated fixtures and fittings” within the first requirement. There is no mention of the floor tiles added to the surface of roof to create the terrace or the glazing, on the notice and they do not affect which is also made clearer by the change.
5. The appellant has also stated that the wrong period of 10 years being included within the reasons for issuing the notice rather than 4 years. That period is included to indicate the time-limits for taking enforcement action which in this case and it has not affected the appellant’s appeal. I will make that correction as it does not cause injustice to either main party.

Appeal A

Main Issue

6. The effect of the development on the character and appearance of the area.

Reasons

7. The appeal site is a prominent 3-storey (above ground level - - there is a basement that I did not go into), mid-terraced dwelling that fronts onto Sloane Avenue. The terrace has a unified basic form in terms of materials, constructed of primarily red-brick, and also common design features. The roofs appear like mansards with windows within the tiled roof which is slightly sloped back from the street above a generally white moulded band that runs along the top of the first-floors of the terrace. There is some variety in the way that windows appear to have been changed but the consistency in the design of the terrace remains obvious. The terrace gives way to the higher adjoining traditional terrace immediately to the south-east. On the opposite side of the junction of Sprimont Place with Sloane

Avenue there is also another style of terrace where there is a high degree of uniformity in the appearance of those buildings.

8. The appeal site is also along the edge of part of the Chelsea Conservation Area (CA). The CA is spread over a broad area which includes a range of styles of buildings of various scales although the CA appraisal refers to the charm of the area deriving from “its mainly small-scale residential nature.” Close to the appeal site, at the rear there is a 2 storey building which has a partial flat roof. The rear of some of the terrace including the appeal site can be seen above this nearest building in the CA. The rear of the appeal building and the wider terrace has a less uniform, more functional appearance than the front facing Sloane Avenue.
9. At roof level at the appeal site there is a patio and a modern conservatory which was approved in 2007 and which is not therefore part of the application, nor is that subject of the enforcement notice. The modern slatted fence around the roof-top is also not part of the development enforced against and is not part of the description used by the appellant on the application form. I have not considered those in this appeal.
10. I did see some other roof-top additions along the terrace but generally speaking, the unauthorised pergola stands prominently above the mansard when viewed from the front. It rises substantially above the flat roof of the adjoining building to the rear in Sprimont Place and is therefore prominent when viewed from within the CA. The framework of the pergola extends close to the edge of the roof both at the front and the rear and even though the blinds were not closed when I visited and I could see the sky through the structure, it is still very prominent and jarring. When closed, those blinds would increase the impact further. The structure is also far more prominent and obvious than the conservatory which is set back from the front and rear edges of the roof. When I walked around the area, I could not identify any direct impacts upon the settings of the listed buildings which are a substantial distance away from the appeal site.
11. In relation to the main issue, the development has a harmful effect on the character and appearance of the area. The development does not respect the existing context of the street-scene and does not meet the highest standards of urban design and architectural quality, impacting upon the setting of the nearby CA. As such, this does not comply with policies CD1, CD2, CD3 and CD4 of the Kensington and Chelsea New Local Plan, July 2024 (LP). The Council’s decision refers to LP policy CD11 relates to basement development and CD14 to shopfronts. Neither of these directly relevant to this development.

Other matters

12. The development is on an area that is used as a roof-terrace and makes no difference to the privacy for residents of adjoining buildings.

Appeal A Conclusion

13. Overall, these other matters do not outweigh my conclusion on the main issue. Accordingly, I conclude that the development plan as a whole is not complied with and this is not outweighed by other material considerations. The appeal will be dismissed.

Appeal B

Ground (f)

14. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The Council has confirmed that the purpose of the notice is to remedy the breach of planning control, which is the purpose within s173(4)(a) of the Act.
15. The appellant has put forward options for the remodelling of the pergola in order to remedy the harm cause. However, they would not achieve the purpose of the notice. They are not obvious lesser steps that would achieve that purpose.
16. As such the appeal under ground (f) fails.

Appeal B Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with correction and variation.

Andy Harwood

INSPECTOR