



# Appeal Decision

Inquiry held on 1 February 2005

Site visit made on 2 February 2005

by **Linda Wride** Dip TP MRTPI

an Inspector appointed by the First Secretary of State

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Date

**30 MAR 2005**

**Appeal Ref: APP/K5600/A/04/1148762**

**Norland Square Mansions, 53 Norland Square, London W11 4PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Charles Okin against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/04/00081/MIND/14, dated 17 December 2003, was refused by notice dated 5 March 2004.
- The development proposed is the creation of a self-contained flat at roof level and refurbishment works to mansion building.

**Summary of Decision: The appeal is allowed in part and is dismissed in part, as set out below in the Formal Decision.**

## Procedural Matters

1. I have used the full postal address of the appeal site as set out on the Council's decision notice, in the interests of clarity.
2. As part of the appeal proposal, the existing tank room, flue and lift safety over-run at roof level on the mansion block would be removed. In addition to the proposed flat and terrace at roof level, the appeal scheme would include a replacement lift over-run and new parapet walls set inside the existing parapet and rising above it by 450mm at the centre and 650mm each side. The "refurbishment works" comprise alterations to the entrance (replacing the lead flashing above the canopy by a rendered panel concealing cables, new lighting and planters); rendering panels behind the balconies fronting Norland Square; repainting panels on the bays and alterations to the shop front on the Holland Park Avenue elevation.

## Main Issue

3. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the Norland Conservation Area.

## Planning Policy

4. The Development Plan for the area is The Royal Borough of Kensington & Chelsea Unitary Development Plan (UDP), adopted in 2002. I have been referred to various policies in the UDP. Those I consider to be most relevant to this appeal are as follows: Policy CD27 requires a high standard of design which is sensitive to, and compatible with, the surroundings. Policy CD44 resists additional storeys and roof level alterations on groups of buildings having regard to various criteria, while Policy CD45 supports such development provided specific criteria are satisfied. Policy CD46 resists roof terraces where the physical works would be visually intrusive or harm the street scene.

5. Policies CD57 and CD61 broadly reflect the requirements of section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 for special consideration to be given to the desirability of preserving or enhancing the character or appearance of Conservation Areas, while Policy CD69 reflects the statutory duty under section 66 (1) of the Act to have special regard to the desirability of preserving the setting of the listed buildings. Policy CD62 requires development in Conservation Areas to be compatible with surrounding development, having regard to various matters including roofscape.
6. The UDP is supported by the Norland Conservation Area Policy Statement, drawn up by the Council in conjunction with representatives of local residents associations and adopted as Supplementary Planning Guidance (SPG) in 1982. Given the advice in paragraph 5.22 of Planning Policy Statement 12: *Local Development Frameworks*, I consider that substantial weight should be attached to this SPG. The SPG recognises that the sensitivity of rooflines varies according to the setting of the building, the length of views available, whether the roof is pitched or flat, or hidden by a parapet. Where low-pitched and flat roofs are set behind a parapet, the SPG advises that the Council will resist extensions where the surrounding terraces are devoid of modern extensions.
7. I have taken into account the design advice in both Planning Policy Guidance 1 *General Policy and Principles* (PPG 1) and Planning Policy Statement 1 *Delivering Sustainable Development* (PPS 1) published after the Inquiry, together with the advice in Planning Policy Guidance 15 *Planning and the Historic Environment* (PPG 15) in respect of Conservation Areas and the setting of listed buildings, as well as that in Planning Policy Guidance 3 *Housing* (PPG 3) concerning designing for quality.

#### Reasons

8. The appeal site lies within the Norland Conservation Area, originally designated in 1969, and it adjoins the northern boundary of the Holland Park Conservation Area. The Norland estate was designed as housing development by Robert Cantwell, an architect appointed by William Kingdom, who purchased the estate in 1838. Although there are pockets of commercial activity, the area is predominantly residential in character.
9. The Conservation Area Policy Statement identifies Norland Square as one of the estate's "grand compositions". Laid out from 1837 onwards, the grade II listed Victorian terraces form a balanced, formal composition set around three sides of a pleasant central garden. The listed terraces have a high degree of architectural unity in terms of materials, height and design. Features of particular note include the continuous balcony above ground floor level, the "attic" or third floor level, defined by a strong projecting cornice below and a secondary cornice above, and the continuous parapet which screens the shallow-pitched slate roofs behind and generally defines the roofline in views from street level. The listed terraces have largely retained their architectural integrity, with few external changes to the façades, and very limited alterations and extensions above parapet level. Drawing NM001.P01.17 is incorrect in this regard, as acknowledged by the appellant.
10. The appeal building is a five storey mansion block, designed by Arthur Ash and constructed in the 1930s. It fronts the south-west corner of the square and has a return frontage to Holland Park Avenue. The mansion block does not replicate the architecture of the listed terraces in Norland Square. Nevertheless, the three main bays with their paired, vertical groupings of windows and balconies give the facade a balanced, ordered appearance in

keeping with the general visual character of the square. Although the mansion block is predominantly brick clad, rendered bands at ground and top floor level visually echo the clearly defined ground floor and "attic" storeys of the adjacent listed buildings. While the appeal building is taller than others in the square, its long, unbroken parapet at roof level reflects the continuous roofline of the neighbouring terraces. In my opinion, the use of similar cladding material on the top floors combined with unbroken parapets on both the appeal premises and the adjacent terraces, reduces the evident difference in height between the buildings. For these reasons, I consider that the mansion block relates harmoniously to its listed neighbours, and does not appear as a discordant feature in the street scene, notwithstanding the height differential and the physical gap between the buildings. In my opinion, they constitute a "group of buildings" having regard to Policies CD44 and CD45.

11. Although the roofline of the mansion block is interrupted by a tank room, flue and lift safety over-run, these are small features relative to the overall built frontage. Due to their size and set back from the façade, they do not intrude into the skyline or disrupt the overall impression of a generally consistent roofline along the west side of the square, to any significant degree. Whilst it would be only a little taller than the tank room, the footprint of the proposed flat would be significantly larger than the combined floor area of the elements to be removed. The proposed structure would be located much closer to the Norland Square façade than those it would replace, and the overhanging curved roof and projecting trellis would bring the built envelope even closer to the parapet. This element of the appeal proposal would therefore result in a significant increase in bulk at roof level, effectively adding an additional storey to the mansion block which, in my judgement, would be far more prominent than the existing isolated structures proposed for removal.
12. The projecting cornice would screen the proposed flat in close views from ground level. However, there is no dispute that it would be seen over a wider area in longer views from within the square from Norland Place and certain points in Queensdale Road, Addison Avenue and Holland Park. It would also be visible along a considerable stretch of Holland Park Avenue, including more extensive views than set out in the statement of common ground, as noted and agreed on site.
13. Although when in leaf, trees within the square and along Holland Park Avenue would filter views of the proposed flat, as the height and density of screening varies considerably as one moves around the square and along the road, it would still be visible through the foliage and between trees. I think it likely that outdoor activity on the terrace in fine weather during the summer would attract attention to the roof of the mansion block, and that the eye would be drawn to features not unusually associated with a roofscape, including the proposed planting on the trellis and domestic paraphernalia on the roof terrace, such as sunshades. This would conflict with Policy CD46 (b). I am not convinced that the Council's suggested planning condition to address this concern would satisfy the requirements in Circular 11/95, having regard to the tests of precision and enforceability, and bearing in mind that such items do not constitute development for planning purposes.
14. I observed that when the trees have lost their leaves, the bare branches do not provide a particularly effective screen, even where canopies are at their most dense. As daylight fades early at these times of the year, internal artificial illumination would increase the prominence of the rooftop flat at twilight and in the hours of darkness, drawing the attention to its presence above the attic floor level of terraces in the square. In an area typified by

long continuous parapets, the varied height of the proposed new parapet wall on the mansion block roof adds weight to my concern. The way in which this would emphasise the side bays rather than the more visually important central bay, reinforces my view.

15. On the basis of this evidence, I am satisfied that the appeal proposal would conflict with Policy CD44 in several respects. In particular, it would involve roof level alterations and effectively add an additional storey to a building which is higher than surrounding neighbours (criterion d), and which forms part of a group of buildings where the existing roofline is unimpaired by extensions (criterion a). While noting the appellant's views, I do not consider these criteria to be mutually exclusive. In addition, as the appeal building is exposed to long views from public places, the proposed flat and other roof level alterations would conflict with criterion (e) of that policy, and well as the Council's SPG, which discourages roof extensions on flat roofs set behind a parapet.
16. PPG 15 advises that where a listed building forms an important visual element of a street as in this case, it would probably be right to regard any development within the street as being within the setting of the listed building. Bearing in mind that the setting of a listed building often owes its character to the harmony produced by a particular group of buildings (not necessarily all of great individual merit), in my judgement, the effect of the proposal on the generally consistent roofline along the west side of Norland Square and the detriment to the harmony of the group as a whole, would neither preserve nor enhance the setting the adjacent listed terraces. This would conflict with the objective of Policy CD69.
17. The proposed flat would pick up art deco design cues and use a palette of materials from the host building. Its symmetrical design and location centred above the entrance bay would create a balanced composition which, in my view, would be sympathetic to the architecture of the building. In these respects, I consider that the proposal would accord with criterion (b) of Policy CD45. However, as there are very few roof extensions on the group of buildings of which it forms a part, the proposed roof level flat would not constitute "infilling", as agreed by the appellant's planning witness in cross examination. In these circumstances, the positive support lent by criterion (a) of that policy would not apply.
18. The removal of redundant tank rooms and ancillary accommodation at roof level would de-clutter the skyline in Norland Square. The changes proposed to the entrance, the rendering of the panels behind the balconies on the Norland Square elevation, and the alterations to the Holland Park Avenue elevation would emphasise the verticality and classical proportions of the mansion block and improve its appearance, in my opinion. These particular elements of the appeal scheme would therefore accord with Policies CD27, CD57 and CD61. As the replacement lift over-run would be constructed as part of the flat, it could not be considered in isolation from the roof level extension. However, the remaining refurbishment proposals could be undertaken independently from the works at roof level. In consequence, I see no reason to withhold permission for these elements of the appeal proposal, particularly as proceeds from the sale of the proposed flat are not the only way to finance the refurbishment of the mansion block now there is a sinking fund.
19. However, although I consider that the proposed refurbishment works would improve the appearance of the mansion block, in my judgement, the visual benefit of these primarily cosmetic changes would not be sufficient to outweigh the harm I have identified.

20. Taking all these factors into account, I consider that the addition of the roof level flat and associated alterations would unacceptably compromise the generally consistent roofline along the west side of Norland Square, to the detriment of the harmony of the group of buildings as a whole and the setting of the adjacent listed buildings. Although the accommodation provided in the appeal scheme would reinforce the residential character of the area, I conclude that the proposed flat, lift over-run and new parapet walls would harm the visual character and the appearance of the Norland Conservation Area. In these respects, the proposal would conflict with Policies CD27, CD44, CD45, CD46, CD57, CD61, CD62 and CD69 of the adopted UDP, the supporting SPG, and national policy guidance on conservation areas and the setting of listed buildings.
21. In reaching my conclusion, I have had regard to the planning history of the appeal site, including the permission (Application Ref. TP/7201) for a penthouse flat on the roof of the appeal building granted in 1974, when there was a climate of concern about compensation for Schedule 8 works. However, that permission was not implemented and has long since lapsed, adopted policies have been updated and refined since then, and I have reached a different conclusion in respect of a similar development based on my observations on the site and the evidence before me. I have also had regard to the unsuccessful appeal (Ref. T/APP/5021/A/80/8372/02 dated 16 January 1981) against the refusal of permission for a mansard roof to provide a new dwelling and extend an existing dwelling at the mansion block. While the proposal in that appeal differs from the scheme before me, the Inspector's views that the appeal premises and the listed terraces form a harmonious group of buildings and his acknowledgement of the generally consistent roofline on the western side of the square, reflect my own assessment.
22. I have borne in mind that the mansion block provides a "corner marker" for the square in views along Holland Park Road. However, in my opinion, it performs this urban design function successfully without the need for an additional storey. I have also had regard to the other buildings at the corners of the square which are different to the main terraces (as was the predecessor of the existing mansion block), and taken into account that Ash's original design for Norland Square Mansions was taller than that eventually permitted. However, in my judgement, these considerations are not sufficient to outweigh the strong presumption against granting planning permission where development would conflict with the aim of preserving or enhancing the character or appearance of the Conservation Area.

#### **Other matters**

23. Providing a flat in this location would be consistent with Government's advice and local policies in respect of using land for housing efficiently. However, PPG 3 emphasises that this should be achieved without compromising the quality of the environment. Although the proposal was amended in the light of pre-submission discussions with representatives of local groups and a ward councillor, this does not address my concern about the effect of the roof level development on the character and appearance of the area, notwithstanding the lack of objection from these groups and ward councillor support.
24. While the external lift over-run requires permission, the replacement of the art deco lift internally falls outside planning control. The alterations to the Norland Square entrance would not affect the existing shrubbery on the frontage, as feared by the occupier of one of the ground floor flats. While noting other concerns that the roof extension would reduce light reaching the light well serving bathrooms on lower levels, as it would be located to the

north and east of the voids, I doubt whether there would be a significant reduction in natural light. Since the affected rooms are non-habitable, I do not consider that living conditions of occupiers would be unduly harmed, were I minded to permit the proposal in its entirety. While building work inevitably causes a degree of disruption while in progress, this in itself is not sufficient reason to withhold permission for an otherwise acceptable development.

### Conditions

25. Turning now to the Council's suggested conditions relevant to the refurbishment works, I agree that details of the planters, external lighting and the new canopy on the Holland Park Avenue elevation should be subject to the Council's approval in the interests of the appearance of the area, as should samples of the proposed rendering. I have combined these into one condition for conciseness, substituted "local planning authority" for the job title specified to avoid confusion in the event of future changes, and replaced "maintain" by "retain" in the light of the advice in Circular 11/95, paragraph 82.

### Conclusions

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

### Formal Decision

27. I dismiss the appeal insofar as it relates to the creation of a self-contained flat and associated roof terrace at roof level, replacement lift over-run and new parapet walls. I allow the appeal insofar as it relates to the alterations to the facades and shop front, and I grant planning permission for the alterations to the entrance (replacing the lead flashing above the canopy by a rendered panel concealing cables, new lighting and planters); the rendering of panels behind the balconies fronting Norland Square; the repainting of panels on the bays and the alterations to the shop front on the Holland Park Avenue elevation at Norland Square Mansions, 53 Norland Square, London W11 4PY, in accordance with the terms of the application, Ref PP/04/00081/MIND/14, dated 17 December 2003, and the plans submitted therewith, so far as relevant to that part of the development hereby permitted, and subject to the following conditions: .

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) Prior to the relevant part of the work commencing, full details of the following shall be submitted to, and approved in writing by, the local planning authority and the approved details shall be implemented and retained thereafter:
  - (i) Any proposed fixed new planters and details of external lighting to the eastern and southern façades.
  - (ii) Details of the proposed new canopy to the Holland Park Avenue elevation at a scale of 1:50.
  - (iii) A sample of the proposed rendering.

*Cinda Wink*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of Counsel

Instructed by Gifty Edila, Director of Law and Administration, The Royal Borough of Kensington and Chelsea

He called

Jonathan Wade BSc (Hons)  
MA MA MRTPI CIM

Policy Team, Forward Planning, The Royal Borough of Kensington and Chelsea

Kate Orme BA (Hons) MSc  
IHBC

Senior Conservation and Design Officer, The Royal Borough of Kensington and Chelsea

### FOR THE APPELLANT:

Joanna Clayton of Counsel

Instructed by Montagu Evans, Chartered Surveyors,  
Premier House, 44-48 Dover Street, London W1S 4AZ

She called

Nick Sharpe BA (Hons)  
MCD MRTPI

Partner, Montagu Evans, Chartered Surveyors,  
Premier House, 44-48 Dover Street, London W1S 4AZ

Charles Pound BSc (Hons)  
MSc Arch Dip TP RIBA  
MRTPI IHBC

11 Manvers Street, Bath BA1 1JQ

### INTERESTED PERSONS:

Mrs M Puig

6 Norland Square Mansions, 53 Norland Square, London  
W11 4PY

### DOCUMENTS

- |          |    |  |
|----------|----|--|
| Document | 1  | List of persons present at the Inquiry.  |
| Document | 2  | Council's letters of notification of the Inquiry and list of people notified.                |
| Document | 3  | Objections submitted in response to the notification.  |
| Document | 4  | Appendices 1-14 to Mr Wade's evidence  |
| Document | 5  | Appendices 1-6 to Ms Orme's evidence.  |
| Document | 6  | Appendix 1 to Mr Sharpe's evidence.  |
| Document | 7  | Appendices A-B to Mr Pound's evidence.   |
| Document | 8  | Statement of Common Ground dated 23 December 2004.   |
| Document | 9  | Core Documents 1-18, submitted with the Statement of Common Ground.                          |
| Document | 10 | Revised suggested conditions, tabled at the Inquiry.   |
| Document | 11 | Agreed measurements of appeal building (existing and proposed) and adjacent listed terraces. |

### PLANS

- |      |        |  |
|------|--------|--|
| Plan | A1-A17 | Plans submitted with Application Ref. PP/04/00081/MIND/14.   |
| Plan | B1     | Plan NM001.P01.11 with footprint of 1974 permission superimposed in red, tabled at the Inquiry by the appellant. |

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**PLANNING AND CONSERVATION**

**THE TOWN HALL HORNTON STREET LONDON W8 7NX**

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Executive Director: M J FRENCH FRICS Dip TP MRTPI Cert TS

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**KENSINGTON  
AND CHELSEA**

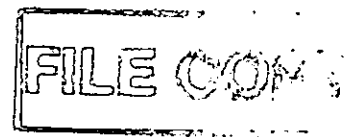
**5 - MAR 2004**

My Ref: PP/04/00081/MIND / 14  
Your Ref:

Please ask for: North Area Team

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT, 1990**



**TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT  
ORDER, 1995**

**REFUSAL OF PERMISSION TO DEVELOP (DP2)**

The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

**SCHEDULE**

<b><u>DEVELOPMENT:</u></b>	Erection of roof extension to create self-contained flat with roof terrace and alterations to elevations to building.
<b><u>SITE ADDRESS:</u></b>	Norland Square Mansions, 53 Norland Square, London, W11 4PY
<b><u>RBK&amp;C Drawing Nos:</u></b>	PP/04/00081
<b><u>Applicant's Drawing Nos:</u></b>	NM001.P01.0S; NM001.P01.00; 01; 02; 03; 04; 05; 06; 07; 11; 12; 13; 14; 15; 16; 17; 18 and design report received on 24.12.2003
<b><u>Application Dated:</u></b>	17/12/2003
<b><u>Application Completed:</u></b>	12/01/2004

**REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF**





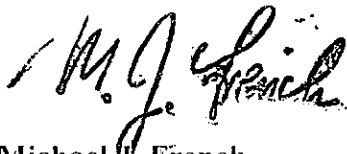
**REASON(S) FOR REFUSAL:**

1. The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. **On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.**

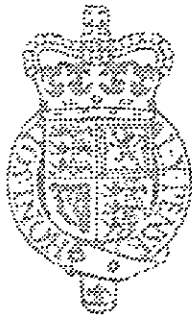
**INFORMATIVE(S)**

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD44, CD45, CD46, CD57, CD61, CD62, TR9, TR36 and TR42.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. J. French', written in a cursive style.

Michael J. French  
Executive Director, Planning and Conservation



# Appeal Decision

Inquiry held on 11 and 12 May 2004

Site visit made on 12 May 2004

by **Isobel McCretton BA(Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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Date **21 JUN 2004**

**Appeal Ref: APP/K5600/A/03/1128425**

**Nell Gwynn House, Sloane Avenue SW3 3AX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Fairbriar Homes against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application (Ref. DPS/DCSE/PP/03/01539), dated 18 July 2003, was refused by a notice dated 19 September 2003.
- The development proposed is construction of roof top extension to provide 8 penthouse flats.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. At the Inquiry the appellants submitted a Unilateral Obligation made under S106 of the Town and Country Planning Act 1990. This undertaking includes a covenant that neither the freeholder nor any occupiers of the proposed flats will apply to the Council for a parking permit and that a similar restriction will be placed on any future occupiers of the proposed units. The Council indicated that this undertaking overcame its objections in respect of the effect of the proposal on on-street parking in the area. I return to this matter later.
2. Also at the Inquiry the appellants submitted revised drawings correcting some inaccuracies in the original plans. The Council indicated that it was content to accept these amended drawings. I am satisfied that no interests would be prejudiced by the substitution of the relevant drawings and I have come to my decision on the basis of the revised plans.

## Main Issues

3. I consider that the main issues in this case are:
  - the effect of the proposed development on the character and appearance of the building and the surrounding area, including the setting of and views from the nearby Chelsea and Hans Town Conservation Areas and
  - the effect on the living conditions of the existing occupiers with reference to loss of light and outlook and noise and disturbance.

## Planning Policy

4. The development plan for the area is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP) adopted in 2002. Policies STRAT 2 and STRAT 16 aim to increase the residential capacity of the Borough where appropriate, while policy STRAT 19

seeks to increase the amount and range of sizes and types of dwellings to meet the needs of those seeking permanent residential accommodation, but maintaining the overall quality of the residential environment. Policy H18 requires the provision of smaller units.

5. Policy CD27 requires a high standard of design, sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings. Because of the often adverse effect on the character and appearance of buildings and the skyline, the supporting text states that the Council has a generally restrictive policy on additional storeys and roof alterations. Thus policy CD44 indicates that additional storeys at roof level will be resisted where, among other things, buildings already have an additional storey or mansard, have a roof structure that is of historic or architectural interest, are higher than surrounding neighbours, the roof line is exposed to long views from public spaces and there would be an intrusive impact on that view, or is a mansion block where an additional storey would add significantly to the bulk or unbalance the architectural composition. The views identified in Conservation Area Proposals Statements are required to be taken into account through policy CD63.
6. With regard to the effect on neighbours, taken together, policies CD33 and CD36 resist development which would significantly reduce sunlight or daylight enjoyed by adjoining residents or have an harmful increase in the sense of enclosure. CD46 resists the introduction of roof terraces if there would be significant overlooking of, or disturbance to neighbouring properties or gardens, or any accompanying alterations are not to a satisfactory design, would be visually intrusive or harm the street scene.
7. While promoting residential development and seeking new sources of housing supply to meet demand, *The London Plan*, published in 2004, also supports good design. Targets are set for housing provision in each of the London Boroughs.
8. I have also had regard to Government advice as set out in PPG1: *General Policy and Principles*, PPG3: *Housing*, PPG13: *Transport* and PPG15: *Planning and the Historic Environment*.

### Reasons

9. Including the basement, the appeal property is an eleven storey mansion block of flats, built in the 1930s, situated on the northern side of the junction of Sloane Avenue and Whiteheads Grove about 600 metres from both Sloane Square and South Kensington tube stations. The block, which has an existing green-tiled mansard roof containing the top 2 storeys, has a 'W' shaped footprint with 3 lightwells - 2 opening onto Draycott Avenue and the other, containing the main entrance, facing Sloane Avenue. The surrounding area is predominantly residential, with a mix of shops, commercial and institutional uses at some of the lower levels. The Chelsea Conservation Area lies to the north, east and south of the appeal site, and the Hans Town Conservation Area to the north-east.
10. The proposal involves the construction of an additional storey at roof level to provide 8 penthouse apartments. The facade would be a full height curtain wall of double-glazed units, obscured to bathrooms and kitchens. The roof would be constructed of metal supported by an internal steelwork frame. A stainless steel and glazed balustrade would be provided around the perimeter of the building at roof level enclosing external terraces. Access to the new level would be by means of internal staircases.

*Character and Appearance*

11. Nell Gwynn House is one of the tallest buildings in this area, being only marginally lower than Sloane Avenue Mansions on the opposite corner. Full views of the building are not always possible because of the narrow angle of perspective, the proximity of other buildings in the foreground or street trees. Nevertheless, it is a prominent building in the street scene and the roof level is visible in a number of views as well as from many surrounding properties. Although not listed, in my view the building has some architectural merit. It has a traditional mansard roof, as do a number of other buildings in the area, which contains the top 2 floors, thereby reducing the bulk of the top of the building as well as adding visual interest. The existing mansard is a traditional terminating feature, and the introduction of a further storey would, in my view, unbalance the architectural composition of the building by altering the relationship between the roof and the building below and the overall proportions of the structure.
12. Although designed to be a visually lightweight structure, subservient to the original building, I consider that the proposed addition, on top of an existing mansard, would be an unsympathetic and incongruous alteration which would be detrimental to the character and appearance of the building itself and obtrusive in the street scene. I recognise that the extension would be set back, but the balustrading would not, and so would be visible in most views of the building as what I consider would be an alien feature on top of the traditionally designed mansard roof.
13. It was argued for the appellants that the proposed extension would be beneficial in that it would remove the existing unsightly rooftop plant. I agree that the existing plant, which can be seen in the longer views, currently detracts from the appearance of the building, though it seems to me that this is due in part to lack of maintenance. However it is not, in my opinion, so unsightly as to justify the addition of what would be a much larger and unacceptable extension. The proposed extension would be up to twice the height of the plant housing and therefore more visually prominent, and in my view the integrity of the traditional design of the building would be compromised.
14. Nell Gwynn House, being one of the tallest buildings in the area, is highly visible in some of the views out of both of the nearby Conservation Areas and would be seen as an inappropriate addition to the existing structure, as detailed above. Although the important views and vistas out of those areas which are highlighted in the Conservation Areas Proposals Statements, or other identified strategic views, would not be affected, policy CD63 requires that the general views into and out of conservation areas are taken into account. The building is seen in or terminates a number of views, particularly out of the Chelsea Conservation Area and in my opinion the proposed increase in height of the building would increase its dominance in those views. While I consider that the setting of the conservation areas would not be harmed to such an extent such that the scheme should fail in this regard, it adds to my concerns about the visual effect of the proposal on the wider area.
15. PPG3, the London Plan and the UDP all encourage the provision of new housing, but with emphasis on good design. I recognise that the Council has little land for new housing development so that it needs to take every opportunity to fully meet the housing targets set out in the London Plan and also that, unusually for the Borough, the site is not in a conservation area. Nevertheless, the contribution to the housing supply represented by this

proposal is not, in my view, outweighed by the harm to the character and appearance of the area which I have identified.

16. I conclude that while the proposal would meet the objectives for the provision of housing as set out in UDP policies STRAT 2, STRAT 16, STRAT 19 and H18 and the London Plan, the proposed roof top extension would nevertheless be detrimental to the character and appearance of the building and the street scene and would conflict with policies CD27, CD44 and CD63 of the UDP.

### ***Living Conditions***

17. The appellants have produced uncontested evidence that any loss of light to flats lower down the block would not exceed the guidelines of acceptability as set out in the Building Research Establishment advice given in '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*'. Because of the configuration of the blocks, a number of windows, particularly those in the inner parts of lightwells, already have reduced levels of light, but I am satisfied from the evidence presented that there would not be an adverse additional effect as a result of these proposals or conflict with policy CD33.
18. The configuration of the building means that the proposed roof extension would be visible from all the flats on the opposite sides of the lightwells. The extension would be set back from the edge of the roof, though the setback around the lightwells would not be as great as along the elevation fronting Sloane Avenue. In the case of the flats around the rear lightwells, particularly the innermost flats, there could be as little as under 12 metres between the new apartments and those opposite. The proposed roof addition would be around 2.9 metres high, well above the height of the existing rooftop plant. The views from most of the flats within the lightwell are mainly of the flats opposite but, especially for the innermost flats, there are also views of the sky which lessens the sense of enclosure. This would be significantly reduced by the addition of another storey and in this respect the outlook from the flats would be considerably diminished.
19. In addition there would be downward views from the new apartments into the flats opposite. There would be even closer views from the terraces where people would be able to look across to the flats on the opposite side of the lightwell, in some cases only about 9 metres away. In my view this would result in an even greater sense of enclosure and an invasion of privacy for the occupiers of the existing flats. I recognise that a similar relationship between facing apartments already exists. However that is not to say that it is satisfactory, or that such an arrangement should be perpetuated in the current proposal. Overall I consider that the combination of loss of privacy and outlook would be detrimental to the living conditions of the existing occupiers in the upper flats whose accommodation faces into the light wells.
20. Another of the Council's objections to the proposal in respect of the effect on existing occupiers is the potential for noise and disturbance arising from use of the proposed roof terraces. The appellants have demonstrated that the noise likely to be associated with the use of the roof terraces would not be noticeable above the prevailing high ambient noise levels in the area. Any noise from people sitting on the terrace would also be contained by the glass screen around the outer edges to some extent. I note that the larger roof terraces, which would be capable of accommodating greater numbers of people, are on the Sloane Avenue elevation, i.e. fronting what appears to be the busiest road. I therefore consider that

the proposal is unlikely to give rise to unacceptable levels of noise and disturbance by way of use of the roof terraces.

21. I conclude that although there would not be unacceptable loss of light or noise and disturbance, the loss of outlook and privacy would be harmful to the living conditions of the existing occupiers which would conflict with policies CD36 and CD46 of the UDP.

#### **Other Matters**

22. Local residents have expressed concern that the proposal would place additional strain on on-street parking which is already in heavy demand in the area even though there are strict parking controls. However the Unilateral Obligation submitted by the appellants, and accepted by the Council, would effectively preclude future occupiers from applying for parking permits. There should therefore be no additional pressure on existing on-street parking facilities as a result of this proposal.
23. Existing occupiers in the block are also very worried about the noise and disturbance which would result from building works, especially as there is already an on-going programme of major refurbishment works and alterations which has given rise to such problems. Even so, some noise and disturbance is an inevitable consequence of new development. A construction method statement and controls on working hours could be secured by conditions if planning permission were to be granted, and therefore, although I have some sympathy with the concerns expressed, this is not a consideration of such weight in this case that would justify planning permission being withheld.

#### **Conclusions**

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

#### **Formal Decision**

25. I dismiss the appeal.



INSPECTOR

APPEARANCES  
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FOR THE LOCAL PLANNING AUTHORITY:

Thomas Cosgrove of Counsel

Instructed by Gifty Edila, Director of Law and  
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He called:

Susan May-Raynes BRTP, MPIA

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DOCUMENTS:

- Document 1 List of persons present on each day of the Inquiry
- Document 2 Council's letter of notification of the Inquiry
- Document 3 Bundle of letters in response to notification letter
- Document 4 Statement of Common Ground
- Document 5 Unilateral Obligation submitted by the appellants
- Document 6 Appendices 1-20 to proof of Susan May-Raynes
- Document 7 Appendices 1-7 to proof of Simon Chadwick
- Document 8 Appendix to proof of Christopher Butterworth
- Document 9 Urban Design Study submitted with the planning application
- Document 10 RBK&C Unitary Development Plan adopted 2002
- Document 11 Health, Safety, Welfare and Environmental Protection Plan

DRAWINGS:

- A1-18 Drawings submitted with the planning application (1006\_P\_001A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9B, 10B, 11B, 12B, 13B, 14B, 15B, 16B, 17B, 18B)
- B1-18 Amended drawings submitted at the Inquiry by the appellants (1006\_P\_004B, 7B, 8B, 11C, 13C, 16C, 17C)
- C1-4 Photomontages of proposal