

Appeal Decision

Site visit made on 29 March 2017

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th May 2017

Appeal Ref: APP/K5600/W/16/3160446

Basement Flat, 63A Warwick Gardens, London W14 8PL

- 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 Whitegarth Holdings Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/03891, dated 15 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is an ancillary building to be used as a garden office.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the Edwards Square, Scarsdale and Abingdon Conservation Area.

Reasons

3. The appeal site falls within the Edwards Square, Scarsdale and Abingdon Conservation Area where I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. It is an area of large properties with ornate street frontages in a dense grain of development.
 4. In contrast, rear gardens in the vicinity of the appeal site are modest but with a consistent openness that provides a verdant and peaceful character. It is a character that is experienced by the occupants of the many properties that back onto Pembroke Gardens and which is seen in streetscene glimpses between buildings, including alongside No 63.
 5. The flat roof office building and steel pergola, both of contemporary design, would be on a raised plateau at the bottom of the garden. While recognisably domestic structures they would occupy a significant proportion of the garden and rise above the height of the existing boundaries. Although of pleasing designs the scale of the structures in the confined space of the garden would diminish its open character.
 6. Given the high level of overlooking from neighbouring properties the proposal would have a deleterious impact on the openness of the historic fabric of the rear gardens. External materials to complement the garden location would
-

provide insufficient mitigation for the scale and prominence of the structures. The proposal would accordingly neither preserve nor enhance the character or appearance of the conservation area. My attention has been brought to other garden structures nearby but I have little detail of these before me to draw any parallels.

7. I conclude that the proposal would harm the character and appearance of the Edwards Square, Scarsdale and Abingdon Conservation Area. It would therefore conflict with design Policies CL1, CL2, CL3, CL6, CL9, CL11 and CR5 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015. While the harm would be less than substantial harm there would be no significant public benefits to attract weight under paragraph 134 of the National Planning Policy Framework.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR