
Appeal Decisions

Site visit made on 3 July 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 31 July 2017

Appeal A: APP/K5600/W/17/3173647 **56 Addison Avenue, London W11 4QP**

- 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 Mr and Mrs Braden against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/08148, dated 30 November 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the erection of a summer house with store to the rear of the garden and associated landscaping.
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Appeal B: APP/K5600/Y/17/3173650 **56 Addison Avenue, London W11 4QP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Braden against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/08149, dated 30 November 2016, was refused by notice dated 8 March 2017.
 - The works proposed are the erection of a summer house with store to the rear of the garden and associated landscaping.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a summer house with store to the rear of the garden and associated landscaping at 56 Addison Avenue, London W11 4QP in accordance with the terms of the application, Ref PP/16/08148, dated 30 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan; Site Plan; BRA-001; BRA-002 (dated November 2016); BRA-003 (dated November 2016).
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) The development shall not be used or occupied until a revised proposed landscaping drawing, including all existing trees and shrubs and proposed trees, shrubs and paths and their surfacing materials including adequate SUDS measures aimed at mitigating against the threat of flooding arising from the proposed development, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the approved details.
- 5) Notwithstanding the approved drawings, this permission does not relate to any alterations to the boundary wall or boundary trellises.

Appeal B

2. The appeal is allowed and listed building consent is granted for the erection of a summer house with store to the rear of the garden and associated landscaping at 56 Addison Avenue, London W11 4QP in accordance with the terms of the application, Ref LB/16/08149, dated 30 November 2016, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans: OS Plan; Site Plan; BRA-001; BRA-002 (dated November 2016); BRA-003 (dated November 2016).
 - 3) No works shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) Notwithstanding the approved drawings, this consent does not relate to any alterations to the boundary wall or boundary trellises.

Application for costs

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in these appeals are;
 - The effects of the proposal on the listed buildings and conservation area
 - The effects of the proposal on neighbours.

Reasons

The effects of the proposal on the listed buildings and conservation area

5. The appeal relates to this grade II listed semi-detached house which is set within the Norland Conservation Area. The proposal seeks to erect a garden building at the end of this residential garden, which is bounded by other rear garden areas.
6. The proposal would have 2 components; the store element would have a flat roof and the summer house element would have a hipped roof of cedar

shingles. The proposal would span most of the width of the rear garden at its furthest point from the house.

7. At my site visit I noted that there were 2 other similar out-buildings being within the gardens of No 51 St James's Gardens and No 52 Addison Avenue; both one garden removed in different directions from the appeal site. In addition, garden boundary walls, fences and planting give an impression of seclusion and separation of gardens from each other. In this sense, the area is not one which displays a high degree of openness but is of separate and compartmented gardens where views are truncated. Therefore, I find that the character of this area does not rely on openness within the rear area and also is not characterised by a freedom from such buildings, as is evident by the 2 within the near proximity of the appeal site.
8. Whilst the height of the building would mean that the upper parts of the hipped roof would be visible above garden planting and fences, I do not consider that this would be obtrusive or unusual within the area. Therefore, I consider that it would have no unacceptable effects on the setting of nearby listed buildings or on the character and appearance of the conservation area.

The effects of the proposal on neighbours

9. The upper parts of the proposal would be visible from neighbouring properties, including those at Nos 52 and 53 St James's Gardens, which are set at a lower level than the appeal site. I was able to observe that a trellis and some plants filter views from No 53 St James's Gardens over the appeal site, although the upper part of the roof would be seen above. It is notable that the nearest part of the proposal to No 53 would be the flat-roofed element and the hipped roof would be set away from the boundary.
10. I have had careful regard to the likely effects on neighbours and it seems to me that the proposal would comply with the requirements of Policy N7 of the Norland Neighbourhood Plan. Furthermore, the limited visibility of the proposal would be insufficient to give rise to a harmful effect on neighbours and insufficient to dismiss the scheme in my judgement.

Conditions

11. I have had regard to the advice in the Planning Practice Guidance in relation to the use of conditions. The Council has suggested a number of conditions in the event that the scheme is allowed and I shall consider these. I shall include the standard time limit conditions and conditions to require compliance with approved drawings for the sake of certainty. In relation to materials, the Council asks that these should match the existing building; in my judgement it would be better if the materials were approved by the Council as those indicated would not match the house (the only 'existing building') in any event.
12. The proposal is within a Critical Drainage Area and so a condition to require submission of details of landscaping and drainage is justified. For the avoidance of doubt a condition which specifically excludes any alterations to the boundary walls or trellis is necessary.

Conclusions

13. I have taken account of all other matters but there is nothing which leads me to a different conclusion. Therefore, the appeals are allowed.

S T Wood

INSPECTOR