



Appeal Decision

Site visit made on 9 March 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/X5990/C/19/3234228

27 Clifton Hill, London NW8 0QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jean-Michel Broun against an enforcement notice issued by City of Westminster Council.
 - The enforcement notice was issued on 27 June 2019.
 - The breach of planning control as alleged in the notice is *Without the requisite planning permission and within the last 4 years the installation of metal pegs and wires to the exterior elevations of the dwelling house.*
 - The requirements of the notice are to:
 - 1) Remove the metal pegs and metal wiring from the external elevations of the dwelling house; and
 - 2) Repair any damage to the brickwork and mortar caused by the installation or removal of the metal pegs and wiring referred to in Requirement 1 of this Notice, to match the surrounding brickwork and mortar; and
 - 3) Remove from the site any materials or debris resulting from compliance with Requirements 1) or 2) of this Notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The appeal on ground (a)

2. There is no dispute that planning permission is required for the alleged development, which is described by the appellant as a wire cable trellis covering the exterior walls of the property, which is a detached house in the St Johns Wood Conservation Area. The house itself is of post-war construction but is surrounded by a number of mid-C19th villas, many listed, that survived the war and contribute to the attractiveness of the area.
3. The trellis that has been attached to the property consists of a number of metal pegs and wires, as described by the notice, rather similar to the standing rigging of a sailing yacht. The purpose of the trellis is to allow vegetation to grow around the building, and a number of climbing plants were fairly well-established at the time of my site visit, with an irrigation system having been installed.

4. There was some dead growth towards the base of the planting to the front of the property, but overall the front façade was generously covered in foliage although with the trellis system remaining clearly visible from the street in places and with lesser coverage to the other elevations. The principal issues in the appeal on ground (a) are the effect of the trellis system on the character and appearance of the host building and of the Conservation Area in which it lies, and whether the development will preserve or enhance the character or appearance of the Conservation Area. Whilst observing that there are no guarantees that the planting system will not fail in future, it has established well in the short period since planting. I consider that, with the benefit of the irrigation system that has been installed together with any necessary planning conditions to require re-planting measures, it is appropriate to assess the effect of the trellis system with regard to the coverage by vegetation that was achieved by the time of my visit.
5. Clifton Hill and its surrounding streets are wide boulevards mostly consisting of large detached or semi-detached Victorian dwellings with the building lines set back a little from the road. There is extensive planting to the front of many properties, including some street trees, with a number of domestic magnolia trees in bloom at the time of my visit. Some climbing vegetation, such as ivy, wisteria and hydrangea, attached to properties in the area but none so extensively as to cover entire elevations.
6. No 27 Clifton Hill is an unremarkable post-war detached property, recently the subject of extensive renovation works to include re-sizing the windows, replacing the entrance portico and the addition of a large glazed rear extension across the width of the property at the ground floor. Whilst, on the evidence of photographs, these works have improved the appearance of the building from the street, the property nonetheless makes a neutral contribution to the character or appearance of the Conservation Area, which is largely characterised by the prevalent stucco-fronted Victorian villas.
7. The pegs and wire trellis are, where not covered by vegetation, visible from the street at close range and, without any or with limited vegetation, as on earlier photographs, have the appearance of enclosing the building in a 'cage' that would undoubtedly be harmful to the appearance of the property if left unplanted. However, the purpose of this trellis system is to establish 'green walls' on each elevation of the property, and at the time of my visit had gone some considerable way to achieving this purpose. In particular, the front elevation was mostly covered although it is clear that the vegetation will take some time to establish in full.
8. Although some elements of the trellis system remain visible, overall I consider that the present effect on the building and the wider Conservation Area is neutral. The establishment of 'green walls', although more extensive in coverage and height when compared with the vegetation found at other dwellings in the vicinity, does not harm the appearance of the property, which is otherwise unremarkable. Rather, when the planting is fully established so as to obscure the trellis more completely, I consider that the overall appearance of the house will be improved, by obscuring an unexceptional house in a way that adds to the sylvan character of the area. Nor does it harm the character or appearance of the Conservation Area (or the setting of the nearby Listed Buildings) more generally because, although the coverage of vegetation on this

building is more extensive than found elsewhere, the area is a leafy one and such extensive coverage is not out of place.

9. Policies cited in the Council's reasons for issuing the notice require development, including householder alterations, to achieve high standards of design that preserve local character and the significance of heritage assets. I consider that these requirements are met in this case, and that the development complies with the policies cited in the Council's reasons for issuing the notice; namely London Plan (2016) Policies 7.4 and 7.8; Westminster City Plan (2016) Strategic Policies S25 and S28; and saved Westminster Unitary Development Plan (2007) Policies DES1, DES5 and DES9.
10. The Council has suggested two planning conditions and I agree in broad terms that these are necessary to ensure the planting continues to establish successfully and to remain thereafter. The first refers to a 'Management objectives' plan submitted by the appellant that sets out measures to ensure the planting is successfully established and the Council's proposed condition proposes that the measures should be adhered to beyond the 5 year period of the plan. I shall impose this condition in the terms suggested. The second proposed condition refers to the 'planting plan', with requirements for species replacement within 28 days of finding that any plants are dead or dying. I shall impose this condition but vary the requirement as to the time when replacement planting should be carried out to the next available planting season.
11. With these conditions in place I attribute considerable weight to the prospects of successfully establishing and retaining the 'greenwalls' that are the purpose of the trellis system. A condition to require the removal of the trellis if the greenwalls fall into disrepair, as suggested by the appellant although the ability to achieve an enforceable condition is disputed by the Council, is therefore unnecessary.
12. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) does not therefore need to be considered.

Formal Decision

13. 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 metal pegs and wires to the exterior elevations of the dwelling house at 27 Clifton Hill, London NW8 0QE referred to in the notice, subject to the following conditions:
 - 1) The document entitled 'Management objectives', drawing no 04 created on 26 April 2019 produced by Rich Landscapes Studio shall be adhered to at all times, with management and maintenance during all years beyond 'year 5' adhering to the 'year 5' measures.
 - 2) If any of the plants (with the exception of the Wisteria Sinensis) identified on the document entitled 'planting plan', drawing no 01 created on 26 April 2019 at a scale of 1/100@A3 produced by Rich Landscapes Studio, are found to be dead or dying at any time, they shall be replaced with a matching species of plant directly adjacent to the same elevation of the

building within the next available planting season. If any replacement plants are found to be dead or dying at any time, they shall be replaced with a matching species of plant directly adjacent to the same elevation of the building within the next available planting season.

Laura Renaudon

INSPECTOR