
Appeal Decision

Site visit made on 15 October 2020

by David Fitzsimon MRTPI

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

Decision date: 28th October 2020.

Appeal Ref: APP/K5600/D/20/3249696

7 Campden Hill Road, London W8 7DX

- 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 Dr Elia Maalouf against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/19/08096, dated 2 December 2019, was refused by notice dated 24 January 2020.
 - The development undertaken is the erection of a glass balustrade in the front garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The glass balustrade was in place at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue is the effect of the balustrade on the character and appearance of the host dwelling, the street scene and the Kensington Conservation Area (CA).

Reasons

4. The appeal relates to an imposing period end of terrace property which sits in a prominent position on the corner of Campden Hill Road and Phillimore Walk. It sits at the end of a row of similar properties which have prominent wide steps to their substantial entrances along with open lightwells to their basements. The properties within the row have shallow front gardens enclosed by low front walls reinforced by railings and in some cases, like the appeal property, a hedge or other vegetation. The building is identified within the Kensington Conservation Area Character Appraisal as a 'positive building' and the broadly consistent appearance of the dwellings within the row makes a noticeable and positive contribution to the character and appearance of the street scene and the wider CA.
5. A contemporary glass balustrade within a metal frame has been fitted along the retaining wall of the open lightwell of the basement of the appeal property. It has a very modern appearance and it is at odds with the traditional railings which are a noticeable and pleasing feature of the other dwellings within the row. As a result, the glass balustrade appears as an unsympathetic addition

and it detracts from the attractive and traditional character and appearance of the host building. Whilst partially screened by the mature hedge at the front of the appeal property, the glass balustrade is clearly visible from certain public vantage points and therefore it inflicts harm on the character and appearance of the street scene and the wider CA.

6. The harm to the CA as a heritage asset is 'less than substantial' as directed by the Planning Practice Guidance. However, I attach considerable importance and weight to the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant has not suggested that the glass balustrade provides any public benefits.
8. The appellant asserts that other properties within Campden Hill Road have similar glass balustrades, referring specifically to No. 51. However, I do not know the precise planning circumstances behind this particular example, or indeed whether it is lawful. The appellant also refers to a decision by a colleague Inspector when determining a number of appeals relating to No. 39 Argyll Road, London (Refs. APP/K5600/W/17/3168915, 3171040, 3171928 & 3171929). However, from my reading of the Decision Letters, the balustrades in those particular cases relate to Juliet balconies and roof terraces. They therefore do not appear to be directly comparable to the scheme before me, which I have considered on its individual merits in any event.

Overall Conclusion

9. I conclude that the glass balustrade harms the character and appearance of the host dwelling, the street scene and the CA. In such terms, it conflicts with policies CL1, CL2, CL3, CL6 and CL11 of the adopted Kensington and Chelsea Local Plan which collectively promote good design that is appropriate to its context and seek to preserve or enhance heritage assets.
10. The arguments advanced by the appellant in favour of the development do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR