



Appeal Decision

Site Visit made on 23 February 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/K5600/D/20/3263450

67 Clarendon Road, LONDON, W11 4JE

- 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 C Noell against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/03549, dated 30 June 2020, was refused by notice dated 30 October 2020.
 - The development proposed is Provision of two pergolas and air cooling enclosure with associated noise attenuation in rear garden of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Provision of two pergolas and air cooling enclosure with associated noise attenuation in rear garden of dwelling at 67 Clarendon Road, LONDON, W11 4JE in accordance with the terms of the application, Ref PP/20/03549, dated 30 June 2020, subject to the conditions in the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the air conditioning enclosures on the character and appearance of the host property and the area.

Reasons

3. The appeal site is a semi-detached house within the Ladbroke Conservation Area (the CA). The Ladbroke Conservation Area Appraisal, October 2015 (the CAA) identifies the significance of the CA as being in the housing which follows the contours of the area, as well as the spacious urban form, the important relationship of the planned green-space to the built form and the generally high quality detailing and design.
4. The host property is identified in the CAA as one which makes a positive contribution to the significance of the CA. Given the variety in the appearance of the rear of the appeal site and its neighbours, and the lack of public viewpoints, I consider that the rear of the property makes a neutral contribution to the overall significance of the CA as a heritage asset.
5. The proposal would, in my view have a neutral effect on the significance of the CA as a heritage asset. It would clearly be contained within the boundaries of the site, and would appear, in the private views of it, as part of a cohesive, planned and deliberate part of the garden and landscaping design at the rear of the property. The use of timber elements, as well as soft landscaping is consistent with the broad character and appearance of the rear of the site, with other fencing and landscaping in evidence.

6. In addition, the scale of the proposal, particularly relative to the boundary treatments, the distance from surrounding properties and its relative size, is appropriate for its location. No views of the proposal would be possible from the public domain.
7. Having given great weight to the conservation of the CA as a heritage asset, and in light of my conclusions on its effects above, I consider that the proposal would not cause harm to the significance of the CA. As such, the proposal would preserve both the character and appearance of the CA.
8. I note the concerns of the authority that although the proposal would not be visible from the public realm, it would nevertheless be visible from a number of private properties, and that this would add to its unacceptability. Whilst the CAA does refer to views across rear elevations and between houses as being important, in my view the logical application of that is not to resist development simply because it may be visible. I have found that the design, scale, height and position of the proposal would not be so prominent or incongruous that it would cause unacceptable harm to the character and appearance of the area or the host property. In line with that conclusion, I do not consider that the visibility of the proposal from other properties makes it unacceptable, harmful to the character and appearance of the host property or area, or indeed, the significance of the CA as a heritage asset.
9. The proposal is therefore acceptable with regard to its effect on the character and appearance of the host property and the area. Furthermore, it preserves the character and appearance of the CA, and causes no harm to its significance as a heritage asset. The proposal therefore complies with Policies CL1, CL2, CL3, CL6 and CL11 of The Royal Borough of Kensington and Chelsea Local Plan September 2019. These policies seek, amongst other things, to ensure that development, particularly in CAs respects and responds to the existing context, character and appearance and preserves views which contribute to the character and quality of the area.
10. The proposal also complies with guidance in the National Planning Policy Framework (the Framework) on conserving and enhancing the historic environment.

Other Matters

11. I note the various third-party comments concerning the potential for noise and disturbance arising from the proposal. However, the response from the Environmental Health Officer confirms that the proposal is acceptable in these regards, and that conditions can ensure the ongoing compatibility of the proposal with the amenity of occupiers of neighbouring properties. The need for air conditioning in the UK is not a matter for me to consider in this appeal.

Conditions

12. Having had regard to the requirements of the National Planning Policy Framework, the Planning Practice Guidance and the comments of the authority and their consultees, I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development. In response to the comments of third parties and the Environmental Health Officer, I have also imposed two conditions concerning external noise levels (3) and vibration

control (4). These conditions are necessary to ensure that the proposal does not cause any unacceptable harm to amenity by way of noise and disturbance. The conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN, BLOCK PLAN, P/05C, P/11A, P/12A.
3. Noise emitted by all building services plant including from atmospheric vents shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when all plant is in use, where the plant noise source is tonal it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.
4. All building services plant located externally within the development shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the transmission of vibration and regenerated noise to within adjacent parts of the proposed building(s) and these shall be so maintained thereafter.

End of Schedule of Conditions