



Appeal Decision

Site Visit made on 26 May 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/X5990/W/21/3268026

Eresby House Rutland Gate, London SW7 1BG

- 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 Eresby House Freehold Ltd against the decision of City of Westminster Council.
 - The application Ref 20/06090/FULL, dated 29 September 2020, was refused by notice dated 27 November 2020.
 - The development proposed is the installation of no. 4 new access gates (no.2 pedestrian and no.2 vehicular), new fence line min. 1.4m high from pavement, new hedge "hornbeam" Carpinus Betulus 1.5m high, Pavement cut back with new brick set surface and dropped kerb for crossing to match existing, no. 4 CCTV cameras, no.2 Access control/intercom to reception desk and exit release button for the pedestrian gates, no. 1 dual height intercom to reception desk for the vehicular entrance gate, no.1 Exit release button and intercom on post for the vehicular exit gate.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the determination of the planning application the Council has adopted a new Local Plan, the City Plan 2019-2040. I have sought comments from the main parties with regard to this matter and I have taken their responses into account in my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the Knightsbridge Conservation Area and the setting and appearance of the host building.

Reasons

4. The appeal site is located in the Knightsbridge Conservation Area (CA). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.
5. I have little information before me from the main parties in relation to the significance of the CA and so I have approached this matter based on my own observations. I consider that the significance of the CA is derived, in part, from the quality, appearance and age of its buildings and their associated settings. In Rutland Gate, the presence of two garden squares contribute greatly to its character and appearance providing the street with a quiet, leafy character.

6. The host building is identified by the Council as an unlisted building of townscape and notable architecture merit, which makes a positive contribution to the CA. The building is set back from the road within sizable landscaped gardens that are enclosed by low walls with hedges behind. This provides a sense of openness which contributes positively to both the setting and appearance of the building and the character and appearance of the CA and also the quiet and leafy character of the streetscene.
7. The proposed railings, gates and piers have been designed to complement the art deco style of the host building. However, as a result of their height and form, the railings, in particular, would appear incongruously dense and have an unrelenting presence within the streetscene and would significantly diminish the sense of openness that currently exists to the front of the building. This would cause harm to the setting and appearance of the host building and the contribution that it makes to the CA, as well as to the character and appearance of the CA. While there would be planting behind the proposed railings, I do not consider that this would mitigate the harm that I have identified, which would be significant.
8. I observed that railings are a prominent feature within Rutland Gate. However, these are in the context of Victorian terraces and the garden squares and are established features within the streetscene. By contrast, the proposal relates to a building from a later period which has its own distinct setting to the terraces and gardens squares. As such, the presence of the existing railings do not justify the unacceptable development proposed.
9. The appellant suggests that Eresby House may originally have been enclosed by railings, although no evidence has been submitted to substantiate this suggestion. Nevertheless, the appellant suggests that boundary treatments are acceptable without the need for such evidence and has referred me to The Knightsbridge Evidence Base document to support this assertion. However, I do not have a copy of that document before me and I am mindful, in any case, that each case must be considered on its own merits.
10. The appellant also notes that the Council acknowledge that there are areas of frontage which are more exposed and would benefit from more delineation. Further, the current proposal follows a withdrawn application and the appellant considers they have addressed the previous concerns of the Council. I have also been advised that other gardens in the area are gated and have key access only. However, I have assessed the proposal on its merits and found it to be harmful for the reasons that I have identified. These matters, therefore, do not indicate to me that planning permission should be granted.
11. The harm that would be caused to the significance of the CA as a designated heritage asset would be localised and would be less than substantial for the purposes of paragraph 196 of the National Planning Policy Framework (the Framework), and as such this harm needs to be weighed against the public benefits of the proposal.
12. The appellant suggests that the proposal would improve security at the building and would mitigate anti-social behaviour. Although I have been advised of anti-social incidents having occurred at the appeal site, no substantive evidence has been submitted to substantiate this point. Consequently, I afford only limited weight to this matter in my assessment of the appeal proposal.

13. Against the benefits advanced by the appellant is the great weight that I must attach to the heritage asset's conservation. I find that the public benefits advanced in support of the proposal do not outweigh the harm that would be caused to the significance of the CA as a designated heritage asset. Accordingly, the proposal conflicts with the Framework in terms of its aims to sustain and enhance the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
14. I conclude that the proposal would cause harm to the character and appearance of the Knightsbridge Conservation Area and setting and appearance of the host building. The proposal would conflict with CP Policies 38, 39, 40 and 43. These policies seek, amongst other matters, to ensure that development is sensitively designed, contributes positively to Westminster's townscape and streetscape, that it preserves or enhances the character and appearance of its conservation areas and that it contributes to a well-designed public realm. The proposal would also conflict with Policy KBR1 of the Knightsbridge Neighbourhood Plan 2018-2037 (2018), which states that proposals for new development should respect the relevant conservation area. The proposal would also conflict with the overarching aims of the Framework.

Conclusion

15. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR