



Appeal Decision

Site Visit made on 9 November 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/K5600/W/21/3280003

Linden Mews, London W2 4HE

- 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 Meadmore (Linden Mews Ltd) against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref PP/20/04775, dated 19 August 2020, was refused by notice dated 4 February 2021.
- The development proposed is upgrading the boundary wall at the end of Linden Mews from timber structure to a brick structure.

Decision

1. The appeal is allowed and planning permission is granted for upgrading the boundary wall at the end of Linden Mews from timber structure to a brick structure at Linden Mews, London W2 4HE, in accordance with the terms of the application Ref PP/20/04775, dated 19 August 2020, and 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: 570/IN/050; 570/GA/100.
 - 3) No development shall take place until a sample of the materials of external construction for the wall hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to their installation, details of the design and materials of the bollards hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Preliminary Matter

2. Since the application was refused, the Government has published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal. I have determined the appeal on the basis of the revised Framework.

Main Issues

3. The main issues are whether the development would preserve or enhance the character or appearance of the Pembridge Conservation Area, and whether the setting of the nearby grade II listed Entrance Arch would be preserved.

Reasons

4. The appeal site is located at the end of Linden Mews, which is located wholly within the Pembridge Conservation Area (CA). At the entrance to the Mews, spanning between 23 and 25 Linden Gardens, is a grade II listed Entrance Arch dating from around 1875. The effect on this listed building did not feature in the Council's refusal reason. Nonetheless, as the setting of this listed building extends throughout Linden Mews and Linden Gardens, the site falls within its setting. My statutory duties involve paying special attention to the desirability of preserving or enhancing the character or appearance of the CA, and having special regard to the desirability of preserving the listed building or its setting.
5. The CA comprises a high quality built environment that is laid out as a mixture of terraces, semi-detached houses, mews and less frequent blocks of flats. The groups of buildings with distinctive qualities of architectural features, and a limited palette of materials, combine into cohesive frontages to define streets, spaces and views. Therefore, insofar as it relates to this appeal, the CA derives some of its significance from the hierarchy of streets and spaces as well as the aesthetic value in the quality of the period architecture.
6. Linden Mews is a gated, private cul-de-sac of mews buildings lining both sides of a cobbled yard. In contrast to the tall stucco-decorated terraces of Linden Gardens, the Mews buildings have a more functional appearance that reflects their former use as stables with living quarters above. The Pembridge Conservation Area Appraisal 2017 (CA Appraisal) identifies Linden Mews as buildings which make a positive contribution to the historic and architectural character and appearance of the CA.
7. At the end of the Mews, and the subject of replacement in this appeal, is a set of painted timber gates set between brick piers. The design and materials of the gates reflects the side-hung doors and hinges found on some of the Mews buildings. However, the evidence before me indicates that they are a relatively modern addition to Linden Mews, with reports that they were installed in the 1990s. Furthermore, the gates appear to serve the side gardens of 4 and 5 Linden Mews, which historically would not have belonged to those buildings. Indeed, historical maps show that the land was originally part of a longer garden to a property on Notting Hill Gate.
8. Whilst the historical maps do not indicate the nature of the original enclosure, I have not been presented with any substantive evidence of former historical links between Linden Gardens and the adjacent garden land to suggest that the original boundary treatment would have contained gates of any kind. Furthermore, the CA Appraisal notes that the mews are typically cul-de-sacs. On the available evidence before me, I find it improbable that such a gated access would have originally existed at the end of Linden Mews. As such, I am satisfied that the proposal does not involve the destruction of historic fabric, nor severance of any route or link of historic importance.
9. I agree that buildings and features do not have to be original to make a positive contribution to the CA. I also do not consider the gates to be visually unattractive. However, given the above, they do, in my view, weaken the authenticity and legibility of this historic piece of townscape. Furthermore, the gates are a relatively small feature and seen principally from within a private space, such that they could not reasonably be regarded as features which make a positive contribution to the significance of the CA as a whole. At best,

the gates are a neutral feature. For all these reasons, I consider that the loss of the gates would not, in and of itself, be harmful to the significance of the CA.

10. The replacement brick wall would be no higher than the existing gates and piers, and thus, would not appear more dominant at the end of the cul-de-sac. Moreover, it would be similar in height and materials to that of other traditional boundary walls in the area. The specific details of the bricks to be used can be controlled by a planning condition. Consequently, even though the wall might be considered unremarkable in its appearance, it would not be harmful or inappropriate. It would be consistent with the surrounding well-defined urban grain and hierarchy of streets and spaces, which are a defining characteristic of the CA. The Council has not objected to the replacement bollards, and subject to agreement of the specific design and materials, I have no reason to reach a different view. Overall, I consider that the effect in relation to the CA as a whole would be neutral.
11. The Entrance Arch lies at the opposite end of the Mews to the appeal site. It is a structure deliberately sited and designed for outwards public display. This is evident in the marked differences between the ornate decoration of the front elevation facing Linden Gardens and the plain elevation facing the former servant's quarters in the Mews. The significance/special interest of the listed building, in so far as it relates to this appeal, is drawn from the historic and aesthetic value of its fabric, notably the richly-detailed main façade to Linden Gardens.
12. The immediate setting of the Entrance Arch makes a positive contribution to its significance in that it allows the historic and architectural interest of the Arch within the townscape to be appreciated. However, the proposed wall would be located around the corner from the rear side of the Arch. As such, taking into account the extent and nature of the development, and my findings above, it would not detrimentally affect how the heritage value/special interest and significance of the Arch would be appreciated from the public or private viewpoints. Consequently, the effect on the setting of the listed building would be neutral.
13. Drawing these matters together, the proposal would not detract from the elements which contribute positively to the significance of the CA, or erode any of the elements which contribute positively to the special interest and significance of the nearby listed building.
14. I therefore conclude that the character and appearance of the CA, and the setting of the Entrance Arch, a grade II listed building, would be preserved. The proposal therefore complies with statutory expectations and the Framework. It also complies with Policies CL1, CL3, CL4, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019. Among other things, these policies aim to ensure that development respects local context and character; protects the heritage significance of listed buildings, and preserves or enhances the character or appearance of conservation areas and views within them.

Other Matters

15. I have also had regard to the concerns raised by interested parties that have not already been encapsulated above. This includes matters relating to land ownership and rights of access, including for fire escape purposes. However, I

have not been presented with any robust evidence either way, and it is not within my jurisdiction to resolve such matters. Moreover, whilst noting the case law referred to, I can see no reason why a grant of planning permission would negate or supersede any private legal rights if they do exist. Accordingly, these matters have had limited bearing on my assessment of the planning issues in this appeal.

Conditions

16. In addition to the statutory time limit, a condition listing the approved plans is necessary in the interests of certainty. It is also necessary that samples of the building materials for the wall and details of the new bollards be sought in the interests of the preservation of the character and appearance of the area. The conditions have been imposed having had regard to the advice in the Framework and the Planning Practice Guidance, and with the appellant's agreement to use of a pre-commencement condition.

Conclusion

17. I have found that the proposal complies with the development plan and Framework read as a whole, and there are no considerations to indicate that a decision should be taken other than in accordance therewith. Accordingly, I conclude that the appeal should succeed.

A Caines

INSPECTOR