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## Appeal Decision

Site visit made on 8 November 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2021**

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**Appeal Ref: APP/K5600/Z/21/3275278**

**Unit 1, 296 Westbourne Grove, London W11 2PS**

- 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 Mandy Lieu against the decision of The Royal Borough of Kensington & Chelsea.
  - The application Ref PP/21/00059, dated 22 December 2020, was refused by notice dated 1 April 2021.
  - The development proposed is a shopfront and signage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the street scene and whether or not it would preserve or enhance the character or appearance of the Ladbroke Conservation Area (CA).

### Reasons

3. The appeal site is located within the Ladbroke CA. It represents a rich and varied tapestry of fine examples of Victorian architectures of a predominantly residential nature, made up of long and high grand Victorian terraces, sweeping crescents and more modest mews developments set along narrow streets. An interesting variety to the pallet of materials of entirely stucco fronted houses, or stucco detailing with stock brick, and buildings of red brick with terracotta tiles, notably contribute to its significance. Long stretches of retail uses are concentrated in very defined and limited locations. Traditional shopfronts within the CA make a strong contribution to the character and appearance of it.
4. The appeal shopfront has been installed. It comprises of a central entrance door into the shop unit between a single timber sash window set upon a high stall riser, and transom lights with a fascia sign spanning the full width of the ground floor of the building. An independent side door provides access to the first floor.
5. The context of the immediate area is a mix of retail, commercial and eating establishments on ground floors. It also contains some variety to its shopfronts. However, a unifying feature here are long, fixed shut glazing panels, low stall risers and mullions of a slim nature. Predominately, the

shopfronts here have a traditional appearance to them and complement the character of the building and their surroundings.

6. The existing shopfront detracts from the attractiveness of the street scene. Irrespective that it incorporates transom lights and stall riser, its bulky appearance and inappropriate glazing style and out of proportion scale to the stall riser, does not appear as a sympathetic addition to the building, the terrace or the local area. The entrance door is also at odds with the surrounding character.
7. Given the sensitive nature of the CA, the proposal lacks the traditional refined proportions of a classically designed shopfront and fails to achieve the same design quality and visual character as other examples seen locally.
8. Irrespective of the appellant's view of the former shopfront, and whether or not it was 'open', I share the Council's view that it is a detrimental departure that does not preserve or enhance the character and appearance of the CA.
9. There may be examples of shopfronts with openable timber sash windows within the local area, and indeed other shopfronts of differing characteristics seen locally have been brought to my attention. However, none are sufficiently close to the appeal site, or share precisely the same circumstances or characteristics to draw any meaningful comparison.
10. Despite the appellant pointing to other non-painted timber shop fronts, these are not located within close relationship with the appeal site. The stained nature of the timber is not a traditional feature of shopfronts within the CA and the finish here further contributes to harm arising to the street scene and to the character and appearance of the CA. A condition to agree the finished colour of the shopfront would not render the proposal acceptable given the aforementioned reasons.
11. I have been provided with the previously approved permission at the site. The appellant is of the view that the original permission contained no reference to the finish of the exterior. However, condition three of the approval relates to materials to match existing, including its colour 'to match the existing exterior of the building'. To my mind this gives a clear indication of the required finish.
12. With reference to the National Planning Policy Framework (the Framework) and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposal would be limited to the character and appearance of the CA, I find that the harm to be 'less than substantial' in this instance.
13. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. It may be preferable for the cafe to have openable windows and it may have been internally designed with this in mind. Furthermore, I am aware of the Covid-pandemic and restrictions that ensued, and the contribution this type of business has made under the circumstances. However, there is no compelling evidence presented for me to consider that the scheme, as presented, is the only solution. Furthermore, there is nothing before me to suggest that a pleasant outlook for customers could not be achieved by using an alternative design.

15. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the development does not exist.
16. Therefore, to conclude on this main issue, the proposal does not result in a positive contribution to the street scene and causes detrimental harm to the character and appearance of the CA. As such the proposal is contrary to the context and character and design aims of policies CL1, CL2, CL3, CL10 and CL11 of the Kensington and Chelsea Local Plan 2019, as well as the Shopfront Design Guide Supplementary Planning Document 2010.

### **Conclusion**

17. The proposal results in harm to the street scene and to the character and appearance of the CA and leads to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR