



Appeal Decision

Site visit made on 9 November 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/K5600/W/21/3279735

Flat 7, 42 Blenheim Crescent, Kensington, London W11 1NY

- 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 Ms Sally Averill against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/01812, dated 16 February 2021, was refused by notice dated 6 July 2021.
 - The development proposed is the replacement of wind screening to metal balustrade of roof terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the development was already in place. I have therefore considered the appeal on this basis.

Main Issue

3. Whether the development preserves or enhances the character or appearance of the Ladbroke Conservation Area (the LCA).

Reasons

4. The appeal site is located within the LCA, whose significance appears to be largely derived from the grandeur of the terraced buildings and the consistent palette of traditional materials, including brick, stucco and ironwork. Metal or iron boundary and balcony railings are prevalent in the locality. These features, amongst others, contribute to a high-quality townscape and give the LCA a unified character and appearance. The building within which the appeal property is located is a terraced property with stuccoed ground floor and quoins and largely reflects the traditional characteristics of the LCA.
5. The building has a full height closet wing to the rear with roof terrace on top. This terrace is enclosed by timber fencing which is highly visible from the public realm due to its raised, corner positioning. Whilst the timber has weathered, the fencing nevertheless has a strikingly contemporary appearance, exacerbated by its solid design and extensive coverage. It introduces an uncharacteristic material which is noticeably stark and jars with the traditional materials and design of railings in the locality. By virtue of these factors, the fencing is a prominent and intrusive addition to the LCA.

6. Even if the fencing has addressed concerns with the previous bamboo matting around the railings, this does not outweigh the harm I have identified. I am also unconvinced that suitable wind screening could not be achieved with a more appropriate approach. The planting on the terrace, which may soften the appearance of the fencing, is not a permanent feature and could die or be removed thus is not sufficient in itself to justify harmful development.
7. I observed examples of other wooden screening and fencing in the locality. I do not know the full circumstances under which they have been constructed or whether they have been granted planning permission, and therefore a direct and fully reasoned comparison is not possible. Notwithstanding this however, the examples are limited and serve to confirm, along with the appeal development, that such uses of timber is uncharacteristic and harmful to the character and appearance of the LCA.
8. The appellant states that removing alternate horizontal bars would provide more transparency. They consider that this could be conditioned if necessary and that the Council had stated that this could be an option. However, the Council are of the view in their statement that no conditions would overcome the issues presented by the appeal. I have not been provided with any further information on this matter thus it is difficult for me to consider fully whether such a condition would provide sufficient benefit or could be precise enough to overcome the harm that I have found to the LCA. Furthermore, given my findings above I am not convinced such a proposal would remove the harm identified.
9. Given the scale of the development in context, the harm it causes to the significance of the LCA is less than substantial. The National Planning Policy Framework (the Framework) is clear that irrespective of the level of harm, great weight should be given to the asset's conservation and, where a proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I have not been made aware of any such benefits.
10. Accordingly, the development neither preserves nor enhances the character or appearance of the LCA. It therefore conflicts with Policies CL1, CL2, CL3, CL6, CL8 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan (September 2019) and the Framework which collectively seek to ensure that developments are sympathetic to the character and appearance of the building and its context and preserve or enhance the historic interest of the area. The letters of support do not alter the conclusion that I have reached.

Conclusion

11. The development conflicts with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above, the appeal should be dismissed.

H Ellison
INSPECTOR