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## Appeal Decision

Site visit made on 8 November 2021

**by E Symmons BSc (Hons) MSc MArborA MRTPI**

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

**Decision date: 03 December 2021**

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**Appeal Ref: APP/K5600/D/21/3278519**

**44 Uxbridge Street, London W8 7TG**

- 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 Bettina Kadoorie (Sistorian Real Estate) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref PP/21/01906, dated 22 March 2021, was refused by notice dated 27 May 2021.
  - The development proposed is for the installation of security shutters to the rear elevation windows and doors.
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### Decision

1. The appeal is allowed and planning permission is granted for the installation of security shutters to the rear elevation windows and doors at Land at 44 Uxbridge Street, London W8 7TG in accordance with the terms of application reference PP/21/01906, dated 22 March 2021 subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Site-01; Site-02; Prop-01 Rev B; Prop-02, Rev B; Prop-03 Rev B; Prop-04 Rev B; Prop-05 Rev B; Prop-06 Rev B; Prop-07 Rev B; Prop-15 Rev B; Prop-16 Rev B and Prop-17 Rev B.
  - 3) No development shall commence until details of the design and colour of the rear elevation security shutters hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of Kensington Conservation Area (KCA).

### Reasons

3. The KCA is divided into ten character areas with the appeal site within Hillgate Village which has a mixed character including both residential and commercial dwellings. There are period buildings interspersed with others ranging in age, design and their level of positive contribution to KCA. The frontage of the

Victorian appeal property, formerly a pub and then gallery, is seen within the context of Uxbridge Street. This building, with its façade period features, makes a positive contribution and is mentioned as such in the KCA Appraisal 2017.

4. The property is now a single residential unit comprising a basement with two storeys above. The proposed shutters would be situated to the rear elevation at both ground and first floor level. No changes to the frontage are proposed.
5. There are no views of the rear elevation from the public realm and consequently, this element of the building does not make a significant contribution to the character or appearance of the wider KCA. Private views are indirect and would be from the rear upper-floor windows and balconies of properties on Farmer Street and Jameson Street which sit at right angles to the appeal property. Within these views, only the first floor of the rear elevation is easily visible. Windows which are directly opposite are those to the rear of Hillgate Place. These however, are some distance away from No 44 and consequently the proposal would not have a significant effect upon them.
6. The shutters would be fitted to two first floor doors and a window. When open, they would be housed within aluminium boxes which would sit above the window apertures. The housings would be relatively discrete, and the colour of the casings could be secured through a suitable condition allowing them to match the existing white door and window surrounds. Although the boxes would add clutter to the rear elevation, and such features are not common within the surrounding private views, there are many other features visible including fence panels; metal fencing; TV ariels, alarm boxes and security lights. Inclusion of shutter boxes would not be unduly incongruous within this context.
7. Although in more general terms there are shutters visible within the local street scene, rear door and window shutters are not a common feature in surrounding properties. When closed the shutters would obscure the doors and windows. I acknowledge that large expanses of such security features can create a 'fortress-like' impression. However, in this case the areas involved, taken within the context of the building mass as a whole, would not be expansive and would not harm the rooflines. Furthermore, the shutters are available in a range of colours and a condition would allow the Council to agree this specification. With respect to the ground floor shutter, this would not be visible from outwith the property boundary and the Council have raised no objection to this aspect of the proposal. I see no reason to reach a different view.
8. As the appeal site lies within a conservation area (CA), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of KCA.
9. The significance of a CA is dependent upon how it is experienced. Under such circumstances case law<sup>1</sup> has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Bearing in mind the extent, nature and location of the proposal, which would not be visible from the public domain and would only have limited prominence from the private domain, the character

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<sup>1</sup> South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89.

and appearance and thus the significance of KCA as a whole would be preserved.

10. The Designing Out Crime Supplementary Planning Document discusses the use of shutters but this is mainly within the context of commercial buildings. Furthermore, although heritage assets are mentioned at paragraph 5.19, the private nature of the views would ensure KCA was unaffected.
11. I conclude that the effect of the development, as set out in the submitted plans, would not significantly harm the character and appearance of the host building and area. Accordingly, the scheme would not conflict with Policies CL1, CL2, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019. These policies, amongst other matters, relate to the effect of proposals on the character and appearance of the host building or area. Nor would it conflict with Policies CL3 and CL11(c) of the Local Plan with respect to preserving or enhancing views and the character or appearance of KCA.

### **Conclusion**

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed.

*E Symmons*

INSPECTOR