



Appeal Decision

Site visit made on 9 November 2021

by CL Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/X5990/D/21/3273810

90 Hamilton Terrace, London, NW8 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Shilen Thakrar against the decision of City of Westminster Council.
 - The application, Ref 18/09565/ADFULL, dated 9 November 2018, sought approval of details pursuant to condition No 11 of a planning permission Ref 17/02250/FULL, granted on 21 November 2017.
 - The application was refused by notice dated 26 October 2020.
 - The development to which the condition relates was described as 'Excavation of additional basement area to create a swimming pool, construction of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.'
 - The details for which approval is sought are: hard and soft landscaping scheme.
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Decision

1. The appeal is allowed, and details of a hard and soft landscaping scheme pursuant to Condition 11 of planning permission Ref 17/02250/FULL, dated 21 November 2017, at 90 Hamilton Terrace, London, NW8 9UL, are approved in accordance with the terms of the application, Ref 18/09565/ADFULL, dated 9 November 2018, and the plans submitted with it, namely 1790 301 rev. E, 1790 302 rev. D, 1790 303 rev. H, and 'Proposed rear garden plan for Shilen Thakrar 90 Hamilton Terrace NW8 Revised 11 March 2019', so far as relevant to the hard and soft landscaping scheme and excluding the pergola.

Preliminary Matters

2. Westminster's City Plan 2019 – 2040 (the City Plan) was adopted in April 2021, following the determination of the application and submission of the appeal. This replaced all policies in Westminster's City Plan dated November 2016 and saved policies in the 2007 Unitary Development Plan. I have had regard to the relevant design and greenspace policies of the City Plan.
3. The development to which planning permission Ref 17/02250/FULL relates has been carried out. During my site visit I noted that the implemented hard and soft landscaping differs to that shown on the plans before me. I have based my decision on those plans, which were determined by the Council.
4. The Council's second reason for refusal refers to the erection of a pergola, shown on the submitted plans. The appellant has confirmed that the pergola is 'removed from the proposal' and that a separate application will be submitted to the Council. Therefore, I have not considered the pergola in this Decision.

Main Issue

5. The main issue is whether the submitted details provide adequate information of the proposed hard and soft landscaping scheme with regard to its effect on the character and appearance of the St John's Wood Conservation Area and green infrastructure.

Reasons

6. The appeal property is located in St John's Wood Conservation Area (the Conservation Area), which derives much of its significance from the suburban, low density townscape, with broad tree-lined streets of substantial detached, semi-detached, and terraced properties set in generous, leafy gardens.
7. Condition 11 of planning permission Ref 17/02250/FULL requires the approval of 'detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs.'
8. The submitted drawings include a detailed landscaping plan which clearly shows the proposed number, species and position of trees and shrubs in the back garden and indicates their respective sizes. The submission also includes details of proposed landscaping in the front garden
9. Because the approved development extends under much of the back garden, it is inevitable that limited soil depth will be achievable above. The submitted landscaping scheme successfully addresses these constraints, focussing the majority of planting in raised beds at the sides and rear of the site beyond the confines of the basement extension. The proposed central combination of paving and a lawn makes good use of the space above the extension, serving as a restrained visual counterpoint to the verdant planting scheme.
10. Although the soil volume within the planting beds would be reasonably limited, the proposed trees are a combination of managed crown forms and slow growing shrubby species which would be suited to such growing conditions. I have no evidence to demonstrate that their long term health would be unduly compromised by the constraints of their environment. Moreover, on the basis of the evidence before me, the available soil volume would be sufficient to support the healthy long term growth of the existing Hornbeam espalier hedge at the rear of the garden.
11. The Council's second reason for refusal refers, among other things, to 'the raising of the land levels in the rear garden' which, it is stated, is a material alteration to the development that was granted under planning permission Ref 17/02250/FULL. However, the submitted details indicate no change in levels save for a small area at the far end of the site where, rather than the garden sloping down from the rear boundary, stepped planting beds would be formed behind modest retaining walls. This landscaping solution would not lead to a materially significant increase in levels and appropriately forms part of the submission of details.
12. The proposed front garden scheme would successfully accommodate parking and bins whilst retaining established planting along the frontage, supplemented by new, complementary formal planting. Overall, the proposed landscaping arrangement would make adequate provision for on-site water run-off.

13. For the reasons set out above, I conclude that the submitted details provide adequate information of the proposed hard and soft landscaping scheme. The scheme would preserve the character and appearance of the Conservation Area and protect and enhance the city's green infrastructure. Therefore, it accords with City Plan policy 38 which requires all development to positively contribute to Westminster's townscape and streetscape, having regard to, among other matters, the character and appearance of the existing area, adjacent buildings and heritage assets, the form, character and ecological value of gardens and the preservation and enhancement of the surrounding tree population. The scheme also accords with City Plan policy 34 which seeks, among other things, to protect and enhance the city's green infrastructure.

Conclusion

14. For the foregoing reasons, I conclude that the appeal should be allowed, and the details approved.

CL Humphrey

INSPECTOR