



Appeal Decision

Site visit made on 22 March 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/K5600/W/21/3282101

22 Holland Park Avenue, London W11 3QU

- 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 E Rich against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/03978, dated 16 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is the installation of an awning to rear elevated ground floor, above arch french doors. (Retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for the installation of an awning to rear elevated ground floor, above arch french doors at 22 Holland Park Avenue, London W11 3QU in accordance with the terms of the application, Ref PP/21/03978, dated 16 June 2021.

Preliminary Matter

2. The evidence indicates, and I saw at my site visit, that the awning has been installed. I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building, the Ladbroke Conservation Area (the CA) and the setting of the nearby Grade II Listed Building (24-28 Holland Park Avenue).

Reasons

4. The appeal site lies within the CA. Along this part of Holland Park Avenue the frontages of the buildings make a valuable contribution to the character and appearance of the CA. These buildings are experienced as a line of fairly large and attractive villas set behind low front walls and/or hedges and frame this side of the road. They are significant within the CA including because of their early 19th century age, stuccoed elevations with distinctive window patterns and architectural features.
5. At the rear, there is more variation in the line of the buildings, with some having rear projections. The plots are separated by various walls and fences and with some intervening trees and other landscaping. There is also a reasonably wide mix in the design and appearance of the rear elevations of the properties and, as a consequence, this sequence of buildings are not always experienced from the rear areas as a single and cohesive group.

6. Within the run of buildings in Holland Park Avenue, and immediately to the side of the appeal property, is 24-28 Holland Park Avenue. These three properties form a Grade II Listed Building and its significance includes its age, history and the symmetrical front appearance with the four columns supporting a pediment. At the rear, this Listed Building has some single storey rear extensions, however, the upper floors are unaltered and include a distinctive and regular pattern of sash windows. The rear elevation of this building is experienced from the surrounding gardens and buildings and this adjoining area includes part of the setting to this Listed Building.
7. To the back of these Holland Park Avenue properties is a terrace of mews buildings at Ladbroke Walk. The rear of these mews buildings are quite varied in appearance and often have windows that face towards the gardens and properties in Holland Park Avenue.
8. The open space between the backs of the two lines of buildings forms a reasonably tight linear feature within the CA. There are limited public views of this area but there is a fair degree of intervisibility between properties themselves including from and to the garden areas.
9. The appeal property consists of the upper floors of 22 Holland Park Avenue. The lower floor is a separate flat which leads onto the rear garden. At the rear, the building has a fairly substantial extension that includes a double height, tiered flat roofed addition and which extends a reasonable distance from the back of the main part of the original building. The extension includes at ground floor level, a flat roofed section with full height and near full width windows. Above this flat roofed section of the building is a roof terrace area for the upper unit which is accessed from round headed doors set within a painted render elevation. This render contrasts with the brick elevation of the main rear wall of the building and, with the round headed doors, emphasises the more recent nature of this addition. The roof terrace area has side parapet walls and, on the garden facing side, a metal railing balustrade. At the time of my visit the roof terrace accommodated a range of outdoor garden furniture which I assume would be typical to facilitate its use.
10. As a result of all these factors, the addition to No 22 appears to be quite a modern and prominent intervention to the rear of the property. There are some contemporary elements that contrast with the host building and surrounding properties, including the Listed Building, which are such that the addition to No 22 is quite distinguishable from the surrounding built form.
11. The awning the subject of the appeal, when in its closed form, has only the casing visible and this is not especially prominent positioned under the line of the black guttering.
12. When extended, the awning covers most of the roof terrace area. However, it is set a little way in from the sides and the rear of the roof terrace, it gently slopes down from the casing and the awning appears generally to be visually framed by the parapet walls and railings of the existing roof terrace. The awning is clearly visible and from some views prominent, however, it is a fairly modern addition that is seen in association with the more contemporary part of the building and the paraphernalia on the terrace. It has a fairly light weight appearance. Taking all these matters into account, the awning appears reasonably proportionate to the size of the roof terrace and does not appear out of place with the character and appearance of the existing addition, nor

with the character and built form of the rear of No 22 as a whole. As a consequence, I am satisfied that the awning, when extended, preserves the character and appearance of the host building. Furthermore, for the reasons explained, including how the awning is experienced in association with the host building in the context of the more modern appearance of parts of its built form, it does not harm the character and appearance of this part of the CA and its significance as a heritage asset.

13. The awning is nearby the Listed Building. However, it is clearly associated with and visually appears part of the rear extension at No 22. The awning, when extended, is seen and experienced in that context. Together with its contrasting shape, materials and light weight form, its position over the roof terrace area, and its overall reasonably localised impact, I am satisfied that it has a neutral effect on the surroundings in which the Listed Building is experienced. As a consequence, views to and from the Listed Building, and the effect of the awning upon the appearance of the nearby Listed Building, are not adversely affected. I therefore conclude that the setting and significance of the Listed Building are not harmed.
14. In considering the above matters I am mindful of the duty to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess¹, and also the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area².
15. It follows from the above that I conclude that the awning, when in its extended form, does not harm the character and appearance of the host building and area, preserves the character and appearance of the CA and its significance, and does not harm the setting or significance of the Listed Building. As a consequence, the retention of the awning complies with Policies CL1, CL2, CL3, CL4, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 and the aims of the Ladbroke Conservation Area Appraisal (adopted October 2015) which seek, amongst other things, that all development is required to respect the existing context, character and appearance.

Other Matters

16. I have taken into account all the representations both for and against the retention of the awning. I have considered the impact on the character and appearance of the area above. In terms of other issues and objections, the awning may facilitate increased use of the roof terrace. However, I am not persuaded by the evidence that the provision of the awning, as opposed for instance to the provision of moveable parasols, would lead to any material increase in noise and disturbance to neighbours from the use of the existing terrace that could justify withholding permission. Also given the position of the awning and its relationship to the surrounding properties, it does not materially affect natural light or privacy to the windows or garden areas of any adjoining property.

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. I note the concerns that the awning is a retrospective proposal. However, I have examined the scheme based on its merits taking into account all the information, including my observations at the site visit when I was able to see the awning both retracted and extended. The particular circumstances of this case have led me to my conclusions that the awning is acceptable in the context of this site.
18. In terms of any precedent that may be set by an approval in this case, any awning on another site would also be considered on its merits and the particular circumstances of that site and therefore any issues regarding any precedent that may follow from this decision carry very limited weight.

Conditions

19. The Council has set out a commentary regarding potential conditions were I minded to allow the appeal. It considers that only a condition referencing the approved plans is necessary. However, as the works have been completed, I am not persuaded that this or any other condition is necessary in these circumstances. Furthermore, as I have found that the effect of the awning is acceptable on the character and appearance of the area, a condition limiting the times when it could be used would not be necessary or reasonable.

Conclusion

20. In the light of the analysis above, the development the subject of the appeal accords with the policies of the development plan when considered as a whole. There are no material considerations that indicate otherwise. I therefore conclude that the appeal should be allowed.

David Wyborn

INSPECTOR