
Appeal Decision

Site visit made on 22 June 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Appeal Ref: APP/K5600/W/22/3291545

3 and 4 Kensington Park Gardens, London W11 3HB

- 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 BB Trustee SA, 3KPG Ltd and Mr Vernon Dobtcheff against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/04113, dated 15 June 2021, was refused by notice dated 22 September 2021.
 - The development proposed is described as pedestrian and vehicle ironwork gates and stucco piers.
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Decision

1. The appeal is allowed, and planning permission is granted for pedestrian and vehicle ironwork gates and stucco piers at 3 and 4 Kensington Park Gardens, London W11 3HB in accordance with the terms of the application, Ref PP/21/04113, dated 15 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Vehicle and Pedestrian Gate Access [1:100]; Proposed Pedestrian & Vehicle Gate Entrances [1:100]; Proposed Pedestrian & Vehicle Gate Entrances [1:50].

Procedural Matters

2. The application and appeal were each lodged in the name of the agent. It has been subsequently clarified that the applicants were in fact the property owners, who are thus named as the appellants in the banner heading above.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of Ladbrooke Conservation Area (the Conservation Area).

Reasons

4. The site is located within the Conservation Area, which is a designated heritage asset. Whilst the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the desirability of preserving or enhancing the character or appearance of conservation areas, paragraph 199 of the National Planning Policy

Framework further makes clear that great weight should be given to the conservation of designated heritage assets.

5. Insofar as it is relevant to this appeal, the special interest and significance of the Conservation Area resides in its historic residential townscape. This predominantly comprises and is characterised by large and often ornate C19th dwellings, whose broader planned layout includes squares, crescents and gardens. The C19th dwellings lining Kensington Park Gardens, including Nos 3 and 4, form integral components of this historic townscape.
6. Dwellings along Kensington Park Gardens are generally set back from the pavement, with the majority enclosed across their frontage with walls featuring balusters. Ironwork is largely restricted to gates either set within the frontage or between the terraces.
7. Nos 3 and 4 stand adjacent to one another but are, or form parts of 2 separate mid-C19th buildings of differing design. Consistent with the broader pattern, the frontages of each are partly enclosed by walls featuring similar balusters. Large gate piers are additionally located in front of No 4. It is apparent that both Nos 3 and 4 have seen some loss of frontage enclosure to provide access to off-street parking space. The resulting openness of the current frontage is not characteristic of the historic streetscene.
8. Fragments of ironwork and fixings are attached to the piers in front of No 4. As these piers relate to points of entry, and similar piers elsewhere in the street retain gates, it is logical to conclude that the piers were originally fitted with gates. A clear opportunity thus exists for their reinstatement.
9. Insofar as one set of gates would serve a vehicular access, the proposal would see a departure from the likely historic arrangement. Such an access would not have been an original feature of the frontage. Nonetheless, it is a current feature, and set within context, the provision of gates would be a historically appropriate treatment, providing enclosure and integration of the access with both the rest of the frontage and broader streetscene.
10. A fixing attached to the opposite side of the pier flanking the boundary of the 2 properties, additionally indicates the past presence of ironwork to the front of No 3. The past arrangement at No 3 is however less clear than at No 4 given that little other evidence remains. Moreover, as the proposal at No 3 would involve replacing an existing pier with a larger pier, as too the definition of a vehicular access, a departure from the historic arrangement is again implied. Nonetheless, the proposed arrangement would generally complement that at No 4 and would again be consistent with the historic treatment of points of access within the broader streetscene.
11. The design of the proposed gates has been informed by surviving historic ironwork elsewhere within the street, together with the surviving fragment attached to one of the piers at No 4. The design would as such integrate well visually.
12. My findings above thus indicate that the scheme would deliver a marked enhancement of the frontage. The overall effect of the scheme on the special interest, character, appearance and significance of the Conservation Area would therefore be positive.

13. For the reasons outlined above I conclude that the development would both preserve and enhance the character and appearance of the Conservation Area. It would therefore comply with Policies CL1, CL2, CL3 and CL6 of the Local Plan (LP) whose terms either specifically or generally support the above objectives; and Policy CL11 of the LP, given that no identified 'view' would be harmed.

Conditions

14. I have imposed standard conditions specifying the time period for commencement of the development and identifying the approved plans for sake of certainty.
15. The Council has additionally requested a condition requiring the gates to be painted black. It is however unclear why this should be considered a necessary or authentic finish in relation to buildings of the period in question. I have not therefore imposed the condition. There is also no necessity for a condition requiring use of matching materials as the plans otherwise confirm that the new/replacement piers will match.

Other Matters

16. Within their final comments the appellants state that they will be inviting a costs award. However, no further communication on this matter was received. As such, no further consideration is required.

Conclusion

17. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR