
Appeal Decision

Site visit made on 5 July 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/K5600/D/22/3296758

429 Fulham Road, London SW10 9TX

- 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 Pravin Shetty against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/00159, dated 5 January 2022, was refused by notice dated 16 March 2022.
 - The development proposed is installation of electronically operated external blinds to south facing upper floor rear windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Sloane Stanley Conservation Area (CA).

Reasons

3. The significance of the CA primarily derives from the high quality of its predominantly residential built form. Individual buildings more often display a strong degree of order and consistency in terms of their architectural detailing. The appeal site is an end terrace property forming part of a four-storey building. Due to the building's block-like form, simple pallet of materials and regularly spaced windows, the building has a high degree of symmetry. These factors give the building an understated presence and as result it makes a neutral contribution to the significance of the CA.
4. When in use, the external blinds would protrude from the common vertical plane of the building's upper floor rear elevation. Due to their number, elevated position on the end terrace, angular form, and fabric composition, the external blinds would unacceptably disrupt the general uniformity to the wider building's rear elevation. Even though the external blinds would be retractable, it is likely that they would be in use for extended periods, particularly in summer months. In addition, there is also the potential that the condition of the fabric would deteriorate over time. As a result, the proposals would detract from the appearance of the CA's built environment in public views from both Fernshaw Road and from some of the windows serving neighbouring residential buildings.
5. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

6. Taking into account the above factors, the proposal would result in less than substantial harm to the significance of the CA. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
7. The appellant contends that there are policies in the development plan which support proposals which reduce the cooling requirements and energy use of a building. They also suggest that the external blinds are the only way to improve the thermal comfort of the host property's interior other than air conditioning units which would use energy and contribute to climate change.
8. However, no substantive evidence has been provided to suggest that other less harmful solutions such as internal blinds could not be effective. My attention has also been drawn to The Royal Borough of Kensington and Chelsea – Greening Supplementary Planning Document (2021). However, this document amongst other things recognises that when retrofitting development to existing buildings, proposals should identify the significance of a CA. Any potential reductions in energy use in terms of the use of external blinds as opposed to other methods to cool the property are likely to be modest. Overall, these matters indicate that there would not be public benefits of sufficient weight to outweigh the less than substantial harm to the CA having regard to the great weight I must attach to its conservation.
9. I conclude, the development would not preserve or enhance the character or appearance of the Sloane Stanley CA. In that regard, it would conflict with the design, character, context and conservation requirements of Policies CL1 (Context and Character), CL2 (Design Quality), CL3 (Heritage Assets – Conservation Areas and Historic Spaces), CL6 (Small Scale Alterations and Additions) and CL11 (Views) of The Royal Borough of Kensington and Chelsea Local Plan (2019) and the Framework.

Other Matter

10. Even if similar external blinds have been used elsewhere, no specific examples have been provided of buildings within the Sloane Stanley CA. In any case, I have considered the proposal on its own merits and the site-specific context.

Conclusion

11. The proposal would be harmful to the character and appearance of the CA and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR