



Appeal Decisions

Site visit made on 12 January 2023

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/K5600/C/22/3292672 (Appeal A) **65 Holland Park Mews, London W11 3SS**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kenneth William Helps-Neame against an enforcement notice issued by The Council of The Royal Borough of Kensington & Chelsea.
 - The enforcement notice is dated 6 January 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of an awning to the front elevation at first floor level.
 - The requirements of the notice are i) Fully remove the awning and all other associated housing, fixtures and fittings; ii) Make good the front elevation where the awning has been removed; iii) Remove from the land any resultant debris.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal Ref: APP/K5600/F/22/3292673 (Appeal B) **65 Holland Park Mews, London W11 3SS**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kenneth William Helps-Neame against a listed building enforcement notice issued by The Council of The Royal Borough of Kensington & Chelsea.
 - The enforcement notice is dated 6 January 2022.
 - The contravention of listed building control alleged in the notice is: Without listed building consent, the installation of an awning to the front elevation at first floor level.
 - The requirements of the notice are i) Fully remove the awning and all other associated housing, fixtures and fittings; ii) Make good the front elevation where the awning has been removed; iii) Remove from the land any resultant debris.
 - The period for compliance with the requirements is two months.
 - The appeal is made on the grounds set out in section 39(1)(e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decisions

1. Appeal A is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.
2. Appeal B is dismissed, listed building consent is refused, and the listed building enforcement notice is upheld.

Appeal A on ground (a) and Appeal B on ground (e)

3. Ground (a) is that planning permission should be given, and ground (e) is that listed building consent should be granted, for the matters alleged. In the interests of conciseness and clarity, I have dealt with both appeals together in my reasoning as the issues are similar.

Main Issues

4. The main issues are whether the appeal scheme preserves the grade II listed building at 65 Holland Park Mews, or any features of special architectural or historic interest that it possesses, and whether it preserves or enhances the character or appearance of the Holland Park Conservation Area (CA).

Reasons

Significance

5. The CA includes the public open space of Holland Park, which contrasts strongly with the densely developed terraces around it. The area is predominantly residential in character, interspersed with commercial and other land uses. Mews buildings are a distinctive building type, usually built along a narrow street, mirroring the terraced houses they serviced. Each mews house typically comprised a stable and coach house on the ground floor, with coachman's living quarters above.
6. The appeal site forms part of a terrace of similar mews buildings which were listed at grade II in 1969. Dating from 1862, No 65 stands at two storeys high and is faced in stock brick with garage doors on the ground floor. A flight of steps rises to the first floor where the main door is located, with sash windows on either side. The door and the single window to its right have simple brick headers over. Although the main brick façade is relatively plain, the heavy cornice and decorative balustrade above are prominent architectural features. The front elevation is elegant and tastefully restrained.
7. No 65 and the neighbouring listed buildings are attractive examples of modest mews buildings of their period. Although the properties have been altered in various ways over the years, they have retained their character as service buildings, and their original form and dimensions remain apparent. I note that the list entry concludes with the observation that the buildings are of unusual design and marked picturesqueness. Taken as a group, their architectural features and uniformity along the row contribute positively to the character and appearance of the CA as a whole.

Effect of the works/development

8. The scheme comprises an awning that has been installed to the front elevation of No 65 above the two sash windows to the left of the front door. On the day of my visit, the awning was retracted, so I was able to see that it is housed in a dark coloured cassette. It is attached by metal plates at either end that appear to be fixed to the fabric of the building.
9. I have been provided with photographs of the dark green awning when it is opened out. It extends out to cover the narrow terrace in front of the sash windows. I note that the dark colours were chosen to match the original first floor door and the garage doors below.

10. When the awning is retracted, the cassette is not easily visible within wider views towards No 65 as one walks along the row. However, in close views from directly outside the building, I was able to see it clearly. It introduces an element of a modern, utilitarian appearance that interrupts the visual unity of the simple front façade. It breaks the direct visual relationship between the brick façade and the striking white cornicing and balustrade above. Furthermore, it obscures views of the characteristic historic brickwork above the pair of sash windows. These factors all harm the appearance of the building.
11. The appellant states that the cassette has been attached carefully so as to avoid damage to the fabric of the listed building. Even so, the metal plates used to mount it add elements of visual clutter that are at odds with the simple character of the brickwork.
12. When the awning is deployed, it is likely to be visible along much of the street, drawing the eye, and interrupting the visual unity that is important to the significance of these buildings and this part of the CA. Although awnings of this kind can certainly be found in Victorian and Edwardian properties, they tend to be located at ground floor level in association with shops and other commercial premises. The appellant argues that they are often seen on residential buildings from these periods, but there is little evidence that they were present historically within Holland Park Mews.
13. In the context of the restrained overall character of No 65, the awning appears markedly out of place. I have taken into account the similar awnings at 43 and 46 Holland Park Mews. However, the Council confirm that there is no record of listed building consent having been granted, which considerably lessens the weight I can afford them in my consideration. In any event, their presence serves to underline that these inappropriate additions are in the minority in the street, and are not part of its prevailing architectural character.
14. I accept that the buildings have been modified in different ways over the years and are by no means identical. I also recognise the fact that they now have a higher social status as dwellings than when they were first constructed. However, these factors do not in themselves justify unsympathetic alterations.
15. Accordingly, in view of the harm I have identified to the listed building and the CA, the works and development conflict with the overarching statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the environmental objective of protecting and enhancing the historic environment set out in the National Planning Policy Framework (NPPF).
16. In addition, the appeal scheme conflicts with Policy CL3 of the Royal Borough of Kensington and Chelsea Local Plan (LP), insofar as it requires development to preserve or enhance the character or appearance of the CA, and LP Policy CL4, which amongst other things, seeks to protect the heritage significance of listed buildings. Conflict also arises with Policy HC1 of the London Plan, insofar as it seeks to conserve the significance of heritage assets.
17. Although serious, the harm to the heritage assets in this case is less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the works.

18. I have taken into account the benefits of the awning outlined by the appellant, including improvements to the way the property functions, and enhancements to the internal and external amenity of the occupants. However, these are private benefits that do not go in favour of the scheme. Whilst I accept that the mews buildings have undergone necessary changes to convert them from their original purpose, all alterations must be considered on their individual merits.
19. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
20. I have taken into account the fact that the awning has been in place for several years without complaint from neighbouring residents. However, this circumstance has not led me to a different conclusion on the merits of the appeals.

Conclusion

21. For the reasons above, Appeal A on ground (a) and Appeal B on ground (e) both fail.

Appeal A on ground (g) and Appeal B on ground (h)

22. Both grounds are that the time for compliance, in this case two months, is too short. The appellant requests that this time be increased to four months in order to allow sufficient time to find a competent builder to carry out the works to the listed building to the required standard. However, the awning is in easy reach of the first floor terrace with a ladder. It appears to be held in with simple fixings at either end, which should not be complex or time consuming to remove.
23. Had the historic brickwork been damaged, then it would need some skill to remediate this in a satisfactory manner. However, the appellant clearly states that the brickwork has not been damaged, and so there does not appear to be any pressing need to engage a specialist for the work. Taking all these circumstances into account, I am not satisfied that there is good reason to extend the compliance period beyond two months.
24. Accordingly, Appeal A on ground (g) and Appeal B on ground (h) both fail.

Overall conclusion

25. Appeal A is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.
26. Appeal B is dismissed, listed building consent is refused, and the listed building enforcement notice is upheld.

Elaine Gray

INSPECTOR