



Appeal Decisions

Site visit made on 6 February 2023

by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal A Ref: APP/K5600/W/22/3294841

9 Drayton Gardens, London SW10 9RY

- 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 Richard Wilson against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/21/06949, dated 21 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is partial removal of front boundary wall and creation of a vehicle crossover to facilitate in curtilage parking for one vehicle.
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Appeal B Ref: APP/K5600/Y/22/3294842

9 Drayton Gardens, London SW10 9RY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Richard Wilson against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/21/06950, dated 21 October 2021, was refused by notice dated 22 December 2021.
 - The works proposed are partial removal of front boundary wall and creation of a vehicle crossover to facilitate in curtilage parking for one vehicle.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. The proposed development and works affect a listed building located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As both appeals relate to the same site and raise similar issues, I shall therefore consider them in a single document, in the interests of brevity.

Main Issues

4. The main issues are:
 - For both Appeals, whether the proposal would preserve the special architectural and historic interest of no 9 Drayton Gardens, a Grade II listed

property, and preserve or enhance the character or appearance of The Boltons Conservation Area;

- For Appeal A, the effect of the proposal on highway safety, with particular regard to pedestrians; and
- For Appeal A, the effect of the proposal on soft landscaping and local biodiversity.

Reasons

Heritage

5. Situated on the eastern side of Drayton Gardens, the appeal property forms part of a terrace dating from the mid-19th century, which is listed at Grade II. No 9 Drayton Garden displays many of the characteristics of the wider terrace, which the Survey of London previously described as being of an 'orthodox late Georgian' style. These include classical details, such as a Doric porch topped with cast iron railings, a half basement with steps leading to the front door, horizontal incised lines in stucco at ground floor level, etc.
6. Whilst the appeal property and the terrace as a whole have been subject to a number of alterations, they retain much of their significance, derived primarily from their architectural and historic interest, as an example of the planned speculative development of prestigious town houses which took place in the area during the 19th century. The front gardens add to the special interest of the appeal property and the wider terrace, in that they reflect the status of the townhouses built at this time.
7. Additionally, the listed terrace makes an important contribution to the character and appearance of The Boltons Conservation Area, which to a large extent draws its special interest from the architectural quality of its buildings and planned set pieces such as The Boltons and Redcliffe Square. The verdant setting provided by the gardens both to the front and rear of the houses is also identified as an important feature of the Conservation Area¹.
8. The existing front boundary wall may not be original, but it nevertheless provides a form of enclosure serving to enhance the setting of the listed building, whilst also reflecting the prevalent pattern of development which characterises Drayton Gardens. In that context, the removal of such a large section of the wall relative to the width of the plot to enable the formation of off-road car parking would harmfully diminish the sense of enclosure provided by the wall and weaken the relationship of the listed property to the wider terrace. As a result, the appeal scheme would have a detrimental effect on the special interest of the listed building and the Conservation Area.
9. The proposal would cause less than substantial harm to the special interest of the listed property and The Boltons Conservation Area, to which I ascribe considerable importance and weight. In such circumstances, the harm identified should be weighed against the public benefits of the proposal, in accordance with paragraph 202 of the National Planning Policy Framework (the Framework).

¹ The Boltons Conservation Area Appraisal (adopted February 2015).

10. The appellant argues that the appeal scheme would reduce the significant demand for on-street parking and enable the inclusion of electric charging points at the site, which would also help addressing the effects of climate change. However, the presented benefits would not be sufficient to outweigh the considerable degree of harm which the proposal would cause to the affected heritage assets.
11. My attention has been drawn to the development which has previously been granted by the Council at no 1b Drayton Gardens². This however relates to a corner plot, with a vehicular access having been provided to the rear of the property. In the absence of further evidence to the contrary, I therefore find that the circumstances of this particular case do not represent a direct parallel to the proposal before me, and afford it very limited weight.
12. I observed as part of my site visit that there are other examples of off-road parking in the area, though it is not entirely clear whether these all benefit from planning permission and/or listed building consent. Even if they do, harmful alterations which may have been permitted under a different policy regime provide no justification for more of the same.
13. For the foregoing reasons, the appeal scheme would fail to preserve the special interest of the listed property and the character and appearance of The Boltons Conservation Area. It would therefore be contrary to Policies CL1, CL2, CL3, CL4 and CL11 of the Local Plan 2019, and Section 16 of the Framework. Amongst other things, these require development proposals to be of the highest architectural and urban design quality, protect the special architectural or historic interest of conservation areas and listed buildings.

Highway safety

14. Concerns have been raised by the Council in respect of the effect that the construction of the proposed crossover would have on the safety of pedestrians, as it would reduce the available width of level footway. In that regard, my attention has been drawn to the Transport and Streets Supplementary Planning Document³ (the SPD), which states that crossovers and forecourt parking will not gain consent if, on narrow pavements, they would create an uneven surface for pedestrians to negotiate.
15. The creation of an occasional crossover within a section of footway would not, in isolation, unacceptably compromise the safety of pedestrians. However, as noted above, there are already several crossovers along this side of Drayton Gardens which, as confirmed by the Local Highway Authority, are historic and would not be approved under the current standards.
16. In creating an additional section where the available width of level footway would be reduced, the proposed development would, together with existing crossovers, harmfully contribute to the creation of a poor environment for pedestrians, especially individuals with mobility issues or travelling with young children. The absence of references to accidents or complaints is not, in my opinion, an indication that the proposal would not compromise pedestrian safety, particularly as many incidents remain unreported.

² Local Planning Authority References PP/07/03200 and LB/07/032901.

³ April 2016.

17. For these reasons, the appeal development would have a detrimental effect on the safety of pedestrians. It would also fail to contribute towards the creation of an attractive walking environment, and be contrary to Policies CT1 and CR4 of the Local Plan 2019 and the guidance of the Transport and Streets SPD. These seek to ensure that there are better alternatives to car use by making it easier and more attractive to walk, notably by resisting pavement crossovers and forecourt parking.

Landscaping and biodiversity

18. The appeal site comprises a hedge sited on the northern side and a planting bed comprising a Cherry tree and small shrubs on the southern boundary which are proposed to be retained. The appellant's submissions confirm that the proposed works would be remote from the root protection area of the tree. Given the limited root spread of this young specimen, it is argued that the proposal would not cause material harm to the cherry tree. This is not contested by the Council.
19. Whilst the proposal would result in the loss of small camelia shrubs located along the site's front boundary, I note that the front garden of the property is already paved, and the remaining vegetation is otherwise proposed to be retained. Furthermore, the appellant is proposing to add soft landscaping on site as part of the proposal, which could include the planting of biodiversity rich species, and would compensate for the loss of the camelias. Had the appeal scheme been considered acceptable in all other respects, this matter could have satisfactorily been addressed by condition.
20. Given the above, I am satisfied that the proposal would have no adverse effect on trees or biodiversity and thus find no conflict with Policy CR6 of the Local Plan 2019. Amongst other things, this policy requires landscape design to be of a high quality and compatible with the surrounding landscape, and townscape character, whilst optimising the benefit to wildlife habitat.

Conclusion

21. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR