



Appeal Decisions

Site visit made on 29 June 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal A Ref: APP/K5600/W/23/3315072

10 Norland Square, London W11 4PX

- 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 & Mrs O'Connor against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/22/05252, dated 19 August 2022, was refused by notice dated 9 November 2022.
 - The development proposed is replacement of trellis along the boundary wall adjoining No.11.
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Appeal B Ref: APP/K5600/Y/23/3315073

10 Norland Square, London W11 4PX

- 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 & Mrs O'Connor against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref LB/22/05253, dated 19 August 2022, was refused by notice dated 9 November 2022.
 - The works proposed are replacement of trellis along the boundary wall with No.11.
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Decision

1. **Appeal A:** The appeal is allowed and planning permission is granted for a trellis along the boundary wall adjoining No.11 at 10 Norland Square, London W11 4PX in accordance with the terms of the application, Ref: PP/22/05252, dated 19 August 2022 and the plans and information submitted with it, subject to the conditions set out in Schedule 1 attached.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for a trellis along the boundary wall with No.11 at 10 Norland Square, London W11 4PX in accordance with the terms of the application, Ref: LB/22/05253, dated 19 August 2022 and the plans and information submitted with it, subject to the conditions set out in Schedule 2 attached.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same proposed trellis. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
4. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

5. There is an existing trellis along the length of the boundary with No 11 Norland Square (No 11). In this regard, I have been referred to several planning and listed building applications including the application Ref: LB/20/01970, which approved a section of the trellis along the boundary by the raised patio at the end of the garden, which is not proposed to be replaced.
6. The Council's officer report states that "it is noted that the 1959 approved drawings show a timber screen bolted to the boundary wall with No.11. The approved 1989 drawings (references TP/89/01323 and TP/89/01322) also show 'timber lattice work', which extends along the boundary wall with No.11; and beyond the rear terrace. It therefore seems that the trellis to the northern boundary wall has existed for a considerable period of years and is lawful". It is not the purpose of this appeal to determine whether the existing trellis is lawful or not and I have no reason to disagree with the Council's Officer's findings. I have, in any case, omitted the word replacement in my decisions as it is superfluous to the description of development/works.
7. Since the submission of the appeal, the Council has granted listed building and planning consent for an alternative scheme for a trellis (Ref: LB/23/01177 and PP/23/01176). These consents are referred to as the fallback scheme in my decision.

Main Issues

8. The main issues are whether the proposal would preserve a Grade II listed building or its setting, known as 2-18 Norland Square, and any features of special architectural or historic interest which it possesses and the extent to which it would preserve or enhance the character or appearance of the Norland Conservation Area.

Reasons

Special interest and significance

9. The appeal premises (No 10) is a mid-nineteenth century mid-terraced property that forms part of a Grade II listed building, known as 2-18 Norland Square.
10. In so far as it is relevant to these appeals the special interest and significance of the listed building resides in its 1830-40s date, its terraced design, Classical detailing, and layout, which is set with other terraces around a central communal garden. The repetition and uniformity of the listed building is replicated with other surrounding terraces of a similar age and style to form a cohesive ensemble. This group value also forms part of the special interest/significance of the listed building.
11. The formal garden of Norland Square provides a high quality, spacious setting to the listed building that contributes to its significance. Furthermore, the long and generous rear gardens, whilst informal and private spaces, emphasise the grand and aspirational design of this 'planned' development. The listed building is experienced from the rear gardens by the residents of and visitors to the dwellings. In these respects, the verdant setting provided by the rear gardens also makes a positive contribution to the significance of the listed building.

12. There is a clear distinction between the front and rear facades of the listed building which reflects the difference in their status and there have been several alterations that have weakened the uniformity. Nonetheless, there is a rhythm and regularity to the rear gardens, which includes long rear garden walls built of brick of a broadly consistent height, form and appearance. Planting within the gardens contribute to a verdant quality and, the legibility of the historic boundary treatments and its surviving historic fabric all contribute to a very small degree to the overall architectural and historic special interest and significance of the listed building.
13. The appeal site is located within the Norland Conservation Area (the CA). Having regard to the Norland Conservation Area Policy Statement, the CA's planned layout, which includes two garden squares and a crescent, and the sense of grandeur of the buildings and their surviving uniformity contribute positively to its character and appearance. In so far as it relates to these appeals, the size, verdant qualities and surviving uniformity of the rear gardens of No 2-18 Norland Square contribute to a very small degree to the overall character and appearance of the CA as a whole, and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

14. The proposed trellis would be fixed into the mortar of the wall rather than the brickwork ensuring that the bricks are preserved. The proposed trellis would maintain the existing boundary line, would be stepped in height along the boundary, and would have a lightweight appearance with the 120mm square gaps between the timber slats allowing natural light to permeate through. Moreover, the natural material and grey woodstain finish would have an understated appearance.
15. Where vegetation grows up and through the trellis, the timber would be, in part, subsumed and assimilated with the vegetation as it climbs up the wall. In either scenario, the trellis would not be a dominant feature attached to the wall.
16. The side boundary wall between the rear garden of Nos 10 and 11 is not visible in the public realm within the CA. However, the proposed trellis would be visible from certain vantages, such as the upper floors of neighbouring properties or the garden of No 11 and would result in an alteration to the brick boundary wall that forms part of the listed building. In combination with the existing trellis to be retained, No 10 would be the only property within the terrace that would have a trellis running along all of its side boundary.
17. Even so, I do not consider that such a low-key lightweight structure attached to the wall would undermine the historical and architectural interest of the listed building, the contribution that setting makes to its significance and special interest, or its presence and contribution within the Norland Square planned housing development and CA. This is because the Classical design detailing of the appeal premises and the overall rhythm and regularity of the listed building, including its boundary walls, would still be clearly legible and would be sustained. Moreover, the verdant quality of the rear gardens would be retained. Therefore, the elements which contribute to the listed building's inherent special interest, including its setting, would be preserved and its significance would not be harmed. It follows that the positive qualities which define the

character and appearance of the CA as a whole would also be preserved and no harm would arise to its significance as a designated heritage asset.

18. Accordingly, I conclude that the proposal would preserve the special architectural and historic interest of the Grade II listed building, 2-18 Norland Square and its setting and would preserve the character and appearance of the Norland CA. It would therefore satisfy the requirements of sections 16(2), 66(1) and 72(1) of the Act and the provisions within the National Planning Policy Framework (the Framework) (2021), which seek to conserve and enhance the historic environment. It would also be in accordance with Policies CL1, CL3, CL4, CL6 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan (2019) (LP), in so far as they seek development to preserve or enhance the character or appearance of conservation areas; protect the heritage significance of listed buildings; and preserve or enhance views within conservation areas.
19. Although I have been referred to the Norland Neighbourhood Plan (2013) (NNP), I have not been referred to any of its policies where conflict would occur. This includes, Policy N1 of the NNP, which seeks to ensure that new development complements or enhances the existing character and takes account of the context of the street scene.
20. I note the Council's assertion that the provision of a trellis would principally be of private benefit to any owner/occupier rather than of wider public benefit. I agree. Nevertheless, in finding an absence of harm to the identified special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the appeals.

Other Matters

21. The design of the trellis, stepping in height along the boundary and the nature of the long rear garden of No 11, with its attractive open views would ensure that there would not be a sense of enclosure even at its highest point nearest the neighbouring property. The design with gaps 120mm square, will allow light to permeate through where vegetation is not growing on it. Moreover, where there is vegetation growing on the trellis this would have a soft natural quality, which would be compatible with the verdant character of the rear gardens. For these reasons, the effect on outlook and natural light would not be unacceptable, good living conditions would be maintained, and there would be no conflict with the requirements of Policy CL5 of the LP.
22. I have considered the arguments that any consent would set a precedent for similar trellising elsewhere. However, each proposal must be determined on its own individual merits and a generalised concern of this nature does not amount to a reason to withhold consent.
23. Matters relating to the need for the trellis, the history associated with the existing trellis, concerns regarding the processing of the applications including any differences in how Council Officers have assessed past applications, or the lack of support for the scheme do not alter the effects of the proposal. In this regard, I have considered the appeal on its own planning and heritage merits. Moreover, given that I have found no harm from the proposed trellis, the presence of a fallback scheme for alternative trellising, or the reversibility of the proposed development/works, do not weigh in favour of the appeals before me.

24. Whilst the Council make no reference in their reasons for refusal to the effect of the proposal on the settings of nearby listed buildings, as a statutory consideration, I am required to have regard to these matters when determining the appeals. Reference has been made to Nos 19-35 and 36-52 Norland Square which are all grade II listed buildings. From my observations and the limited evidence before me, I consider that the special interest/significance of these listed buildings is largely derived from their age, form, fabric, architectural features and their group value as part of the planned development around Norland Square. Furthermore, it would appear that the elements of setting that contribute to their significance include their relationship with the roads that they front onto and the spacious formal and informal landscape gardens that are adjacent to them. In that context, I consider that the appeal premises can be treated as forming part of the setting of these listed buildings.
25. Nevertheless, given the low-key lightweight nature of the proposal and my findings above it would have no impact on the ability to experience their significance. Accordingly, the proposal would have a neutral impact on the contribution that setting makes to the significance of these listed buildings.

Conditions

26. The Council has submitted lists of suggested conditions for both applications were the appeals to be allowed. I have considered these in light of the advice set out in both the Framework and the Planning Practice Guidance. I have adapted the Council's suggested conditions where necessary in the interests of precision and brevity.
27. In addition to the standard time commencement conditions (1), I have specified the approved plans on the planning permission (2) as this provides certainty. However, it is not necessary for this to be included as a condition on the listed building consent as adherence to the plans, which accompany the application, is part of the formal decision.
28. A condition relating to the details of the woodstain is necessary on both the planning permission (3) and the listed building consent (2) in the interests of the special interest of the listed building and the character and appearance of the CA.

Conclusion

29. **Appeal A:** The proposed development would not conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given and subject to conditions, the appeal is allowed.
30. **Appeal B:** For the reasons given and subject to conditions, Appeal B is allowed.

Mr R Walker

INSPECTOR

Appeal A Ref: APP/K5600/W/23/3315072

Conditions Schedule 1

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted under this permission (Ref: PP/22/05252) shall not be carried out except in complete accordance with the details shown on the submitted plans; Dwg No: PLA203 EX 01; PLA203 EX 02; PLA203 PL 220; PLA203 PL 221; PLA203 PL 222; PLA203 PL 226; and PLA203 PL 227.
- 3) A sample of timber coated in the proposed woodstain, together with the manufacturer's specification for the woodstain shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development is begun. The approved woodstain shall be applied to the entire trellis structure forming the subject of this permission, within 1 month of the date of the commencement of the installation/erection development hereby permitted and shall thereafter be so maintained.

End of Schedule 1

Appeal B Ref: APP/K5600/Y/23/3315073

Conditions Schedule 2

- 1) The works hereby granted shall begin not later than three years from the date of this decision.
- 2) A sample of timber coated in the proposed woodstain, together with the manufacturer's specification for the woodstain shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works are begun. The approved woodstain shall be applied to the entire trellis structure forming the subject of this permission, within 1 month of the date of the commencement of the installation/erection works hereby permitted and shall thereafter be so maintained.

End of Schedule 2