



Appeal Decisions

Site visit made on 27 November 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal A Ref: APP/A5270/W/23/3320390

15 Blenheim Road, Chiswick, London W4 1UB

- 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 A Jardine & Ms A Nikoulina against the decision of the Council of the London Borough of Ealing.
 - The application Ref 223911HH, dated 8 September 2022, was refused by notice dated 3 February 2023.
 - The development proposed is alteration to site boundary treatments plus new side gate; erection of bike store; additional paving; repair and alteration to existing fenestration and front door.
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Appeal B Ref: APP/A5270/Y/23/3320397

15 Blenheim Road, Chiswick, London W4 1UB

- 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 A Jardine & Ms A Nikoulina against the decision of the Council of the London Borough of Ealing.
 - The application Ref 223912LBC, dated 8 September 2022, was refused by notice dated 3 February 2023.
 - The works proposed are alteration to site boundary treatments plus new side gate; erection of bike store; additional paving; repair and alteration to existing fenestration and front door.
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Decision

1. The appeals are dismissed insofar as they relate to the site boundary treatment plus new side gate and the rear garden paving. The appeals are allowed insofar as they relate to the bike store and associated additional paving, fenestration and front door. Planning permission and listed building consent are granted for the erection of bike store; additional paving; repair and alteration to existing fenestration and front door at 15 Blenheim Road, Chiswick, London W4 1UB, in accordance with the terms of the applications, Ref 223911HH and 223912LBC, dated 8 September 2022, and the plans submitted with them, so far as relevant to those parts of the development and works hereby permitted, and subject to the conditions contained at Annex 1.

Preliminary Matters

2. As set out above there are two appeals on this site. Appeal A concerns the refusal of planning permission and Appeal B concerns the refusal of listed building consent, although in both cases, the appeal site and the proposals are the same. I have considered each proposal on its individual merits and with regard to the relevant legislation, policy and guidance. However, to avoid

duplication I have dealt with the two schemes together, except where otherwise indicated.

3. 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).

Main Issue

4. The main issues are:

Appeal A

- The effect of the proposal on the significance of the Bedford Park Conservation Area.

Appeal B

- Whether the proposed works would preserve a Grade II listed building.

Reasons

5. 15 Blenheim Road is a 2-storey detached dwelling and is constructed of red bricks and with a tiled roof, which contains a rear-dormer window. It has a 2-storey bay at the front and a truncated chimney stack on its eastern elevation. The building is Grade II listed¹ and said to date from the late 19th century.
6. The boundary to the property is marked by a low, vertically boarded timber fence at the front, which increases in height along the eastern side elevation, screening the rear garden from the adjacent footpath. A timber gateway and surrounds controls external access between the front and rear gardens on the eastern side of the property.
7. There is a single-storey, flat-roofed garage at the rear of the garden, by the boundary with 21 Blandford Road, whilst the domestic garden area is largely paved to the front and sides, with a small area of paving extending to the rear garden.
8. In my view, the significance of this designated heritage asset, insofar as it relates to these appeals, stems from its historical development and includes its setting, design and materials.
9. The building is located at a prominent position in the Bedford Park Conservation Area (BPCA), at the junction of Blenheim Road and Queen Anne's Gardens.
10. From the evidence, the significance of the BPCA, insofar as it relates to these appeals, stems from its historical development as a residential area; the generally coherent and distinctive architectural style of the buildings and boundary treatments; and, the associated gardens, streets and mature trees to be found there.

Bicycle store, fenestration and door

11. The proposal would entail the erection of a timber bicycle store with a maximum height of some 1.8 metres and with a rear-facing mono-pitched roof

¹ List Entry Number: 1294573

in the western side garden, set back from Blenheim Road behind the ridgeline of the roof of the dwelling.

12. A vertically boarded timber fence currently prevents access from the front to the rear garden along this side, which is of a similar height to the proposed bicycle store but positioned closer to Blenheim Road. The existing fence would be removed as part of the proposal and the proposed bicycle store would, therefore have a somewhat lesser visual impact than the existing timber fence within the side garden.
13. On the opposite side of the dwelling is a tall, leaded, single-glazed, stained-glass window, which would be retained and the glazing repaired, as necessary. The repairs to the side window would be acceptable and would help to preserve the special interest and significance of the building.
14. In the front door, two panes of clear glazing, which are said not to be original, would be removed and replaced by two leaded, single-glazed stained-glass panes in a design very similar to the aforementioned side window.
15. The limited scale of the new glazing and the impact of installing it on the door means the effect on the historic fabric of the building would be very limited. However, there is no substantive evidence before me to show that the proposed glazing in the front door would have been part of the original design of the building.
16. Nevertheless, given the design of the side window, there is considerable scope that such decorative glazing could have been an original feature on the building, and I note the proposal is supported by the Bedford Park Society. Whilst not a statutory heritage consultee, this is a local interest group and as such I would expect it to have a reasonable knowledge and understanding of the BPCA and its listed buildings. I consider that the design and materials for the proposed glazing to the front door would be acceptable on this listed building and would help preserve its significance.

Paving

17. The description of the proposal on the application forms refers to *additional paving*, although very few details of what this entails are provided. On the revised site plan² paving would be extended along the side of the building to the entrance to the proposed bicycle store, although this matter is not annotated.
18. I am satisfied the materials to be used for the proposed paving could be controlled by way of a suitably worded planning condition were the appeal to be allowed. Furthermore, given its limited scale, position and function, additional paving at this location would have a very small positive effect on the significance of the BPCA and would preserve the setting of the appeal building.
19. Further paving is shown in the rear garden area on the Tree Protection Plan (forming part of the Arboricultural Impact Assessment (AIA)) and on the revised site plan, than exists at present. However, this matter is not annotated on the revised site plan and is not directly addressed in the AIA, or in the appellant's statement, or in the Council's officer report.

² Ref. 210936-100 Rev A

20. The additional paving in the rear garden would be within the root protection area of a Tree Preservation Order (TPO) protected Category A Tree³. This substantial, mature tree contributes to the significance of the BPCA.
21. From the evidence I am not satisfied that the additional proposed paving in the rear garden would not adversely affect the health of this tree, including with regard to reducing the permeable area from which the tree's roots would obtain moisture and nutrients. The loss of, or damage to, this TPO protected tree from reduced moisture / nutrients would cause less than substantial harm to the significance of the BPCA, which would not be outweighed by the identified public benefits of the proposals.

Boundary treatment and side gate

22. The current front and side boundary treatments described above are said not to be original and are in a somewhat decrepit state of repair, with missing boards in places and of an uneven height. The existing side gateway would seem to date from a similar era.
23. No compelling evidence has been provided to show that the timber boundary fencing or side gate are original, or existed prior to 1 July 1948. Given the design and the elapsed time, I do not consider it likely they are or did. Nevertheless, there is no evidence before me of what the original type of boundary treatment was or what existed prior to 1 July 1948; something very similar or completely different may have existed at these times.
24. In any event, the existing timber fencing and gate form part of the setting of the listed building and their position makes them visually prominent features in the street, within the BPCA, at the present time.
25. The 2007 BPCA appraisal and BPCA management plan contain information regarding the phased development of houses within what is now the BPCA. The appraisal identifies the appeal property as being within Sub-Area 3.2, part of the Inner Residential character area, and described as being at the very core of the BPCA. Within this sub-area, Blenheim Road and Queen Anne's Gardens are noted as having some diversity in terms of properties, something I noted during my site visit.
26. The appraisal notes that boundary treatments are a key element of the character of the BPCA and seven distinct boundary types are identified. The current front boundary treatment at No 15 does not fit within any of the seven types listed in the appraisal, although the side boundary treatment is consistent with *Fencing type 2 - high vertical boarding without piers*. This type is widespread throughout the BPCA and is used to screen side and rear gardens, as is the case at the appeal property.
27. The proposed front boundary treatment would be *Fencing Type 4a - Bedford Park palisade with piers*, comprising a low brick wall with timber posts and palisade railings above, and with an ornate arched entrance gateway. Brick piers with ball finials would be located at the corner and by the boundary with 13 Blenheim Road, framing the front of the property. This is described in the BPCA appraisal as the archetypal fence type of the area.

³ T1 Blue Atlas Cedar

28. This boundary treatment would continue for a short distance along the side boundary to where the proposed side gate and surrounding wall would be positioned. From this point the boundary treatment would become a taller brick wall, topped with a timber trellis above, to provide screening of the side and rear garden areas.
29. I accept the proposed front and part-side boundary treatment would be consistent with the guidance on Type 4 Fencing given in the BPCA appraisal in terms of its location in sub-area 3.2 and by being associated with the front elevation of the property. I also accept the appellant's point that the proposed fencing would not need to be an exact replica of existing examples of this type of boundary treatment.
30. There are examples of properties with Type 4 Fencing in the vicinity of the appeal site, including the semi-detached dwellings at 9 and 11 Blenheim Road and the substantial detached dwelling at No 17 on the opposite side of Queen Anne's Gardens to No 15.
31. However, there are also examples of different boundary treatments, such as at 13 Blenheim Road next door, a dwelling of a very similar design to the appeal dwelling. This property also has a low timber fence to its front boundary, albeit of a more robust design and in a better state of repair.
32. Furthermore, 10 Blenheim Road, opposite the appeal site, which is a building of a different design, has a low timber fence to its front boundary, albeit with a brick column with ball finial as it turns the corner to Queen Anne's Gardens.
33. There is considerable diversity within the sub-area, and in the vicinity of the appeal building, in terms of front boundary treatments, and there is no clear pattern that links boundary treatment to house-type. Furthermore, there is no compelling evidence to show that 15 Blenheim Road previously had Type 4 Fencing at the front, or that such fencing would be appropriate to this property type.
34. Whilst I recognise the general acceptability of such boundary treatments within Sub-Area 3.2, as opposed to other sub-areas, the BPCA appraisal does not advise that all dwellings in this sub-area should have Type 4 boundary treatments. In my view, the diversity of dwellings and boundary treatments, within a generally coherent overall style, contributes to the significance of the BPCA.
35. Whilst I recognise the current front fencing is not original, its limited scale and unobtrusive design allows No 15 to be readily appreciated from surrounding streets, similar to No 13 next door or No 10 opposite.
36. There is no compelling historical justification for the proposed Type 4 boundary treatment at the appeal property, without which it could easily be seen as a harmful pastiche. Furthermore, the design, scale and massing of the proposed front boundary treatment would restrict views of 15 Blenheim Road somewhat, and moreso than the existing fencing, and so detract from the visual setting of the Grade II listed building. In my view, this would cause less than substantial harm to 15 Blenheim Road and to the BPCA.
37. The proposed side boundary treatment is not listed amongst the seven boundary treatments in the BPCA appraisal, although is somewhat similar to the side boundary wall to the rear of 17 Blenheim Road. However, the proposal

would replace a Type 2 side boundary treatment that is characteristic of the conservation area. The proposed side boundary wall/trellis would, therefore, conflict with guidance contained in the BPCA appraisal and management plan regarding the loss of boundary treatments, and inappropriate replacements.

38. The side gate and walls are closely associated with the proposed side boundary treatment, in terms of scale and materials, and would be incongruous next to the existing Type 2 timber fencing.
39. In my view, the proposed side boundary treatment and the proposed side gate and wall would cause less than substantial harm to designated heritage assets.
40. For these reasons, the proposed bicycle store and paving to the side of the building and the works to the side window and front door would have a limited positive effect on the significance of the BPCA and would preserve the Grade II listed appeal building. I am also satisfied that they are physically and functionally separable from the other proposals. They would, in so far as relevant, accord with Policy D4 (delivering good design) and HC1 (heritage conservation and growth) of the London Plan 2021⁴ (the LP); Policies 7.4 (local character), 7B (design amenity) and 7C (heritage) of the Ealing Development Management DPD December 2013 (EDM); Policies 1.1 (spatial vision for Ealing 2026) and 1.2 (delivery of the vision for Ealing 2026) of the Ealing Development Strategy DPD April 2012 (EDS); and, with the National Planning Policy Framework 2023 (the Framework), in this regard.
41. However, I am not satisfied that the paving in the rear garden area would not harm the TPO protected Cedar tree, damage to, or the loss of which, would cause less than substantial harm to the significance of the BPCA. Furthermore, the proposed boundary treatment and side gate would detract from the setting of a Grade II listed building and from the significance of the BPCA, causing less than substantial harm in each case. The limited public benefits, including other aspects of the proposal that would preserve or enhance the BPCA and the Grade II listed appeal building, would not outweigh the harm I have identified. In so far as relevant, the proposal would conflict with Policy D4 and HC1 of the LP; Policies 7.4, 7B and 7C of the EDM; and, with the Framework, in this regard.

Other Matters

42. The occupiers of 21 Blandford Road, directly to the rear of the appeal property, objected to part of the proposal that they consider may be on or may affect their land. Upon request the Council supplied me with land registry plans for 15 Blenheim Road and 21 Blandford Road.
43. From these plans and my observations on site, it is still not clear whether the proposal would be wholly on land owned by the appellant, consistent with the signed declarations on the application forms. However, I am satisfied that no one has been prejudiced by this situation in terms of the applications or appeals.
44. As I have found the proposed boundary treatment would be harmful to both the setting of the listed building and the BPCA and I have dismissed the appeals in this regard, there is no need for me to address this issue further.

⁴ Spatial Development Strategy for Greater London 2021

45. I note the Council has previously determined it has no objections to the removal of the existing Laurel tree in the front garden of the property, at the corner of Blenheim Road and Queen Anne's Gardens. Whilst I am not fully familiar with this decision, I am satisfied that the removal of this tree would not detract from the BPCA or the setting of the listed building.
46. I note the appellant's evidence includes a Design Scheme drawing⁵ showing an inaccurate representation of the appeal building, with a full chimney stack shown on the eastern elevation, despite the reduced height of the chimney being identified on the statutory list description. In this regard I have considered the building as I viewed it on site.

Conditions and Conclusion

47. For the development approved under Appeal A, in addition to the standard commencement condition, a condition specifying the approved drawings would be necessary for reasons of certainty. A pre-commencement condition requiring the approval of materials would be manifestly necessary to protect the character and appearance of the BPCA, and the setting of a Grade II listed building.
48. For the works approved under Appeal B, a condition requiring the approval of materials would be necessary to preserve a Grade II listed building. A condition requiring the submission of a method statement for works to the side window and the glazing in the front door would be necessary to preserve the listed building.
49. Conditions to reduce the likelihood of damage to the listed building and the timescale for making good any damage caused would also be necessary to preserve the listed building.
50. For the reasons given above I conclude that Appeal A and Appeal B are allowed in part and dismissed in part.

Andrew Parkin
INSPECTOR

⁵ Ref. 210936-101 B

Annex 1.

Appeal A

- 1) The development authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

210936-01 – Location Plan; 210936-100 Rev A Site Plan;
210936-110 - Existing & Proposed Floor Plans;
210936-101 Rev B - Design Scheme; 210936-102 – Glazing; and,
Arboricultural Impact Assessment Method Statement & Tree Protection Plan.
- 3) No development shall commence until details of the materials to be used in the construction of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works shall commence until details of the materials to be used in the construction of the approved works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) No works to the listed building shall commence until a method statement for the works to the front door and to the single-glazed, stained-glass side elevation window has been submitted to and approved in writing by the local planning authority. The method statement shall include full details of the repairs to the window and the proposed glazing, including annotated elevation drawings at 1:20 scale and annotated section drawings at 1:5 scale, and the measures to be taken to secure and protect the window, door and their surroundings from accidental loss or damage. The works shall be carried out in accordance with the approved method statement.
- 4) Suitable precautions shall be undertaken to secure and protect all interior and exterior elements against accidental loss or damage during building work and no such elements shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings, or with the prior written approval of the local planning authority.
- 5) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 3 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.