



Appeal Decision

Site visit made on 9 January 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/K5600/D/23/3334073

6, Lansdowne Crescent, Kensington and Chelsea, London W11 2NH

- 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 Mrs Katleen van Roost against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/23/06031, dated 13 September 2023, was refused by notice dated 9 November 2023.
 - The development proposed is the installation of weaved willow privacy screens as addition to the existing cast iron gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The weaved privacy screens as shown on the submitted plan are the same as those that I saw on site. I have considered the appeal on this basis.
3. In an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development does not require planning permission, as claimed by the appellant. However, I shall consider the evidence as to whether permission is required so far as it is material to this appeal given the appellant's case. Having regard to section 55(1)(A) of the Act the weaved willow privacy screens may not have been formed by a person carrying on business as a builder, but they could be. Hence, it seems to me that the proposal may be development for the purposes of the Act. However, if the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.

Main Issue

4. The main issue is whether the proposal preserves or enhances the character or appearance of the Ladbroke Conservation Area.

Reasons

5. The appeal property is a three-storey semi-detached dwellinghouse with a lower ground floor. The property is set back from the road behind a front garden and driveway that are enclosed by a wall and railings with hedgerows behind. There are separate pedestrian and vehicular gates.
6. Residential properties in the Conservation Area are characteristically set behind boundary walls and railings that are broadly of a similar height and finish. Metal pedestrian and vehicular gates are also commonplace. They enable views through or towards the front of each property when stood on roads within the

Conservation Area. Some properties have hedges or other landscaping behind the walls and railings that afford privacy. The appeal property positively reflects those characteristics and the coherent use of materials which contribute to the special qualities of the Conservation Area.

7. The weaved willow privacy screens are attached to the pedestrian and vehicular cast iron gates. They have altered the character and appearance of the property's front boundary treatment through the introduction of an uncharacteristic material, but also as the privacy screens obscure views through the railings to the front of the appeal property. The privacy screens may be of high quality, but they have introduced a solid and incongruous screen to the front boundary, which is harmful to the character and appearance of the Conservation Area. While views remain of the upper parts of the appeal property, this does not lessen the harm that I have identified.
8. I saw a similar privacy screen on a neighbouring property's front boundary, but I do not know how these came to be, and I understand that no planning permission has been obtained from them. As such, despite any similarities, given that they do not have planning permission, they carry little weight and do not justify the harm that the proposal causes.
9. The harm caused in the context of the National Planning Policy Framework (the Framework) is less than substantial, with the harm at the lower end of the spectrum within that. There are, however, no public benefits arising from the proposal, and thus, the less than substantial harm is not outweighed by them.
10. I conclude that the proposal does not preserve or enhance the character and appearance of the Ladbroke Conservation Area. As a result, conflict is caused with Policies CL1, CL2, CL3, CL6 and CL11 of the Council's Local Plan which jointly, among other things seek proposals to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting by respecting local context, the use of materials and local views.

Conclusion

11. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
12. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR