



Appeal Decision

Site visit made on 20 May 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31ST May 2024

Appeal Ref: APP/K5600/W/23/3329892

The Car Port, 10 Sunningdale Gardens, adjacent to 31 Lexham Mews, London W8 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Shannon De Boissard against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/01918 dated 17 March 2023 was refused by notice dated 27 June 2023.
 - The development proposed is Erection of a bike storage to replace existing parking canopy. Proposed timber vehicular gates in keeping with context of adjacent buildings to replace existing metal vehicular gate. Increasing height of the existing side boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a bike storage to replace existing parking canopy. Proposed timber vehicular gates in keeping with context of adjacent buildings to replace existing metal vehicular gate. Increasing height of the existing side boundary wall at The Car Port, 10 Sunningdale Gardens, adjacent to 31 Lexham Mews, London W8 6PX in accordance with the terms of the application, Ref PP/23/01918, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I note the address within the original planning application. For completeness, I have used the Council's address as taken from their decision notice as this more accurately describes the location of the site.
3. I am made aware by the appellant that they produced amended plans for the proposal and I have compared those submitted by the Council with the appeal, and these additional plans. Given their content, I am satisfied that no parties have been prejudiced by the submission of these two plans.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of the adjacent occupants with particular regard to outlook.

Reasons

5. The appeal site is located within the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). It encapsulates some fine examples of mid-19th Century Italianate influenced London stock brick three storey terrace houses of a consistent character with white stucco frontages, and larger scale red brick

mansion blocks. Intimate mews developments have a quiet unassuming quality hidden between more formal streets. Whilst some historic details are missing throughout the CA, as a whole, it possesses significant historic and architectural merit.

6. The appeal site is a two-storey mews house located in a quiet residential mews development of Lexham Mews. A side passage with double vehicular gates sits adjacent to the main dwelling and perpendicular to the rear boundary with 10-13 Sunningdale Gardens; part of a small courtyard development of houses accessed off Stratford Road. The space is partially covered in the style of a car port to its far end and front area open and used for parking to support the dwelling. The parking area slopes slightly from Lexham Mews to its rear, together with a solid brick wall built along the eastern boundary with Sunningdale Gardens, built to a more or less continuously level height.
7. The proposal entails creating an enclosed and covered bike store to the back of the space and retaining the vehicular parking area in front and raising the height of the eastern boundary wall, with new gates to its entrance.
8. Number 10A Sunningdale Gardens is a garden flat of the larger original dwelling that has been subdivided into around three flats. The occupants of the garden flat have a small garden space the full width of the building to the rear, enclosed with the shared boundary wall with the appeal site. A timber trellis fence has been installed within the garden of No. 10A that is higher than the existing boundary wall, and the occupants of the flat have fixed bamboo privacy screening to the trellis that sits slightly higher than the trellis, and is by and large a continuous height along this shared boundary.
9. A higher boundary wall and enclosure to the proposed car port would be recreated as a consequence of the proposal, higher than the existing bamboo panelling that is over two metres in height from my inspection. By increasing the height of the boundary wall in accordance with the proposal, would extend marginally above this existing bamboo screen, by approximately 400mm in height. The outlook for the occupants of the flat from the garden onto the bamboo screen appears solid as there are no through-views, despite its light-weight credentials. It has a sense of permanence to its appearance and creates a substantial visual screen between the two spaces. It affects the outlook of the occupant as a barrier due to its continuous height, length and structural properties.
10. Although the new wall would be of solid and substantial construction, and seen above the bamboo screen, I am not convinced that the proposed height would be clearly discernible from the garden aspect. There are a series of windows and openings within the flat that look out onto the garden space. They look towards the existing boundary treatment. The height of the boundary wall would be noticeable from inside the dwelling due to the separation distance between the two. However, the slight increase of wall height seen above the existing screen would not lead to a sense of enclosure from both inside or outside the dwelling for the occupants. Their living conditions would therefore not be adversely compromised, but in my view, safeguarded.
11. Therefore, to conclude on this main issue, the proposal would not adversely compromise the living conditions of the neighbouring occupants which would be safeguarded in accordance with the good living standards of Policy CL5 of the Kensington and Chelsea Local Plan 2019.

Other Matters

12. Matters pertaining to site safety has been raised by objectors. However, there is no evidence before me to demonstrate how the proposal would lead to an increased risk of crime.
13. Although situated within the CA, and I am mindful of my statutory duties in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, there has been no concerns raised from the Council with regards to the proposal's affect upon the character or appearance of the CA. However, there have been independent objections raised from local residents to its impact. From my own assessment of the proposal, I consider it would be a visual improvement to the existing carport as it has a more aesthetically pleasing appearance with proposed gates that would complement the character and appearance of the CA. Therefore, I am of the view that the proposal would preserve and enhance the character and appearance of the CA.

Conditions

14. In accordance with paragraph 56 of the National Planning Policy Framework, I will impose the plan condition numbers for completeness, as well as a time limit to implement the permission. Details of the materials to construct the car port and wall shall be submitted to the Council in the interest of the character and appearance of the local area. There is no requirement to control the use of the car port for no other purpose but for the storage of cycles or vehicles as it is a domestic extension and can function as such ancillary use to the enjoyment of the dwellinghouse.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A1-000 Rev P1, Site Plan A1-100 Rev P1; Existing Carport Plan, elevations and section 4170 A2-010 Revision P2; Proposed Cycle storage Plan, elevations and section 4170 A2-100 Revision P2.
3. Prior to the removal of the existing car port, details / samples of the materials to be used in the construction of the external surfaces of the extension and boundary wall hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples and retained for the lifetime of the development.

END OF SCHEDULE

