



Appeal Decision

Site visit made on 29 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/K5600/W/24/3342656

13 Holland Villas Road, Kensington and Chelsea, London W14 8BT

- 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 Boundary Park Ltd against the decision of the London Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/05288.
 - The development proposed is the construction of a single-storey garden studio to provide additional staff accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey garden studio to provide additional staff accommodation at 13 Holland Villas Road, London W14 8BT in accordance with the terms of the application, Ref PP/23/05288, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos Pro_24-07-23-01.pdf, 07-23-02.pdf, Pro_24-07-23-03.pdf, Pro_24-07-23-04.pdf, Pro_24-07-23-06.pdf, and FoundationDetail_31-05-23.pdf.
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) For the duration of works the trees existing on the site at the date of this permission shall be protected in accordance with the Tree Protection Plan set out in the "Aboricultural Impact Assessment Method Statement and Tree Protection Plan" (2022) prepared by Trevor Heaps Aboricultural Consultancy Ltd.
 - 4) Notwithstanding any details shown on drawings hereby approved and as listed within condition (1), the rear garden outbuilding forming the subject of this permission shall not be used or occupied otherwise than in connection with the existing main dwelling at the site, to which it shall remain ancillary.
 - 5) Notwithstanding any details shown on drawings hereby approved and as listed within condition (1), permission is hereby granted solely for the rear garden outbuilding forming the subject of this permission and no other works and or additions.

Preliminary Matters

2. The Council adopted the Kensington and Chelsea Local Plan on 24 July 2024 (LP). The Council have confirmed which policies are therefore relevant to this decision and the appellants were invited to comment. The appeal has therefore been

determined in accordance with Policies CD1, CD2, CD3, CD9, CD12, CD14 and G15 of the LP.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area including the Holland Park Conservation Area (CA).

Reasons

4. The appeal site is a substantial brick-built detached villa with simple stucco dressings. To the front is a modest garden enclosed by a low brick wall and railings with gated access. To the rear of the property is a large garden, which is bounded by mature vegetation providing little visibility into neighbouring gardens. A large single storey extension runs from the rear elevation of the dwelling along one side of the garden, and a small shed is located in the top corner.
5. The property is located on a long, tree-lined road comprising similar style dwellings with enclosed front gardens and large rear gardens. The mature trees and vegetation of back gardens can be glimpsed through gaps between dwellings and in combination with trees to the front provides a verdant appearance.
6. The proposed development is for a single storey outbuilding, with green roof, to provide staff accommodation comprising 2 bedrooms and a bathroom. The outbuilding would be located in the top corner of the rear garden and laid onto a concrete raft or ground beam foundations. I note that planning permission has been granted¹ for a similar rear garden building, which was positioned to align with the building line of those in the rear gardens of 11 and 12 Holland Villas Road. The appeal proposal runs perpendicular to the permitted building.
7. The site is located within the Holland Park CA, which stretches from Holland Park Road in the north to Kensington High Street in the south. The Holland Park Conservation Area Appraisal (2017) (CAA) states that the CA centres on Holland House, a Grade I listed building and its Grade II Listed Parkland. Holland Villas Road is one of three streets of large, detached villas to the west of the park, which are enhanced by their attractive settings of large gardens with mature trees. I therefore consider that the significance of the CA in relation to this appeal are the large mature gardens and their visibility through the gaps between the detached houses. Accordingly, the appeal site makes a positive contribution to the character and appearance of the area and the special interest and significance of the CA due to its large mature garden and views to it between neighbouring properties.
8. During my site visit I was only able to see small glimpses of other outbuildings due to the mature planting around the boundary of the appeal site and within the gardens of neighbouring properties. Although the proposal would project further into the central part of the garden than the outbuilding which has permission, a large proportion of the garden would still remain open. The change in orientation of the proposal would serve to break up the built form along the rear of neighbouring properties, thereby retaining the overall openness of this stretch of rear gardens. The green roof of the proposal would also help to mitigate any impact when viewed from the higher windows of neighbouring properties. A large gap between the built form of the main house and the proposed outbuilding would be retained, thereby maintaining its subservient appearance.

¹ PP/23/01956

9. The planting around the boundary of the garden is well established. The Delegated Report refers to the enclave of gardens having a number of large trees which together, contribute to the green and leafy appearance of the Royal Borough and I agree that this is the case having visited the site. Although the proposal would result in the loss of some small trees it would not require the removal of any well-established specimens and therefore would not cause harm to the overall verdant appearance of the area. I consider that the retention of mature trees on the site can be addressed appropriately through condition.
10. In reaching my decision I have paid special attention to the requirements of Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990, (PLBCAA) which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the private domain. Unlike listed buildings, the significance of a CA is dependent on how it is experienced. Under such circumstances case law² has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above I find that the proposal would not be detrimental to the CA and thus would preserve its significance.
11. This would satisfy the requirements of Section 72 (1) of the PLBCAA, paragraph 203 of the Framework and would not conflict with policies CD1, CD2, CD3, CD9, CD12, CD14 and G15 of the LP, which seek amongst other things to ensure that development respects existing context, character and appearance including historic characteristics, meets the highest standards of design and preserves or enhances the character or appearance of conservation areas.

Conditions

12. I have considered the Council's suggested conditions and where appropriate have amended the wording to more closely align with the Planning Practice Guidance. I have also removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
13. In order to meet legislative requirements, a condition shall be imposed to address the period for commencement and which plans are relevant (1 and 2).
14. A condition relating to the retention of trees is necessary to ensure that all trees on their site are adequately protected to safeguard their contribution to the character and appearance of the area (3).
15. Conditions relating to the future use of the building are required to protect the living conditions of occupiers of neighbouring dwellings (4 and 5).

Conclusion

16. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR

² South Oxfordshire DC v SSE & J Donaldson (1991) CO/1440/89