



Appeal Decision

Site visit made on 2 December 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/K5600/W/24/3348946

38 Clarendon Road, London W11 3AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Howard against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/24/02559 was approved on 11 June 2024 and planning permission was granted subject to conditions.
 - The development permitted is the alteration of rear first floor window from sash window to French door; installation of metal balustrade over rear bay at first floor level; repainting of external windows and doors throughout from white to black.
 - The condition in dispute is No 3 which states that: "External windows and doors hereby permitted shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes, and so maintained."
 - The reason given for the condition is: "To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CL1, and CL2 of the Local Plan 2019."
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Decision

1. The appeal is allowed and the planning permission Ref PP/24/02559 for the alteration of rear first floor window from sash window to French door; installation of metal balustrade over rear bay at first floor level; repainting of external windows and doors throughout from white to black at 38 Clarendon Road, London W11 3AD granted on 11 June 2024 by Royal Borough of Kensington and Chelsea, is varied by deleting condition 3 and substituting it for the following condition:
 - 3) External windows and doors shall be timber framed and painted, with the windows being double hung, black painted, sliding sashes, and so maintained.

Preliminary Matter

2. Since the planning permission was granted by the Council, the New Local Plan Review has been adopted as the development plan for the borough. Policies CD1 and CD2 of the New Local Plan Review have superseded policies CL1 and CL2 of the Local Plan 2019. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of varying or removing the condition on the character or appearance of the Ladbroke Grove Conservation Area ("the CA").

Reasons

4. The appeal property is a four-storey, semi-detached Victorian villa built in the 1840s. The CA covers a large area that was originally developed on a speculative basis by several different architects, developers, and builders with a spacious urban form owing to the communal gardens that create green space between the built form. The concentric crescents, terraces, and

communal gardens of the estate fan out from the summit following the contour lines of Notting Hill. The layout and architecture of the housing built, allied with the communal gardens and the use of materials, contribute to the significance of the CA.

5. The Ladbroke Conservation Area Appraisal (the Appraisal) identifies the appeal property as a positive contributor to the historic and architectural character and appearance of the CA. The lower and ground floor parts of the property's elevations are finished in painted plaster, with the first and second floor levels finished in brick. The windows are timber, white-painted sash windows.
6. The Appraisal confirms that timber sash windows with delicate glazing bars, sometimes with crown or cylinder glass, are key features of the Ladbroke Estate. It adds that houses built in the 1830s and 40s, particularly the villa pairs and triplets, may have originally had their multi-paned windows painted black and that this colour continues to be used in some such houses in the CA. The Appraisal explains that houses built after this time, and certainly after the 1850s, would have always had their windows painted white.
7. While the appellant proposes to remove the disputed condition in its entirety, this would enable those windows to be changed to any material and style. That could result in the loss of the traditional original style of window that characterises the CA. Such a change would have a harmful effect on the character and appearance of the CA.
8. However, the Appraisal encourages the reinstatement of sympathetic windows that would enhance parts of the CA where this loss has occurred. Given the use of black paint for windows in properties built in the 1840s, the use of black paint here would reflect and reinstate the historic character of the CA and thus its significance. The use of black paint can be found on numerous nearby properties that were built in the same period as the appeal property. As such, the proposed use of black paint would have a neutral effect on the CA as it would preserve its character and appearance.
9. For the reasons set out above, removing the condition would not be appropriate, as it is necessary to avoid a harmful effect on the character and appearance of the CA, but by varying its terms to enable black paint to require the use of black paint would preserve its character and appearance. Hence, I conclude that varying the condition to this effect would satisfy the six tests for the imposition of planning conditions and accord with Policies CD1 and CD2 of the New Local Plan Review. These policies, among other things, require development to respect existing context, character, and appearance, including historic characteristics, and to take opportunities to improve the local area.

Conclusion

10. The proposed development would accord with the development plan, and there are no material considerations that indicate that a decision should be made other than in accordance with it.
11. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting it for another.

Andrew McGlone

INSPECTOR