



Appeal Decision

Site visit made on 4 February 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/K5600/W/24/3351800

Trailfinders Ltd, 42-50 Earls Court Road, LONDON, W8 6FT

- 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 Trailfinders Ltd against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/07940.
 - The development proposed is Replacement of a hinge-down/drawbridge-style timber ramp replaced with a painted timber gate (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for replacement of a hinge-down/drawbridge-style timber ramp replaced with a painted timber gate (retrospective) at Trailfinders Ltd, LONDON, W8 6FT in accordance with the terms of the application, Ref PP/23/07940 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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, drawing no LG22/129 000, Site Plan, drawing no LG22/129 002, Pre-existing rear yard plan, drawing no LG22/129 098, Pre-existing rear yard elevation A drawing no LG22/129 201, Proposed rear yard elevation A drawing no LG22/129 202 and Proposed rear yard plan drawing no LG22/129 099.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.
3. Following the submission of the application and the Council's decision to refuse the application on 13 June 2024 the Royal Borough of Kensington and Chelsea New Local Plan Review, July 2024 (LP) was adopted. I have determined the appeal on the basis of the current adopted local development plan.
4. At the time of my site visit the development had been completed. However, a brick wall had been erected immediately in front of the gate on the alleyway side and as such I was unable to view the construction of the gate from this side. Though the completed development appears to have been constructed in accordance with the submitted plans, for the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Main Issue

5. The main issue in this appeal is the effect of the proposal on security with particular regard to the relevant adopted local planning policies.

Reasons

6. The appeal relates to a mid-terrace commercial building on Earl's Court Road which is currently occupied by Trailfinders Ltd. Earl's Court Road is a busy, mixed use road which comprises a mix of commercial and residential properties. The building has a small courtyard to the rear.
7. The proposal is for the replacement of a hinge down gate set a distance above ground level. This gate provided access from the rear courtyard of the appeal building to a small alleyway which runs between the appeal site and properties along Pembroke Place and connects with Pembroke Place. The hinge down gate was also designed to provide a ramp between the courtyard at the rear of the appeal property and the alleyway. There is, however, some dispute between the parties to the appeal in respect of the previous arrangements on site.
8. LP Policy CD2 sets out the Council's requirement for all development to be secure – designing out crime. This policy is supplemented by the Council's Designing out Crime Supplementary Planning Document (SPD) which states that the aim of 'Designing Out Crime' is to reduce the vulnerability of people and property to crime by removing opportunities that may be provided inadvertently by the built environment.
9. The replacement gate is constructed of black painted timber and set at ground level with the alleyway. The change in levels has been addressed via some steps within the rear courtyard of the appeal property.
10. Though the replacement gate provides more convenient access to the alleyway, the evidence before me is clear that the gate is intended as exit only. A number of signs have clearly been affixed to the internal gate detailing that it is to be used as an emergency fire escape only. Moreover, the plans indicate that the gate does not have a handle on the side which addresses the alleyway and can only be opened from within the courtyard of the appeal property.
11. The rear courtyard to the appeal building is not accessible to members of the public, it is solely for the use of employees of the commercial business operating at the appeal site. Access to the courtyard and gate is through the building on site.
12. Furthermore, the gate provides access between the alleyway and the appeal property. It does not facilitate any additional access to the neighbouring residential properties or to the alleyway from the street. Access to the alleyway from the street is secured by a metal gate. In my view, the proposed replacement gate would not lead to any unacceptable potential increase in crime. The arrangements on site, insofar as facilitating access to the alleyway, are not, in respect of security, notably different to those which were previously in place. Levels of natural surveillance remain as per the previous arrangements on site.
13. For these reasons, I consider that the development would not have an adverse effect on security and would comply with Policy CD2 of the LP and the guidance contained within the SPD insofar as they relate to security and designing out crime.

Other Matters

14. I note that there is some disagreement between the parties in respect of works to the boundary wall, land ownership and access rights. These matters are, however, civil matters which fall outside of the scope of this planning appeal. I also note that concern has been raised in respect of the suitability of the gate and alleyway as a fire exit. This matter too falls outside the scope of this planning appeal.
15. I note the concerns expressed regarding the effect of the proposal on the character and appearance of the area. The appeal site is within the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). The gate is of a simple construction and sits amongst a number of other gates and boundary treatments along the alleyway. As such, I consider that the proposal sits discreetly and comfortably within its surroundings and is a sympathetic addition to the street scene which would not cause harm to the character and appearance of the area and would preserve or enhance the character and appearance of the CA.
16. I recognise that local residents are frustrated by the situation and have also made reference to other works which have been carried out. This appeal relates only to the proposed gate and as such, any other works fall outside of what is to be considered at this time.

Conditions and Conclusion

17. Though the proposed development is said to have been completed, as set out above, I am determining this appeal on the basis of the plans before me. As such I have imposed the standard time limit condition. I have also imposed a condition specifying the relevant plans as this provides certainty.
18. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

L J O'Brien

INSPECTOR