



Appeal Decision

Site visit made on 21 January 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/K5600/W/24/3349718

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 Mr Mark West (Trailfinders Ltd) against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/01697.
 - The development proposed is erection of protective roof structure to roof and relocation of plant equipment.
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Decision

1. The appeal is allowed and planning permission is granted for erection of protective roof structure to roof and relocation of plant equipment at Trailfinders Ltd, 42-50 Earls Court Road, London W8 6FT in accordance with the terms of the application, Ref PP/24/01697, 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 drawing nos 010; 011; 246; 247; 248; 142.
 - 3) The level of noise emitted from the site shall not exceed 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.
 - 4) The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

Preliminary Matters

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected by the changes. I do not therefore

feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.

3. Following the determination of the application the Kensington and Chelsea New Local Plan Review was adopted in July 2024 and is now the development plan for the appeal. Consequently, Policies CL1, CL2, CL5, CL6 and CL8 of the Local Plan adopted in 2019 listed within the Council's reasons for refusal have been superseded. I have made my assessment against the new policies including Policies CD1, CD2, CD9, CD10 and CD12 of the Kensington and Chelsea New Local Plan Review 2024 (Local Plan). The appellant is aware of this situation and has made comments thereon.

Main Issues

4. The main issues are the effect of the proposal on a) the living conditions of neighbouring occupiers with particular regard to outlook and b) the character and appearance of the area with particular regard to materials.

Reasons

Living Conditions

5. The residential flats to the rear of the appeal site are separated from the commercial property by an alleyway but are relatively close to the rear of the building. The rear elevation of the commercial unit would be increased in height by between approximately 350 and 450 mm from the original height of the building due to the slope of the roof and would provide a waterproof covering to protect the machinery on the lower floors. It would be constructed from painted wooden fascia boards. Further away from the windows towards the front of the building, a wooden balustrade would screen the relocated plant.
6. Whilst the increase in height of the roof would partially obscure the view from the lower part of the residential windows, there would not be a significant loss of light and views of the sky and rooftops would remain. This would not materially limit the outlook from the windows or increase the sense of enclosure for the residents.
7. The proposal would not therefore harm the living conditions of neighbouring occupiers with particular regard to outlook. It would comply with Policy CD9 of the Local Plan which amongst other matters seeks to ensure that development ensures good living conditions for occupant of existing and neighbouring buildings.

Character and Appearance

8. The appeal property is a part two and part three storey mid terraced building. It lies within a mixed area with commercial uses to Earls Court Road and residential uses to the rear. The area is characterised in part by the variety of heights and types of roofscape. The rear of the property, whilst visible from the residential properties on Pembroke Place, would not be visible from Earls Court Road or the surrounding area due to the height of the existing roof structures to the front of the building.
9. The alteration to the height of the building would appear as a subservient extension thereto. The use of black painted wooden fascia boards to the extended roof would distinguish the extension from the original building and the long lasting material would be durable limiting the amount of maintenance necessary. It would also not be conspicuous in the street scene.

10. The proposal would not therefore harm the character and appearance of the area with particular regard to materials. It would therefore comply with Policies CD1, CD2, CD10 and CD12 of the Local Plan which together and amongst other matters seek to ensure that roof alterations and alterations are sympathetic to the form, character and appearance of the building.

Other Matters

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA). The significance of which derives in part from the tight urban grain with a variety of architectural building styles showing how the area developed over the years. Although identified as a positive building in the CA, the character and appearance of the CA as a whole would be preserved. I note that the Council raised no objection in this regard. Nevertheless, this lack of harm weighs neutrally and does not alter my conclusion on the main issues.
12. I have had regard to the neighbour objections and accept that the local residents are frustrated by the previous unauthorised works to the roof of the appeal building and the temporary tarpaulin that has been in place for a long period of time. The new plant would be located the furthest distance from the residential flats and would only be in operation during daytime hours. The Noise Report submitted with the planning application shows that the proposal would comply with the requirements of the Council in that regard. In addition, any noise created by it would be controlled by the inclusion of the relevant condition.

Conditions

13. I have considered the conditions recommended by the Council, having regard to the Planning Practice Guidance. To provide certainty I have included the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
14. The conditions relating to limiting the noise levels from the plant and machinery and the provision of anti-vibration mounts are necessary to protect the living conditions of nearby occupiers of both the residential buildings and adjoining premises taking into account also that the building is part of a terrace, adjoining other commercial buildings.

Conclusion

15. The appeal scheme would comply with the development plan for the reasons I have set out. The appeal should therefore be allowed, subject to the above conditions.

H Senior

INSPECTOR