
Appeal Decision

Site visit made on 18 February 2025

by **F Rafiq BSc (Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/K5600/W/24/3352144

Flat 2, 31 Gledhow Gardens, Kensington and Chelsea, London SW5 0AZ

- 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 Miss Annabel G C Marsdin against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/04236.
 - The development proposed is to regularise an extension of existing terrace to the rear of the property; installation of 1.7m high privacy timber trellis and 1.1m high black painted metal railings to the terrace at raised upper ground floor rear level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have utilised part of the description of development from the decision notice, as this more comprehensively describes the proposal before me, although I have removed reference to the 1m projection to the rear as the main parties agree that this is inaccurate.
3. The extended terrace was in place at the time of my visit, although the timber balustrade enclosing the terrace is to be replaced with black metal railings and a timber trellis screen. For clarity, I have proceeded to determine the appeal based on the proposed plans.
4. The Council adopted its New Local Plan Review (Local Plan) in July 2024. The numbering of the policies referenced in the decision notice have changed and I have utilised the updated numbering in this appeal.

Main Issues

5. The main issues are (i) whether the proposed development would preserve or enhance the character and appearance of the Courtfield Conservation Area; and, (ii) the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to privacy and noise and disturbance.

Reasons

Character and appearance

6. The appeal site forms part of an eight-storey building situated in the Courtfield Conservation Area (Conservation Area). The area is predominantly residential and comprises of terrace houses and mansion blocks, of varying styles. The larger

scale of the properties, the rich level of detailing and the presence of mature planting provides for a high-quality residential area with a verdant edge that positively contributes to the character of the Conservation Area.

7. The appeal proposal relates to the enlargement of a terrace at raised ground floor level to the rear of the building. The terrace would be enclosed by 1.1m high black painted railings and also a 1.7m high timber trellis screen.
8. The proposal would result in a significantly enlarged terrace, extending to the southern boundary and noticeably past the rear wall of the building. I was able to see a variety of other larger terraces on nearby Victorian buildings, and note that the appeal building, which dates from the 1960's is visually distinct from the older neighbouring properties, as is the triangular shape and form of the pre-existing terrace. Nevertheless, the proposal would be enclosed by a 1.7m high timber trellis screen which would extend around 6.7m along the edge of the extended terrace. This would introduce a lengthy feature that would increase the scale of the rear terrace and result in the development having a harmful sense of bulk.
9. The proposed timber trellis would be an improvement on the existing fence and would be placed on the inside of the proposed metal railings, which is a traditional, locally prevalent material. Timber screens can also be found around other terraces. However, the size and projection of the terrace in combination with the height and length of the timber screen would be visually harmful when viewed from various private vantage points, particularly from properties on Bina Gardens.
10. I therefore conclude that the proposal would fail to preserve the character and appearance of the Conservation Area. As such, it would be contrary to Policy CD4 of the Local Plan, which requires development to preserve or enhance the character or appearance and significance of the conservation area.
11. Where less than substantial harm would arise, such as in this case, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have not been made aware of any such benefits in this instance. The proposed development would also be contrary to the National Planning Policy Framework (Framework), which seeks to conserve the special interest of heritage assets.

Living conditions

12. Notwithstanding the visual impact of the timber trellis on the character and appearance of the area, the Council acknowledge that it would be effective in mitigating overlooking from the extended terrace area.
13. The extended terrace area would allow a larger number of people to gather. The appeal property however already has a larger garden area at lower ground floor level laid out mainly as a patio space, which would permit a similar or larger number of people to assemble. Although the terrace would be in a confined location, enclosed by brick walls on a number of sides, it would also be partly enclosed by a timber trellis which would act as an acoustic screen. The extended terrace would be in a raised position compared to the garden on the lower level, and bring activity closer to neighbouring properties, but this difference would not be so significant to give rise to a materially greater noise impact on neighbouring occupiers.

14. Given the above, I conclude that the appeal development would not have an unacceptable adverse impact on the living conditions of occupiers of neighbouring properties with regards to privacy and noise and disturbance. As such, it would comply with Policy CD9 of the Local Plan, which seeks, amongst other matters, good living conditions for occupants of new, existing and neighbouring buildings.

Other Matters

15. Reference has been made to previous approvals¹ on the appeal site which included extensions to the terrace. Although these involved similar main issues relating to the conservation area and the amenities of neighbouring residents, from the information provided, this appeal development is larger than those previously consented schemes and they are therefore not comparable to the appeal scheme before me.
16. There are a variety of other terraces nearby, and a more specific reference has been made to a consented² terrace at Flat 3, 23 Gledhow Gardens. Whilst the terrace on this neighbouring flat is large, it would be enclosed by metal railings and there is nothing before me that indicates that it would include a timber screen. Although the screen on the appeal development is proposed to mitigate the effects of overlooking, it would also result in the introduction of a structure that would have a harmful effect on the Conservation Area for the reasons set out earlier in this decision. The planning permission³ at Flat 1, 176 Old Brompton Road has also been referenced, but this was for a different form of development, involving a roof top terrace. It was considered on its own merits, and I have considered the appeal scheme before me accordingly.
17. The proposal would provide a more usable amenity area. The appeal property however already has a sizable outdoor amenity space, and I attached limited weight to this benefit, which would not outweigh the harm arising on the first main issue. The principle of a rear terrace is acceptable, but this is a neutral consideration and not one which weighs in its favour.

Conclusion

18. I conclude that the proposal does not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. The appeal is dismissed.

F Rafiq

INSPECTOR

¹ LPA Ref: PP/04/00699 and PP/08/01915

² LPA Ref: PP/09/00300

³ LPA Ref: PP/23/06848