



Appeal Decision

Site visit made on 2 April 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2025

Appeal Ref: APP/X5990/W/24/3354900

37-39 Bloomfield Terrace, City of Westminster, London SW1W 8PQ

- 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 HRH Hayfa Abdullah Al Saud against the decision of City of Westminster Council.
 - The application Ref is 24/01726/FULL.
 - The development proposed is described as a single storey extension above the existing garage to form a new two bedroom flat.
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Decision

1. The appeal is allowed, and planning permission is granted for a 2-bedroom flat above the existing garage at 37-39 Bloomfield Terrace, City of Westminster, London SW1W 8PQ in accordance with the terms of the application, Ref 24/01726/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On plans 0612(20) 100 Revision B, 0612(20) 101 Revision B, and 0612(20) 102 Revision B, a cycle and bin store is shown as are some minor modifications to the landscaping of the wider garden. These elements are beyond the appeal site and do not form part of the description of development so have not been taken into consideration within this decision.
3. The proposed description of development specifies the single storey extension but not the side extension which is shown within the appeal site on the plans and obviously considered by the main parties. For the avoidance of doubt, the description of development as been simplified within the decision above.

Main Issue

4. The effect of the proposed development on the character, appearance, and ecology of the area with specific regard to surrounding trees.

Reasons

5. The appeal site is to the rear of 37-39 Bloomfield Terrace, a Grade II listed building¹ (LB) within the Belgravia Conservation Area (CA). It is accessible from Ranelagh Grove, the road to the rear of Bloomfield Terrace. Just beyond the appeal site is Garrison Square, part of the new Chelsea Barracks development. Both Ranelagh Grove and Garrison Square are, in part, characterised by the verdant setting created by the abundance of mature trees and planting within the

¹ Reference 1291768 – '37-39, Bloomfield Terrace'

rear gardens of the properties along Bloomfield Terrace. As well as being important to character and appearance, the trees also provide respite for wildlife and improve the general ecology of the appeal site's very urban surroundings.

6. The appeal site is limited to the existing garage building and, to one side, a small section of the garden of Nos 37-39. The proposal would extend the existing garage building into this area of garden, as well as add a storey to create a new dwelling in the form of a 2-bedroom first floor flat with roof garden and terrace.
7. Due to ground levels the appeal site is higher up than the garden of Nos 37-39 and along the boundary between it and the garden is a false acacia (T3¹) and a row of laurels. These along with the trees within the wider garden area are protected by their location within the CA.
8. Historically there was an Ash tree (T6¹) located where the side extension is proposed. It was protected by Tree Preservation Order (TPO) along with T2¹, and a Walnut tree (T7¹). The appellant gained consent to remove T2 and T6, but T7 remains. It is still located along the boundary with 42 Bloomfield Terrace, which is beyond the appeal site. It is on a piece of land which is lower than much of the garden, and considerably lower than the existing garage. It is surrounded by a mix of hard landscaping and separated from the appeal site by a yew hedge.
9. At the time of the application the replacement of T2 and T6 had not been agreed and part of the Council's case related to the proposed extension being over the original location of T2. However, during the appeal process replacement locations for both T2 and T6 have been agreed in the wider garden of Nos 37-39, beyond the appeal site. The Council no longer contest that the proposal would impede the replacement of T2 and there is nothing before me to conclude otherwise.
10. The proposed side extension would require foundations and so disturb the ground beneath it. It would also extend the existing building closer to the position of T7. However, the appellant's Arboricultural Impact Assessment and Method Statement (AIAMS)², clearly identifies that the only works within the root protection zone of T7 relate to a minor revision to ground levels. It concludes that with appropriate protection and construction methods T7 would not be detrimentally impacted.
11. It was observed on site that the location of the proposed side extension is largely covered in non-porous tiles. Where these had been partially lifted it was also evident the ground beneath is heavily compacted. This along with the AIAMS findings, means the ground works required for the proposed side extension are unlikely to harm the roots and thereby the longevity or health of T7, as well as the trees in the wider garden of Nos 37-39.
12. Subject to conditioning of the tree protection, construction, and remediation methods set out within the AIAMS, the proposal would ensure the surrounding trees are retained and therefore it would not harm the character, appearance, and ecology of the area.
13. The Council consider the AIAMS to fail to explore the impact the landscaping of the garden of Nos 37-39 may have on the trees. However, the landscaping does not form part of the proposed development and is outside of the appeal site. This is also the case with the Council's concerns relating to the potential impact of cycle

² Written by Tamla Trees consulting arborists, dated February 2024, reference 05057R

and bin storage on T7. Nevertheless, appropriate bin and cycle storage within the appeal site could be secured by condition.

14. Concerns were also raised regarding potential pruning pressure from future occupants of the proposal in relation to T3. Nevertheless, any potential impact from T3 would be limited to the proposed terrace off the second bedroom. It would not affect the main living spaces or garden roof terrace and is already well established so its effect on light or leaf fall would be obvious to future occupants. Therefore, on the balance of probabilities it is not considered likely the existence or future growth of T3 would make the living conditions of the proposal untenable for future occupants.
15. Notwithstanding this, due to T3's location in the CA, it is within the Council's power to control any future pruning as it has done in the past³, and if considered intrinsic to the character and appearance of the area it could be protected by TPO.
16. Consequently, with appropriate conditions attached, the proposal would not harm the longevity or health of the trees surrounding it. It would therefore conserve the character, appearance and ecology of the area and comply with City Plan Policy 34 insofar as it seeks to protect trees for their contribution to the local area.

Other Matters

17. As the appeal site is within the CA and the setting of a LB, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, special attention is required to be given to the desirability of preserving the setting of the LB, and preserving or enhancing the character or appearance of the CA. The Council did not object to the appeal scheme in this regard and I agree that due to the scale, design and siting of the proposed development, the proposal would preserve the setting of the LB and the character and appearance of the CA.
18. It is noted that no harm has been identified in relation to the living conditions of future occupants or neighbouring residents, the quality of the accommodation proposed or the sustainability of the area.
19. As a residential development, the proposal has the potential that future occupants may seek car parking. The parking in the area is limited by permit and as with much of London, parking pressure causes highway safety and air quality issues. As the appeal site is located in a highly accessible location and to ensure no further increase in parking pressure, it is necessary for the proposal to be a car-free development. However, as no mechanism has been submitted to secure this, it would need to be controlled by a negatively worded condition.

Conditions

20. The Council has suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
21. In addition to the standard time limit condition, condition 1, I have imposed condition 2 requiring the development to be carried out in accordance with the approved plans as this provides certainty. Due to the density of residential development around the appeal site, condition 3 will ensure the living conditions of

³ 24/03885/TCA – as identified in the Arboricultural Report written by Alltree Consultancy Ltd and dated 31 October 2024

neighbours are not unduly impacted by construction noise. However, the condition has been simplified to ensure enforceability.

22. Condition 4 has been implemented to ensure the development can be retained as car-free. Although a negatively worded pre-commencement condition, the main parties have indicated such a condition acceptable and that there would be a reasonable chance its requirements would be met prior to the development starting.
23. Condition 5 is necessary to protect nearby trees as they are important to the character of the area. It is necessary, in part, to be a pre-commencement condition as the protection needs to be in place prior to any works starting and the appellant is aware of this.
24. The Council proposed multiple conditions to cover materials, but they can be encapsulated into a singular condition. As such condition 6 has been implemented to ensure a high-quality finish to the proposed development and ensure it will not harm the CA or setting of the LB. Conditions 7 and 8 would secure appropriate waste, recycling, and cycle storage for the proposed new dwelling.

Conclusion

25. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0612 (10) 001; 0612 (10) 002; 0612 (20) 100 B; 0612 (20) 101 B; 0612 (20) 102 B; 0612 A (20) 200 B; 0612 (20) 300 C; and 03866P_TCP_01.
- 3) All construction works, including piling, excavation, and demolition, shall take place only between 0800 and 1800 on Monday through to Friday and shall not take place at any time on Sundays or on Bank or Public Holidays. Only construction works that exclude piling, excavation and demolition shall take place between 0800 and 1300 on Saturdays.
- 4) No development shall take place until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled

person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and

- ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

- 5) No development shall take place, nor any demolition works or site clearance, until protection of the trees on and close to the site has been installed in accordance with the details within the BS5837 Arboricultural Impact Assessment and Method Statement (written by Tamla Trees consulting arborists, dated February 2024, reference 05057R) (hereon known as the AIAMS) and this protection shall be retained throughout the course of the development.

The development shall then be carried out in accordance with the methods set out in the AIAMS, and prior to occupation of the development hereby permitted the landscaping and remediation within the AIAMS shall be completed.

- 6) No development above ground level shall take place until samples and details of all external facing materials and finishes, including glazing, windows, and doors, have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 7) The development hereby permitted shall not be occupied until refuse and recyclable materials storage facilities have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of refuse and recyclable materials.
- 8) The development hereby permitted shall not be occupied until cycle storage facilities have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of cycles.

END OF SCHEDULE