



Appeal Decision

Site visit made on 3 November 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/K5600/D/25/3373267

11 Mulberry Walk, London, SW3 6DZ

- 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 MMM Architects against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/25/03974.
 - The development is the installation of a timber framed trellis to existing upper floor terrace onto existing metal balustrade.
-

Decision

1. The appeal is allowed, and planning permission is granted for the installation of a timber framed trellis to existing upper floor terrace onto existing metal balustrade at 11 Mulberry Walk, London, SW3 6DZ in accordance with the terms of the application, Ref PP/25/03974.

Preliminary matters

2. The development subject of the appeal has already been installed. I shall therefore treat the appeal as if the original application had been submitted under S73A of the Act¹, that is, for the retention of the trellis. The trellis has been erected on a terrace at first floor level principally on the boundary between the appeal property and 9 Mulberry Walk, to the west. A small section of the fence is situated at first floor level in the gap between Nos 9 & 11.
3. The appeal property is located within the Chelsea Park/Carlyle Conservation Area (CA). References have been made to the Conservation Area Appraisal (2017), which is available on the Council's planning portal.

Main Issues

4. The main issues are: (a) whether the trellis has preserved or enhanced the character or appearance of the CA, and (b) the effect of the development on the living conditions of the residents of 9 Mulberry Walk with particular reference to visual impact.

Reasons

Character or appearance

5. The appeal property is a three-storey brick-built dwelling set in a pleasant and attractive residential street in the heart of the CA. It is attached to 15 Mulberry

¹ The Town & Country Planning Act 1990 (as amended).

Walk², a dwelling of a completely different design, but is separated from No 9 by a narrow gap. The Council attaches significance to the gap given that it is identified, along with the other gaps in the street, on Fig 2.3 in the Appraisal. The Appraisal explains the importance of gaps in contributing to the special qualities of the CA.

6. It is only by looking closely through this narrow gap from the street that the existence of a small section of the fence becomes apparent to anyone in the public realm. It is seen in the background beyond some intervening air conditioning units, No 9's brick protrusion and a security gate and fencing. It certainly does not stand out in a visual sense and contributes minimally to any perceived closure of the gap. From pavement level, the foliage and branches of trees beyond can readily be seen above it. The fence has not materially impinged on what the Appraisal describes as the main qualities or functions of gaps, in particular, the separation of buildings. I consider the fence to have no harmful impact on the public realm.
7. As the appellant acknowledges, the fence may be seen in some limited private views to the rear of the property. However, the striking feature noted during my site visit was the extent to which the plants and trees to the rear of the site afford effective screening to the fence, even when a substantial amount of late autumn defoliation has occurred. The presence of evergreens, planted by residents presumably to protect privacy, ensures that the fence is not widely seen, and I am not persuaded that any private views have been materially impeded.
8. I conclude that the erection of the fence has not proved harmful to the CA's undoubted qualities. At worst it has had a neutral impact, and I am therefore content that the character and appearance of the CA is preserved. Accordingly, I find no material conflict with those provisions of policies of the Council's New Local Plan Review (LP) Policies CD1, CD3, CD4, CD10 or CD15 seeking to ensure that development, including small scale alterations and additions affecting heritage assets and conservation areas in particular should seek to preserve or enhance its character or appearance, and views within such designated areas.

Living conditions

9. The Council's concern is that the erection of the fence has and will continue to have an oppressive and overbearing impact on the residents of 9 Mulberry Walk. I saw that building operations were taking place at No 9 and that the site was sealed off by hoardings. Judging from historical imagery on Google Earth the hoardings have been in place and building operations have taken place for several years.
10. The appellant refers to a 2018 planning permission for alterations, additions and extensions at No 9, which include the formation of an open terrace adjacent to that at the appeal property, and at the same level. I note from the Council's records, that a hedge comprised of English Yew is proposed on the common boundary between the elevated terraces. The details were approved³ by the Council as part of the discharge of conditions. The hedge proposal is presumably to ensure that effective screening is in place to avoid loss of privacy to the residents of both Nos 9 & 11.
11. Until that hedge is in place, the fence provides screening for the benefit of No 11's residents to avoid loss of privacy arising from the future use of No 9's terrace. It

² There doesn't appear to be a No 13

³ Ref CON/18/07100 dated 20 December 2018

seems to me that it also provides some relief in the meantime from the effects of lengthy and continuing building operations. When the proposed, approved hedge is in place and grown, it would effectively mask the fence, so that any concern as to the latter's visual impact upon No 9's residents will be fully mitigated. The hedge, in this manner, would also address some of the Council's concerns in respect of the first main issue.

12. I conclude that the fence has and would have no material impact on the living conditions of No 9's residents by reason of visual impact. I am further persuaded to this view by the fact that No 9's residents did not object to the application when consulted. Accordingly, I find no material conflict with those provisions of LP policy CD9 directed to protect neighbouring living conditions.

Conditions

13. The Council suggests the imposition of a condition to ensure that the development should be carried out in accordance with the approved plans. However, since the development is substantially complete, I regard such a condition as unnecessary.

Other matters

14. The appellant has produced numerous illustrations of where timber has been used externally in broadly similar circumstances in the CA to demonstrate the use of the material is not untypical as the Council suggests. Whilst this attracts some weight it is not decisive in my considerations since I am unaware of the full planning history in those cases. I have therefore dealt with the appeal on its specific merits.
15. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. No other matter raised is of such strength or significance as to outweigh the considerations leading me to my conclusions.

G Powys Jones

INSPECTOR