
Appeal Decision

Site visit made on 8 August 2025 by F Bradford BA (Hons) MRTPI

Decision by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2025

Appeal Ref: APP/K5600/D/25/3368196

7 Cottesmore Gardens, London, W8 5PR

- 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 A Gutin against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/25/00970.
 - The development proposed is described as “Provision of 1x off-street parking space within the front garden. Introduction of metal grille and raised upstand. Installation of dropped kerb and new sliding mechanical railing system”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the whether the proposed development would preserve or enhance the character or appearance of the De Vere Conservation Area and its effect on highway safety conditions.

Reasons for the Recommendation

Character and Appearance

4. The De Vere Conservation Area Appraisal (2016) (the appraisal), identified that the appeal site is located within the Vallotton Estate. The appraisal states that “perhaps the most pleasing aspects of this character area [The Vallotton Estate] are the wide, well planted front gardens finished with railings or bottle balustrades that provide a leafy and consistent setting to the houses along the street” and that “Cottesmore Gardens and Eldon Road are the widest and therefore grandest roads on the Vallotton Estate”. As such, the significance of this part of the Conservation Area, insofar as it is relevant to this appeal, is derived from the presence of the front gardens, the width of the roads and the attractive appearance of the dwellings themselves.
5. Cottesmore Gardens is characterised by an array of detached, semi-detached, and terraced dwellings which are set back from the boundary with the footpath. Whilst there is architectural and stylistic diversity, there is a strong and established sense

- of uniformity. 7 Cottesmore Gardens, the appeal dwelling, is a semi-detached, four-storey dwelling which, as identified by the appraisal, sits on 'the north side of Cottesmore Gardens [which] retains its distinct pairs and as a result has a strong historic character'. The appeal dwelling has a front garden and boundary railings, and lightwell, which enforces a sense of uniformity to its neighbouring properties and contributes positively to the character and appearance of the area.
6. The proposed development would involve the addition of a grille over the lightwell; the partial loss of the existing front boundary, replaced with sliding gates; and the introduction of a vehicle crossover to accommodate an off-street private parking space.
 7. While the lightwell is not itself a visible feature, the void it creates to the front elevation is a common characteristic of dwellings within the street scene. The proposed grille would effectively remove the existing openness of the void space. While this lightwell, and others in the immediate area, are perhaps hard to see from the street, the proposed changes would still have the effect of covering up a feature which does form part of the character of the surrounds.
 8. Furthermore, whilst the existing front garden is hardstanding, and the potted plants could be removed; it is not currently used as a parking space. The presence of a parked vehicle, within a particularly tight and cramped space, would be an incongruous feature which would interrupt the visual rhythm of the frontage and diminish the contribution the appeal dwelling currently makes to the wider group and Conservation Area.
 9. Although the proposed gates would imitate the existing boundary treatment, the evidence before me indicates that, due to their mechanisms, each element of the gate would be set back from the existing front boundary when closed. Whilst there is variation in boundary treatments along Cottesmore Gardens, the appeal dwelling sits within a row of generally uniform boundary treatments, and any alteration to this would disrupt its contribution to that uniformity and therefore harm the appearance of the streetscape. For these reasons, I disagree with the Council's assertion that changes to the front boundary would likely preserve the character or appearance of the Conservation Area, even subject to additional details.
 10. Whilst other dwellings on Cottesmore Gardens have crossovers and off-street parking spaces, in the main, these appear to enable cars to park in a standard fashion perpendicular to the dwelling. This would not be the case with the scheme before me and, in any event, their presence would not justify allowing a proposal which would result in harm.
 11. For these reasons, I find that the proposed development would neither preserve nor enhance the character or appearance of the De Vere Conservation Area and would instead serve to harm the character of the streetscape. As such, the development would not meet the statutory tests set out in Section 72 (Conservation Areas) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Further, I find conflict with The Royal Borough of Kensington and Chelsea's New Local Plan Review (adopted 2024) (the local plan) with particular regard to policies CD1(Context and Character), CD2 (Design Quality, Character and Growth), CD4 (Heritage Assets – Conservation Areas), CD10 (Small-scale Alterations and Additions), and CD15 (Views). Taken together, the relevant aspects of these policies seek to ensure that

new development is well designed and that it preserves character and appearance, including the significance of designated heritage assets.

12. Whilst harm would arise from the proposed development, this would be limited to a small area of the Conservation Area. Therefore, in accordance with the National Planning Policy Framework (2024) (the framework), harm would amount to 'less than substantial'. In this instance, the framework sets out that harm should be balanced against public benefit. The appellant has noted public benefit arising from the EV charger. Whilst this would provide public benefit, by way of environmental considerations, it would be limited by way of its scope and proportion, and the benefit would instead mainly be afforded to the private occupiers of the appeal dwelling. For these reasons, I do not find that the identified harm would be outweighed in this instance.

Highway Safety

13. Cottesmore Gardens is a residential street which, based on my observations during the site visit, is not particularly busy in terms of vehicular traffic. The existing arrangement sees the public parking on both edges of the road, controlled by a restrictive Controlled Parking Zone (CPZ) scheme during specific hours.
14. The proposed development would result in the loss of an on-street parking space with its replacement with one private space. Whilst the Council's Transport for Streets SPD (the SPD) notes that the loss of on-street parking spaces is not acceptable, this document represents guidance as opposed to policy.
15. In this instance, a parking survey provided by the appellant indicates that the proposed development would not result in an unacceptable increase in on-street parking pressure. Indeed, based on the survey, approximately 80 spaces were available within a 200-metre radius of the appeal dwelling and 10 were available within Cottesmore Gardens. As such, with the proposed development representing a one-to-one loss-to-gain ratio of public and private spaces, even though the space would be reserved for private use, it would not give rise to additional parking pressure within the area. Whilst the incremental loss of public parking spaces would eventually result in an unacceptable pressure on parking levels, such losses would likely be subject to planning permissions and as such I do not consider that this holds significant weight within this appeal. I therefore do not find that the loss of the public space itself would lead to harm in this instance.
16. The appellant has stated that, by parking diagonally, the proposed parking space would meet the minimum dimensions as set out within the SPD. Indeed, their technical evidence demonstrates that a small (shown as VW Golf) and large (shown as a Range Rover Velar) vehicle would fit in the proposed parking space. However, the clearance between the vehicles and solid structures would be extremely limited.
17. This would be particularly notable with a larger vehicle which, based on the evidence before me, would almost touch the front elevation of the appeal dwelling to the rear of the vehicle, and the proposed gate to the front. As a result, in practical terms, it is quite possible that a car would overhang the pedestrian footway, rather than being parked behind the front boundary gate. Such a scenario would inevitably lead to highway safety concerns.

18. Further, whilst a theoretical single manoeuvre of a vehicle is demonstrated, I am not satisfied that this could be easily achieved in practical terms. The swept path analysis contained within the technical evidence provides for the manoeuvring of a small vehicle, but not for a larger one. Whilst this is shown in the original plans submitted to the Council, I am not satisfied that it holds the same technical accuracy as the additional evidence, and I have therefore afforded it limited weight. Given the contrived, angled, and restricted-size parking arrangement, I am not satisfied that the proposed layout would avoid excessive manoeuvring on the public footpath.
19. For these reasons, I find that the proposed development has the potential to give rise to unacceptable conditions of highway safety with specific regard to the pedestrian use of the footpath. As such, I find conflict with the local plan, with particular regard to policy TR6 (Active Travel) which, among other things, aims to ensure that development does not reduce access to, or the attractiveness of, existing footways and footpaths used by the public. I do not find conflict with policy TR8 (Car Parking) which, in part, seeks to ensure that development does not result in an increase in on-street parking pressure.

Conclusion and Recommendation

20. The proposed development would result in harm to a designated heritage asset and also in relation to highway safety. It would therefore conflict with the development plan when considered as a whole. Whilst the provision of an electric vehicle charging point would provide some benefit, this would be very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. I therefore recommend that the appeal should be dismissed.

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

C Butcher

INSPECTOR