

Appeal Decision

Site visit made on 4 April 2017

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/K5600/D/17/3168187
12 Lonsdale Road, London W11 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Goetz Bechtoloheimer against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/16/06816, dated 12 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is described as 'Formation of a roof terrace on the flat roof of the building; provision of a glazed box roof light over the stairs; erection of railings to perimeter of roof terrace'.
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1. The appeal is allowed and planning permission is granted for the formation of a roof terrace on the flat roof of the building; provision of a glazed box roof light over the stairs; erection of railings to perimeter of roof terrace at 12 Lonsdale Road, London W11 2DE in accordance with the terms of the application, Ref PP/16/06816, dated 12 October 2016, 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 the following approved plans: E/02, E/06, E/07, E/08, E/09, E/10, P/01, P/02, P/03, P/04, P/05 and Location plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The balustrade to the roof terrace shall be glazed, and so maintained for the life of the development.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Colville Conservation Area.

Reasons

3. The Colville Conservation Area is a largely residential area with a few small parades of shops and individual community uses throughout. Due to the relatively short period in which the area was developed, the character of the conservation area is fairly similar throughout and as such, there are no clearly definable sub-areas. As such, the area is characterised predominantly by well-preserved Victorian terraced housing and other buildings of the 1840s - 70s with original architectural details, with detailing that varies between terraces
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particularly with regard to stucco mouldings. Original lightwells and cast iron railings, contribute to the texture and character of the streets. These features contribute positively to the character and appearance of the conservation area as a whole and its significance as a designated heritage asset. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that seeks to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

4. No 12 Lonsdale Road is a three storey terraced house. The roof of the property is flat and is set behind a parapet wall. It is proposed to enclose the main flat roof to create a roof terrace, including the installation of a sliding rooflight for access. The Council have argued that the proposed roof terrace would be visually intrusive and would be an incongruous addition to a terrace of properties with an unimpaired existing main roof line (Nos. 2 - 40 Lonsdale Road even). Notwithstanding this, based on my observations there are a number of properties within the Colville Conservation Area, that have existing roof terraces that are visible in public views including properties on the opposite side of Lonsdale Road.
5. Based on the evidence before me and my observation I accept the proposed roof terrace could be visible from the upper floors of properties opposite. However, given the position of the proposed roof terrace would be set back towards the rear elevation and its height in relation to the surrounding streets, such a change would not be prominent when observed from public vantage points. This is consistent with the Council's conclusion contained within their delegated report which states that *'the balustrade would be set back approximately 2m from the front building line so that it would not be visible from street level and would be 0.5m higher than the existing front and rear parapet'*.
6. Furthermore, the appellant's proposed use of a glazed balustrade would further mitigate the effect of the proposal particularly when viewed from the upper floors of buildings within the vicinity of the appeal site. As such, the combination of the siting and proposed use of a glazed balustrade would result in a scheme that would not be a visually intrusive or an incongruous addition to the existing main roof line of Nos. 2 - 40 Lonsdale Road, and therefore preserving the modest form of the host building.
7. Having come to the conclusions above, it follows that the proposed roof terrace would have a neutral effect on the character and appearance of the area and therefore would preserve the character and appearance of the Colville Conservation Area. The proposal would therefore be consistent with Policies CL1, CL2, CL3, CL8, CL9 and CL11 of the London Borough of Kensington and Chelsea Core Strategy. These seek amongst other things to ensure that new development would preserve or enhance the character and or appearance of the Conservation Area.

Conditions and conclusion

8. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for materials used in the development to match those of the existing building and

that the balustrade should be glazed. The Council in setting out their suggested condition 4 stated '*The railings to the roof terrace shall be painted black, and so maintained*', however, it is clear from the plans and supporting documentation that the appellant has proposed a glazed balustrade, I have therefore amended the condition accordingly. Furthermore, it is not necessary in the interests of preserving the character and appearance of the conservation area to apply a condition restricting the height of any domestic items placed on the roof terrace due to the position of the proposed roof terrace being set back towards the rear elevation.

9. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR