



Appeal Decision

Site visit made on 11 July 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/K5600/W/17/3173480

70 Abingdon Road, London W8 6AP

- 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 Alfadl against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/17/00375, dated 18 January 2017, was refused by notice dated 10 March 2017.
 - The development proposed is conversion of butterfly roof to a flat roof terrace
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Decision

1. The appeal is allowed and planning permission is granted for conversion of butterfly roof to a flat roof terrace at 70 Abingdon Road, London W8 6AP in accordance with the terms of the application, Ref PP/17/00375, dated 18 January 2017, subject to the following 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: Location Plan, P171-EX-105, P171-EX-110, P171-EX-111, P171-EX-121, P171-PL-145 Revision C, P171-PL-150 Revision A, P171-PL-151 Revision A, P171-PL-160 Revision D, P171-PL-161 Revision C, P171-PL-500 Revision A and P171-PL-501 Revision A.
 - 3) No items such as plants, umbrellas, heaters, screens, trellises, or other items, which rise higher than 1100mm from finished floor/decking level, shall be affixed to or placed upon the terrace at any time.
 - 4) The railings to the roof terrace shall be painted black, and so maintained.
 - 5) Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90 (10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

- 6) The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
- 7) The part of the main roof sectioned off by railings as shown on approved drawing number PL-145 Rev C shall not be used at any time as part of the roof terrace. Only the area shown on the approved drawing PL-145 Rev C as being the roof terrace area and within the metal railings should be used as a roof terrace.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Edwards Square/ Scarsdale and Abingdon Conservation Area.

Reasons

3. The appeal site is an attractive three storey plus basement end of terrace property situated adjacent to the corner of Abingdon Road and Scarsdale Villas. The property contains two residential units and is situated in the Edwards Square/ Scarsdale and Abingdon Conservation Area.
4. The area around the appeal site mainly comprises tree-lined residential streets of Victorian terraces and villas with a small amount of commercial activity on some corner plots. Most properties are three storeys plus a lower ground floor level and are constructed of stock brick to the upper levels with stucco detailing at lower and upper ground floor levels. Properties are generally set back from the street behind low boundary walls, some of which also have railings. The locality has a high quality and attractive distinctive residential character.
5. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (the Framework) in determining this appeal I attach great weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area within which the site is located.
6. The current proposal is to convert the existing butterfly roof to a flat roof terrace which would be accessed by a glazed sliding box roof light which would sit below the level of the existing parapet wall. 0.9 metre high metal railings would define the boundaries of the terrace area. The railings would be set back from the elevations of the building and the areas between the railings and the edge of the buildings would be filled with planters along the east, south and west sides. The proposal also includes re-positioning some previously approved air conditioning units and an acoustic enclosure.
7. The current proposal would retain the parapet and, although the original roof form would be lost it is not a significant or visible historic feature in the Conservation Area. It is not unique or is it of particular structural or historical value or interest. Visually, it makes no contribution to the character or appearance of the Conservation Area. Of more significance historically and visually are the continuous roof lines formed by the parapet walls. This would remain unaltered on the property and the terrace as a whole should the current appeal be allowed.

8. My observations on site confirmed that there are numerous roof terraces in the vicinity of the site with different styles of roof access. The row of terraces of which No 70 is part and the adjacent terrace which includes No 72 have properties with roof terraces and therefore the roof forms have been altered. Therefore within this terrace and others nearby the roof forms have not been retained on all properties. However, from street level the only evidence I saw of the roof terraces was plants or shrubs. I also noted that there are no higher properties in the vicinity of the site from which the existing roof form or the proposed alterations would be clearly visible.
9. This evidence points to the fact that roof terraces can be successfully integrated into the historic environment without causing harm to the character and appearance of the Conservation Area. Such alterations form part of the existing townscape and I do not consider that the proposal would be out of character with the area.
10. The proposed layout of the roof terrace set in from the exposed elevations of the property together with a suitably worded condition restricting the height of plants, furniture and other paraphernalia would ensure that activity at roof level would not be visible from the public realm. I acknowledge that some roof activity may be visible from the existing roof terrace at No 72 on the opposite side of Scarsdale Villas; however, as a consequence of such visibility being highly limited I do not consider that it would result in any harm.
11. I therefore conclude that that the proposal would preserve the character and appearance of the Edwards Square/ Scarsdale and Abingdon Conservation Area and is in accordance with the requirements of Policies CL1, CL2, CL3, CL8 and CL11 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan July 2015. Among other matters these require all development to respect the existing context, character and appearance, be of the highest architectural and urban design quality, preserve and take opportunities to enhance Conservation Areas, require roof alterations to be architecturally sympathetic to the age and character of the building and group of buildings and require all developments to protect and enhance views and vistas, gaps and skylines that contribute to the character and quality of the area.

Other matters

12. The design and layout of the roof terrace set back from the elevations of the building will restrict any significant and harmful level of overlooking into neighbouring residential properties. Furthermore, the distance between the proposed terrace and nearby properties is sufficient to mitigate any harmful overlooking.
13. The use of the roof terrace is unlikely to generate any more noise than would a domestic garden. Given that the site is within an established residential area and the fact that the terrace would be set away from the windows of neighbouring residential properties I do not consider the proposal would result in unacceptable levels of noise or disturbance.
14. Concern has been expressed that the grant of planning permission would set a precedent for other similar developments. However, each case must be determined on its individual merits and a generalised concern of this nature does not justify withholding permission in this case.

15. The air conditioning units have previously been approved by the Council and I understand that they comply with the Council's noise criteria. Suitably worded conditions would ensure they will not cause unacceptable levels of noise and disturbance to residents.

Conditions

16. I have specified the approved plans as this provides certainty. In the interests of the character and appearance of the Conservation Area I have also imposed conditions relating to no tall items, black painted railings and precluding the use of sectioned off parts of the roof as part of the roof terrace. In order to protect the living conditions of nearby residential properties I have imposed conditions relating to the noise levels of building services plant and anti-vibration mounts for the air conditioning units.

Conclusion

17. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal is in accordance with the development plan taken as a whole and that the appeal should be allowed.

Alastair Phillips

INSPECTOR