



Appeal Decision

Site visit made on 2 July 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/K5600/D/19/3228898
42 Pottery Lane, London W11 4LZ

- 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 Ms Elspeth Pirie against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/01956, dated 18 March 2019, was refused by notice dated 14 May 2019.
 - The development proposed is a third floor/roof extension and roof terrace.
-

Decision

1. The appeal is allowed, and planning permission is granted for a third floor/roof extension and roof terrace at 42 Pottery Lane, London W11 4LZ in accordance with the terms of the application, Ref PP/19/01956, dated 18 March 2019, and the plans submitted with it, 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: 2133 TP100 (Proposed); 2133 S0/01 (Existing); Block Plan and Site Plan.

Main Issue

2. Whether the proposed development would preserve or enhance the character or appearance of the Norland Conservation Area.

Reasons

3. No. 42 Pottery Lane is a three storey (plus basement) house in a short terrace of 5 properties that have been altered and extended in various ways. No. 42 backs onto another similar terrace in Portland Road. These characteristics, along with the narrow width of the road, combine to form a tight urban grain.
4. The site is located within the Norland Conservation Area and I have had regard to the Norland Conservation Area Policy Statement – September 1982 (CAPS) in my assessment of the area. The CAPS defines Pottery Lane as a minor street and describes the character of the area as being derived from its unaffected simplicity, which is at contrast with the organised elevations of the surrounding area. It also references the butterfly roofs which are characteristic of the area and comments on how the staggered windows in haphazard combination lead to an informality which is appropriate to the irregular alignment of Pottery Lane. I

found that this character is experienced from the streets and roads around the area.

5. Although it appears that houses in the appeal terrace would originally all have had butterfly roofs with butterfly parapets to the rear, there is now some disruption to this pattern with roof structures having been constructed at both 38 and 40 Pottery Lane. I note the comments that these may have been constructed without planning permission, or date from a much earlier time; however the evidence before me is that both the neighbouring properties have been granted planning permission for roof alterations.
6. The proposed development would provide a small roof extension which would be set back from the rear parapet approximately in line with the neighbour's roof extension at 40 Pottery Lane. Given the degree of set back from the parapet and the existence of other roof structures in the terrace I do not consider that the development would be detrimental to the character and appearance of the property or the wider terrace. Given that the alignment of the roads and other terraces would limit views of the existing roof form, any further interruption to it would not be visible from the public realm. In fact, views of the development would only be possible from other similar roof terraces in neighbouring and adjoining properties.
7. Accordingly, the appeal scheme would comply with policy CL8 of the Consolidated Local Plan Royal Borough of Kensington and Chelsea July 2015 (LP) which permits additional storey and roof level alterations where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions. In addition, the development would comply with the overall design aims of policies CL1, CL2 and CL6 of the LP and with policy N2 of the Norland Neighbourhood Plan, March 2014 which allows roof alterations and additions when the dominance of the parapet is retained and where they are set back from the building line.
8. Having regard to my findings above, I also find that the proposal would not result in harm but would preserve the character and appearance of the Conservation Area and accordingly would comply with policies CL3 and CL11 of the LP which seek to ensure the preservation and enhancement of the character or appearance of the Conservation Area, including views into and out of it.

Other Matters

9. I have also considered the effect of the development on the living conditions of nearby residents and conclude that the proposal would not have a detrimental impact due to the overlooking which already exists from the upper windows of No. 42 and those from the other rear windows and roof terraces within the vicinity. I do not consider there would be any increased noise and disturbance to neighbouring occupiers given the proximity of other roof terraces and the development would not create a sense of enclosure or result in any loss of sunlight or daylight given the siting of the roof terrace in relation to those which exist on either side of the development.

Conditions

10. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have imposed a

condition to ensure that the proposal is built in accordance with the approved plans to provide certainty. I do not consider that a condition relating to the provision of tall items on the roof terrace would meet the six tests, set out in the Framework, in terms of both enforceability and necessity. As such, I have not imposed this condition. In addition, as the plans do not include the provision of railings, it is not necessary to include a condition requiring them to be painted black.

Conclusion

For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR