



Appeal Decision

Site visit made on 2 March 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/K5600/W/21/3285036

Flat B, 80 Lancaster Road, London W11 1QS

- 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 Anthony C Williams against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/03411, dated 24 May 2021, was refused by notice dated 9 August 2021.
 - The development proposed is the replacement of 2 No. sash windows at first floor and removal of window and replacement with French timber doors to create access to new amenity terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of 2 No. sash windows at first floor and removal of window and replacement with French timber doors to create access to new amenity terrace, at Flat B, 80 Lancaster Road, London W11 1QS, in accordance with the terms of the application, Ref PP/21/03411, dated 24 May 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The site is a traditional mid terrace dwelling which has been divided into flats. The application site is on the first floor, with ground floor and semi-basement floor beneath it and a second floor above. The terrace is predominantly in residential use but there are commercial uses a few properties to the east, fronting onto Portobello Road, and there is a school to the rear.
4. The proposal includes the replacement of two windows to the front elevation, which the Council raised no objections to. As the replacements would be like for like, there would be no visual impact on the building or the area, so I agree with the Council on this matter. Therefore, my assessment is focused on the elements of the proposal which relate to the rear elevation.
5. The rear elevation of the site is finished in brick, with wooden windows and doors, and black rainwater goods. The windows have a strong vertical emphasis, but are offset horizontally, with windows at different levels to those either side. There are existing flat roof rear projections which finish at first floor level. This design and layout is common across the rear of the terrace.

6. The rear elevation of the site is not visible from public viewpoints along Lancaster Road or Portobello Road, so the proposal would not impact on the character and appearance of the surrounding townscape. The proposed doors, balcony and railings would be visible from the school, and to some extent from neighbouring gardens. However, the size of the proposed balcony is modest and would be subordinate to the substantial host building. It would be located between two existing rear projections and would not extend beyond their rear elevations. The balcony decking would introduce a new element to the rear elevation but its visual impact would be limited by its size and location. The proportions and materials of the doors would be in keeping with the window that they would replace and the vertical emphasis of the openings in the rear elevation would be retained. The black railings would be simple in their design and would match railings at ground floor as well as the colouring of the rainwater goods. Therefore, the proposal is not out of keeping with the character and appearance of the rear elevation, even when viewed from the limited private viewpoints.
7. I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling or the surrounding area. Consequently, the development would comply with Policies CL1, CL2, CL6, CL9 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan 2019, which together, amongst other things, seek to ensure that development is well designed, respects the context, and does not harm existing character and appearance.

Other Matters

8. I note the concerns raised by a neighbour regarding the potential impact of the proposal in terms of privacy, light and noise. The Council found that the proposal would not materially harm the living conditions of neighbouring occupants with regard to these matters, and it does not form part of the reason for refusal. I have considered the evidence and conclude that due to the site layout and orientation, and the modest size of the proposed balcony, any impact on neighbouring amenity would not be sufficient to justify refusing permission.

Conditions

9. The Council have suggested conditions in the event the appeal is allowed and I have considered these and amended them as necessary in the interests of precision and clarity, in order to comply with advice in the Planning Practice Guidance. The appellant has raised no concerns regarding the proposed conditions.
10. It is necessary to specify the approved plans as this provides certainty. It is also necessary to specify the materials and finishes for works and making good, in the interests of the character and appearance of the site and the surroundings.

Conclusion

11. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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 drawings:
 - Proposed plan first floor (Flat 80b) – Drawing number 101
 - Proposed elevations – Drawing number 201.
- 3) The railings shall be painted black at the time of installation and shall be retained as such thereafter.
- 4) The windows to the front elevation shall be installed as timber framed, double hung, sliding sash windows, and shall be painted in white and retained as such thereafter.
- 5) All work to make good shall be finished to match the existing exterior of the building in respect of materials, colour, texture, profile and, in the case of brickwork, face bond and pointing, and shall be maintained as such thereafter.

*****End of Conditions*****