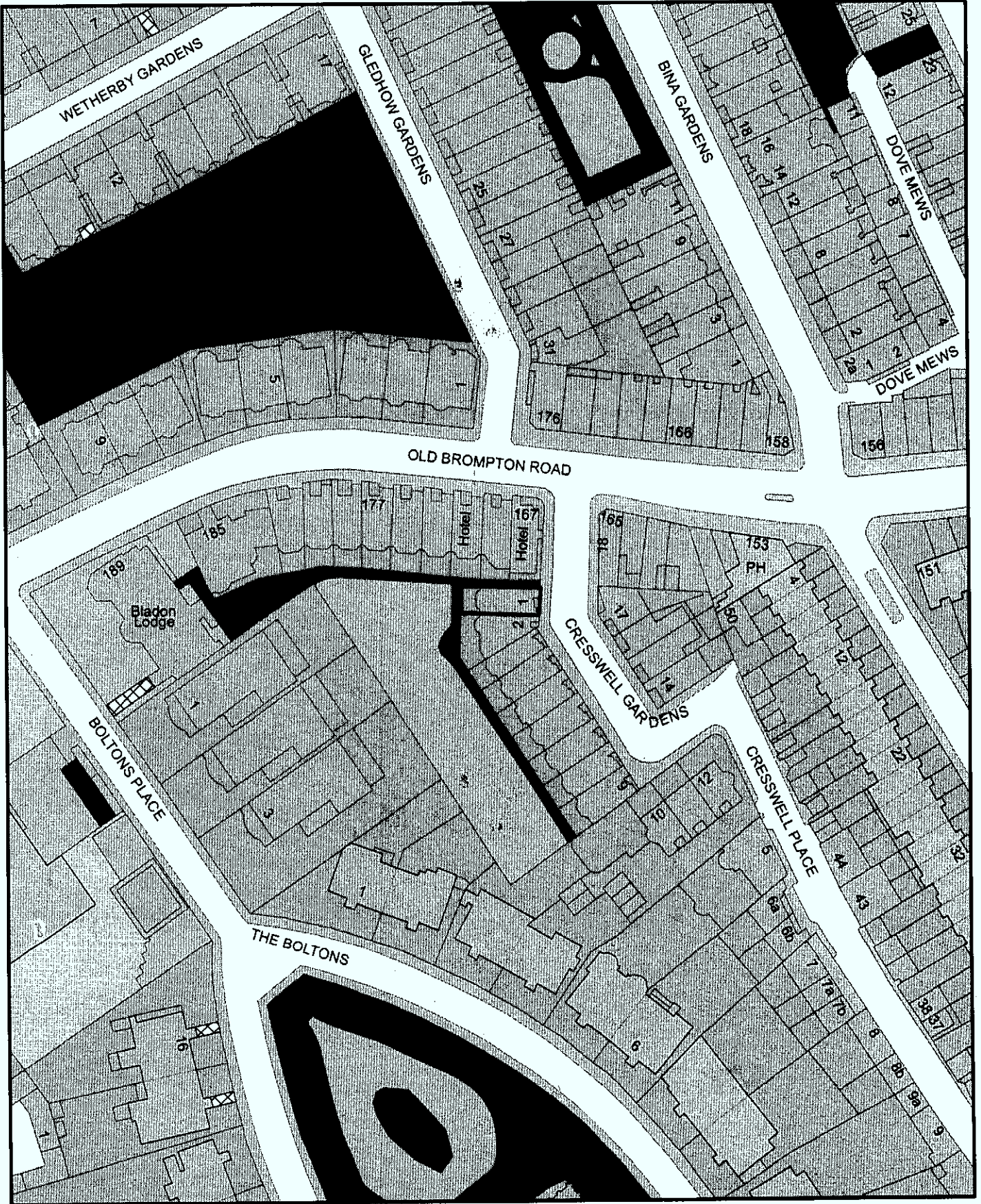


1 CRESSWELL GARDENS, SW5






1:1,250

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(100021668) (2009)



Listed Buildings

-  Grade II
-  Grade II*
-  Grade I

Property and Land Applications Team
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**ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT**

**APP NO. PP/10/03414/Q13
PLANNING APPLICATIONS COMMITTEE 10/05/2011
AGENDA ITEM NO. S46**

SITE ADDRESS

**1 Cresswell Gardens
LONDON
SW5 0BJ**

<u>APPLICATION DATED</u>	11/10/2010
<u>APPLICATION COMPLETE</u>	02/11/2010
<u>APPLICATION REVISED</u>	24/01/2011 10/02/2011 03/03/2011

APPLICANT/AGENT ADDRESS

**Ms T Rust
Bell Cornwell
St. Mary's Court
The Broadway
OLD AMERSHAM
Bucks
HP7 0UT**

**LISTED No
BUILDING**

**CONS.
AREA**

Boltons

WARD Redcliffe

CAPS Yes

**ENGLISH
HERITAGE**

N/A

ART '4' No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
30	6	0	0	0

Applicant Cresswell Gardens Ltd

PROPOSAL: Formation of roof terrace at main roof level involving installation of roof access structure and railings, formation of terrace area at rear ground floor level involving installation of platform over existing lightwell area at rear, installation of replacement railings and gates to communal garden to rear and air conditioning condenser unit at rear in enlarged lightwell at lower ground floor level, and elevational alterations at front and rear including installation of double glazed timber windows.

**RBK&C Drawing No(s):PP/10/03414 and PP/10/03414/A
PP/10/03414/B PP/10/03414/C**

**Applicant's Drawing No(s): 1052/001, 002, 003, 004, 005, 006, 007,
008, 009, 101/E, 102-1/F, 103/B, 104/B, 105/B, 106/E, 107/A,
108/B, 109/E, 110/F, and Unnumbered Location Plan.**

RECOMMENDED DECISION:

Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 1052/001, 002, 003, 004, 005, 006, 007, 008, 009, 101/E, 102-1/F, 103/B, 104/B, 105/B, 106/E, 107/A, 108/B, 109/E, 110/F, and Unnumbered Location Plan. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
4. **The windows hereby permitted shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
5. **No water tank, lift motor room, or other roof structure, other than the roof access structure at main roof level hereby permitted, shall be erected on top of the roof of any part of the building, including the roof of any extensions. (C078)**
Reason - To safeguard the appearance of the building / terrace / area. (R077)
6. **The railings to the roof terrace at main roof level hereby permitted shall be of black painted metal construction, shall be installed prior to the use of the terrace, and shall be so maintained. (C082)**
Reason - To safeguard the appearance of the building/street and the amenities of the occupiers of neighbouring properties. (R082)

7. **The railings and gates around the terrace area hereby permitted at the rear at ground floor level shall be of white painted metal construction, shall be installed prior to the use of the terrace area, and shall be so maintained. (C082)**
Reason - To safeguard the appearance of the building and the surrounding area. (R082)
8. **No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority. (C085)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
9. **Noise emitted by the external air conditioning condenser unit hereby permitted, shall not increase the existing lowest LA90(15min) background noise level at any time when the plant is operating. 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 manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply. (C57c)**
Reason - To protect the amenities of nearby occupiers. (R57c)
10. **In order to comply with Condition No.9, the Daikin Air Conditioning unit shall be contained within an acoustic enclosure of the performance and specification as described in Sections 6.3 and 6.4, pages 9 and 10, of the Environmental Noise Assessment Report (produced by Paragon Acoustic Consultants, dated 17/03/2011, Ref 2335 ENS 3 JG).**
Reason - To protect the amenities of nearby occupiers.
11. **The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. (C57f)**
Reason - To protect the amenities of nearby occupiers.

INFORMATIVES

1. I09
2. I10
3. I11
4. I21
5. I22
6. I30
7. I38
8. I68

1.0 SITE/LOCATION

- 1.0 No.1 Cresswell Gardens is a five storey (including basement) end of terrace property on the West side of the northern end of Cresswell Gardens.
- 1.2 The lawful use of the property is as five self contained residential flats. The property has been vacant for some time and is currently being converted into a single family dwelling house. The Royal Borough takes the view that the conversion from five residential units into one does not amount to development, and therefore, planning permission is not required.
- 1.2 The property is not Listed but is within the Bolton's Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the formation of roof terrace at main roof level involving the installation of a roof access structure and railings, formation of a terrace area at the rear at ground floor level involving the installation of a platform over the existing lightwell area at the rear, installation of replacement railings and gates to the communal garden to the rear and an air conditioning condenser unit at the rear in the enlarged lightwell at lower ground floor level, and elevational alterations at the front and rear including the installation of double glazed timber windows, all in association with the conversion of the property from five self contained residential flats into a single family dwelling house.
- 2.2 The proposals have been revised following negotiation with Officers.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1972 for the conversion of the property from an hotel into five self contained residential flats. This permission was implemented.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the impact of the proposals on the character and appearance of this part of the Conservation Area, and on the amenities of neighbouring properties.
- 4.2 The relevant policies against which to assess this proposal are contained within the Core Strategy of the Local Development Framework, as well as certain policies 'saved' from the Unitary Development Plan 2002 (as amended 28th September 2007).

4.3 The relevant Core Strategy policies are:

- CL1 (Context and Character)
- CL2 (New Buildings, Extensions and Modifications)
- CL3 (Historic Environment)
- CL5 (Amenity)
- CL6 (Small Scale Alterations and Additions)

4.4 The relevant 'saved' policies to this application are as follows;

- CD44 and CD45 - Additional storey's and roof level alterations.
- CD46 - Roof terraces.

4.5 Also for consideration is 'The London Plan, Spatial Development Strategy for Greater London, as consolidated with alterations since 2004. In this particular instance, there are no specific Policies relevant to this application contained within this plan. The Bolton's Conservation Area Proposal Statement (CAPS) has also been given weight, as Supplementary Planning Guidance.

4.6 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the "Development Plan" now comprises the Core Strategy, the London Plan Consolidated with alterations since 2004, plus relevant "saved" policies from the UDP.

Roof terrace at main roof level.

4.7 The principle of roof terraces at main roof level in this terrace of properties (Nos.1-9 (inc)) would appear to be established with a number of the properties featuring them, including the neighbouring property No.2. Given this the principle is considered acceptable.

4.8 At present access onto the main roof of the property is gained via a drop down ladder and a hatch. It is proposed to install an internal staircase and a sliding glazed roof access housing structure. This structure would project only 500mm above the level of the existing flat roof, and therefore, would not be widely visible in either its open or closed position.

4.9 It is proposed to install black painted metal railings to limit the extent of the roof terrace. At the front the railings would be set back 1.7m from the inside of the front parapet, whilst at the rear the railings would be set back 600mm from the inside edge of the rear parapet. In addition railings would be installed along the inside edge of the parapet to the side along the northern edge of the existing roof.

4.10 The position of these railings would be such that they would not be widely visible. This would be further ensured by the fact that it is proposed to infill the gaps in the existing rear parapet structure. This has occurred elsewhere in the terrace and is considered acceptable.

4.11 The positioning of the railings would ensure that there would be no direct overlooking of the windows of neighbouring properties. In relation to noise disturbance it is not considered that the proposed roof terrace would result in any significant harm that would justify a refusal of permission, since it would be limited in size, located at high level, and located at the same level as a number of existing roof terraces. Therefore, the terrace is considered to satisfy the criteria set down through Policy CL5.

Terrace at rear at ground floor level.

4.12 This lower level terrace is also considered acceptable in visual and amenity terms. At present there is a lightwell at the rear at lower ground floor level, with railings around it at ground floor level along the boundary with the communal garden to the rear and side. It is proposed to install a platform at ground floor level, over the whole of the lightwell area, which would be used as a terrace area. Replacement railings would be installed around it, and replacement gates to the communal garden to the rear.

4.13 The principle of terrace areas at this level at the rear, facing the communal garden, is well established in this group of properties. In amenity terms it is also considered acceptable since it would be at low level and relatively small. This would ensure that there would be no harmful overlooking of neighbouring properties or any significant disturbance to them. The proposed platform would prevent light reaching the rear room of the application property, however, this is considered acceptable since it is proposed to use this rear room as a media room.

Enlargement of existing lightwell at rear at lower ground floor level, and installation of air conditioning condenser unit in enlarged well.

4.14 The proposed enlargement of the lightwell would be very minimal. At present the rear part of the lightwell, adjacent to the communal garden, is raised 700mm above the floor level of the remaining area of the lightwell. It is proposed to lower this rear part of the lightwell to the same depth as the rest of the lightwell. This would not be widely visible and is considered acceptable in visual and amenity terms.

4.15 On original submission the application proposed the installation of two air conditioning condenser units on the main roof of the property. However, the acoustic housing that was required around the units was such that it would have resulted in a very large, highly visible box like structure on the roof which was considered unacceptable by Officers.

4.16 The application has been amended such that it is now proposed to install one air conditioning condenser unit, and associated acoustic housing, in the enlarged lightwell at the rear at lower ground floor level. It's location under the proposed ground floor level terrace structure would ensure that it would not be visible at all. Given this it is considered acceptable in visual terms.

- 4.17 In amenity terms the proposed air-conditioning condenser unit is also considered acceptable. Its location under the proposed ground floor terrace structure would allow sufficient acoustic housing to be accommodated without any visual impact. A Noise Report has been submitted, which includes a survey of the existing background noise levels, and which the Director of Environmental Health has studied. He raises no objection to the proposal subject to Conditions in respect of noise output, anti-vibration mountings, and the installation and retention of the acoustic enclosure as specified in the Noise Report. In light of this advice a refusal of permission on grounds of noise disturbance is not considered justified.

Elevational alterations at front and rear.

- 4.18 These works include the installation of double glazed timber sash windows in place of existing sash windows at the front and rear, and are considered acceptable in visual and amenity terms.

Conclusion.

- 4.19 It is concluded that the proposals would not harm the character and appearance of this part of the Conservation Area or the amenities of neighbouring properties, and that all relevant planning policies would be satisfied.

5.0 PUBLIC CONSULTATION

- 5.1 Twenty six neighbouring properties were notified (Nos. 1, 2, 3, 17, and 18 Cresswell Gardens, and No.169 Old Brompton Road). To date five letters of objection have been received.

- 5.2 As outlined in the main body of the report the proposals were amended following negotiation with Officers. All the properties originally notified of the application were notified of the amended proposals.

- 5.3 The main points made in the letters of objection are:

- 5.3.1 The revised location of the proposed air conditioning unit at the rear at lower ground floor level is a retrograde step. It would be close to adjacent residential properties, and their outdoor amenity areas, and therefore, would result in unacceptable noise disturbance to the occupiers of these properties. The originally proposed location on the main roof was more appropriate. Air conditioning is not required in this climate, and the communal garden at the rear is an oasis of quiet from the general background noise in the area, and should not be disturbed.**

In response, and as stated in the main body of the report, the acoustic housing required for the two air conditioning units originally proposed on the main roof would have resulted in a large box like structure on

the roofline, which would have been highly visible and harmful to the character and appearance of this part of the Conservation Area. Officers advised that this was not acceptable, and following revision one air conditioning condenser unit is now proposed in the enlarged lightwell at the rear at lower ground floor level. This position is considered suitable since the proposed air conditioning unit would not be visible at all, as it would be under the platform over the lightwell on which the proposed terrace area would be situated. This location allows plenty of space for the acoustic housing which is required to ensure that there would be no noise disturbance to neighbouring properties. As also stated in the main body of the report the Director of Environmental Health raises no objection to the proposed condenser unit, subject to the proposed acoustic housing being installed and retained, and subject to a number of Conditions, all of which are recommended.

Finally the question of whether air conditioning is "needed" is not for a planning authority to attempt to assess. The proposal must be assessed in relation to its impact on the character and appearance of this part of the Conservation Area, and on the amenities of neighbouring properties. In relation to both these considerations the proposal is considered acceptable.

5.3.2 The proposed terrace at the rear would result in a loss of light and loss of views in respect of adjacent properties.

In response the surface of the decking on the proposed platform over the rear lightwell would be set only 200mm above the level of the communal garden to the rear. Given this it is not considered that there would be any harmful impact on neighbouring properties in respect of loss of light or loss of outlook. It is noted that on original submission the proposed platform was set 600mm above the level of the communal garden. This was not considered acceptable by Officers and the proposal was amended accordingly.

5.3.3 The existing gate and railings at the rear of the property are in character with the rest of the garden, and therefore should not be changed.

In response it is considered that the gates and railings as now proposed are acceptable in visual terms and would not appear out of keeping with the surroundings. It is noted that on original submission significantly higher gates and railings were proposed in association with the originally proposed raised platform. These were not considered acceptable, and the proposal amended accordingly.

5.3.4 An unattractive two metre high fence has been erected around the rear of the property which cuts out light, to and impairs the outlook, of neighbouring properties.

In response, this fence has been installed in association with the building works being carried out at the property. It will be removed on completion of the works.

6.0 RECOMMENDATION

6.1 Grant planning permission.

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/10/03414 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: JS
Report Approved By: EL/DT
Date Report Approved: 21/04/2011**

PSC05/11/JS.REP

26/04/2011 10:25:27

Formation of roof terrace at main roof level involving installation of roof access structure and railings, formation of terrace area at rear ground floor level involving installation of platform over existing lightwell area at rear, installation of replacement railings and gates to communal garden to rear and air conditioning condenser unit at rear in enlarged lightwell at lower ground floor level, and elevational alterations at front and rear including installation of double glazed timber windows.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

- CL01 (Context and Character)
- CL02 (New Buildings, Extensions & Modifications to Existing Build
- CL03 (Historic Environment)
- CL05 (Amenity)
- CD44 (to resist roof additions in eight specified circumstances)
- CD45 (to permit roof additions in two specified situations)
- CL06 (Small-scale Alterations and Additions)
- CD46 (resist roof terraces in specified situations)

The London Plan was taken into consideration. No policies were considered of particular relevance to this application.

Weight was also given to relevant local Supplementary Planning Guidance and Statements, including the **Boltons** Conservation Area Proposals Statement. This document was prepared in line with Government guidance and adopted following public consultation.

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.