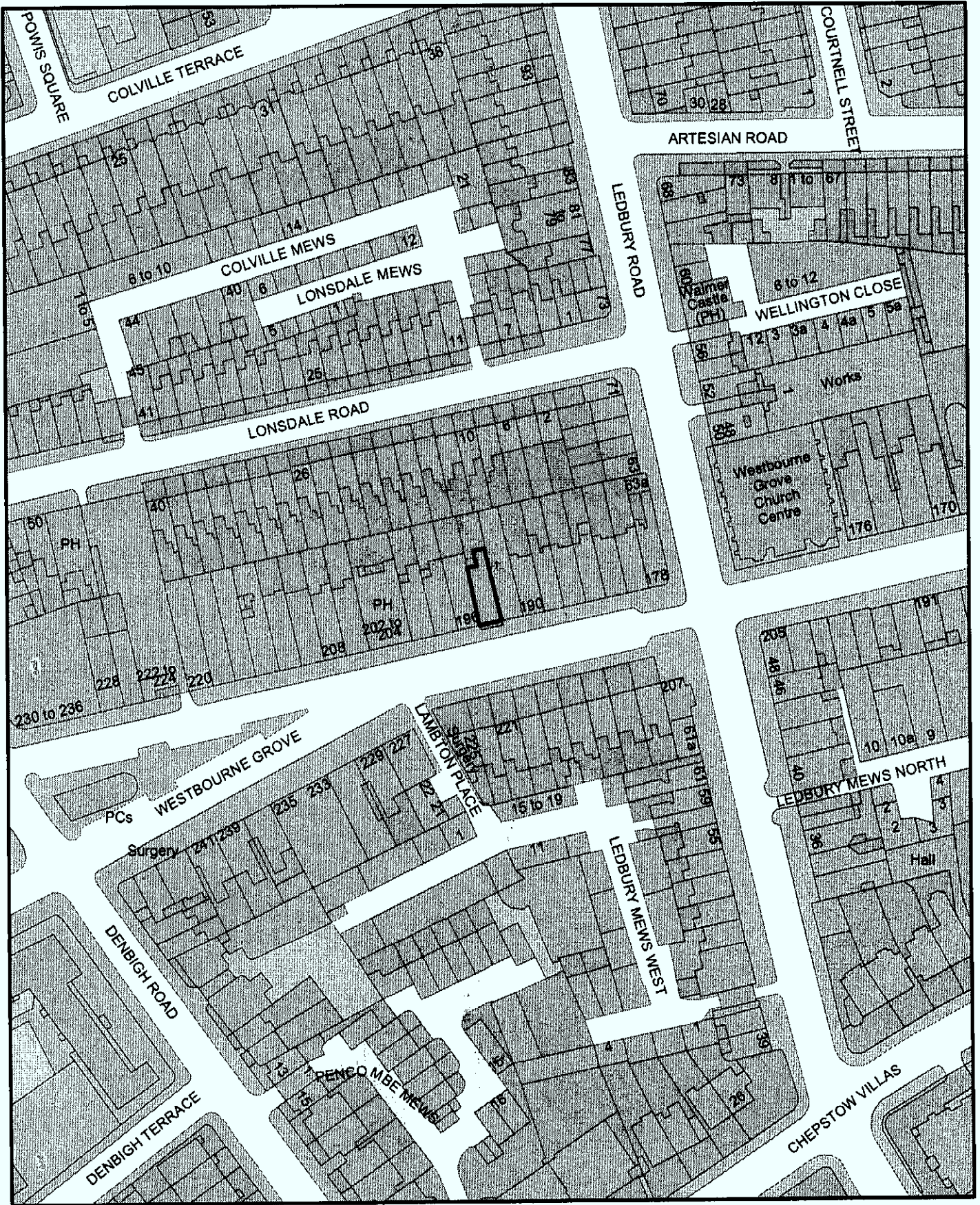


194 WESTBOURNE GROVE, W11



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/11/00288/Q16
PLANNING APPLICATIONS COMMITTEE 10/05/2011
AGENDA ITEM NO. N49**

SITE ADDRESS

**194 Westbourne Grove,
LONDON,
W11 2RH**

<u>APPLICATION DATED</u>	31/01/2011
<u>APPLICATION COMPLETE</u>	01/02/2011

APPLICANT/AGENT ADDRESS

**Mr E Shinton
Roland Cowan Architects
99 Westbourne Park Villas
LONDON W2 5ED**

<u>LISTED BUILDIN G CAPS</u>	No Yes	<u>CONS. AREA</u> <u>ENGLISH HERITAGE</u>	Pembridge N/A	WARD Colville ART '4' No
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<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
12	3	0	0	0

Applicant Maje

PROPOSAL: Installation of A/C condensers and housing to rear ground floor flat roof.

RBK&C Drawing No(s):PP/11/00288

**Applicant's Drawing No(s): 1284/020; 1284/021; 1284/024;
1284/030, OS Map.**

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, 1284/020; 1284/021; 1284/024; 1284/030, OS Map. (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. **Noise emitted by the two air-conditioning units hereby approved 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 manufacturer's instructions and as necessary to ensure that the requirements of the condition area maintained.**
Reason - To protect the amenities of surrounding neighbours.

4. **Time clocks shall be fitted to the air-conditioning plant hereby permitted so that it cannot operate between the hours of 18:00 and 10:00 the following day.**
Reason - To protect the amenities of surrounding neighbours.

5. **If at any time the plant is unable to comply with Condition 3, it will be switched off and not used again until it has been demonstrated that it is able to comply.**
Reason - To protect the amenities of surrounding neighbours.

INFORMATIVES

1. I09
2. I10
3. I11
4. I21
5. I68

1.0 SITE

- 1.1 The subject site is a ground floor retail unit located at 194 Wesbourne Grove.
- 1.2 The property is not listed but is located within the Pembridge Conservation Area and is located within a Local Shopping Area.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the installation of A/C condensers and housing to rear ground floor flat roof.
- 2.2 Works to the front of the site appear to be maintenance and do not form part of this planning application as they are considered to be permitted development.

3.0 RELEVANT SITE HISTORY

- 3.1 None relevant to this application.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are
- The impact of the proposal on the appearance of the building, street scene, and upon the character and appearance of the Conservation Area;
 - The impact of the proposal on levels of amenity enjoyed by the occupiers of neighbouring properties with regard to light, increased sense of enclosure, noise disturbance.
- 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)
 - CE06 (Noise and Vibration)
- 4.4 There are no relevant UDP 'saved' policies to this application.
- 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 Pembridge Conservation Area Proposal Statement 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.

4.7 Design and Appearance

- 4.7.1 The proposal is considered to be acceptable for the following reasons:

- The A/C units will be screened by louvered panel on all sides;
- The panel screen has a thin side profile and is sited between two existing rear windows. This location and the scale and size of the proposal is not considered to be overly harmful to the property given the commercial use and appearance of the building at the rear.

Overall, the proposal is considered to be acceptable and is visually considered to fit within the existing built environment.

4.8 Impact on the Amenities of Adjoining Neighbours

- 4.8.1 The proposal is considered to have no discernible affect on the amenities of neighbouring properties with regards to sense of enclosure, loss of daylight/sunlight, noise disturbance, for the following reasons:

- The proposal is surrounded by an acoustic screen to minimise noise emitted by the proposed A/C units;
- The submitted noise report and noise surveys have identified the lowest background noise limits and considers the proposal to accord to these between the hours of use (10:00 to 18:00);
- Comments have been received by the Council's Environmental Health Team (EHT) who raise no objection to the proposal. The EHT recommend that, as the report assesses only the hours when the A/C equipment will be used, a timer be installed to ensure the units can only operate between 08:00 and 18:00. However, as the submitted noise report does not assess the noise impact between 08:00 and 10:00, a condition limiting the use of the air conditioning units between 10:00 and 18:00 is recommended;
- The proposal is set back near the rear wall and has a thin profile. The proposal is therefore not considered to create a sense of enclosure for abutting neighbours, nor affect daylight/sunlight to neighbours.

4.8.2 Overall, the proposal is not considered to harm the amenities of surrounding neighbours.

5.0 PUBLIC CONSULTATION

5.1 Occupiers of 11 neighbouring properties have been notified of the proposal. In addition, since the property is in a Conservation Area, the application was advertised on site and in the local paper on 11/02/2011.

5.2 3 letters of objection have been received. Matters raised by objectors being (response below):

5.3 **The acoustic report only deals with noise levels between 10:00 to 18:00;**

A condition is recommended to ensure the A/C units are only used between these times and that a timer is installed to ensure compliance with this condition;

5.4 **Additional attenuation will be required given the distance from abutting/nearby residential properties;**

The proposal has been viewed by the Council's Environmental Health Team who consider the amount of attenuation provided acceptable given the screen provided, manufacturers details on the A/C equipment to be installed, and subject to conditions controlling the hours of use,

5.5 **The size of the units do not seem commensurate with the immediate residential area;**

The site itself, when viewed from the rear has ground floor commercial uses. The proposal is screened, and whilst not a traditional residential fixture, does reflect the commercial nature of the actual site and given its scale, on balance, is not considered to be harmful to the visual amenity of the area.

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/11/00288 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: ANTR
Report Approved By: ER/DT
Date Report Approved: 21/04/2011**

PSC05/11/ANTR.REP

26/04/2011 14:13:12

/PP/11/00288: 6

Installation of A/C condensers and housing to rear ground floor flat roof.

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)
- CL06 (Small-scale Alterations and Additions)
- CE06 (Noise and Vibration)

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 **Pembridge** 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.