

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT

APP NO. PP/12/04629/Q13
PLANNING APPLICATIONS COMMITTEE 05/02/2013
AGENDA ITEM NO. N12

SITE ADDRESS

50 Powis Square
LONDON
W11 2AX

**APPLICATION
DATED**

11/12/2012

**APPLICATION
COMPLETE**

04/12/2012

**APPLICATION
REVISED**

17/01/2013

APPLICANT/AGENT ADDRESS

Mr M de Rosee
de Rosee & Sa Ltd
Unit 21 Pall Mall Deposit
124-128 Barlby Road
LONDON
W106BL

**LISTED
BUILDING**

N/A

**CONS.
AREA**

Colville

WARD

Colville

CAPS

Yes

**ENGLISH
HERITAGE**

N/A

ART '4'

No

CONSULTED

62

OBJECTIONS

3

SUPPORT

0

PETITION

0

COMMENTS

0

Applicant

Mr M de Rosee

PROPOSAL: Erection of mansard roof with 2 dormer windows to front and 1 dormer window to rear, two-storey rear extension, alterations to existing openings to rear and side facade and addition of a window to rear and extension in height to existing parapet wall to rear terrace.

RBK&C Drawing No(s):PP/12/04629 and PP/12/04629/A

Applicant's Drawing No(s): A1000, A1001, A1002, 1003, A1004, A1200, A1201, A1202, A1100, A1101, A2000, A2001 Revision 01, A2002, A2003 Revision 01, A2004, A2200, A2201 Revision 01, A2202 Revision 01, A2100 Revision 01, A2101

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 submitted plans, A1000, A1001, A1002, 1003, A1004, A1200, A1201, A1202, A1100, A1101, A2000, A2001 Revision 01, A2002, A2003 Revision 01, A2004, A2200, A2201 Revision 01, A2202 Revision 01, A2100 Revision 01, A2101 (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.**
Reason - *To preserve the character and appearance of the Conservation Area.*

INFORMATIVES

- 1 I10 Attention to Conditions

- 2 I11 Care - Conservation Area

- 3 I09 Variations due to Building Regs.

- 4 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered, although not used in this instance.

On first submission the proposals did not comply with guidance, but improvements suggested by the planning authority were adopted by the applicant.

- 5 I67A Construction Management

1.0 SITE

- 1.1 The site contains an end-of-terrace building sub-divided into flats. The building is a later addition and is shorter in height than the rest of this terrace. The subject property is a flat occupying the second and third floors of the building.
- 1.2 This property is located within the Colville Conservation Area, but is not listed or subject to Article IV directions.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the following:
1. Mansard roof addition;
 2. Rear extension at second and third floor level;
 3. Increasing the height of the parapet wall around the existing terrace; and
 4. Alterations to the fenestration on the side and rear elevations.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 2009 (ref: PP/09/00088) for the erection of a second and third floor rear extension and loft addition at main roof level. This application was not implemented and has lapsed.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case are:
- The impact of the proposal on the character and appearance of the conservation area;
 - Impact on the living conditions of the occupiers of surrounding properties.
- 4.2 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 2011, plus relevant 'saved' policies from the UDP. Where relevant, the contents of the Government's National Planning Policy Framework have also been taken into account. The relevant policies are listed in the recommended decision notice.
- 4.3 Policies CL1 and CL2 of the Core Strategy require all development to respect the existing context, character and appearance, and through its urban form to contribute positively to the context of the townscape. Policy CL3 of the Core Strategy requires development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes and their settings.
- 4.4 Saved UDP policy CD63 states consideration needs to be given to views generally within, into and out of Conservation Areas, and the effect of any development on sites adjacent to conservation areas.

Roof Addition

- 4.5 Saved policy CD45 of the UDP specifies that additional storeys and roof level alterations will be permitted:
- a) where the character of a terrace or group of buildings has been severely compromised by a variety of roof extensions and where infilling between them would help re-unite the group; and
 - b) the alterations are architecturally sympathetic to the age and character and the building and would not harm its appearance.

- 4.6 The subject property is located at the southern end of a terrace (i.e. 42-50 Powis Square). It is a later addition to this terrace and is considerably lower. The proposed mansard roof would not exceed the height of the existing pitched roof which it replaces. The mansard design would assist in reuniting this group by increasing the perceived height of this building. The proposed form and scale of the mansard roof and dormer would be sympathetic to the age and character of this building. Similarly, the use of timber frames to dormers' windows and a natural slate finish on the mansard roof would also be consistent with the age and character of this building and the terrace. The proposed mansard roof and dormers would therefore preserve the character and appearance of the conservation area and be consistent with policies CL1, CL2 and CL3 of the Core Strategy and saved policies CD44, CD45, CD47 and CD63 of the UDP.

Rear Extension

- 4.7 Saved policy CD47 of the UDP specifies that extensions will be resisted in specific circumstances. These considerations are discussed below.
- 4.8 The proposed rear extension would not project beyond the general rear building line of the terrace nor would it be higher than the height of additions to the remainder of the terrace. By reason of its lower height, it would be a subordinate addition to the host property and would retain the rhythm of development on the rear elevation of this terrace. The drawings also indicate that it would be constructed of brick to match the existing building and this can be secured by recommended Condition 3. As such, the proposed rear extension preserves the character and appearance of the conservation area and is consistent with policies CL1, CL2 and CL3 of the Core Strategy and saved policies CD47 and CD63 of the UDP.

2nd Floor Level Terrace Alterations

- 4.9 Saved policy CD46 of the UDP specifies that roof terraces will be resisted if, inter alia, any accompanying alterations are not to a satisfactory design.
- 4.10 A terrace exists in this position at present. The terrace would be bounded by a parapet wall which would be constructed of brick to match the existing building and be a continuation of the wall below. By reason of this parapet's location approximately halfway up the rear elevation and the reduced depth of the terrace as a result of the proposed rear extension, it would remain subordinate to the parent building. The proposed parapet would therefore preserve the character and appearance of the conservation area and be consistent with policies CL1, CL2 and CL3 of the Core Strategy and saved policy CD46 of the UDP.

Fenestration Alterations

- 4.11 The windows proposed in the flank elevation would be timber framed replacements of existing windows in these positions. As such, they would retain the existing solid to void ratio and would be constructed of materials that match the existing building.
- 4.12 The bottom half of the proposed timber French doors at third floor level in the rear elevation would be partially screened by a staggered brick balustrade. This brick balustrade would be flush with the rear wall. The increased width and height of the bi-fold doors at second floor level would also be partially obscured by the proposed parapet wall. As a result the apparent void to solid ratio at these levels remains consistent with the existing building.
- 4.13 Given the above, the proposed fenestration alterations would preserve the character and appearance of the conservation area and would be consistent with policies CL1, CL2 and CL3 of the Core Strategy.

Impact on the Living Conditions of the Occupiers of Surrounding Properties

- 4.14 Policy CL5 of the Core Strategy seeks to resist development proposals in circumstances where these would result in loss of sunlight and daylight, creation of sense of enclosure and/or additional levels of overlooking, to the detriment of neighbouring properties. Saved policies CD46 and CD47 contain similar considerations.
- 4.15 The subject property is located to the north of, and approximately 6.0 m from, the rear elevation of 40, 41 and 42 Colville Terrace. Given this relationship and the bulk of the existing property, the proposed extensions would not result in significant loss of sunlight or daylight nor a harmful sense of enclosure to the occupiers of those properties. By reason of the separation distance between the subject property and those properties to the West and East, the proposed extensions would not result in significant loss of sunlight or daylight nor would they create a harmful sense of enclosure to the occupiers of those properties.
- 4.16 The proposed rear extensions would not project beyond the rear building line of the remainder of the terrace. The mansard roof would be setback from the rear building line of the remainder of the terrace. As such, the proposed extensions would not result in significant loss of sunlight or daylight nor would they create a harmful sense of enclosure to the occupiers of the neighbouring property to the north, 47 Powis Square.
- 4.17 The dormer windows proposed in the front and rear elevation and would provide a comparable level of outlook to the existing windows in these elevations. Similarly, the windows in the rear elevation and the replacement windows in the flank elevation would not significantly increase the opportunity for overlooking in comparison to the existing situation. As such, the proposed alterations to the fenestration would not materially increase overlooking of neighbouring properties in comparison to this existing situation.
- 4.18 There are French doors proposed on the third floor rear elevation. The doors do not lead out onto a balcony. There is a staggered brick balustrade in front of these doors. As a result there would not be a significantly greater opportunity to overlook neighbours from these doors compared to the existing casement window.
- 4.19 Given the above, the proposed development would be consistent with policy CL5 of the Core Strategy and saved policies CD46 and CD47 of the UDP.

5.0 PUBLIC CONSULTATION

- 5.1 Adjoining properties were notified of the proposals, a site notice erected outside the property and a press notice issued. Three objections have been received. The issues raised in these objections (bold italics) are summarised below:

5.2 ***The proposed extensions would result in loss of light and outlook to neighbouring properties.***

The proposal would not result in a significant loss of sunlight or daylight to neighbouring properties nor would it create a harmful sense of enclosure. This issue is addressed in more detail in section 4 of this report.

5.3 ***Construction of the proposed development would cause disturbance.***

The Control of Pollution Act 1974 and Environmental Protection Act 1990 provide the appropriate control over construction noise and pollution. The scale of the proposed works are limited. The likely noise and disturbance as a result of construction would not warrant withholding planning permission.

- 5.4 ***The proposed development would result in overlooking of neighbouring properties.***

The proposal safeguards the privacy of neighbours. This issue is addressed in more detail section 4 of this report.

6.0 CONCLUSION

- 6.1 The proposed development would preserve the character and appearance of the Colville Conservation Area. It would safeguard the amenities of neighbouring occupiers. The proposed development is consistent with the development plan.

7.0 RECOMMENDATION

- 7.1 **Grant planning permission**

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

List of Background Papers:

The contents of file PP/12/04629 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Erection of mansard roof with 2 dormer windows to front and 1 dormer window to rear, two-storey rear extension, alterations to existing openings to rear and side facade and addition of a window to rear and extension in height to existing parapet wall to rear terrace.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), 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:

Core Strategy adopted 8 December 2010

CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD44	Resist Additional Storeys and Roof Level Alterations
CD45	Permit Additional Storeys and Roof Level Alterations
CD46	Roof Terraces
CD47	Resist Proposals for Extensions
CD63	Conservation Area Views

The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The proposed development would preserve the character and appearance of the Colville Conservation Area. It would safeguard the amenities of neighbouring occupiers. The proposed development is consistent with the development plan.

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