

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 09/04/2020

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/19/07293	Agenda Item:	S27		
Address:	76 Stanhope Mews East, LONDON, SW7 5QT				
Proposal:	Retention of amendments to the sun room to the rear of roof terrace as approved under PP/16/06388.				
Applicant:	MsRai				
Agent:	Mr P Chrysaphiades Domus Architects and Project Managers Ltd				
Properties notified:	Objections:	Support:	Comments:	Petition:	
21	3	2	0	0	
Conservation area: Queen's Gate					

1. Summary

- 1.1 Planning permission is sought for the retention of amendments to the sun room permitted under PP/16/06388, which was built approximately 225mm (three brick courses) above the approved height.
- 1.2 The three additional brick courses maintain the acceptable design and proportions of the approved sun room and the additional height would have no impact on sense of enclosure or on daylight and sunlight beyond that approved under PP/16/06388. The sun room as built is entirely unharmed and it is recommended planning permission is granted.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 The property is a three storey plus lower ground floor level mid-terraced mews property located on the eastern side of Stanhope Mews East, close to the junction with Cromwell Road. The property is in use as a single dwelling house.
- 3.2 The property is unlisted but is located within the Queen's Gate Conservation Area.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the retention of an expanded sun room over the rear of the roof terrace, which was approved in 2016 under PP/16/06388. Under that permission, a sun room was consented with a sloping roof.
- 4.2 However, as built out, the sun room extends an approximate further 225mm than consented, representing three brick courses above the consented sun room. The structure remains as consented in terms of the general design, with the additional height the only difference.
- 4.3 Relevant planning history includes:

Reference	Description	Decision	Implemented
PP/16/04467	Creation of sun room over existing stair access to roof terrace	Refused, 7 September 2019	N/A
PP/16/06388	Creation of sun room over existing stair access to front roof terrace	Granted, 23 November 2016	Yes
PP/16/06362	Creation of sun room to the rear of roof terrace	Granted, 23 November 2016	No

5. Main policies and strategies relevant to the decision

The development plan

- 5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019
Conservation Area	CL3, CL11
General townscape	CL1, CL2, CL6, CL9
Living conditions	CL5

These policies can be read online at:

- Local Plan 2019:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

Other local strategies or publications

- 5.2 The main relevant supplementary planning documents adopted by the Council are:
- Queens Gare Conservation Area Proposal Statement

These documents can be read online at:

6. Evaluation

- 6.1 The slightly increased height of the extension should be considered in light of the following key decisive issues:
- i Whether the retained enlarged sun room would preserve or enhance the character or appearance of the property and the Queen's Gate Conservation Area; and
 - ii Whether the retained enlarge sun room would ensure the living conditions of neighbours is maintained.

Character and Appearance

- 6.2 The additional 225mm build up would be an almost imperceptible design alteration from the permitted sun room. It continues to retain the same design, bulk, and massing overall with the pitched roof retained as consented.
- 6.3 As permitted, the sun room was considered to have only very limited visibility from any public realm and sit below the general height of other roof level structures surrounding the application site. The additional height would not change this assessment, with the overall height of the extension remaining acceptable in the context and would continue to preserve the character and appearance of the building and this part of the conservation area.

Living Conditions

- 6.4 The permitted sun room was considered to have no impact on living conditions from any of overlooking, loss of privacy, or alterations to daylight and sunlight. Indeed, in considering the original sun room living conditions was not considered a decisive issue.
- 6.5 In this context, it cannot be considered that a slight increase in the height of the sun room by 225mm would give rise to any material impacts on living conditions that could reasonably be considered unacceptable. There remains setbacks from neighbouring windows to ensure no sense of enclosure or impact on daylight and sunlight, and the additional height would not change the distinct lack of impact on privacy resulting from the proposals as a whole.

Issues and balancing

- 6.6 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 6.7 The retention of the additional 225mm height on the sun room would not change the proposals materially and would continue to preserve the character and appearance of the building and on this part of the conservation area, in accordance with Local Plan policies CL1, CL2, CL3, CL6, CL9, and CL11.
- 6.8 Nor would the additional height have any impact on the living conditions of neighbouring residents and the development would comply with Local Plan Policy CL5.

7. Community Infrastructure Levy Information

7.1 The proposals are not CIL liable.

8. Consultations carried out

Comments from interested parties

21 nearby owners/occupiers were notified directly of the application.
The application was advertised in the Gazette on 22 November 2019
A statutory notice advertising the application was posted near the site on 22 November 2019

2 letters were received supporting the application, summarised as

	Comment	Response
1	Minor increase has no impact on light or privacy	Agreed and noted.
2	Other extensions nearby which are higher than the proposed	Agreed and noted.

3 letters were received objecting to the application, summarised as:

	Comment	Response
1	The height is above that approved	It is above that approved, but for the reasons set out in this report the retention of the additional height is acceptable.
2	Development will result in loss of light and ventilation	The originally approved sun room was not considered to have any impact on daylight and sunlight, and the addition 225mm height would not materially change this.
3	This will set a precedent	Each planning application would need to be assessed on its own merits but, in any case, the current proposals sit below other approved extensions in the vicinity and is acceptable in its own right.
4	Development will result in loss of privacy	The original proposals did not impact on privacy and the additional 225mm height would not change this.
5	Request a daylight and sunlight report to be undertaken	The additional 225mm of height is an almost negligible alterations from the approved scheme, where no daylight and sunlight report was required. It is not considered the proposals require a daylight and sunlight report because it would clearly not materially alter the daylight and sunlight conditions of nearby residents.

9. Recommended conditions if the application is granted

1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**
**The development shall not be carried out except in complete accordance with the details shown on submitted plans PA_001;
PA_004 RevA;
PA_007 RevA;
PA_009;
PA_011;
PA_013;
PA_015.**
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Materials - To match existing**
All work and work of making 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, facebond and pointing, and shall be so maintained.
Reason - To preserve the appearance of the building and the character of the area in accordance with policies of the development plan in particular policies CL1, CL2, CL3 and CL6 of the Local Plan.

4. **Conservation rooflight**
The rooflight shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.
Reason - To preserve the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CL1 and CL2 of the Local Plan.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to

see how advice can be obtained: [Planning Advice Service](#)

- 3 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Place.

- 4 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)

- 5 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:
www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

- 6 Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm
Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

- 7 Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/19/07293 or electronically in our Customer Service

Centre, Town Hall, Hornton Street.

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