

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PLANNING APPLICATIONS COMMITTEE AGENDA 10/05/11
ISSUED BY THE DIRECTORATE OF PLANNING SERVICES

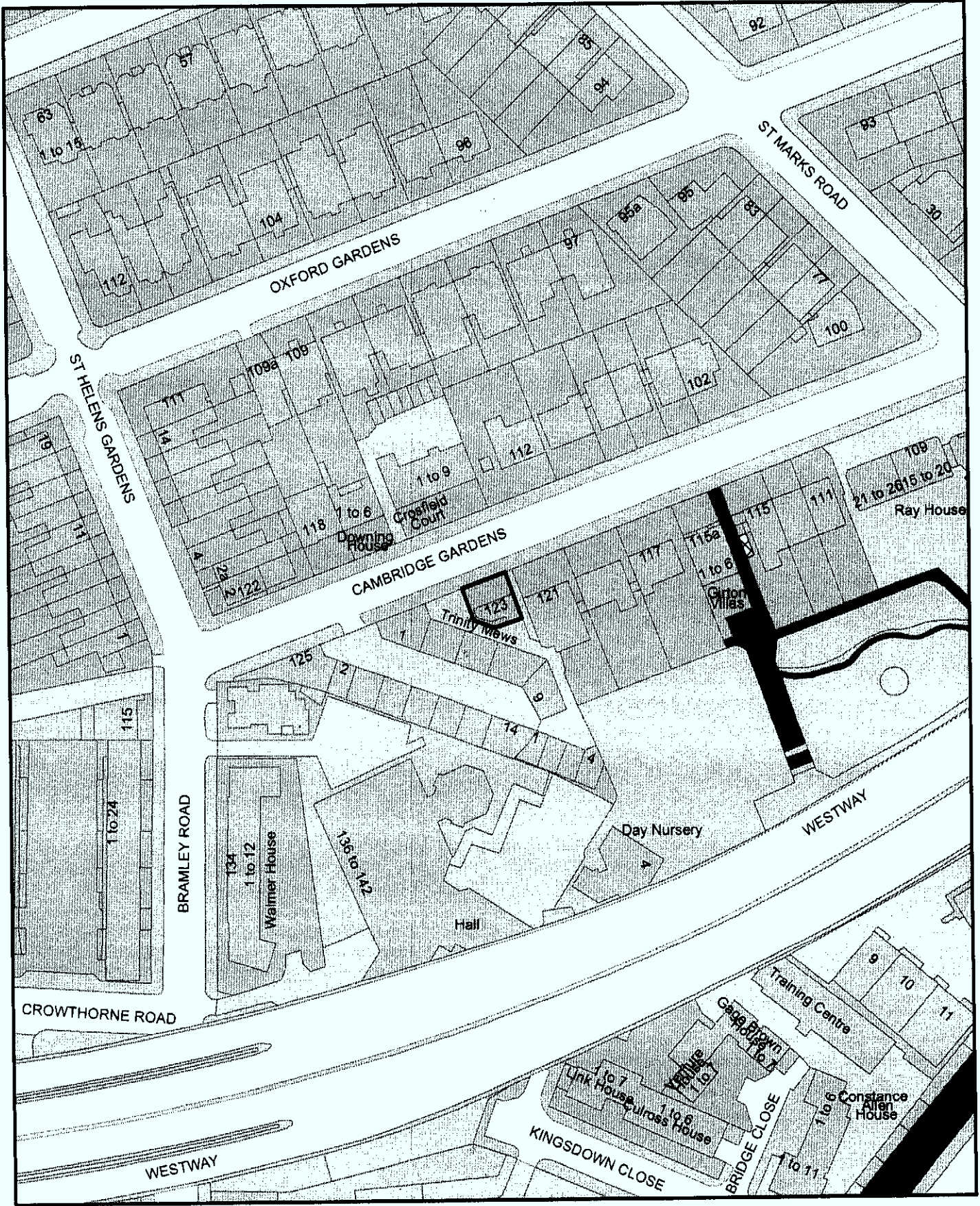
The following item will be before the Planning Applications Committee 10/05/2011 for a decision, in addition to the planning applications under reference A5.

Town Planning Applications:

A4

NUMBER	PROPERTY	PROPOSED DEVELOPMENT	RECOMMENDATION
PP/10/03731	123 Cambridge Gardens, LONDON, W10 6JA	Erection of mansard roof extension including front and rear dormer windows, and a ground floor rear extension	Grant Planning Permission

123 CAMBRIDGE GARDENS, W10






1:1,250

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(100021668) (2009)



Listed Buildings

-  Grade II
-  Grade II*
-  Grade I

Property and Land Applications Team
The Royal Borough of Kensington and Chelsea
The Town Hall, Hurstman Street, London, W8 7NX
+44 (0)20 7381 3684
Dave.Yarwood@rbkc.gov.uk

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE

DATE: 10/05/2011

**ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR
PLANNING AND BOROUGH DEVELOPMENT**

123 Cambridge Gardens, LONDON, W10 6JA

Application Ref: PP/10/03731

Agenda Item: A4

Planning Permission is sought for erection of mansard roof extension including front and rear dormer windows, and a ground floor rear extension.

FOR DECISION

1.0 BACKGROUND

1.1 This report should be read in conjunction with the original officers' report (attached). This application was considered by the Planning Applications Committee on 22nd February 2011. The application is for the erection of a mansard roof extension including front and rear dormer windows, and a ground floor rear extension. The officers' recommendation was to grant planning permission.

1.2 The minutes of the committee meeting on 22nd February 2011 note the following:

'Councillor Blakeman said the building was in her ward, and added that the proposal was an improvement over the original one. However she criticised the Report which failed to take into account problems of light reduction and loss of privacy. She showed the Committee a large number of photos in order to explain her concerns. The Chairman expressed concern that Councillor Blakeman had come to the Committee meeting with photographs that had not been previously circulated to the Committee and Applicant and had not been given permission to speak as a Ward Councillor on this issue. Following further discussion the Committee

RESOLVED that the application be deferred, and requested Councillor Blakeman to register her comments in the usual way so they can be properly considered by officers'.

- 1.3 Following the committee meeting Councillor Blakeman put her concerns about the application in writing, in particular that the concerns of Mr Aboud (owner/occupier of 5 Scampston Mews adjacent to the application site) about the likely effect of the development on his amenities had not been fully reflected in the officer's report. Cllr Blakeman requested that an officer visit Mr Aboud's property before the application goes back to committee.

2.0 FURTHER CONSIDERATIONS

- 2.1 The planning case officer inspected Mr Aboud's property on 21st March 2011. It was established that since the previous appeal decision in 1999, in which the Inspector concluded that an additional storey would not materially harm neighbouring amenity, the internal layout of 5 Scampston Mews has significantly changed. Additional windows and roof lights have also been installed facing rearwards across the application site.
- 2.2 The existing internal layout at 5 Scampston Mews is as follows: At first floor level, a bedroom, study and bathroom are each served by a single window, which face north-east to the application property. The main living area and kitchen are at the front of the property, facing south-west. At second floor level (comprising the converted roof space) are two dual-aspect bedrooms served by front and rear roof lights, and a landing that appears to function as a secondary living area. A bathroom at the front of the roof space is served by a roof light facing south-west. This supersedes the outdated layout referred to in the original officer's report.
- 2.3 Following the site inspection the project architect was asked to prepare additional section drawings to show the relationship between the first floor rear windows (serving a bedroom, study and bathroom) at 5 Scampston Mews and 123 Cambridge Gardens, as proposed, in order that a '25 degree' daylight test could be carried out. Paragraph 13.2.8 of the UDP states that '*If none of the new building or extension, subtends an angle to the horizontal (measured from the centre of the lowest window) greater than 25 degrees to the horizontal, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building*'. The additional section drawings show that for the first floor rear windows serving the bedroom and study, the existing building already subtends the 25 degree angle. The proposed mansard is therefore not considered to materially reduce the existing levels of daylight received by these rooms. With regard to the first floor rear bathroom, the top of the proposed mansard would subtend the 25 degree angle, which suggests a

substantial reduction in existing diffuse daylighting to this window. The glazing in the window serving the bathroom is heavily obscured, which already reduces the level of daylight. Furthermore, a bathroom is not a habitable room and as such does not require any minimum standard of light. Therefore this is not considered a justification for the refusal of the application.

- 2.4 With regard to privacy, the submitted drawings clearly show that the existing and proposed windows to the rear elevation / mansard of 123 Cambridge Gardens face south-east, away from 5 Scampston Mews. Therefore, any overlooking from these windows is considered to be very oblique and indirect, such that it would not result in a material loss of privacy.
- 2.5 With regard to enclosure, the Core Strategy (paragraph 34.3.50) states that given the densely built up nature of the Borough, a certain degree of 'sense of enclosure' will often be experienced by occupants of a property. The Inspector determining the 1999 appeal relating to the mansard took the following view: *"I do not consider that the proposal, in this densely built urban area, would result in such an overbearing visual impact or sense of enclosure for neighbouring occupiers as to justify a refusal of permission"*. The Core Strategy comments further that (paragraph 34.3.50) that *'there may be a point where a proposal for development would result in an increase in enclosure such that it becomes an unacceptable burden on the occupiers of adjacent property. This could occur where the amount of adjoining habitable accommodation is limited, or situated within the lower floors of buildings with openings on to lightwells'*.
- 2.6 Whilst the internal layout of 5 Scampston Mews has changed since the previous appeal decision, the main living room, kitchen, one bathroom and two bedrooms all feature windows / roof lights with a south-westerly aspect (i.e. not involving the application site). It is also clear that 5 Scampston Mews is not a property with limited habitable accommodation or accommodation at a low level facing a light well. The first floor bedroom and study face on to the flank and rear walls of 123 Cambridge Gardens. The erection of the proposed mansard, which would be set back from the parapets and feature pitched roof slopes, would not result in the introduction of built form any closer than the existing main walls. In this context it is not considered that the proposal would result in an increase in enclosure to these windows *such that it becomes an unacceptable burden on the occupiers of this property*. The bedrooms within the converted loft space at second floor level are dual aspect, being served by front and rear roof lights.

Because of the steep pitch of the roof, the view out of these roof lights is oblique and predominantly upwards. They serve more as a source of light than to provide outlook. Again, it is considered that the proposal would not result in an increase in enclosure to these roof lights *such that it becomes an unacceptable burden on the occupiers of this property.* Accordingly, a refusal of planning permission on the ground of significantly increased sense of enclosure is not considered to be justified.

3.0 **RECOMMENDATION**

3.1 Grant planning permission.

RBK&C Drawing No(s): PP/10/03731

Applicant's Drawing No(s): 1676A/E01, E02, E03, E04, E05, E06, E07, E08, P00, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13 & P14.

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

List of Background Papers:

The contents of file PP/10/03731 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

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

PSC05/11/TF.REP

26/04/2011 12:32:44