

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

APP NO. PP/12/04841/Q21
PLANNING APPLICATIONS COMMITTEE 05/02/2013
AGENDA ITEM NO. N10

SITE ADDRESS

85 Elgin Crescent
LONDON
W11 2JF

**APPLICATION
DATED**

12/12/2012

**APPLICATION
COMPLETE**

14/12/2012

**APPLICATION
REVISED**

18/01/2013

APPLICANT/AGENT ADDRESS

Mrs M Furgori
Michaelis Boyd Associates
108 Palace Gardens Terrace
LONDON
W8 4RT

**LISTED
BUILDING**

N/A

**CONS.
AREA**

Ladbroke

WARD

Norland

CAPS

Yes

**ENGLISH
HERITAGE**

N/A

ART '4'

Yes

CONSULTED
4

OBJECTIONS
3

SUPPORT
0

PETITION
0

COMMENTS
0

Applicant

Mr P Baily

PROPOSAL: Erection of a single storey conservatory extension at rear lower ground level in association with a new terrace and metal railings; alterations to existing external staircase to rear and enlargement of existing rear dormer window.

RBK&C Drawing No(s):PP/12/04841 and PP/12/04841/A

Applicant's Drawing No(s): 09052/00/010; /011; /012; /013; /014; /015; /020; /030; /031; 09052/01-3/010 Rev A; /011 Rev B; /012 Rev A; /013 Rev A; /014 rev A; 016 Rev A; /020 Rev C; /030 Rev B; 031 Rev B

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, 09052/00/010; /011; /012; /013; /014; /015; /016; /020; /030; /031; 09052/01-3/010 Rev A; /011 Rev B; /012 Rev A; /013 Rev A; /014 rev A; 016 Rev A; /020 Rev C; /030 Rev B; 031 Rev B (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 or enhance the character or appearance of the Conservation Area. (R072)

4. **The French doors located at upper ground floor level on the rear elevation shall be timber framed, painted white, and so maintained. (C075)**
Reason - To preserve or enhance the character or appearance of the Conservation Area. (R072)

5. **The railings to the terrace hereby permitted shall be painted black, and so maintained. (C082)**
Reason - To safeguard the appearance of the building. (R082)

6. **The tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission, including site preparation as specified in Arboricultural Method Statement prepared by Challice Consulting Ltd, 30th April 2012. (C020)**
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)

7. **The cheeks of the dormer window hereby permitted shall be clad in lead and so maintained. (C75a)**
Reason - To preserve or enhance the character or appearance of the Conservation Area. (R072)

8. **The windows hereby approved on the rear elevation shall be framed in white painted timber, and so maintained.**
Reason - To preserve or enhance the character or appearance of the Conservation Area. (R072)

INFORMATIVES

- 1 I09 Variations due to Building Regs.
- 2 I10 Attention to Conditions
- 3 I11 Care - Conservation Area
- 4 I21 Building Regs. - Separate Approval
- 5 IDN2 GTD/No pre-app/Amendmts to comply Est. G
- 6 I67A Construction Management
- 7 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)

1.0 THE SITE

- 1.1 85 Elgin Crescent is a three storey (plus basement and attic), mid-terrace property situated on the southern side of Elgin Crescent. It is in use as a single dwellinghouse.
- 1.2 The property is not listed, but is within the Ladbrooke Conservation Area.
- 1.3 Article 4 directions restrict the following works, which could otherwise be carried out as permitted development.
- any alteration or enlargement to the rear or side of the house;
 - any erection, construction or alteration of a, gate, fence, wall or other means of enclosure less than 1 metre facing a highway or the demolition of any gate, fence, wall or other means of enclosure facing a highway;
 - any erection, construction or alteration of a, gate, fence, wall or other means of enclosure less than 2 metre facing the communal garden enclosures or the demolition of any gate, fence, wall or other means of enclosure facing the communal garden enclosures;
 - any alteration to any window or door in an elevation fronting the highway; and,
 - any provision of or extension to a hard standing area fronting the highway.

Planning permission is, therefore, required for any of these works.

2.0 PROPOSAL

- 2.1 Erection of a single storey conservatory extension at rear lower ground level. A terrace at ground floor with metal railings and alterations to existing external staircase to rear leading down to the lower ground floor and enlargement of existing rear dormer window.

3.0 RELEVANT HISTORY

- 3.1 Planning permission (PP/12/1445) was refused in June 2012 for the erection of a single storey rear extension with glazed doors and terrace above; lowering of existing lower ground floor level including vaults, alterations to roof with addition of rooflight and new mezzanine level.
- 3.2 Planning permission (PP/12/02649) was granted in October 2012 for the erection of a single storey rear extension at lower ground level in association with a new terrace and metal railings; the installation of French doors at upper ground floor level; lowering of vaults in front garden and infilling of valley roof with one sliding rooflight.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration in this case are:
- The impact of the proposals on the character and appearance of the building and conservation area; and,
 - The impact of the development on the amenities of neighbouring occupiers
- 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 (July 2011), plus relevant 'saved' policies from the UDP.
- 4.3 The Ladbrooke Conservation Area Proposal (CAPS) Statement has been given weight, as Supplementary Planning Guidance. The National Planning Policy Framework (NPPF) has also been taken into account. The relevant policies are attached to this report.

Rear Extension and Terrace

- 4.4 The proposed rear extension would have a depth approximately 2.3m and a width of 5.8m, with approximately 900mm concealed beneath the reconstructed garden steps on the western side. The extension would be primarily constructed in glass with metal framing. It would have a similar appearance to the previously approved scheme (PP/12/02649), with the exception of an altered roof pitch. Given its low level position and lightweight materials it would be subordinate in appearance to the existing building. Neighbouring properties in the terrace have a variety of rear extensions at lower ground level with terraces above. Although the proposed rear extension and terrace would be full width it is consistent with the rhythm of rear extensions and terraces within the group.
- 4.5 The proposed terrace would be set at the same level as terraces on neighbouring properties, and would be constructed in decorative metalwork. The scheme differs from the approved scheme insofar as the terrace is proposed to sit above the extension rather than forming part of its roof. Whilst submitted drawings show a slight gap between the balcony and extension, the shallow pitch angle of the extension and its low level location would result in the gap being largely imperceptible from surrounding views. This arrangement would preserve the character and appearance of the conservation area.
- 4.6 It is also proposed to lower the sill level of the large window at rear ground floor level to provide access to the proposed terrace. This alteration would be consistent with similar alterations to the corresponding windows on neighbouring properties at rear ground floor level. A small window, also at rear ground floor level, is to be enlarged to match the adjacent window at 87 Elgin Crescent. Recommended Conditions 4 and 8 are recommended to ensure the French doors and windows are constructed in timber to match the existing materials on the property. Accordingly, these alterations would preserve the character and appearance of the building and conservation area.
- 4.7 The proposed rear extension, terrace and windows would preserve the character and appearance of the building and Ladbrooke Conservation Area in accordance with 'saved' policies CD46, CD47, CD48 and CD63 of the UDP and policies CL1, CL2 and CL3 and CL6 of the Core Strategy.

Dormer Window

- 4.8 It is proposed to alter the shape of the existing dormer window to the main rear roof slope. The dormer would match the shape and position of the existing dormer at No. 87 to the West. The terrace is characterised by properties with a variety of dormers. The rear elevations of 85 and 87 Elgin Crescent mirror each other in architectural detail, and the proposed alteration to the dormer would serve to enhance the symmetry of these properties. The proposed dormer would preserve the character and appearance of the conservation area in accordance with CD44, CD45 of the UDP and CL1, CL2, and CL3 of the Core Strategy. The proposed dormer, given its high level position, and the distance to neighbouring properties to the rear, would not impact the amenity of neighbouring properties in accordance with CL5 of the Core Strategy.

Impact on Residential Amenity

- 4.9 In terms of privacy, the rear elevations of this section of Elgin Crescent are characterised by full width terraces at upper ground floor level. The context is one of mutual overlooking. The proposed terrace would be set back approximately 500mm from the adjoining property at 83 Elgin Crescent. Given the existing context, the terrace would not result in a significant increase in overlooking. The proposed alterations to the windows are minor in scale and would not lead to an increase in overlooking. Given the modest height and depth of the proposed extension and its location at lower ground floor level, it would not result in a significant loss of daylight or sunlight to neighbouring properties.

- 4.10 The proposal would involve an increase of approximately 800mm in the height of the party wall with 83 Elgin Crescent, which has an existing glazed rear extension at garden level with a solid side elevation. Despite the proposed increase to the party wall it would remain lower than the extension at 83 Elgin Crescent. Given this arrangement, the proposal would not give rise to a sense of enclosure to the occupiers of neighbouring properties. The proposed extension is in accordance with CL5 of the adopted Core Strategy.

Impact on Trees

- 4.11 The applicant has submitted an Arboricultural Report from Challice Consulting Ltd dated 30 April 2012 detailing the protection of the Copper Beech tree. The Report indicates that there would be no excavations or structures within the root protection area. It demonstrates that the tree can be satisfactorily protected. The Recommended Condition 6 requires the protection of the tree as outlined in the submitted arboricultural report. In light of the above, the proposed development is consistent with Policy CR6 of the Core Strategy.

5.0 PUBLIC CONSULTATION

- 5.1 Neighbouring properties have been notified of the proposal. A site notice was erected outside the property and publicised in a local newspaper. Letters of objection have been received, including from the Ladbroke Association. The objections may be summarised as follows:

5.2 **The proposed rear extension would project beyond the established rear building line resulting in enclosure to neighbouring properties**

The 2.3m deep rear extension does not project beyond the main rear building line of the terrace, nor would the increased height of the party wall rise above the height of the neighbouring extension. It would not result in any significant loss of sunlight, daylight or privacy nor would be result in a sense of enclosure to neighbouring properties.

5.3 **The proposed extension would detract from the architectural integrity of the building and the arrangement of the balcony and extension would harm the character and appearance of the conservation area.**

These points have been addressed in detail in paragraphs 4.4 to 4.7 of this report.

5.4 **The description of the proposal is inaccurate and does not align with the proposals shown on submitted drawings.**

The description of development has been revised. The revised description accurately describes the proposed development. Neighbouring properties were re-consulted on 14/01/2013. A number of the drawings have been revised for to clarify minor inconsistencies which do not alter the proposed scheme.

5.5 **The proposed conservatory would cause significant upward light spill.**

The proposed extension would be set between solid party walls and include a balcony above. Given the form, position and orientation of the extension, and the relative position and orientation of neighbouring properties, there would not be a material disturbance to neighbouring occupiers from the diffusion of light from the extension.

5.6 **Loss of privacy from terrace**

The context of the surrounding area is one of mutual overlooking from terraces at this level. The proposed terrace is similar to extent and design to neighbouring terraces. It would not result in an undue loss of privacy to neighbouring residents. This issue is addressed in more detail in section 4 of the report.

6.0 **CONCLUSION**

6.1 The proposal would preserve the character and appearance of the building and the conservation area, and would not harm the amenities of neighbouring properties. The proposal is in accordance 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/12/04841 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Erection of a single storey conservatory extension at rear lower ground level in association with a new terrace and metal railings; alterations to existing external staircase to rear and enlargement of existing rear dormer window.

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
CL6	Small-scale Alterations and Additions
CR6	Trees and landscape

'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
CD47	Resist Proposals for Extensions
CD63	Conservation Area Views
CD46	Roof Terraces

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Ladbroke adopted 10 April 1989 (03). These documents were adopted following public consultation. 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 proposal would preserve the character and appearance of the building and the conservation area, and would not harm the amenities of neighbouring properties. The proposal is in accordance 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.