

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

**APP NO. PP/11/04026/Q18
PLANNING APPLICATIONS COMMITTEE 06/03/2012
AGENDA ITEM NO. C29**

SITE ADDRESS

Flat 4 72 Courtfield Gardens LONDON SW5 0NL	<u>APPLICATION DATED</u>	07/12/2011
	<u>APPLICATION COMPLETE</u>	23/12/2011
	<u>APPLICATION REVISED</u>	14/02/2012

APPLICANT/AGENT ADDRESS

**Ms S Trenti
Hill Mitchell Berry
The Studio
9 Stratford Road
LONDON
W8 6RF**

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Courtfield	<u>WARD</u>	Courtfield
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>	N/A	<u>ART '4'</u>	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
20	4	0	0	0

Applicant **Mr & Mrs Dahan**

PROPOSAL: **Fenestration alterations to rear of property in connection with refurbishment works to Flat 4.**

RBK&C Drawing No(s):PP/11/04026 and PP/11/04026/A

Applicant's Drawing No(s): 269-P01; 269-P02; 269-P03; 269-P10 rev. F; 269-P11 rev. C and; 269-P12 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, 269-P01; 269-P02; 269-P03; 269-P10 rev. F; 269-P11 rev. C and; 269-P12 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 and enhance the character and appearance of the Conservation Area. (R072)
4. **Notwithstanding any details shown on drawings hereby approved, all new fenestration shall be timber framed and so maintained thereafter. The new windows to the northern facing elevations of the two existing bay windows facing the terrace area shall be obscure glazed and fixed shut and so maintained thereafter.**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)

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. I61 Household Waste
6. I67A Construction Management
7. I68 TFL - Olympic Route Network

1.0 THE SITE

- 1.1 The application site is a five-storey (plus basement) mid-terraced Victorian property which is sited on the Southern side of Courtfield Gardens. The premises are currently used as a block of flats and the application relates to the first floor level rear residential unit (Flat 4).
- 1.2 The property is neither listed nor the subject of Article 4 Directions however, it is within the Courtfield Conservation Area.

2.0 PROPOSAL

- 2.1 Planning Permission is sought for fenestration alterations within rear and side elevations (the latter facing the internal lightwell area).
- 2.2 Originally, the scheme also sought consent for: (i) the widening of two windows abutting properties within Colbeck Mews to the rear and; (ii) the replacement of the metal perimeter railings facing the internal lightwell and within the first floor level roof terrace area with a new solid brick wall. These elements have since been omitted from the scheme.

3.0 RELEVANT SITE HISTORY

- 3.1 Council's planning records indicate that an application seeking consent for the installation of an air conditioning unit within the first floor level roof terrace area of the application premises is currently under consideration (ref. PP/11/04247).

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case relate to the effect of the proposals on the character and appearance of the property within the conservation area and upon the levels of amenity currently enjoyed by neighbouring residential 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 July 2011, plus relevant 'saved' policies from the UDP. The relevant policies are appended to this report; none of the policies contained within the Mayor's London Plan are considered to be of direct relevance to this application.
- 4.3 Weight was also given to the Colville Conservation Area Proposal Statement.

- 4.4 Policy CL1 of the CS states that the Council will require development to respect the existing context, character, and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions. Policy CL3 states that the Council will require development to preserve and enhance the character or appearance of conservation areas, historic places, spaces and townscapes, and their settings.
- 4.5 The revised proposal now entails the following alterations to the property:
- a) To the rear elevation of the premises rear closet wings (between first and second levels), it is proposed to infill one of the existing windows (the one to the westernmost wing) and to replace the timber casement window within the easternmost wing with new timber framed casement windows.
 - b) Within the western elevation facing the internal lightwell, the alterations would also take place at first and mezzanine floor levels. The alterations here consist of the infilling of two existing sash windows at first floor level and the insertion of a single new timber sash within the centre of the wall. At mezzanine level, the proposals involve the replacement of an existing narrow timber framed sash window with a new conventional sized timber sash window.
 - c) Within the easternmost elevation facing the internal lightwell, the alterations comprise the replacement of two existing first floor level windows by two new windows of uniform design. At the mezzanine level above, it is proposed to replace two narrow sash windows by a new centrally positioned timber framed sash.
 - d) Within the existing bay windows (both western and eastern) facing the first floor level roof terrace area, it is proposed to install new doors to both of their side facades. The existing bays are currently provided with a single set of French doors each to the front facade only. In order to address neighbouring residents concerns with regards to potential increased levels of overlooking, the applicant indicates on submitted revised drawings that the new windows (on both bays) would be obscured glazed and fixed shut.
- 4.6 The new fenestration is considered compatible with the surroundings, in terms of proportions, materials and overall design approach adopted. All new windows would be made of timber therefore in keeping with the surrounding area.
- 4.7 On these basis, the proposed works are considered to preserve and enhance the character and appearance of the premises within the setting of the conservation area, thus in line with the aims of CS Policies CL1, CL2, CL3 and CL6.

- 4.8 The proposed fenestration alterations are not considered to result in a material increase to levels of overlooking experienced by neighbouring residential properties when compared with the existing situation. With regards to the new windows to be inserted within the existing first floor level bays, these would be obscured glazed and fixed shut. On this basis, it is concluded that the proposals are acceptable in terms of CS Policy CL5 accordingly.

5.0 PUBLIC CONSULTATION

- 5.1 Twenty-one notification letters were sent to neighbouring properties of the proposal site and a site notice was displayed along Courtfield Gardens. To date, four representations were received by the Royal Borough.

- 5.2 The concerns raised and the Council's responses to each item are as follow:

5.2.1 **That the proposed alterations are not in keeping with the character and appearance of the property.**

All new windows have been sensitively designed and would be made of timber, thus preserving and enhancing the character and appearance of the site within the context of the conservation area. The works are therefore considered to comply with the aims of current Council Policy.

5.2.2 **That the proposed windows would lead to increased overlooking levels to the detriment of neighbouring properties.**

With the exception of the proposed windows to the bays leading to the first floor level roof terrace area, all new windows would replace existing ones. Therefore it is concluded that these particular windows would not result in increased levels of overlooking experienced by neighbouring residential properties when compared with the existing situation.

With regards to the new windows to be installed within the existing bays, the amended proposal now provides for these to be obscured glazed and fixed shut. On this basis, it is concluded that no additional levels of overlooking would occur as a result of the proposals which are now considered to comply with the aims of CS Policy CL5.

5.2.3 **Increased levels of sense of enclosure and/or loss of sunlight and daylight arising from the replacement of the first floor level metal railings (facing the internal lightwell) with a new solid wall.**

This aspect of the proposal has since been deleted from the scheme following officer's advice. The remaining elements of the proposal are not considered to harm the amenities of neighbouring

premises both in terms of increased levels of sense of enclosure and/or loss of sunlight and daylight.

5.2.4 **Relocation of the kitchen to a different part of the property and the associated potential for increased noise levels to adjoining residential units.**

The proposed internal layout alterations to this existing residential unit are not considered to require formal planning permission from the Council.

5.2.5 **That air conditioning units would disturb neighbouring properties by way of increased noise levels.**

Whilst it is understood that the applicant is also seeking consent for the installation of an air conditioning unit, this does not form part of the present application. The proposed unit therefore forms part of application ref. PP/11/04247 which is still under consideration.

6.0 CONCLUSION

6.1 It is concluded that the proposals have been appropriately designed, safeguarding against visual harm and contributing to preserve the character and appearance of the premises within the setting of the conservation area. Subject to the imposition of safeguarding conditions, the proposed works are not considered detrimental to the amenities of neighbouring residential properties in terms of increased levels of overlooking. Therefore, it is concluded that the development is in accordance with the relevant policies of 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/11/04026 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: RC
Report Approved By: ER/DT
Date Report Approved: 22/02/2012**

PSC03/12/RC.REP

23/02/2012 10:04:30

/PP/11/04026: 6

**Fenestration alterations to rear of property in connection with
refurbishment works to Flat 4.**

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:

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

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Courtfield adopted 24 February 1986. These documents were prepared in line with Government guidance and 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.

It is concluded that the proposals have been appropriately designed therefore safeguarding against visual harm and contributing to preserve the character and appearance of the premises within the setting of the conservation area. Subject to the imposition of safeguarding conditions, the proposed works are not considered detrimental to the amenities of neighbouring residential properties in terms of increased levels of overlooking. Therefore, it is concluded that the development is in accordance with the relevant Policies of 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.