

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

**APP NO. PP/11/04125/Q21
PLANNING APPLICATIONS COMMITTEE 26/02/2013
AGENDA ITEM NO. S07**

SITE ADDRESS

37 Clabon Mews LONDON SW1X 0EQ	<u>APPLICATION DATED</u>	20/12/2011
	<u>APPLICATION COMPLETE</u>	20/12/2011
	<u>APPLICATION REVISED</u>	07/02/2012 12/06/2012 30/10/2012 03/12/2012

APPLICANT/AGENT ADDRESS

Mr Newland
peek architecture + design
Realise Studios
12-13 Poland Street
LONDON
W1F 8QB

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Hans Town	WARD	Hans Town
<u>CAPS</u>	No	<u>ENGLISH HERITAGE</u>	N/A	ART '4'	No
<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>	
19	3	0	0	0	

Applicant Mr R Moore

PROPOSAL: Construction of mansard roof and three dormer windows to the front elevation, three roof lights at main roof level and three obscure glazed roof lights to rear elevation.

RBK&C Drawing No(s): PP/11/04125, PP/11/04125/A, PP/11/04125/B, PP/11/04125/C & PP/11/04125/D

Applicant's Drawing No(s): Drawing Nos Drawing Nos EX03, EX04, EX05, EX06, EX07 Rev A, EX08, PL03 Rev C, PL04 Rev F, PL05 Rev H, PL06 Rev D, PL07 Rev B, PL08 Rev C, PL09 Rev A, PL10 Rev A

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, Drawing Nos Drawing Nos EX03, EX04, EX05, EX06, EX07 Rev A, EX08, PL03 Rev C, PL04 Rev F, PL05 Rev H, PL06 Rev D, PL07 Rev B, PL08 Rev C, PL09 Rev A, PL10 Rev A (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 to the exterior shall be finished to match the existing original work to the building(s) in respect of materials, colour, texture, and profile and, in the case of brickwork, facebond and pointing, and shall be so maintained. (C071)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)

4. **The rooflight hereby permitted shall be of a traditional conservation type and so maintained. (C083)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)

5. **The three dormer windows to the front elevation shall be timber framed, with double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)

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

7. **The roof slope of the extension hereby permitted shall be clad in natural slates, and so maintained. (C073)**
Reason - To preserve the character and 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 SITE

- 1.1 37 Clabon Mews is a two storey plus attic property situated on the western side of the mews.
- 1.2 The property is unlisted and lies within the Hans Town Conservation Area.

2.0 PROPOSAL

- 2.1 Planning permission is sought to construct a mansard roof and three dormer windows to the front elevation, three roof lights at main roof level and three obscure glazed roof lights to the rear elevation.
- 2.2 The original proposal was amended, with revisions including a modified design for the mansard and the submission of a sunlight/ daylight report.

3.0 RELEVANT SITE HISTORY

- 3.1 Planning permission (TP/83/0719) was refused in 1983 for the erection of an extension to existing second floor roof conversion.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues in the case are:
 - 4.1.1 The impact of the proposal on the character and appearance of the property and surrounding Conservation Area, and the impact that the extension may have upon the amenity of the occupiers of neighbouring 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.
- 4.3 The National Planning Policy Framework (NPPF) was also taken into account.
- 4.4 The Hans Town Conservation Area Proposals Statement (CAPS) is also relevant. In particular the CAPS identifies the property as part of a 'Category One' roof line, which states "no additional storeys, improvements only to the existing roofs."
- 4.5 In addition, the CAPS identifies the area between Clabon Mews and Lennox Gardens as an important gap between buildings.
- 4.6 The application proposes to replace the existing roof terrace and associated extension at main roof level by a mansard roof extension with three dormer windows to the front elevation. The proposed mansard roof would not exceed the height of the existing roof extension which it replaces. The roofline of 33-63 on the western side of Clabon Mews is dominated by dormer windows and full roof extensions. Although the subject property is

within a 'Category one' roofline, within this context the mansard design would assist in reuniting this group. The proposed form and scale of the mansard roof and dormers would be sympathetic to the age and character of this building. Similarly, the use of timber frames to the 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.

- 4.7 A total of six conservation style rooflights are proposed within the mansard extension; three at main roof level and three obscure glazed rooflights on the rear roof slope. The rooflights would be seen, to a degree, from the rear windows of the upper floors of the properties behind on Lennox Gardens. The development would not significantly detract from, or cause harm to those views. As there are similar examples within this section of the terrace the proposed rooflights would be consistent with the group. The proposed rooflights 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 CD63 of the UDP.
- 4.8 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.
- 4.9 The subject property is located to the east of, and approximately 3.6m from, the rear elevation of 47 Lennox Gardens. Given this proximity of this relationship a sunlight/ daylight assessment has been submitted by SP Planning on behalf of the applicant. The report assesses the impact on levels of daylight and sunlight reaching the nearest ground and first floor levels serving flats within 47 Lennox Gardens.
- 4.10 The study contains Vertical Sky Component (VSC) figures experienced at the centres of the nearest ground floor windows in No 47 are 12% and 12.3%. Post development the VSC levels would be reduced to 11.8% and 12.1%, 0.98 times the present values. Furthermore, the present levels of daylight (VSC) experienced at the centres of the nearest first floor windows are 26.8% and 27.9%. Post development the VSC levels would be reduced to 24.5% and 25.8%, 0.91 the present values. The proposal meets the requirements of BRE guidance 'Site layout planning for daylight and sunlight - A guide to good practice,' in terms of light.
- 4.11 The mansard roof would be set back from the rear building line of the remainder of the terrace, so it would not result in significant loss of sunlight or daylight or create a harmful sense of enclosure to the occupiers of the neighbouring property to the east, 47 Lennox Gardens. It would therefore accord with CL5 of the Core Strategy and 'saved' policies CD44 and CD45 of the UDP.
- 4.12 The dormer windows proposed in the front and rear elevation would provide a comparable level of outlook to the existing windows in these elevations. As such, the proposed fenestration would not materially increase overlooking of neighbouring properties in comparison to this existing

situation in accordance with CL5 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.

5.2 Letters of objection have been and the issues raised may be summarised as follows:

5.3 Concerns are raised with regard to the impact on adjoining properties in terms of loss of car parking and resultant noise during construction.

Issues relating to noise and disturbance from the construction process can be considered under separate Environmental Health legislation. Issues relating to highway use during the construction process can be considered under separate highways legislation. Given the scale of the development proposed, it is not recommended that planning permission is withheld on this basis, nor is it considered reasonable to recommend conditions in respect of construction details.

5.4 Concern for the loss of light to properties in Lennox Gardens

As stated in paragraph 4.13 the Daylight/ Sunlight report demonstrates that the proposed mansard would be in accordance with BRE guidelines.

5.5 The impact of the proposal on the Hans Town Conservation Area.

It is noted that the site is identified as Category 1 with respect to roof alterations, however given the degree of alteration to the roofscape of the terrace, the proposal would unify the group and preserve the character of the Hans Town Conservation Area. Furthermore, although the area between the subject property and the properties to the rear in Lennox Gardens forms part of an identified gap in the CAPS as the proposal would not project further into this gap than neighbouring extensions the proposal is considered to preserve the character of the Conservation Area.

6.0 CONCLUSION

6.1 The proposed development would preserve the character and appearance of the Hans Town 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/11/04125 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

/PP/11/04125: 6

Construction of mansard roof and three dormer windows to the front elevation, three roof lights at main roof level and three obscure glazed roof lights to rear elevation.

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

'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
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Hans Town adopted 17 January 2000 (14A). 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 proposed development would preserve the character and appearance of the Hans Town 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 on the Council's website at <http://www.rbkc.gov.uk/PP/11/04125>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.