

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

APP NO. PP/12/05079/Q13
PLANNING APPLICATIONS COMMITTEE 26/02/2013
AGENDA ITEM NO. C14

SITE ADDRESS

21 Elvaston Place LONDON SW7 5QE	<u>APPLICATION DATED</u>	13/12/2012
	<u>APPLICATION COMPLETE</u>	18/12/2012

APPLICANT/AGENT ADDRESS

Miss T-L Watters
Michaelis Boyd Associates
108 Palace Gardens Terrace
LONDON
W8 4RT

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Queen's Gate	WARD	Queen's Gate
<u>CAPS</u>	Yes	<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 C Faker

PROPOSAL: Installation of air conditioning unit concealed within a wooden enclosure on the third floor level rear roof terrace area

RBK&C Drawing No(s):PP/12/05079

Applicant's Drawing No(s): 10108/EX/001 rev. P1; 10108/EX/002 rev. P1; 10108/EX/003 rev. P2; 10108/EX/004 rev. P1; 10108/PP/300 rev. P1; 10108/PP/301 rev. P1 and; 10108/PP/302 rev. P1.

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, 10108/EX/001 rev. P1; 10108/EX/002 rev. P1; 10108/EX/003 rev. P2; 10108/EX/004 rev. P1; 10108/PP/300 rev. P1; 10108/PP/301 rev. P1 and; 10108/PP/302 rev. P1. (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. **Noise emitted by the external building services plant hereby permitted, shall not increase the existing lowest LA90(10min) background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it shall be switched off and not used again until it is able to comply. (C57c)**
Reason - To protect the amenities of nearby occupiers. (R57c)
5. **The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. (C57f)**
Reason - To protect the amenities of nearby occupiers.

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 IDN1 GTD/No pre-app/Est. Guid/No amend reqd
- 7 I67A Construction Management

1.0 THE SITE

1.1 The application site is a five-storey (plus basement) Victorian building sited on the north-eastern corner of Elvaston Place, at its junction with Gore Street. The property is used as a block of residential flats and the application relates to flats 4 and 5.

1.2 The building is neither listed nor the subject of an Article 4 Direction but is within the Queensgate Conservation Area.

2.0 PROPOSAL

2.1 Planning permission is sought for the installation of an air conditioning unit concealed within a wooden enclosure on the third floor level rear roof terrace area.

2.2 The proposed unit (and associated enclosure) would measure approximately 1.3m wide by 0.75m deep and 1m tall.

3.0 RELEVANT SITE HISTORY

3.1 No relevant planning history.

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 conservation area and upon the living conditions of 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.

4.3 None of the policies contained within the Mayor's London Plan are considered to be of direct relevance to this application. The contents of the National Planning Policy Framework have also been taken into account. Weight was also given to the Queensgate Conservation Area Proposal Statement.

Character and Appearance

4.4 CS Policy CL6 requires that small-scale alterations and additions do not harm the existing character and appearance of the building and its context. To deliver this the Council will [inter alia]: (b) require telecommunication, plant, micro-generation and other mechanical equipment to be sited discreetly so that visual amenity is not impaired.

4.5 Since the new unit would be flanked behind an existing solid brick boundary wall (between the host property and 22 Elvaston Place to the east) and would be set away from the western roof edge by approximately 6m, the

works would not be readily visible from either public or private view points. Furthermore, a wooden screen would fully conceal the plant so as to mitigate against any potential visual harm associated with the unit.

- 4.6 In view of the above, it is concluded that the proposed plant would be sensitively sited so that the appearance of the building would be preserved as a result as would the character and appearance of the conservation area. The proposals are acceptable in terms of 'Saved' UDP Policy CD63 as well as those of CS Policies CL1, CL2, CL3 and CL6 accordingly.

Amenity

- 4.7 CS Policy CL5(d) requires proposals for small scale alterations and additions, to achieve high standards of amenity in terms of noise and vibration. CS Policy CE6 seeks to carefully control the impact of noise and vibration generating sources which affect amenity.
- 4.8 The Directorate of Environmental Health advises that subject to the imposition of safeguarding conditions the new air conditioning unit would not have an adverse impact upon the living conditions of neighbouring properties in terms of increased noise levels and vibration. Conditions 4 and 5 achieve this. The proposals comply with the aims of further CS Policy CL5(d) and CL6.

5.0 PUBLIC CONSULTATION

- 5.1 Twenty notification letters were sent to neighbouring properties and a site notice was displayed along Elvaston Place. To date, three objection letters were received by the Royal Borough.

Noise and Vibration

- 5.2 Concerns are raised about the potential impact of the proposals upon the living conditions of neighbouring residential properties in terms of increased noise levels and vibration. The Director of Environmental Health advises that subject to the imposition of safeguarding conditions, the proposals would not disturb the living conditions of neighbouring flats. The proposals comply with the aims of CS Policies CL5(d) and CE6.

6.0 CONCLUSION

6.1 The proposals have been appropriately designed therefore preserving the character and appearance of the conservation area. The proposed works would not cause harm to the living conditions of neighbouring residential properties in terms of increased noise levels and vibration. 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/12/05079 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Installation of air conditioning unit concealed within a wooden enclosure on the third floor level rear roof terrace area

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

CD63	Conservation Area Views
------	-------------------------

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Queen's Gate adopted 22 May 1989 (10). 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 proposals have been appropriately designed therefore preserving the character and appearance of the conservation area. The proposed works would not cause harm to the living conditions of neighbouring residential properties in terms of increased noise levels and vibration. 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 on the Council's website at <http://www.rbkc.gov.uk/PP/12/05079>. 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.