

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

APP NO. PP/11/02849/Q21
PLANNING APPLICATIONS COMMITTEE 06/03/2012
AGENDA ITEM NO. N20

SITE ADDRESS

48 Holland Park Avenue LONDON W11 3QY	<u>APPLICATION DATED</u>	18/08/2011
	<u>APPLICATION COMPLETE</u>	16/09/2011
	<u>APPLICATION REVISED</u>	14/12/2011

APPLICANT/AGENT ADDRESS

**Mr P Cusack
Michaelis Boyd Associates
106-108 Palace Gardens
Terrace
LONDON
W8 4RT**

<u>LISTED BUILDING</u>	Grade II	<u>CONS. AREA</u>	Ladbroke	WARD	Norland
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>	K&C	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
3	10	0	0	0

Applicant **Ms S Briggs**

PROPOSAL: **Replacement of rear conservatory and elevational alterations to front and rear.**

RBK&C Drawing No(s):PP/11/02849 and PP/11/02849/A

Applicant's Drawing No(s): 10101/100 P3, 10101/101 P3, 10101/102 P3, 10101/103, 10101/104, 10101/105, 10101/106 P3, 10101/107 P3, 10101/110 P9, 10101/111 P8, 10101/112 P7, 10101/116 P8 and 10101/117 P6.

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 , 10101/100 P3, 10101/101 P3, 10101/102 P3, 10101/103, 10101/104, 10101/105, 10101/106 P3, 10101/107 P3, 10101/110 P9, 10101/111 P8, 10101/112 P7, 10101/116 P8 and 10101/117 P6. (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. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:**

(a) new external front basement area stone stair and metal balustrade;
(b) new external rear garden access metal stair and balustrade;
(c) the proposed colours of the external render to the rear closet wing and the rear infill extension. (C011)
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)
5. **All new windows hereby approved shall be of timber construction, single glazed and painted white with no trickle vents, and so maintained. (R071)**
Reason - To preserve and enhance 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 Thames Water requests that the Applicant should incorporate within their proposal protection to the property by, for example, the use of a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5 I67A Construction Management
- 6 I68 TFL - Olympic Route Network
- 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 The property is a three storey (plus basement) mid-terrace building situated on the North side of Holland Park Avenue. The property is a single family dwellinghouse.
- 1.2 The property is Grade II listed, located within the Ladbroke conservation area.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the following:

- replacement of an existing rear conservatory with a new conservatory. The proposal would feature four timber framed windows at ground floor level and four timber framed doors at lower ground floor level to the rear facade, with a rooflight set behind the surrounding parapet wall.

- alterations and extension to an existing closet wing rear extension, including raising its height by approximately 300mm providing a parapet, behind which would be a rooflight and the installation of a door providing access down to a newly constructed metal stairway to the garden.

- alteration of the stairway within the front lightwell.

- removal of a timber balcony located at basement floor level.

- detailed design alteration of a rear first floor level window.

- various minor internal alterations.

- 2.2 Amended plans have been submitted following officer advice which now reflects appropriate alterations to the character and appearance of the building, including the removal of proposal for a subterranean extension beneath the front garden, internal alterations and detailed design alterations to the rear conservatory.

- 2.3 Listed building consent is also sought for the above mentioned external and internal alterations, and this report covers both applications.

- 2.4 Given the subsequent removal of the subterranean extension beneath the front garden the proposal would not amount to subterranean development requiring consideration in accordance with the Subterranean Development SPD, thereby not requiring a Construction Method Statement, EcoHomes assessment or Arboricultural Report.

3.0 RELEVANT SITE HISTORY

- 3.1 Planning permission and listed building consent were granted in 1994 (TP/94/0020 & TP/94/0020) for the erection of a rear conservatory. This permission was implemented.
- 3.2 Planning permission and listed building consent were sought in 2011 (PP/11/00937 & LB/11/00938) to enlarge the existing vaults beneath the front garden and rebuild the rear extensions. Following Officer advice, this application was withdrawn.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration are the impact of the proposal upon the special architectural and historic interest of this listed building; the impact of the proposal upon the character and appearance of the surrounding conservation area; and the impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties.
- 4.2 The relevant policies against which to assess this proposal are contained within the Core Strategy of the Local Development Framework, as well as certain policies 'saved' from the Unitary Development Plan 2002 (as amended 28th September 2007).

The relevant Core Strategy policies are:

CL1 (Context and Character)
CL2 (New Buildings, Extensions and Modifications)
CL3 (Historic Environment)
CL4 (Historic Assets)
CL5 (Amenity)
CL6 (Small-scale Alterations and Additions)
CT1 (Improving alternatives to car use)

The relevant 'saved' UDP policies for this application are as follows;

CD47 (extensions)
CD48 (conservatories)
CD63 (views around the Borough)

- 4.3 Also for consideration is 'The London Plan' 2011. In this particular instance, there are no specific Policies relevant to this application contained within this plan.
- 4.4 The Ladbroke Conservation Area Proposal Statement (CAPS) has also been given weight, as has relevant Supplementary Planning Guidance.
- 4.5 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 2011, plus relevant 'saved' policies from the UDP.

Surrounding Townscape

- 4.6 The North side of Holland Park Avenue, in particular the group of which this building forms part can be characterised at the rear by a variety of extensions which project into the rear gardens. This group of properties primarily feature brick faced extensions, with adjoining glazed conservatories similar in architectural style, character and height. Within this context, the pattern of brick faced and glazed rear extensions which project into the rear garden has adequately been established along this group of properties.

Impact on the architectural and historic interest of the listed building

- 4.7 Formal Observations of Conservation and Design Officer

The formal comment of the Council's Conservation and Design Officer on the proposals is as follows:-

"Consent is sought for internal alterations at the lower and upper ground floor levels, the replacement of the existing non-original lower and upper ground floor level rear infill extension, rear elevational alterations and the replacement of the front lightwell and rear garden access staircases. The proposals have been substantially revised following the advice from the Council Conservation officer in order to avoid harm to the surviving historic character of the property. The internal alterations proposed at these two floor levels are now of minor nature and preserve all the surviving elements of the original plan form and original decorative features. The proposed replacement rear infill extension is of contemporary design and features rear faced glazed screens at both floor levels. The hipped roof profile of the existing roof has been replaced by a simple lean-to roof which slopes down in the direction of the neighbouring property on the western side. The existing front and rear external staircases are not original and the details of the replacement stairs and balustrades are controlled by conditions of this consent. The works to the rear facade involve the replacement of non-original rear door and window with new window and door of appropriate period style. The proposals will preserve the special architectural and historic interest of this Grade II listed building and the significance of the heritage asset."

- 4.8 In consideration of 'saved' UDP Policy CD47, the proposed replacement extension would neither extend rearward beyond the existing general rear building line of any neighbouring extensions, nor would it significantly reduce garden space of amenity value. With regard to its detailed design, it is considered the associated elements such as fenestration are appropriate in style and

appearance. Whilst the proposal is contrary to part (f), being full width, on balance, given the existing arrangement is full width, in this particular instance, the criteria is not considered a basis upon which planning permission or listed building consent should be refused.

- 4.9 The associated rooflights proposed to both the replacement conservatory and closet wing, by virtue of their location set behind the surrounding parapet, would be largely concealed.
- 4.10 With regard to the elevational alterations proposed, by virtue of their detailed design and materials used, the alteration of the stairway within the front lightwell and the rear first floor level window in particular would be sympathetic to the appearance of the building.
- 4.11 In consideration of Core Strategy Policies CL1, CL2, CL3, CL4, CL5, CL6, 'saved' UDP Policies CD47, CD48 and CD63, in addition to the Ladbroke Conservation Area Proposals Statement (CAPS), it is considered the proposed external alterations, in particular the proposed rear conservatory would preserve the character and appearance of the building and the surrounding conservation area and would preserve the architectural and historic interest of the listed building.

Amenity

- 4.12 With regard to amenity, by virtue of the size and location of the existing structure, it is considered the proposal would not result in a significant loss of sunlight or daylight nor would it present any increased sense of enclosure to the adjoining or surrounding properties. It is also considered that the proposal would be of no greater detriment to the privacy of the surrounding properties than the existing building's arrangement. Light pollution would not significantly increase beyond the existing level. The proposal is, therefore, considered to comply with the Council's Policies.

5.0 PUBLIC CONSULTATION

- 5.1 Neighbouring occupiers were notified of this proposal; a site notice displayed outside the building and a notice placed in the press. Letters of objection have been received. The representations object on the grounds that the proposed development would result in:

Harm to the character and appearance of the building, terrace and surrounding conservation area

- 5.2 This particular issue has been addressed in Section 4.0 of this report

Harm to structural stability of adjoining properties as a result of the basement beneath the front garden

- 5.3 This particular element has been removed from the scheme and has been addressed in Section 2.0 of this report.

Harm to the surrounding trees as a result of the basement beneath the front garden

- 5.4 This particular part of the proposal has been removed from the scheme and has been addressed in Section 2.0 of this report.

Noise and disturbance

- 5.5 Planning conditions can be used to supplement powers under other legislation such as the Environmental Protection Act, Highways Act, and Control of Pollution Act. The proposal relates to replacing a conservatory, alterations and extensions to a closet wing, alterations to the front lightwell and other minor alterations. It is not considered the scale of works proposed would give rise to such noise or disturbance to warrant the imposition of conditions beyond those recommended in this report.

Loss of amenity to neighbouring occupiers including loss of sunlight and privacy and light pollution

- 5.6 This particular issue has been addressed in Section 4.0 of this report

The proposal does not comply with PPS5

- 5.7 The proposal has been scrutinised by officers who have inspected the premises internally and externally and who have considered all of the documentation as well as local and national policy. It is considered the documentation received is adequate to ensure the aims of local and national policies are met and that the heritage asset will not be harmed and that the level of information provided is sufficient for a decision on the proposals to be reached. The plans are annotated with retention notes to clarify the retention of features of the building.

The existing conservatory was not built in accordance with approved plans

- 5.8 This was investigated in 2003 and was found to be in accordance with approved plans of planning application/LBC (ref. TP/94/0019 & TP/94/0020) granted 20/05/94. No breach was concluded to have occurred. The proposal would replace the existing conservatory.

The property has caused damage to neighbours' property from leaks causing damp etc

- 5.9 This is a private matter to be resolved between the parties concerned and is not a matter for the Council to address and is not a basis for refusing or withholding planning permission or listed building consent.

The listing description of the listed building should be amended

- 5.10 English Heritage considered the listing description of the building on 8 February 2012 and have concluded they do not believe an amendment to the listing description would be justifiable.

6.0 CONCLUSION

- 6.1 The proposed conservatory and associated elevational alterations, by reason of their detailed design, location and position would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservation area. It is also concluded that the works would not impact harmfully upon levels of amenity enjoyed by residents of neighbouring property. Therefore, it is concluded that the development would be 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/11/02849 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: LP
Report Approved By: DT/JB
Date Report Approved: 23/02/2012**

PSC03/12/LP.REP

23/02/2012 12:14:02

Replacement of rear conservatory and elevational alterations to front and rear.

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
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CL6	Small-scale Alterations and Additions

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD47	Resist Proposals for Extensions
CD48	Resist Proposals for Conservatories
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Ladbroke adopted 10 April 1989. 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.

The proposed conservatory and associated elevational alterations, by reason of their detailed design, location and position would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservation area. It is also concluded that the works would not impact harmfully upon levels of amenity enjoyed by residents of neighbouring property. Therefore, it is concluded that the development would be 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.