

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

APP NO. PP/13/00561/Q21  
 PLANNING APPLICATIONS COMMITTEE 16/04/2013  
 AGENDA ITEM NO. C28

**SITE ADDRESS**

Twenty Four and a Half Queen's Gate Mews LONDON SW7 5QJ	<b><u>APPLICATION DATED</u></b>	28/01/2013
	<b><u>APPLICATION COMPLETE</u></b>	06/02/2013
	<b><u>APPLICATION REVISED</u></b>	21/03/2013

**APPLICANT/AGENT ADDRESS**

Mr C Gaylord  
 Janine Stone  
 The Old Imperial Laundry  
 71/73 Warriner Gardens  
 LONDON  
 SW11 4XW

<b><u>LISTED BUILDING</u></b>	Grade II	<b><u>CONS. AREA</u></b>	Queen's Gate	WARD	Queen's Gate
<b><u>CAPS</u></b>	Yes	<b><u>ENGLISH HERITAGE</u></b>	N/A	ART '4'	No

<b><u>CONSULTED</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>SUPPORT</u></b>	<b><u>PETITION</u></b>	<b><u>COMMENTS</u></b>
37	4	0	0	1

**Applicant**                      Mr F Gee

**PROPOSAL:**    S73 Variation to vary the wording of condition 16 (to provide a services housing structure) attached to planning permission ref. PP/10/00892, dated 15 July 2010 "Erection of a new 2 storey (plus basement) single family dwelling"

RBK&C Drawing No(s):PP/13/00561 and PP/13/00561/A

Applicant's Drawing No(s): 1463-0001; 0002; 0003; 0005; 0006; 0007; 0008; 0020; 0021 rev B; 0022; 0024; 0029; 0030; 0033 rev B; 0034; 0035; 0036; 0037; 0038; 0042; 0043

**RECOMMENDED DECISION:**    Grant planning permission

## **CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The development hereby permitted shall be begun before 15 July 2013. (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, 1463-0001; 0002; 0003; 0005; 0006; 0007; 0008; 0020; 0021 rev B; 0022; 0024; 0029; 0030; 0033 rev B; 0034; 0035; 0036; 0037; 0038; 0042; 0043 (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. **No demolition pursuant to this permission shall commence until a binding contract for the carrying out of the building operations hereby permitted has been entered into. (C069)**  
*Reason - To ensure a satisfactory standard of external appearance, and to safeguard the visual amenity of the area. (R069)*
5. **No water tank, lift motor room, or other roof structure shall be erected on top of the roof of any part of the building, including the roof of any extensions. (C078)**  
*Reason - To safeguard the appearance of the building / terrace / area. (R077)*
6. **The roof of the building hereby permitted shall not be used at any time as a terrace without a further planning permission. (C079)**  
*Reason - To protect the privacy and amenity of neighbouring property. (R079)*
7. **All new railings hereby permitted shall be painted black, and so maintained. (C082)**  
*Reason - To safeguard the appearance of the building/street. (R082)*
8. **The windows on the west facing elevation located at first floor level shall be constructed using only the obscured glazing as approved on 18 August 2010 (ref. CON/10/00892/AD). The glazing shall be so maintained and fixed shut. (C094)**  
*Reason - To safeguard the amenity of neighbouring property, and in particular to prevent overlooking. (R091)*
9. **Noise emitted by all plant and equipment serving the swimming pool including air conditioning and ventilation and hygiene plant all operating together shall not increase the lowest existing background LA90(10min) level measured or predicted at 1.0m from the nearest residential window or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The use shall not commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority in consultation with the**

Director of Environmental Health. The report shall show how this Condition will be met. 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. (C57i)

*Reason - To protect the amenities of nearby occupiers. (R57i)*

10. **Odour expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not cause annoyance to any adjacent occupied premises. A fully detailed scheme indicating the measures to be used to control and minimize odour was approved on 31 January 2012 (ref. CON/10/00892/ad1). If at any time the plant is unable to comply with this, it shall be switched off and not used again until it is able to comply. (C57j)**

*Reason - To protect the amenities of nearby occupiers. (R57j)*

11. **The whole of the car parking accommodation shown on the drawings hereby approved shall be provided before the occupation of the development, and shall be permanently retained for the parking of vehicles ancillary to the use of the building(s) and for no other purpose. (C029)**

*Reason - To avoid adding to traffic congestion in the immediate area, to safeguard the amenity of the area, and to comply with the Council's Policies of traffic restraint. (R029)*

12. **All external windows, doors and framing thereof shall be of painted timber (not stained or varnished) and so maintained.**

*Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)*

13. **The development hereby permitted shall be carried out exactly and only in accordance with the Construction Traffic Management Plan with addendum and revision updated 30th June 2010 and other particulars forming part of the permission and there shall be no variation therefrom without the written approval of the Local Planning Authority.**

*Reason - In the interest of highway safety and to safeguard the amenity of the area.*

14. **The development shall not be carried out otherwise than in accordance with the following details as so approved on 31 January 2012 (ref. CON/10/00892/ad1):**

**(a) External materials;**

**(b) The proposed sliding gate runner entrance;**

**(c) The proposed air conditioning units within the open enclosure located on the main roof and the air conditioning unit located on the south facing elevation at ground floor level;**

**(d) The proposed ventilation and hygiene plant units in relation to the installation of the swimming pool. (C013)**

*Reason - The particulars 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. (R013)*

15. **No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public. (C109)**  
*Reason - To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.*
16. **Samples of materials, in respect of the following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:**
- (a) Facing materials for the services housing unit;**
- (b) Joinery details for the doors of the services housing unit. (C208)**  
*Reason - In order to safeguard the setting of the listed building and preserve the character and appearance of the conservation area.*

## **INFORMATIVES**

- 1 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. (I62)
- 2 I09 Variations due to Building Regs.
- 3 I10 Attention to Conditions
- 4 I11 Care - Conservation Area
- 5 I21 Building Regs. - Separate Approval
- 6 I27 Earth Moving
- 7 I30 Demolition (Environmental Prot. Act)
- 8 I61 Household Waste
- 9 IDN1 GTD/No pre-app/Est. Guid/No amend reqd
- 10 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)
- 11 I.67A

## **1.0 SITE**

- 1.1 The property is located on the northern end of Queen's Gate Mews. The property is currently being redeveloped under planning permissions ref. PP/10/00892 and PP/11/00846 and listed building consents LB/10/00893 and LB/11/00847, all of which have been implemented.
- 1.2 The property is located within the Queen's Gate Conservation Area. The property is grade II listed.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for the provision of a housing unit for statutory services to the front driveway. This is through variation of condition 16 of planning permission ref. PP/10/00892 *"The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans set out below."* Listed building consent is not required as the proposals do not touch any part of the listed building.

### **Revised Drawings**

- 2.2 Revised drawings were submitted on 21 March 2013 which provided further plans and elevations of the proposals, but did not alter the proposals themselves.

### **Background**

- 2.3 A simultaneous application has been made and is under consideration for the same housing unit, but located to the part of the front driveway at the end of Queen's Gate Mews (ref. PP/12/00560).
- 2.4 Applications for listed building consent and planning permission (refs. PP/12/00562 and LB/12/00566) for alterations to the roof of the property have also been made and are under consideration.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Planning and listed building consent for demolition of existing 2-storey dwelling and erection of a new 2 storey (plus basement) single family dwelling was granted on 15 July 2010 (refs. PP/10/00892 and LB/10/00893). These were amended by planning permission ref. PP/11/00846 and listed building consent LB/11/00847 on 16 May 2011, which was to lower the eaves on the side and rear elevations to provide a section of leaded pitch roof.
- 3.2 The current applications are to vary the original consent from 2010. The 2010 and 2011 permissions are the ones currently being implemented. It is noted that an error was made with the 2011 permission, as it only listed the plans which had been altered, whereas it should have listed those plans and all the other previously approved plans granted in 2010. The current application regularises this situation by incorporating the relevant plans from both the 2010 and 2011 permissions, as well as providing new proposed plans where relevant to reflect the new changes. Therefore, as the current proposals also incorporate the changes approved through the 2010 and 2011 permissions, it is acceptable that they are for a revision to the 2010 permissions. There have been no alterations to planning policy since the granting of the previous consented schemes that would alter the acceptability of those elements of the proposals. These are therefore acceptable.

## **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main issues for consideration relate to the impact that the proposal may have

upon the character and appearance of the surrounding conservation area, the setting of the listed building, and any noise and vibration considerations relating to the plant to be provided within the new structure.

- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on 8 December 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. Also of relevance to this proposal is the Subterranean Development SPD (2009) and The Queen's Gate Conservation Area Proposals Statement (CAPS). The National Planning Policy Framework has been considered.

### **Design**

- 4.3 The 2010 and 2011 permissions have been implemented and the property is under construction. During construction, the applicant has become aware of the need to provide a substantial area to house incoming services. They considered different locations for this service unit, and have submitted applications for two locations: one to the forecourt at the end of Queen's Gate Mews, which is the subject of a simultaneous application (ref. PP/13/00560), and one by the gable wall of 24 Queen's Gate Mews, which is the subject of this application.
- 4.4 The structure is utilitarian and functional, but it is recognised that the housing is required in order for essential services to be provided to the property. Several locations have been considered, including a different location within the courtyard which has been deemed unacceptable under a different application (ref. PP/13/00560). The location adjacent to the flank wall of 24 Queen's Gate Mews is the most discreet location available for the structure, as it would not be visible along the mews, and would only be visible from a few surrounding properties. It is to be located directly adjacent to a substantial brick wall and building, helping to minimise the impact of the structure. In this location the proposals would not harm the setting of the listed building and would preserve the character and appearance of the conservation area, therefore complying with policies CL1(a)(b)(e), CL2(a)(b), CL3 and CL4(g) of the Core Strategy and CD63 of the UDP. This is subject to condition 17 to control the materials and joinery details for the doors, as the design detail is important in ensuring this.

### **Amenity**

- 4.5 The proposals have been reviewed by the Director of Environmental Health. No concerns are raised as the provision of gas and electricity would not give rise to any noise or vibration. The proposals therefore comply with policies CL5(d) and CE6 of the Core Strategy and are acceptable in these respects. The structure would be located towards 1-2 Queen's Gate, but it would be set back from the windows at this property at ground floor level and would not materially impact on them in terms of sunlight, daylight, overshadowing or sense of enclosure. The proposals are therefore acceptable in these respects and comply with policy CL5 of the Core Strategy.

## **5.0 PUBLIC CONSULTATION**

- 5.1 Adjoining addresses were notified of the proposals and a site notice erected outside the site. There have been four letters of objection, raising the following areas of concern:
- 5.2 **The structure is disproportionate in size and unsympathetic to the surrounding buildings.** This is assessed in section 4 above.
- 5.3 **Statutory letters of consultation were not sent to residents at 1, 2 and 3 Queen's Gate.** This has been reviewed, and letters were sent on 22 February 2013.

- 5.4 **Concerns are raised regarding the fenestration of the property.** The fenestration is not to change from that approved through the 2010 and 2011 permissions.
- 5.5 **Objection to the principle of any further extension of the permitted planning consent.** The extension is not to the building, but a standalone unit. For the reasons set out in section 4 above it is acceptable.
- 5.6 **The structure would be in front of the windows of the ground floor flat at 1-2 Queen's Gate, which would destroy the symmetry of the architectural feature archway of the adjoining building.** The design and amenity impacts of the proposals is assessed in section 4 above.

## **6.0 CONCLUSION**

- 6.1 The structure is utilitarian and functional and therefore is out of character with the existing mews properties surrounding it. However, it is recognised that the housing is required to service the property under construction and that the location proposed is the most discreet location available for the structure. It would not be visible along the mews, and would only be visible from a few surrounding properties. It is to be located directly adjacent to a substantial brick wall and building, helping to minimise the impact of the structure. Subject to control of materials by condition 3, the proposals would not harm the setting of the listed building and preserve the character and appearance of the conservation area, complying with policies CL1(a)(b)(e), CL2(a)(b), CL3 and CL4(g) of the Core Strategy and CD63 of the UDP. There are no concerns regarding the noise and vibration impacts of the proposals, and they are acceptable in this respect. There would be no material impact on neighbouring windows in terms of sunlight, daylight, overshadowing and sense of enclosure. The proposals therefore comply with policies CL5 and CE6 of the Core Strategy.

## **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/13/00561 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**S73 Variation to vary the wording of condition 16 (to provide a services housing structure) attached to planning permission ref. PP/10/00892, dated 15 July 2010**  
**"Erection of a new 2 storey (plus basement) single family dwelling"**

**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
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CE6	Noise and Vibration

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

CD63	Conservation Area Views
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Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: The Boltons adopted 21 October 1980 (12). 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 structure is utilitarian and functional and therefore is out of character with the existing mews properties surrounding it. However, it is recognised that the housing is required to service the property under construction and that the location proposed is the most discreet location available for the structure. It would not be visible along the mews, and would only be visible from a few surrounding properties. It is to be located directly adjacent to a substantial brick wall and building, helping to minimise the impact of the structure. Subject to control of materials by condition 3, the proposals would not harm the setting of the listed building and preserve the character and appearance of the conservation area, complying with policies CL1(a)(b)(e), CL2(a)(b), CL3 and CL4(g) of the Core Strategy and CD63 of the UDP. There are no concerns regarding the noise and vibration impacts of the proposals, and they are acceptable in this respect. There would be no material impact on neighbouring windows in terms of sunlight, daylight, overshadowing and sense of enclosure. The proposals therefore comply with policies CL5 and CE6 of the Core Strategy.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/00561>. 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.