

PRESENT

Members of the Committee

Councillors David Campion (Chairman), Matthew Neal, Jonathon Read, Marie-Therese Rossi and Robert Atkinson

Others in Attendance

Mr Derek Taylor, Head of Development Control
Ms Hazel Salisbury, Solicitor
Ms Helena Benes, Principal Planning Officer Conservation and Design
Ms Erin Lawn, Development Control Section Leader (South Area)
Ms Elen Richards, Development Control Section Leader (North Area)
Mr Jerome Treherne, Governance Administrator

A1 APOLOGIES FOR ABSENCE

None

A2 MEMBERS' DECLARATIONS OF INTEREST

None

A3 MINUTES OF MEETING OF 22 MARCH 2011

Agreed

A4 123 CAMBRIDGE GARDENS, W10 6JA

The Development Control Section Leader North introduced the report and reminded the committee that this application had been deferred after consideration at the 22 February 2011 Committee. She circulated photographs including those that had been tabled at that meeting to illustrate the potential impact of the proposal on the Conservation Area and the amenity of residents. She referred to the 1998 application for a similar roof addition, which had been refused, and pointed out that the inspector's comments on that decision were included in the Addendum Report.

The Development Control Section Leader North drew attention to the reduced height and bulk of the current proposal, compared to the previous application, and to the pitch of the roof, which was shallower and set further back. The windows were of a traditional design and officers considered the proposal's impact on the Conservation Area to be acceptable. She highlighted the fact that the main issue remained one of a sense of enclosure, the reason the previous application had been refused. The most affected property would be a small part of No. 5 Trinity Mews, which had had its loft space adapted to accommodate two bedrooms and a landing area that was now used as a play space. She advised that any

change to the daylight for residents of No. 5 Trinity Mews would be marginal and only affect the first floor.

The chairman had visited the site and felt the properties in this mews were closer to each other than was typical for houses in mews.

Mr Aboud, the objector, came to the table and made the following points:

- He had lived in No. 5 Trinity Mews since 1995 where the second floor room layout had been changed in recent years to accommodate his children whose bedroom would be overlooked by anyone from the third floor in the application property;
- The Core Strategy policy CL5, adopted in 2010, provided guidelines on sense of enclosure and the proposal would make those in his property feel more enclosed and reduce their views of the surroundings from the second floor;
- There would be a direct sight line between his second floor window and the application's property window, and the communal area would also be overlooked requiring blinds to protect his family's privacy;
- The proposed third story was unusual for a mews house and not in keeping with the Conservation Area, and
- He urged the Committee to require the third floor windows to be opaque and permanently locked to preserve privacy.

Mrs Manes, the applicant, came to the table and made the following points:

- She apologised that the agent and consultant could not be present especially as they had worked over the past year to reduce the bulkiness of the design so that it was now a more modest proposal;
- The window proposed for the third floor was only for a bathroom which would have a frosted glass window;
- The loss of light would be minimal to residents of No. 5 Trinity Mews;
- The second floor dormer window was set back, and
- It was a family home and the additional space would help accommodate her children.

The Development Control Section Leader North advised the committee that the distance between the proposed new window and the existing one at 5 Trinity Mews was approximately 7 metres and between the row of mews houses 8.3 metres.

The Committee, in its deliberations, sympathised with the wish to maximise privacy but given that the properties were located in a dense

urban environment, it believed that the applicant's suggestion of using the obscured glazing and permanently to fix shut the window in question would mitigate sufficiently any overlooking and sense of enclosure.

The Committee:

RESOLVED – That the application be granted and agreed to an additional Condition that the nearest dormer window should be glazed with obscured glass and be permanently fixed shut.

A5 REPORTS OF THE EXECUTIVE DIRECTOR FOR PLANNING AND BOROUGH DEVELOPMENT

Agenda Item N46 - 70 Ladbroke Grove, W11 3NS

The Committee:

RESOLVED – That the application be granted.

Agenda Item N47- 9 Balliol Road, W10 6LX

The Committee:

RESOLVED – That the application be granted.

Agenda Item N48 –Camelford Walk, Lancaster Road, W11 1TX

The Head of Development Control reported that concerns raised over the management of the premises had elicited a good response from the applicant and he advised that proposed limited period of use, five years, allowed some control over the property by the Planning Department but also gave the applicant a reasonable operational period.

The Committee:

RESOLVED – That the application be granted.

Agenda Item N49 – 194 Westbourne Grove, W11 2RH

The Development Control Section Leader North referred to an additional letter of objection and advised that the Addendum Report included conditions to ensure the air conditioning unit was switched off and that the acoustic housing unit was painted in a colour suited to the Conservation Area.

The Committee:

RESOLVED – That the application be granted along with Listed Building Consent.

Agenda Item N50 and N51 – Flat C and Flat D, 20 Cornwall Gardens, SW7 4AW

The Committee noted the resident at No. 21 had written in to request that a condition be attached to the roof light that it be of obscured glazing to allow for additional privacy. This condition would be in accordance with other roof lights in the vicinity.

The Committee:

RESOLVED – That the application be granted with the extra condition relating to obscured glazing.

Agenda Item N52 – 122 – 124 Kensington Church Street, W8 4BH

The Development Control Section Leader North referred to an additional letter received in the last few days which referred to the impact that the proposed large window to replace the smaller one at the rear of the property could have in increasing noise and nuisance.

The Committee

RESOLVED – That planning permission be granted and that an additional Condition be included that the new large window at the rear be fixed shut at all times.

Agenda Item N53 – Flat A, 34 Gloucester Walk, W8 4HY

The Head of Development Control introduced the report and presented slides showing the location of the premises. He explained that the application property was a transition site; properties in the row to the west had longer extensions at the back projecting into the communal garden whereas properties to the east all had significantly different building lines. This pattern had been established in 1913. He advised the Committee to focus on the impact of the proposal on the Conservation Area and on residential amenity and, in particular, whether a greater sense of enclosure would be significant enough to justify refusal of the application.

The Head of Development Control referred to three letters received in the last few days objecting to the proposal and also a letter from the applicant which had two attachments all included in the Addendum Report. He reported that the cherry tree was in the communal garden so that the garden committee's consent would be needed if it had to be felled. As it was located in a Conservation Area, a separate application for its removal would be required.

In response to queries raised by the Committee the Head of Development Control clarified that due to the orientation of the flats any reduction in daylight would be within the BRE guidelines. He confirmed the increased sense of enclosure would affect a habitable room. He pointed out that any future planning committee would take into account any significant alteration to the rear of the application site should the application before the committee be granted; each case has to be dealt with on its merits so no precedent would be set for other rear developments. He confirmed the height of the proposed extension was similar to that of the extensions to properties in the east of the terrace and that apart from the potential loss of the cherry tree, the development could result in some reduction of vegetation in this part of the communal

garden and also views from other parts of it towards the application site would be effected.

Mr Boardman, an objector who lived in the basement of No. 35 Gloucester Walk came to the table and made the following points:

- He was speaking on behalf of 17 objectors and especially residents at Nos. 35 and 36 Gloucester Walk, who would be most harmed by the development and users of the communal gardens;
- He was not opposed to home improvements so long as these were in accordance with established guidelines and did not impact on other residents;
- He had lived for 27 years in his basement flat at No. 35 Gloucester Walk and the proposal would reduce daylight entering his flat and increase the sense of enclosure ;
- The health of neighbours strongly opposed to the application would be harmed;
- The relevant guidelines had not been applied in a fair and equitable way;
- Approval of the proposal would set a precedent for similar extensions along the terrace, and
- He felt there was bias in the way the application had been dealt with because, in his view, there had been an expectation that the application would be granted.

Messrs Stanley and Diotallevi, for the applicant, came to the table and Mr Diotallevi made the following points:

- His wife had lived in the property for 20 years;
- The due process of the planning process had been followed;
- Best efforts had been applied to minimise any sense of enclosure;
- The rear extension would be hidden behind foliage so not to be visible from neighbouring properties and the communal gardens;
- The extension was not to be built on any communal garden land, and
- Neighbours had been approached to discuss the proposals.

Mr Stanley made the following points:

- The position of the proposed extension and the light well would minimise any sense of enclosure;
- The proposed extension's height was lower than the neighbouring one;
- The majority of the extension would be behind vegetation and with the exception of the cherry tree, other foliage would not be altered;

- The officer's report stated that the development would not result in a significantly increased sense of enclosure;
- Given the amount of land at the rear of the property, the extension was small;
- He tabled some photographs to illustrate that there was a similar line between Nos. 33 and 34 Gloucester Walk;
- He believed it would be difficult for basements to the rear of other properties to be extended so that if the application was granted, it was unlikely to set a precedent for other extensions, and
- He challenged the accuracy of some of the illustrations of the proposal that Mr Boardman had circulated to neighbours.

In its deliberations the Committee sympathised with the loss of light and the increased sense of enclosure. The Chairman who had visited the site felt the proposal should not be approved because of architectural and design shortcomings. Councillor Atkinson judged that on balance the increased sense of enclosure would be sufficient to justify refusal of the application. The Chairman asked for a vote and Councillors Neal, Read and Rossi voted in favour of the application but Councillors Atkinson and Campion opposed it. The application was therefore approved by a majority of one.

The Committee:

RESOLVED – That the application be granted and approved the additional Conditions in the Addendum Report that provided more requirements for facing materials and the rear elevation facing the communal garden.

Agenda Item S45 – First to Third Floors, 114 King's Road, SW3 4TX

The Development Control Section Leader South referred to an additional condition in the Addendum Report to minimise possible noise, vibration and smell from equipment used on the premises. She noted the concerns of objectors over the lawful use of the first floor area of 116 King's Road and referred to paragraph 5.2 in the report that advised on the policy position if the lawful use of this space was for an office rather than for residential purposes. The use of the space as a physio clinic was considered by officers to be a social and community use. She advised the Committee that considerations of the first floor flats' ownership should not be considered when making its recommendation. An email message from Councillor Paget-Brown was read out and the Committee believed that the points in his emailed objections had been addressed in the report.

The Chairman believed that Conditions 6 and 7 ensured steps to minimise any noise issues would be implemented before any new use of the premises could begin, should the application be granted. The Head of Development Control agreed with the Chairman's suggestion that an informative should be included reminding the applicant that there were

requirements in the building regulations concerning the use of the fire escape.

The Committee:

RESOLVED – That the application be granted.

Agenda Item S46 – 1 Cresswell Gardens, SW5 0BJ

The Development Control Section Leader South pointed out that a further letter of objection had been received from No. 171 Old Brompton Road that raised concerns over noise emitted by air conditioning units. The Committee noted that these noise issues were tightly controlled by Conditions.

The Committee:

RESOLVED – That the application be granted.

Agenda Item S47 and S48 – 31 Elystan Place, SW3 3JY

The Committee noted that the first and second floor windows were to be replaced with timber sash windows more in keeping with the general character of the building and were seen by officers as an improvement to the appearance of the existing building.

The Committee:

RESOLVED – That the application be granted and the Conservation Area consent be granted.

Agenda Item S49 – 6 Earl’s Court Gardens, SW5 0TD

The Development Control Section Leader South introduced the report. She pointed out that a variety of roof extensions had already been built along the back of this row and with recommended conditions attached the proposal would preserve the character of the Conservation Area. The application had conditions attached to ensure the extension, if consent was granted, would match the existing building and that the half width of the extension would not be rendered. She referred to the report from the Council’s Arboriculture Officer on the impact on the mature lime tree from the proposed development and the conditions in the report to protect this tree.

Mr Green, an objector, came to the table and made the following points:

- He was one of eight objectors and had lived for 28 years near the applicant property;
- The mature lime tree looked healthy and even when not in leaf was an important asset to the area because of its height and width;
- The arboriculture officer stated that normally four metres of space around the roots of a mature lime tree were needed to ensure the roots were not damaged; this diameter was not guaranteed under the proposal;

- The climbing frame was an invasion of the privacy for the neighbours on either side of the applicant property and there was no other climbing frame on this scale in the street;
- A condition should state that the climbing frame must not be reinstated, and
- The rear elevation plan contained an inaccurate boundary line.

Mr Ruddy, the architect for the applicant, came to the table and made the following points:

- Mr Green had written to the council to suggest that the applicant should move to another street and he had in the past frequently complained about other developments with which Mr Ruddy had been involved;
- The arboriculture officer had advised that the development would not be detrimental to the mature lime tree as concrete around it would be removed which would improve free drainage;
- The applicant was happy to plant a new tree in the opposite corner of the garden;
- The climbing frame predated Mr Ruddy's involvement with the proposal and his client would respond constructively to any condition on it the Committee were minded to suggest, and
- The applicant was happy to build the closet wing with a brick facing.

The Head of Development Control advised that the climbing frame was not part of the application before the Committee and if it required planning permission this issue could be pursued by enforcement officers as a separate matter.

In its deliberations the Committee recognised that subterranean developments were inconvenient for immediate neighbours but that many such developments had been carried out and that council officers were experienced in applying relevant conditions to reduce harmful side effects. The Committee considered the effective protection of the mature lime tree as important. Currently the Development Control Section Leader South assessed it to be at least three storeys high and advised that the replacement tree be of a substantial height when planted. Councillor Atkinson in particular wanted greater reassurance than was provided by the arboriculture officer's comments in the report. The Head of Development Control advised against deferring the application to allow for further exploration of the tree's condition but suggested the wording for enhanced conditions to Conditions 11 and 13 that no development should take place until all tree protection measures specified by the arboriculture officer were confirmed in writing as in place. A copy of the tree report was to be sent to Councillor Atkinson.

The Committee:

RESOLVED - That the application be granted with strengthened conditions to protect the mature lime tree.

Agenda Item S50 and S51 – 32 Oakley Street, SW3 5NT

This item had been withdrawn shortly before the meeting.

A6 ANY OTHER URGENT MATTERS

None

The meeting ended at 9.15 pm