

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

APP NO. PP/13/00880/Q21
PLANNING APPLICATIONS COMMITTEE 16/04/2013
AGENDA ITEM NO. S27

SITE ADDRESS

69 Cadogan Gardens LONDON SW3 2RB	<u>APPLICATION DATED</u>	08/02/2013
	<u>APPLICATION COMPLETE</u>	08/02/2013

APPLICANT/AGENT ADDRESS

Mr N Boyarsky
Boyarsky Murphy Architects
64 Oakley Square
LONDON
NW1 1NJ

<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>
32	3	0	0	0

Applicant The London Outpost

PROPOSAL: Alterations and extension to lightwell at ground and 1st floor level involving demolition of existing north facing external wall at ground floor level and replacement obscured double-glazed glass screen and demolition of existing wall at 1st floor level with a 0.5m extension into lightwell infill below with an obscured double-glazed glass screen.

RBK&C Drawing No(s):PP/13/00880

Applicant's Drawing No(s): CG69L_01, CG69L_02, CG69L_03, CG69L_04, CG69L_05, CG69L_06, CG69L_07, CG69L_08, CG69L_09, CG69L_10

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, CG69L_01, CG69L_02, CG69L_03, CG69L_04, CG69L_05, CG69L_06, CG69L_07, CG69L_08, CG69L_09, CG69L_10 (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. **The glazed screens hereby permitted shall be constructed using only obscured glazing, fixed shut and so maintained. (C093)**
Reason - To safeguard the amenity of neighbouring property, and in particular to prevent overlooking. (R091)
4. **The roof of the ground floor projection shall not be used at any time as a terrace. (C080)**
Reason - To protect the privacy and amenity of neighbouring property (R080)

INFORMATIVES

- 1 I10 Attention to Conditions
- 2 I11 Care - Conservation Area
- 3 IDN1 GTD/No pre-app/Est. Guid/No amend rqd
- 4 The applicant is advised that if the existing flue at the site is to be removed as part of the development, attention is should be given to the Control of Asbestos at Work Regulations 2006 (CAWR 2006). Further information is available on the Council's website.
- 5 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)
- 6 I.67A

1.0 SITE

- 1.1 The application property comprises five storeys, with basement accommodation, located on the west side of Cadogan Gardens. The building is in use as a single dwelling. The building is not listed but is within the Hans Town Conservation Area. There are no Article 4 directions relating to the property

2.0 RELEVANT PLANNING HISTORY

- 2.1 PP/12/04920 – Alterations and extension to lightwell at ground and 1st floor level involving demolition of existing north facing external wall at ground floor level and replace with obscured double-glazed glass screen and demolition of existing wall at 1st floor level and extend it to half the depth of lightwell infill below and construct new roof and obscured double-glazed glass window - Withdrawn 18.01.2013.
- 2.2 PP/10/04025 – Change of use from C1 (hotel) to C3 (residential dwelling) – Granted 30.03.2012. This permission has been implemented at the site.

3.0 PROPOSAL

- 3.1 The application seeks planning permission for the following works to the building:
- 0.5m extension at first floor level into central lightwell with a obscure double-glazed glass screen;
 - Demolition of existing north facing wall at ground floor level with a replacement obscured double-glazed glass facing into the lightwell; and
 - Rebuilding of roof at ground floor level.

4.0 CONSIDERATIONS

- 4.1 The main considerations in this case relate to:
- the impact on the character and appearance of the Hans Town Conservation Area; and
 - the impact on the amenities of the nearby 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. A list of the relevant policies is attached.
- 4.3 Relevant policy includes:
- Core Strategy 2010
- CL1 (Context and Character)
CL2 (New buildings, extensions and modifications to existing buildings)
CL3 (Heritage Assets – Conservation Areas and Historic Spaces)
CL5 (Amenity)
- 'Saved' Unitary Development Plan 2002 (amended 2007)
- CD63 (Identified views in Conservation Areas)

- 4.4 The contents of the Government's National Planning Policy Framework have also been taken into account. The guidance contained in the Hans Town Conservation Area Proposals Statement was also taken into consideration.

Impact on character and appearance

- 4.5 Policy CL3 of the Core Strategy states that the Council will require development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes, and their settings. Core Strategy policy CL1 seeks to ensure that all new development, through its architecture and urban form, contributes positively to the context of the townscape, addressing matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roof scape, materials, vistas, views, gaps and historic fabric. Core Strategy Policy CL2 is also relevant to the proposal and requires modifications to respect the character and integrity of the original building and group of buildings that contribute to local distinctiveness such as materials.
- 4.6 The proposed alterations are located within the internal lightwell between 69 and 71 Cadogan Gardens. The existing brick built north facing ground floor elevation of the property would be replaced with an obscure glazed screen, and at first floor level the proposals seek to extend 0.5m into the lightwell, also with an obscure glazed screen to the north facing elevation. In addition, the plans submitted with the application, show that the roof of the existing ground floor projection would be rebuilt. The alterations in an internal lightwell would be visible from the openings facing onto the light well at 71 Cadogan Gardens only and not from wider views outside the site. The proposals would preserve the character and appearance of the Hans Town Conservation Area, in accordance with Core Strategy policies CL1, CL2 and CL3 and 'saved' UDP policy CD47.
- 4.7 'Saved' UDP policy CD63 also requires the Council to consider the effect of proposals on views generally within, into, and out of Conservation Areas, and the effects of development on sites adjacent to those areas. The same protection to views is stated in the Core Strategy and paragraph 34.3.10 states that "the quality and character of an area is not only provided by the individual buildings but it is also gained from views into and out of the area". Consideration must therefore be given in relation to the impact of the proposal on views from neighbouring properties. Visible only from windows facing onto the light well at 71 Cadogan Gardens, the proposed for obscure glazing to replace brickwork, and modest extension, would preserve the character and appearance of the building and would not cause harm to views enjoyed within the Conservation Area, or reduce the appreciation of the traditional pattern of development which contributes positively to the enjoyment of the character of the area, in accordance with policy CD63.

Amenity

- 4.8 Policy CL5 of the Core Strategy requires development to achieve high standards of amenity, with particular regard to provision of sunlight and daylight to buildings and amenity spaces, privacy, sense of enclosure and traffic, noise, odour and parking, and vibration.
- 4.9 The plans submitted with the application show the introduction of two sections of glazing to the north facing elevation. However, this would be obscure glazing and condition 3 is suggested to ensure the screen is obscure glazing and maintained. Subject to the imposition of Condition 3, there would be no increase in overlooking or loss of privacy. In addition to the glazing, the proposals relate to a 0.5m extension at first floor level into the lightwell. Given the modest size of the proposal, it would not result in a significant loss of light or an increased sense of enclosure over and above the current situation, in accordance with

Core Strategy Policy CL5. Given that the plans also refer to a new roof structure to the ground floor projection with an accessible outdoor space for maintenance, Condition 4 is also suggested to ensure that this space is not used as a terrace.

5.0 PUBLIC CONSULTATION

5.1 The following properties were notified of the proposals:

65, 67, 71, 73 Cadogan Gardens.

In addition to this, a site notice was erected outside the property and a press notice issued. To date three letters of objection have been received, summarised as:

5.2 **The proposed alterations & extensions will most adversely impact existing and future amenity to the lightwell, including privacy, loss of light and sense of enclosure. The wall must remain fully bricked.**

This matter is addressed in section 4.9 above.

5.3 **Disruption during construction works.**

The development can be carried out in such a way whereby there would be no significant impact on the amenities of neighbouring properties.

5.4 **If the walls are made of glass, the opposite side of the lightwell would naturally catch water which would normally be caught and drained by the original roof.**

The section plans submitted with the application show that a rainwater pipe would be incorporated into the proposal. As such, the proposal would not have a detrimental impact on drainage over the current situation.

5.5 **The proposal is close to a neighbour's boiler flue which should not be damaged.**

This is a private matter and is not a material planning consideration in the determination of the application.

5.6 **The application site has a flue from ground floor to the roof which is made of asbestos. If it is to be removed it should be done so in the correct manner.**

An informative is recommended to advise the applicant of the process for asbestos removal under the Control of Asbestos at Work Regulations 2006 (CAWR 2006).

6.0 CONCLUSION

6.1 The proposal would preserve the character and appearance of the existing building, the terrace and the wider conservation area and would not harm the amenities of neighbouring properties, 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/13/00880 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Alterations and extension to lightwell at ground and 1st floor level involving demolition of existing north facing external wall at ground floor level and replacement obscured double-glazed glass screen and demolition of existing wall at 1st floor level with a 0.5m extension into lightwell infill below with an obscured double-glazed glass screen.

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

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

CD47	Resist Proposals for Extensions
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 proposal would preserve the character and appearance of the existing building, the terrace and the wider conservation area and would not harm the amenities of neighbouring properties, 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/13/00880>. 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.