

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

APP NO. PP/12/04713/Q21
 PLANNING APPLICATIONS COMMITTEE 16/04/2013
 AGENDA ITEM NO. N31

SITE ADDRESS

19 Gordon Place
 LONDON
 W8 4JE

**APPLICATION
 DATED**

22/11/2012

**APPLICATION
 COMPLETE**

22/11/2012

**APPLICATION
 REVISED**

16/01/2013 21/01/2013

APPLICANT/AGENT ADDRESS

Ms U Kurth
 James Lambert Architects Ltd.
 50 Kingsway Place
 Sans Walk
 LONDON
 EC1R 0LU

**LISTED
 BUILDING**

N/A

**CONS.
 AREA**

Kensington

WARD

Campden

CAPS

Yes

**ENGLISH
 HERITAGE**

N/A

ART '4'

No

CONSULTED
 9

OBJECTIONS
 4

SUPPORT
 1

PETITION
 0

COMMENTS
 1

Applicant

Mr T and B Sapsford

PROPOSAL: Erection of mansard roof to form 2nd floor level, additional storey on existing rear closet wing extension, replacement of existing rear infill conservatory and creation of sunken terrace with steps at rear of property.

RBK&C Drawing No(s):PP/12/04713 and PP/12/04713/A PP/12/04713/B

Applicant's Drawing No(s): 19GPB-EX01 Rev A; /EX02 Rev A; EX03 Rev A; /EX04 Rev A; /EX05 Rev A; /EX06 Rev A; /EX07 Rev A; /EX08 Rev A; /EX09 Rev A; /EX10 Rev A; 19GPB-PR01 Rev A; /PR02 Rev A; /PR03 Rev A; /PR04 Rev A; /PR05 Rev A; /PR06 Rev A; /PR07 Rev A; /PR08 Rev A; /PR09 Rev A; /PR10 Rev A; /PR11 Rev B.

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, 19GPB-EX01 Rev A; /EX02 Rev A; EX03 Rev A; /EX04 Rev A; /EX05 Rev A; /EX06 Rev A; /EX07 Rev A; /EX08 Rev A; /EX09 Rev A; /EX10 Rev A; 19GPB-PR01 Rev A; /PR02 Rev A; /PR03 Rev A; /PR04 Rev A; /PR05 Rev A; /PR06 Rev A; /PR07 Rev A; /PR08 Rev A; /PR09 Rev A; /PR10 Rev A; /PR11 Rev B. (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 or enhance the character or appearance of the Conservation Area. (R072)
4. **The dormer and rear elevation windows hereby approved shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve or enhance the character or appearance of the Conservation Area. (R072)
5. **The tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission, including site preparation, in complete accordance with the measures outlined in the approved GHA Trees 'Arboricultural and Planning Integration Report' dated 5 November 2012 . (C020)**
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)
6. **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:**
 - (a) **a landscaping and tree/shrub planting scheme to include the planting of one 14-16 *Prunus umeniko*.**
Reason - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)
7. **The cheeks of the dormer windows hereby permitted shall be clad in lead and be so maintained. (C75a)**
Reason - To preserve or enhance the character or appearance of the Conservation Area. (R072)
8. **The roof slopes of the roof extension hereby permitted shall be clad in natural slates, and so maintained. (C073)**
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 IDN2 GTD/No pre-app/Amendmts to comply Est. G
- 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 THE SITE

- 1.1 The site is located on the eastern side of Gordon Place at the northern end of a terrace of seven properties. The property has a lawful use as a single dwellinghouse.
- 1.2 The property is not listed but is within the Kensington Conservation Area. The property is not subject to any Article IV Directions.

2.0 PROPOSAL

- 2.1 Planning permission is sought for a mansard roof extension, an additional storey to the rear closet wing, replacement of existing infill conservatory and construction of a sunken terrace with steps at the rear of the property.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A certificate of lawfulness was granted on 21 December 2012 to confirm that a single storey rear extension at ground floor level would not require planning permission (Ref: CL/12/04306).
- 3.2 An application for planning permission and conservation area consent for a mansard roof extension; additional storey to rear the annex; replacement of existing infill conservatory; construction of a rear lightwell with removal and replacement of one cherry tree in rear garden was withdrawn 26 September 2012 (Refs: PP/12/02744 and CC/12/02745).
- 3.3 Planning permission was granted on 3 August 1992 for the demolition of a small rear extension and partial wall demolition involved in changing two of the rear sash windows to French door (Ref: TP/91/1623).

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration in this case are:
- The impact of the proposal on the character and appearance of the building and conservation area; and,
 - The impact of the development on the amenities of neighbouring occupiers
- 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 The contents of the Government's National Planning Policy Framework have also been taken into account.
- 4.4 The relevant development plan policies are listed elsewhere in this report.
- 4.5 There are no policies from the London Plan considered relevant to this application.
- 4.6 Weight has also been given to the Kensington Conservation Area Proposals Statement (CAPS).

Visual Impact

- 4.7 Policy CL1 requires development to respect the existing context, character, and appearance, and take opportunities available to improve the quality and character of

buildings and the area. Policy CL2 requires modifications to existing buildings to be visually subordinate to the main building, allow the form of the main building to be clearly seen and reinforce the integrity of the original building. It further requires modifications to respect those aspects of character and integrity of the original building and group of buildings that contribute to local distinctiveness, including height, width, depth, building line, footprint, position, symmetry, rhythm, materials, detailed design, important gaps and sense of garden openness.

- 4.8 Policy CL3 requires development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes and their settings. 'Saved' policy CD63 requires, inter alia, consideration of the effect of proposals on views within conservation areas.
- 4.9 'Saved' policy CD44 lists eight criteria where roof extensions will be resisted, while CD45 details those circumstances where roof extensions will be permitted.
- 4.10 'Saved' policy CD47 seeks to resist extensions to properties in a number of specific circumstances. 'Saved' policy CD48 lists additional requirements for conservatories.

Mansard Roof

- 4.11 The property forms part of a terrace of seven properties. The application site is the only property within the group which has not had a mansard extension to date. The proposed mansard would include two dormer windows on both the front and rear elevations. The roofline has been designated as Category 3 within the Kensington CAPS. Under this designation, additional storeys may be acceptable as buildings in this category are generally found where the uniformity of a roofline has been lost and the character of a terrace compromised through a variety of roof extensions. Carefully designed roof additions may therefore help to re-unite the terrace.
- 4.12 The proposed mansard extension would match the height and shape of the adjoining mansard at No. 21 and would infill the remaining gap in the roofline of the terrace. The proposal would comply with 'saved' policies CD44 and CD45 and the aims of the Kensington CAPS in this regard. The proposed materials and dormer windows would match those on other properties within the terrace. The mansard extension would respect the prevailing height, building line, symmetry and rhythm of the existing terrace and would preserve the character and appearance of the building, terrace and conservation area.

Additional Storey to Rear Closet Wing

- 4.13 It is proposed to add an additional storey to the existing two storey rear closet wing. Each of the adjoining properties within the terrace have rear closet wings rising three storeys. The proposal would match the prevailing height and improve the rhythm and symmetry of the rear elevations within the terrace consistent with 'saved' policy CD47. The extension would be erected in brick to match the existing building. This element of the proposal would preserve the character and appearance of the building and conservation area.

Infill Conservatory

- 4.14 The existing property features a lightweight glass conservatory set between the closet wing of the property and the wing of the next door property. It is an incongruous addition insofar as the sloping roof cuts directly across a window at upper ground floor level. It is proposed to remove this conservatory and replace it with a similarly lightweight addition. The new structure would be timber-framed with the same roof pitch as the existing structure. The roof would be set approximately 900mm higher in order to set the roof above the existing upper ground floor window. The conservatory is set back from the main rear building line by approximately 150mm. In doing so the conservatory, although higher than the existing structure, would retain a subordinate relationship to

the parent building given the height of the closet wings to either side, the use of lightweight materials and the sloped roof. This element of the proposal accords with the relevant provisions of 'saved' UDP policies CD47 and CD48 and Core Strategy policies CL1, CL2 and CL3.

- 4.15 The proposal would also include the creation of a sunken terrace to the rear of the conservatory. The terrace would be 2m wide, would project 1.2m from the conservatory and would be sunken 0.7m below the existing garden level. The proposed ground level would match the existing floor level of the majority of the lower ground floor level. The sunken terrace, given its size and low level position, would be a modest alteration to the property which would not compromise the established character of the terrace or appearance of the building.
- 4.16 The proposals overall would respect the character and appearance of the building and conservation area, in accordance with CS policies CL1, CL2 and CL3, and 'saved' UDP policies CD44, CD45, CD47, CD48 and CD63.

Impact on Amenity

- 4.17 The proposal would include new windows within the front and rear elevations. Given the orientation of the proposed windows, the arrangement of existing windows and the proximity of neighbouring buildings, there would not be a material increase in levels of overlooking, noise or disturbance to occupiers of adjoining properties as a result of the new windows.
- 4.18 The applicant has submitted a thorough revised sunlight and daylight study (dated 28 February, received 13 March). The results of this assessment demonstrate there would not be a significant, material or harmful reduction in levels of sunlight or daylight to neighbouring property.
- 4.19 The proposed extension to the closet wing would match the scale of the existing extension at 21 Gordon Place and would not exceed the existing height of the main building. The proposed mansard roof would include a hipped roof profile and would be set back 500mm from the parapet on the northern elevation, facing neighbouring properties in Pitt Street. Given this, the proposed extensions would not significantly increase the sense of enclosure to occupiers of neighbouring properties.
- 4.20 The proposal would therefore comply with the relevant requirements of Core Strategy policy CL5.

Trees

- 4.22 The applicant has submitted an arboricultural report with the application which sets out the proposed steps to be undertaken to protect existing trees on site during the course of works. A condition is recommended to ensure the steps outlined in the report are fully undertaken. The proposal will therefore comply with policy CR6.

5.0 PUBLIC CONSULTATION

- 5.1 Letters of consultation have been sent to occupiers of neighbouring properties and a site notice erected and publicised in the local press. Letters of objection have been received. The concerned raised within them may be summarised as follows:
- 5.2 **The proposal would reduce the levels of sunlight and daylight to neighbouring properties; any reduction where conditions are already substandard is not acceptable and the study was undertaken in conditions of snow.**
- 5.3 In response, the applicant has submitted a sunlight and daylight assessment which demonstrates that the proposal would not cause a material loss of sunlight or daylight to neighbouring properties. It is correct that there are two windows for 12 Pitt Street which

have vertical sky component (VSC) levels which are below 27% as existing. This is not a fault of the applicant. Policy CL5 states that where conditions are already substandard there should be no *material* worsening of the conditions. An objection to the revised study states that the application is not acceptable as two windows for 12 Pitt Street already have substandard light conditions and the development would result in worsening. It is not worsening which is the issue but *material worsening*. The question then arises as to what is material. The losses from the two windows in question are 1.7% and 3.0%. These losses are not *material*. The VSC test must not be looked at in isolation but must be considered in the round together with daylight distribution figures and other merits of the scheme. Daylight distribution figures indicate the impact of a development on lighting conditions *inside* a room of an affected existing building and VSC figures only indicate the impact of a development on a vertical plane i.e. the glass of the window for the room in question. Daylight distribution is a more reliable indication of the impact of a development on a room than VSC figures and the proposed scheme passes the BRE's tests for daylight distribution.

- 5.4 **The proposed extensions would be unsuitable additions which would compromise the original form of the building and harm views of the terrace from various vantage points within the conservation area.**
- 5.5 In response, the suitability of the proposed mansard and rear extensions has been discussed in Section 4 of this report. The proposed extensions would match the height and appearance of the other properties within the terrace and comply with relevant Council policies.
- 5.6 **The proposed alterations to the northern flank wall would compromise the architectural integrity of the wall and increase the sense of enclosure.**
- 5.7 The proposed alterations to the flank wall are limited to the infilling of a number of small windows. These alterations would preserve the character and appearance of the conservation area. The closet wing extension would not result in a harmful increase in the sense of enclosure experienced by neighbouring occupiers. The change which would be perceived would not be the 'unacceptable burden' referred to in the supporting text to the enclosure policy and the affected property does not include buildings where the amount of adjoining habitable accommodation is limited or situated within the lower floors of buildings with openings on to lightwells.
- 5.8 **The proposed development would affect long views from Gordon Cottages, Duke Lane and Kensington Church Street.**
- 5.9 The proposed extensions reflect development seen on the other properties which form part of this group. Whilst the site may be visible from these locations, given what is proposed reflect what exists on the rest of the group, the proposal is not resisted or objectionable.

6.0 CONCLUSION

6.1 The proposal, by reason of its size, position and detailed design, would preserve the character and appearance of the building and conservation area and would not result in a material loss of amenity to neighbouring occupiers. It is concluded that the development would be in accordance with the relevant policies of the Council's development plan, in particular Core Strategy policies CL1, CL2, CL3 and CL5 and 'saved' Unitary Development Plan policies CD44, CD45, CD47, CD48 and CD63.

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/12/04713 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Erection of mansard roof to form 2nd floor level, additional storey on existing rear closet wing extension, replacement of existing rear infill conservatory and creation of sunken terrace with steps at rear of property.

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
CR6	Trees and landscape

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

CD44	Resist Additional Storeys and Roof Level Alterations
CD45	Permit Additional Storeys and Roof Level Alterations
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: Kensington adopted 9 January 1995 (06). 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, by reason of its size, position and detailed design, would preserve the character and appearance of the building and conservation area and would not result in a material loss of amenity to neighbouring occupiers. It is concluded that the development would be in accordance with the relevant policies of the Council's development plan, in particular Core Strategy policies CL1, CL2, CL3 and CL5 and 'saved' Unitary Development Plan policies CD44, CD45, CD47, CD48 and CD63.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/12/04713>. 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.