

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

**PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED**

**APP NO. PP/04/00081 /JW
AGENDA ITEM NO.**

ADDRESS/SUBJECT OF REPORT:

Norland Square
Mansions, 53
Norland Square,
London, W11 4PY

APPLICATION DATED 17/12/2003

APPLICATION REVISED

APPLICATION COMPLETE 12/01/2004

APPLICANT/AGENT ADDRESS:

Rolfe Judd
Planning,
Old Church Court,
Claylands Road,
The Oval, London
SW8 1NZ

CONS. AREA 2

CAPS Yes

ARTICLE '4' No

WARD NOB

LISTED BUILDING No

HBMC DIRECTION

CONSULTED **OBJ.**

SUPPORT **PET.**

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

**ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION**

**APP NO. PP/04/00081/MIND
PLANNING SERVICES COMMITTEE 02/03/2004
AGENDA ITEM NO. 14**

SITE ADDRESS

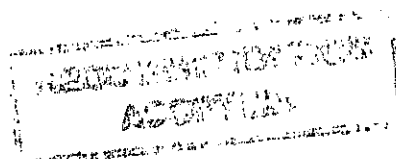
**Norland Square
Mansions, 53 Norland
Square, London, W11
4PY**

**APPLICATION 17/12/2003
DATED**

**APPLICATION 12/01/2004
COMPLETE**

APPLICANT/AGENT ADDRESS

**Rolfe Judd Planning,
Old Church Court,
Claylands Road, The Oval,
London
SW8 1NZ**



<u>LISTED</u>	No	<u>CONS.</u>	Norland	WARD	Norland
<u>BUILDING</u>		<u>AREA</u>			
<u>CAPS</u>	Yes	<u>ENGLISH</u>	N/A	ART '4'	No
		<u>HERITAGE</u>			
<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>		
43	7	0	0		

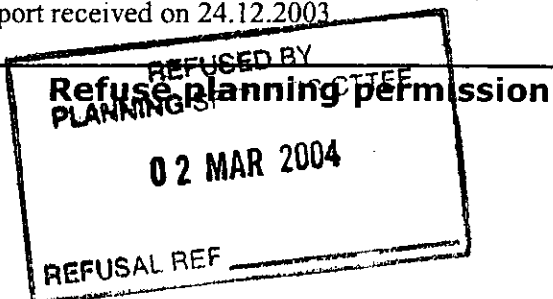
Applicant Charles Okin

PROPOSAL: Erection of roof extension to create self-contained flat with roof terrace and alterations to elevations to building.

RBK&C Drawing No(s): PP/04/00081

Applicant's Drawing No(s): NM001.P01.0S; NM001.P01.00; 01; 02; 03; 04; 05; 06; 07; 11; 12; 13; 14; 15; 16; 17; 18 and design report received on 24.12.2003

RECOMMENDED DECISION:

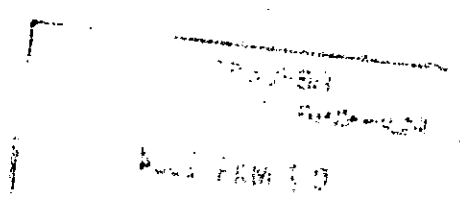


REASONS FOR REFUSAL

1. The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD44, CD45, CD46, CD57, CD61, CD62, TR9, TR36 and TR42.



1.0 THE SITE

- 1.1 Norland Square Mansions is a purpose built block of flats constructed in the 1930s and situated on the corner of Norland Square and Holland Park Avenue. The architect was Arthur Ash. The remainder of Norland Square was designed by the architect Robert Cantwell and laid out from 1837 onwards. It consists of traditional early Victorian terraced properties which have a high degree of uniformity especially with regard to the height.
- 1.2 The property itself is a 5 storey block of flats adjoining 2 mid nineteenth century stucco fronted terraces as described above. These terraces are listed grade 2 and are three storey with basement and attic. Although Norland Square Mansions is of a much later date compared with the rest of the Square there is a general consistency of roofline on the west side of the Square.

2.0 PROPOSAL

- 2.1 The proposal is for the erection of a roof extension to create a penthouse flat with roof terrace and external alterations to the building which are predominantly in the form of cosmetic restoration/alteration.

3.0 PLANNING HISTORY

- 3.1 The erection of an additional storey was refused in December 1973.
- 3.2 The erection of a roof addition to provide one penthouse flat was permitted in July 1974.
- 3.3 The erection of an additional storey was refused in December 1976. (ref TP/76/0938).
- 3.4 The construction of an additional storey to provide one penthouse flat and extension of one of the existing top floor flats was refused in May 1980 (ref TP/80/0441).
- 3.5 An appeal against this decision was dismissed in January 1981. The issues raised by this decision are still considered to be relevant and will be examined under the planning considerations section of the report.

4.0 PLANNING CONSIDERATIONS

- 4.1 The principal considerations would appear to be the effect of the proposal on the character and appearance of the Norland Square Conservation Area, highway and residential amenity considerations. The following policies are considered relevant to the determination of this application.

Policy CD27 (High standard of design).

Policy CD33 (To resist development which reduces sunlight and daylight).

Policy CD44 (To resist roof extensions and alterations subject to certain criteria).

Policy CD45 (To permit roof extensions and alterations subject to certain criteria).

Policy CD46 (To resist the introduction of roof terraces).

Policy CD57 (To preserve or enhance the character or appearance of each conservation area).

Policy CD61 (To ensure any development preserves and enhances the character or appearance in a conservation area).

Policy CD62 (To ensure development in a conservation area is to a high standard of design and compatible with certain criteria including character and roofscape).

Policy TR9 (Cycle facilities).

Policy TR42 (Off street parking).

Policy TR36 (Traffic and parking).

- 4.2 In terms of the design, the proposed rooftop flat is stepped off the frontage parapet by an average of 2.5 metres whilst to the rear a mansard roof is proposed which is sited immediately behind the existing parapet. The unit, which will have a flat roof is also stepped away from both flanks of the property and will have a timber terrace deck roof terrace overlooking Norland Square and the southern flank elevation adjacent to Holland Park Avenue. In terms of materials there will be an off white render finish to the walls and a new parapet on the frontage varying between 0.45m and 0.65m higher than existing.
- 4.3 In terms of the principle of an additional storey at this height the Norland Conservation Area Proposals statement points out that the sensitivity of roof lines to change varies according to the setting of the building in the streetscene. Some of the variables are the length of view available, whether the roof is hidden by the parapet and whether it is flat or pitched. In this case there is a general uniformity of height and therefore a sense of cohesion for the Square as a whole. Whilst Norland Square Mansions is a much later addition than the residential properties in the rest of the Square its height is comparable with the listed properties adjacent and within the Square as whole. Policy CD44 is restrictive and normally resists additional storeys on complete terraces or groups of buildings where the existing roofline is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design. In this case the mansion block is strictly not part of the terrace as there is a physical separation but it does form part of a group of buildings which comprise of the western side of Norland Square and its height reflects the uniformity within the Square. The character of the group of buildings has not been severely compromised and there would be no reuniting of the group by this extension. In terms of the mansion block itself it is

accepted that the design is not necessarily unsympathetic to the age and character of the building but it is considered that the proposal would be harmful to the unified character of the Square and the character and appearance of the conservation area. On this basis the proposal is considered contrary to Policies CD44, CD57, CD61 and CD62.

- 4.4 The additional floor would be noticeable from street level and other parts of the Square including views from Holland Park Avenue. The applicants have set the extension away from the parapet and the flanks of the block but it would still be noticeable within the Square and is considered to form an unfortunate juxtaposition with the adjacent mansard roofs of the listed terrace. The Council has taken a consistent approach in the past and refused permission for roof extensions on the block except for a decision in 1974. However, this permission considerably predates policies on roof extensions and it is understood that there were other financial and legal considerations which are no longer relevant. The Inspector in an appeal decision dated January 1981 against the refusal in 1980 of a mansard roof extension on the block noted that although the appeal property was of a much later date than the adjoining terraces they collectively appeared as a harmonious group of buildings and the general consistency of roofline along the west side of Norland Square was particularly evident. He noted that the relationship could be viewed from many vantage points in Norland Square Communal Gardens and Holland Park Avenue and that an additional storey, despite being set back on two sides, would seriously undermine this harmonious relationship. Despite the current proposal being set back from the frontage there would appear to be no compelling reason to come to a different conclusion to the Inspector in the 1981 appeal decision.

- 4.5 The applicants have stated that the roof extension would enable other repairs and enhancements to the mansion block. These would include larger brick piers to the entrance, new wrought iron planters, the rendered panel above the entrance being raised and the lighting of the entrance. Whilst some of these elements may be welcome it is considered that they are relatively minor and would not outweigh the harm to the character of the Square by the addition of a further storey.

Other improvements are reported as the black corner panels being painted white to balance the composition of the flank facade, a redesign of the groundfloor shopfront on Holland Park Avenue and the rear walls of the balcony recesses to be rendered white. Again these proposals are of a relatively minor nature and would not outweigh the harm of an additional storey. The applicants also consider the rooftop tank structure to detract from the building but this is centrally located and is considered to be a subservient feature. On this basis the proposal is considered to result in harm to the character and appearance of the conservation area which would not be outweighed by some cosmetic improvements.

4.6 With regard to residential amenity considerations, the roof terrace is not considered to result in an adverse loss of privacy as it will overlook communal gardens within the Square. The raising of the parapet is less welcome as it will again unbalance the general uniformity of height. On this basis the proposal is considered contrary to Policy CD46.

4.6 The Director of Transportation and Highways raises no objections to the proposal on the basis that the vacant garage shown on the plans is for the new flat and that convenient bicycle parking should be provided. It is considered that both of these matters could be the subject of suitable safeguarding conditions and on this basis the proposal is capable of complying with Policies TR9, TR36 and TR42.

5.0 **PUBLIC CONSULTATION**

5.1 The occupiers of 41 properties in Norland Square and Holland Park Avenue were consulted on the application including the occupiers of the flats.

5.2 To date there have been 7 objections from occupiers of the mansions and Horbury Crescent on grounds of the extension being detrimental to the original architectural composition of the building; noise and disturbance from construction works; the loss of the existing Art Deco lift; the possible loss of a bush at ground floor level; loss of sunlight/daylight; noise disturbance and the additional storey unbalancing the architectural composition of the Square.

5.3 Councillor Walker- Arnott supports the application on grounds that the improvements proposed by the applicant outweigh any principle against roof extensions. He also expresses the view that the structure would be barely visible from ground floor level.

5.4 In response, the noise and disturbance of building works including any temporary parking controls during construction works is addressed by other legislation. The lift is an internal feature and therefore not subject to planning control; the applicants have confirmed that the bush will remain and there would appear to be no material loss of sunlight or daylight to occupiers of the flats. A suitably worded safeguarding condition could also address sound insulation concerns.

5.5 With regard to the detrimental effect of the roof extension to the architectural composition of the mansion block it is accepted that the proposed external works and the addition would not necessarily be out of keeping with the existing design. However, the addition of a further storey is considered to be harmful to the architectural composition of the Square as a whole because of the current

uniformity in height. It is also not accepted that the proposal would not be noticeable from street level with views from upper floor levels also considered important. On this basis the proposal is unacceptable.

6.0 RECOMMENDATION

6.1 Permission be refused.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file PP/04/00081 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: JW
Report Approved By: MJF
Date Report Approved: 23.02.2004**

PSC03/04/JW.REP

**ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION**

PLANNING SERVICES COMMITTEE 1st March 2004

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the NORTH area.

PP/04/0094 All Saints Church, Clydesdale Road W11

Agenda A2 Further Objections

13 further letters of objection have been received from local residents since preparation of the Officer's Report to Committee, including one from the Maria Montessori Training Organisation.

The further objections cover two main areas of concern, namely health risks and fear of health risk from micro-wave radiation, and physical impact upon the character of the area. The objectors are concerned that the developers have not made the case that this is the best site for the equipment in the area following assessment of alternative locations. Many of the objectors show frustration at the Council not being able to give greater weight to the matter of possible health risk, and the concern is raised that local planning authorities have underestimated the weight that can be attached to fear of health risk as a potential reason for refusal.

A further 73 names have been included by petition, in addition to the 383 existing signatories, with the key statement in the prayer of the petition being:

"Although mobile phone masts have not been proven to be unsafe, they have also not been proven to be safe. The jury is still out. Our children would be the guinea pigs in this live experiment. Also many of our children's homes would be within the mast's radius and so would be exposed 24 hours a day to these emissions".

A number of parents have written stating they can see little alternative but to remove their children from the adjacent Montessori nursery if this application is granted.

It is understood that the applicants have considered other sites in the area, but that this one was concluded to be the most suitable for them. Fear of health risk is acknowledged as a material consideration, however the question remains as to whether fear alone is a sufficient reason in this case to justify a refusal of planning permission given statutory safeguards and also recommended Condition 4.

PP/04/0081 **Norland Square Mansions, 53 Norland Road W11 /**

Agenda 0081 **Further Objection**

One further objection has been received, raising concerns regarding noise disturbance from building works and general inconvenience that would result from building.

**ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION**

**APP NO. PP/04/00081/MIND
PLANNING SERVICES COMMITTEE 02/03/2004
AGENDA ITEM NO. 14**

SITE ADDRESS

**Norland Square
Mansions, 53 Norland
Square, London, W11
4PY**

**APPLICATION
DATED**

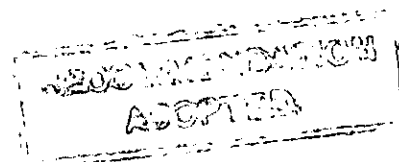
17/12/2003

**APPLICATION
COMPLETE**

12/01/2004

APPLICANT/AGENT ADDRESS

**Rolfe Judd Planning,
Old Church Court,
Claylands Road, The Oval,
London
SW8 1NZ**



**LISTED
BUILDING**

No

**CONS.
AREA**

Norland

WARD Norland

CAPS

Yes

**ENGLISH
HERITAGE**

N/A

ART '4' No

CONSULTED

43

OBJECTIONS

7

SUPPORT

0

PETITION

0

Applicant

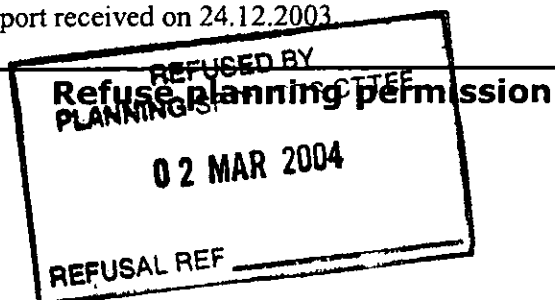
Charles Okin

PROPOSAL: Erection of roof extension to create self-contained flat with roof terrace and alterations to elevations to building.

RBK&C Drawing No(s): PP/04/00081

Applicant's Drawing No(s): NM001.P01.0S; NM001.P01.00; 01; 02; 03; 04; 05; 06; 07; 11; 12; 13; 14; 15; 16; 17; 18 and design report received on 24.12.2003.

RECOMMENDED DECISION:

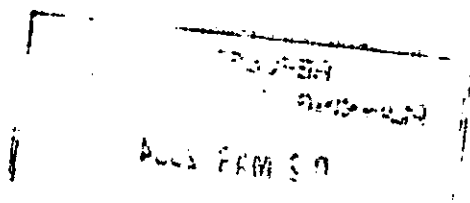


REASONS FOR REFUSAL

1. The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD44, CD45, CD46, CD57, CD61, CD62, TR9, TR36 and TR42.



1.0 THE SITE

- 1.1 Norland Square Mansions is a purpose built block of flats constructed in the 1930s and situated on the corner of Norland Square and Holland Park Avenue. The architect was Arthur Ash. The remainder of Norland Square was designed by the architect Robert Cantwell and laid out from 1837 onwards. It consists of traditional early Victorian terraced properties which have a high degree of uniformity especially with regard to the height.
- 1.2 The property itself is a 5 storey block of flats adjoining 2 mid nineteenth century stucco fronted terraces as described above. These terraces are listed grade 2 and are three storey with basement and attic. Although Norland Square Mansions is of a much later date compared with the rest of the Square there is a general consistency of roofline on the west side of the Square.

2.0 PROPOSAL

- 2.1 The proposal is for the erection of a roof extension to create a penthouse flat with roof terrace and external alterations to the building which are predominantly in the form of cosmetic restoration/alteration.

3.0 PLANNING HISTORY

- 3.1 The erection of an additional storey was refused in December 1973.
- 3.2 The erection of a roof addition to provide one penthouse flat was permitted in July 1974.
- 3.3 The erection of an additional storey was refused in December 1976. (ref TP/76/0938).
- 3.4 The construction of an additional storey to provide one penthouse flat and extension of one of the existing top floor flats was refused in May 1980 (ref TP/80/0441).
- 3.5 An appeal against this decision was dismissed in January 1981. The issues raised by this decision are still considered to be relevant and will be examined under the planning considerations section of the report.

4.0 PLANNING CONSIDERATIONS

- 4.1 The principal considerations would appear to be the effect of the proposal on the character and appearance of the Norland Square Conservation Area, highway and residential amenity considerations. The following policies are considered relevant to the determination of this application.

Policy CD27 (High standard of design).

Policy CD33 (To resist development which reduces sunlight and daylight).

Policy CD44 (To resist roof extensions and alterations subject to certain criteria).

Policy CD45 (To permit roof extensions and alterations subject to certain criteria).

Policy CD46 (To resist the introduction of roof terraces).

Policy CD57 (To preserve or enhance the character or appearance of each conservation area).

Policy CD61 (To ensure any development preserves and enhances the character or appearance in a conservation area).

Policy CD62 (To ensure development in a conservation area is to a high standard of design and compatible with certain criteria including character and roofscape).

Policy TR9 (Cycle facilities).

Policy TR42 (Off street parking).

Policy TR36 (Traffic and parking).

- 4.2 In terms of the design, the proposed rooftop flat is stepped off the frontage parapet by an average of 2.5 metres whilst to the rear a mansard roof is proposed which is sited immediately behind the existing parapet. The unit, which will have a flat roof is also stepped away from both flanks of the property and will have a timber terrace deck roof terrace overlooking Norland Square and the southern flank elevation adjacent to Holland Park Avenue. In terms of materials there will be an off white render finish to the walls and a new parapet on the frontage varying between 0.45m and 0.65m higher than existing.
- 4.3 In terms of the principle of an additional storey at this height the Norland Conservation Area Proposals statement points out that the sensitivity of roof lines to change varies according to the setting of the building in the streetscene. Some of the variables are the length of view available, whether the roof is hidden by the parapet and whether it is flat or pitched. In this case there is a general uniformity of height and therefore a sense of cohesion for the Square as a whole. Whilst Norland Square Mansions is a much later addition than the residential properties in the rest of the Square its height is comparable with the listed properties adjacent and within the Square as whole. Policy CD44 is restrictive and normally resists additional storeys on complete terraces or groups of buildings where the existing roofline is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design. In this case the mansion block is strictly not part of the terrace as there is a physical separation but it does form part of a group of buildings which comprise of the western side of Norland Square and its height reflects the uniformity within the Square. The character of the group of buildings has not been severely compromised and there would be no reuniting of the group by this extension. In terms of the mansion block itself it is

accepted that the design is not necessarily unsympathetic to the age and character of the building but it is considered that the proposal would be harmful to the unified character of the Square and the character and appearance of the conservation area. On this basis the proposal is considered contrary to Policies CD44, CD57, CD61 and CD62.

- 4.4 The additional floor would be noticeable from street level and other parts of the Square including views from Holland Park Avenue. The applicants have set the extension away from the parapet and the flanks of the block but it would still be noticeable within the Square and is considered to form an unfortunate juxtaposition with the adjacent mansard roofs of the listed terrace. The Council has taken a consistent approach in the past and refused permission for roof extensions on the block except for a decision in 1974. However, this permission considerably predates policies on roof extensions and it is understood that there were other financial and legal considerations which are no longer relevant. The Inspector in an appeal decision dated January 1981 against the refusal in 1980 of a mansard roof extension on the block noted that although the appeal property was of a much later date than the adjoining terraces they collectively appeared as a harmonious group of buildings and the general consistency of roofline along the west side of Norland Square was particularly evident. He noted that the relationship could be viewed from many vantage points in Norland Square Communal Gardens and Holland Park Avenue and that an additional storey, despite being set back on two sides, would seriously undermine this harmonious relationship. Despite the current proposal being set back from the frontage there would appear to be no compelling reason to come to a different conclusion to the Inspector in the 1981 appeal decision.
- 4.5 The applicants have stated that the roof extension would enable other repairs and enhancements to the mansion block. These would include larger brick piers to the entrance, new wrought iron planters, the rendered panel above the entrance being raised and the lighting of the entrance. Whilst some of these elements may be welcome it is considered that they are relatively minor and would not outweigh the harm to the character of the Square by the addition of a further storey.

Other improvements are reported as the black corner panels being painted white to balance the composition of the flank facade, a redesign of the groundfloor shopfront on Holland Park Avenue and the rear walls of the balcony recesses to be rendered white. Again these proposals are of a relatively minor nature and would not outweigh the harm of an additional storey. The applicants also consider the rooftop tank structure to detract from the building but this is centrally located and is considered to be a subservient feature. On this basis the proposal is considered to result in harm to the character and appearance of the conservation area which would not be outweighed by some cosmetic improvements.

- 4.6 With regard to residential amenity considerations, the roof terrace is not considered to result in an adverse loss of privacy as it will overlook communal gardens within the Square. The raising of the parapet is less welcome as it will again unbalance the general uniformity of height. On this basis the proposal is considered contrary to Policy CD46.
- 4.6 The Director of Transportation and Highways raises no objections to the proposal on the basis that the vacant garage shown on the plans is for the new flat and that convenient bicycle parking should be provided. It is considered that both of these matters could be the subject of suitable safeguarding conditions and on this basis the proposal is capable of complying with Policies TR9, TR36 and TR42.

5.0 PUBLIC CONSULTATION

- 5.1 The occupiers of 41 properties in Norland Square and Holland Park Avenue were consulted on the application including the occupiers of the flats.
- 5.2 To date there have been 7 objections from occupiers of the mansions and Horbury Crescent on grounds of the extension being detrimental to the original architectural composition of the building; noise and disturbance from construction works; the loss of the existing Art Deco lift; the possible loss of a bush at ground floor level; loss of sunlight/daylight; noise disturbance and the additional storey unbalancing the architectural composition of the Square.
- 5.3 Councillor Walker- Arnott supports the application on grounds that the improvements proposed by the applicant outweigh any principle against roof extensions. He also expresses the view that the structure would be barely visible from ground floor level.
- 5.4 In response, the noise and disturbance of building works including any temporary parking controls during construction works is addressed by other legislation. The lift is an internal feature and therefore not subject to planning control; the applicants have confirmed that the bush will remain and there would appear to be no material loss of sunlight or daylight to occupiers of the flats. A suitably worded safeguarding condition could also address sound insulation concerns.
- 5.5 With regard to the detrimental effect of the roof extension to the architectural composition of the mansion block it is accepted that the proposed external works and the addition would not necessarily be out of keeping with the existing design. However, the addition of a further storey is considered to be harmful to the architectural composition of the Square as a whole because of the current

uniformity in height. It is also not accepted that the proposal would not be noticeable from street level with views from upper floor levels also considered important. On this basis the proposal is unacceptable.

6.0 RECOMMENDATION

6.1 Permission be refused.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file PP/04/00081 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: JW
Report Approved By: MJF
Date Report Approved: 23.02.2004**

PSC03/04/JW.REP

ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION

APP NO. PP/04/00081/MIND
PLANNING SERVICES COMMITTEE 02/03/2004
AGENDA ITEM NO. 14

SITE ADDRESS

**Norland Square
Mansions, 53 Norland
Square, London, W11
4PY**

**APPLICATION
DATED**

17/12/2003

**APPLICATION
COMPLETE**

12/01/2004

APPLICANT/AGENT ADDRESS

**Rolfe Judd Planning,
Old Church Court,
Claylands Road, The Oval,
London
SW8 1NZ**

**LISTED
BUILDING**

No

**CONS.
AREA**

Norland

WARD Norland

CAPS

Yes

**ENGLISH
HERITAGE**

N/A

ART '4' No

CONSULTED

43

OBJECTIONS

7

SUPPORT

0

PETITION

0

Applicant

Charles Okin,

PROPOSAL: Erection of roof extension to create self-contained flat with roof terrace and alterations to elevations to building.

RBK&C Drawing No(s):PP/04/00081

Applicant's Drawing No(s): NM001.P01.0S; NM001.P01.00; 01; 02; 03; 04; 05; 06; 07; 11; 12; 13; 14; 15; 16; 17; 18 and design report received on 24.12.2003.

RECOMMENDED DECISION:

Refuse planning permission

REASONS FOR REFUSAL

1. The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD44, CD45, CD46, CD57, CD61, CD62, TR9, TR36 and TR42.

1.0 THE SITE

- 1.1 Norland Square Mansions is a purpose built block of flats constructed in the 1930s and situated on the corner of Norland Square and Holland Park Avenue. The architect was Arthur Ash. The remainder of Norland Square was designed by the architect Robert Cantwell and laid out from 1837 onwards. It consists of traditional early Victorian terraced properties which have a high degree of uniformity especially with regard to the height.
- 1.2 The property itself is a 5 storey block of flats adjoining 2 mid nineteenth century stucco fronted terraces as described above. These terraces are listed grade 2 and are three storey with basement and attic. Although Norland Square Mansions is of a much later date compared with the rest of the Square there is a general consistency of roofline on the west side of the Square.

2.0 PROPOSAL.

- 2.1 The proposal is for the erection of a roof extension to create a penthouse flat with roof terrace and external alterations to the building which are predominantly in the form of cosmetic restoration/alteration.

3.0 PLANNING HISTORY.

- 3.1 The erection of an additional storey was refused in December 1973.
- 3.2 The erection of a roof addition to provide one penthouse flat was permitted in July 1974.
- 3.3 The erection of an additional storey was refused in December 1976. (ref TP/76/0938).
- 3.4 The construction of an additional storey to provide one penthouse flat and extension of one of the existing top floor flats was refused in May 1980 (ref TP/80/0441).
- 3.5 An appeal against this decision was dismissed in January 1981. The issues raised by this decision are still considered to be relevant and will be examined under the planning considerations section of the report.

4.0 PLANNING CONSIDERATIONS.

- 4.1 The principal considerations would appear to be the effect of the proposal on the character and appearance of the Norland Square Conservation Area, highway and residential amenity considerations. The following policies are considered relevant to the determination of this application.

Policy CD27 (High standard of design).

Policy CD33 (To resist development which reduces sunlight and daylight).

Policy CD44 (To resist roof extensions and alterations subject to certain criteria).

Policy CD45 (To permit roof extensions and alterations subject to certain criteria).

Policy CD46 (To resist the introduction of roof terraces).

Policy CD57 (To preserve or enhance the character or appearance of each conservation area).

Policy CD61 (To ensure any development preserves and enhances the character or appearance in a conservation area).

Policy CD62 (To ensure development in a conservation area is to a high standard of design and compatible with certain criteria including character and roofscape).

Policy TR9 (Cycle facilities).

Policy TR42 (Off street parking).

Policy TR36 (Traffic and parking).

- 4.2 In terms of the design, the proposed rooftop flat is stepped off the frontage parapet by an average of 2.5 metres whilst to the rear a mansard roof is proposed which is sited immediately behind the existing parapet. The unit, which will have a flat roof is also stepped away from both flanks of the property and will have a timber terrace deck roof terrace overlooking Norland Square and the southern flank elevation adjacent to Holland Park Avenue. In terms of materials there will be an off white render finish to the walls and a new parapet on the frontage varying between 0.45m and 0.65m higher than existing.
- 4.3 In terms of the principle of an additional storey at this height the Norland Conservation Area Proposals statement points out that the sensitivity of roof lines to change varies according to the setting of the building in the streetscene. Some of the variables are the length of view available, whether the roof is hidden by the parapet and whether it is flat or pitched. In this case there is a general uniformity of height and therefore a sense of cohesion for the Square as a whole. Whilst Norland Square Mansions is a much later addition than the residential properties in the rest of the Square its height is comparable with the listed properties adjacent and within the Square as whole. Policy CD44 is restrictive and normally resists additional storeys on complete terraces or groups of buildings where the existing roofline is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design. In this case the mansion block is strictly not part of the terrace as there is a physical separation but it does form part of a group of buildings which comprise of the western side of Norland Square and its height reflects the uniformity within the Square. The character of the group of buildings has not been severely compromised and there would be no reuniting of the group by this extension. In terms of the mansion block itself it is accepted that the design is not necessarily unsympathetic to the

age and character of the building but it is considered that the proposal would be harmful to the unified character of the Square and the character and appearance of the conservation area. On this basis the proposal is considered contrary to Policies CD44, CD57, CD61 and CD62.

- 4.4 The additional floor would be noticeable from street level and other parts of the Square including views from Holland Park Avenue. The applicants have set the extension away from the parapet and the flanks of the block but it would still be noticeable within the Square and is considered to form an unfortunate juxtaposition with the adjacent mansard roofs of the listed terrace. The Council has taken a consistent approach in the past and refused permission for roof extensions on the block except for a decision in 1974. However, this permission considerably predates policies on roof extensions and it is understood that there were other financial and legal considerations which are no longer relevant. The Inspector in an appeal decision dated January 1981 against the refusal in 1980 of a mansard roof extension on the block noted that although the appeal property was of a much later date than the adjoining terraces they collectively appeared as a harmonious group of buildings and the general consistency of roofline along the west side of Norland Square was particularly evident. He noted that the relationship could be viewed from many vantage points in Norland Square Communal Gardens and Holland Park Avenue and that an additional storey, despite being set back on two sides, would seriously undermine this harmonious relationship. Despite the current proposal being set back from the frontage there would appear to be no compelling reason to come to a different conclusion to the Inspector in the 1981 appeal decision.
- 4.5 The applicants have stated that the roof extension would enable other repairs and enhancements to the mansion block. These would include larger brick piers to the entrance, new wrought iron planters, the rendered panel above the entrance being raised and the lighting of the entrance. Whilst some of these elements may be welcome it is considered that they are relatively minor and would not outweigh the harm to the character of the Square by the addition of a further storey.
- Other improvements are reported as the black corner panels being painted white to balance the composition of the flank facade, a redesign of the groundfloor shopfront on Holland Park Avenue and the rear walls of the balcony recesses to be rendered white. Again these proposals are of a relatively minor nature and would not outweigh the harm of an additional storey. The applicants also consider the rooftop tank structure to detract from the building but this is centrally located and is considered to be a subservient feature. On this basis the proposal is considered to result in harm to the character and appearance of the conservation area which would not be outweighed by some cosmetic improvements.

- 4.6 With regard to residential amenity considerations, the roof terrace is not considered to result in an adverse loss of privacy as it will overlook communal gardens within the Square. The raising of the parapet is less welcome as it will again unbalance the general uniformity of height. On this basis the proposal is considered contrary to Policy CD46.
- 4.6 The Director of Transportation and Highways raises no objections to the proposal on the basis that the vacant garage shown on the plans is for the new flat and that convenient bicycle parking should be provided. It is considered that both of these matters could be the subject of suitable safeguarding conditions and on this basis the proposal is capable of complying with Policies TR9, TR36 and TR42.

5.0 **PUBLIC CONSULTATION**

- 5.1 The occupiers of 41 properties in Norland Square and Holland Park Avenue were consulted on the application including the occupiers of the flats.
- 5.2 To date there have been 7 objections from occupiers of the mansions and Horbury Crescent on grounds of the extension being detrimental to the original architectural composition of the building; noise and disturbance from construction works; the loss of the existing Art Deco lift; the possible loss of a bush at ground floor level; loss of sunlight/daylight; noise disturbance and the additional storey unbalancing the architectural composition of the Square.
- 5.3 Councillor Walker- Arnott supports the application on grounds that the improvements proposed by the applicant outweigh any principle against roof extensions. He also expresses the view that the structure would be barely visible from ground floor level.
- 5.4 In response, the noise and disturbance of building works including any temporary parking controls during construction works is addressed by other legislation. The lift is an internal feature and therefore not subject to planning control; the applicants have confirmed that the bush will remain and there would appear to be no material loss of sunlight or daylight to occupiers of the flats. A suitably worded safeguarding condition could also address sound insulation concerns.
- 5.5 With regard to the detrimental effect of the roof extension to the architectural composition of the mansion block it is accepted that the proposed external works and the addition would not necessarily be out of keeping with the existing design. However, the addition of a further storey is considered to be harmful to the architectural composition of the Square as a whole because of the current uniformity in height. It is also not accepted that the proposal would not be noticeable from street level with views from upper floor

levels also considered important. On this basis the proposal is unacceptable.

6.0 **RECOMMENDATION.**

6.1 Permission be refused.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/04/00081 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: JW
Report Approved By: ~~DT~~/LAWJ
Date Report Approved: MJP

PSC03/04/JW.REP