

COMMITTEE REPORT

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

DELEGATED

APP NO. PP/03/00561/

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

RECOMMENDED DECISION: Refuse planning permission

I hereby determine and refuse this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

ADDRESS OF SITE:

13 Pembroke Place, London,
W8 6ET

APPLICATION DATED

06/03/2003

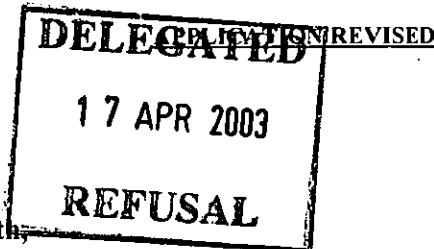
APPLICATION COMPLETE

07/03/2003

APPLICANT/AGENT ADDRESS:

Stuart Duffy Appleton Co. Ltd.,
11 Barmouth Road,
Wandsworth,
London,
SW18 2DT

APPLICANT: Mr. & Mrs. M. Winkworth



CONS AREA

Edwardes

Square/Scarsdale/

CAPS **Yes**

ART '4' **No**

WARD

Abingdon

LISTED BUILDING **No**

ENG. HERITAGE **N/A**

CONSULTED **6**

OBJ. **0**

SUP. **0**

PET. **0**

PROPOSAL: Formation of roof terrace above extended second floor level with access from glazed rooflight.

RBK&C Drawing No(s): PP/03/00561

Applicant's Drawing No(s) 02/998/16, 02/998/17A, photographs received 7 March 2003 and Location Plan

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REASONS FOR REFUSAL

1. Retention of the roof trellis will detract from the appearance and character of the host building and the Edwardes Square, Scarsdale and Abingdon Conservation Area. It is contrary to policies in the Unitary Development Plan particularly Policies CD25, CD38, CD39, CD44, CD52 and CD53.
2. Retention of the roof trellis would result in an unsympathetic development which in itself causes harm. A cumulative effect of a number of similar proposals would be detrimental to the character of the area. It is contrary to policies in the Unitary Development Plan particularly Policy CD44a.
3. Retention of the roof trellis encourages the use of the flat roof as a terrace and results in an intrusion into the privacy and amenity that nearby residents could reasonable expect to enjoy from their own private space. It is contrary to policies in the Unitary Development Plan particularly Policies CD30 and CD40.

INFORMATIVE(S)

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 CD25, CD30, CD38, CD39, CD40, CD44, CD44a, CD52 and CD53 (I51)

1.0 THE SITE

- 1.1 This property comprises a two storey end of terrace property with flat roof erected in the 1960s.
- 1.2 The property is not listed and lies within the Edwardes Square, Scarsdale and Abingdon Conservation Area.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The application seeks *formation of roof terrace above extended second floor level with access from glazed rooflight.*

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 21 November 2002 for *erection of ground floor rear extension and second floor extension in the form of an additional storey* under reference PP/02/2243.
- 3.2 Wooden trellises and roof terraces have been implemented around the flat roof areas of Nos. 8, 9 and 10 Pembroke Place. Enforcement cases were opened to investigate the above breaches of planning control under references E/01/2118, E/01/2219 and E/2220 respectively.
- 3.3 Further investigations revealed that the wooden trellises erected to the roofs of Nos. 8 and 10 Pembroke Place had been erected in 1995 and 1985 respectively. Both are, therefore, immune from enforcement action under the terms of S171B(1) of the Town and Country Planning Act 1990 (As Amended). The relevant enforcement cases were subsequently closed.
- 3.4 A planning application for *retention of roof trellis fence at front and rear of property* at 9 Pembroke Place was refused by the Council under delegated authority on 10 January 2003 under reference PP/02/02628 as it would detract from the character and appearance of the host building and the conservation area, could lead to a cumulative effect of a number of similar proposals which would be detrimental to the character of the area and would result in intrusion into the amenities of nearby residential properties.
- 3.6 An Enforcement Notice dated 12 March 2003 requiring the removal of the roof was issued on all those with an interest in the land at 9 Pembroke Place, London W8. To date, no appeals have been lodged in respect of either the refusal of planning permission or the issue of the enforcement notice by the Council.

4.0 PLANNING CONSIDERATIONS

- 4.1 The two issues for consideration in this application relate to the effect of the roof trellis on the;
 - character and appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area; and
 - amenities of nearby residential properties.

4.2 The relevant Unitary Development Plan policies for consideration are as follows:

- CD25 (Standards of Design)
- CD30 (Privacy)
- CD38 (Alterations and Extensions to Buildings)
- CD39 (Alterations and Extensions to Buildings)
- CD40 (Roof Terraces)
- CD44 (Other Alterations)
- CD44a (Other Alterations)
- CD52 (Development in Conservation Areas)
- CD53 (Development in Conservation Areas)

4.3 Character and Appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area

Notwithstanding the existence of lawful roof trellises to neighbouring properties, the roof trellis would neither preserve or enhance the character and appearance of the host building or the surrounding area. It would be an incongruous structure that would be out of place on this property and on the terrace as a whole. It would add greater height to the property and distort the proportions of the building as a whole and increase the dominance of this property on the terrace.

4.4 In addition, it would encourage similar developments which would have a detrimental cumulative effect on the character of the area.

4.5 In the circumstances, the proposal is not considered to comply with policies CD25, CD38, CD39, CD44, CD44a, CD52 and CD53 of the Unitary Development Plan.

4.6 Amenities of nearby residential properties

Notwithstanding the existence of lawful roof trellises to neighbouring properties, a terrace on the flat roofed area of the application site would result in overlooking from the property to St Barnabas and St Philip (Church of England) Primary School and garden areas and rear windows of 34–48 Earl's Court Road.

4.8 In the circumstances, the proposal is not considered to comply with policies CD30 and CD40 of the Unitary Development Plan.

5.0 PUBLIC CONSULTATIONS

5.1 Letters of notification were sent to 8 properties in Pembroke Place and Earls Court Road. To date, no responses have been received.

6.0 CONCLUSION

6.1 Notwithstanding the existence of lawful roof trellises to neighbouring properties, the roof trellis is not considered to be compatible with the character, style and roofscape of the surrounding area. It is not considered to preserve or enhance the character of the Conservation Area and is considered detrimental to the amenities of nearby educational and residential properties.

6.2 Retention of the roof trellis is, therefore, considered to be contrary to Policies CD25, CD30, CD38, CD39, CD40, CD44, CD44a, CD52 and CD53 of the Royal Borough of Kensington and Chelsea Unitary Development Plan.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/03/00561 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: JM
Report Approved By: PK/LAWJ
Date Report Approved: