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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

14/05/96

APPLICATION NO.
TP/96/0120/K/03

AGENDA ITEM
4159

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Application dated 06/12/95

Lloyd Christie,
1 New Kings Road,
London SW6 4SB

RECOMMENDATION
ADOPTED.

Revised

Completed

15/01/96

Polling Ward

UA51

ON BEHALF OF : MacLew Ltd.
INTEREST : Not known

District Plan Proposals Map:

Cons.Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
14A	NO	NO	NO	N/A	14	1

RECOMMENDED DECISION :-

REFUSE planning permission for the erection of a conservatory in the light well between properties to form additional public spaces at ground floor level accessible from ground floor of Cadogan Gardens.

At: 7-13 CADOGAN GARDENS AND 164-170 PAVILION ROAD, CHELSEA, S.W.3

As shown on submitted drawing(s) No(s): TP/96/0120

Applicant's drawing(s) No(s) : T/1424/06A and 07

PLANNING SERVICES CTTEE
MAY 14 1996
REFUSAL REF.....

REASON FOR REFUSAL

The proposed conservatory is considered to be visually intrusive by reason of its bulk, size and materials, it would result in the loss of the original elevation, and introduce a large horizontal element to the rear of these buildings which conflicts with the existing rhythm and plot division of these properties; it is therefore considered the proposal fails to preserve and does not enhance the character or appearance of the Hans Town Conservation Area, and therefore conflicts with the Council's policies as expressed in the adopted Unitary Development Plan in particular Policies CD42, CD47, CD52 and CD53.

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1.0 THE SITE

- 1.1 The application site comprises the space between the rear of numbers 7, 9, 11 and 13 Cadogan Gardens and the rear of 164-170 Pavilion Road. The area is mostly rear courtyard, however, two sections have been built over with extensions to a height of two storeys.
- 1.2 The application premises are situated within the Hans Town Conservation Area, and the authorised planning use is "residential (serviced) chambers".

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to construct a conservatory measuring 4.5 metres wide by 21 metres long, (94.5 sq. metre floor area) at ground floor level within the light well, for what is described as the continued use as part of hotel.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Re: 7-13 Cadogan Gardens:- The most recent entry on the Statutory Register regarding these properties is the entry dated 10 November 1988 when an application for an Established Use Certificate was refused for "Hotel Use Without The Facilities of Permanent Restaurant and Bar". This was stated to be not granted as the then present use was established as residential (serviced) chambers derived from planning permission of 25th September 1954."
- 3.2 Re: 164 - 170 Pavilion Road:- Planning applications were made for internal and elevational alterations to provide ancillary accommodation to 7-13 Cadogan Gardens twice in 1981 and then again in 1987. All three applications were withdrawn by the applicants before determination.
- 3.3 The use of these premises is currently the subject of an enforcement investigation to determine whether or not a material change of use has taken place from residential chambers to an hotel.

4.0 PLANNING CONSIDERATIONS

- 4.1 Numbers 7-13 Cadogan Gardens is shown by the Council's records to be a "sui generis" use and not within Use Class C1 (Hotels) of the Town and Country Planning Use Classes Order 1987. One of the characteristics distinguishing these units from an hotel operation is the lack of communal space commonly found within an hotel use, i.e. restaurant dining rooms or bar facilities. Planning Permission is sought to erect a large conservatory providing approximately 94.5 square metres of floor area. The conservatory as proposed at raised ground floor level is

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considered to conflict with the Unitary Development Plan policies which aim to ensure developments within conservation areas preserve or enhance their character or appearance. It is also considered that the additional space will facilitate the unauthorised use of these properties as an hotel.

- 4.2 The Unitary Development Plan Policies which are considered relevant to this application are: CD42 against which proposals for conservatories are assessed, CD47 which seeks to ensure the character of mews are preserved, and CD52, which aims to ensure development within conservation areas preserves or enhances their character or appearance, and CD53 which provides the criteria against which such development is judged.
- 4.3 The architectural style of the application premises is that of a red brick, "Queen Ann Gothic Revival". The properties are part of a small terrace numbering eight dwellings. The visual appearance of their rear elevations are quieter and simpler, built of stock brick.
- 4.4 Despite two infills at basement and ground floor level, the visual separation, which distinguishes between the main houses and their respective mews building to the rear has to date been maintained. The relationship between the Cadogan Gardens properties and the mews buildings to the rear is considered to make an important contribution to the character of the area.
- 4.5 Mews properties are considered an integral part of the nineteenth century pattern of development of this area of London. ~~Their origin as stable blocks for large houses means that they are generally of modest design, with a distinct character based on their consistency, simplicity and unity.~~
- 4.6 The current proposal is considered to destroy the relationship and therefore conflict with Policy CD47 which states:

"To ensure that the character of mews properties is preserved or enhanced and to resist inappropriate alterations and extensions."
- 4.7 The conservatory will completely enclose the gap between these buildings. The rear elevations of the buildings on both sides would be almost completely lost at the elevation proposed, and thus conflict with this policy.

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4.8 Policy CD42 specifically regards proposals to build conservatories. The Policy states:

"Normally to resist proposals for conservatories if:

- (a) Located in front of the property;
- (b) Located at roof level;
- (c) Located significantly above garden level;
- (d) Covering the whole width of the property;
- (e) Of a size or design which is unsympathetic to the existing building;
- (f) Located on a corner site;
- (g) Intruding on an important gap;
- (h) Likely to increase significantly overlooking of neighbouring properties and gardens."

4.9 There is a difference in ground levels between that at the front of the premises and that to the rear which results in the ground level at front being first floor level at the rear. The conservatory is proposed at first floor level when viewed from the rear. The conservatory is considered to be proposed significantly above ground level at approximately 3.5 metres above the rear ground level. It is therefore considered to conflict with part (c) of Policy CD42. Part (d) of the policy aims to resist full width conservatories, whereas the proposal spans the full width of two buildings, numbers 9 and 11, and then, in addition, approximately half the width of numbers 7 and 13. Part (d) is therefore also considered to be contravened. The size of that proposed is considered to be completely out of scale and therefore unsympathetic to the existing buildings, (part (e)). The proposed conservatory measures about 21 metres long, has floor to ridge height of somewhere between 4.5 and 5 metres with the glazed roof hipped at each. The ground to ridge height is in the region of 8 metres. In this respect the development is considered to fail to meet the design criteria applicable to development proposals within conservation areas, Policy CD53, which states:

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4.10 "To ensure that all development in conservation areas is to a high standard of design and is compatible with:

- (a) Character, scale and pattern;
- (b) Bulk and height;
- (c) Proportion and rhythm;
- (d) Roofscape;
- (e) Materials;
- (f) Landscaping and boundary treatment;

of surrounding development."

4.11 At 21 metres in length the conservatory is considered to be out of character, scale and pattern with the development in this location, (part (a) CD53). The proposal is also considered excessive in its bulk and height (part b), and the proportion and rhythm of the existing dwellings, which is characterised by a succession of bay windows and solid brick recessed voids which will be hidden behind its mass, thus conflicting with CD53 at part (c).

4.12 In conclusion: the proposal is considered to be intrusive and harmful to the residential character of the Hans Town Conservation Area by reason of its bulk and size, and would, if built, introduce a large horizontal architectural element to the rear of these buildings which conflicts with the existing rhythm and plot division of the properties. The proposal is therefore considered neither to preserve or enhance the character or appearance of the Conservation Area.

4.13 English Heritage write to state they make no representation.

4.14 Turning to the hotel use, the conclusion of evidence submitted for the Established Use Certificate dated 10th November 1988, in summary states:

"Numbers 7 to 13 were inspected on the 4th February 1988, and seen to be largely as seen at the earlier inspection in 1976 (apart from No. 7 not then inspected). The Basement is a service area, in particular a kitchen with "Original" tray rack, one for each room, used for the service of breakfast to the rooms. The ground floor has a managers' office and communal lounge, but no dining room exists for guests. There is a guest book available for examination ... The use of the premises appears to fall between ordinary residential and hotel accommodation, and if anything it could be said to be more akin to the latter. However, it is clear that when planning permission was granted for "residential chambers" (serviced chambers) in 1954 and from the condition attached to that decision, that the use was not hotel."

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4.14 Provision of this extra facility providing approximately 94.5 sq.m. of additional floor space could erode the distinction between the authorised planning use and an hotel use, by providing space for communal facilities such as lounge or dining area.

4.15 Paragraph 1.1 of Chapter 10 of the adopted Unitary Development Plan:

"recognises that hotels are a major source of employment in the Borough and ... provide facilities for visitors and tourists and in turn can generate high levels of expenditure in local shops, restaurants and on local services."

However, paragraph 3.1 states:

"Kensington and Chelsea is primarily a residential area. The residential character of the Borough is supported by commercial activity such as shopping, businesses, services and industry. However, whilst recognising the importance of commercial activities, the Council believes that the maintenance of the historic and social identity of the Borough and the retention and enhancement of its residential amenity must take priority over the needs of commercial interests such as hotels."

4.16 The UDP Policies therefore aim to resist new hotels (T1), and allow extensions to existing hotels where there is no loss of permanent residential accommodation, or adverse effect on residential amenity or adverse effect on the environment resulting from vehicular traffic.

4.17 Policy T1 reads: "To resist the development of new hotels."

Policy T2:

"To allow extensions to existing hotels unless there would be:

- (a) any loss of permanent residential accommodation, including hotels' staff accommodation; or
- (b) any significant adverse effect on the quiet and amenity enjoyed by local residents by reason of activity and noise; or
- (c) any significant adverse effect on the environment and safety of neighbouring areas and roads resulting from vehicular or pedestrian movement or parking generated by the development."

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5.0 PUBLIC CONSULTATION

5.1 An occupant of number 3 & 5 Cadogan Gardens has written to object stating the wording in the development description is considered misleading as in the opinion of the writer what is referred to as a lightwell is considered a garden, which at the moment provides uninterrupted light to her property. Objection is made on the grounds that the development will result in a loss of light and to be detrimental to the appearance.

6.0 RECOMMENDATION

6.1 Refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/96/0120 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: GA
REPORT APPROVED BY: BC/AD
DATE REPORT APPROVED: 25/04/96

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