

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

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APP NO. PP/99/01114/CUSE/41
PLANNING SERVICES COMMITTEE 04/11/1999 AGENDA ITEM NO. 166

ADDRESS

17 Uxbridge Street, London,
W8 7TQ

APPLICATION DATED 24/05/1999

APPROVED BY
PLANNING SERVICES CTTEE

04 NOV 1999

APPLICATION COMPLETE 02/06/1999

APPLICATION REVISED 19/08/1999,
08/10/1999 &
14/10/1999

CONSENT REF.....

RECOMMENDATION
ADOPTED.

APPLICANT/AGENT ADDRESS: CONSERVATION AREA Kensington CAPS Yes

Alex Michaelis
Associates,
Unit B,
97-101 Wilsham
Street,
London,
W11 4AU

ARTICLE '4' No WARD Campden

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 30

OBJECTIONS 1

SUPPORT 0

PETITION 0

CONSENT REF.....
04 NOV 1999
PLANNING SERVICES CTTEE

Applicant Mr. Alex Cox

PROPOSAL:

Change of use from ground floor shop to residential to form part of a single family dwelling house, alterations to front and rear elevations, rear infill basement extension, ground floor balcony and insertion of roof lights.

RBK&C Drawing No(s): PP/99/01114, PP/99/01114/A, PP/99/01114/B
Applicant's Drawing No(s): AMA/1201/E, AMA/1202/E, AMA/1211/P/B,
AMA/1212/P/B, AMA/1213/P/B, AMA/1214/P/A and
photographs

RECOMMENDED DECISION: Grant planning permission

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CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of five 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 be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (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. **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) the details for the front door
 - (b) the details of the rooflights
 - (c) the material to be used for the windows and French doors. (C011)*Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory. (R011)*
4. **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 ensure a satisfactory standard of external appearance. (R071)
5. **The railings to the roof terrace hereby permitted shall be painted black, and so maintained. (C082)**
Reason - To safeguard the appearance of the building/street. (R082)
6. **The rooflight hereby permitted shall be of a traditional conservation type. (C083)**
Reason - To safeguard the appearance of the building/street. (R083)

INFORMATIVES

1. I10
2. I21
3. I22

- 4. I30
- 5. I31



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1.0 THE SITE

- 1.1 No. 17 Uxbridge Street is a mid-terraced two storey property, plus basement, situated on the North side of Uxbridge Street opposite the junctions with Callcott Street and Farm Place.
- 1.2 The property is currently empty and was last in use as self-contained Class A1 shop unit on the ground floor front, with residential accommodation to rear ground floor, basement and upper first floor.
- 1.3 The property is not listed, but is located within the Kensington Conservation Area.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The proposal is to change the use of the existing ground floor shop to residential and return the property to a single family dwelling house. This will result in the loss of approximately 11 sq metres of retail floor space.
- 2.2 To the rear of the property at basement level, it is proposed to infill an existing small yard, which has a depth of approximately 3.2 metres and is approximately 4.3 metres wide, to provide a conservatory/dining area with balcony above at ground floor level. The balcony, at ground floor level, will be enclosed by 1.1 metre high metal railings and will project approximately one metre from the main rear elevation. To allow access onto the balcony it is proposed to remodel an existing rear ground floor window opening to form new french doors with segmented brick arch detail above. The original application included a roof terrace, with the loss of an original 'butterfly' roof. The scheme has been amended to omit the roof terrace which was considered to be unsuitable for the architectural style of the roof because the properties in the terrace remain unaltered with 'butterfly' roofs.
- 2.3 Further alterations are proposed to the front elevation of the property which consists of removing an existing ground floor shopfront and rebuilding the opening with a traditional residential frontage. This will include new tripartite windows with external railings that will enclose the front basement lightwell. Two existing front doors to the shop and residential accommodation, will be replaced by one single entrance door.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this property.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration relate to the Council's overall aim to maintain and enhance the character and function of the Borough as a residential area and the loss of the ground floor shop unit in the context of the Council's shopping policies, its impact

on the street scene and that part of the Conservation Area. The proposal must also be assessed with regard to the loss of amenity space as a result of infilling the rear yard for the proposed rear extension, its impact upon the building, the rear terrace and the character and appearance of the Conservation Area. Finally, consideration must also be given to any likely impact upon existing levels of amenity by virtue of loss of daylight and any increased sense of enclosure or overlooking.

4.2 The relevant policies of the Unitary Development Plan are:

- STRAT 2 (increase in the Borough's residential stock)
- STRAT 13 and 14 (to increase and maximise the Borough's residential stock)
- CD 28 (light)
- CD 41 (rear extensions)
- CD 44 (external appearance of the building or surrounding area)
- CD 52 and CD 53 (standards of design in Conservation Areas)
- H2 (development of buildings for residential use)
- H3 (reinstate to residential accommodation where in another use)
- LR14 (amenity space of new family housing)
- S1 (to resist the loss of shop units and floorspace)

4.3 The property is located in a mainly residential location within close proximity to Notting Hill Gate Principal Shopping Centre. Policy S1 of the Unitary Development Plan seek to resist the loss of a shop unit and retail floorspace. Therefore, the loss of a shop unit as proposed by this application is contrary to the Council's policy. However, in this particular case an exception is considered appropriate given the small amount of retail floorspace that would be lost (11 sq metres) as a result of the change of use. Furthermore, the premises are outside the designated shopping centre, Notting Hill Gate, which offers a variety of shops and services in this locality. The applicant has confirmed that the property has been empty for two years and was last used as a shop with the owner living in the remainder of the premises. Therefore, in this instance the loss of the shop unit is considered to be acceptable.

4.4 In respect of the Council's housing policies, the desirability of provision of additional residential units within the Borough is acknowledged by STRAT 2, STRAT 13 and STRAT 14 of the Unitary Development Plan, in line with Strategic Planning Guidance for London. Furthermore, the principle of the conversion of the property for residential use is supported by Policies H2 and H3 of the Unitary Development Plan, which seeks to encourage the provision of additional residential units within the Borough and where possible, revert the property back to its original uses as a single family dwelling house.

4.5 The proposal also complies with the Council's planning standards with regard to ~~internal space standards and is not considered to result in any additional parking stress.~~

4.6 With regard to the proposed rear basement extension, this is considered to be acceptable in principle given that the basement yard is secluded and overshadowed by a 6.2 metre high party wall with No. 15 Uxbridge Street, the rear party wall is approximately 2.8 metres high and the party wall with No. 19 Uxbridge Street is

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approximately 2.6 metres high. While, Policy CD41(b) seeks to retain garden space of amenity value, it is not considered that the rear basement yard constitutes valuable amenity space, and therefore, the principle of infilling the rear yard is considered to be acceptable. It should be noted that the adjoining properties to the rear of the terrace exhibit a variety of infill developments. The neighbouring property No. 19 Uxbridge Street, also exhibits a terrace at ground floor level.

- 4.7 The application has been revised to omit a roof terrace and the amended scheme includes the insertion of four velux rooflights in the roof slope of the 'butterfly' roof. This is considered to be acceptable and will not be visible from the surrounding area. However, it is recommended that a condition be imposed that the rooflights are 'conservation' style.
- 4.8 The elevational alterations to the front of the property include the removal of existing ground floor shopfront and rebuilding the opening with a traditional residential frontage in keeping with the terrace. To the rear of the building, fenestration alterations include new french doors to the proposed balcony, at ground floor level. It is considered that the proposed alterations to the front and rear elevations, provide an opportunity to restore much of the original proportion, rhythm and scale, and will maintain the vertical emphasis, which is welcomed.
- 4.9 The Design Officer raises no objection to the loss of the shopfront and considers that the proposal will enhance the character and appearance of the building, the terrace and Conservation Area in which it is located, in accordance with Policies CD41, CD44, CD52, and CD53 of the Unitary Development Plan
- 4.10 The proposal should also be assessed with regard to any loss of amenity to the neighbouring property No. 19 Uxbridge Street. The proposed balcony at rear ground floor level has been amended from a full width balcony, to be set in approximately 700 mm from the boundary wall and the ground floor terrace to No. 19 Uxbridge Street. This is considered to be acceptable and would not result in any loss of amenity in terms of overlooking of the neighbouring property.

5.0 PUBLIC CONSULTATION

- 5.1 The Council notified thirty neighbouring properties of the proposed development in Uxbridge Street, Callcott Street, Notting Hill Gate and Farm Place. To date there has been one letter of objection to the proposal.
- 5.2 A letter of objection has been received from the occupier of No. 19 Uxbridge Street, who raises concerns with regard to the loss of privacy as a result of the proposed balcony and the loss of the back garden.

In response to these concerns, the proposal has been amended to reduce the width of the balcony. It is not considered that the balcony would result in any significant increase in overlooking of the neighbouring property, which already has an existing terrace at this level. With regard to the loss of the rear yard, given its size, and its heavily overshadowed location at basement level, it is not considered to provide

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valuable amenity space. Furthermore, the majority of rear yards in the terrace have been infilled and in this instance it would be difficult to resist enclosure of the rear yard at No. 17. Therefore, its loss is considered acceptable with reference to Policy CD41(b).

6.0 RECOMMENDATION

6.1 Grant Planning Permission.

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

List of Background Papers:

The contents of file PP/99/01114 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: MK
Report Approved By: SW/LAWJ
Date Report Approved: 18/10/1999**

PSC.99.11.MK.REP