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

Date: 23/06/2004

DELEGATED

APP NO. PP/04/00941/CHSE

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

Handwritten signature of the Head of Development Control

23/6/04

ADDRESS OF SITE:
**6 Queensdale Road, London,
W11 4QD**

APPLICATION DATED 26/04/2004

APPLICATION COMPLETE 28/04/2004

APPLICANT/AGENT ADDRESS:
S. & I. Parry,
6 Queensdale Road,
London,
W11 4QD

APPLICATION REVISED

APPLICANT: S. & I. Parry,

CONS AREA Norland CAPS Yes

ART '4' No 23 JUN 2004 Norland

DELEGATED
23 JUN 2004
REFUSAL

LISTED BUILDING NO

ENG. HERITAGE

CONSULTED 14

OBJ. 1

SUP. 0

PET. 0

PROPOSAL: Replacement of one section of trellis style fencing with raised section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of property.

RBK&C Drawing No(s): PP/04/00941

Applicant's Drawing No(s) SB1 plus photograph

REASONS FOR REFUSAL

1. The proposed section of raised, solid boundary fence would depart from the general height and lightweight see through nature of boundary fencing in the vicinity, resulting in an incremental increase in sense of enclosure to neighbouring property. As such, it is considered that the proposed development would be contrary to Policies of the Unitary Development Plan, in particular CD27, CD36, and CD51.

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 CD27, CD33, CD35, CD36, CD50, CD51, CD61 and CD62 (I51)

1.0 SITE DESCRIPTION

- 1.1 The application property is a terraced residential house comprising a basement, ground and two upper floors, located towards the eastern end of Queensdale Road. The property is within the Norland Conservation Area, but is not Listed.

2.0 PROPOSAL

- 2.1 It is proposed to add 600mm to the height of one section of boundary fence near to the rear extension. The present boundary fence with no.4 comprises a brick wall with trellis attached to the top, and it is proposed to replace just one of these 1.8m length sections with a close boarded solid section of fence to the higher level.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 18th September 1997 for the construction of a stock brick rear extension, in the same position and of the same dimensions as that now proposed although of completely solid brick form rather than of the conservatory type such as that now proposed. This permission was not implemented, and expired on 17th September 2002.
- 3.2 An application for a Certificate of Lawful Existing Development was withdrawn in July 2003, in relation to the 1997 planning permission, after the applicants were advised that although works had been undertaken these did not amount to an implementation of the development for which planning permission had been granted.
- 3.3 Planning permission was granted on (ref. PP/04/0560) for construction of a rear extension at rear first floor level on the East side of the property and above the existing rear extension adjacent to the boundary with no.4.

4.0 PLANNING CONSIDERATIONS

- 4.1 The proposals must be considered as to their impact upon the character and appearance of the property, the terrace and Conservation Area of which it forms part, and upon the existing levels of amenity enjoyed by residents of neighbouring property. The relevant planning policies are contained within the "Conservation and Development" chapter of the Unitary Development Plan, and the Proposed Alterations to the Plan, with policies CD27, CD33, CD35, CD36, CD50, CD51, CD61 and CD62 being of particular relevance.
- 4.2 The existing boundary to this and other nearby properties comprise trellis fence

above brick wall, often covered with vegetation, some of this (including much of the boundary to no.6) being quite dense. It is considered that trellis fence is very much part of the character of the area, and there is not considered to be any difficulty in planning terms with the principle of trellis in this vicinity.

- 4.3 There are, however, considered to be concerns relating to the height of the proposed fence, and its' solidity.
- 4.4 The existing height of boundary fence between no.4 and 6 is fairly consistent around their boundaries, but the increased height, at some 600mm higher than the existing, would take the boundary between no.4 and 6 beyond this local 'norm'. Similarly, the introduction of a solid section (i.e not see through lattice work) would also depart from this 'norm' in the immediate vicinity. However, simply departing from a 'norm' is not generally enough to raise a planning objection; some harm would need to result to constitute a material concern.
- 4.5 There is often a struggle to find a suitable compromise between privacy, sense of enclosure, and visual amenity in the context of boundary walls or fencing between properties. The applicants in this case have sought the increase in the height and solidity of their boundary in order to increase their privacy, in particular to reduce views from the nearby metal stairs and platform descending to the garden at no.4. In turn, this would increase the already hemmed in feel within the garden to no.4, affecting enjoyment of that garden. To some extent the low level of garden at no.4 combined with the trellis they themselves have erected contributes to a fairly enclosed feel already in the garden of no.4. And to some extent the garden to no.6 is already overlooked more from upper level windows than any degree of overlooking that could be obtained *through* the existing trellis fence on the boundary wall. It is all a matter of trying to find a reasonable balance.
- 4.6 Sense of enclosure is not measurable mathematically along the lines of daylight, but requires assessment on site and is in many ways a matter of perception but set in the context of 'reasonableness'. It is considered that the proposed raised, solid, section of boundary fence would, by a matter of fact and degree, add a further element to the boundary that would increase the sense of enclosure to the garden of no.4, and also to their rear ground floor internal floorspace as the higher panel would restrict some of the existing views out at that level. It is concluded that the marginal increase in privacy to the garden of no.6 would be outweighed by the incremental increase in enclosure that would result to the rear of no.4.

5.0 CONSULTATION

- 5.1 Thirteen letters of notification were sent to adjacent and nearby properties in Queensdale Road and Princedale Road, and a Site Notice posted. One objection has been received from the neighbours at no. 4 Queensdale Road, who are concerned at the impact of the raised section of trellis upon the amenity of their own property.

6.0 **RECOMMENDATION**

6.1 Refuse planning permission

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/04/00941 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: DT
Report Approved By: LAWJ
Date Report Approved:

Lawes
23/6/04.