

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. PP/00/02875/ CHSE

MEMBERS' PANEL

ADDRESS

Flat 6, 12 Cadogan Gardens,
London, SW3 2RS

APPLICATION DATED 08/12/2000

APPLICATION COMPLETE 15/12/2000

APPLICANT/AGENT ADDRESS:

Mr. Charlie Biss,
BB Partnership,
17 Remington
Street,
London, N1 8DH

CONSERVATION AREA Hans Town CAPS No

ARTICLE '4' No WARD Royal Hospital

LISTED BUILDING II

HBMC DIRECTION N/A

CONSULTED 14 OBJECTIONS 3

SUPPORT 0 PETITION 0

Applicant Mr. Roger Masfield,

PROPOSAL:

Erection of a roof terrace at rear roof level

RBK&C Drawing No(s): PP/00/02875

Applicant's Drawing No(s): CVN.01, CVN.02, CVN.03, CVN.11 and CVN.12

DELEGATED
08 FEB 2001
REFUSAL

RECOMMENDED DECISION: Refuse planning permission

DELEGATED
08 FEB 2001
DELEGATED

REASONS FOR REFUSAL

The proposed roof terrace by virtue of its prominent position, together with the loss of an original roof form within the terrace would result in significant harm to the appearance of the group, and would thereby harm the character and appearance of the Conversation Area, contrary to the Council's policies as set out in the Unitary Development Plan and the Plan as proposed to be modified, in particular Policies CD25, CD30, CD28, CD40, CD44, CD52, CD53 and CD58.

INFORMATIVE(S)

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, CD28, CD30, CD38, CD39, CD40, CD44, CD44a, CD52, CD53, CD57 and CD58.(I51)

1.0 THE SITE

- 1.1 No. 12 Cadogan Gardens is a 4 storey plus basement terraced house set on the Northern terrace of Cadogan Gardens, but with a rear elevation onto the communal gardens. Flat 6 is the top flat.
- 1.2 The property is Listed Grade II and is located within the Hans Town Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a roof terrace at top floor level, accessed from within flat 6 by French doors. This would involve the demolition of an existing pitched roof at the rear of the building. The terrace would be enclosed by an existing parapet.

3.0 PLANNING HISTORY

- 3.1 Planning permission was granted on 15th March 1965 for the conversion of the basement and ground floor to a maisonette and two flats.
- 3.2 Planning permission was granted 8th October 1981 for the removal of a pitched roof, provision of a patio and enlargement of a rear window.
- 3.3 Listed building consent was granted on 3rd September 1985 for internal alterations to flat 4.
- 3.4 Planning permission was granted on 20th February 1987 for the erection of a small conservatory at rear roof level.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the prominent position of the proposed terrace and its effect on the appearance of the group of buildings and upon the character and appearance of the Conservation Area, together with the loss of original fabric of the listed building, together with the effect of the proposal on levels of amenity enjoyed by the occupiers of neighbouring properties.
- 4.2 The relevant policies are included within the 'Conservation and Development' Chapter of the Unitary Development Plan and the Plan as proposed to be modified in particular Policies CD25, CD28, CD30, CD38, CD39, CD40, CD44, CD44a, CD52, CD53, CD58 and CD57.
- 4.3 This part of Cadogan Gardens comprises two terraces, one facing north and the other facing south, both with rear elevations to a communal garden with open

views into it from both the east and west sides. On the northern side, there are 8 properties. Of these, two have old and poorly designed additional storeys, No. 16, the end property is of a different design as it is a corner building. One has a roof terrace similar to the current proposal, while the remaining 4 properties retain the existing pitched roof over the rear part of the building.

- 4.4 On the south side, all of the properties retain their original roofline, with a pitched roof over the rear part of the building.
- 4.5 The approved Hans Town Conservation Area Proposals Statement identifies this part of Cadogan Gardens as a group where no additional storeys would be accepted, but only improvements to the existing roof. This is because the rooflines are considered to constitute an important element in the character and appearance of the Conservation Area.
- 4.6 With regard to their impact on residential amenity by a terrace on this property, it is considered that there is likely to be additional overlooking and possible loss of privacy to No. 14 adjacent where there is an existing terrace. However, it is considered that this aspect would not result in loss of amenity to a degree which would justify a refusal of planning permission for this reason.
- 4.7 It is considered that by virtue of the prominence of the proposed terrace and its effect on the appearance of the group of buildings on both sides of the communal garden with the loss of the original roofline, the proposal would result in significant harm to the character and appearance of the Conservation Area.

Formal Observations of the Conservation and Design Officer.

- 4.8 English Heritage have authorised the Council to determine the applications as it thinks fit. The Conservation and Design Officer has prepared formal observations as follows:

"The property is a four storey, terraced house with an attic and basement, circa late 19th Century. The terrace has a Dutch influence, with the use of red brick, buff terracotta and a tiled roof. The roofscape to Nos. 6-16 inclusive have roof gables alternately Dutch and straight sided hung with tiles.

The rear elevation of the terrace is of some note and overlooks a communal garden.

The scheme proposed involves the removal of the tiled and slated pitched rear roof to No. 12 and its replacement with a roof terrace. The balustrade to the new terrace would be brick built with a stone coping.

The removal of the original roof structure and roof coverings would be alien to the 19th Century roofscape.

The roof is a dominant feature of the building and the retention of its original structure, shape, pitch and covering is important to the terrace as a group. The

introduction of a parapet wall as a balustrade would also be unwelcome in that it would spoil the appearance of the garden elevation at this level.

It is considered that the scheme proposed will be detrimental to the special architectural and historic character of the building and is not therefore acceptable.

- 4.9 It is noted that a similar scheme was granted planning permission in 1981. This predates both the District Plan (1982) and the Unitary Development Plan, both of which are considered to constitute material considerations. Both have detailed policies regarding appropriate locations for the erection of roof terraces. By virtue of the prominence of the proposed terrace and its unwelcome effect on the appearance of the group, a refusal of planning permission is considered to be justified in this case.

5.0 CONSULTATION

- 5.1 Occupiers of fourteen neighbouring properties in Cadogan Gardens have been notified of the proposal.

- 5.2 To date, three letters raising objection to the scheme, all from residents of Cadogan Gardens.

- 5.3 Concern is raised by an occupier of No. 12 that the terrace would result in further loss of privacy in the communal garden.

The communal garden is already overlooked by all of the houses, and this impact is not considered to be significant.

- 5.4 The occupier of No. 14 Cadogan Gardens comments that the proposal would harm the character of the building.

- 5.5 The occupier of flat 5, at No. 12 comments that she uses the roofspace to be lost for storage. This is a private arrangement between the parties and is not a material planning consideration.

- 5.6 Concern is also raised with regard to potential damage during the construction period. This is also not a material planning consideration.

6.0 RECOMMENDATION

- 6.1 Refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION