

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

R.B.K.C.
APPROVED BY
THE COUNCIL ON

27 MAR 2001

PLANNING SERVICES COMMITTEE 27/03/2001

APP NO. PP/00/02836/CHSE

AGENDA ITEM NO. 4028

ADDRESS

34/36 Bury Walk, London,
SW3 6QB

APPLICATION DATED 05/12/2000

APPLICATION COMPLETE 08/12/2000

APPLICATION REVISED 07/02/2001

RECOMMENDATION
MADE

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA Chelsea

CAPS Yes

Donal Carey &
Company,
8 Britten House,
Britten Street,
Chelsea, London, SW3 3UB

ARTICLE '4' No

WARD Church

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 8

OBJECTIONS 4

SUPPORT 0

PETITION 0

Applicant Socotrap Sprl.

PROPOSAL:

Conversion of integral garage into living accommodation and associated elevational alterations (non compliance with condition attached to planning permissions dated 07/10/1970 (unnumbered) and 30/04/1987 (Ref. TP/87/00487).)

RBK&C Drawing No(s): PP/00/02836/A

Applicant's Drawing No(s): 1095-03/B

RECOMMENDED DECISION: Grant planning permission

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 tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission. (C020)**
Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)
3. **Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. (C021)**
Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)
4. **No tree within the curtilage of the site shall be lopped, topped, or felled, without the prior written approval of the Local Planning Authority. (C023)**
Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)
5. **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)
6. **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 unless otherwise approved by the Executive Director, Planning and Conservation in writing. (C071)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
7. **The window/windows hereby permitted on the Bury Walk elevation shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

8. **No water tank, lift motor room, or other roof structure shall be erected which rises above a roof of any part of the building, including the roof of any extensions. (C078)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
9. **The roof of the property to which this permission relates shall not be used at any time as a terrace without the prior approval in writing of the Local Planning Authority.**
Reason - To protect the privacy and amenity of neighbouring property. (R079)
10. **No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority. (C085)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
11. **All external joinery shall be of painted timber construction and so maintained.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
12. **The roof to the porch extension hereby permitted shall be of lead construction and so maintained.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
13. **The whole of the car parking area shown on the drawings hereby approved shall be permanently retained for use in connection with the residential use of the dwelling and for no other purpose.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
14. **The pavement crossover serving the existing garage shall be removed and the pavement made good within six months of the occupation of the premises.**
Reason - To prevent unnecessary interruption of the pavement and to preserve and enhance the character and appearance of the Conservation Area.

INFORMATIVES

1. I09
2. I10
3. I11
4. I21

5. I22

6. I26

7. I30

8. I39

9. 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, CD34, CD52, CD53, TR46 and TR47. (I51)

1.0 THE SITE

- 1.1 No. 34/36 Bury Walk is a single storey mid terrace property on the west side of Bury Walk approximately 100m. south of its junction with Fulham Road. The property backs directly onto No's. 34 and 36 Sydney Street.
- 1.2 The lawful use of the property is as a one bedroom single Family Dwelling House with an integral garage. The property is not Listed but is within the Chelsea Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning Permission is sought for the conversion of the integral garage at the property into living accommodation and for associated elevational alterations including the installation of new windows and the erection of a new entrance porch. The proposals would involve the conversion of the property from a one bedroom house into a two bedroom house.
- 2.2 Planning permission is required for the conversion of the garage into living accommodation since a condition was attached to the original 1970 consent for the erection of the development at the rear of No. 34 Sydney Street. This condition stated that the garage accommodation shall not be adapted for living purposes. A similar condition was attached to a 1987 permission for an extension to the premises.
- 2.3 When originally submitted the current application also proposed the formation of a roof terrace on the existing flat roof of the property. The roof terrace featured a glazed access structure and timber trellising. The applicant was advised by Council Officers that the roof terrace, access structure and trellising were unacceptable on design and amenity grounds and has revised the application to delete these proposals.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1970 for the erection of a single storey extension at the rear of No. 34 Sydney Street comprising a garage, store room, bedroom, shower and w.c. This property became known as 34 Bury Walk.
- 3.2 In 1985 Planning Permission was refused for the conversion of the integral garage at No. 34 Bury Walk into living accommodation.
- 3.3 In 1987 Planning Permission was granted for the erection of a single storey extension to No. 34 Bury Walk on the then vacant plot of No. 36 Bury Walk. The approved scheme also involved the provision of forecourt parking space for the enlarged residential unit which became known as 34/36 Bury Walk. This permission was implemented.

3.4 There is no other planning history that is considered relevant.

4.0 PLANNING CONSIDERATIONS

4.1 The main issues for consideration are the principle of the conversion of the integral garage into living accommodation and the effect of the elevational alterations on the character and appearance of this part of the Conservation Area.

4.2 The relevant planning policies are contained within the "Transportation" and "Conservation and Development" Chapters of the Unitary Development Plan and proposed alterations to the Unitary Development Plan.

Conversion of integral garage into living accommodation

4.3 Policy TR47 of the proposed alterations to the Unitary Development Plan is to resist development which would result in the loss of off-street residential parking.

4.4 However, the proposed two bedroom dwelling house features two off-street parking spaces of adequate size (the integral garage and a forecourt parking area). This exceeds the maximum standard as set out in the proposed alterations to the Unitary Development Plan (one space for dwellings of up to five habitable rooms).

4.5 In addition, the loss of the garage would also allow the Council the opportunity to increase the current stock of on-street residents' parking bays by adding approximately 10m. to an existing residents' bay.

4.6 In light of the above, the Council's Director of Transportation and Highways raises no objection to the proposal, subject to a condition that the forecourt area provided for parking at the premises is retained for parking purposes.

Elevational Alterations

4.7 Policies CD52 and CD53 of the Unitary Development Plan seek to ensure that any development in a Conservation Area preserves or enhances the character or appearance of the area and is to a high standard of design.

4.8 In addition to the removal of the garage door it is proposed to relocate the front entrance door of the property to the forecourt area of the property. Therefore, it is proposed to rebuild the front elevation of the property adjacent to Bury Walk, in stock brickwork and featuring two timber sash windows with segmental arches over.

4.9 It is considered that this approach is acceptable in respect of design and materials and that it would not harm the character or appearance of this part of the Conservation Area.

- 4.10 The new entrance door in the forecourt area, including the small porch proposed, and the other elevational alterations are also considered acceptable.

5.0 PUBLIC CONSULTATION

- 5.1 Letters of notification were sent to 8 neighbouring properties in Bury Walk and Sydney Street. To date 4 letters of objection have been received, including one from the Sydney Street and District Residents' Association. These were received prior to the revision of the proposals. The objectors have now been notified of the revisions and their responses are awaited. Any replies will be reported orally to the Committee.

- 5.2 The main points made in the letters of objections are as follows:

- 5.2.1 The loss of a garage would exacerbate the pressure on on-street parking and set an unfortunate precedent.

As stated in the main body of the report, given the forecourt parking area, the property exceeds the maximum off-street parking provisions as specified in the proposed alterations to the Unitary Development Plan. In addition, additional on-street parking space would be able to be provided. In view of these factors no unfortunate precedent would be created.

- 5.2.2. The proposed additional living accommodation would increase the residential density in the area.

The proposals would result in the provision of one additional bedroom. It is not considered that such an increase is significant.

- 5.2.3. The proposed roof terrace, access housing and trellising would be detrimental to the character and appearance of the area and the amenities of neighbouring properties by virtue of loss of daylight and increased overlooking.

These aspects of the proposals have now been deleted from the application.

- 5.2.4. The property is at present used for business use.

The authorised use of the property is for residential purposes, therefore, an enforcement investigation has been opened to investigate this allegation.

- 5.3 The Sydney Street and District Residents' Association state that they oppose the application to convert the garage on the principle that doing away with garages tends to increase the resident population in an already densely populated area while exacerbating the pressure on on-street parking; more people, less off-street parking. In respect of the roof terrace, they state that they do not object to the principle but to the access housing.

As stated in the main body of the report the principle of the loss of the garage is considered acceptable since another off-street space exists which meets Unitary Development Plan standards and since the proposal would allow the on-street space to be increased. The increase in size of the house from one bedroom to two bedrooms is not considered likely to result in any significant increased demand for car parking space. In relation to the roof terrace and access housing these have now been deleted from the proposals.

6.0 RECOMMENDATION

6.1 Grant Planning Permission.

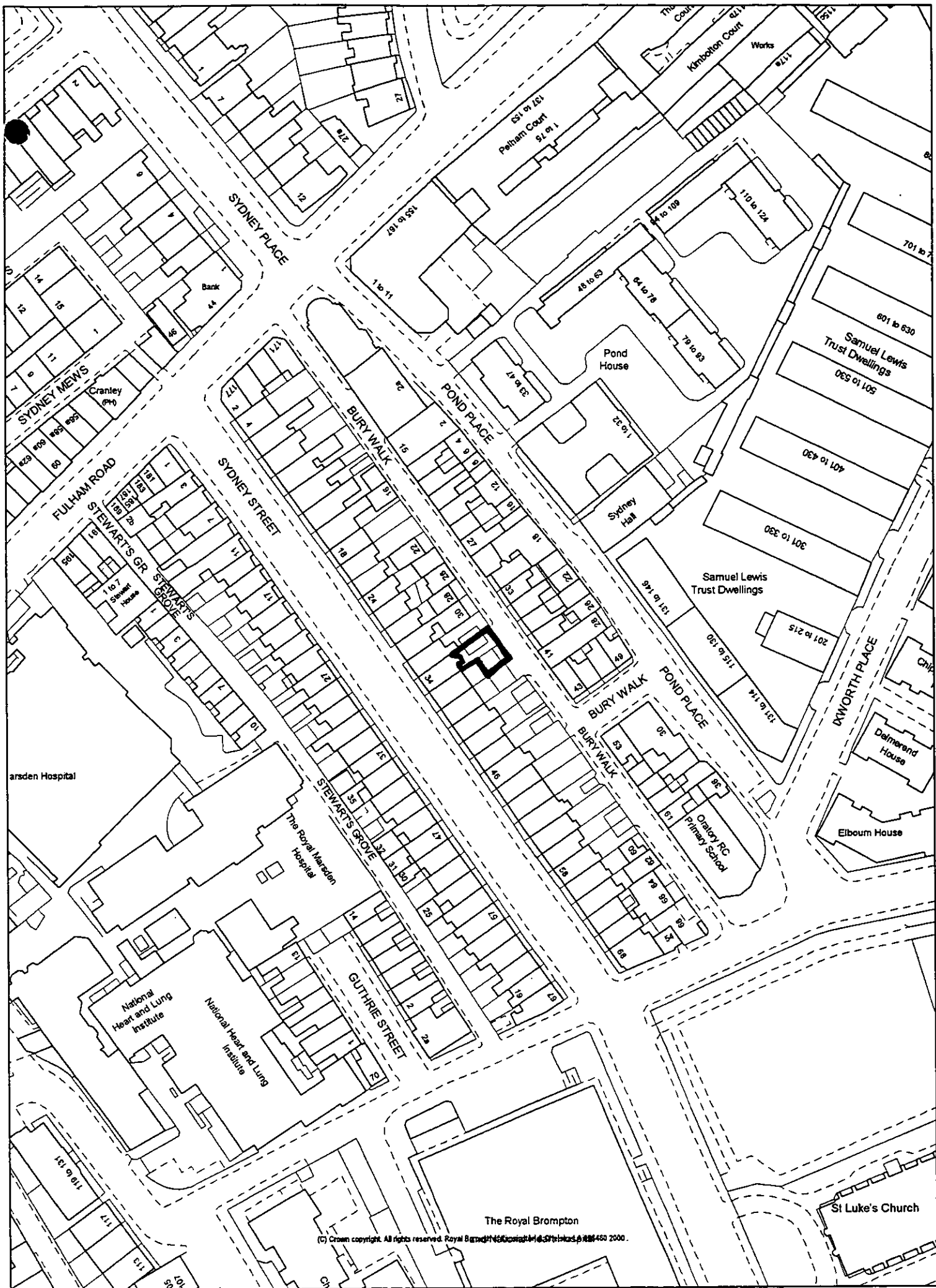
**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file PP/00/02836 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: JS
Report Approved By: BC/LAWJ
Date Report Approved: 13/03/2001**

PSC0301/JS.REP



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