

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
MEMBERS PANEL

APP NO. PP/00/02797
AGENDA NO.

ADDRESS/SUBJECT OF REPORT:

8 Penzance Place, London, W11 4PA

APPLICATION DATED 29/11/2000

APPLICATION REVISED

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

BB
Partnership,
The Trafalgar,
17 Remington
Street,
London, N1 8PH

CONS. AREA Norland CAPS Yes

ARTICLE '4' No WARD Norland

LISTED BUILDING NO

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. PP/00/02797/ CHSE

MEMBERS' PANEL

ADDRESS

8 Penzance Place, London,
W11 4PA

APPLICATION DATED 29/11/2000

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

BB Partnership,
The Trafalgar,
17 Remington
Street,
London, N1 8PH

CONSERVATION AREA Norland

CAPS Yes

ARTICLE '4' No

WARD Norland

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 15

OBJECTIONS 1

SUPPORT 0

PETITION 0



Applicant Mr. D. Jackson,

PROPOSAL:

Extension to roof to provide studio space.

RBK&C Drawing No(s): PP/00/02797

Applicant's Drawing No(s): CEH/R/10, /11, /20/A, and /21/A

RECOMMENDED DECISION: Refuse planning permission

REASONS FOR REFUSAL

The proposed roof addition is considered by virtue of its size, bulk, design and location to be detrimental to the character and appearance of the property, the terrace it is located within and the Conservation Area, and therefore is contrary to the Council's Policies which seek to maintain and enhance the character and appearance of the Borough and its Conservation Areas, as stated in the Council's Unitary Development Plan, in particular Policies CD38, CD39, CD52 and CD53.

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 CD28, CD30, CD38, CD39, CD52 and CD53. (I51)

1.0 THE SITE

- 1.1 The property known as 8 Penzance Place is located in a terrace 2-12 (even) Penzance Place which is located on the East side of Penzance Place, approximately 20 metres from its junction with Pottery Lane and almost opposite the former Public House, the Portland Arms, now known as "Orsemous" restaurant.
- 1.2 The property is a single family dwelling house, comprising a basement and three upper floors, within the Norland Conservation Area. The property is not Listed.

2.0 PROPOSAL

- 2.1 Planning Permission is sought to erect a roof addition on the main roof of the property.

3.0 PLANNING HISTORY

- 3.1 The Council granted Planning Permission in 1994 for the erection of a basement and ground floor rear addition, basement conservatory and alterations to the roof which included the provision of a staircase housing.
- 3.2 The Council refused Planning Permission for the erection of a two storey rear conservatory in 1995, which was the subject of an appeal to the Planning Inspectorate, who upheld the Council's decision to refuse Planning Permission.
- 3.3 The stairhousing on the roof was constructed in contravention of the drawing approved by the Council, a matter that was drawn to the Council's attention by the applicant. An application to retain the structure was granted planning permission by the Council subject to the rear parapet wall being raised in height.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main consideration that has to be addressed when determining the proposal relates to the Council's Policies regarding additional storeys and roof level alterations and the affect such a proposal may have upon the character and appearance of the property, the terrace and the Conservation Area, and on the amenity of neighbouring occupiers.
- 4.2 The proposal seeks to erect an additional storey to the property with a roof terrace area on the front section of the roof. The proposed addition to the roof will extend the full width of the roof and approximately 65% of its depth.

- 4.3 The Council when granting Planning Permission for the erection of the stairhousing did so because it was an alteration which was not considered to be an additional storey but merely a device to allow access to the flat roof.
- 4.4 The roof stairhousing which was approved ensured the height would be to the height of the rear roof parapet wall which measured 1.3 metres in height. The structure was to contain a flat roof which would join the rear parapet wall at an angle of 90 degrees. The stairhousing structure would therefore not be visible from either street level or from the upper floor of neighbouring properties.
- 4.5 The stairhousing structure was not constructed according to the approved drawings and following protracted negotiations the stairhousing structure that had been constructed above the height of the parapet wall was given retrospective Planning Permission as long as the rear parapet wall was raised in height.
- 4.6 The Council addresses the subject of roof alterations and additional storeys in the "Conservation and Development" Chapter of the Unitary Development Plan, with Policy CD38 seeking to resist such alterations and Policy CD39 advising of the limited circumstances where they may be acceptable. Paragraph 4.2 of the "Conservation and Development" Chapter advises that the two Policies should be read as a pair.
- 4.7 The proposed roof addition is considered to be located within a terrace that is broken only by an isolated roof addition and is therefore considered to be contrary to Policy CD38(h).
- 4.8 The Council seeks to maintain and enhance the character and appearance of the Borough and its Conservation Areas, with Policies CD52 and CD53 of the "Conservation and Development" Chapter of the Unitary Development Plan outlining the Council's Policies. The proposed roof addition will be visible from the upper floors of the properties to the rear of Pottery Lane and to the front in Penzance Place and Portland Road. The proposal is considered by virtue of its size, location, bulk and design to be detrimental to the character and appearance of the building, the terrace and the Conservation Area and is therefore contrary to the above mentioned Policies.
- 4.9 It should be stated that this proposal would probably not have been submitted had the Council not consented to the raising of the rear parapet wall as a solution to the applicants problems in relation to the construction of a stairhousing structure that was not built in accordance with the approved drawings as explained in paragraphs 4.3, 4.4 and 4.5 of this report.
- 4.10 The proposal is not considered to harm the amenity of neighbouring occupiers.

5.0 PUBLIC CONSULTATIONS

- 5.1 The Council notified 13 addresses of the proposal and to date has received one objection from a resident of Princedale Road who advises that the additional storey will substantially alter the elevation of Penzance Place and will form an unacceptable precedent.

The opinion of the objection is shared by the Council as explained in the main body of this report.

6.0 RECOMMENDATION

- 6.1 Refuse planning permission.

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

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

MEMBERS' PANEL

APP NO. PP/00/02797/ CHSE

ADDRESS

8 Penzance Place, London,
W11 4PA

APPLICATION DATED 29/11/2000

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

BB Partnership,
The Trafalgar,
17 Remington
Street,
London, N1 8PH

CONSERVATION AREA Norland

CAPS Yes

ARTICLE '4' No

WARD Norland

LISTED BUILDING NO

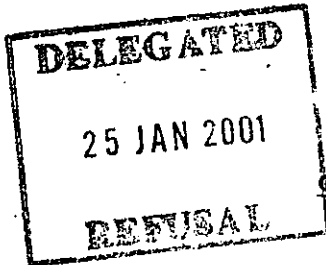
HBMC DIRECTION N/A

CONSULTED 15

OBJECTIONS 1

SUPPORT 0

PETITION 0



Applicant Mr. D. Jackson,

PROPOSAL:

Extension to roof to provide studio space.

RBK&C Drawing No(s): PP/00/02797

Applicant's Drawing No(s): CEH/R/10, /11, /20/A, and /21/A

RECOMMENDED DECISION: Refuse planning permission

REASONS FOR REFUSAL

The proposed roof addition is considered by virtue of its size, bulk, design and location to be detrimental to the character and appearance of the property, the terrace it is located within and the Conservation Area, and therefore is contrary to the Council's Policies which seek to maintain and enhance the character and appearance of the Borough and its Conservation Areas, as stated in the Council's Unitary Development Plan, in particular Policies CD38, CD39, CD52 and CD53.

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 CD28, CD30, CD38, CD39, CD52 and CD53. (151)

1.0 THE SITE

- 1.1 The property known as 8 Penzance Place is located in a terrace 2-12 (even) Penzance Place which is located on the East side of Penzance Place, approximately 20 metres from its junction with Pottery Lane and almost opposite the former Public House, the Portland Arms, now known as "Orsemous" restaurant.
- 1.2 The property is a single family dwelling house, comprising a basement and three upper floors, within the Norland Conservation Area. The property is not Listed.

2.0 PROPOSAL

- 2.1 Planning Permission is sought to erect a roof addition on the main roof of the property.

3.0 PLANNING HISTORY

- 3.1 The Council granted Planning Permission in 1994 for the erection of a basement and ground floor rear addition, basement conservatory and alterations to the roof which included the provision of a staircase housing.
- 3.2 The Council refused Planning Permission for the erection of a two storey rear conservatory in 1995, which was the subject of an appeal to the Planning Inspectorate, who upheld the Council's decision to refuse Planning Permission.
- 3.3 The stairhousing on the roof was constructed in contravention of the drawing approved by the Council, a matter that was drawn to the Council's attention by the applicant. An application to retain the structure was granted planning permission by the Council subject to the rear parapet wall being raised in height.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main consideration that has to be addressed when determining the proposal relates to the Council's Policies regarding additional storeys and roof level alterations and the affect such a proposal may have upon the character and appearance of the property, the terrace and the Conservation Area, and on the amenity of neighbouring occupiers.
- 4.2 The proposal seeks to erect an additional storey to the property with a roof terrace area on the front section of the roof. The proposed addition to the roof will extend the full width of the roof and approximately 65% of its depth.

- 4.3 The Council when granting Planning Permission for the erection of the stairhousing did so because it was an alteration which was not considered to be an additional storey but merely a device to allow access to the flat roof.
- 4.4 The roof stairhousing which was approved ensured the height would be to the height of the rear roof parapet wall which measured 1.3 metres in height. The structure was to contain a flat roof which would join the rear parapet wall at an angle of 90 degrees. The stairhousing structure would therefore not be visible from either street level or from the upper floor of neighbouring properties.
- 4.5 The stairhousing structure was not constructed according to the approved drawings and following protracted negotiations the stairhousing structure that had been constructed above the height of the parapet wall was given retrospective Planning Permission as long as the rear parapet wall was raised in height.
- 4.6 The Council addresses the subject of roof alterations and additional storeys in the "Conservation and Development" Chapter of the Unitary Development Plan, with Policy CD38 seeking to resist such alterations and Policy CD39 advising of the limited circumstances where they may be acceptable. Paragraph 4.2 of the "Conservation and Development" Chapter advises that the two Policies should be read as a pair.
- 4.7 The proposed roof addition is considered to be located within a terrace that is broken only by an isolated roof addition and is therefore considered to be contrary to Policy CD38(h).
- 4.8 The Council seeks to maintain and enhance the character and appearance of the Borough and its Conservation Areas, with Policies CD52 and CD53 of the "Conservation and Development" Chapter of the Unitary Development Plan outlining the Council's Policies. The proposed roof addition will be visible from the upper floors of the properties to the rear of Pottery Lane and to the front in Penzance Place and Portland Road. The proposal is considered by virtue of its size, location, bulk and design to be detrimental to the character and appearance of the building, the terrace and the Conservation Area and is therefore contrary to the above mentioned Policies.
- 4.9 It should be stated that this proposal would probably not have been submitted had the Council not consented to the raising of the rear parapet wall as a solution to the applicants problems in relation to the construction of a stairhousing structure that was not built in accordance with the approved drawings as explained in paragraphs 4.3, 4.4 and 4.5 of this report.
- 4.10 The proposal is not considered to harm the amenity of neighbouring occupiers.

5.0 PUBLIC CONSULTATIONS

- 5.1 The Council notified 13 addresses of the proposal and to date has received one objection from a resident of Princedale Road who advises that the additional storey will substantially alter the elevation of Penzance Place and will form an unacceptable precedent.

The opinion of the objection is shared by the Council as explained in the main body of this report.

6.0 RECOMMENDATION

- 6.1 Refuse planning permission.

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

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 06/07/1999 APP NO.TP/98/0932/M/20 AGENDA ITEM NO. 98

ADDRESS

8 PENZANCE PLACE,
KENSINGTON, W.11

APPLICATION DATED 18/05/1998

APPLICATION COMPLETE 20/05/1998

APPLICATION REVISED N/A

**RECOMMENDATION
ADOPTED.**

APPLICANT/AGENT ADDRESS:

BB Partnership,
The Trafalgar,
17 Remington
Street,
London
N1 8DH

CONSERVATION AREA Norland CAPS Yes

ARTICLE '4' No WARD Norland

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 13 OBJECTIONS 0

SUPPORT 0 PETITION 0

Applicant Mr. D. Jackson

PROPOSAL:

Retention of existing roof stairhousing structure and the raising of the rear parapet wall.

RBK&C Drawing No(s): TP/98/0932/A

Applicant's Drawing No(s): CEH/X/01 and CEH/X/02 (proposed elevations and section)

RECOMMENDED DECISION: 1. Subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990, to ensure tht the rear parapet wall of No. 8 Penzance Place, Kensington W.11 is raised within three months of the date of this permission and contemporaneously with the erection of a parapet wall at No. 6 Penanze Place.

2. Grant Planning Permission to retain the existing roof stair housing structure and raise the existing rear parapet wall.

**APPROVED BY
PLANNING SERVICES CTTEE**
SUBJECT TO S.106
JUL 6 1999
CONSENT REF

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. **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)

INFORMATIVES

1. I09
2. I10
3. I21
4. I30
5. I31
6. I08

1.0 SITE

- 1.1 The property known as 8 Penzance Place is located in a terrace known as 2-12 (even) Penzance Place, approximately 20 metres from its junction with Pottery Lane and almost opposite "Orsino" restaurant in Portland Road, which was formerly known as the "Portland Arms".
- 1.2 The property comprises basement and three upper floors and is a single family dwelling house located within the Norland Conservation Area.

2.0 PROPOSAL

- 2.1 The proposal seeks to retain a roof access structure that has been erected on the roof of the premises, and raise the height of the rear parapet wall.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The Council granted Planning Permission in 1994, for the erection of a basement and ground floor rear addition, basement conservatory and alterations to the roof, which included the erection of a stair housing structure at the rear of the roof.
- 3.2 The applicant advised the Council in November 1996 that his builders had not constructed the stair housing structure in accordance with the approved drawings. The Council's Enforcement Officer visited the premises in January 1997 and following several meetings advised the applicant to submit a planning application to retain the structure.
- 3.3 The current planning application was submitted to the Council seeking to retain the roof housing structure as it had been constructed.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations that have to be addressed when determining this proposal concern the effect of the stair housing structure will have upon the character and appearance of the property and the Conservation Area.
- 4.2 The relevant Unitary Development Plan policies relating to this proposal are:

STRAT 5 and 6 Protection, preservation and enhancement within
Conservation Areas.

CD52) Preservation and enhancement of the character and
CD53) appearance of the Borough and its Conservation Areas

CD56 Small scale development

- 4.3 The Planning Permission granted in 1994 allowed the erection of a rear roof stair housing access which would be constructed to the height of the existing rear roof parapet wall which measured 1.3 metres in height. The structure was to contain a flat roof which would join the rear parapet wall at an angle of 90 degrees.
- 4.4 The roof structure that has been erected contains a pitched roof that, at its highest point, rises 1200mm above the height of the rear parapet wall. The full 1200mm height is set back 2 metres from the rear parapet wall.
- 4.5 The roof structure is just visible from street level when viewed from the rear of the property. The applicant, following several meetings with Council officers revised his proposal to incorporate the raising of the rear parapet wall by 525mm, so it would be the same height as the rear parapet walls of the other properties in the terrace, other than the adjoining property, No. 6 Penzance Place.
- 4.6 It was considered that whilst the raising of the parapet wall would lessen the effect of the roof housing structure, it created another problem by drawing attention to No. 6 Penzance Place which would be the only property at the rear with a lower rear parapet wall.
- 4.7 The applicant was advised that without both parapet walls being raised, the proposal could not be considered to resolve the matter, nor maintain the character or appearance of the terrace. It was suggested that both parapet walls should be raised and that a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 be entered into, ensuring both parapet walls were raised with the one at No. 6 Penzance Place, being constructed at the same time as No. 8 Penzance Place. The applicant has advised the Council of his willingness to enter into such an agreement, and submitted a planning application seeking to raise the rear roof parapet of No. 6 Penzance Place, which is presented to the Planning Services Committee on this agenda.
- 4.8 The Council seeks to maintain and enhance the character and appearance of the Borough with STRATS 5 and 6 of the Unitary Development Plan outlining the general policy with Policies CD52 and CD53 of the "Conservation and Development" Chapter developing the general policy.
- 4.9 It is considered that the roof stair housing structure that has been erected will not have a detrimental effect upon the character or appearance of the property or the terrace, if the rear parapet walls of both Nos. 6 and 8 Penzance Place are raised in height, thus creating a uniformed rear parapet profile at the rear of the terrace. The raised parapet level will also serve to mask the initial impact of the pitched roof of the structure, which diminishes as it angles away from the

rear parapet wall. The proposal is therefore considered to be consistent with the Council's policies.

5.0 PUBLIC CONSULTATION

5.1 The Council notified 13 addresses of the proposal and has, to date, received no letters commenting upon it.

6.0 RECOMMENDATION

6.1 Grant planning permission.

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

List of Background Papers:

The contents of file TP/98/0932 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: AP
Report Approved By: RT/LAWJ
Date Report Approved: 17/06/1999**

PSC.99.07.Rep.AP