

ROYAL BOROUGH
OF
KENSINGTON & CHELSEA

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DECISION NOTICE



DEC

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



**KENSINGTON
AND CHELSEA**

Mr. P. Price,
Marylebone Associates,
24 Holborn Viaduct,
London
EC1A 2BN

Switchboard: 020-7937-5464
Direct Line: 020-7361-2096
Extension: 2096
Facsimile: 020-7361-3463

8 APR 2002

My Ref: PP/02/00364/CHSE/
Your Ref:

Please ask for: North Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT: Erection of a roof extension with glazed sides on existing roof terrace.

SITE ADDRESS: Upper Floor, 25 Campden Hill Gardens, London, W8 7AX

RBK&C Drawing Nos: PP/02/00364

Applicant's Drawing Nos: CHG/1, CHG/2, CHG/3, CHG/4 and 2 A4 sheets of photo-montage.

Application Dated: 15/02/2002

Application Completed: 22/02/2002

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

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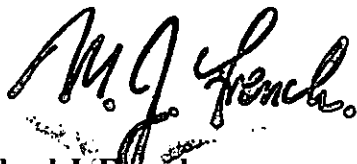
REASON(S) FOR REFUSAL:

1. The roof extension, by reason of its location, bulk, height, design and materials, would be harmful to the appearance of the building and the conservation area. It would be contrary to the Council's Unitary Development Plan policies, in particular CD25, CD38, CD39, CD42, CD44, CD44a, CD52 and CD53.

INFORMATIVE(S)

1. You are advised that a number of relevant policies of the Unitary Development Plan and proposed alterations thereto were used in the determination of this case, in particular, Policies CD25, CD38, CD39, CD42, CD44, CD44a, CD52 and CD53. (I51)

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation

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TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

MY REF(S): RAG/PP/02/364/SG

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...10 September 2002...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL25 Campden Hill Gardens, W8

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

- COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR IAN DONALDSON
- COUNCILLOR RIMA HORTON
- COUNCILLOR BARRY PHELPS, CABINET MEMBER FOR PLANNING POLICY
- TOWN CLERK & CHIEF EXECUTIVE C.CAMPBELL RM: 253
- DIRECTOR OF LAW AND ADMINISTRATION...G. EDILA RM: 251/1
- LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315
- LAND CHARGES..... M. IRELAND RM: 306
- COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
- TRANSPORTATION.....B.MOUNT RM: 230
- EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
- HEAD OF DEVELOPMENT CONTROL
- APPEALS OFFICER
- NORTH
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- SOUTH-WEST
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- DESIGN..... D. MCDONALD
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- SYSTEMS..... C.STAPLETON



The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
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Handwritten initials/signature

Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP02/00364
Our Ref: APP/K5600/A/02/1088983
Date: 10 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T GROELL
SITE AT 25 CAMPDEN HILL GDNS, LONDON, W8 7AX

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252
Fax No. 0117 372 8139
E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

P. Gardin

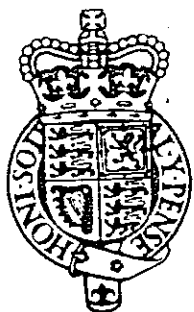
Mr Dave Shorland

COVERDL1

Copy

BY	HDC	TP	CAC	AD	CLU	AO
MR						AK
R.B.		11 SEP 2002			PLANNING	
K.C.						
	C	SW	SE	APP	IO	RES
				ARB	FPLN	DES
						FEES

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Appeal Decision

Site visit made on 03 September 2002

by **Simon E Gibbs MA MSocSc MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

10 SEP 2002

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Appeal Ref: APP/K5600/A/02/1088983

Upper Floor, 25 Campden Hill Gardens, London W8 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Groell against the decision of the Council of the royal Borough of Kensington and Chelsea.
- The application (Ref. PP02/00364), dated 22.02.2002, was refused by notice dated 8.04.02.
- The development proposed is the erection of a lightweight roof extension (with glazed sides) on an existing roof terrace.

Summary of Decision: The appeal is dismissed.

The Proposal

1. The top floor flat at 25 Campden Hill Gardens is a roof level addition behind a mansard roof which was permitted in June 1985. A roof terrace has been created above the added storey by interrupting the line of the upper part of the mansard roof and creating a flat roofed area about a meter below the roof line. The current proposal is to cover over most of this roof terrace with a glazed structure.

Planning Policy

2. Alterations to the Royal Borough's Unitary Development Plan (adopted in August 1995) were formally adopted by the Council on 26th April 2002. The Unitary Development Plan 2002 consequently contains the policies that are material to this appeal which relates to development within a conservation area. The following eight policies have been drawn to my attention: CD25, CD38, CD39, CD42, CD44, CD44a, CD52 and CD53.

Main Issues

3. The main issues in this case are the relationship of the proposed development to the form of the existing roof of 25 Campden Hill Gardens and the effect of erecting a glazed structure over the existing roof terrace on the character and appearance of the Kensington Conservation Area. In assessing these issues I have had regard to material policies in the Unitary Development Plan 2002.

Reasoning

4. The proposed extension would rise above the projected height of the existing partial mansard roof. In my view this structure which would be significantly higher than the projected line of the gently sloping mansard and would create a new roofline would relate awkwardly to the existing roof pattern. In addition its glazed conservatory-style appearance

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would make it an incongruous roof level addition. The proposal would be in direct conflict with Policy CD38 which states that roof extensions are to be resisted where there has already been an additional storey or mansard and with Policy CD42 which is opposed to conservatories at roof level. In addition, the proposal would fail to comply with Policy CD39 which requires that extensions relate sympathetically to the architecture of the building of which they are to be part.

5. Upper parts of the proposed structure would be visible from street level from 3 of the surrounding streets, Campden Hill Road, Kensington Place and Aubrey Walk. While there is a wide variety of building type and architectural style in this part of the conservation area 25 Campden Hill Gardens and the terrace to which it is attached retains a traditional appearance. The addition of a discordant feature breaking the pattern of the existing roofline would have an adverse effect on the character and appearance of the conservation area.
6. I have had regard to concerns raised about overlooking from the new building that is being erected immediately to the south on the other side of Aubrey Walk. However I do not consider that maintaining a sense of privacy on the roof terrace is a matter of such significance that it would warrant the erection of a structure that would conflict with material policies in the UDP and have an adverse effect on the character and appearance of the conservation area.

Conclusion

7. For the reasons given above I conclude that the proposal would conflict with Policies CD38, CD39 and CD42 of the recently adopted UDP and would adversely affect the character and appearance of the Kensington Conservation Area. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

8. In exercise of the powers transferred to me, I dismiss the appeal.

Information

9. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Sir - E Gibbs

Inspector