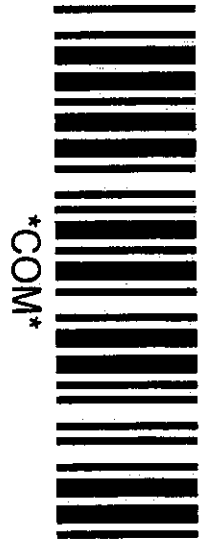


**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

COMMITTEE REPORT



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ROYAL BOROUGH OF KENSINGTON & CHELSEA

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REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED

APP NO. PP/02/00633
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

17 Fernshaw Road,
London, SW100TG

APPLICATION DATED 01/02/2002

APPLICATION REVISED

APPLICATION COMPLETE 27/03/2002

APPLICANT/AGENT ADDRESS:

Janis Malcomson,
68 Landseer Road,
London
N19 4JP

CONS. AREA 16 CAPS Yes

ARTICLE '4' No WARD PA

LISTED BUILDING

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK & C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972

AE
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To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 02 May 2002
Our Ref: PP/02/00633

Application Date: 01/02/2002 Complete Date: 27/03/2002

Agent: Janis Malcomson, 68 Landseer Road, London N19 4JP
Address: 17 Fernshaw Road, London, SW100TG

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 | Class - Listed building consent for above Classes. |
| Class - shop fronts | Class - Conservation area consent |
| Class - conversion from non s/c dwellings etc | Class - approval of facing materials |
| Class - amendments as required by T.P. Committee | Class - grant of planning permission for a change from one kind of non-residential use to another non-residential use except where this would involve the loss of a shop in a core shopping frontage. |
| Principal | Class - grant permission license or no objection |
| Class - grant or refuse certificates of Lawful development under | Sections 73, 74, 138, 143, 152, 153, 177 & 180 of the Highways Act |
| Class - Crossover under S.108 of the Highways Act 1980 | |

DELEGATED
- 9 MAY 2002
REFUSAL

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

~~The addition of railings at the roof, to make it into a roof terrace.~~

Installation level to ms

RECOMMENDED DECISION Refuse planning permission

RBK&C drawing(s) No. PP/02/00633

Applicant's drawing(s) No.1 and 2

Number of Objections - 0

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

[Signature]

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8/5/02*

8/3/5

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REASONS FOR REFUSAL

The proposed railings and roof terrace would be incongruous and overly dominant and would introduce inappropriate development to an unaltered roofline which would harm the character and appearance of the property, the terrace and the Sloane/Stanley Conservation Area, contrary to policies contained within the modified Unitary Development Plan, most notably Policies CD25, CD38, CD40, CD44, CD48, CD52 and CD53.

INFORMATIVE

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, CD30, CD38, CD39, CD40, CD44, CD48, CD52 and CD53. (I51)

**1.0 THE SITE**

- 1.1 No. 17 Fernshaw Road is a three storey plus basement property that is situated towards the middle of the terrace. The property is a single family dwelling house and features a small roof access opening at roof level.
- 1.2 The property is unlisted, however it lies within the Sloane/Stanley Conservation Area.
- 1.3 The property forms one of a group of seven similar properties within this part of the terrace. None of these properties feature any additions and railings at roof level. The properties on the opposite side of Fernshaw Road also do not feature any such additions, with the exception of some timber fencing on one property which does not benefit from planning permission.

2.0 THE PROPOSAL

- 2.1 Permission is sought for the addition of railings to the roof of the property to facilitate the use of the roof as a terrace. The proposed railings will be positioned on the sides and rear of the property, but not the front. The railings measure 1.1m in height and will be constructed from metal.

3.0 PLANNING HISTORY

- 3.1 In 1998, planning permission was refused for the retention of a garden shed in the rear garden.
- 3.2 Planning permission was granted in 2000, for alterations including the provision of new replacement windows and a roof access opening at main roof level.
- 3.3 In June 2000, planning permission was granted for the erection of a single storey rear conservatory at basement level.
- 3.4 Planning permission was granted in December 2000, for the addition of a new stair, new railings and bottle balustrading to the front basement and ground level front area.
- 3.5 In April 2002, a Certificate of Lawful Existing Use was granted for the internal amalgamation of the existing self-contained basement flat and maisonette on the ground, first and second floors to form one single family dwelling house.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main planning considerations with regard to the proposed railings and associated roof terrace relate to the effect of the proposal on the character and appearance of the building itself, on the terrace, on the Sloane/Stanley Conservation Area and the impact upon residential amenity.
- 4.2 The policies considered relevant in this case are contained within the 'Conservation

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and Development' Chapter of the Unitary Development Plan, specifically Policies CD25 (standards of design), CD30 (privacy), CD38 & CD39 (roof level alterations and extensions), CD40 (roof terraces), CD44 (other alterations), CD48, CD52 and CD53 (development within conservation areas).

- 4.3 The proposed railings would be located at roof level on top of a property and terrace which remains relatively unaltered in terms of external additions. Although the proposed railings would not be visible from street level within Fernshaw Road, the proposals must be considered with regard to the railings' visibility from the surrounding area. It is considered that the proposed railings would be visible from surrounding properties, particularly those dwellings situated within Edith Grove and would represent clutter at this high level and would appear incongruous at roof level, especially since the roof line retains its uniformity. The proposed railings would also be harmful to the character and appearance of the Sloane/Stanley Conservation Area.
- 4.4 With regard to the effect upon residential amenity, it is not considered that the proposed roof terrace would have an unacceptable impact upon the amenities of the occupants within nearby properties in terms of overlooking. The properties to the rear within Edith Grove are some 22m from the property and it is considered that a recommendation to refuse planning permission due to overlooking could not be substantiated in this case.
- 4.5 It is considered that the proposed railings and roof terrace are unacceptable and would have a detrimental impact on the character and appearance of the building, the terrace in which it is located and the Sloane/Stanley Conservation Area.
- 4.6 The proposal is therefore contrary to Policies CD25, CD38, CD40, CD44, CD48, CD52 and CD53 of the Unitary Development Plan and therefore refusal of the application is recommended.

5.0 PUBLIC CONSULTATION

- 5.1 35 letters of notification were sent to properties within Edith Grove and Fernshaw Road, and a site notice was also posted on 4 April 2002. To date, no letters of representation have been received.

6.0 RECOMMENDATION

- 6.1 Refuse Planning Permission

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/02/00633 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: AW
Report Approved By: JT/LAWJ
Date Report Approved: 08/05/2002
PP/02/00633: 4