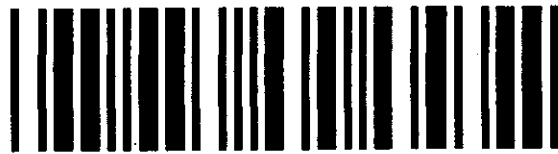
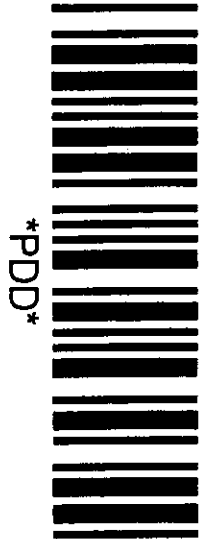


**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

POST DECISION DOCUMENT SUBMITTED



PDD

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site) rather than from the Edward Woods Estate. It is important to note that the extant planning permission, in being three storeys, is more akin to the scale of the nearby buildings in the Conservation Area than the appeal proposal.

- 5.8 The appellants have produced a development of modern materials and design detail, of five storeys where it faces the Edward Woods Estate across Swanscombe Road, and reducing to three storeys on its eastern side in an effort to equate with the form and ridge line of the recently built but much smaller 'Gatehouse' building adjacent. The appellants did not intend the appeal building to 'match' the gate house, but they were instead attempting to effect a transition in scale from the gate house westwards towards the much larger scale of the Edward Woods estate flats beyond. The appellants saw their scheme not as one building, but a development that could be divided into three distinct composite parts, each part addressing particular townscape issues that the appeal site is confronted with.
- 5.9 The Council considers that the four storey front elevation to Swanscombe Road, topped by a fifth storey recessed at front and both sides, is not an appropriate way to address the road and the surrounding townscape context. Refused drawing 0112-P-GA08 (North/East Elevation) illustrates the issue well. As stated above, the Council considers that, notwithstanding the need for a development upon this site to address all aspects of its townscape context, the development should be much more closely related to the form and character of the Conservation Area that it is located within, rather than the large and locally dominant modern blocks of the estate facing the appeal site. It is seen in GA08 how well the 'gatehouse' building (identified to the left of the D-D section by the words "existing building") achieves this, showing a successful extent of compatibility with the form and scale of the Listed St. Ann's Villas buildings to the left of the drawing. It can also be seen clearly from the elevation how little respect the proposed development really pays to the St. Ann's Villas buildings or to the 'gatehouse', in terms of massing or detailed form. It would appear as a modern building, contrasting with the other nearby Conservation Area buildings in its design and in its overall bulk and form, having a very large frontage and footprint, and being of significantly greater overall bulk and presence. Dropping it by a storey adjacent to the 'gatehouse' ameliorates this effect a little, but insufficiently to remove the impression of a significantly greater mass of building behind.
- 5.10 Comparing the proposed development to the nearest building of the Edward Woods Estate, however, presents a different result. The lower half of drawing GA08 demonstrates how closely modelled is the mass of the appeal development to the mass of the estate building, with the appeal building even being slightly taller. In terms of its general bulk, and in design terms, the appeal building is evidently very much closer to the bulk and form of the nearest Edward Woods estate block than it is to anything nearby within the Conservation Area. If the appeal proposal was to be implemented, then the existing bulky, modern, and dominant block on the North side of Swanscombe Road would be matched by a similarly large and dominant modern styled development on the South side.

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- 5.11 Turning to the terms of Policy CD25, the conclusion can immediately be drawn that the development does not satisfy these terms. The appeal development would be "*sensitive to and compatible with the scale, height, bulk and character*" of the nearest block of the Edward Woods Estate, but not "*sensitive to*" or "*compatible with the scale, height, bulk and character*" of any of the surrounding buildings in the Conservation Area. Given the premise that a development of the site should lean more heavily in its design to the Conservation Area within which it is, which is clearly not the case, it can only be concluded that this Policy is not satisfied by the appeal proposals. This is clearly demonstrated in the refused drawings, in particular GA08, and will also be evident from the forthcoming site visit.
- 5.12 Applying the criteria of Policy CD26, the same conclusions can be drawn in respect of criteria (a) and (b). The Council considers that the appeal development may "*conform to the existing building lines and overall scale and character*" of the Edward Woods estate block opposite, but that it pays little regard to the building lines or scale and character of the nearby St. Ann's Villas houses or other nearby buildings in the Conservation Area. Likewise, applying criterion (b), it is considered that the appeal development shows much greater "*respect to the form and materials*" of the Edward Woods Estate opposite than it does to the adjoining and nearby buildings of the Conservation Area. The site is adjacent to the open spaces of the estate, within the London Borough of Hammersmith & Fulham, but this Council does not consider that there is any conflict with criterion (c) in this case.
- 5.13 Turning to Policy CD53, this authority considers that the appeal development would in fact breach four of the five criteria laid down by this Policy. It is concluded that the form and bulk of the appeal development would not be "*compatible with the character, scale, and pattern*" of the nearby building within the Conservation Area. Neither would it be "*compatible with the bulk and height*" of the Conservation Area buildings, exceeding them on both counts. The apex of the roof of the former Organ Factory building rises slightly higher than the appeal development roof, but the steep pitched form it takes greatly reduces its high level bulk in comparison with the appeal proposal. The overall bulk and large footprint of the appeal proposal are not considered to be "*compatible with the proportion and rhythm*" of the surrounding Conservation Area buildings, and the "*materials*" also lend more sympathy to the Edward Woods Estate than they do to the Conservation Area buildings. The detailed elevational treatment of the development uses brick facing at ground floor level, and terracotta tiles and render on the upper floors. The brick picks up on the brick gatehouse adjacent, and to the Organ Factory and villas beyond which are all predominantly brick; however, the use of terracotta tiles and render clearly contrasts with these buildings.
- 5.14 This authority submits that it is not sufficient for a development to satisfy the criteria of Policy CD53 for only part of surrounding development within a Conservation Area; being compatible with the character, scale, bulk, height, proportion and materials of the Edward Woods estate is not enough to produce a development that

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complies with Policy CD53. It is concluded that the appeal proposal breaches criteria (a), (b), (c), and (e) of Policy CD53.

- 5.15 Applying Policies CD48 and CD52, it is clearly necessary for a development to fail to preserve the character and appearance of a Conservation Area, and to cause harm to the existing character or appearance, for it to be contrary to these Policies. This authority considers that by virtue of its overall height, scale, bulk, and form, the appeal development would have such a dominant presence at this edge of the Conservation Area such that the existing character and appearance of the Conservation Area would not be preserved or enhanced, but would indeed be harmed. The existing contrast between the North and South sides of Swanscombe Road, where Victorian scale and form faces 1960s/70s scale and form, would be blurred by the construction of this large building on the South side of the Road. It is considered that the character and appearance of the Conservation Area would be harmed in both views from within the flats and spaces of the estate to the North, in views along Swanscombe Road to the West, and also from within the Listed houses of St. Ann's Villas and other nearby buildings within the Conservation Area. It is concluded that the degree of this harm logically leads to the conclusion that the appeal proposal is, also, contrary to Policies CD48 and CD52.
- 5.16 It will be noted that the 'gatehouse' building, recently constructed adjacent to the appeal site and between it and the Listed houses, is of a much more traditional scale and form, and detail, and was considered to meet the requirements of all of the above Policies upon which the appeal scheme fails.

Reason for Refusal 2

"This proposal to provide 17 residential units would produce a development with a habitable room density greatly in excess of Unitary Development Plan guidelines, and a parking provision falling short of Unitary Development Plan guidelines, and in consequence be contrary to Policies H11, H12 and TR46 of the Unitary Development Plan (as Modified)."

- 5.17 The relevant planning policies are found in the 'Housing' chapter of the Unitary Development Plan (UDP), with policies H2, H7, H10, H11, H12, H18, H19, LR14, CD36, H21 and H22 being of particular relevance.
- 5.18 The provision of 11 units of affordable housing is consistent with Policy H22 which seeks, where appropriate, the inclusion and retention of a significant proportion of affordable residential units on sites over 0.05 ha. Circular 06/98 advises that thresholds of 0.5 ha and 15 units should trigger affordable housing, and both the Circular and Policies H21 and H22 thus support the proposed 11 affordable units in this case. The 6 units for private sale are not welcomed by the affordable housing policies, although they would also make a contribution towards the housing targets

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for the Borough and are still to be welcomed under other housing policies, most notably Policy H2.

- 5.19 Residential density, with 52 habitable rooms producing approximately 520 h.r.ha, falls within the U.D.P. category of "VERY HIGH" density (i.e. above 350 h.r.ha) defined in Chapter 5 paragraph 3.13. Policy H12 is to resist such densities unless *necessary* for townscape reasons and, quite simply, there are no townscape reasons why a development of this site should *necessarily* be of five storeys, or of 520 habitable rooms per hectare. Arguments are advanced by the appellants as to why the proposed development may not cause sufficient harm so as to justify a refusal, however it is considered that the argument of necessity (for example, building within or onto a garden square terrace) does not apply to this unique site in Swanscombe Road. This authority finds that the only conclusion must be that the proposal is contrary to Policy H12.
- 5.20 The Council is clearly aware a numerical density calculation would not normally be a sole ground for a refusal of planning permission unless accompanied by material harms, such as to townscape or in terms of parking stress. In this case, harms have been found to result in both these areas of consideration.
- 5.21 It is noted that the density applicable to a private sector scheme of this type would be in the range 175-250 h.r.h (U.D.P. Policy H10). A scheme such as this, providing affordable housing units, could be justified as a reason for a 'HIGH' density scheme of between 250 and 350 hrh, however the UDP contains no provision for an affordable housing scheme to act as a justification for a 'VERY HIGH DENSITY' development.
- 5.22 The scheme would provide a range of unit sizes, including three family sized townhouses with private gardens and a mixture of 1, 2 and 3 bedroomed flats, and is considered consistent with Policies H14 and H19 relating to housing mix. Unit sizes would comply with minimum floorspace contained in the U.D.P., and the overall dwelling layout and stacking of room types has been produced with the participation of the housing association involved with the scheme and is considered satisfactory in planning terms. The inclusion of a dedicated disabled flat on the ground floor, with its own parking space directly adjacent and its own access through to the communal garden, is welcomed.
- 5.23 UDP Policy H7 seeks outdoor space in new development including open space and play facilities in developments of over 10 units, with Policy LR14 requiring amenity space for new family housing and Policy CD29 requiring good light conditions for a development's buildings and spaces. Although there is no dedicated 'play space' as such within the development, the combination of open space (including the corner of land within Hammersmith & Fulham) is considered to be reasonable for a development of this type and the proposal is considered to satisfy the requirements of these Policies. Furthermore, a playground is located nearby, within Hammersmith and

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Fulham, so the seeking of play facilities on the site (Policy H7) is not essential in this case.

- 5.24 It is concluded that the proposal is satisfactory in terms of the majority of UDP housing policies, positively supported by some of them, but it clearly contrary to Policy H12. This authority acknowledges supplementary guidance on housing encouraging higher densities in cities, in particular DoE Circular 6/98 and ODPM Circular 01/02 together with the Mayor's draft London Plan, however nowhere in these pieces of supplementary guidance is it suggested that advice favouring higher densities should, or even could, necessarily outweigh adopted UDP Policies that indicate that one or more harms would result from a proposed development. This Council considers that the very high density of the appeal proposal indicates that other harms are likely to flow from the development, and that further analysis indeed confirms that both townscape and parking provision harms would result.
- 5.25 The appeal development is proposed within an area identified in the UDP (Map 11) as being of "poor accessibility" in terms of public transport, which the Director of Transportation and Highways advises increases emphasis on the need to provide adequate off street parking. A total of only 11 off street spaces are included with the proposals, including one disabled space.
- 5.26 The revised Policy TR46 requires a *maximum* of 2 spaces for every 3 affordable dwellings, with 1 space for each market unit proposed. To provide the UDP maximum, therefore, the proposal would need to include a total of 14 parking spaces, including the disabled space.
- 5.27 Parking stress is unacceptable (at or above 90%) over large areas of the Royal Borough and there is an overall shortfall of on-street spaces to permits issued (46,000 permits to 26,500 spaces).
- 5.28 A shortfall of off-street spaces is particularly unacceptable when there is little alternative public transport available. This lack of alternative underlines why adequate parking in this location should equate to the *maximum* standards.
- 5.29 An analysis of the Resident Permit database shows that practically every house in the locality (not including those in L.B. Hammersmith and Fulham) contains one or more permit holders (see Plan of area, **Appendix 6**). Along the streets outlined – judged to be those streets most likely to be searched for parking spaces by residents of the proposed development- there are 767 issued and 510 residents' bays. Allowing this development with its off-street parking shortfall would further increase this imbalance between permits and spaces in the ward which would be contrary to the Council's transportation aims, as exemplified in TR39 and TR46.
- 5.30 Survey evidence shows that night-time parking occupancy in the local area (a good proxy for car ownership as only resident cars remain in the vicinity) was 81% in 1996. It should be noted that even bay occupancy rates of 80-90% can provide

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difficulties to residents as they would still need to make fairly extensive 'search loops' to find a space. Furthermore, with car ownership rates increasing across the Borough, it is likely that this level has since risen; to permit this development with its parking shortfall would only exacerbate this.

- 5.31 Paragraph 7.6.16b of the UDP advises that:
"In circumstances when no, or reduced off-street parking is proposed the Council will wish to ensure that such development does not generate unacceptable levels of on-street parking demand or exacerbate already severe problems of restricted on-street provision. When a residential development is proposed with no on-site parking, adequate means must be agreed with the Council to avoid any increase in on-street parking demand resulting from the development....The Council will resist inappropriate development unless means can be agreed to avoid any increase in on-street parking demand."
- 5.32 In addition paragraph 7.6.16 provides flexibility when an underground car park is required and the cost proves to be prohibitive. This allows the maximum standard to be exceeded so long as the additional spaces are made available to local residents.
- 5.33 In conclusion, the appeal development is considered to unacceptable in its shortfall of off-street parking, because of material but negative impact on local parking, traffic, road safety and the environment.

6.0 COMMENTS UPON THE APPELLANTS GROUNDS OF APPEAL

Para.s 7.2 and 7.3

6.1 The appellant describes here the attempt to "provide a transition in scale" from the gatehouse, and villas of St. Ann's Villas, to the dominant buildings beyond. However, as discussed in this Council's Statement above, rather than form any successful transition it is considered that the appeal development is actually far more compatible with both the scale and design of the estate block to the North of Swanscombe Road than it is with the scale or design of the nearby buildings within the Conservation Area to which, it is submitted, a development of this site should relate more closely. Matching the height of the block to the North can hardly be called a "transition" between that and the smaller scale of the Conservation Area buildings.

Para. 7.6

6.2 None of the nearby buildings within the Conservation Area, namely the gatehouse, the villas of St. Ann's Villas and the former Organ Factory, feature render or terracotta tiles as part of their detailed treatment; these are not considered to be characteristic of this part of the Conservation Area.

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Para. 7.15

6.3 The matter of amenity impact upon the Organ Factory is set out in paragraph 4.35 of the original Committee Report (**Appendix 3**), where it is concluded that there would be a detrimental effect upon the levels of amenity presently enjoyed by the residents of that building, although not such that would justify a refusal of planning permission. It should be noted that some of the peculiar features of the Organ factory, namely the unusual orientation of its footprint and absence of low level windows on the North-West side, are largely responsible for this conclusion; a differently designed building at this proximity to the large appeal development could suffer a significantly greater impact.

Para. 8.3

6.4 As discussed above, this authority cannot accept that a development compatible with the scale and design of the modern estate block to the North of Swanscombe Road could make any positive contribution to the character or appearance of this part of the Norland Conservation Area, which is characterised by Victorian buildings of much smaller scale than the appeal proposals.

Paras. 8.4 to 8.8

6.5 This Council does not consider that the advice in favour of higher densities presented in Circulars 6/98 and 01 /02, or the draft Mayor's Plan, should be given such weight as would outweigh and over ride the development plan Policy objections, and significant harms, that would arise from the appeal development.

Para. 9.3

6.6 In Para 9.3 of the Appellants' Statement of Case they state that the provision of 11 spaces complies with Policy TR46, however as stated above this is considered inadequate for an area identified in the UDP as having poor accessibility by public transport in comparison with the rest of the Royal Borough.

Para.9.5

6.7 In Para 9.5 the Appellants state that the scheme complies with Government Guidance. The Government's aim with PPG3 (Housing) is to promote more sustainable patterns of development and make better use of previously developed land. PPG3 advises that local authorities "should therefore seek to exploit opportunities to locate larger housing developments around major nodes along good quality public transport corridors...and seek to ensure that all housing developments are accessible by a range of non-car modes" (Paragraph 47). This site, as mentioned above, is not in a good quality public transport corridor, and the proposal is contrary to UDP policy, which has been adopted very recently (2002) and long since PPG's 3 & 13 were published.

6.8 No reference is made to PPG13 (Transport), however it is worth noting that the Guidance is intended to deter the use of, and not the ownership of, private cars. The Royal Borough supports this and has numerous policies in place to achieve this. The Council requires housing developments to provide adequate car parking in order to

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ensure that the development does not contribute to unacceptable levels of on-street parking stress within the Royal Borough.

- 6.9 The continued provision of residential developments with reduced or no off-street car parking, in poorly-accessible areas in the Royal Borough or in areas with high levels of car ownership would, this Council considers, result in increased levels of parking stress and a corresponding deterioration in road safety.

7.0 PUBLIC CONSULTATION

- 7.1 It will be seen from the first Committee Report (**Appendix 3**) four objections (including one sent to Hammersmith & Fulham) were received in relation to the proposal. Those objections are discussed in that report, and copies of the letters of objection have been forwarded to the Planning Inspectorate.

8.0 CONCLUSIONS

- 8.1 It is concluded that the proposal would lead to significant and demonstrable harms, as described in the Statement above, and identified in the Reasons for Refusal. As such, the appeal development would be contrary to a number of Policies of the UDP, as listed in the stated Reasons.
- 8.2 It is not considered that there are any material considerations that would justify the granting of planning permission as an exception to the relevant development plan policies.
- 8.3 It is concluded that there are sound and justifiable reasons why planning permission should not be granted for the development to which the appeal relates.
- 8.4 Therefore, the Secretary of State is respectfully requested to refuse planning permission and dismiss this appeal.
- 8.5 In the case that the Inspector decides that planning permission should be granted, the Council would like to recommend the following Conditions:

- 1) **The development hereby permitted shall be begun before the expiration of five years from the date of this permission.**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions
- 2) **Full particulars, including samples where necessary, of the following shall be submitted to and approved in writing by the**

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Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:

- (a) the materials to be used on the external faces of the building(s);**
- (b) the treatment of the open land within the site including hard and soft landscaping;**
- (c) fencing or railings to be attached to the boundary wall with no.3 Swanscombe Road, and the entrance gates to the parking area;**
- (d) obscured glazing, which shall be to all windows on the East elevation as shown on drawing 0112-P-GA08A, unless otherwise approved in writing by the Local Planning Authority;**
- (e) 1:20 details and sections through the windows on all elevations.**

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

- 3) Notwithstanding the landscaping and planting details depicted on drawing 0112-P-GA02A otherwise hereby approved, full details of new trees to be planted, including position, species, and size, shall be agreed in writing by the Local Planning Authority before development commences, and there shall be no variation from these details unless otherwise agreed in writing by the Local Planning Authority.**

Reason - To ensure that the development incorporates a satisfactory replacement for the contribution the present Sycamore tree makes to the visual amenity and appearance of the Conservation Area and vicinity.

- 4) All areas of render shall be smooth finished and painted in a colour to be submitted to and approved in writing by the Executive Director, Planning and Conservation.**

Reason - To ensure that the detail of the proposal is satisfactory.

- 5) The development hereby approved shall incorporate adequate and secure cycle parking facilities for no less than 17 bicycles,**

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unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that the development incorporates a satisfactory provision for cycle parking in compliance with Policy TR27 of the UDP.