

ROYAL BOROUGH OF KENSINGTON & CHELSEA

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REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 15/05/2001 APP NO. PP/99/02212/CHSE
AGENDA ITEM NO. 2035

ADDRESS

29 Pembroke Road, London,
W8 6DP

APPLICATION DATED 20/10/1999

APPLICATION COMPLETE 28/10/1999

APPLICATION REVISED 17/01/2001

RECON
ADOPTED

APPLICANT/AGENT ADDRESS:	CONSERVATION AREA	Kensington Square	CAPS	Yes
Keith Horn Architects, 58 St. Paul's Road, Canonbury, London N1 2QW	ARTICLE '4'	No	WARD	Abingdon
	LISTED BUILDING			No
	HBMC DIRECTION			N/A
	CONSULTED	75	OBJECTIONS	4
	SUPPORT	0	PETITION	0

Applicant Robert Buxton

PROPOSAL:

Erection of a partially glazed rear extension at ground floor level.

RBK&C Drawing No(s): PP/99/02212, PP/99/02212/A and PP/99/02212/B
Applicant's Drawing No(s): SK1, SK2, SK3, SK4/B, SK5/B, SK7/B, SK8/B, SK9
(Photographs), SK11 and SK12

RECOMMENDED DECISION: Grant planning permission

PP/99/02212 : 1

APPROVED BY
PLANNING SERVICES CTTEE
15 MAY 2001
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 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)
4. **All external joinery hereby permitted shall be of white painted timber construction.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
5. **No water tank, lift motor room, or other roof structure, shall be erected which rises above the level of the roof hereby approved. (C077)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
6. **The roof of the extension hereby permitted shall not be used at any time as a terrace without the prior written approval of the Local Planning Authority (C080)**
Reason - To protect the privacy and amenities of neighbouring properties. (R079)
7. **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)



8. **Full particulars of the method(s) by which the existing London Plane tree on the site is 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 the existing London Plane tree is adequately protected and to safeguard the amenities of the area.
9. **The minimum distance between the existing London Plane tree and any construction must be no less than 1200mm from the closest part of the trunk of the tree, measured at 400mm above the garden level existing at the date of this planning permission.**
Reason - To ensure that the existing London Plane tree is adequately protected and to safeguard the amenities of the area.
10. **Positioning of piles to support ground beams should be determined on the basis of careful hand excavation to a depth of at least 1000mm and the full width (or diameter) required for construction. Any roots encountered greater than 150mm circumference or 50mm diameter may be cut only at the discretion of the Council's Arboriculturist. Prior to the construction of any piles, the written permission of the Council Arboriculturist must have been obtained.**
Reason - To ensure that the existing London Plane tree is adequately protected and to safeguard the amenities of the area.
11. **Conditions upon which this permission is granted take precedence over all engineering detailing and drawings approved by the Council's Building Control section.**
Reason - To ensure that the existing London Plane tree is adequately protected and to safeguard the amenities of the area.
12. **The roof lantern light hereby permitted shall be of white painted timber construction.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

INFORMATIVES

1. I09



2. I10

3. I11

4. I21

5. I30

6. **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, CD40, CD41, CD44, CD52, CD53, CD56, CD72, CD74 and CD76. (I51)**

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1.0 SITE/LOCATION

- 1.1 No. 29 Pembroke Road is a four storey (including basement) semi-detached property on the South side of Pembroke Road, approximately 100m east of its junction with Warwick Gardens.
- 1.2 The lawful use of the property is as a self-contained flat at basement level with a three storey house over.
- 1.3 The property is not listed, but is within the Edwardes Square, Scarsdale and Abingdon Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a partially glazed rear extension at ground floor level to provide a dining room for the main house.
- 2.2 The proposed extension has a depth of 4.5m, a width of 3.7m and a height of 3.4m.
- 2.3 The proposal has been amended following negotiation with Council officers. Originally a roof terrace above the rear extension was proposed.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the effect of the proposal on the character and appearance of this part of the Conservation Area, on the existing levels of amenity enjoyed by neighbouring properties and on a large Plane tree in the rear garden of the property.
- 4.2 The relevant planning policies are contained within the "Conservation and Development" Chapter of the Unitary Development Plan and the proposed alterations to it.

Impact on Conservation Area

- 4.3 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. Policy CD41 sets out the criteria against which rear extensions should be considered.
- 4.4 The proposed rear extension is relatively small and, therefore, would read as subservient to the parent building. It would be set against the existing boundary wall and, therefore, would not be widely visible.

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- 4.5 The extension would be constructed in rendered brickwork with glazing to its rear elevation and a lantern light on its flat roof. Access would be gained via the existing kitchen and via a proposed small glazed vestibule at the side of the extension which would allow additional access from the main hall.
- 4.6 It is not considered that the proposed extension would be detrimental to the character or appearance of this part of the Conservation Area and, therefore, it is considered acceptable.

Impact on Amenity

- 4.7 Policy CD28 of the Unitary Development Plan is to resist development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces. Policy CD30 is to require development to be designed to ensure sufficient visual privacy of residents and the working population. Finally, Policy CD30A of the proposed alterations to the Unitary Development Plan is to resist harmful development where it would result in a harmful increase in the sense of enclosure to nearby residential property.
- 4.8 The only neighbouring properties that would be affected by the proposed extension are flats in Marlborough Court to the east which feature windows facing No. 29 Pembroke Road.
- 4.9 Flats in the lower floors of Marlborough Court, i.e. at basement and ground floor level, would be affected marginally since it is proposed to increase the depth of the high level boundary wall by 700mm. In addition, the proposed extension would project 500mm above the existing boundary fence over a depth of 1450mm, although at this point, the extension would be behind the boundary fence.
- 4.10 In view of the above, it is considered that the proposal may result in a minor loss of sunlight/daylight and a minor increase in sense of enclosure to flats in Marlborough Court. However, it is considered that any loss of amenity would be very marginal and not significant enough to justify a refusal of planning permission.
- 4.11 When the application was first submitted, a roof terrace above the proposed extension was proposed with a significant increase (1.4m) in the depth of existing full height trellis work. This would have resulted in a significant loss of privacy and sunlight and daylight to flats in Marlborough Court as well as a significant increase in sense of enclosure. Following negotiations with Council officers, the roof terrace was deleted from the proposals along with the increase to the depth of the trellis work.

Impact on Plane Tree

- 4.12 Policy CD72 of the Unitary Development Plan is to resist development proposals that would result in an unnecessary loss of trees. Policy CD76 is to ensure adequate protection of trees on sites in the case of development.
- 4.13 In the rear garden of the property, approximately 5m from the main rear elevation of the property, is a mature London Plane tree which is subject to a Tree Preservation



Order.

- 4.14 The tree is a fine specimen with a height of approximately 32m, a crown with a diameter of approximately 25m and a trunk diameter of approximately 1.43m measured 1.6m above ground level.
- 4.15 The Council's Arboricultural Officer states that this is a very healthy and vigorous tree with no sign of structural weakness. He estimates that the tree is nearly 200 years old and that another 50-100 years of growth may be anticipated.
- 4.16 In view of the above, it is considered imperative that the long term survival of the Plane tree is not threatened by the proposed extension.
- 4.17 When the application was originally submitted, the proposed extension extended to within 900mm of the London Plane tree. The Council's Arboricultural Officer was not satisfied that this would allow the tree to thrive and, therefore, following negotiation, the proposal has been amended so that the extension is set back 1200mm from the tree. The Council's Arboricultural Officer is now satisfied that the tree will not be detrimentally affected, given this set back and a pile foundation system. A number of strict conditions are recommended to ensure this.

5.0 PUBLIC CONSULTATION

5.1 Letters of notification were sent to 75 neighbouring properties in Pembroke Road (including all the flats in Marlborough Court) and Logan Place. To date, 4 letters of objection have been received, including one from the Marlborough Court Residents' Association. The objectors were notified of the revision of the proposals and 2 have written to reiterate their objections, including the Marlborough Court Residents' Association.

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

5.2.1 The proposed raising of the boundary wall facing Marlborough Court will have an adverse effect on the amenities of flats in Marlborough Court with east facing windows. It would result in a loss of sunlight and daylight and an increased sense of enclosure.

As stated in the main body of the report, it is considered that the proposed increase in height of one section of the boundary wall is relatively minor and, therefore, would not result in any significant loss of sunlight or daylight or increased sense of enclosure to properties in Marlborough Court. In view of this, a refusal of planning permission on these grounds is not considered justified.

5.2.2 The proposed roof terrace above the proposed ground floor level rear extension would result in noise disturbance to, and overlooking of, neighbouring properties in Marlborough Court.

This view is considered correct and, therefore, following negotiation with Council officers, the roof terrace has now been deleted.



5.2.3 The London Plane tree in the rear garden of the property would be threatened by the proposed rear extension.

As stated in the main body of the report, the Council's Arboricultural Officer is now satisfied that the proposed extension would not threaten the tree. This is as a result of the proposed extension being moved further back from the tree and in view of the foundation proposals as specified by the applicant.

5.3 Following the revision of the proposals, two of the objectors, including the Marlborough Court Residents' Association, wrote to reiterate their objections. They noted that the roof terrace had been removed from the proposals but continued to express concern in regard to the raised boundary wall and the effect of the development on the London Plane tree.

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/99/02212 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: JS
Report Approved By: PK/LAWJ
Date Report Approved: 02/05/2001

PSC0105/JS.REP