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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 09/05/2000 APP NO. PP/99/02490/COTH/49 AGENDA ITEM NO. 76

ADDRESS

5 Pembridge Place, Kensington, W2 4XB

APPLICATION DATED 25/11/1999

APPLICATION COMPLETE

APPLICATION REVISED

RECOMMENDED FOR APPROVAL 09/05/2000

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA Pembridge CAPS Yes

NEALE & NORDEN LTD 34 OSMOND STREET LONDON NW13ND

REFUSED BY PLANNING SERVICES CTTEE 09 MAY 2000 REFUSAL REF.....

ARTICLE '4' No WARD Pembridge

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 31

OBJECTIONS 1

SUPPORT 0

PETITION 0

Applicant Countryman Investments Inc.

PROPOSAL:

Pursuant to Section 73 of the Town and Country Planning Act 1990, removal of condition No.7 of planning permission TP/93/1922, to allow front garden area to be used for off-street parking, together with formation of hardstanding in the front garden area for parking of two cars, erection of railings and gates to front boundary and associated pavement cross over

RBK&C Drawing No(s): PP/99/02490 and PP/99/02490/A Applicants Drawing No(s): 032199/P01A, P02A, P03 and P04

RECOMMENDED DECISION: Refuse planning permission

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REASON FOR REFUSAL

The proposed hardstanding, to be used for the parking of two vehicles, and the associated breach in the front boundary wall would harm the appearance of the building and detract from the character and appearance of the Conservation Area. Therefore, the proposal is contrary to the Council's Policies, as set out in the Unitary Development Plan, in particular Policies CD46, CD48, CD52 and CD53, and the Pembridge Conservation Area Proposals Statement pp 19-21.

1.0 THE SITE

- 1.1 No.5 Pembridge Place is a four storey (plus basement) detached property, situated on the East side of Pembridge Place, close to the junction with Pembridge Villas.
- 1.2 The property is in use as a single family dwelling house.
- 1.3 The property is not Listed, but is within the Pembridge Conservation Area.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The proposal is for the removal of condition No.7 of planning permission TP/93/1922, to allow the front garden area to be used for off-street parking, together with the formation of a hardstanding in the front garden area for the parking of two cars, the erection of railings and gates to the front boundary and an associated pavement cross over.
- 2.2 The proposed hardstanding and vehicle access gates would be positioned on the North side of the property. The area of hardstanding would measure approximately 4.8 metres wide and 5.8 metres deep. The new vehicle gates would be approximately 3.5 metres wide and 1.3 metres high, of a 'concertina' style, constructed from painted metal. A pedestrian entrance gate is proposed to the centre of the front boundary. New railings are also proposed to be fixed to the top of the existing front boundary wall giving a total height of 1.3 metres.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1994 (TP/93/1922) for the change of use to a single family dwelling and alterations to rear and side elevations.
 - 3.1.1 Condition No.7 of this permission is:

"The front garden area shall not be used for off-street parking purposes"

The reason for this condition is:

"The required breach in the front boundary wall would detract from the character and appearance of the Conservation Area."

- 3.2 Planning permission was refused in 1996, an Enforcement Notice issued in 1997 and a subsequent Public Inquiry appeal in relation to the refusal of planning permission dismissed in 1997 for the provision of a hardstanding in connection with the use of part of the front garden area for off-street car parking with associated boundary gates and railings.

3.2.1 In his decision letter, the Inspector considered that:

"...front gardens and walls are an attractive feature of the street architecture which enhances the character and appearance of the Pembridge Conservation Area...the existing breaches in the walls and the provision of off-street parking in front gardens, detract from the character and appearance of the area.." (paragraph 11); and

"Whilst I do not find the proposed gates and railings to be objectionable or out of character with others in the area, I consider that their provision would not overcome the adverse visual effect of an unsightly breach in the front garden wall. Furthermore, although half of the front garden area of the appeal site remains available, the hardstanding has considerably reduced the opportunity for further planting and landscaping to the detriment of the character and appearance of Pembridge Place." (paragraph 12); and

"..the development would not preserve or enhance the character or appearance of the Pembridge Conservation Area.." (paragraph 13); and

"I am not persuaded that any material harm would result to the Council's parking strategy or that this aspect of the proposal would lead to any undue additional parking stress...the off-street parking space at the site would not result in an unacceptable loss of on-street parking provision for residents." (paragraph 17); and

"..If permission is granted for the appeal proposal, I believe the Council would find it difficult to refuse similar proposals in the street with consequent cumulative harm to the conservation area and undermining the relevant policies of the UDP." (paragraph 19)

3.2.2 The appeal case included a 2.8m wide breach in the front boundary wall (compared with 3.5m now proposed) and a hardstanding approximately 3.25m wide (compared with 4.8m now proposed).

4.0 PLANNING CONSIDERATIONS

4.1 The main considerations in this case are the impact of the proposal on the appearance of the building and the character and appearance of the Conservation Area. Also for consideration is the effect of the proposal on on-street residents' parking provision.

4.2 Central to this case is whether there have been any material changes in circumstances or Unitary Development Plan Policy since the appeal for a similar but slightly more modest proposal was dismissed in 1997.

4.3 The relevant policies of the Unitary Development Plan are as follows:

. CD46 (Forecourt and off-street parking)

- . CD44 (External alterations)
- . CD48 and CD52 (Conservation Areas)
- . CD53 (Development in Conservation Areas - high standards of design)
- . TR48 (Loss of on-street residents' parking)

4.4 The Pembridge Conservation Area Proposals Statement (published 1982) refers to forecourt parking and front garden walls at pages 19-21. It advises that "there are very few sites where forecourt parking is acceptable". Where the principle is acceptable, guidance is given upon detailing, including the following:

"Openings should not normally exceed 2.5m in width, or more than half the width of the property, whichever is the smaller."

- 4.5 This part of Pembridge Place is characterised by large detached Victorian buildings. It is considered that the front boundary walls of these properties are attractive and important features of the townscape that serve to enhance the character and appearance of the Conservation Area. Several of the properties in this part of Pembridge Place have off-street parking in their front garden areas. However, of these, only five have the benefit of planning permission, all granted in the 1960's and 1970's, prior to the street being designated as a Conservation Area and prior to the adoption of the current policies of the Unitary Development Plan. Of the remainder, these are likely to have been carried out under 'permitted development', not requiring planning permission.
- 4.6 The proposed hardstanding would result in a breach in the front boundary wall, approximately 3.5 metres in length. It is accepted that this breach would, to a certain extent, be covered by gates, and the design of these gates is unobjectionable in aesthetic terms (subject to detail). However, it is considered that their provision would not overcome the harm caused to the appearance of the building and the Conservation Area by the unsightly breach in the wall. It is further considered that the large area of hardstanding would be detrimental to the character and appearance of the Conservation Area.
- 4.7 The plans have been amended to include two off-street parking spaces instead of one. The formation of the pavement cross over would only result in the loss of one on-street residents' parking space. In view of this, the Transportation Officer raises no objection to the proposal.
- 4.8 Over the past three years the circumstances with regard to hardstandings and pavement crossovers in Pembridge Place have not altered significantly. The owners of No.7 Pembridge Place have recently constructed a hardstanding and gained consent under the Highways Act for a pavement cross over. However, these works were carried out under 'permitted development' and did not require planning permission. Planning permission was required for the new boundary wall and gates at this property. However, this wall and gates replaced an entirely open front boundary. Therefore, the circumstances of this case are considered to be quite different from the current proposal.

- 4.9 The Proposed Alterations to the Unitary Development Plan are currently at the second deposit stage. However, the relevant policies outlined in paragraph 4.3 of this report are not proposed to be significantly altered. Furthermore, in February 2000 an Article 4 Direction came into force relating to the formation, alteration or replacement of hardstandings in several streets in the Pembridge Conservation Area, including No.s 1-18 (consecutive) and 18a Pembridge Place. This means that, even if condition No.7 of the 1994 planning permission had not been imposed, planning permission would still be required for the proposed hardstanding.
- 4.10 It is noted that an appeal relating to front garden car parking was dismissed in respect of No. 13 Dawson Place, a nearby property, in October last year. The Inspector again referred to the importance of front gardens and walls in the conservation area.
- 4.11 In view of the above, it is considered that there have not been any material changes in circumstances or Unitary Development Plan Policy since the appeal for a similar proposal was dismissed in 1997. Indeed, it is considered that the general presumption against this form of development has been strengthened by the introduction of the recent Article 4 Direction.
- 4.12 The Conservation and Design Officer objects to the proposal. It is concluded that the appearance of the building and the character and appearance of the Conservation Area would be harmed. The proposal is also considered to be contrary to Policies CD46, CD48, CD52 and CD53 of the Unitary Development Plan and the supplementary planning guidance contained within the Conservation Area Proposals Statement.
- 4.13 Furthermore, if permission were granted for this proposal, it would become more difficult for the Council to refuse similar proposals in the area, which would result in cumulative harm to the character and appearance of the Conservation Area.

5.0 PUBLIC CONSULTATION

- 5.1 Occupiers of thirty-one neighbouring properties in Pembridge Place were notified of this application.
- 5.2 To date, one letter of objection has been received from the Kensington Society, who state:

"It appears that a low boundary wall is to be removed to permit vehicle access to the hardstanding. This is contrary to Conservation Area policy and should not be allowed. The reinstatement of railings and front gate are welcomed but the design of the gate is difficult to understand and appears out of character. Larger scale drawings are necessary to ensure these are in character with the surrounding area."

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5.3 It is accepted that the proposed hardstanding and associated breach in the front boundary wall would be detrimental to the character and appearance of the Conservation Area and contrary to the relevant policies of the Unitary Development Plan. In themselves, the design of the railings and gate are considered to be unobjectionable in aesthetic terms and the submitted drawings are adequate for the purposes of this application.

6.0 **RECOMMENDATION**

6.1 Refuse Planning Permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/02490 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: MC
Report Approved By: SW/LAWJ
Date Report Approved: 27/04/2000

PSC0005/MC.REP