

5

167

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 09/05/2000 APP NO.PP/99/02518/MNW/11 AGENDA ITEM NO. 2051

ADDRESS

2, 4, 6 Abingdon Road, Kensington, W8 6AF

APPLICATION DATED 08/12/1999

APPLICATION COMPLETE 14/12/1999

APPLICATION REVISED 16/03/2000

APPLICANT/AGENT ADDRESS:

WCEC Architects, New Barn Stables, New Barn Lane, Henfield, West Sussex, BN5 9SJ

CONSERVATION AREA Edwardes Square/Scar CAPS Yes

ARTICLE '4' No WARD Abingdon

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 32 OBJECTIONS 0

SUPPORT 0 PETITION 0

Applicant Ideal Gold Restaurants,

PROPOSAL:

Erection of extension at roof level, and enlargement of rear extension, to provide additional ancillary accommodation to existing restaurant at No.2 and language school at Nos. 4 and 6.

RBK&C Drawing No(s): 9835/01, /02D, /03 and /04B

RECOMMENDATION ADOPTED.

RECOMMENDED DECISION: Refuse planning permission

REFUSED BY PLANNING SERVICES CTTEE 9 MAY 2000 REFUSAL REF

168

REASONS FOR REFUSAL

The proposed additional storeys would disrupt an existing roofline unimpaired by extensions, and would be detrimental to the character and appearance of this group of properties (Nos. 2 - 14 Abingdon Road) and to the character and appearance of this part of the Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular, Policies CD25, CD38 (a), CD39 (b), CD44, CD48, CD49, CD52, CD53, CD54 and CD56.

169

1.0 THE SITE

- 1.1 Nos. 2, 4 and 6 Abingdon Road are four storey (including basement) mid (Nos. 4 and 6) and end of terrace (No. 2) properties on the west side of Abingdon Road, approximately 100 metres south of its junction with Kensington High Street.
- 1.2 The authorised use of the basement and ground floors of No. 2 is as a restaurant (Class A3), whilst the lawful use of the first and second floors would appear to be for purposes ancillary to the restaurant. The authorised use of Nos. 4 and 6 is as a language school (Class D1).
- 1.3 The properties are not Listed, but they are within the Edwardes Square, Scarsdale and Abingdon Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of an additional storey at third floor level on all three properties and for the erection of a rear extension at second floor and second mezzanine level on no.2.
- 2.2 The additional storey to No. 2 would provide additional office floorspace ancillary to the restaurant, whilst the additional storeys to Nos. 4 and 6 would provide additional floorspace for the language school. The rear extension to No. 2 would provide floorspace for a WC and a store room.
- 2.3 The proposed additional storeys take the form of mansard roofs set behind the existing front parapet of each property, and set behind a raised parapet at the rear. The mansard roofs would be clad in slate and feature dormer windows to the front and back.
- 2.4 The proposed rear extensions would be constructed in stock brickwork.
- 2.5 No increase to the restaurant seating space is proposed.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission for the use of the ground floor and basement of No. 2 as a restaurant (Class A3) was granted 1962. Use of the first floor as a restaurant (Class A3) was refused, also in 1962.
- 3.2 Personal planning permission was granted for the use of Nos. 4 and 6 as a language school in 1971. An extension at the rear for an additional classroom was granted in 1997.

- 3.3 In December 1998 planning permission was granted for the installation of a new shopfront and the erection of a new extract duct in place of existing extract ducts at No. 2 Abingdon Road.
- 3.4 On 10th September 1999 planning permission was refused (ref. TP/98/0446) for the erection of rear extensions and a mansard roof extension to nos 2, 4 and 6. The present applications forms a variation on this refused proposal, with amendments and reductions to both the rear extension and the roof extension.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the impact of the increase in ancillary restaurant and language school floorspace and the effect of the proposed additional storeys and rear extensions on the character and appearance of the Conservation Area and on the levels of amenity currently enjoyed by neighbouring residential properties. The recent history in terms of the 1998 planning application is also relevant as the current application is submitted in an attempt to address the concerns raised by the Council in that regard.
- 4.2 The increase in ancillary restaurant floorspace is considered acceptable, since no increase in restaurant covers is proposed. The additional floorspace is for office and storage purposes only. It should be noted that no information has been provided in the application in respect of the increase in floorspace for the language school. Therefore, no consideration of this issue can be undertaken.
- 4.3 In relation to the proposed additional storeys and rear extensions, the relevant planning policies are contained within the "Conservation and Development" Chapter of the Unitary Development Plan.

The proposed additional storey

- 4.4 Policies CD38 and CD39 of the Unitary Development Plan, which should be read as a pair, set out the criteria against which additional storeys should be considered.
- 4.5 The principle of additional storeys is not established in this section of the terrace (Nos. 2 -14 Abingdon Road). Each property features a basement, ground, first and second floor, with none of them featuring any form of additional storey. Since the existing roofline is unimpaired by extensions, the principle of additional storeys on this group of properties is contrary to Unitary Development Plan policy, and, therefore, unacceptable.
- 4.6 It is considered that these seven properties in their original form, unimpaired by extensions, contribute positively to the character and appearance of this part of the Conservation Area. The proposed additional storeys would harm this original form and uniformity, and, as such, they would be detrimental to the character and appearance of this part of the Conservation Area.

- 4.7 To the south of these seven properties is a former presbytery building, now in residential use, which features a third floor and to the south of that is Ilchester Mansions, a mansion block featuring both third and fourth floors. However, these two properties are of a very different architectural character and size to Nos. 2-14 Abingdon Road, and, therefore, are not considered to represent any form of justification for the erection of additional storeys on Nos. 2-14 Abingdon Road, a terrace of properties with its own architectural integrity.
- 4.8 The detailed design of the front of the three proposed additional storeys is considered satisfactory, as is the detailed design of the rear of No. 6 Abingdon Road. As far as these parts of the roof are concerned, it is the principle rather than the detail of the proposed roof extension that raises objection.
- 4.9 A detailed point does remain, however, concerning the raised stair at the rear of no.2, where it is proposed to create an extension across what should be the rear gutter between the mansard slope and parapet wall. The stairs are extended back to the line of the parapet, with the gutter running only 2/3 of the width of no.2, resulting in an unwelcome obstruction within the mansard slope. This is considered to be a harmful feature in design terms.

The proposed rear extension

- 4.10 Policy CD41 of the Unitary Development Plan sets out the criteria against which rear extensions should be evaluated.
- 4.11 In general terms, rear extensions should always be subservient to the scale of the parent building, in terms of their height, width, and depth (projection). The extension proposed in this case would rise to mezzanine level between the second and third floors, across most of its width, and one section of extension (only half its width) is taken up to third floor height. At lower levels the rear extension would amount to a full width extension, although not at the top level.
- 4.12 As the rear extension in this amended application would not rise to full height, or be full width at higher level, it is concluded that it would not raise objection in terms of Policy CD41 or be detrimental to the character and appearance of this part of the Conservation Area.
- 4.13 It is not considered that the proposed rear extension would have a significant effect on the levels of amenity currently enjoyed by residents of neighbouring properties.
- 4.14 It is recognised that the Trattio Restaurant is an important local business that contributes to the vitality of the local area. It is also recognised that the staff facilities for the restaurant are cramped and poorly arranged, and need improvement. However, it is not considered that this represents sufficient justification for allowing additional storeys that would be directly contrary to Unitary Development Plan policy and detrimental to the character and appearance of the Conservation Area. In respect of the language school, no information has been submitted in relation to the requirement for additional floorspace, and the impact of the additional floorspace cannot be assessed,

172

especially in terms of traffic generation.

- 4.15 It is also acknowledged that the applicant has carried out considerable modifications to the scheme following the Council's refusal of the previous application. The previous application involved rear extensions right up to roof level with the mansard storey actually projecting out over the rear extensions, and in comparison with that proposal the development presently proposed is much improved. The rear extension, and detailed design of the additional storey, are now considered acceptable as a result of the amendments made by the applicant. However, whilst these improvements are to be welcomed in themselves, it is concluded that the objection in principle to the additional storey must remain.

5.0 PUBLIC CONSULTATION

- 5.1 Letters of notification were sent to thirty neighbouring properties in Abingdon Road and Kensington High Street. To date, no letters of objection have been received.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/02518 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: DT
Report Approved By: LAWJ
Date Report Approved: 30//03/2000

PSC00/05/DT.REP

Agenda Item 2051
PP/99/2518

173

2 ABINGDON ROAD W.8

New Drawings Received

Showing further reduction in roof height by 350mm. New plan numbers 02E and 04C

This further reduces the visibility of the proposed additional storey, with the result that the roof addition would not be visible from any public perspectives apart from the very top of Abingdon Road at it's junction with Kensington High Street. Nevertheless, the policy objection to the additional storey remains.

REFUSED BY
PLANNING SERVICES CTTEE
5 MAY 2000
REFUSAL REF

174

ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING &
CONSERVATION

PLANNING SERVICES COMMITTEE 9th May 2000

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the CENTRAL area.

Agenda Item A6
PP/99/1900

90 ½ LEXHAM GARDENS W.8

Further Objections

Twelve more objections have been received since the Addendum Report went to print. Five of these are from residents of the application property, and are identical to that already submitted in the name of the "17 Marloes Road Tenants Association", and four more are also standardised letters signed by other residents in this terrace. One further objection has been submitted from a resident of Lexham Gardens, and one more from the resident of no.19a Marloes Road adjacent; the first of these raises grounds common to the other objections, the latter (from the neighbour) raises objections to the principle of commercial activity, visual aspect, design, roofing material, and drainage, but differs from the other objections in that a disabled ramp is preferred to a lift. The final objection is from the Lexham Area Residents Association, who state that (a) the drawings show the garden level inaccurately, (b) there would still be loss of privacy, (c) there would still be loss of security from the disabled access, (d) the extension would be higher than the boundary wall and visible from the neighbouring garden, (e) the character of the terrace would be damaged, and (f) any increase in the size of the commercial floorspace of the property should be resisted.

- The principle of additional floorspace was not one of the matters that the Committee requested further consideration. Nor was the accuracy of the garden level; this has been checked and revised drawings will be presented to the Committee. Lead is considered to be an appropriate roofing material for the sloping extension roof. Drainage (if there was to be a problem) is a matter to be discussed between the two neighbouring owners. The other points have been covered in the Addendum Report.

A further letter has been submitted by the resident of the ground floor flat of 17 Marloes Road, raising three points (1) that paragraph 2.3 of the report does not mention overlooking from the "raised" entry platform (2) intruders would have easier access to the ground floor flat (3) Dr Shah does not have 3000 patients, but only 2200 of whom only 1400 live in the Royal Borough.

- The entrance would be level with the pavement to ensure proper disabled access, and there is no "raised level" but a greater flat area. The horizontal area would need to be increased sufficiently to accommodate one wheelchair. The level of overlooking would only be

increased very marginally, and not materially, upon that at present (the existing level would not be sufficient in any case to present a planning objection) Intruders would have just as easy a time climbing onto the existing flat extension roof as they would at present; the proposal would not materially worsen security and the existing situation is a matter for the various interests concerned to solve between themselves. The exact number of patients is not an issue for consideration; the important facts for a planning decision are that the surgery is lawful, exists with the benefit of planning permission, and has a considerable number of patients from the Royal Borough.

Agenda Item A7
PP/99/1426

70 BEDFORD GARDENS W.88

Further Objections

An objection has been received from the Campden Street Preservation Society, and four further objections have been received from residents of Campden Street. It is pointed out that the change from copper to lead would not improve the appearance of the property and is "irrelevant", that the design in no way matches the period construction of the parent property and would add to the harm already resulting from some of the more modern garden buildings, and that long term damage may result to tree roots.

Agenda Item 2044
PP/98/1202

10 COTTESMORE GARDENS W.8

Typing Error

Para. 3.5 should read "1997" not "1977"

Agenda Item 2049
PP/99/1765

r/o 38 GLOUCESTER ROAD, W.8

One letter has been received from Mr H. J. Morgan of St. George's Court, drawing the attention of the Committee to his previous letters of 22/5/96, 18/2/98, and 1/9/99.

- The main points relevant to this application have been summarised in the Report, but some of the content of these earlier letters refers to the background to, rather than to the specific planning merits of, the application now being considered, and it would be neither appropriate or practical to include the letters in full in the Report. The earlier letters are available on file should the Committee (or any other party) wish to inspect them.