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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE APP NO.PP/99/02455/CHSE/49 AGENDA ITEM NO. 2076

ADDRESS

Flat M, 26/27 Queen's Gate Gardens, Kensington, SW7 5RP

APPLICATION DATED 28/10/1999

APPLICATION COMPLETE 06/11/1999 RECOMMENDATION ADOPTED. APPLICATION REVISED

APPLICANT/AGENT ADDRESS: Maurice Cox, Beulah House, 84 Beulah Hill, London SE19 3EW CONSERVATION AREA Queen's Gate ARTICLE '4' No WARD Queen's Gate CAPS Yes LISTED BUILDING II HBMC DIRECTION N/A CONSULTED 41 OBJECTIONS 2 SUPPORT 0 PETITION 0

Applicant K. Fereday

PROPOSAL:

Provision of new french doors and steps and enclosure of the flat roof with railings to form a terrace.

RBK&C Drawing No(s): PP/99/02455 Applicant's drawing No: 2474/1

RECOMMENDED DECISION: Refuse planning permission

REFUSED BY PLANNING SERVICES CTTEE 18 JUL 2000 REFUSAL REF

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REASON FOR REFUSAL

The proposed terrace, by virtue of its height and proximity to neighbouring properties would result in overlooking and loss of privacy to the significant detriment of levels of amenity enjoyed by the properties opposite and below, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD30 and CD40.

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1.0 THE SITE

- 1.1 26-7 Queen's Gate Gardens is a terraced property on the eastern side of the street. Flat M is the relevant flat.
- 1.2 The property is Listed Grade II and is within the Queen's Gate Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the modification of a flat roof by the provision of new finishes to form a terrace together with a new access door and steps from within the flat and enclosure with railings.
- 2.2 Listed building consent is also sought for these alterations.

3.0 PLANNING HISTORY

- 3.1 There is a substantial planning history to the property, but not of specific relevance to the current proposal.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the effect of the proposed alterations to the rear of the property on the special architectural character and historic interest of the listed building and upon the character and appearance of the conservation area, together with the effect of a new terrace at this level on levels of amenity enjoyed by the occupiers of neighbouring residential properties.
- 4.2 The relevant policies are within the "Conservation and Development" Chapter of the Unitary Development Plan, in particular policies CD30, CD40, CD44, CD52, CD53 and CD58.
- 4.3 With regard to the appearance of the building, there is currently a pair of small sash windows which are located approximately 1.8m above the level of a flat roof which is enclosed by a low parapet wall.
- 4.4 It is proposed to drop the sill of the window within the existing width of opening to create a pair of french doors with steps down onto the terrace. No elevational details of any railings to enclose the terrace have been included, only a section. New railings would be required because the parapet height is less than 1.1 metres.

Formal Observations of the Conservation and Design Officer

- 4.5 English Heritage have authorised the Council to determine the application and formal observations have been prepared by the Conservation and Design Officer as follows:-

"The scheme proposed is the creation of a roof terrace on an existing rear closet wing to this 19th Century terraced house.

The existing flat roof, which has a low parapet wall with boundary walls to each side partially overlooks Queen's Gate Place Mews. The present townscape in this area comprises the roofscape of the mews, the relatively high rise 19th Century terrace and an occasional roof terrace, all being in close proximity to each other.

The proposed roof terrace will be formed by the installation of a hardwood decking onto the surface of the existing flat roof. A metal safety railing will be constructed around the roof perimeter, fixed to the top of the existing parapet wall. Access to the new terrace from the main house will be via a new pair of french windows, set within an existing structural opening. A significant change in floor levels, between the internal and the flat roof will be overcome by the construction of an external flight of steps.

The proposed terrace will be partially shielded from view by the boundary walls and the adjoining buildings. The proposed french windows and the safety railings will both be sensitively detailed to reflect the period and style of the main house. The detail of the railings is the subject of a condition. The only loss of original fabric will be the removal of one small window frame and the lowering of the window sill. The design scheme is relatively unintrusive and will not harm the appearance of the building or the terrace as a group.

It is considered that the works proposed will not be detrimental to the special architectural and historic character of the building and are therefore acceptable."

- 4.6 In view of the above, since there is no objection to the works on listed building grounds, it is recommended that listed building consent is granted. An informative is recommended to remind the applicant's that these works can not be implemented in the absence of appropriate planning permission.
- 4.7 Notwithstanding this, there are relatively few roof terraces in this part of Queen's Gate Gardens and although the works to create this one are not considered harmful to the listed building, it is considered that it could set a precedent for further roof terraces to the detriment of the character and appearance of the conservation area contrary to Policy CD52 and CD53.
- 4.8 Moreover, there is a roof terrace directly opposite on 21 Queen's Gate Place which is in close proximity to the terrace on No. 26/7. It is considered that due to the proximity of the terrace, which is at the same level, there would be a significant loss of privacy to the detriment of levels of amenity presently enjoyed. In addition, there is a window at the same level on No. 21 Queen's Gate Place across the mews which would be overlooked from the terrace.

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4.9 Further, the terrace would result in overlooking and loss of privacy to the significant detriment of levels of amenity enjoyed by properties in Queen's Gate Place Mews, including No. 2 and No. 4, contrary to Policies CD40 and CD30.

4.10 It is considered that by a matter of fact and degree, the proposed terrace would result in loss of privacy to an extent which would justify a refusal of planning permission notwithstanding that the works are considered to preserve the special architectural character of the listed building.

5.0 **CONSULTATION**

5.1 Occupiers of 40 neighbouring properties in Queen's Gate Gardens, Queen's Gate Place and Queen's Gate Place Mews.

5.2 To date, three letters raising objection to the proposal have been received on behalf of two neighbouring occupiers. Concern is raised that the proposed terrace would result in overlooking and loss of privacy to the rear windows of the mews houses below and is also likely to result in additional noise and disturbance in the area.

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/99/02455 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: ALS
Report Approved By: DT/LAWJ
Date Report Approved: 03/07/2000

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