

ROYAL BOROUGH OF KENSINGTON & CHELSEA

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REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

MEMBERS' PANEL APP NO. PP/99/02477/COTH/476/04/
AGENDA ITEM NO. 476

ADDRESS

93 Portobello Road,
Kensington, W11 2QB

APPLICATION DATED 29/11/1999

Handwritten signature and date: 31/3

APPLICATION COMPLETE 08/12/1999

APPLICATION REVISED 25/01/2000

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA Ladbroke CAPS Yes

APCAR Smith
Planning,
56-58 Crewys Road,
London NW2 2AD

ARTICLE '4' Yes WARD Pembridge

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 125 OBJECTIONS 0

SUPPORT 0 PETITION 0

Applicant Mr. L. Kelly,

PROPOSAL:

Pursuant to Section 73 of the Town and Country Planning Act 1990, erection of ground, first and second floor rear extension, new rooflights, fenestration alterations to front and rear elevations and new shopfront to shop unit, separate access to upper residential flat and the formation of a terrace on the main roof.

RBK&C Drawing No(s): PP/99/2477/A
Applicant's Drawing No(s): 314/3I, location plan and photographs

DELEGATED
APPROVAL
31 MAR 2000

RECOMMENDED DECISION: Grant planning permission pursuant to Section 73 of the Town and Country Planning Act 1990 without complying with Condition 5 of Planning Permission PP/99/1296 but subject to an additional condition which has the effect of allowing the use of the main roof as a terrace and requiring the terrace railings to be simple vertical metal, painted black.

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

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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. **The railings to the roof terrace hereby permitted shall be simple vertical painted black, and so maintained. (C082)**
Reason - To safeguard the appearance of the building/street. (R082)
5. **Except as shown on the drawings hereby approved, no water tank, lift motor room, or other roof structure shall be erected which rises above a roof of any part of the building, including the roof of any extensions. (C078)**
Reason - To safeguard the appearance of the building / area. (R077)
6. **The windows to the front elevation shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
7. **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.**
Reason: To protect the privacy and amenity of neighbouring property (R080)
8. **Notwithstanding the shopfront details as indicated on drawing Nos. 314/3I, the two outer door panels shall be fixed shut, and be so maintained. Only the two central door panels shall be openable.**
Reason: To maintain the continuity of the street frontage, in accordance with Policy CD65 of the Unitary Development Plan.

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INFORMATIVES

1. I10
2. I09
3. I11
4. I22
5. I26
6. I30
7. I31
8. I05
9. I21

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1.0 THE SITE

- 1.1 No. 93 Portobello Road is a three storey mid-terrace property situated on the West side of Portobello Road, opposite the junction with Denbigh Terrace.
- 1.2 The property is currently vacant but was last in use as a retail shop on the ground floor with residential accommodation on the upper floors.
- 1.3 The property is not listed, but adjoins, to the rear, the Grade II listed St. Peter's Church. The property is within the Ladbroke Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal is for the removal of Condition 5 that was attached to planning permission Ref: PP/99/1296 dated 20 September 1999, for ground, first and second floor rear extension, new rooflights, fenestration alterations to front and rear elevations and new shopfront to shop unit, to include separate access to upper residential flat.
- 2.2 Condition 5 of planning permission PP/99/1296 makes reference to:

"The roof of the building hereby permitted shall not be used at any time as a terrace without the prior written approval of the Local Planning Authority."

The reason for the imposition of the Condition was:

"To protect the privacy and amenity of neighbouring property."

- 2.3 The applicant seeks the removal of Condition 5 to allow the provision of outdoor amenity space for the occupiers of the new refurbished flat on the building's main roof at third floor level. Access to the roof terrace would be via an openable roof light that formed part of the previous grant of planning permission (Ref: PP/99/1296).

3.0 RELEVANT PLANNING HISTORY

- 3.1 In April 1967 planning permission was granted for use of the ground floor room as a shop.
- 3.2 In April 1972 planning permission was refused for the change of use of rear of ground floor and upper part from residential to storage and showroom.
- 3.3 In September 1999 planning permission was granted for ground, first and second floor rear extension, new rooflights, fenestration alterations to front and rear elevations and new shopfront to shop unit, to include separate access to upper residential flat.

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4.0 PLANNING CONSIDERATIONS

4.1 The main considerations with regard to this application relate to the impact of the proposed roof terrace upon the terrace and the character and appearance of the Conservation Area. Any implications for existing levels of amenity enjoyed by occupants of nearby property, must also be considered.

4.2 Relevant Unitary Development Plan policies are:

- CD30 (visual privacy)
- CD34 (noise)
- CD40 (roof terraces)
- CD52 and CD53 (standards of design in a Conservation Area)

4.3 The imposition of Condition No. 5 was attached to the previous planning permission (Ref: PP/99/1296) to protect residential amenity, particularly to the flats opposite at Longlands Court, Nos. 94-102 Portobello Road. It should be noted that information received from the applicant, states that historically the existing roof had been used by the previous occupiers as a terrace which exhibits a 850 mm high parapet wall with a 300 mm high railing on top, fixed inside the parapet wall. However, the layout for the proposed roof terrace has been amended to reduce its size, and insert new 1.1 m high metal balustrade, set back approximately 2.4m from the front 800 mm high parapet wall. This would result in a total distance of approximately 20 metres between the proposed roof terrace and habitable windows to the flats in Longlands Court opposite. This is considered to be acceptable and is supported by Paragraph 3.19 of the "Conservation and Development" Chapter of the Unitary Development Plan, which refers to a distance of 18m between opposing habitable room windows to reduce inter-visibility to a degree acceptable to most people.

4.4 The neighbouring property, "Portobello Gold" Public House at Nos. 95-97 Portobello Road, exhibits an existing roof terrace that is hidden behind the chimney breast and party walls with No. 93 Portobello Road. The planning records do not show that planning permission was granted for this use, however it is considered to have been established over a long period of time and is now immune from enforcement action. The roof to No. 91 Portobello Road remains unaltered and is approximately 1.4 m lower than the roof level to No. 93 Portobello Road. It is considered that given the concealed nature of the proposed roof terrace it would not be visible from adjoining neighbouring properties. To the rear of the property there is the Grade II listed St. Peter's Church and the rear car park to Waterford House. Therefore in terms of Policies CD30, CD34 and CD40 no objection is raised to the proposal.

4.5 To the rear of the property there is an outreach extension with a rooflight to the flat roof which formed part of the previous grant of planning permission

(Ref: TP/99/1296). It is not proposed to utilise this part of the roof for a roof terrace. Condition 6 of the 1999 planning permission precludes terrace use of the roof of the extension. This condition, together with all others (except for No. 5) are recommended to be reimposed in the current case.

- 4.6 The Conservation and Design Officer has no objection to the proposal and considers that given the proposed roof terrace will be well set back with no views from street level and minimal views from surrounding buildings and upper level, the proposed works would not harm the character of the building or the Conservation Area, in accordance with Policies CD52 and CD53 of the Unitary Development Plan.
- 4.7 In conclusion, it is considered that use of the roof of the building would not be detrimental to residential amenity or the character and appearance of the terrace and that part of the Ladbroke Conservation Area.

5.0 PUBLIC CONSULTATION

- 5.1 Occupiers of 125 neighbouring properties in Portobello Road, Kensington Park Road, Longlands Court and Westbourne Grove have been notified of this application.
- 5.2 To date, there have been no letters of objection to the proposal.

6.0 RECOMMENDATION

- 6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION