

ROYAL BOROUGH OF KENSINGTON & CHELSEA

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REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. PP/99/00717/CUSE/24
PLANNING SERVICES COMMITTEE 20/07/1999 AGENDA ITEM NO. 4110

ADDRESS

190-200 Walton Street,
Chelsea, SW3

APPLICATION DATED 01/04/1999

APPLICATION COMPLETE 13/04/1999

APPLICATION REVISED 18/06/99

RECOMMENDATION
ADOPTED.

APPLICANT/AGENT ADDRESS:

Koski Solomon &
Ruthven,
Architects,
14 Greenland
Street,
London
NW1 0ND

CONSERVATION AREA Chelsea

CAPS Yes

ARTICLE '4' No

WARD Hans Town

LISTED BUILDING N/A

HBMC DIRECTION N/A

CONSULTED 37

OBJECTIONS 3

SUPPORT 0

PETITION 0

Applicant Martin Estates Limited (Clerkenwell),

PROPOSAL:

Change of use of the existing ground floor unit at 192 Walton Street from Class B1 (light industrial) to ^{retract to} form a new building, the creation of a residential flat and the provision of a new shopfront.

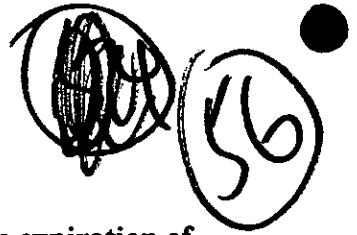
RBK&C Drawing No(s): PP/99/00717 and PP/99/00717/B
Applicant's Plan No(s). WAL-X01, WAL-X02, WAL-X03, WAL-X04; WAL-200, WAL-300B, WAL-301B, WAL-302A, WAL-100A, WAL-101A, WAL-102B, WAL-103B and photographs.

RECOMMENDED DECISION:

Grant planning permission

APPROVED BY
PLANNING SERVICES CTTEE
20 JUL 1999
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. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:**
 - (a) **the materials to be used on the external faces of the building(s) and**
 - (b) **the provision of access for people with disabilities.****(C011)**
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory. (R011)

3. **No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical interference. (C047)**
Reason - To safeguard the amenity of neighbouring property. (R042)

4. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)

5. **No loudspeakers or relay equipment, or musical instruments, shall be used on the premises in such a manner as to cause noise nuisance to occupants of neighbouring property. (C049)**
Reason - To safeguard the amenity of neighbouring property. (R048)

6. **Details of the means of ventilation to the premises shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences, and the use shall take place only with the ventilation so approved in operation. (C055)**
Reason - To safeguard the amenity of neighbouring property. (R055)

7. **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)

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8. **No demolition pursuant to this permission shall commence until a contract for the carrying out of the building operations hereby permitted has been completed. (C069)**
Reason - To ensure a satisfactory standard of external appearance, and to safeguard the visual amenity of the area. (R069)
9. **The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, and so maintained. (C073)**
Reason - To preserve the character or appearance of the Conservation Area / To protect the character and appearance of the building which is statutorily Listed. (R073)
10. **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 safeguard the appearance of the building / terrace / area. (R077)
11. **The retail floorspace hereby permitted shall not be occupied until the residential flat hereby permitted located in the rear roof void of 190-196 Walton Street has been constructed and is available for occupation.**
Reason: To safeguard the provision of residential accommodation within the Borough.
12. **Details of the dormer windows hereby permitted on the rear roof void of 190-196 Walton Street shall be submitted to and approved in writing by the Executive Director, Planning and Conservation prior to development commencing.**
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory. (R011)
13. **Details of the shopfront hereby permitted including materials shall be submitted to and approved in writing by the Executive Director, Planning and Conservation prior to the commencement of the development.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)



INFORMATIVES

1. I09
2. I10
3. I11
4. I43
5. I21
6. I22
7. I30
8. I31
9. I38

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1.0 THE SITE

- 1.1 Nos. 190-200 Walton Street are a group of two storey terraced properties with a variety of roof additions situated on the northern side of the street close to the junction with Draycott Avenue. There is residential accommodation in the form of two flats at first floor level above Nos. 190-194 with retail uses at ground floor level. Between the existing retail units at No. 190 and 194/196, there is a vehicular access which serves a vehicle repair garage to the rear. The repair garage takes the form of a single storey corrugated structure which has a pitched, partially glazed roof and is surrounded on all sides by a mixture of two, three and four storey development. To the north is No. 13 Crescent Place which is a three storey building utilised for warehousing and workshops whilst to the west No. 303-307 Brompton Road consists of commercial uses at ground floor with residential above.
- 1.2 Nos. 198/200 Walton Street which abuts the repair garage to the south east has retail uses on the ground and first floors with offices above. Nos. 204/206 have retail uses on the ground floor, a hairdressers on the first floor and offices on the second floor. Nos. 122/126 Draycott Avenue has ground floor commercial uses including a restaurant which abuts the repair garage to the south and there is residential accommodation above, although this is stepped back some distance from the curtilage of the garage building at No. 192 Walton Street.
- 1.3 The site is within the Chelsea Conservation Area and the repair garage (No. 192 Walton Street) is on the border of the Fulham Road East Principal Shopping Centre.

2.0 THE PROPOSAL

- 2.1 The proposal is for the change of use of the existing ground floor of the repair garage to retail use and the provision of a first floor which would be linked to the existing retail unit on the first floor of No. 198/200 Walton Street. This would involve the demolition of the existing repair garage building and its rebuilding with brickwork, the provision of a slate roof and some metal cladding. Materials can be conditioned but it has been suggested that at first floor level the proposed building could be finished with timber boarding and be painted white.
- 2.2 The roof would be remodelled from the present profile having a higher ridge line, but being stepped away from the flank boundaries of the site on the northern and western sides. The ridge line would move towards the southern boundary of the site and would be approximately 1 metre higher at its highest point.
- 2.3 The area between the present garage building and the rear of Nos. 190/196 Walton Street would be infilled and the residential flat which is currently at first floor level at the rear of Nos. 190/196 Walton Street would be relocated into

the roof space that currently exists with the provision of dormer windows.

3.0 PLANNING HISTORY

- 3.1 Applications of relevance to the proposal are limited. The construction of a restaurant comprising of a two storey building and the provision of a roof terrace on the site of the repair garage was withdrawn in October last year.
- 3.2 With reference to No. 192 Walton Street, known as Mytre Yard, which is the car repair garage, alterations and refurbishment for use within Class B1 (light industrial) of the 1987 Use Classes Order (as amended) was granted in June 1989 (ref. TP/89/0084).
- 3.3 The demolition of the roof, front elevation and single storey addition at the rear of 194/196 Walton Street was permitted in June 1989 (ref. TP/89/0085).
- 3.4 A Certificate of Lawful Proposed Use for the development of offices/light industrial units at land between 190-194 Walton Street and also the rear known as Mytre Yard was granted in May 1990.
- 3.5 The refurbishment and remodelling of shop interiors, the erection of a rear extension, the change of use of part of the first floor to ancillary offices and the erection of an additional storey was granted permission at 198/200 Walton Street in October 1984 (ref. TP/84/1531).
- 3.6 The rebuilding of 198/200 Walton Street as a three storey building comprising two shops and one flat was granted in May 1986 (ref. TP/86/0112).

4.0 PLANNING CONSIDERATIONS


- 4.1 The principal considerations relate to the loss of the existing car repair garage and its rebuilding and whether this will adversely affect the character and appearance of the Chelsea Conservation Area. The rebuilt structure will also have to be assessed in terms of its affect on adjacent buildings particularly with regard to loss of light and any adverse sense of enclosure.
- 4.2 The relocation of residential accommodation from the first floor of Nos. 190/196 Walton Street to the void within the existing pitched roof must also be assessed.
- 4.3 Policies CD48, CD52 and CD53 of the Unitary Development Plan aim to preserve the character and appearance of Conservation Areas. Policy CD53 in particular aims to ensure that all development is to a high standard of design and is compatible with (amongst other criteria) the character, scale and pattern, bulk and height and roofscape of surrounding development.
- 4.4 Policy CD51 resists demolition or partial demolition of buildings in conservation areas unless (amongst other criteria) the building makes no positive contribution to the character or appearance of the area and a

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satisfactory scheme for redevelopment has been approved.

- 4.5 Policy CD38 normally resists additional storeys and roof level alterations on (amongst other criteria) buildings by the nature of the roof construction and architectural style are unsuitable for roof additions.
- 4.6 Policy CD39 normally permits additional storeys and roof level alterations where (amongst other criteria) the alterations are architecturally sympathetic to the age and character of the building.
- 4.7 Policy CD26 requires infill development to conform to existing building lines and overall scale and character of the area, respect the form and materials of adjoining buildings and have regard to open spaces which are important to the proposed development and surrounding area.
- 4.8 Policy S2 normally permits new shop floorspace and extensions to existing shop units.
- 4.9 Policy E10 resists the loss of those existing General Industrial Uses (Class B2) where they have no significant adverse effect on residential amenity.
- 4.10 Policy CD28 normally resists development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings.
- 4.11 Policy H1 resists the loss of permanent residential accommodation in all but the most exceptional circumstances.
- 4.12 In terms of the principle of the use, the planning history clearly demonstrates that the current use of the garage is a light industrial use. Its operation is such that it has had no significant adverse effect on residential amenity, and therefore, falls within Class B1 (light industrial/ office use) of the 1987 Use Classes Order (as amended). There are no policies to resist the loss of light industrial/office floorspace in this part of the Borough and Policy E10 is not applicable in this case. In terms of the creation of additional retail floorspace, this is supported by Policy S2. Although the existing residential flat at first floor level at the rear of 190/196 Walton Street will be lost, this will be replaced by a unit of similar floorspace in the roof void above. On this basis, the proposal is not considered to be contrary to Policy H1. A condition is recommended to ensure that the residential unit is made available for occupation prior to the additional retail space being utilised.
- 4.13 Members may wish to carefully examine the impact of the rebuilt structure on the character and appearance of the Conservation Area and surrounding buildings. Following discussions with officers the plans have been revised so that at first floor level the pitch of the roof is stepped in approximately 3 metres from the rear boundary of Nos. 303-307 Brompton Road. There is a residential flat at first floor level (No. 307a) and the present bulk of the building has been reduced adjacent to the boundary. A light study was conducted on a former proposal which was closer to the boundary at this level, and it was



concluded that apart from a ground floor window, which serves a commercial use staff room, the proposals would not be contrary to Building Research Establishment guidelines. Given the distance of the new ridgeline from the boundary, it is considered that there will be no adverse sense of enclosure or material loss of sunlight.

- 4.14 The pitched roof at first floor level has also been stepped off the northern boundary adjacent to No. 13 Crescent Place by approximately 2 metres at its closest point and 3 metres along the western portion. At ground floor level, the windows are already obscured, whilst at first floor level they serve workshops and storage units and are partly obscure glazed. The stepping off of the pitch should avoid an adverse sense of enclosure and allow light to still penetrate these windows. On this basis, the proposals are considered not to be contrary to the requirements of Policy CD28.
- 4.15 With relation to the impact on the southern boundary, an internal linkway will be created at first floor level between Nos. 198/200 Walton Street and the first floor of rebuilt property at No. 192. This will involve the building of a first floor wall adjacent to the existing rear bay window. In terms of enclosure, there is a window in the flank of a rear extension at Nos. 202/204 at first floor level. However, this serves a small staff room to the hairdressers and the impact is not considered so adverse as to warrant refusal on this basis. Given the orientation loss of sunlight is not considered a material consideration. Residential flats at upper floor levels which have a frontage onto Draycott Avenue are considered sufficient distance away not to be adversely affected by the proposal.
- 4.16 In terms of the demolition of the present building at the rear of the Walton Street frontage (No. 192) this is constructed of corrugated metal and is considered of no architectural merit or positive contribution to the townscape. The replacement building will be constructed of brick, slate and timber and its scale is considered to be comparable with the former building. There are no public views available of the site due to its enclosed location.
- 4.17 English Heritage have been notified of the proposals to demolish but have made no comments.
- 4.18 In terms of the small portion of existing open space in front of the present garage building, this serves a very limited purpose in enabling private views of the rear of Nos. 190-196 Walton Street and its loss is not considered to adversely affect the character and appearance of the conservation area. The rebuilt property at the rear (No. 192) should still remain subservient to the height of surrounding development and on this basis the proposals are considered to be in conformity with Policies CD26, CD48, CD51, CD52 and CD53 of the Unitary Development Plan.
- 4.19 The addition of dormer windows in the rear roof pitch of Nos. 190-196 Walton Street should not materially increase overlooking and are considered to be in character with the conservation area and the nature of the roof construction.



On this basis, they are considered to be in conformity with Policies CD38 and CD39.

4.20 In relation to the entrance passage from Walton Street and the creation of a new recessed glass and steel shop front, this will inevitably be of smaller width than the adjacent units. However, its design is considered to be in character with other retail units in the parade and on this basis should comply with Policy S22.

5.0 PUBLIC CONSULTATION

5.1 The occupiers of 37 properties in Walton Street, Draycott Avenue, Brompton Road and Crescent Place were notified of the proposal.

5.2 There have been objections from the occupiers of 44 Lennox Gardens, 134 Walton Street and 11 Taylor Avenue, Kew Gardens on grounds of loss of the present repair garage which provides a valuable community service and contributes to the character of the area.

5.3 The managing agents of the property at 307 Brompton Road comment that the revised proposals seem an improvement as far as they are concerned.

5.4 The present repair garage appears to have provided a good service and operated without being detrimental to the area. On this basis, its loss is regrettable. However, there are no relevant policies within the Unitary Development Plan to prevent the loss of light industrial floorspace in this location and its loss is not considered to warrant refusal of the application.

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/99/00717 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: JW
Report Approved By: BC/LAWJ
Date Report Approved: 05/07/1999**

PSC9907/JW.REP