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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 04/11/1999 APP NO. PP/99/00720/MIND/15 AGENDA ITEM NO. 167

ADDRESS

23 Pottery Lane, Kensington, W.11

APPLICATION DATED 27/03/1999

APPLICATION COMPLETE 13/04/1999

APPLICATION REVISED

APPLICANT/AGENT ADDRESS:

Mrs. M.G. Dunlop, 3 Pembroke Mews, Kensington, London W8 6ER

CONSERVATION AREA
RECOMMENDATION
ADOPTED

Norland

CAPS Yes

ARTICLE '4' No

WARD Norland

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 20

OBJECTIONS 2

SUPPORT 0

PETITION 0

Applicant Mrs. M.G. Dunlop,

PROPOSAL:

Erection of basement and two storey house with garage.

RBK&C Drawing No(s): PP/99/00720
Applicant's Drawing No(s): E-001, E-002, TP-01, TP-02, TP-03 and TP-05

RECOMMENDED DECISION:

Minded to Refuse planning permission

Minded To:

REFUSED BY
PLANNING SERVICES CTTEE
04 NOV 1999
REFUSAL REF.....

REASONS FOR REFUSAL



1. **The proposed development would result in the loss of most of the rear garden of No. 46 Princedale Road to the detriment of its residential amenity, contrary to Council policy as expressed in the U.D.P. in particular Chapters 4 and 11, and Policies CD26, CD41, LR7 and LR14.**

2. **By reason of its bulk and proximity to the existing houses in Princedale Road, the development would result in loss of light and an unwelcome sense of enclosure to the rear windows of No. 46 and rear garden at No. 48 to the detriment of residential amenity, contrary to Council policy as expressed in the UDP notably Chapter 4, Policies CD26, CD28 and CD41, and in the UDP Proposed Alterations in particular Policy CD30a.**

3. **By reason of the proposed flank first floor window and the lowering of the boundary wall, the proposed development would result in undue overlooking of the rear of No. 48 to the detriment of residential amenity, contrary to Council policy as expressed in the U.D.P. notably Chapter 4 Policy CD30.**

(ST)

1.0 THE SITE

- 1.1 No. 23 is located on the western side of Pottery Lane backing onto No. 46 Princedale Road and part of No. 48 Princedale Road.
- 1.2 It is a single storey single garage, built in the 1970s, serving the three storey house at No. 46. The area between the rear of No. 46 and the canted flank wall of the garage at No. 23 forms the rear patio garden of No. 46. It measures 4.4m wide and a maximum of 7.5m long, but the garage runs across one corner making the patio an irregular triangular shape.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing garage and to erect a basement and two storey single dwelling with integral garage. The new building would occupy the site of the existing garage and most of the patio.
- 2.2 The new building would be contemporary design, brick faced, flat roofed and with glazed front door, garage doors and large square first floor windows - all set behind fixed hardwood louvred screens. The area behind No. 48 would be retained as a side lightwell, faced by flank windows at basement, ground and first floors.
- 2.3 The new development would provide a basement bedroom, dressing room and bathroom, a ground floor garage and kitchen and first floor studio (living room) and shower room/ WC.
- 2.4 A patio measuring 2.1m x 1.7m would be retained at the rear of No. 46.
- 2.5 This report relates to applications for conservation area consent for the demolition of the existing garage and planning permission for the proposed development.
- 2.6 The applicant has appealed on grounds of non-determination.

3.0 RELEVANT TOWN PLANNING HISTORY

- 3.1 Planning permission was granted in 1971 for alterations and extensions and the provision of garages at Nos. 46, 48 and 50 Princedale Road and 23, 25 and 27 Pottery Lane to provide three dwelling houses each with a garage. Conditions of the permission included the following:

"2. The garage accommodation shall be retained as shown on the drawings approved and shall not be used for the storage of vehicles other than private motor vehicles, and no trade or business shall be carried on therefrom.

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"3. The garage accommodation shall not be adapted for living purposes."

3.2 Planning permission was granted in 1997 for a terrace on the main roof of No. 46.

3.3 An application was submitted in 1997 for the erection of a house as currently proposed, except with a taller boundary wall enclosing the proposed light well. This was withdrawn.

4.0 TOWN PLANNING CONSIDERATIONS

4.1 The issues in this case are considered to be:

4.1.1 the provision of new residential accommodation

4.1.2 the level of car parking provision at No. 46 and No. 23

4.1.3 the effects upon the appearance of this part of Pottery Lane and the character and appearance of the Norland Conservation Area

4.1.4 the effects upon light and sense of enclosure to adjoining properties

4.1.5 the effects upon privacy to adjoining properties

4.1.6 the loss of garden space at No. 46.

4.2 Relevant policies are contained in the Unitary Development Plan Chapters 4, 5, 7 and 11 and include:

CD25 (standards of design)

CD26 (infill development)

CD28 (sunlight and daylight)

CD29 (good light conditions for new development)

CD30 (privacy)

CD37 (town planning standards)

CD41 (rear extensions)

CD47 (preservation or enhancement of character of mews)

CD51 (demolition in conservation areas)

CD52 (preservation or enhancement of conservation areas)

CD53 (standards of design and compatibility with surroundings in conservation areas)

STRAT 13 and STRAT 14 (increase in Borough's housing stock)

H2 (seeks development of land and building for residential use)

TR46 (adequate off-street parking space for new residential development)

TR47 (resistance to loss of off-street residential parking)

LR7 (resistance to loss of open space which meets leisure and recreation needs)

LR14 (requires amenity space for new family housing)

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4.3 The Proposed Alterations to the UDP propose a new policy, CD30(A), which refers to sense of enclosure. The Draft Alterations have been placed on Deposit for public consultation and are a material planning consideration. This policy seeks to resist development where it would result in a harmful increase in the sense of enclosure to nearby residential property.

4.4 The issues identified at paragraph 4.1 above are considered in turn below.

4.5 Residential gain

The provision of additional housing on the site is consistent, in principle with Policies STRAT 13, STRAT 14 and H2. The proposed development would provide a two person dwelling in accordance with minimum floorspace requirements contained in the Unitary Development Plan Chapter 13 paragraph 3.2.

4.6 Car Parking

The proposed development complies with Policy TR46 in the provision of one off-street space for the new dwelling, but conflicts with Policy TR47 since it results in the loss of the garage belonging to No. 46. However, given

- (a) the pattern of development in Pottery Lane, where it is unusual for garages to belong to premises at the rear in Princedale Road
- (b) the nature of the conditions of the 1971 planning permission, which do not restrict the use of the garage to No. 46 itself and
- (c) the residential gain

it is considered that no objection should be raised in this respect.

4.7 Design/Townscape

The existing garage is unremarkable in architectural terms and its demolition is considered unobjectionable in this respect subject to the approval of a satisfactory scheme for redevelopment as required by Policy CD51(c). Pottery Lane contains mostly two-storeyed buildings of varied character, with a mixture of Victorian buildings, post war redevelopments and a few modern buildings with large areas of glazing. In this context, the Design Officer considers that there is sufficient justification for a "convincing" contemporary approach. He has expressed reservations about the lack of detailing of the submitted design and advises that more information is required in relation to the windows, opening screens, garage doors and door and window heads in order to fully visualize the facade. Thus, while an objection on aesthetic grounds is not recommended, it is considered that any planning permission should be subject to conditions concerning details of the appearance of the building so that the Council can be satisfied that the development would be

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consistent with Policies CD25, CD47, CD52 and CD53.

4.8 Light and sense of enclosure

The proposed development would result in significant loss of light to the rear ground floor dining room at No. 46 and the rear patio at No. 48. It would also create an unwelcome sense of enclosure to the latter and to the first floor study to No. 46. Therefore, it is considered contrary to UDP Policies CD26(c), CD28 and CD41(e) and (g), and draft Policy CD30(A).

4.9 The applicant has submitted a daylight consultant's report demonstrating that the proposed basement bedroom at No. 23 would receive adequate light subject to the use of appropriate glazing, pale coloured internal and light well decoration and the lowering of part of the existing boundary wall adjoining the rear patio of No. 48 from 3.61m to 2m. In these circumstances, the scheme would comply with Policy CD29.

4.10 Privacy

Lowering of the boundary wall as described above enables overlooking of virtually the whole of the patio garden at No. 48 from the proposed flank living room window at No. 23. This is contrary to Policy CD30.

4.11 Overlooking of the rear windows of No. 48 and No. 50 would also be possible, but the oblique angle of view means that there is unlikely to be significant loss of privacy, although the presence of the proposed large window (2.35m x 2.1m) may well give rise to a sense of being overlooked.

4.12 Loss of garden space

The scheme results in the loss of almost the whole patio garden at No. 46, a family-sized dwelling. The UDP advises at Chapter 11 paragraph 3.15 that family-sized dwellings should have access to their own amenity space and Policy LR14 requires such space for new family housing. Policy LR7 resists loss of open space which meets leisure and recreation needs. In these circumstances, the loss of the garden at No. 46 is considered unacceptable. The recent planning permission for a roof terrace at No. 46 is noted, and the applicant has expressed willingness to build the roof terrace before the proposed new house is occupied. However, while a mitigating factor, the roof terrace would not perform the same function for households with children as does a ground level garden entered from a habitable room. Therefore, loss of the garden is considered contrary to the above policies together with Policies CD41(b) and CD26(c).

5.0 PUBLIC CONSULTATION

5.1 Twenty addresses in Princedale Road and Pottery Lane have been notified of the proposed development.

5.2 Two objections have been received, from neighbours at No. 48 and 50 Princedale Road. These refer to loss of light and privacy, the belief that the garage design means that it would be used as a living area, and nuisance from building works.

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The issues of light and privacy were addressed at paragraphs 4.8 - 4.11 above.

The garage design which features fully glazed doors, large full height double glazed side windows and planting box and internal door to the hall, does indeed lend itself to habitable use. The possibility that this might happen is not a planning reason for refusal. However, if the scheme was otherwise acceptable, the Council would be recommended to impose a condition requiring provision and retention for car parking purposes only. In addition a more garage-like design (e.g. with substantially solid street doors and a small side window) would have been sought in order to minimise potential enforcement problems.

Nuisance from building works is not a material planning consideration

6.0 RECOMMENDATION

6.1 Minded to refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/00720 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: SW
Report Approved By: RT/LAWJ
Date Report Approved: 28/10/1999

PSC9911/SW.REP