

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

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PLANNING SERVICES COMMITTEE 09/05/2000 APP NO.PP/99/00731/CHSE
AGENDA ITEM NO. 72

ADDRESS

96D Cambridge Gardens,
Kensington, W.10

APPLICATION DATED 08/04/1999

APPLICATION COMPLETE 14/04/1999

APPLICATION REVISED 22/03/2000

APPLICANT/AGENT ADDRESS:

Lawrence-Vacher
Partnership,
Raebarn House,
Northolt Road,
Harrow
HA2 0YJ

CONSERVATION AREA Oxford
Gardens

CAPS Yes

ARTICLE '4' No

WARD Kelfield

LISTED BUILDING NO

HBMC DIRECTION

CONSULTED 53

OBJECTIONS 0

SUPPORT 0

PETITION 0

RECOMMENDATION
ADOPTED.

Applicant Mark Tillie

PROPOSAL:

Creation of a roof terrace to rear extension, with access from first floor flat.

RBK&C Drawing No(s): PP/99/00731 and PP/99/00731/C

Applicant's Drawing(s) No(s): 99/905/01F, 99/905/02/F and photographs

RECOMMENDED DECISION: Grant planning permission

APPROVED BY
PLANNING SERVICES CTTEE
09 MAY 2000
CONSENT REF.....

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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. **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 head of the proposed aperture for the proposed rear French windows shall have a segmental brick arch to match those original to the building.**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

5. **The external French windows to the roof terrace hereby permitted shall be painted timber framed and so maintained.**
Reason: To preserve and enhance the character and appearance of the Conservation Area.

6. **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)

INFORMATIVES

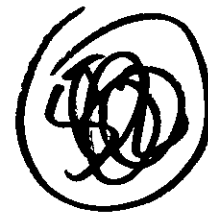
1. I10
2. I11
3. I21

4. I30

5. I31

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1.0 THE SITE

- 1.1 No. 96 Cambridge Gardens, is a three storey plus basement building that is in use as residential flats. The property is situated on the North side of Cambridge Gardens, within close proximity with the junction of St Mark's Road, to the West. To the rear are the rear gardens of properties in Oxford Gardens.
- 1.2 The property is not listed, and is situated within the Oxford Gardens Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to convert an existing flat roof to a rear, ground floor kitchen extension, to provide a roof terrace for the applicant who lives at the first floor flat. The proposed terrace would have a depth of approximately 2.4 m taken from the main rear elevation with a width of approximately 3.6m.
- 2.2 The proposal seeks to increase the height of an existing parapet wall to the front of the flat roof by 600mm and build up the western side elevation to match. 400mm high metal railings would be positioned inside the parapet wall. Access to the proposed roof terrace would be via new French doors, following the removal and enlargement of a small casement window opening to the flat.

3.0 RELEVANT PLANNING HISTORY

- 3.1 In May 1987 planning permission was granted for the erection of timber/glazed conservatory to the rear extension.
- 3.2 Planning permission was granted in September 1989 for a loft conversion to provide additional accommodation for the second floor flat including the installation of two rooflights to the rear roof slope.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case relate to the impact of the proposed roof terrace on the appearance of the building, the rear of the terrace and the character and appearance of that part of the Oxford Gardens Conservation Area. Also for consideration is the effect of the proposal on the amenities of occupiers of neighbouring properties in terms of privacy and disturbance.
- 4.2 The relevant Unitary Development Plan policies are:
- CD 25 (high standard of design)
 - CD 30 (visual privacy)
 - CD 34 (noise)
 - CD 40 (roof terraces)

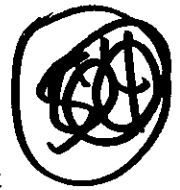
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- CD 52 and CD53 (development in Conservation Areas to be of a high standard of design)

Amendments to the above policies contained in the Unitary Development Plan Proposed Alterations are not considered significant as far as the assessment of this particular case is concerned.

- 4.3 With regard to the proposed terrace at rear first floor level Policy CD40 of the Unitary Development Plan seeks to normally resist proposals for roof terraces if there is significant overlooking or disturbance to neighbouring properties or gardens or the proposed alterations are not of a satisfactory design, would be visually intrusive or harm the streetscene.
- 4.4 It should be noted that to the rear of nearby properties there are a number of roof terraces at first and second floor levels. Planning permission was granted in 1987 for a conservatory on the flat roof of the extension and a second floor roof terrace at No. 90 Cambridge Gardens. A similar roof terrace, apparently long established, exists at No. 92. Opposite at Nos. 79, 81, 83 and 85 Oxford Gardens there is a variety of roof terraces, which were granted planning permission in 1991, 1989, 1994 and 1984 respectively. Although, some of these decisions pre-date the current Unitary Development Plan policies in respect of high level conservatories and roof terraces, it is considered that given the number of roof terraces in the surrounding area that are clearly visible, the proposed roof terrace is acceptable in principle.
- 4.5 In respect of the detailed design of the roof terrace this has been subject to a number of amendments following discussions with the Conservation and Design officer, and it is considered acceptable. Therefore, it is considered that the proposal would not harm the character or appearance of the Conservation Area, in accordance with Policies CD40, CD52 and CD53 of the Unitary Development Plan.
- 4.6 With regard to any loss of amenity to neighbouring properties in terms of overlooking and loss of privacy, this has been addressed by the applicant who has amended the proposal by increasing the height of the parapet wall surrounding the roof terrace, together with the insertion of metal railings set back approximately 300mm from the edge of the parapet wall. It is considered that there will be some overlooking to the patio/garden below and to the garden area of the neighbouring property at No. 94 Cambridge Gardens. However, given the height of the parapet wall and the set back of the railings it is considered that any loss of privacy or overlooking will not be significant enough so as to warrant a refusal of planning permission.
- 4.7 It is considered that the use of the proposed roof terrace will not result in any loss of privacy or overlooking to nearby windows. The nearest window in the rear of No. 96 is approximately 2m in distance from the proposed roof terrace and serves a hall rather than a habitable room. The closest window in the neighbouring property at No. 94 Cambridge Gardens consists of a small casement window which overlooks the paired flat roof extension and appears



to serve non-habitable space. It is considered that the proposal will not result in any loss of privacy or overlooking to this property.

- 4.8 With regard to increased levels of noise to neighbouring properties or gardens as a result of proposal, it is considered that there will be some increase but will not be sufficient to warrant a refusal of planning permission given the small size of the proposed terrace and the numerous existing terraces in the vicinity.
- 4.9 On balance it is considered that the proposed roof terrace would not cause significant noise, disturbance or privacy to surrounding properties and accords with Policies CD30, CD 34 and CD40 of the Unitary Development Plan.

5.0 PUBLIC CONSULTATION

- 5.1 Fifty three letters of notification have been sent to neighbouring properties in Cambridge Gardens and Oxford Gardens. To date there have been three letters of objection to the proposal.
- 5.2 One letter of objection from No. 85 Oxford Gardens concerns the appearance of the proposed roof terrace on the rest of the properties in the terrace and would set a precedent for similar planning applications which would contribute to a loss of privacy and noise nuisance to neighbouring houses and gardens.

In response to these concerns it is considered that although the terrace does not exhibit many similar roof terraces, a number of roof terraces have been granted planning permission opposite in Oxford Gardens (approximately 18m in distance) and are clearly visible from the property. In this instance, it is considered that the roof terrace is acceptable in principle and that there will be no significant increase in noise nuisance and loss of privacy to warrant a refusal of planning permission.

- 5.3 Two letters of objection have been received from the occupier of the basement garden flat, Flat A, 96 Cambridge Gardens, in respect of the original proposal and current proposal. Concerns have been expressed with regard to the distance of the proposed terrace, just 20 feet (6.7m) above the flat. The terrace will overlook a rear entrance door, kitchen window and patio garden and would result in increased levels of noise and disturbance. The occupant also refers to a roof deck opposite, to the rear at Oxford Gardens which is 70 feet (21m) away and is obscured by trees on the boundary which is not as intrusive as the proposed roof terrace.
- 5.4 Three similar letters of objection have been received from the occupier of the Garden Flat, 94 Cambridge Gardens and refer to the original and subsequent revised scheme. The concerns include the loss of privacy and noise disturbance, particularly on summer nights as a result of the proposed terrace.

In response to these objections it is considered that the proposal may result in some loss of privacy, overlooking and noise to neighbouring properties and gardens. However, taking into consideration the small size of the terrace, the design of its

means of enclosure so as to curtail sight lines and the oblique angle of views towards neighbours' habitable rooms, together with the number of roof terraces in the surrounding area and the probable existing noise levels, particularly in the summer from these terraces and neighbouring windows, it is considered that on balance these concerns are not sufficient to warrant a refusal of planning permission.



M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/00731 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: MK
Report Approved By: SW/LAWJ
Date Report Approved: 25/04/2000

PSC0005/MK.REP

AGENDA ITEM 72
PP/99/00731

96D CAMBRIDGE GARDENS, W.10

Revised drawings

PP/99/00731/C

99/905/01F and 99/905/02G

Revised 5/05/2000

Further letter of objection from occupier of garden flat at No. 96. She maintains objection to the revised proposal which she does not consider materially different from the original scheme. She also refers to inappropriate appearance, unbalancing the rear elevation with No. 94 and the setting of a precedent.

These matters are addressed in the Committee Report in particular at paragraph 5.4.

AGENDA ITEM 75
PP/99/2035

**237-243 KENSAL ROAD / 10-12 CONLAN STREET,
W10**

Revised Condition (reason unchanged)

8. The Class B1 accommodation hereby approved at basement, first and second floors shall not be occupied as less than five separate units without the prior approval in writing of the Executive Director, Planning and Conservation.

Further letter from objector stating that no further comments except to request suitable conditions to ensure implementation as indicated. They also comment that a material to the party wall would be preferred which does not require decorating as good maintenance cannot be assumed.

Conditions are recommended to control implementation. Materials would be reserved for future approval.

AGENDA ITEM 77
PP/99/00422

133-137 PORTLAND ROAD, W.11

Revised drawings

PP/99/00422, PP/99/00422B, PP/99/00422C

PBF, PGF, PIF, PRF, EIF and 135/PR/02;


135/PR/14A, 135/PR/15A, 135/PR/16A, 135/PR/17,

135/PR/18, 135/PR/19A, 135/PR/20A, 135/PR/21,

135/PR/22 and 135/PR/23, all as received 03/05/2000.

Revised 03/05/2000.

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**ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR,
PLANNING AND 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 NORTH Area.

**AGENDA ITEM 67
PP/99/02132**

**MCKAY TRADING ESTATE, 248-300 KENSAL
ROAD, W.10**

Revised Conditions (Reasons unchanged)

11. The site, the subject of this permission, shall not be occupied at any time for any purpose within Class B8 (Storage and distribution) of the Town and Country Planning (Use Classes) Order 1987.
12. None of the ground floor Class B1 units hereby permitted shall be amalgamated without the prior approval in writing by the Executive Director, Planning and Conservation.
14. Prior to first occupation, all the B1 units hereby permitted shall be fitted with automated self closing doors, and between the hours of 21.00 and 07.00 the next day such doors shall be kept closed except only as required for the delivery of goods in accordance with Condition 16.
18. No more than one parking space per ground floor Class B1 (business) unit shall be provided.
20. The final residential unit shall not be occupied until environmental improvements to Adela Street and Alderson Street have been carried out in accordance with a scheme approved in writing by the Executive Director, Planning and Conservation.
21. The access and egress arrangements to the service road to the front of the ground floor B1 (Business) units shall be operated in a manner to be approved in writing by the Executive Director, Planning and Conservation, prior to first occupation of the development hereby permitted, and shall be so maintained.

AGENDA ITEM 68
PP/99/00921

**1 PEMBRIDGE STUDIOS, 27A PEMBRIDGE
VILLAS, W.11**

Revise "Proposal"

"Change of use of Unit 1 from light industrial workshops and/or design studios to provide a live-work unit."

Revise "Recommended Decision" to delete "pursuant to Section 73 of the Town and Country Planning Act 1990."

Paragraph 4.10

Delete "and the removal of Condition 3 in this instance" and substitute "and an hours restriction is not considered appropriate in this instance."

AGENDA ITEM 70
CA/00/00506

234 WESTBOURNE PARK ROAD, W.11

Add the following paragraphs under Section 6.0

Recommendation

- 6.2 Instruct the Director of Legal Services to prosecute under S.224 of the 1990 Act for the display of an advertisement contrary to the regulations, and to pursue any legal actions necessary and secure its removal.
- 6.3 Breach of Planning Control
The display of one double sided freestanding internally illuminated advertisement display unit.
- 6.4 Summons to be served on
Primelight Advertising Ltd.
14/15 Lower Grosvenor Place, London SW1W 0EX
and any other person(s) found responsible for displaying the advertisement.

AGENDA ITEM 71
PP/99/02199

28 ARUNDEL GARDENS, W.11

Revised Condition (Reason unchanged)

16. The proposed conservatory shall have an ogee section gutter or such other design as the Executive Director, Planning and Conservation, shall approve in writing, and be so maintained.