



ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. PP/99/00742/COTH/21
PLANNING SERVICES COMMITTEE 16/09/1999 AGENDA ITEM NO. 138

ADDRESS

17A Princes Place,
Kensington, W11 4QA

APPLICATION DATED 08/04/1999

RECOMMENDATION
ADOPTED.

APPLICATION COMPLETE 15/04/1999

APPLICATION REVISED 26/05/1999 and
06/07/1999

APPLICANT/AGENT ADDRESS:

David Harding,
BSc ARICS
Hardings, Chartered Building Surveyors,
Unit 2 Bridge
Road,
Ashford Kent
TN23 1BB

CONSERVATION AREA Norland

CAPS Yes

ARTICLE '4' No

WARD Norland

LISTED BUILDING N/A

HBMC DIRECTION N/A

CONSULTED 27

OBJECTIONS 4

SUPPORT 0

PETITION 0

APPROVED BY
PLANNING SERVICES CTTEE
16 SEP 1999

Applicant's Consent Ref Mullova.....

PROPOSAL:

Erection of a single family dwelling comprising two storeys and a basement, with variations to Conditions 2, 8 and 10 of planning permission TP/96/0558, dated 9 May 1997, which have the effect of allowing additional clear glazing, requiring trellis screens, and approving details of items reserved under Application TP/96/0558.

RBK&C Drawing No(s): PP/99/00742 and 99/99/00742A

Applicant's Drawing No(s): Axonometric dated 2.4.99; P1(22.3.99), P2(22.3.99), P3(22.3.99), (6.4.99), E1(6.4.99), E2(6.4.99), E3(6.4.99), E6(b)(1.7.99), S1(22.3.99), S2(22.3.99), S3(22.3.99), S4(22.3.99), S5(12.10.98), D13 and TP-03(e).

RECOMMENDED DECISION:

Pursuant to Section 73 of the Town and Country Planning Act 1990, grant planning permission.

(scribble) (scribble) (112)

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 proposed facing bricks**
 - (b) **the obscured glazing to the first floor windows. (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. **The building(s) hereby permitted shall not be occupied until the means of vehicular access has been constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. (C037)**
Reason - To ensure that the use does not add to traffic congestion in the immediate area contrary to the local planning authority's policies for traffic restraint. (R027)

4. **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)

5. **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)

6. **No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority. (C085)**
Reason - To preserve the character and appearance of the building, and the area in which it is situated. (R086)

7. **The first floor windows on the southern elevation shown to be obscured glazed on Drawings P3 and E6(b) shall be constructed using only obscured glazing and so maintained.**
Reason - To protect the privacy and amenity of neighbouring property. (R079)

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8. The building hereby approved shall be no more than 5.9m high to eaves level on its northern boundary and 7.25m high to gable ridge level (measurements to be taken from the level of the footpath between Nos. 14/15 and 17A Princes Place).

Reason - To ensure that the development enjoys satisfactory light conditions, and does not prejudice the levels of natural light enjoyed by the occupants of neighbouring property. (R090)

9. A trellis shall be provided to both the southern boundary and the eastern boundary as shown on drawings hereby approved before the premises are brought into use, and shall be so maintained.

Reason - To protect the privacy and amenity of neighbouring property. (R079)

INFORMATIVES

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| 1. | I02 |
| 2. | I09 |
| 3. | I10 |
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1.0 THE SITE

- 1.1 No. 17A is located on the eastern side of Princes Place near its entrance from Queensdale Road.
- 1.2 It is currently vacant but was previously occupied by a two storey derelict building, located on the rear half of the site.
- 1.3 No. 17A is bounded to the south and east by the rear gardens of houses in Queensdale Road and to the north by a modern housing estate.

2.0 PROPOSAL

- 2.1 It is proposed to replace the derelict building by a basement and two storey house. This application provides details of a scheme for which planning permission was granted on 9th May 1997 and includes some variations relating to fenestration and the provision of a trellis on the southern boundary.
- 2.2 The site is now slightly larger than in 1997 when the above application was approved, since the owner has acquired the end of the rear garden of No. 20 Queensdale Road in order to provide a small rear garden for the new house.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The planning permission dated 9th May 1997 was subject to conditions including the following:

Condition 2 required full details to be submitted of materials, refuse storage, and 1:50 scale drawings of the building's design and external appearance. Condition 8 required windows on the southern and eastern elevations to be obscured glazed.

Condition 9 required that the building be no more than 5.9 metres high to eaves level on its northern boundary and 7.25 metres high to gable ridge level. Condition 10 stated that no trellis be provided on the southern elevation unless otherwise agreed in writing.

4.0 PLANNING CONSIDERATIONS

- 4.1 The issues in this case are considered to be the effects of the proposed details and the amendments to the approved development upon the appearance of the building and the character and appearance of the Norland Conservation Area, and upon the amenity of nearby residents.

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4.2 Relevant policies are contained in the UDP, Chapter 4 (Conservation and Development), and include

- CD25 (standards of design and compatibility with surroundings)
- CD44 (alterations)
- CD30 (privacy)
- CD52 (preservation or enhancement of conservation area character)
- CD53 (standards of design and compability with surroundings in conservation areas).

4.3 The size and position of the building on the site conforms to the 1997 permission. In the absence of agreement with the adjoining owner, the eaves on the northern side has had to be truncated so as not to overhang the northern boundary as shown in the 1997 permission. Accordingly, the measurement specified in Condition 9 is not achieved since the building would not have a conventional eaves detail on that side. However, the building's roof height otherwise complies with that condition and the roof bulk overall remains as approved in 1997.

4.4 The style of the house would be as previously approved but is shown in greater detail on 1:50 scale drawings, as required by condition 2.

4.5 Proposed materials are as follows:

Facing brick: London stock, flush pointed with untinted mortar (sample to be provided).

Windows: White painted timber

Other external joinery: (i.e. eaves, gables, boarding, balustrading, gates, binstore): green stained timber (sample provided). Roof: natural slate (sample provided) with lead ridges and hips Window sills: creasing tiles Gutters: Metal with black finish. Front boundary: mixed thorn bearing shrub hedge, trimmed to 60cm thick and 215cm tall (mostly pyracantha, cotoneaster, Berberis) concealing strong wire netting. Front garden paving: Yorkstone slabs or similar.

4.6 The Conservation and Design Officer considers the design changes to the 1997 approved scheme to be minimal and raises no objection to the detailing provided with the current application. Therefore the scheme is considered to comply with policies CD25, CD44, CD52 and CD53.

4.7 The 1997 approval required obscured glazing to the proposed windows on the east elevation because they directly overlooked the ends of the rear gardens of No. 18 and 20 Queensdale Road. The applicant has now acquired part of the rear garden of No. 20, which will provide welcome amenity space for the proposed family-sized dwelling at No. 17A. Consequently, the new windows will overlook the house's own garden. Views to the end of the rear garden of No. 18 Queensdale Road will be curtailed by a proposed trellis to be erected to

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a height of 688mm above the existing garden boundary wall. The trellis would match the height of one already existing along much of the rest of the boundary wall between No. 18 and No. 20. Views into the garden of No. 18 would be possible from the proposed top storey of No. 17A. However, in the absence of neighbours' objection and given the intervening 4.5m depth of new private garden to No. 17A, it is considered that no objection should be raised.

- 4.8 The 1997 approved scheme included a light well on the southern boundary adjoining the ends of the rear gardens of No. 24 and 26 Queensdale Road. Condition 8 required all ground and first floor windows on the light well to be obscure glazed except for those immediately adjoining and located at right angles to the southern boundary, since these would not allow direct overlooking. Condition 10 (paragraph 3.1 above) referred to a trellis that was proposed along the southern boundary adjoining the light well. The current application retains the same light well feature but proposes more extensive use of clear glazing in conjunction with the provision of a 55mm "diamond" pattern lattice trellis on the southern boundary.
- 4.9 The proposed first floor windows would still be obscured glazed, except for those immediately adjoining and at right angles to the boundary, as described above, in accordance with the previously approved scheme.
- 4.10 The proposed eight ground floor windows, which are on the same level as the proposed trellis would all be clear glazed, except for two windows which serve the bathroom and WC. Of the remaining six, two stand at right angles to the boundary (cedar glazing of these two was approved in 1997) three are positioned at 45 degrees to the boundary and one faces directly towards the boundary at a distance of approximately three metres. All serve bedrooms. A sample of the proposed trellis is available for inspection. It is fairly dense and the apertures are small in diameter and it is considered to provide a reasonable level of screening of views from the above windows towards the boundary, especially from those windows standing at an angle to the trellis. It is understood that the applicant proposes to grow climbing plants against the trellis.
- 4.11 On balance, the scheme is considered to show reasonable compliance with Policy CD30 concerning privacy.

5.0 PUBLIC CONSULTATION

- 5.1 Twenty seven addresses in Queensdale Road, Princes Place and Addison Avenue were notified of the application.
- 5.2 Objections have been received from the Norland Conservation Society and from the adjoining owners at No. 22, 24 and 26 Queensdale Road.
- 5.3 The Norland Conservation Society comments:

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"All windows on the two upper floors of the south elevation should be glazed with obscure glass (except those facing due west and due east)."

This point is also made by the owner of No. 22.

The issue of privacy has been addressed at paragraph 4.10 above. It is considered that the proposed trellis will prevent undue overlooking and objection is not recommended.

- 5.4 The owner of No. 26 believes that the proposed building is taller than approved in 1997 and stands closer to the road in Princes Place, thus blocking views down his garden.

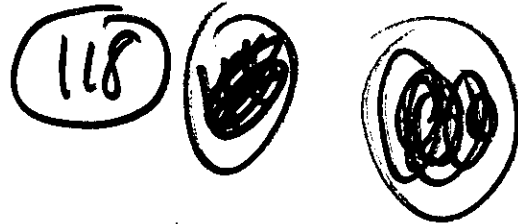
The submitted drawings have been compared with those approved in 1997 and the height and set back are the same.

- 5.5 All three adjoining residents object to the extent of glazed infills around the timber work in the gables and beneath the eaves on the southern elevation. They are concerned about loss of privacy and the glare of light emissions.

These areas of glazing are set a high level in relation to the top floor of the proposed house (i.e. at least 1.9 metres above floor level), the headroom is not tall enough to allow future introduction of a mezzanine and overlooking would not arise.

The glazing does allow for further light emissions facing towards the rear of Queensdale Road, but seen in the context of the approved windows onto the lightwell on that elevation, it may be difficult to demonstrate material detriment to residential amenity. The applicant has been requested to amend this item but is unwilling to do so. He has, however, advised that the gable glazing would have a triangular roller blinds. A condition could be imposed, if the Committee considers it necessary, requiring the installation, permanent retention and use (after lighting up time) of non-translucent blinds. However, such a requirement is unusual on a residential property.

- 5.6 One of the objectors has commented that all glazing on the southern elevation should be obscured glazed, in order to reduce light emissions. It is not considered that obscured glazing would achieve this unless tinted a dark colour.



6.0 RECOMMENDATION

6.1 Pursuant to Section 73 of the Town and Country Planning Act 1990, grant planning permission.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file PP/99/00742 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/MJF
Date Report Approved: 25/08/1999**

PSC9909/SW.REP