

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

12/08/99

APPLICATION NO.

AGENDA ITEM

PP/99/00751/M/15

6128

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

APPROVED BY
PLANNING SERVICES CTTEE

1 2 AUG 1999

David Robson,
8 Wendell Road,
London

Application
dated 13/04/99

Revised N/A

Completed 16/04/99

Rolling Ward

CONSENT REF.

ON BEHALF OF : Mr & Mrs Celebidach
INTEREST : Applicant

RECOMMENDATION
ACCEPTED

District Plan Proposals Map:

| Cons.Area | CAPS | Article 4 Direction | Listed Building | HBMC Direction | A/O Consulted | Objectors (to date) |
|-----------|------|------------------------|--------------------|-------------------|------------------|------------------------|
| NO | N/A | NO | NO | N/A | 44 | 4 |

RECOMMENDED DECISION :-

GRANT planning permission for the erection of a
roof extension.

At: UPPER MAISONETTE (FLAT D), 25 ROSARY GARDENS, KENSINGTON, S.W.7

As shown on submitted drawing(s) No(s): PP/99/00751 and PP/99/00751/A

Applicant's drawing(s) No(s) : 103/01, 02, 04B, 05B and 06B

CONDITIONS AND REASONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
Reason As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
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. (C.68)
Reason The details are considered to be material to the acceptability of the proposals and for safeguarding the amenity of the area. (R.68)



3. All new external finishes shall be in materials to match those of the exterior of the existing building(s). (C.72)
Reason To preserve and enhance the character and appearance of the Conservation Area. (R.72)
4. No water tank, lift motor room or other roof structure shall be erected which rises above the level of the roof hereby approved. (C.77)
Reason To safeguard the appearance of the building and area. (R.77)
5. All the joinery and fenestration shall be timber framed and so maintained.
Reason To ensure a satisfactory standard of external appearance.

INFORMATIVES

1. The Council has granted Planning Permission for the roof addition because of the special circumstances involving the existing roof level alterations and do not consider that this permission should serve as a precedent for further development at roof level, within Rosary Gardens.
2. I.9 3. I.10 4. I.21 5. I.22 6. I.30

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1.0 SITE

- 1.1 The premises are located on the western side of Rosary Gardens, on its junction with Dove Mews. The property comprises basement, ground and three upper floors and is divided into five self-contained units.
- 1.2 The property is not located within a Conservation Area, but the rear gardens of Nos. 25-35 (odd) Rosary Gardens are included within the Courtfield Conservation Area.

2.0 PROPOSAL

- 2.1 The proposals seeks to erect an additional storey, extending the second and third floor maisonette.

3.0 PLANNING HISTORY

- 3.1 The Council granted Planning Permission in 1986 for the erection of railings around the perimeter of the roof of the premises for use as a terrace.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations that have to be addressed when determining this proposal concern the Council's policies relating to additional storeys and the effect such a proposal will have upon the character and appearance of the premises, the immediate location and adjoining residents.
- 4.2 The Unitary Development Plan policies considered relevant to this proposal are:
- CD38) additional storey and roof level alterations
CD39)
- CD28 sunlight and daylight
CD25 ensuring a high standard of design
- 4.3 The property contains a flat roof which is used as a terrace, and contains two timber and glass structures, one a staircase housing, the second a large rooflight. The terrace is set behind the third floor pedimented dormer window at the front of the premises, which is a feature of the terrace, with railings set along the perimeter of the roof above. The property benefits from a rear roof terrace located on the flat roof of the full height rear addition.



- 4.4 The proposal seeks to erect a mansard roof addition in place of the existing structures and terrace on the main roof. The proposed mansard will rise at an angle of 55 degrees set back a metre from the pedimental dormer window and approximately a metre below the top of the pediment.
- 4.5 The proposed roof addition will contain a single dormer window, located above the top of the front pediment, which will be recessed approximately 1.5 metres. The rear of the mansard roof addition will be recessed behind the parapet wall of the existing flat roof boundary.
- 4.6 The Council addresses the subject of roof extensions and roof level alterations in the "Conservation and Development" chapter of the Unitary Development Plan with Policies CD38 and CD39. CD38 advises where such proposals are unacceptable and CD39 the limited circumstances where they are considered appropriate. Paragraph 4.2 of the Unitary Development Plan, advises the two policies should be read as a pair.
- 4.7 The adjoining property, No. 27 Rosary Gardens, benefits from a roof addition that was constructed in 1972, with the benefit of Planning Permission. Whilst the Planning Permission granted in 1972 predates both the Unitary Development Plan and the District Plan and as a consequence is not considered to be a precedent, it is a material consideration when determining this proposal.
- 4.8 The Council's Design Officer considers the existing stairhousing and glazed lantern light roof, and associated railings to be unsightly and thus detrimental to the character and appearance of the property and the terrace. The property is an end of terrace property and serves as a bookend with long views of the untidy roof and terrace available southwards towards the Fulham Road. The property at the other end of the terrace, No. 7 Wetherby Gardens benefits from a double height mansard roof addition.
- 4.9 The proposal is a second level mansard roof addition which is normally unacceptable in design terms and contrary to Policy CD38. However, the Design Officer, considers the proposed addition will tidy up the existing unsightly roof structures and on balance in design terms it could be considered a "one-off" because of the unattractive nature of the existing roof and the adjoining mansard addition. It would also result in two properties at either end of the terrace benefitting from mansard roof extensions thus creating a bookend at either end of the terrace.
- 4.10 The proposal is therefore considered to be consistent with Policy CD25 which seeks development to be of a high standard which is compatible with its surroundings.



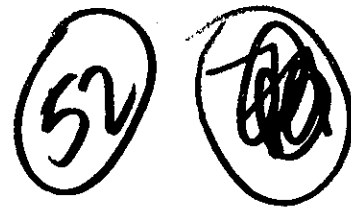
- 4.11 The proposed roof extension will raise the height of the building by approximately 2.6 metres. The roof extension as stated in paragraph 4.4 of this report is set back a metre from the existing front building line and is angled back at 55 degrees. The existing structures on the roof rise to approximately 2.1 metres in height and whilst they are not as visible as a mansard roof addition, the net increase in height of the roof is approximately 500mm.
- 4.12 The Council addresses the subject of sunlight and daylight with Policy CD28 of the Unitary Development Plan which also refers to the Planning Standards chapter where paragraph 2.2 outlines what is and is not acceptable.
- 4.13 The subject of light is calculated from the centre of the ground floor window opposite a development, which in this case is Nos. 16 and 18 Rosary Gardens. The guidelines advise that any development that would be greater than 25 degrees could result in a loss of daylight.
- 4.14 The angle measured from the middle of the windows to the height of the existing roof is approximately 37.5 degrees. The angle when measured to the height of the proposed roof addition measures 41.5 degrees. The existing situation is already well in excess of the guidelines and the proposed increase of approximately 4 degrees will not have a measurable effect upon the ground floor windows. The proposed roof is as explained in paragraph 4.11 of this report set back at an angle of 55 degrees, which has the effect of the roof addition at its highest point being set back 3.4 metres from the front building line of the property.

The angled set back of the roof addition results in the angle from the ground floor window of the properties opposite being the same as the angle when measured with the existing roof profile.

The proposed roof addition will not therefore effect the daylight or sunlight afforded to the properties opposite.

5.0 PUBLIC CONSULTATION

- 5.1 The Council notified 42 addresses of the proposal and received two letters of objection and two letters from 25 Rosary Gardens reserving their right to object. The proposal was revised reducing the size and altering the design of the additional storey following meetings between the applicant and Council officers. The Council renotified the addresses originally notified of the proposal and again received two letters of objection. However, the Council have not received further representation from the two other people who originally wrote to the Council.



5.2 The objections to the proposal both acknowledge the revised proposal as being much improved however, both objectors live opposite the proposal and still have concerns relating to the proposal.

5.3 The first concern is the subject of loss of light both daylight and sunlight. This has been addressed in the main body of this report in paragraph 4.14. The proposal will not measurably affect either daylight or sunlight and accordingly is not a sustainable reason for refusing the proposal.

5.4 The letters also state concern that the proposed roof addition in their opinion raises the height of the property to an unacceptable height which will result in a precedent for future developments of this kind in the remainder of the terrace.

The Council's Design Officer is of the opinion that this proposal should be considered as a one-off solution to tidy up the existing cluttered roof and requested that an informative is suggested advising that the proposal should not be seen as a precedent for further development at roof level in the remainder of the terrace.

5.5 The last concern relates to the height of the roof addition when compared to the adjoining addition No. 27 Rosary Gardens. The letters state it is slightly higher.

However, this is because the elevational drawings are two dimensional and do not show the roof set back from the front parapet nor that the highest point is set back approximately 3.4 metres from the front building line. The difference in height is approximately 180mm.

6.0 RECOMMENDATION

6.1 Grant Planning Permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/99/00751 save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

REPORT PREPARED BY: AP
REPORT APPROVED BY: PK/LAWJ
DATE REPORT APPROVED: 02/08/99

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