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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

MEMBERS' PANEL

APP NO. PP/99/02367/ MNW
AGENDA ITEM NO. 393

ADDRESS

311-313 Fulham Road,
London, SW109QH

APPLICATION DATED 04/11/1999

APPLICATION COMPLETE 22/11/1999

APPLICATION REVISED

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA N/A

CAPS No

Cube Architects
and Interior
Designers,
65A Station Road,
Chingford,
London
E4 7BU

ARTICLE '4' No

WARD North Stanley

LISTED BUILDING NO

HBMC DIRECTION No

CONSULTED 12

OBJECTIONS 0

SUPPORT 0

PETITION 0

Applicant Bass Leisure Retail,

PROPOSAL:

Installation of new shopfront.

RBK&C Drawing No(s): PP/99/02367/A

Applicant's Drawing No(s): 1410/200/A

RECOMMENDED DECISION: Refuse planning permission

REASONS FOR REFUSAL

The proposed openable frontages to this public house could result in significant noise disturbance both from within the building and from customers congregating on the pavement, causing harm to the residential amenity of neighbouring residents. The ability of customers to congregate on the pavement by virtue of the openable frontages could also result in an undue obstruction to other users of the highway, causing harm to the amenities of these other users. The proposal is therefore considered to be contrary to policies in the Unitary Development Plan, in particular Policies CD34 and CD65.

1.0 THE SITE

- 1.1 The application relates to the ground floor of this double fronted property located mid-terrace on the south side of Fulham Road in a commercial parade between Beaufort Street and Callow Street.
- 1.2 The property is a "All Bar One" bar use within Class A3.
- 1.3 The property is unlisted and outside any Conservation Area.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the installation of a new shopfront.
- 2.2 The existing shopfront is timber framed, with glazing extending from sub-fascia level to a stallriser. No. 311 has fixed glazed panels, while entrance to the public house is from a recessed entrance at no. 313.
- 2.3 It is proposed to install new timber shopfronts to both properties. On no. 311 two thirds of the width of the glazing would be in the form of folding doors, with the remaining third as a fixed panel. All would be under a transom with fanlights above. At no. 313, the door would remain as existing, and one third of the glazing would be openable. Overall, two thirds of the width of each property would be able to be fully opened to a height of 2.1m.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1971 for the erection of an extract duct to the rear of no. 311 and in 1972 for one to the rear of no. 313.
- 3.2 Planning permission was granted in 1976 for the erection of a ground floor rear extension at no. 313, and in 1984 for another rear extension.
- 3.3 Planning permission was granted in October 1997 for the erection of a rear extension, the installation of a new shopfront, and for the erection of ventilation equipment.
- 3.4 Planning permission was granted in April 1999 for the erection of dormers, and rear elevational alterations.
- 3.5 Planning permission was granted in April 1999 for the conversion of the upper floors into four self-contained flats.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration are the impact of the proposal on the appearance of the property and the wider townscape, and on the amenities of neighbouring occupiers.
- 4.2 Policy CD25 seeks to ensure high standards of design in development that is sensitive to, and compatible with, the scale, height, bulk and character of the surroundings.
- 4.3 Policy CD34 of the Unitary Development Plan resists proposals where the noise generated would cause significant disturbance to surrounding properties.
- 4.4 Policy CD63 of the Unitary Development Plan seeks to ensure that all new shopfronts respect the building's original structural framework.
- 4.5 Policy CD65 resists open shopfronts.
- 4.6 The supporting text to Policy CD65 clarifies that open shopfronts will be resisted on grounds relating to appearance and neighbouring amenity. The Conservation and Design Officer is satisfied that the proposed shopfront will not result in a visually inappropriate gap in the commercial frontage on this side of the road. However, the increase in size of openable frontage at this location could allow for significant noise disturbance for neighbouring occupiers. With residential use of upper storeys, and the residential properties in Cavaye Place opposite, the potential for disturbance is great, both from customers and music within the public house, and from customers congregating on the pavement outside. Customer activity and associated noise levels cannot be effectively controlled by a condition of planning permission, and it is considered that the proposal should be resisted on the grounds that it could result in a significant loss of neighbouring residential amenity.
- 4.7 Furthermore, by allowing customers to spill out on the pavement, the proposed openable shopfront could result in customers outside of the public house causing an undue obstruction to other users of the highway. The pavement is not wide at this location, and other users could be forced to pass in the traffic lane itself to avoid customers. Again, it would be difficult and effectively unenforceable to prevent customers from congregating on the pavement by the condition of any permission. The inconvenience and potential loss of safety for other users of the highway resulting from obstructions in the highway that would be likely to result if the openable shopfronts were installed is considered unacceptable and to cause harm to the amenities of these other users of the highway.
- 4.8 The proposal is therefore considered to be contrary to Policies CD34 and CD65 and is recommended for refusal.

5.0 PUBLIC CONSULTATION

5.1 Occupiers of ten properties in Fulham Road were notified of the proposal. No representations have been received.

6.0 RECOMMENDATION

6.1 Refuse planning permission.

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

List of Background Papers:

The contents of file PP/99/02367 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: NB
Report Approved By: PK/LAWJ
Date Report Approved: 18/02/2000**

PSC9912/NB.REP