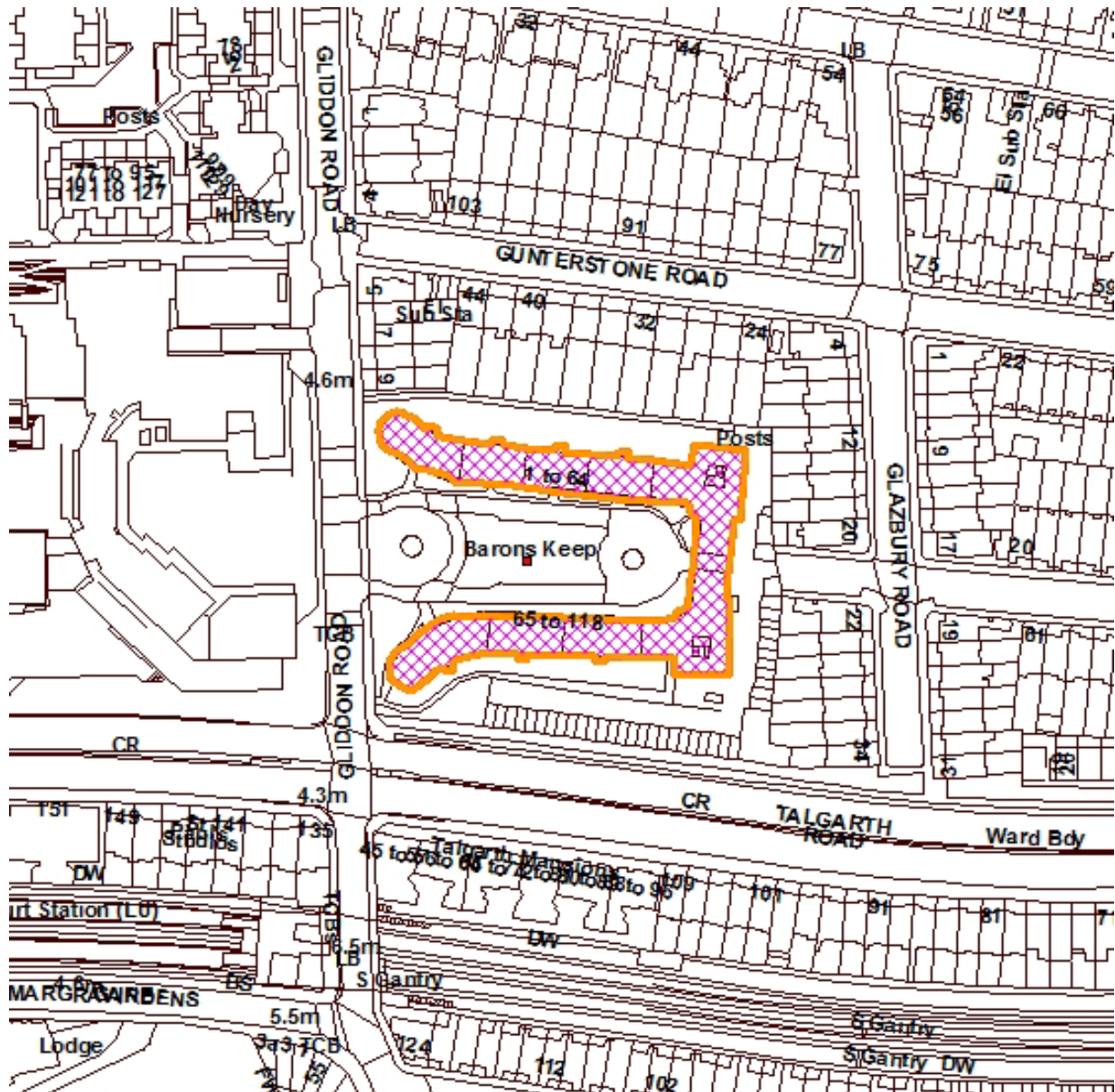


**Ward:** Avonmore

**Site Address:**

Barons Keep Gliddon Road London W14 9AT



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**For identification purposes only - do not scale.**

**Reg. No:**  
2023/01553/VAR

**Case Officer:**  
Elliot Brown

**Date Valid:**  
14.06.2023

**Conservation Area:**  
Constraint Name: Gunter Estate Conservation  
Area - Number 34

**Committee Date:**  
16.07.2024

**Applicant:**

Barons Keep Property Co (London) Ltd  
Barons Keep Gliddon Road London W14 9AT

**Description:**

Variation of condition 2 of planning permission ref: 2017/04294/VAR granted 26th February 2018 for the 'Minor material amendment to previously approved planning permission ref: 2014/05546/VAR granted 19th February 2015 for amendments to condition 2; Amendments are to further extend and increase the size of flat nos. 5 and 8, and associated external alterations' to allow amendments to the approved drawings to include: alterations to the profile of the roof extension on the north wing (Flats 9, 10 and 11 - which is yet to be constructed) and to the corner Flat 8 (already constructed).

Drg Nos: Refer to Condition 02.

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

(1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory unilateral undertaking and subject to the conditions listed below.

(2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of the original decision dated 26.02.2018 (Ref: 2017/04294/VAR).

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

6856-159-02 REV G (dated 22.11.2023); 6856-159-07 REV J (dated 22.11.2023); 159-08 REV D; 159-09 REV F; 159-10 REV F; 6856-1231-P01; 6856-1232-P01; 6856-1233-P01; 6856-1234-P01; 6856-1510 (Phase 3 - Typical Right of Light Section Profiles); 6856-1510 (Right of Light Profile Sections).

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 4) The development shall be carried out in accordance with the materials approved under application ref: 2010/03258/DET and the glazing system submitted with this application and application ref: 2014/01489/VAR.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) There shall be no roof structures or projections above the highest part of the building as shown on drawing numbers: 159-08 REV D; 159-09 REV F; 159-10 REV F.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 6) No flues, extract ducts or pipes, nor satellite or terrestrial receiving equipment shall be fixed to the elevations of the additional floor without full details first being submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 7) Prior to the occupation of the new flats, the development shall be carried out in accordance with the landscaping and parking details approved in application ref: 2010/03258/DET, and thereafter permanently retained in this form.

To ensure that satisfactory parking provision has been made for the development to ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1, DC4, DC8, T1 and T4 of the Local Plan (2018).

- 8) Prior to the occupation of the new flats, the development shall be carried out strictly in accordance with the refuse storage details approved in application reference 2014/04581/FUL, and shall thereafter be permanently retained in this form.

To ensure that the use does not give rise to smell nuisance and to prevent harm arising from the appearance of accumulated rubbish, in accordance with Policy CC7 of the Local Plan (2018).

- 9) Prior to the occupation of the new flats, the development shall be carried out in accordance with the cycle storage details approved in application ref: 2014/04581/FUL, and shall thereafter be permanently retained in this form.

In order to promote alternative, sustainable forms of transport, in accordance with Policy T3 of the Local Plan (2018).

- 10) No trees on the site shall be topped, lopped, felled or wilfully destroyed without the prior approval in writing of the Council.

To ensure the protection of trees during development work on the site and to prevent their unnecessary loss, in accordance with Policies DC8 and OS5 of the Local Plan (2018).

- 14) The development shall be carried out in accordance with the phased building plan approved under application ref: 2013/05168/DET (appeal APP/H5390/A/14/2214054).

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 15) Other than the areas shown as a terrace on the approved plans no part of the remainder of the roof (including the enlarged roof deck to the north wing of the parent building) shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

- 16) Notwithstanding the drawings hereby approved, detailed drawings (at a scale of 1:20) and a manufacturer specification of the proposed solar PVs to the roof of Barons Keep shall be submitted to, and approved in writing by, the Council prior to their installation.

In order to ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

#### **Justification for Approving the Application:**

- 1) It is considered that the proposal would not have an unduly detrimental effect on the residential amenities of neighbouring occupiers and would be of an acceptable visual appearance. The proposal would preserve the character and appearance of the subject locally listed Building of Merit and the Gunter Estate Conservation Area. In this respect the proposal complies with Sections 12 and 16 of the National Planning Policy Framework (2023), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8, H11 and T1 of the Local Plan (2018) and Key Principles AH2, BM2, CAG3, HS6, HS7 and HS8 of the Planning Guidance Supplementary Planning Document (2018).

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**LOCAL GOVERNMENT ACT 2000  
LIST OF BACKGROUND PAPERS**

**All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 13th June 2023

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2023

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

**Comments from:**

Thames Water - Development Control

Crime Prevention Design Advisor - Hammersmith

**Dated:**

18.08.23

04.09.23

**Neighbour Comments:**

**Letters from:**

**Dated:**

4 Glazbury Road First Floor London W14 9AS	23.01.24
34a Gunterstone road London W14 9BU	22.01.24
5 Inverleith Avenue South Edinburgh EH3 5QA	22.01.24
38 Gunterstone Road, London W14 9BU	21.01.24
5 Inverleith Avenue South Edinburgh EH3 5QA	17.09.23
101 Gunterstone Road London W14 9BT	11.09.23
81 Gunterstone Road London W14 9BT	14.09.23
17 Viking Heights, Martlesham Woodbridge IP12 4RT	31.08.23
Flat 4 30 Gunterstone Road London W14 9BU	13.09.23
Flat 4 30 Gunterstone Road London W14 9BU	13.09.23
30 Gunterstone Road First Floor London W14 9BU	13.09.23
42 Gunterstone Road London W14 9BU	10.09.23
1st Floor 30 Gunterstone Rd London W14 9BU	11.09.23
42 Gunterstone Road Basement Flat London W14 9BU	14.09.23
97 Gunterstone Road London W14 9BT	14.09.23
83 Gunterstone Road London W14 9BT	12.09.23
24 Gunterstone Road London W14 9BU	13.09.23
85 Gunterstone Road London W14 9BT	14.09.23
36 Gunterstone Road London W14 9BU	16.09.23
36 Gunterstone Road London W14 9BU	16.09.23
44 Gunterstone Road London W14 9BU	14.09.23
44 Gunterstone Road London W14 9BU	23.01.24
42 Gunterstone Road London W14 9BU	11.09.23
30 Gunterstone Road 1st Floor London W14 9BU	08.09.23
24 Gunterstone Road London W14 9BU	29.09.23
89 Gunterstone Road London W14 9BT	11.09.23

12A Glazbury Road London W14 9AS	09.01.24
38 Gunterstone Road, Greater London London W14 9BU	11.09.23
26 Gunterstone Road London W149BU	11.09.23
Flat 1 28 Gunterstone Road London W14 9BT	14.09.23
99 Gunterstone Road London W14 9BT	14.09.23
40 Gunterstone Road London W149BU	14.09.23
118 Barons Keep London W14 9AX	02.10.23
Buckland Marsh House Buckland Marsh Faringdon SN7 8RD	14.09.23
91 Gunterstone Road London W14 9BT	12.09.23
4 Glazbury Road London W149AS	13.09.23

## COMMITTEE REPORT

### 1.0 SITE DESCRIPTION

- 1.1 The application site is located on the junction between Talgarth Road and Gliddon Road. The site contains a five-storey apartment block dating from the 1930s, built in a horseshoe shape around a central landscaped courtyard. The block contains 118 dual aspect flats. The site also contains a number of garages within the south-eastern section of the site.
- 1.2 The property is of red brick construction and has a flat roof surrounded by a parapet. The property has a mix of metal / UPVC casement windows. Rendered concrete balconies painted white, project to the north and south elevations. Various projections currently rise above the parapet at roof level including lift over runs, stair towers and chimney breasts.
- 1.3 The application site lies within the Gunter Estate Conservation Area and contains a locally listed Building of Merit.
- 1.4 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3, within an area that benefits from flood defences.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 There is an extensive list of planning history relating to Barons Keep. Officers consider that the following applications are most relevant to the current S73 application.

2022/01609/NMAT - Non-material amendment to planning permission ref: 2017/04294/VAR granted 26th February 2018 for the 'Minor material amendment to previously approved planning permission ref: 2014/05546/VAR granted 19th February 2015 for amendments to condition 2; Amendments are to further extend and increase the size of flat nos. 5 and 8, and associated external alterations.' Amendments to the external stair cores of the building (south wing). Approved 05.07.22.

2020/02293/NMAT - Non-material amendment to planning permission reference: 2017/04294/VAR dated 26th February 2018 for the "Minor material amendment to previously approved planning permission ref: 2014/05546/VAR granted 19th February 2015 for amendments to condition 2; Amendments are to further extend and increase the size of flat nos. 5 and 8, and associated external alterations." Amendments sought to include alterations to the internal layout of each of the existing flats; including the provision of internal staircases to facilitate the use of part of the permitted lift over-run/water tank room as additional habitable floor space, and external alterations including the provision of rooflights and photovoltaic cells to the main roof and amendments to the height and design of existing chimney stacks. (amended description). Approved 20.04.21.

2017/04294/VAR - Minor material amendment to previously approved planning permission ref: 2014/05546/VAR granted 19th February 2015 for amendments to condition 2; Amendments are to further extend and increase the size of flat nos. 5 and 8, and associated external alterations. Approved 26.02.18.

2014/05546/VAR - Minor-material amendment to planning permission ref: 2014/01489/VAR granted on 7th July 2014 for amendments to Condition 2. Amendments are to increase the size of the flats and reduce the size of the roof terraces for the approved flats. Approved 19.02.15.

2014/01489/VAR - Minor-material amendment to planning permission ref: 2004/02444/FUL granted on 25th October 2006 for amendments to Condition 2. Amendments are to the disposition and layouts of the flats on the plans; changes to the glazing system; and changes to the roof profile involving a change to the pitch of the roof, raising the eaves by 150mm (to match the ridge) and raising of the chimney stacks. Approved 07.07.14.

2004/02444/FUL - Erection of an additional floor at roof level to create 11 new flats; alterations to existing car parking layout in central courtyard to provide one additional space; provision of 11 additional parking spaces in service area to east of site; erection of timber framed bin store to south-east corner of site. Approved by the Council on 12.12.2005, subject to conditions. An appeal was submitted in relation to the imposition of Conditions 12, 13, 14 and 15. The appeal was allowed, with Conditions 13, 14 and 15 deleted and substituted with re-worded conditions.

### 3.0 PROPOSAL

3.1 The current application seeks the variation of Condition 2 (approved drawings) of planning application ref. 2017/04294/VAR, to allow for the following amendments:

- Alterations to the profile of the roof extension on the north wing as well as the corner Flat 8.

3.2 The scheme has been amended since the original submission, by the removal of proposed roof terraces, as well as new documentation in regards to Rights to Light.

## 4.0 CONSULTATIONS

4.1 The application was publicised by means of a press and site notice as well as individual letters sent to neighbouring occupants (441 letters sent). In response to the original consultation thirty-three (33) no of objections were received. These can be summarised as follows:

- The proposal would result in detrimental harm to the amenity of neighbouring occupants, with regard to a loss of privacy/overlooking to neighbouring properties and their rear gardens from the proposed balconies and terraces, a loss of light, concerns about harmful levels of noise and disturbance;
- The bulk of Barons Keep already has a considerable impact on the levels of light and privacy of neighbouring occupants, and the addition of another storey behind this terrace would exacerbate this;
- The proposal would have a detrimental impact upon the character and appearance of Barons Keep, which is a locally listed Building of Merit, and the Gunter Estate Conservation Area;
- The proposal may result in potential damage to the mature Ash Tree within 26 Gunterstone Road, which is subject to the Tree Preservation Order TPO/24/8/70;
- Rooms with floor to ceiling windows and roof terraces/balconies will likely be lit at night, which will have a harmful impact upon neighbouring amenity by materially increasing artificial light levels after dark;
- The original submission falsely states that the proposal follows an agreement between the applicant and neighbouring residents on steps to rectify a breach of Right to Light;
- The proposal would materially interfere with existing/established Rights of Light that neighbouring properties benefit from.
- Letters from the local planning authority have not been received by neighbouring properties and it is not clear as to whether a site notice has been exhibited;
- If the application were approved, there would be little or no direct control over what happens next; some or all of the flats are highly likely to be bought to let or used as AirBnB;
- The flats comprised in the current application are few in number and so will not meet the needs of those who are in real need of housing;
- Objections have been lodged to the development of the roof of the north wing of Barons Keep consistently;
- The proposal would be contrary to Protocol 1, Article 1 and Article 8 of the Human Rights Act.



4.2 Following receipt of revised plans and documentation a re-consultation was carried out, and a further six (6) objections were received. The following new issues were raised:

- We have already had to put up with noise and disturbance associated with the construction of Flat 8 for the majority of 2023, and the proposal will exacerbate this impact from associated construction works;
- The associated construction works will minimise the amount of sunlight received to neighbouring gardens;
- There is concern that it will not be enforceable to prevent future occupants of these flats from gaining access to the roof to use as a terrace.

4.3 Officer response: The material planning considerations will be assessed within this committee report. Concern has been raised that the proposal could result in the use of the flats as buy to let or as short term holiday accommodation. Officers note that it is unlawful for homes in greater London to be used as short-term holiday rented accommodation for a cumulative period of more than 90 days a year without seeking planning permission. Officers note that the following concerns are not material planning considerations:

- Noise and disturbance associated with construction work would fall under the remit of Environmental Health legislation. Any breaches could be reported to the Council's Environmental Health team to investigate;
- The Right to Light is a legal easement which provides a right to light through a window, where that light has passed over a neighbour's land. Officers note that falls outside the scope of planning legislation. It is an independent legal issue governed by common law rather than planning law.

## 5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

## National Planning Policy Framework (December 2023)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

## London Plan

- 5.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.

## Local Plan

- 5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## 6.0 PLANNING CONSIDERATIONS

- 6.1 The current application seeks minor amendments to an extant planning permission. Officers consider that the proposal would raise the following material planning considerations:

- Design and impact upon the character, appearance and significance of the subject building and the surrounding area (including designated heritage assets);
- Quality of the residential accommodation;
- Impact upon neighbouring amenity;
- Trees;
- Flood risk.

## DESIGN AND IMPACT UPON THE CHARACTER, APPEARANCE AND SIGNIFICANCE OF THE SUBJECT BUILDING AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

- 6.2 Paragraphs 135 and 139 of the National Planning Policy Framework (NPPF, 2023) specify that development should be visually attractive as a result of good architecture and be sympathetic to local character and history and permission should be refused for development of poor design. Paragraph 205 of the NPPF (2023) specifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.3 Policy HC1 of the London Plan (2021) specifies that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings.
- 6.4 Policy DC1 of the Hammersmith and Fulham Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings. Policy DC8 specifies that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is preserved and/or enhanced.
- 6.5 Officers acknowledge that the representations received have raised concern that the current proposal would have a detrimental impact upon the character and appearance of Barons Keep (a locally listed Building of Merit) and the Gunter Estate Conservation Area. These material considerations are assessed below.
- 6.6 Barons Keep was built in 1937 to the designs of Gunton and Gunton. It was designed as a set piece in a u-shaped layout which was influenced by the presence of a large area of open space to the west. It has a strong architectural character and quality, and a consistent height and scale, which has remained remarkably intact. The building has a strong horizontal emphasis which is reinforced by the cantilevered balconies, and has a rhythm which is defined by the vertical full-height windows at the staircase locations.
- 6.7 Given the status of the building as a locally listed building of merit, situated in a highly prominent position in the Gunter Estate Conservation Area, and due to its strong architectural character and its largely unaltered external appearance, the building would be extremely sensitive to any proposed alteration. The approved design of the roof extension to Barons Keep developed by John McAslan (under the application ref. 2004/02444/FUL) was considered to respect the spirit of the original design, the architectural character and form of the building, and preserves the character and appearance of the Conservation Area. One of the main objectives in developing an appropriate design was to ensure a consistent and clean roof line which wrapped around the whole building thereby enhancing the underlying form and character of the building. The form of the roof top extension echoed the footprint of the building beneath and respected the consistent scale and height throughout the building.

- 6.8 The Supporting Statement (received 22.12.2023) prepared by JTS Partnership outlines that the planning consent granted under 2004/02444/FUL has been implemented, with construction works completed on seven flats to the southern and eastern wings of the building, leaving the final four flats on the northern wing still to be constructed. Gunterstone Road is situated to the north of Barons Keep and it is understood that a number of these properties have a 'Right to Light'. Accordingly, the current application seeks to make minor amendments to the profile of the previously approved roof extension on the northern wing of the building, to slightly set-back the northern wing of the roof extension from the northern edge of the building.
- 6.9 Officers acknowledge that the proposed alteration to the profile of northern wing of the roof extension would have a minor impact upon the symmetry between the north and south wing of the roof extension, by reason of the northern wing having a marginally narrower width in comparison to the southern wing. Nevertheless, officers highlight that the northern wing of the roof extension has a limited visibility in the public views of Barons Keep which can be seen from the surrounding streets of Gliddon Road, the junction of Gwendwr Road and Glazbury Road and from Talgarth Road, to the west, east and south, respectively. Furthermore, officers consider that the most important view of the building is identified as being from the west (Gliddon Road), given that views from the west display the internal courtyard elevations. These western views, which are so characteristic of the building, and which are the only view from which its full form and symmetry can be appreciated, would not be altered by the current proposal.
- 6.10 Taking into account the impact upon the symmetry of the roof extension, officers consider that overall, the proposal will continue to be in keeping with, and be proportionate to (by reason of its reduced scale), the host building. The most important view of the building has been identified as being from the west (Gliddon Road). The proposed variations will not be seen in this view and the building will remain an architectural set piece, which makes a significant contribution to the character and appearance of the Gunter Estate Conservation Area. With regard to the proposed alterations to the external stair cores to the south wing of the building, officers consider that these would be of a modest nature which would preserve the character and appearance of the parent building. Furthermore, the visibility of these alterations would be more limited as a result of the existing row of street trees which are planted along the footway of Talgarth Road.
- 6.11 Overall, Officers consider that the design of the proposals for the northern wing of the Barons Keep development, as amended, would remain consistent with the original scheme design already implemented on-site and delivered through by the earlier phase of development. As such, there are no objections to the proposals from a design or heritage perspective. The proposed change would not be harmful to the character and appearance of the subject building of merit or the surrounding conservation area. In this respect, the proposal is considered to be consistent with Sections 12 and 16 of the National Planning Policy Framework (2023), Policy HC1 of the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and BM2 of the Planning Guidance Supplementary Planning Document (2018).

## QUALITY OF THE RESIDENTIAL ACCOMMODATION

- 6.12 Policy HO4 of the Local Plan (2018) outlines that the council will expect all housing developments to provide a high-quality residential environment and be well designed internally. Policy HO11 of the Local Plan (2018) outlines that the design and quality of all new housing should be of a high standard and will meet the needs of future occupants. Policy D6 of the London Plan (2021) specifies that housing development should be of a high-quality design and provide adequately-sized rooms. Policy D6, Table 3.1 of the London Plan (2021) sets out minimum internal space standards for new dwellings.
- 6.13 The current proposal would not alter the total number of residential units (11) which were approved under the original planning application ref. 2004/02444/FUL. Officers acknowledge that the proposed reduction to the footprint of the roof extension's northern wing would necessitate alterations to the residential floorspace of Flats 8, 9, 10 and 11. Overall, the total residential floorspace of these four flats would be reduced from 785.2sqm to 595.2sqm, a reduction of 190sqm. With regard to the individual flats, the proposal would result in the following unit sizes:
- Flat 8: 149.9sqm (131.9sqm at fifth-floor and 18sqm at mezzanine floor). This is a reduction from 187.9sqm.
  - Flat 9: 125sqm (113.3sqm at fifth-floor and 11.7sqm at mezzanine floor). This is a reduction from 137.7sqm.
  - Flat 10: 157sqm (133.6sqm at fifth-floor and 23.4sqm at mezzanine floor). This is an increase from 137.7sqm.
  - Flat 11: 153.6sqm (141.9sqm at fifth-floor and 11.7sqm at mezzanine floor). This is a reduction from 318.3sqm.
- 6.14 Flats 8 - 11 would all contain two-bedrooms (plus a study/bedroom at mezzanine floor). Under Policy D6, Table 3.1 of the London Plan (2021) a 3-bed, 6-person unit over two storeys should provide a minimum unit size of 102sqm. The proposal therefore meets and exceeds these minimum unit sizes. Accordingly, officers raise no objection with regard to the reduced floorspace, which would still be considered to provide a high-quality standard of residential accommodation. These flats would remain dual aspect and are considered to ensure that occupants would still be provided with a high-standard of outlook and light. Overall, officers raise no objection with regard to Policy D6 of the London Plan (2021) and Policies HO4 and HO11 of the Local Plan (2018).

## IMPACT UPON NEIGHBOURING AMENITY

- 6.15 Policy HO11 of the Local Plan (2018) specify that any proposal must be formulated to respect the principles of good neighbourliness. These policies are supported by Key Principles HS6, HS7 and HS8 of the Planning Guidance SPD (2018), which seek to protect the existing amenities of neighbouring residential properties in terms of light, outlook, noise, disturbance, overlooking or privacy.
- 6.16 The terrace-rows of Nos. 24 - 44 Gunterstone Road and Nos. 5 - 9 Gliddon Road adjoin the northern boundary of Barons Keep. The terrace-row of Nos. 4 - 34 Glazbury Road adjoin the eastern boundary of Barons Keep. Talgarth Road encloses the southern boundary of Barons Keep.

6.17 Officers note that representations have raised concern regarding the proposal's impact upon neighbouring amenity, particularly with regard to outlook, light, privacy, noise and disturbance. These will be assessed below.

+ Outlook, light and a sense of enclosure

6.18 With regard to scale and massing, Key Principle HS6 of the Planning Guidance SPD (2018) specifies that any proposed new development and/or extensions to existing buildings should, as a general rule, not result in an infringing angle of more than 45-degrees. Depending on the circumstances of the site, one of the following rules will apply:

- Where the neighbouring rear garden is less than 9m in length, the proposal should sit below an angle of 45-degrees taken from the rear boundary at ground-level.

- Where the neighbouring rear garden is more than 9m in length, the proposal should sit below an angle of 45-degrees taken from the rear boundary at a height of 2m at the rear boundary.

- If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the impact the extension will have on the existing amenities of neighbouring properties.

6.19 The current proposal relates to the northern wing of Barons Keep's roof extension. The terrace-row of Nos. 24 - 44 Gunterstone Road adjoins the northern boundary of the application site. Measurements taken demonstrate that these neighbouring properties feature rear gardens of more than 9m, and so as a general rule, the proposal should sit below an angle of 45-degrees taken from the rear boundary of these properties at a 2m height.

6.20 Officers note that the proposal would technically infringe this guidance. However, officers consider that there would be site-specific circumstances which would enable the proposal to mitigate against detrimental harm with regard to outlook and a sense of enclosure. Notably, the existing building itself would already infringe an angle of 45-degrees taken from the rear boundary of Nos. 24 - 44 Gunterstone Road at a 2m height. Furthermore, measurements taken demonstrate that there would be a separation of 25m between the rear elevations of Nos. 24 - 44 Gunterstone Road and the north elevation of the roof extension. Finally, the proposal would maintain the height of the existing permission and would pull back the façade of the roof extension in closest proximity to these neighbouring properties from the north elevation of the building, which would result in a lesser impact in terms of scale and massing in comparison to what has been approved previously.

6.21 With regard to light, officers note that the proposal seeks to prevent neighbouring properties' Right to Light from being affected. Officers note that the Right to Light is a legal easement which provides a right to light through a window, where that light has passed over a neighbour's land. As this falls outside the scope of planning legislation, officers cannot make a judgement as to whether the proposal would achieve those aims.

6.22 In terms of the proposal's impact upon levels of light to neighbouring properties, officers note that the roof extension's impact upon neighbouring properties has been assessed as part of previous planning applications and has been found to be acceptable. By reason of the nature of the proposal, officers are satisfied that the material amendment to pull back the façade of the roof extension from the north elevation of the building would not result in detrimental harm to the levels of light received to neighbouring properties.

+ Privacy and noise

6.23 Key Principle HS7 (iii) of the Planning Guidance SPD (2018) states that any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

6.24 Key Principle HS8 of the Planning Guidance SPD (2018) states that planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance; or, if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony.

6.25 The proposal would reduce the footprint of the north wing of the previously approved roof extension to Barons Keep, and accordingly, the existing roof deck area would be increased as a result of this. Officers acknowledge that the representations received have raised concern that the existing roof deck could be used by future occupants of these flats as a roof terrace. In response to these concerns, the applicants have removed the terraces from the proposal, and officers confirm that the existing roof deck is not proposed to be used as a roof terrace/private amenity space. Notably, the proposed floor plan (drawing No. 6856-159-02 REV G) includes annotations specifying that the existing roof deck 'will be used for maintenance purposes only and will not be accessible to occupants of Flats 8, 9, 10 and 11'.

6.26 The proposed floor plan shows that flats would have access to a dedicated escape route located within the roof deck, which would be used by future occupants in an emergency and would lead to the escape staircases. Nevertheless, glass balustrades are depicted, which would separate the roof deck from the escape route, and there would be no direct access from Flats 8, 9, 10 or 11 to the roof deck. Furthermore, officers recommend that a condition be imposed to prevent the use of the existing roof deck as a terrace/private amenity space, to prevent exposing neighbouring occupants to potential harm from noise and disturbance.

6.27 In terms of the north elevation windows of the roof extension, which would face towards those properties along the southern side of Gunterstone Road (Nos. 24 - 44 Gunterstone Road), officers note that there would be a minimum separation of at least 18m away from these windows to the existing habitable windows of neighbouring Nos. 24 - 44 Gunterstone Road.

- 6.28 The flank elevation of the terrace-row of Nos. 5 - 9 Gliddon Road faces towards the rear elevation of the northern wing of Barons Keep's roof extension. Resultantly, this relationship means that the rear elevations of Nos. 5 - 9 Gliddon Road face away from the rear elevation of the northern wing of Baron Keep's roof extension. This is considered to mitigate against detrimental harm to the amenity of these occupants, with regard to privacy and overlooking.
- 6.29 The windows within the northern wing of Barons Keep's roof extension would not directly face the rear elevation habitable windows serving Nos. 4 - 20 Glazbury Road. Accordingly, the proposal would be considered to mitigate against detrimental harm to the amenity of these occupants, with regard to privacy and overlooking.
- 6.30 Overall, officers consider that the proposal would be of a scale, massing, siting and design which would mitigate against detrimental harm to the amenity of neighbouring occupants. In this respect, the proposal would be consistent with Policy HO11 of the Local Plan (2018) and Key Principles HS6, HS7 and HS8 of the Planning Guidance SPD (2018).

#### HIGHWAYS/PARKING

- 6.31 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough.
- 6.32 The current proposal would not alter the total number of residential units within the roof extension which was approved under application ref. 2004/02444/FUL, which would remain at eleven (11) units. Eleven (11) off-street parking spaces for these flats were included within the service courtyard of Barons Keep for use by these residential units. Officers highlight that as part of the original decision for ref. 2004/02444/FUL and 2017/04294/VAR, conditions were included which prohibit future occupants of the eleven units from being entitled to car parking permits on the public highway. Officers note that the Council's chosen mechanism to restrict parking permits is now through a unilateral undertaking (UU). The applicant has confirmed their agreement to a unilateral undertaking to prevent occupants/future occupants of these 11 flats being entitled to on-street car parking permits. Accordingly, subject to the completion of a satisfactory UU, officers do not consider that the current proposal would harmfully exacerbate the existing levels of parking stress and congestion within the locality of the application site.

#### TREES

- 6.33 The representations received have raised concern regarding the proposal's potential impact upon the mature Ash Tree within 26 Gunterstone Road, which is subject to the Tree Preservation Order TPO/24/8/70. Officers note that the proposal would not involve ground-level works, and as such it is considered that the proposal would not result in detrimental harm to the health and amenity of this tree, in terms of harm to its root system.



## FLOOD RISK

- 6.34 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3. Whilst typically a flood risk assessment would be required by Policy CC3 of the Local Plan (2018), the current proposal relates to the roof extension, and accordingly the nature of the proposal would not harmfully exacerbate the application site's flood risk. Accordingly, the absence of a flood risk assessment is considered justifiable in this instance.

## SUSTAINABILITY AND CLIMATE CHANGE ADAPTATION

- 6.35 Paragraphs 157 and 163 of the National Planning Policy Framework (NPPF, 2023) outline that the planning system should support renewable and low carbon energy and associated infrastructure, and that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions.
- 6.36 Paragraph 164 of the NPPF (2023) specifies that local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvement to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
- 6.37 Key Principle KPC8 of the Climate Change Supplementary Planning Document (SPD, 2023) supports the principle of installing solar PV panels for both new and existing buildings. Key Principle KPC22 outlines that, with regard to heritage assets, two key areas of risk which must be considered when upgrading buildings to improve their environmental performance are: 1) causing harm to the character, appearance or significance of a heritage asset, and 2) causing conflicts between the existing traditional construction and structural fabric of a heritage asset through retrofit proposals.
- 6.38 Table 1 of the Climate Change SPD (2023) sets out some general guidance on the main opportunities to retrofit heritage assets. Officers note that whilst this application only relates to minor amendments to the layout of the approved flats, that solar panels have previously been approved to the roof of Baron's Keep under application ref. 2020/02293/NMAT, which can be seen on the proposed roof plan submitted as part of this current S73 application. With regard to space heating and hot water, the agent has confirmed in writing that the existing heating and hot water systems serving Barons Keep were installed in the mid/late 2000's and are not proposed to be replaced as part of the current planning application. Overall, officers consider that the proposal has demonstrated the inclusion of climate change adaptation/sustainability measures which are proportionate to the scheme, taking into account the original planning consent was approved in 2005.

## 7.0 CONCLUSION

- 7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.2 In summary, the proposed development would result in a minor material change to the previously approved roof extension, involving the façade of the northern wing of the roof extension to be pulled back from the north elevation of Barons Keep. Officers consider that this would mitigate against an unduly detrimental impact on the amenity of surrounding occupants, and without harm to the character and appearance of the parent building (a locally listed Building of Merit) and the Gunter Estate Conservation Area.
- 7.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted in line with the recommendations above.

## 8.0 RECOMMENDATION

- 8.1 Grant permission, subject to conditions and a Unilateral Undertaking.