1.0 SUMMARY

1.1 The application seeks retrospective planning permission for amendments to the approved development that were undertaken without planning permission. The extensions to the rear elevation of the building have been built with differences from the approved plans. The application proposes to reduce the height of a prominent roof top acoustic enclosure to improve the appearance of the extensions.

1.2 It is recommended planning permission be granted as the proposed reduction in height would appreciably improve the appearance of the building by decreasing the dominance of that part of the structure and helping to restore the originally proposed proportions of the extension, giving the building a satisfactory appearance. Other changes from the approved plans are minor or have not unduly altered the building’s appearance or its impact on neighbours and so their retention is acceptable.

2.0 SITE DESCRIPTION

2.1 The site is located on Chiswick High Road and is within Chiswick Town Centre as designated by the Unitary Development Plan. The site comprises the group of existing buildings at Nos. 162-170 Chiswick High Road, which are located midway in the block bounded by Turnham Green Terrace and Mayfield Avenue.

2.2 The existing buildings at 162-170 have recently been refurbished and extended to provide a private members’ club and hotel on the upper floors.
and a restaurant/bar and retail premises on the ground floor fronting Chiswick High Road.

2.3 The site is bounded by commercial buildings to each side and the rear with residential terraced houses further to the rear (northwest) on Mayfield Avenue.

3.0 HISTORY

3.1 There is an extensive planning history for the site, which formerly contained a mix of uses including a restaurant/café, ice cream parlour, hotel and manager’s accommodation. Most recently planning permission 00248/162-170/P4 was granted on 14 December 2005 (subject to the satisfactory completion of a legal agreement for a contribution to improve pedestrian safety and security in the area), for the following development:

Part demolition of two, three and four storey rear extension, and erection of two and four storey rear extension, together with refurbishment of Foubert’s Hotel for use as a private members club, incorporating 17 bedrooms for hotel use, restaurant, bar/lounge and retail/spa area.

3.2 The approved development involved extensive alterations and additions to each level of the existing four-storey building including rear extensions.

3.3 Application P6, proposed the retention of the rear extensions to the buildings as constructed (with unauthorised changes), was refused on 21 September 2006 for the following reason:

The increased height and altered proportions of the external finishes of the four-storey rear extension, results in a prominent, bulky addition that detracts from the appearance of the building, is not in keeping with the surrounding development, and adversely affects the townscape and outlook from surrounding properties. This would be contrary to policies IMP.2.4 Enhancement of Chiswick Town Centre and ENV-B.1.1 New Development and S.4.1 Environmental Improvements to Shopping Areas of the London Borough of Hounslow Unitary Development Plan 2003.

4.0 DETAILS

4.1 The application seeks retrospective planning permission for the retention of amendments to the approved development undertaken without planning permission. The development has been implemented and the premises operate as a private member’s club, restaurant and retail shop. The alterations and additions are largely complete. The extensions to the rear elevation of the building have been built with significant differences from the approved plans.

4.2 The key differences from the approved plans that have been made, all to the rear elevation of the building, are as follows:

Three-storey rear extension – The approved extension that provided a bedroom with a mansard roof to the western side of the rear elevation; has been altered with the mansard roof deleted and instead a flat roof provided
with roof top plant including ducting, ventilation and air conditioning plant. A black coloured acoustic enclosure has been erected around the perimeter of the plant. The acoustic enclosure has similar height to the approved mansard roof.

**Four-storey rear extension** – The approved extension that adjoins the eastern side boundary at the rear of the original building has been built higher than approved by approximately 400mm. Additionally, relative to the neighbouring building, which was inaccurately shown on the originally submitted drawings, the four-storey extension is approximately 1,600mm higher than was originally approved, relative to the neighbouring building at No. 160 Chiswick High Road.

4.3 Various other minor alterations to brickwork, window details and doors have also been made as well as internal alterations to the ground, first, second and third levels of the rear elevation.

4.4 The application differs from the previously refused application P6 as that application sought permission to retain the extensions as built whereas this application proposes to reduce the height of the acoustic enclosure to the roof the four-storey rear extension.

**5.0 CONSULTATIONS**

5.1 All persons consulted with the original application and the Thornton-Mayfield Residents Association were consulted. Two (2) responses commenting on the application were received, inclusive of a response from the Thornton-Mayfield Residents Association. A summary of the issues of concern and a response is given below.

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acoustic enclosure to roof is ugly, higher than surrounds.</td>
<td>See paragraphs 7.2 to 7.7.</td>
</tr>
<tr>
<td>Despite roof being higher than approved do not object to its retention as it is quite attractive, but acoustic screen, even if lowered as proposed is an eyesore and should be removed.</td>
<td>See paragraphs 7.2 to 7.7.</td>
</tr>
</tbody>
</table>

**6.0 POLICY**

**Determining applications for full or outline planning permission**

6.1 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be
made in accordance with the development plan unless material considerations indicate otherwise.

**The Development Plan**

6.2 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

**Material considerations and emerging policies**

6.3 As part of its prospective Local Development Framework, the authority has prepared two draft development plan documents ('DPDs'): the Employment Development Plan Document and Brentford Area Action Plan, which were subject to Examination Hearings in March and April 2008 respectively. As emerging policy, the two DPDs are material considerations in determining applications for planning permission.

6.4 **London Plan**

- Policy 2A.1 Sustainability criteria
- Policy 2A.8 Town Centres
- Policy 4B.1 Design principles for a compact city

6.5 **Unitary Development Plan 2003**

- IMP.2.4 Enhancement of Chiswick Town Centre
- ENV-B.1.1 New Development

7.0 **PLANNING ISSUES**

7.1 The main planning issues to consider are:

- The size and form of the modifications to the approved plans with regard to the appearance of the building and the townscape
- The impact of the modifications to the approved plans on the amenity of adjoining and nearby neighbours

The size and form of the modifications to the approved plans with regard to the appearance of the building and the townscape

7.2 Policy ENV-B.1.1 promotes high quality design that enhances the overall environmental quality and townscape. Similarly policies IMP.2.4 and S.4.1 seek to maintain and improve the quality of the street scene and encourage high quality building design.
7.3 The rear extensions, which included a three and four-storey extension that both had mansard roofs, have been built but differ from the approved development. The key differences are as follows:

(i) The height and proportions of the four-storey rear extension have been increased and altered respectively. This part of the extension is now 1.6m higher than approved, relative to neighbouring buildings, with the mansard roof and an acoustic enclosure that sits on the roof having being raised in height. The acoustic enclosure mitigates noise from roof top plant associated with the hotel/restaurant. The applicant has advised that the maximum height of the structure is 0.4m higher than approved but that its height relative to neighbouring buildings was incorrectly shown on drawings submitted with the original application, this error meaning that as approved, the four-storey rear extension would be higher than the rear extension of neighbouring properties despite the application drawings showing that proportionately the extension would be similar to neighbouring buildings.

(ii) The approved mansard roof form to the three-storey rear extension has been replaced with a flat roof that has various plant that is to be surrounded by an acoustic enclosure.

(iii) There are also other modifications to certain windows, door openings, parapet level and detailing to brickwork of the rear elevation.

7.4 The changes to the roof of the four-storey rear extension are the most significant as the altered extension is the most apparent departure from the approved plans. The increased height of approximately 1.6m, relative to what was shown on the originally submitted drawings that included neighbouring buildings (for illustrative purposes), as well as the altered proportions of the materials of the four-storey extension, are particularly noticeable and this part of the building now contrasts markedly with the rest of the building and the rear elevation of other adjacent buildings in the terrace. The upper part of the extension is now considerably higher and bulkier than the neighbouring building due to the prominent roof top acoustic enclosure that extends disproportionately above the roof of the original building and neighbouring properties.

7.5 The applicant proposes to reduce the visual impact of the altered extension by reducing the height of the acoustic enclosure to the roof, which has been built taller than necessary. This structure, which currently dominates the mansard roof, would be reduced in height by 400mm to bring it in line with the approved dimension of the original permission.

7.6 The rear elevation of the building is not visible from Chiswick High Road with views of the rear extensions being limited to longer views from Mayfield Avenue and Turnham Green Terrace to either side of the site, and from rear gardens of properties on Mayfield Avenue.

7.7 Although reducing the height of the acoustic screen would not bring the height of the extension relative to the neighbouring in line with the approved drawings, it would ensure it matches the maximum height approved, and importantly it would appreciably improve the appearance of the building by
decreasing the dominance of that part of the structure and helping to restore the originally proposed proportions of the extension. This would make the mansard roof the most important part of the structure and the acoustic enclosure a secondary feature. Additionally, given public views of the extension are not significant and that views from neighbouring properties are indirect, the proposed change to the roof is satisfactory.

7.8 The replacement of the approved mansard roof of the three-storey rear extension closer to Turnham Green Terrace, with a flat roof containing various plant and equipment surrounded by an acoustic enclosure, is a significant variation from the approved plans. However, as the enclosure screens the roof plant and is similar in height to the approved mansard and positioned against the backdrop of the higher, upper floors of the building, it is considered an acceptable variation. The appearance of the building and the townscape would not be adversely affected by this modification from the approved plans.

7.9 The other alterations from the approved plans to the doors, windows and brickwork of the rear elevation have not adversely affected the appearance of the extensions and therefore do not harm the appearance of the building or the townscape.

The impact of the modifications to the approved plans on the amenity of adjoining and nearby neighbours

7.10 In accordance with policies ENV-B.1.1, extensions should not have an undue adverse impact on neighbouring properties. In this instance the access to light, outlook and privacy of neighbours should be maintained.

7.11 The modified extensions would not result in any significant increase in overlooking or overshadowing of neighbours, as the windows of the development are similar to those approved and the site the extensions are sufficiently separated from the neighbouring houses.

7.12 The outlook from the surrounding properties has however been adversely affected by the unauthorised modifications, in particular the unduly prominent roof top acoustic enclosure to the four-storey rear extension. The other alterations do not significantly affect neighbours’ outlook. Although views from neighbours are not direct, owing to the orientation of properties, the increased height and bulk created by the changes from the approved plans, makes the appearance of the extension unsatisfactory when seen from neighbouring properties.

7.13 The proposed reduction in the height of the roof top acoustic enclosure would improve the building’s appearance, as discussed in paragraphs 7.5 to 7.7 would address this issue. However, any reduction in the acoustic enclosure has potential implications for the effectiveness of its function in mitigating noise from root top plant.

7.14 The applicant has submitted an Acoustic Report from a consultant in respect of the proposed reduction in height of the acoustic enclosure (by 400mm), and also notes that the enclosure has been erected higher than
necessary to meet the Council’s requirements from the original planning permission. The report concludes that the acoustic screen would function satisfactorily after being reduced in height and that it would meet relevant Council standards.

8.0 CONCLUSION

8.1 It is recommended planning permission be granted as the proposed reduction in height would appreciably improve the appearance of the building by decreasing the dominance of that part of the structure and helping to restore the originally proposed proportions of the extension, giving the building a satisfactory appearance. Other changes from the approved plans are minor or have not unduly altered the building’s appearance or its impact on neighbours and so are acceptable.

9.0 RECOMMENDATION:

9.1 APPROVAL

9.2 Reason

9.3 The retention of alterations and additions to the rear of the building during the course of construction (amendment of planning approval 00248/162-170/P4) as well as lowering of the acoustic screen at rear of building, as shown on drawing numbers 267-000, 267-201 P7, 267-202 P7, 267-203 P7, 267-204 P7, 267-205 P7, 267-206 P7, 267-207 P7, 267-208 P7, 267-209 P7, 267-210 P7, and 267-211 P7; all received 12 July 2007, is satisfactory, as the proposed reduction in height would appreciably improve the appearance of the building by decreasing the dominance of that part of the structure and helping to restore the originally proposed proportions of the extension, giving the building a satisfactory appearance. Other changes from the approved plans are minor or have not unduly altered the building’s appearance or its impact on neighbours and so are acceptable. Therefore the proposed development complies with policy ENV-B.1.1 (New Development) of the adopted Unitary Development Plan.

9.4 Conditions:

1 NSTD The development hereby approved shall be carried out and completed within two (2) months from the date of this permission. REASON: To ensure the works are undertaken to improve the appearance of the building.

2 B5 The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.

REASON: B5R. To ensure the development is carried out in accordance with the planning permission.