

RESPONSE TO S DEAVILLE OBJECTION (24/06/16)

PAGE 1

The objections is founded on the belief we feel that many of the Planning Inspectors' reasons and statements regarding the dismissal of the Appeals for No. 33 St. John's Road are also extremely relevant in this case (p1)

The matter of 33 St Johns Road was the subject of three appeals (2009, 2011 & 2013). The key findings of the Inspectors were:

I do not consider the precise height of the neighbouring properties to be an absolute constraint. Nor indeed would it be necessary to adhere to the precise width of the existing dwelling (para 8, 2011)

While the overall scale of the proposed building would be within the margins of acceptability for its context and would be capable of being accommodated within its plot, there are significant flaws in its design that undermine such potential to sit comfortably within its particularly sensitive setting (2011 - para 16)

The Inspector in that last case found that, whilst the footprint of the development proposed would be much greater than the existing building, this is a spacious plot, capable of accommodating a deeper and wider building than the existing without necessarily compromising the prevailing pattern of development. However, he had significant concerns about the resulting bulk of the building, not only in relation to the size and proportions of the roof to the central bay and the dormer windows within the rear elevation, but also the elevated siting of the building and its proximity to the registered park (2013 - para 11)

I agree that the overall height of either scheme would not be seen as unduly prominent or uncharacteristic in its setting (2013 - para 15)

The depth of building required to accommodate the six apartments proposed, combined with the need to ensure that the overall height reflects that of the neighbouring properties, creates a fundamental tension that results in a building of unsettled proportions and which appears somewhat 'squashed' (2013 - para 16)

I am not persuaded either, that any real effort has been made to address other concerns of the previous Inspector relating to the elevated siting of the building and its relationship with the registered park behind, which is at a lower level than the appeal site and its neighbours. During the site visit, I saw that the appeal site and the existing building are seen from the Serpentine Walks. Either of the buildings proposed, although not so deep as the earlier proposals, would be closer to the parkland than the existing dwelling and thus, as a much larger building than the existing property, would be more visible (2013 - para 18)

In essence, the flawed roof design (not the enlarged footprint or height increase) was the key factor which led to refusal in terms of harm to the Conservation Area, with harm resulting to the setting of a Registered Park as a consequence of the rear being fully visible from the Serpentine Walks (something that doesn't apply to the proposed hotel, given its effective non-visibility from the Serpentine Walks – see Sketch Book BH).

Of more relevance to the proposed scheme were the Inspector's 2009 appeal comments which confirmed the existing hotel's entitlement both to be regarded in isolation/without reference to neighbouring buildings in terms of scale *and* to be of a greater scale in comparative terms:

From what I saw, this is a fair description. No.33 has no intrinsic architectural merit but it is a 'quiet' building that has a scale that is consistent with its similarly neutral neighbours, forming a distinct group to the west of the larger hotel building at the corner of St John's Road and Burlington Road (2009 - para 4)

I recognise that there are buildings of similar scale to that proposed in close proximity to the appeal site. However, the hotel at the corner of St John's Road and Burlington Road has a scale that responds to the townscape importance of its corner site. The appeal site does not have the same status. Similarly, larger buildings on the north side of St John's Road form a group that is distinct from the group of which No.33 forms part (2009 - para 7)

As regards the objector's para d p1), s133/s134 of the National Policy Planning Framework set's out the conditions that must be met in order to justify harm to designated heritage assets.

PAGES 2-3

Design and Siting:

Mirroring the above 2009 appeal comments, the LA similarly identifies the hotel's gateway location and acknowledges that such buildings are entitled to be higher than neighboring buildings (for stated reasons):

Minor gateways include the junctions of Manchester Road/St John's Road, Burlington Road/St John's Road - The Buxton Design & Place Making Strategy (SPD) 2009 p49

Corner buildings higher than surrounding buildings can serve to emphasise junctions and add to the character of the local area. Strong corners give definition to streets and become easily identifiable minor landmarks - The Buxton Design & Place Making Strategy (SPD) 2009 p33

Accorded this status, it can reasonably be expected that the new hotel will be taller than neighbouring buildings in order to successfully fulfil this role.

The proposed scheme is only 6ft taller than the existing building (12% taller) and the footprint (917m²) is broadly in accord with the previously approved application (775m²), being enlarged to the west and the south to achieve a visual coherency that was not possible in the 2006 plans.

The nominal increase in height will have minimal impact on adjoining properties and glimpsed views from around and about, but will have the effect of better identifying the corner and creating a minor landmark at this important point.

As previously mentioned, the new building does not feature in meaningful views from the Serpentine Walks and is not viewable from the Pavilion Gardens.

Historic England's comments (posted online 01/07/16) identify the harm resulting from the development "as less than substantial." In accordance with s134 NPPF, this harm should be weighed against the public benefits of the proposal.

Parking Provision on the Proposed Development and Highway Safety:

Highways Comments (posted online 07/07/16) express satisfaction with all aspects relating to increased traffic and onsite parking provision:

Whilst there are some anomalies between the submitted details, the Transport Statement indicates a development comprising a hotel with 110no. bedrooms served by 107no. off-street parking spaces using 3no. existing vehicular accesses with the public highway. The following comments are made on the details provided within the Transport Statement.

The Highway Authority has no reason to disagree with the conclusions of the Transport Statement with respect to capacity of the existing highway network to cater for the increase in vehicular activity post development and adequacy of off-street parking provision when compared to the existing situation.

Recommendations regarding site exit visibility have been made by Highways and it is expected that these will be fully incorporated into the scheme.

Approved Local Plan Policy:

Reference is made to the previously stated fact that the proposed scheme is broadly in accord with the previously approved application (775m²), being enlarged to the west and the south to achieve a visual coherency that was not possible in the 2006 plans.

In terms of the comment that "The proposed development is totally out of keeping with the locality and the Victorian buildings in the surrounding area, and its size and nature detract from the vista afforded by the street scene along St. John's Road..." Historic England's observation that the harm resulting from the development "as less than substantial." is again referred to.

Environmental Considerations:

Issues regarding the scale of the proposed development have already been referred to above (the new footprint maintains the same gap between adjacent properties as was approved in the 2006 plans). Noteworthy is the fact that the proximity of the proposed building to the neighbouring boundaries retains the same 2m distance as the existing nursery side extension (Burlington Road) and unlike the recently built garage extension to 29 St Johns Road (which was constructed to the absolute boundary) maintains an acceptable distance of 1.8m.