

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT**

**APP NO. PP/12/04940/Q21
PLANNING APPLICATIONS COMMITTEE 26/02/2013
AGENDA ITEM NO. S08**

SITE ADDRESS

**9 Cheyne Place
LONDON
SW3 4HH**

**APPLICATION
DATED**

07/12/2012

**APPLICATION
COMPLETE**

07/12/2012

APPLICANT/AGENT ADDRESS

**Mr & Mrs Cohen
9 Cheyne Place
LONDON SW3 4HH**

**LISTED
BUILDING** N/A

**CONS.
AREA**

Royal Hospital

WARD

Royal Hospital

CAPS Yes

**ENGLISH
HERITAGE**

N/A

ART '4' No

**CONSULTED
19**

**OBJECTIONS
14**

**SUPPORT
0**

**PETITION
0**

**COMMENTS
0**

Applicant

Mr & Mrs Cohen

PROPOSAL: Construction of replacement rear extension, construction of 3rd floor extension to rear closet wing, excavation of subterranean accommodation beneath building.

RBK&C Drawing No(s):PP/12/04940

Applicant's Drawing No(s): OS 01, EX 11, EX 12, EX 13, EX 51, EX 61, PL 11, PL 12, PL 13, PL 51 and PL61

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans , OS 01, EX 11, EX 12, EX 13, EX 51, EX 61, PL 11, PL 12, PL 13, PL 51 and PL61 (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
4. **No development shall be carried out until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works hereby approved.**
Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Subterranean Development SPD and policy CL5.
5. **The development hereby permitted shall not be implemented until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:**
 - **routeing of demolition, excavation and construction vehicles;**
 - **access arrangements to the site;**
 - **the estimated number of vehicles per day/week;**
 - **details of any vehicle holding area;**
 - **details of the vehicle call up procedure;**
 - **estimates for the number and type of parking suspensions that will be required;**
 - **details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works;**
 - **a strategy for coordinating the connection of services on**

site with any programmed work to utilities upon adjacent land;

- work programme and/or timescale for each phase of the demolition, excavation and construction works; and
- where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.

Reason - In the interest of highway safety and to safeguard the amenity of the area and to comply with the Subterranean Development SPD and policy CT1 and CL5.

6. The development hereby permitted shall not commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this Condition. (C106)

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Subterranean Development SPD and policy CL2. (R106)

7. The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved an EcoHomes rating of Very Good with 40% of the credits achieved under the Energy, Water and Materials sections and a post construction review Certificate for the dwelling has been issued certifying that a Very Good rating has been achieved. (C110)

Reason - To secure mitigation for the environmental impact of the subterranean development and to comply with policy CE1 of the Core Strategy.

8. The roof of the extension hereby permitted shall not be used at any time as a terrace. (C080)

Reason - To protect the privacy and amenity of neighbouring property (R080)

9. Before demolition and construction activities commence a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP shall detail construction and demolition methodology and plant, utilizing the best practicable means, to

mitigate construction noise and vibration and dust affecting adjacent and adjoining occupied residential premises.

Reason - To protect the living conditions of adjacent and nearby residents

10. **Noise emitted by the air conditioning condensing unit and associated ventilation fan, located in the basement vault, or by any atmospheric louvre or grill ventilating the sub-basement plant room, when operating concurrently or in isolation, shall not increase the lowest existing measured background LA90(15min) level measured or predicted at 1.0m from the nearest residential window or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it shall be switched off and not used again until it is able to comply.**

Reason - To protect the living conditions of adjacent and nearby residents

11. **The acoustic mitigation measures as detailed in section 8, page 4, and Appendix B of the Plant Noise Assessment Report (prepared by Paul Gillieron Acoustic Design, dated November 2012) shall be adopted and implemented in full, before the development is brought into use.**

Reason - To protect the living conditions of adjacent and nearby residents

12. **All plant in the basement vault, sub-basement plant room, or associated with the lift machinery, shall be mounted on isolation mounts, as necessary, to prevent the structural transmission of noise or vibration into adjoining properties.**

Reason - To protect the living conditions of adjacent and nearby residents

13. **A full method statement for the retention and protection during construction works of the existing trees to be retained, including the method of excavation within the curtilage of the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site, and the approved details shall be implemented in accordance with the method statement thereafter. (C23c)**

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area. (R020)

14. **The windows in the upper floors of the building hereby approval shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**

Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

INFORMATIVES

- 1 I09 Variations due to Building Regs.
- 2 I71 Party Wall Act
- 3 I10 Attention to Conditions
- 4 I67 Controlling Noisy Works
- 5 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).
- 6 Demolition and building works are subject to the Control of Pollution Act 1974 and the Environmental Protection Act, 1990. The Council may impose appropriate controls over the construction methods, noise screening, and protection of site, noise, or hours of work and routing of construction traffic . You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I30)
- 7 The applicant is advised that a separate planning application may be required for any plant/mechanical ventilation required in association with the proposed development.
- 8 IDN3 GTD/Pre-app/At submission Est.G/No amend
- 9 I67A Construction Management
- 10 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)

1.0 SITE

- 1.1 The application relates to a large six storey mid terraced house located on the north-western side of Cheyne Place. The property is within the Royal Hospital Conservation Area and within Flood Zone 2. There are a number of large trees to the rear of the site.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the demolition and replacement of the existing single storey rear extension, an increase in the size of the existing rear lightwell and rooflight to existing front lightwell, two new basement storeys and a third floor extension to the existing closet wing.

3.0 PLANNING HISTORY

- 3.1 There is no relevant recorded planning history, but information submitted in respect of applications on adjacent properties makes it clear that the existing extension was present on site prior to 2007.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are:
- the impact of external alterations on the character and appearance of adjacent buildings and conservation area,
 - the impact on the living conditions of neighbouring residents,
 - the impact on trees,
 - acceptability of the proposed basement development
 - flood risk

- 4.2 The relevant policies within the Core Strategy include:

CR6 (Trees and landscape)
CL1 (Context and character)
CL2 (New buildings, extensions and modifications to existing)
CL3 (Heritage assets – conservation areas and historic spaces)
CL5 (Amenity)
CL6 (Small-scale alterations and additions)
CE1 (Climate change)
CE2 (Flooding)

The emerging revisions to the Core Strategy relating to basements have very limited weight at this point given their progression through the consultation process.

- 4.3 Also relevant is 'saved' policy from the Unitary Development Plan including:

CD47 (Extensions)
CD63 (Development in conservation areas)

- 4.4 The Royal Hospital Conservation Area Proposals Statement (CAPS) and Subterranean Development and Trees and Development

Supplementary Planning Documents are also relevant.

- 4.5 There are no London Plan policies or parts of the National Planning Policy Framework considered of particular relevance to the current application.

Impact of external alterations on the character and appearance of adjacent buildings and conservation area

- 4.6 Core Strategy policy CL1 requires all development to respect the existing context, character, and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive for all. Policies CL2 and CL 3 require extensions and modifications to existing buildings to be of the highest architectural and urban design quality, and to take opportunities to improve the quality and character of buildings and conservations areas. Further guidance on rear extensions is set out in 'saved' Unitary Development Plan policy CD47. Guidance on the treatment of the external manifestations of basements is provided in section 8 of the Subterranean Development SPD.

- 4.7 The proposed ground floor extension would largely replicate the bulk and massing of the existing extension, but with altered fenestration to the rear elevation. Whilst full width extensions would not normally be acceptable, given one exists at present, its replacement is acceptable. The rear elevation of the existing extension has a horizontal appearance, at odds with the proportions of the original building, detracting from its appearance. The replacement extension would make slight improvements to the design, removing the large areas of timber cladding, reducing the height of the supporting frame, and reintroducing additional vertical divisions.

- 4.8 To the rear of the extension is an existing lightwell and set of stairs that serves the lower ground floor. The rear wall of the lower ground floor is recessed underneath the existing extension. The proposal would see the rear lightwell extended to the full width of the rear elevation, the ground level within the lightwell raised (to become a patio to the ground floor level) and the floor to ceiling height at ground floor level increased. The resulting height of the replacement rear extension (approx. 3.90m) would not normally be acceptable as this would appear out of proportion with the floor levels of the building above. However, in this particular instance it is acceptable as it would replace an existing uncharacteristically exposed lower ground floor, would be partly below garden level, and would not be visible from neighbouring properties. The arrangement and orientation of the building and its neighbours and the presence of a high brick boundary wall to the rear of the site, mean that these alterations would only be visible from within the property itself. Additionally, and as discussed further below, the proposal offers some benefits at the more visible upper levels of the building.

- 4.9 With respect to the third floor extension above the existing closet wing, given the majority of other properties within the terrace have carried out similar extension, this element of the proposal would be acceptable subject to recommended condition 3, controlling materials and detailing.

- 4.10 The rooflight to the front lightwell would be positioned below ground level (in the base of the existing lightwell) and would be small in size, flush with the existing paving stones. Such an alteration would be discreet and unobtrusive within the street scene and would therefore be acceptable. Similarly the rear roof light would be below garden level and hidden behind a planter.
- 4.11 Other alterations are proposed to the existing fenestration on the rear elevation of the building. In particular, the proposal involves the removal of the modern horizontal windows at ground, first and third floor level in the rear elevation and their replacement with traditionally detailed replacements. Subject to condition 14 ensuring the windows are appropriately detailed, these are welcomed improvements to the building and conservation area.

Impact on the living conditions of neighbouring residents

- 4.12 Core Strategy policy CL5 requires new buildings, extensions and alterations to achieve high standards of amenity, including sunlight and daylight, visual privacy, sense of enclosure and in terms of noise, vibration or odour.
- 4.13 The replacement extension would be of a similar size to the existing extension and would not therefore result in harm to the living conditions of neighbouring properties. Condition 8 is recommended to ensure the roof of the replacement extension is not used as a terrace. The third floor extension would be modest in size and would match the existing extensions on neighbouring properties. Given the open aspect these properties have to the rear, this extension would not result in an unacceptable loss of light or privacy, nor result in increased enclosure.
- 4.14 All other alterations are below ground and sufficiently separated from neighbouring properties to ensure there would be no adverse impact on the living conditions of neighbouring properties.
- 4.15 An acoustic report has been submitted with the application and this has been reviewed by the Director of Environmental Health. Subject to conditions 10, 11 and 12, the proposal is considered acceptable and would not cause undue noise and disturbance to neighbouring properties.

Impact on trees

- 4.16 Core Strategy policy CR6 requires the protection of existing trees and in delivering this seeks to resist development which results in the damage or loss of trees of townscape or amenity value. Similar objectives are found in policy CL2, the Subterranean Development and Trees and Development SPDs.
- 4.17 An arboricultural impact assessment accompanies the application which assesses the potential impact the proposals will have on a number of trees in the rear garden of the property and the gardens either side. This has been reviewed by the Council's arboriculturalists who concur with the findings of the report. There is a very small encroachment into the root protection area of the tree in the rear

garden but this is considered too small to have any significance. Condition 13 is recommended to ensure the works are carried out in a sensitive manner. Given the majority of the development is below ground and would not affect any features of ecological importance, there is considered no risk to ecology.

Acceptability of the proposed basement development

- 4.18 Policy CL2 (g) and the Subterranean Developments SPD set out the necessary criteria in terms of basement construction and design. With respect to the former, the proposal must meet the following criteria (criterion i. does not apply as the building is not listed).
- ii. the stability of the existing or neighbouring buildings is safeguarded
 - iii. there is no loss of trees of townscape or amenity value
 - iv. adequate soil depth and material is provided to ensure sustainable growth.
- 4.19 To address matters of stability safeguarding, the applicant has submitted a Construction Method Statement and a desk study and ground investigation report, both prepared by appropriately qualified professionals. These reports include details of the existing ground and subsoil conditions (including site specific bore hole results), details of the site geology and hydrology, details of the piling and underpinning methods proposed (including site specific construction drawings and calculations), details of the below ground drainage and the impact on adjacent structures.
- 4.20 The Construction Method Statement concludes “The stability and structural integrity of the surrounding earth and the neighbouring properties will be maintained throughout construction without any structural detrimental effect to existing conditions”. The proposal is therefore unlikely to harm the structural stability of the building itself or neighbouring buildings and therefore would comply with the requirements of criterion ii. Condition 6 is recommended to ensure a suitably qualified individual supervises the works.
- 4.21 The impact of the development on trees is assessed and found acceptable above. As such the proposal complies with criteria iii.
- 4.22 Point iv requires adequate soil depth and material to be provided to ensure sustainable growth. These requirements are set out in more detail in the SPD. The proposal involves excavation of only a small area of the rear garden and for the most part the basement excavations would be beneath the replacement extensions. The rear patio and rooflight would not have the 1.0m of soil beneath them, but given the small size of this area and that the majority of the rear garden would be retained, in this instance this is acceptable. The proposal would meet the requirements of criterion iv.
- 4.23 Policy CE1 requires development to make a significant contribution to achieving national targets relating to the reduction of carbon dioxide emissions. Criteria (c) requires, where subterranean extensions are proposed, the sustainability credentials of the entire dwelling to meet a

Eco-Homes 'Very Good' rating. In addition, the applicants are required to demonstrate in a report prepared by a suitably qualified specialist that, the development would achieve 40% of credits in the energy, water and materials sections.

- 4.24 The applicants have submitted an Ecohomes pre-assessment prepared by a registered assessor, which sets out how the building would be retro-fitted to achieve the various credits. The pre assessment predicts the development will achieve 50% of water credits, 54% of energy credits, 65% of the materials credits and overall, is predicted to achieve a 'Very good' rating. The credits predicted to be achieved are considered feasible and therefore subject to condition 7 requiring compliance, the proposal would meet the aims and objectives of policy in this regard.
- 4.25 The basement levels would accommodate a family room, various utility rooms, a home cinema and gym. The family room would be provided with natural light through the rear roof light. The gym and home cinema would have no natural light or ventilation, but given the nature of these rooms and the availability of habitable rooms above ground with acceptable access to natural light and ventilation, this arrangement is acceptable.

Flood risk

- 4.26 The property is within flood zone 2 and the applicant has submitted a flood risk assessment that details the proposed floor resilience measures. Subject to implementation of these measures, the scheme meets the requirements of policy and is acceptable in relation to flood risk.

5.0 PUBLIC CONSULTATION

- 5.1 19 neighbouring properties have been notified of the proposal, a site notice posted outside the property, and the application advertised in a local newspaper. Fourteen representations have been received in objection to the proposal, including representations from the Physic Triangle Residents' Association and Christ Church School. The main points raised are summarised and responded to below:

5.2 **Rooflight to front elevation will be out of character with property and fails to enhance the conservation area**

The rooflight will be flush within the existing lightwell set 2.20m below footway level. The roof light is small in size and will be partially obscured by dwarf wall and railings. The proposal will preserve the character and appearance of the building and conservation area.

5.3 **Increased risk from flooding**

A flood risk assessment has been submitted with the application which outlines how the extension will be constructed to ensure that there would be no increased risk of flooding to the occupants. The site is not noted as being within an area that suffers from surface water flooding and the development would retain significant more of the rear garden unexcavated than is required by policy. The impact of the development on the movement of ground water is assessed and found acceptable by the structural engineer.

- 5.4 **Noise, dust and traffic disruption during construction**
The impact of the construction process can be partially mitigated, where appropriate, through the use of planning conditions to supplement powers under other legislation such as the Environmental Protection Act and Highways Acts. Conditions 4, 5 and 9 are recommended in this case, in order to minimise the impact of the construction process on the amenity of local residents, and function of local highways, as far as can reasonably be achieved under the Town and Country Planning Act.
- 5.5 **Potential problems from sewage and rats**
The report indicated that a new drainage system will be installed to discharge into the existing public sewer below street level.
- 5.6 **Structural report is based on assumed information**
The structural report is based on site specific information (set out in the desk study and ground investigation report) and includes drawings and calculations specific to the property and development proposed. This information satisfies the requirements of the SPD and is therefore acceptable.
- 5.7 **Installation of a lift resulting in noise and structural movement**
The installation of a lift within the building does not require planning permission.
- 5.8 **Rear extension is bulky and not in keeping with the age of building or historic area**
Although the proposed extension would not achieve compliance with current policy and guidance in design terms, it represents an improvement on the design of the existing extension. It would improve the character and appearance of the building and conservation area.
- 5.9 **Third floor rear extension resulting in loss of light to neighbouring properties**
The extension would be the same size as existing extensions on adjacent properties and these properties would retain a relatively open aspect to the rear. The impact of the extension on the living conditions of adjacent properties would be acceptable.
- 5.10 **Basement excavations resulting in structural instability to adjacent buildings**
The application has a construction method statement prepared by a qualified structural engineer. That statement is sufficient to comply with the Council's policies to demonstrate that the subterranean development can be carried out safely. The Party Wall Act contains the relevant provisions in respect of damage to neighbouring property and adjoining owners rights. A condition is recommended to ensure a suitably qualified structural engineer is appointed to supervise the works.

6.0 CONCLUSION

6.1 The proposed extensions and alterations, by reason of their appropriate size, design and siting would preserve the character and appearance of the building, its neighbours and the conservation area and would not adversely affect the amenity of residents of adjacent properties. Information submitted in support of the application demonstrates that the proposal would meet the requirements of policy and guidance in terms of structural stability, standard of accommodation and sustainability, would not have an adverse impact on any trees of amenity value or increase flood risk. Subject to conditions, the proposal would meet the aims and objectives of Core Strategy policies CL1, CL2, CL3, CL5, CR6, CE1 and CE2 'saved' UDP policies CD47 and CD63, the Royal Hospital Conservation Area Proposals Statement and Trees and Development and Subterranean Development Supplementary Planning Documents.

7.0 RECOMMENDATION

7.1 **Grant planning permission**

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/12/04940 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Construction of replacement rear extension, construction of 3rd floor extension to rear closet wing, excavation of subterranean accommodation beneath building.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

Core Strategy adopted 8 December 2010

CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity
CL6	Small-scale Alterations and Additions
CE1	Climate Change

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD63	Conservation Area Views
CD47	Resist Proposals for Extensions

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Royal Hospital adopted 4 April 1984 (20), Subterranean Development adopted 26 May 2009 (0903). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The proposed extensions and alterations, by reason of their appropriate size, design and siting would preserve the character and appearance of the building, its neighbours and the conservation area and would not adversely affect the amenity of residents of adjacent properties. Information submitted in support of the application demonstrates that the proposal would meet the requirements of policy and guidance in terms of structural stability, standard of accommodation and sustainability, would not have an adverse impact on any trees of amenity value or increase flood risk. Subject to conditions, the proposal would meet the aims and objectives of Core Strategy policies CL1, CL2, CL3, CL5, CR6, CE1 and CE2 'saved' UDP policies CD47 and CD63, the Royal Hospital Conservation Area Proposals Statement and Trees and Development and Subterranean Development Supplementary Planning Documents.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/12/04940>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.