

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

**APP NO. PP/12/05180/Q21
 PLANNING APPLICATIONS COMMITTEE 16/04/2013
 AGENDA ITEM NO. C27**

SITE ADDRESS

**5 Harley Gardens
 LONDON
 SW10 9SW**

**APPLICATION
 DATED**

20/12/2012

**APPLICATION
 COMPLETE**

21/12/2012

**APPLICATION
 REVISED**

**30/01/2013 06/03/2013
 26/03/2013**

APPLICANT/AGENT ADDRESS

**Lab Architects Ltd
 111 Munster Road
 LONDON
 SW3 5RQ**

**LISTED
 BUILDING**

N/A

**CONS.
 AREA**

Boltons

WARD

Redcliffe

CAPS

Yes

**ENGLISH
 HERITAGE**

N/A

ART '4'

No

CONSULTED

72

OBJECTIONS

12

SUPPORT

0

PETITION

0

COMMENTS

0

Applicant

Mr Burston

PROPOSAL: Construction of a subterranean extension beneath a section of front and rear garden, erection of ground floor side and rear extension with alterations to the roof profile and creation of front and rear lightwells

RBK&C Drawing No(s):PP/12/05180 and PP/12/05180/A PP/12/05180/B PP/12/05180/C

Applicant's Drawing No(s): 5607/A/100; 101; 102; 103 rev B; 104 rev A; 105 rev A; 106 rev B; 107 rev B; 108 rev B; 109 rev C; 200 rev A; 201; 202 rev A; 203 rev A; 300 rev A (existing); 300 rev A (proposed); 302 rev A; 303; 304

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, 5607/A/100; 101; 102; 103 rev B; 104 rev A; 105 rev A; 106 rev B; 107 rev B; 108 rev B; 109 rev C; 200 rev A; 201; 202 rev A; 203 rev A; 300 rev A (existing); 300 rev A (proposed); 302 rev A; 303; 304 (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. **The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved an EcoHomes or BREEAM Domestic Refurbishment rating of Very Good with 40% of the credits achieved under the Energy, Water and Materials sections and a post construction review Certificate or a Post-Construction Letter of Compliance 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.

4. **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:**
 - **routing 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.

5. **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.
6. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:**
- (a) **the materials of the rear stepped access;**
 - (b) **the design and appearance of the roof light, at scale 1:20 or 1:50;**
 - (c) **the materials of the windows to the rear at lower ground floor and basement level**
- (C011)**
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory and that they would preserve the character and appearance of the conservation area
7. **The windows to the front of the side extension and to the rear elevation at third floor level shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
8. **All work and work of making good to the exterior shall be finished to match the existing original work to the building in respect of materials, colour, texture, and profile and, in the case of brickwork, facebond and pointing, and shall be so maintained. (C071)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
9. **The trees existing on the site at the date of this permission shall be protected against damage as set out in the Arboricultural Implications Assessment and Method Statement of Challice Consulting dated 04/03/13 throughout the period of building and other operations pursuant to this permission, including site preparation. (C020)**
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)

INFORMATIVES

- 1 I10 Attention to Conditions
- 2 If any additional building services plant is to be installed then a further planning consent may be required.
- 3 IDN2 GTD/No pre-app/Amendmts to comply Est. G
- 4 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)
- 5 I.67A

1.0 SITE

- 1.1 The proposals relate to a semi-detached dwelling on the north eastern side of Harley Gardens. The building is in The Boltons Conservation Area. It is not listed, but it is subject to Article IV Direction 81, which states that the provision of any hard surface within the curtilage of a dwellinghouse requires planning permission.

2.0 PROPOSAL

- 2.1 Planning permission is sought for a basement extension with an associated lightwell to the rear garden and roof light to the front garden, a side and rear extension at lower ground and ground floor levels, alterations to the rear elevation to lower ground floor level, alterations and extensions at third floor and roof level and associated works.
- 2.2 Revised drawings were submitted on 30 January and 6 February 2013. These did not change the nature of the proposals, but corrected errors in the original plan set and provided additional plans and an Arboricultural Report to further illustrate the proposals and examine their impact. Further revised drawings were submitted on 26 March 2013. These reduced the size of the side extension.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A Certificate of Lawful Proposed Development for the construction of a basement extension and associated fenestration alterations to the rear of the property was issued on 25 September 2013 (ref. CL/12/02963).

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case relate to:
- Subterranean development and the performance of the proposal in respect of the Council's policy and SPD;
 - Impact on the character and appearance of the building and the conservation area;
 - Impact on the amenity of neighbouring occupiers.
- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on 8 December 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. Also of relevance to this proposal is the Subterranean Development SPD (2009) and The Boltons Conservation Area Proposals Statement (CAPS). The National Planning Policy Framework has been considered.

Subterranean matters

Sustainability

- 4.3 The applicant has submitted an Ecohomes pre-assessment which demonstrates that the building could achieve the 'very good' standard following completion of the basement, also meeting the target of 40% of the credits in Energy, Water and Materials. Condition 3 ensures that the Ecohomes pre-assessment standards would be met and the proposals are acceptable in this respect and comply with policy CE1(c) of the Core Strategy and the Subterranean Development SPD (para 5.1.3).

Construction

- 4.4 The applicant has submitted a Construction Method Statement (CMS). The report /PP/12/05180: 5

has been prepared and signed-off by a Chartered Civil Engineer. Site specific bore holes were dug and analysed. It is concluded that the geology is capable of supporting the proposals. The impact on the property and adjoining properties is expected to be 'aesthetic' only. Slope instability is found to be highly unlikely. The basement would be above ground water level and there would be no impact on this. The proposals therefore accord with policy CL2(g) of the Core Strategy and the Subterranean Development SPD (chapter 6) in these respects. A Construction Traffic Management Plan has not been submitted with the application and is requested through condition 4, in accordance with the Subterranean Development SPD (para 7.1.5). Condition 5 secures that the constructors are members of the Considerate Constructors Scheme, to help to minimise the impact of construction on neighbouring residents in accordance with the Subterranean Development SPD (para 7.1.4).

Coverage

- 4.5 No part of the basement would be beneath the garden apart from the element below the roof light, therefore 1m of top soil cannot be provided and is not required. The basement would take up less than 85% of the front or rear garden space. The proposals therefore accord with policy CL2(g) of the Core Strategy and the Subterranean Development SPD (para 9.2.4).

Accommodation

- 4.6 The proposed accommodation is part of a larger dwelling and would not provide sleeping accommodation. It is also to be 2.9m high, in compliance with policy standards (para 3.2.1 of the Subterranean Development SPD). It is therefore acceptable in these terms and complies with policy CL5(a) of the Core Strategy and the Subterranean Development SPD (para 3.1.1).

Flooding/Drainage

- 4.7 In relation to fluvial flooding, the Environment Agency's fluvial flooding map confirms that the site is not within an area that is at risk of flooding from rivers or sea. In relation to ground water flooding, there is no site specific evidence that would suggest the proposal would materially increase the risk of groundwater flooding to an extent that would justify withholding planning permission. Automatic sumps and pumps are to be provided to deal with any ground water or variations in the water table. Foul/ground water would be discharged into the existing sewer system. The proposals therefore accord with the Subterranean Development SPD in these respects.

Impact on the character and appearance of the building and the conservation area

- 4.8 The lightwell to the rear garden would extend 1.2m into the garden beyond the rear wall. It would be 2.6m wide and one storey deep. It would be incorporated into a stepped access to the rear of the building, further masking its appearance. Due to its small size, location close to the main rear elevation and incorporation into the stepped access to the rear, the lightwell would be discreet and is acceptable. The rooflight to the front garden would be 0.8m x 2m, and would protrude no further than 1.2m from the front bay window. It would be set within an existing front lightwell, further reducing its visual impact. This is also therefore acceptable. These elements would preserve the character and appearance of the conservation area, comply with policies CL1(a)(b)(e), CL2(a)(b)(d)(e) and CL3 of the Core Strategy and CD47 and CD63 of the UDP and are supported.
- 4.9 The side extension would be two storeys, although having the appearance of one storey from the front given the changes in levels from front to rear. There is an existing side extension, which is being increased in width. The side extension would

not extend any further back than the existing rear elevation of the property. Given the size of the host building, the side extension would be visually subordinate to it. Access to the rear garden would be maintained. The symmetry of the building with its attached twin, which has a smaller side extension set further back from the road, has already been impaired by the existing side extension, and this relationship would not be materially worsened. The side extension preserves the character and appearance of the conservation area, complies with policies CL1(a)(b)(e), CL2(a)(b)(d)(e) and CL3 of the Core Strategy and CD49 and CD63 of the UDP and is acceptable.

- 4.10 The alterations to the roof would change the existing profile to introduce hipped elements to the side and front profiles where there are currently mansard style additions. These would finish behind the parapet of the roof, in accordance with the Royal Borough's design guidelines. To the side, a window would be introduced in an inverted dormer design, set within the new roof slope. This is in the area where there is currently a large and obtrusive dormer window. The provision of a hipped roof profile with small inverted dormer would represent an improvement to the roof profile and design detail on this elevation. A roof light is proposed to the top of the roof. The property is identified as being 'most critical' with regard to roof extensions within the CAPS. However, the existing roof scape has already been severely altered and is unattractive. The adjoining property also has a much varied roof slope, with dormers, windows and a large roof light/lantern to the top, providing further justification for alterations to the roof. The proposals would bring more order to the roof and would improve its appearance. It is noted that the roof light is not detailed as protruding above the general roof slope on the proposed elevations, however this has not been confirmed by a section through the roof light. Condition 6 would therefore control the detail of the roof light to ensure that it would have minimal impact on the profile of the roof and would preserve the character and appearance of the conservation area. The roof alterations would constitute an improvement on the existing, would enhance the character and appearance of the conservation area, comply with policies CL1(a)(b)(e), CL2(a)(b)(f) and CL3 of the Core Strategy and CD44, CD45 and CD63 of the UDP and are supported.
- 4.11 Full width rear extensions are normally resisted, but in this instance space is left to the side of the property where access is provided to the front. In addition, the existing building presents a flat rear facade and does not have the closet wing / recess character prevalent in many other parts of the Royal Borough, so in this instance a modest full width extension at lower ground floor level is appropriate. The rear extension above lower ground floor level would not protrude further than the prevailing rear building line, minimising its impact, maintaining the subservience of the extension to the main building, and in accordance with policy. Associated with this extension is the introduction of a terrace at upper ground floor level. The floor of this would sit 2.2m below the existing height of the garden wall. There would therefore be no increase in overlooking to neighbouring properties. As existing, there are two staircases within the garden providing access up to the garden level from the higher ground floor. It is proposed to remodel this into one wider staircase from the lower ground floor level up to the garden and also a narrower staircase from the upper ground floor terrace down to the garden. In general, this is a simplification of the existing staircase designs and is supported. It is noted that details have not been provided of the materials to be used for these elements, which would be secured by condition 6. Subject to this condition, the alterations to the rear would preserve the character and appearance of the conservation area and maintain amenity to neighbouring properties, complying with policies CL1(a)(b)(e), CL2(a)(b)(d)(e), CL3 and CL5(b) of the Core Strategy and CD46, CD47 and CD63 of the UDP.
- 4.12 A traditional approach has been adopted to the side extension. This would ensure the side extension sits well with the host property and the wider street scene, which is exclusively of 19th century dwellings with traditional style extensions. The rear alterations would provide for more modern glazing to the lower ground floor. At this lower ground floor level and to the rear, this is an acceptable approach. Subject to

control of the materials, windows and the detailing of where the extensions meet the existing building through conditions 6, 7 and 8, the design of the proposals is supported, would preserve the character and appearance of the conservation area and would comply with policies CL1(a)(b), CL2(a)(b)(e) and CL3 of the Core Strategy and CD47(i) and CD63 of the UDP.

Impact on sunlight, daylight, overshadowing, sense of enclosure, noise

- 4.13 A new window at roof level to the side elevation would be introduced, overlooking the neighbouring property. However, both properties provide windows with mutual overlooking to the lower levels and this relationship has therefore been established and this is therefore acceptable. The rear terrace, although higher than the existing garden, would still be 2.2m below the height of the existing garden wall, and would therefore not increase overlooking. It would afford more amenity space potentially creating noise, but this is in the same location as the existing garden and would not materially increase the noise created by the existing dwelling. The modest increases to the bulk of the property, all at lower levels, would not materially affect the sunlight, daylight, overshadowing or sense of enclosure to surrounding properties. The proposals are therefore acceptable in all these respects and accord with policies CL5 and CE6 of the Core Strategy and CD47(g)(h) of the UDP.
- 4.14 It is noted that if the basement is fitted with mechanical ventilation then the plant associated with this may require further planning permission. This is set out in Informative 2.

Trees

- 4.15 A root protection zone around the London Plane tree to the rear garden is drawn on the Proposed Basement Floor Plan. An Arboricultural Report has also been submitted, which concludes that all 'B' grade trees can be retained during construction and operation of the proposals, but that two 'C' grade and one 'U' grade trees would have to be removed. The Arboricultural Team at the Royal Borough have reviewed the proposals, and find that the birch tree to the front would not be affected by the proposals, provided that care is taken. To the rear, the lightwell will be excavated approximately 6m from a mature London Plane tree. Although this is a marginal incursion into the RPA, it would not harm the tree as much of the garden adjacent to the house is sunken and this will have determined the distribution of the rooting system. The other London Plane tree is in the neighbour's garden and is unlikely to be affected. Subject to control of the works via condition 9, the proposals are acceptable in this respect and accord with policy CR6 of the Core Strategy.

Community Infrastructure Levy (CIL) and s106

- 4.16 The proposals are for an uplift in residential floorspace of less than 100 sq m and are not subject to the Mayor's CIL. No new residential units are proposed, so the proposals are not subject to the requirement for a s106 planning obligation.

5.0 PUBLIC CONSULTATION

- 5.1 Adjoining addresses were notified of the proposals and a site notice erected outside the site. There have been 12 letters of objection, including from The Boltons Association, raising the following areas of concern:
- 5.2 **Structural impact on Priory Mansions, particularly around the area of the party wall, and general subsidence.** This is assessed in section 4.0 above. The property is too distant for there to be any structural impacts on this building.
- 5.3 **Noise and disruption during construction.** Condition 4 would help control construction traffic and condition 5 would ensure that the constructors are members

of the national considerate constructors scheme, helping to minimise noise and disruption during construction.

- 5.4 **Side extension is much larger than at present and the roof scape could be improved still further.** This has been assessed at paragraphs 4.10, 4.11 and 4.12 above.

6.0 CONCLUSION

- 6.1 The proposed basement extension would meet the relevant technical and sustainability standards. The front and rear lightwells are discreet, are in character with the building and are of acceptable designs. The alterations to the roof would improve an already much altered roofscape. The side and rear extensions are subservient to the main building, of suitable design and are acceptable, subject to control of the detailed design and materials via condition. The proposals have been assessed and are found to have minimal, if any, impact on neighbouring occupiers in terms of sunlight, daylight, overshadowing, sense of enclosure and noise pollution, and are acceptable in this respect. The London plane tree to the rear would not be harmed as much of the garden adjacent to the house is sunken and this will have determined the distribution of the rooting system. Overall, the proposals would preserve the character and appearance of the conservation area and have acceptable impacts on the amenity of neighbouring occupiers, comply with policies CL1, CL2, CL3, CL5, CE1, CE6, CR6 of the Core Strategy and CD44, CD45, CD46, CD47, CD49 and CD63 of the UDP, and are supported.

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/12/05180 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Construction of a subterranean extension beneath a section of front and rear garden, erection of ground floor side and rear extension with alterations to the roof profile and creation of front and rear lightwells

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
CE6	Noise and Vibration
CE1	Climate Change

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

CD44	Resist Additional Storeys and Roof Level Alterations
CD45	Permit Additional Storeys and Roof Level Alterations
CD46	Roof Terraces
CD47	Resist Proposals for Extensions
CD49	Resist Side Extensions
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: The Boltons adopted 21 October 1980 (12), 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 basement extension would meet the relevant technical and sustainability standards. The front and rear lightwells are discreet, are in character with the building and are of acceptable designs. The alterations to the roof would improve an already much altered roofscape. The side and rear extensions are subservient to the main building, of suitable design and are acceptable, subject to control of the detailed design and materials via condition. The proposals have been assessed and are found to have minimal, if any, impact on neighbouring occupiers in terms of sunlight, daylight, overshadowing, sense of enclosure and noise pollution, and are acceptable in this respect. The London plane tree to the rear would not be harmed as much of the garden adjacent to the house is sunken and this will have determined the distribution of the rooting system. Overall, the proposals would preserve the character and appearance of the conservation area and have acceptable impacts on the amenity of neighbouring occupiers, comply with policies CL1, CL2, CL3, CL5, CE1, CE6, CR6 of the Core Strategy and CD44, CD45, CD46, CD47, CD49 and CD63 of the UDP, and are supported.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/12/05180>. 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.