

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

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APP NO. PP/12/01502/Q18  
PLANNING APPLICATIONS COMMITTEE 26/02/2013  
AGENDA ITEM NO. S09

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**SITE ADDRESS**

94, 94a and 95-96 Cheyne Walk  
LONDON  
SW10 0DQ

**APPLICATION**  
**DATED**

27/04/2012

**APPLICATION**  
**COMPLETE**

30/04/2012

**APPLICATION**  
**REVISED**

26/06/2012 08/10/2012  
07/01/2013

**APPLICANT/AGENT ADDRESS**

Ms S Round  
Savills the London Planning Practice  
Lansdowne House  
57 Berkeley Square  
LONDON  
W1J 6ER

**LISTED**  
**BUILDING**

Grade II\*

**CONS.**  
**AREA**

Cheyne

WARD

Cremorne

**CAPS**

Yes

**ENGLISH**  
**HERITAGE**

N/A

ART '4'

No

**CONSULTED**  
195

**OBJECTIONS**  
4

**SUPPORT**  
3

**PETITION**  
0

**COMMENTS**  
0

**Applicant**

Acmonius Investments Ltd as Trustee of The Perseus Trust,

**PROPOSAL:** Erection of a three storey side extension to 95/96 Cheyne Walk, a subterranean extension adjacent to the eastern flank wall of 95/96, for the rebuilding of the rear and flank wall of 94, for the rebuilding of the mansard to 94 and insertion of a front gate and creation of new doors in flank wall of rear extension to 95/96.

RBK&C Drawing No(s):PP/12/01502 and PP/12/01502/A PP/12/01502/B PP/12/01502/C

Applicant's Drawing No(s): 272 0101 A1, 0102 A1, 0103 A1, 0104 A1, 0105 A1, 0106 A1, 0203 A1, 0204 A1, 0205 A1, 0208 A1, 0209 A1, 0210 A1, 0211 A1, 0301 B1, 0302 B1, 0304 A1, 0305 A1, 0306 A, 1099 I1, 1100 J1, 101 K1, 1102 I1, 1103 I1, 1104 I1, 1105 F1, 1106 C1, 1203 D1, 1204 B1, 1205 E1, 1206 B1, 1207 E1, 1209 B1, 1210 B1, 1211 C1, 1213 A1, 1216 A1, 1301 G1, 1302 D1, 1302 D1, 1306 C1, 1307 -1, 1309 D1 and 1310 B1.

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**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. **Except as required by condition 17, 25 and 26, the development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, 272 0101 A1, 0102 A1, 0103 A1, 0104 A1, 0105 A1, 0106 A1, 0203 A1, 0204 A1, 0205 A1, 0208 A1, 0209 A1, 0210 A1, 0211 A1, 0301 B1, 0302 B1, 0304 A1, 0305 A1, 0306 A, 1099 I1, 1100 J1, 101 K1, 1102 I1, 1103 I1, 1104 I1, 1105 F1, 1106 C1, 1203 D1, 1204 B1, 1205 E1, 1206 B1, 1207 E1, 1209 B1, 1210 B1, 1211 C1, 1213 A1, 1216 A1, 1301 G1, 1302 D1, 1302 D1, 1306 C1, 1307 -1, 1309 D1 and 1310 B1. (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 to the exterior shall be finished to match the existing original work to the buildings 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)*
  
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:**
  - **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 be carried out in accordance with the approved Construction Traffic Management Plan.

*Reason - In the interest of highway safety and to safeguard the amenity of the area.*

5. 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. (R106)*

6. No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public. (C109)

*Reason - To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.*

7. 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 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. **No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, details of any to be retained together with measures for their protection in the course of development and a detailed schedule of replacement trees that will be planted that includes their species name, their current height and canopy size. (C017)**

*Reason* - To ensure that the appearance of the development is satisfactory, and to preserve the character and appearance of the Conservation Area. (R017)

9. **All planting, seeding and turfing, forming part of the approved details of landscaping, shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner and any trees or plants which, within a period of 5 years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives its written consent to any variation. (C018)**

*Reason* - To protect the amenity of the area. (R018)

10. **No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved by the local planning authority and the development shall no be undertaken other than in accordance with the details so approved. The fieldwork shall comprise the following:**

- **Archaeological Evaluation**
- **Appropriate Mitigation based on the Archaeological Evaluation**
- **Historic Building Recording based on the completed Buildings Appraisal Assessment**

*Reason* - Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF, Chapter 12.

11. **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 10, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.**

*Reason* - Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF, Chapter 12.

12. **Before any work is undertaken in pursuance of this permission to demolish or to alter by way of partial demolition any part of the building, structural engineers' drawings and a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the local planning authority. The relevant work shall be carried out in accordance with such structural engineers' drawings and method statement approved.**  
*Reason* - To ensure the structural stability of the listed building during construction.
13. **No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.**  
*Reason* - To protect the appearance of the property and to preserve the character and appearance of the conservation area.
14. **No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.**  
*Reason* - To protect the appearance of the property and to preserve the character and appearance of the conservation area.
15. **Sample panels of all new facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority, before the relevant parts of the works are commenced, and the sample panels shall be retained on site until the work is completed and has been approved in writing by the local planning authority. (C207)**  
*Reason* - To protect the appearance of the property and to preserve the character and appearance of the conservation area.
16. **All new window openings hereby approved (except those on the side extension) shall have traditional brick lintels to match those adjacent on the same building**  
*Reason* - To protect the appearance of the property and to preserve the character and appearance of the conservation area.
17. **Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:**
  - a) all new external joinery including windows, window reveals

and external doors (drawings shall be at 1:20 unless otherwise agreed)

b) gate to front boundary

c) covered bike store within front garden.

d) complete set of proposed elevations and floor plans at 1:50 scale

e) sectional details of the window frames on side extension at 1:2 scale

f) sectional details of the window frames of the replacement windows at rear ground floor level of 'Tilden's' extension on 95/96 at 1:2 scale

g) detailed section at 1:20 of proposed mansard level on 94 through front and rear dormer.

h) sample of paving that will be used on driveway and central courtyard area.

(C208)

*Reason - To protect the appearance of the property and to preserve the character and appearance of the conservation area.*

18. **All new windows hereby approved (except those located on the side extension) shall be of painted timber, traditional double hung, single glazed vertical sliding sashes with no trickle vents. All mouldings and dimensions to match the existing windows and in the case of new window openings, shall be recessed within the brick reveal to match those adjacent on the same building. (C210c)**

*Reason - To protect the appearance of the property and to preserve the character and appearance of the conservation area.*

19. **No development (except demolition) shall commence until an updated site investigation, and a satisfactory risk assessment have been undertaken, and submitted to and approved in writing by the local planning authority relating the conditions found on site with appropriate standards. The risk assessment shall assess the degree and nature of any contamination identified in the site investigation and assess the risk posed by any contamination to human health, controlled waters and the wider environment. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**

*Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

20. **No development (except demolition) shall commence until an appropriate remediation strategy has been prepared to deal with any contamination and risks identified in the desk top study, site investigation and risk assessment report/s. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. Development shall not commence**

**until the remediation strategy is submitted to and approved in writing by the local planning authority.**

*Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

21. **Development may not be occupied until a validation report has been submitted to and approved in writing by the local planning authority. This validation report shall show that all contamination that presented a risk has been dealt with and that any imported topsoil for soft landscaped areas is suitable for use.**

*Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

22. **No development in relation to the subterranean development shall take place until details of the location of the proposed solar water heating panels are submitted to and approved in writing by the local planning authority. If the solar water heating panels are required, they shall only be installed in accordance with the approved details.**

*Reason - To protect the appearance of the property and to preserve the character and appearance of the conservation area.*

23. **Noise emitted by any plant or air conditioning units hereby permitted, shall not increase the existing lowest LA90(10min) background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturers 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. (C57c)**

*Reason - To protect the amenities of nearby occupiers. (R57c)*

24. **Odour expelled from any flue serving a stove, oven or other cooking device shall not cause annoyance to any adjacent occupied premises. The use shall not commence until a fully detailed scheme indicating the measures to be used to control and minimize odour has been submitted to and approved in writing by the local planning authority. This scheme shall be implemented in full. 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. (C57g)**

*Reason - To protect the amenities of nearby occupiers. (R57g)*

25. **The flat roof at fourth floor level on top of the rear extension to 94 Cheyne Walk shall not be used as a roof terrace.**  
*Reason - To protect neighbouring amenity.*

## **INFORMATIVES**

- 1 I09 Variations due to Building Regs.
- 2 I10 Attention to Conditions
- 3 I11 Care - Conservation Area
- 4 I21 Building Regs. - Separate Approval
- 5 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered, and was used in this instance.  
  
On first submission the proposals did not comply with guidance, but improvements suggested by the planning authority were adopted by the applicant.
- 6 I63 Subterranean Development
- 7 I67A Construction Management



## **1.0**      **SITE**

- 1.1      The application site consists of three separate addresses; 95/96 Cheyne Walk, 94 Cheyne Walk and 94A Cheyne Walk. All properties are located on the north side of Cheyne Walk, west of its junction with Beaufort Street.
- 1.2      95/96 Cheyne Walk is located at the eastern end of the larger Lindsey House (95 to 101). Lindsey House is a three storey high property with dormers at roof level, the whole of Lindsey House (including 95/96), is grade II\* listed.
- 1.3      94 Cheyne Walk is a four storey plus mansard end of terrace residential property. The property is grade II listed.
- 1.4      To the rear and adjoining 94, but within the curtilage and ownership of 95/96 Cheyne Walk, is a two storey mews cottage known as 94A Cheyne Walk. As 94A is within the curtilage of 95/96 Cheyne Walk, 94A is grade II\* listed.
- 1.5      The whole of the site is located within the Cheyne Conservation Area. The site is adjacent to the Thames Conservation Area, which runs along the southern side of Cheyne Walk.

## **2.0**      **PROPOSAL**

- 2.1      Planning permission and listed building consent (LB/12/1503) are sought for the erection of a three storey side extension to 95/96 Cheyne Walk, for a subterranean extension adjacent to the eastern flank wall of 95/96, for the rebuilding of the rear and flank wall of 94, for the rebuilding of the mansard to 94 and insertion of a front gate and creation of new doors in flank wall of rear extension to 95/96.
- 2.2      Listed building consent is also sought for the demolition of 94A Cheyne Walk, partial demolition of 94 Cheyne Walk at rear ground, first, second and third floor levels, demolition of the rear north eastern section of 95 to 96 Cheyne Walk, and for internal alterations including the insertion of an cantilevered stair within 95 to 96 Cheyne Walk.
- 2.3      The application was revised on 26 June 2012 to provide additional information in connection with the schemes ability to reach the required Ecohomes score.
- 2.4      The application was revised on 8 October 2012 to provide additional information on the history of the building.
- 2.5      The application was revised on 7 January 2013 to alter the design of the side extension and lower its height by 200mm, to retain steps at basement level within 94, to remove proposed alterations to the roof line of existing rear extension, to propose a new design for the front gate and to make changes to the proposed fenestration of the main property.

### **3.0 RELEVANT PLANNING HISTORY**

#### **3.1 No.94**

Planning permission (TP/80/762) and listed building consent (TP/80/763) were granted on the 09/09/1980 for alterations to the side elevation of the property in connection with a conversion from six flats to five self contained flats.

#### **3.2 No.95**

Planning permission was granted on the 18/04/1963 for the use of the property as an H.Q. for the Royal Historical Society.

#### **3.3 No.95 & 96**

Planning permission was granted on the 18/04/1963 for the erection of a new residential addition.

#### **3.4 No.96**

Planning permission was granted on the 18/04/1963 for the use of the ground floor for residential purposes.

3.5 Planning permission was granted on the 09/12/1963 for the erection of a two storey addition with garage and residential above.

3.6 Planning permission was granted on the 24/07/1964 for the erection of a two storey addition with a garage at ground floor level and residential above.

3.7 Listed building consent (TP/77/00544) was granted on the 04/08/1977 for alterations to the courtyard elevation in connection with the conversion of the existing garage into a playroom.

3.8 Listed building consent (TP/78/1542) was granted on the 20/04/1979 for an extension to the kitchen at first floor level.

3.9 Listed building consent (TP/96/1234) was granted on the 01/08/1996 for reroofing and external alterations.

### **4.0 PLANNING CONSIDERATIONS**

4.1 The considerations in this case are:

4.1.1 the impact of the development on the special architectural and historic interest of the listed properties; and

4.1.2 the effect upon the appearance of the existing building and terrace and upon the character and appearance of the Cheyne Conservation Area and on the adjacent Thames Conservation Area; and

4.1.3 impact of the development on archaeological remains; and

4.1.4 impact of the proposal on neighbouring amenity; and

- 4.1.5 impact of the development on trees; and
- 4.1.6 impact of the development on flooding; and
- 4.1.7 impact of the development on climate change; and
- 4.1.8 impact of the development on the highway and parking.
- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8<sup>th</sup> 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.
- 4.3 Weight has also been given to the National Planning Policy Framework (NPPF). This document outlines the Government's planning policies for England and is a material consideration in planning decisions. The NPPF gives "*great weight*" to the conservation of designated heritage assets (in this case, listed buildings and conservation area) and requires councils to take into consideration the significance of the heritage asset and to avoid or minimise the conflict between the conservation of the asset in question and the proposals.
- 4.4 The relevant Core Strategy policies are:
  - CL1 (Context and Character)
  - CL2 (New Buildings, Extensions and Modifications)
  - CL3 (Historic Environment)
  - CL4 (Heritage Assets)
  - CL5 (Amenity)
  - CL6 (Other Alterations)
  - CE1 (Climate Change)
  - CE2 (Flooding)
  - CE6 (Noise and Vibration)
  - CR6 (Trees and Landscaping)and the relevant 'saved' policies from the Unitary Development Plan are:
  - CD01 (Riverside Views and Vistas)
  - CD44 (Roof Level Alterations)
  - CD45 (Roof Level Alterations)
  - CD47 (Extensions)
  - CD49 (Side Extensions)
  - CD63 (View Into and Out of Conservation Areas)
- 4.5 Weight has also been given to the following documents as supplementary planning guidance:
  - Cheyne Conservation Area Proposal Statement
  - Thames Conservation Area Proposal Statement
  - Trees and Development Supplementary Planning Document
  - Noise Supplementary Planning Document
  - Subterranean Development Supplementary Planning Document

4.6 Subterranean Extension

4.6.1 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 building and the area and the way it functions.

4.6.2 With reference to the proposed excavation of the basement, Core Strategy policy CL2 (g) requires it to be demonstrated that subterranean extensions meet certain criteria. The relevant criteria are :

(i) that the proposal does not involve excavation underneath a listed building.

(ii) that the stability of the existing or neighbouring buildings is safeguarded.

(iii) that there is no loss of trees of townscape or amenity value.

(iv) that there is adequate soil depth and materials are provided to ensure sustainable growth.

4.6.3 Core Strategy policy CL3 also requires developments (including subterranean extensions) “to preserve and to take opportunities to enhance the character and appearance of the Conservation Area, historic places, spaces and townscapes, and their settings“.

4.6.4 The proposed basement is located under the side courtyard between the rear of 94 and the eastern flank wall of 95/96. A smaller substation basement is located within the front garden area of 95/96. These basements are not located under the original footprint of the listed building. A link is proposed between the existing cellar of 95/96 and the new courtyard basement. This section of the cellar has already been compromised by the previous installation of a lift and is the appropriate connecting point into the new basement extension. The opening size is acceptable and a clear distinction between the old and new basements will be apparent and will still be read. The proposed basement would not cause harm to the special architectural and historic interest of the listed building and therefore complies with criterion (i) of policy CL2 of the Core Strategy.

4.6.5 Chapter 6 of the Subterranean Development Supplementary Planning Document outlines the Council’s information requirements in relation to construction method statements. This information is considered necessary to ensure that the proposed subterranean development does not pose a structural risk to the existing property and neighbouring properties, as required under criterion (ii) of policy CL2 (g) of the Core Strategy. The submitted construction method statement by Alan Baxter & Associates LLP complies with the Council’s guidance. The proposal therefore complies with criterion (ii) of Core Strategy policy CL2. Condition 5 is recommended to ensure the works are supervised by a suitably qualified engineer.

- 4.6.6 Concerning criterion (iii) of Core Strategy policy CL2, a cherry tree within the central courtyard area would need to be felled in order to construct the proposed basement. The cherry tree, due to its close proximity to the boundary wall, has an asymmetrical crown. The loss of the tree is acceptable and the proposal therefore complies with criterion (iii) of Core Strategy policy CL2.
- 4.6.7 Criterion (iv) of Core Strategy policy CL2 (g) requires adequate soil depth and material to be provided to ensure sustainable growth. Section 9.2 of the Subterranean Development Supplementary Planning Document states that in order for the development to protect the green and leafy appearance of the borough and to allow for landscape to be reinstated, the proposal must have 1m of permeable soil above the top cover of the basement and no more than 85% of the garden should be excavated. The development complies with these requirements and as such the proposal complies with criterion (iv) of Core Strategy policy CL2 (g).
- 4.6.8 The Subterranean Development Supplementary Planning Document requires any features associated with subterranean developments to be discreet. There are no lightwells or skylights proposed in relation to the basement. A small lowering of the courtyard is proposed by 400mm in order to create level access into 95/96. This minimal lowering would not have a significant impact on the appearance of the property. This aspect of the proposal does not cause harm to the appearance of the property, would not harm its historical and architectural significance and would preserve the character and appearance of the conservation area.
- 4.6.9 The National Planning Policy Framework states that applicants must avoid inappropriate development in areas at risk of flooding and must reduce the adverse consequences of flooding on people, property, infrastructure, habitats and statutory sites.
- 4.6.10 The site lies within Flood Zone 3a (High Risk). In accordance with the requirements laid out in the 'Subterranean Developments' SPD the applicant has submitted a flood risk assessment (FRA) detailing the potential for the different types of flooding and demonstrating how the development will be made safe. The proposal is not for a self contained unit and the FRA demonstrates that the proposed subterranean development would not result in either the raising of the water table or an increase in the risk of flooding in the surrounding area. No objection is therefore raised.
- 4.6.11 The site lies within an area of archaeology priority within the Borough. The applicants have submitted an archaeological watching brief, which has been forwarded to the Greater London Archaeology Advisory Service (GLAAS). The archaeological watching brief has uncovered significant archaeological remains potentially relating to Thomas More's estate and farmhouse that were previously on the site. The GLAAS recommends conditions requiring a written scheme of investigation to be submitted. These are recommended to be attached to the permission (conditions 10 and 11).
- 4.6.12 Part of the site was occupied by a motor engineers and therefore contamination could potentially be found on this site. The applicants have submitted a site investigation report which covers 95/96 Cheyne Walk.

However, 94 and 94A have not been included, therefore a large part of the site has not been investigated for contamination. Conditions (18, 20 and 21) are recommended to be attached to the permission requiring further information to be submitted prior to the commencement of development.

- 4.6.13 Policy CE1 of the Core Strategy requires that the entire dwelling, following the subterranean development, meets the EcoHomes Very Good standard (at design and post construction stage)
- 4.6.14 The applicant have submitted an Ecohomes Pre-Assessment that states that through the provision of ground source heat pump and solar water heating panels that the proposed development will be able to achieve BREEAM rating of very good at a minimum, with a score of 69.86%. The development also scores above the minimum of 40% in the Water, Materials and Energy sections with scores of 83%, 77.5% and 50% respectively.
- 4.6.15 However, no details have been provided of where the solar water heating panels would be located. 14 sq.m of solar water heating panels would be needed in order to achieve the score indicated above. There are sufficient locations on the site which would not cause harm to the appearance of the listed building, such as on the internal pitch of the roof of the main building and on the roof of the side extension. It is therefore recommended that the applicant submit further details on the location of the solar water heating via condition (22).
- 4.6.16 To ensure that the development meets the Ecohomes standard post construction, condition 7 is recommended that prevents the dwelling being occupied until the entire dwelling has achieved an Ecohomes rating of Very Good with 40% of the credits achieved under the energy, water and material sections. With the imposition of an appropriate condition (7), the proposal would comply with policy CE1 of the Core Strategy.
- 4.6.17 To offset the impact that the development has during construction, conditions relating to construction traffic management plan (4) and Considerate Construction Scheme (6) are recommended.

#### 4.7 Side Extension to 95/96 Cheyne Walk

- 4.7.1 Policy CL2 of the Core Strategy requires extensions and modifications to existing buildings to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions. In particular with extensions it requires for them “to respect those aspects of character and integrity of the original building and group of buildings that contribute to local distinctiveness such as height, width, depth, building line, footprint, position, symmetry, rhythm, materials, detailed design”.
- 4.7.2 ‘Saved’ policy CD47 of the Unitary Development Plan outlines 11 criteria for when applications for extensions should be resisted. Criterion (c) states that proposal should be resisted when the extension would rise above the general height of neighbouring extensions. Criterion (d) states that extensions should remain visually subordinate to the main building. Criterion (g) is in relation to the proposed extension impact on sunlight

and daylight. Criterion (h) states extension should be resisted if there would be significant increase in overlooking of neighbouring properties or gardens. Criterion (i) relates to the detailed design of the addition being appropriate. 'Saved' policy CD63 of the Unitary Development Plan requires the Council to consider the effect of proposal within, into, and out of the conservation areas.

- 4.7.3 'Saved' policy CD49 of the Unitary Development Plan requires the council to resist side extension to buildings if the architectural symmetry of a building, terrace or group of buildings would be impaired and if the original architectural features on a formal flank wall would be obscured.
- 4.7.4 'Saved' policy CD63 of the Unitary Development Plan requires the Council to consider the effect of proposal within, into, and out of the conservation areas.
- 4.7.5 There is an existing 1960s side extension that extends to the height of the second floor window ledge of 95 Cheyne Walk, approximately 7.3 metres above ground level. This would be demolished and replaced with a taller extension that extends up to below the height of the third floor level cornice, approximately 9.8 metres above ground level.
- 4.7.6 The demolition of the non original 1960s side extension is acceptable. The extension's panelled design and open garage void at ground floor level is an incongruous addition to the property which detracts from the appearance of the listed building.
- 4.7.7 The proposed replacement extension, whilst taller than the existing, is still located below the line of the eaves of the 95/96 roof. It is also in line with the height of the existing rear extension to 95/96 that dates from the late 18<sup>th</sup> Century which was built by renowned architect Philip Tilden. The extension projects 1.3m further forward than the current extension. However, the increase in depth and height of the proposed extension is offset by the extension shape and partially detached form that reveals a larger proportion of the flank wall of 95. The increased space between the extension and the flank wall of 95, helps to reinstate the historical form of Lindsey House when viewed from street level in Cheyne Walk.
- 4.7.8 The extension in addition to being visible from Cheyne Walk, the upper storey of the eastern flank wall of side extension would also be visible in long views enjoyed from Beaufort Street. In general, given the distance, approximately 35 metres, which the extension would be viewed at, the proposal would preserve the character of the conservation area as viewed from Beaufort Street.
- 4.7.9 The contemporary design of the proposed extension, which has been informed by the design of artist studios in the area, is an improvement on the existing and would serve to enhance the appearance of this important listed building. The extension would be built in stock brick, a material more in keeping with the appearance of the side flank wall of the property. The extension design successfully marries contemporary design with traditional contextual features of the property and surrounding area. To ensure that the extension is built to a high standard conditions (15 and 17) are recommended.

- 4.7.10 The side extension would be connected to the listed building by virtue of a single storey lobby extension. Access to 95/96 would be through an opening on the flank elevation at ground floor level from this lobby extension. Whilst the opening created is large, the distinction between the old property and the new extension would still be apparent due to the bulk, thickness and length of the wall that would be reinstated. Three additional openings, one on each floor, into the new side extension would also be created through a modest single doorway in the flank wall of the latter 18th Century extension. The width and size of the opening is appropriate and would preserve the special architectural and historic interest of the listed buildings.
- 4.7.11 The proposed side extension would protect the appearance of the property, would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area.
- 4.7.12 Policy CL5 of the Core Strategy requires new buildings, extensions and modifications to achieve high standards of amenity in terms of sunlight, daylight, privacy, sense of enclosure, noise, odours or vibration.
- 4.7.13 The applicants have submitted a Daylight and Sunlight Report that has been produced by CHP Surveyor Limited. The report assesses the whole development, including the side extension, impact on windows belonging to 1 to 8 Beaufort Mansions, 1 Beaufort Street, and 92 and 93 Cheyne Walk.
- 4.7.14 This report concludes that for all the above stated windows that the recommended standards contained within Building Research Establishment 2011 publication "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice" have been met. The development would not therefore have a significant impact on sunlight and daylight to neighbouring properties.
- 4.7.15 From windows within 93, the projection of the extension forward of its current building line and it increase in height, would have some impact on sense of enclosure. The windows that would be most affected are those at second floor level. The extension would be more prominent from views out of these windows. However, there is still sufficient distance from the window to the new extension that increases in sense of enclosure would be minimal.
- 4.7.16 Adjacent to the eastern wall of the side extension there is an artist studio in the rear garden of 1 Beaufort Street. The two properties are divided by a large wall that is 6.5 metres high. The height of this wall will not be increased and the majority of the bulk of the extension will be set away from the boundary by over one metre. This setback from the boundary ensures that the proposal would not have a significant impact on sense of enclosure to properties to the east. 1 to 8 Beaufort Mansion, the property located to the north east, has no windows that look directly onto the side extension. All views out of these windows of the property are from obtuse angles and therefore the sense of enclosure increase experienced would be negligible.
- 4.7.17 The new side extension would not have a significant impact on



neighbouring privacy despite its increase in height and the projection of the building line forward. The windows on the ground and first floor level on the extension have similar views to what can currently be obtained from existing openings on the extension. The new window at second floor level serves a double height space that extends from first to second floor level. As such due to floor levels within the building, no views could be obtained of neighbouring properties through this window.

#### 4.8 Demolition of 94A Cheyne Walk

4.8.1 In order to create sufficient space between the front facade of the new side extension and 94 Cheyne Walk, it is proposed to completely demolish 94A Cheyne Walk.

4.8.2 The applicants have submitted evidence which indicates that the current building in this location largely dates from the 1920s. Whilst the flank elevation of this building is not unattractive, given that it has been much altered, combined with the added benefits that the scheme will bring, no objection is recommended to be raised in relation to its demolition.

4.8.3 As a result of the demolition of 94A, the rear of 94 will become visible and will need to be rebuilt. This new exposed elevation has been simply detailed and features small timber sash windows that are in keeping with the rest of the buildings appearance. This aspect of the proposal does not cause harm to the appearance of the property, would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area.

#### 4.9 Extension and alterations to the flank elevation of 94

4.9.1 A large part of the rear of 94 will be demolished. The upper parts from first floor upwards features a sloping pitch tiled roof with large projecting dormer windows. This section of the building, whilst of some age, has been heavily altered and has a somewhat ad hoc appearance that jars with the more regularised squarer form of the rest of the building. The rear section of the building does not contribute to the significance of the listed building and therefore its demolition is acceptable.

4.9.2 The replacement extension would be set back from the building line of the main building. The eaves line of the later extension is also set below that of the main building. These alterations help to reflect the extension's history as a later addition and ensure that the extension remains subservient to the main building. The extension regular form and simpler detailing is in harmony with the appearance of the existing property and would improve views of the property from the street and in long distance views along the Thames. To ensure that the extension detailing is done to a sufficiently high standard, conditions (15, 16, 17 and 18) are recommended to be added to the listed building consent. This aspect of the proposal protects the appearance of the property, would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area.

4.9.3 The rear of this property, at first floor level and above, would not extend as far deep as it currently does; it is approximately 1m shorter in depth. This alteration, given that the building line is still significantly in front of the

building line of 93, would not harm the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area. The recessing of the building line back at these levels would also improve neighbouring amenity of 93 in terms of daylight and sense of enclosure.

4.9.4 At fourth floor level above the new rear extension is a flat roof with a large window opening onto it. To ensure that this roof is not used as a roof terrace, condition (27) is recommended to be attached to the permission.

4.9.5 Overall the proposal complies with 'saved' policy CD47 of the Unitary Development Plan.

#### 4.10 Rebuilding of the Mansard on 94

4.10.1 The existing mansard on this property is non original and therefore its demolition is not opposed. The replacement mansard would align with the mansard on the neighbouring property and would thus create a more coherent appearance to the terrace. This aspect of the proposal protects the appearance of the property, would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area. The proposal therefore complies with 'saved' Unitary Development Plan policies CD44 and CD45.

4.10.2 As the replacement mansard aligns with the mansard on the neighbouring property 93, it would not have a significant impact on sunlight, daylight or sense of enclosure. The new window on the mansard would have a view over the applicants own property and therefore would not harm neighbouring privacy.

#### 4.11 Erection of a Front Gate

4.11.1 In the side passage between 95 and the western flank wall of 94 a set back gate is proposed to be erected. The gate has a traditional black painted metal appearance which matches the original historical treatment of the front boundary of this property. The proposed gate would protect the appearance of the property, would preserve the special architectural and historic interest of the listed building and would preserve the character and appearance of the conservation area.

#### 4.12 Alterations to the fenestration

4.12.1 On the flank wall of the existing rear extension belonging to 95/96 is a series of blind arches that match the size and detailing of arched windows on the rear elevation of the extension. It is proposed to open up these blind arches and create doors. The opening of the arches will still ensure that the rear extension has a balanced appearance. The proposal would protect the appearance of the property, would preserve the special architectural and historic interest of the listed building and would continue to preserve the character and appearance of the conservation area.

4.12.2 These new windows would enjoy the same view as what can currently be obtained from the garden of the property. The proposal would therefore not have an adverse impact on privacy.

4.12.3 The majority of the other windows on the property will be retained and restored. Two new windows on the ground floor of 95 are proposed to be changed to slim profile Georgian panelled sashes. There is little historical justification for this as that part of the house dates from the late 17<sup>th</sup> Century and would therefore have had thicker glazing bars originally. It is recommended that this be removed from the permission and more appropriate windows be submitted through condition (17 & 26).

4.12.4 The rear bay windows on the rear extension of 95 currently have overly chunky glazing bars. These windows will be changed to a more sympathetic design in keeping with architectural and historic interest of the listed building.

#### 4.13 *Air Conditioning Units and Other Associated Plants*

4.13.1 Policy CE6 of the Core Strategy requires the Council to resist applications that result in excessive noise and vibration.

4.13.2 Plant is proposed within the new basement. No details of the exact plant have been provided, but plant can be selected that would be able to comply with the Council's noise criteria and as such not cause undue harm to neighbouring amenity in terms of noise and vibration. No objection is raised in relation to noise and vibration subject to conditions 23 and 24 being included.

4.13.3 Overall the proposed development would protect the appearance of the property and would preserve the character and appearance of the conservation area. The proposal therefore complies with Core Strategy policies CL1, CL2, CL3 and CL6, and 'saved' Unitary Development Plan policy CD01 and CD63.

#### 4.14 *Internal Alterations*

4.14.1 Within the front room of 95 at ground and first floor level there is a large stair which is proposed to be removed. This stair is thought to have been added to the building in the early twentieth century and forms an unwelcome addition to the building due to its entire occupation of one of the principal rooms of the building. The reinstatement of the ceiling would therefore restore these two principal rooms that enjoy views over the Thames.

4.14.2 However, in order to improve internal circulation within the property, a new staircase in the former rear room of 95 is proposed that extends up to third floor level. The stair would occupy the whole of the room and feature a cantilevered design. The proposal would thus see the complete removal of ceilings in this part of the building. In addition, in order to create a stable structure that could support the stair, large percentage of the flank wall would also be demolished and rebuilt.

4.14.3 The former rear room of 95 has been heavily subdivided and its historical plan form has therefore already been severely compromised. Investigations have revealed that the majority of the floor joists in this area date from the early twentieth century when this part of the building was reconfigured. Similarly, very little of the flank wall is original having

been rebuilt at various points in the 18th, 19th and 20th Century.

- 4.14.4 The proposed staircase would be a dramatic addition to the listed building that would help reinvigorate the appearance of the much altered and compromised rear rooms. Given the size and scale of this building, it is felt that a stair of this size is in keeping with importance of the building. The proposal would also make significant improvements to internal circulation of the building that would avoid the need in the future for more harmful piecemeal interventions. The scheme also provides the benefit of allowing the front rooms to 95 being able to be reinstated to their original form and function.
- 4.14.5 The placing of the stair in the rear of 95 makes the stair currently located in the centre of the building redundant. This stair dates from the 1960s and therefore its removal is not opposed. Currently a lift is located on the external flank wall of the property. It is proposed to remove this lift shaft and place it in the location of the 1960s central stair. This would result in external improvements to the buildings flank wall and would not cause significant harm to the plan form of the listed building. Overall the benefits provided by the creation of the staircase and placing of the lift internally within the building outweigh harm caused by the loss of historical fabric, including the flank wall of the property.
- 4.14.6 In general original historical features within the properties will be retained and restored. Historically inappropriate features will be removed and replaced with designs that are more appropriate. Panelling in the property is currently an eclectic mix, the more recent panelling will be removed and replaced with a more coherent panelling strategy.
- 4.14.7 Overall the proposal would preserve the special architectural and historical interest of the listed building and therefore complies with Core Strategy policy CL4.

#### 4.15 Trees and Landscaping

- 4.15.1 Policy CR6 requires the Council to refuse applications that result in the loss of trees that positively contribute to the visual amenity of the area.
- 4.15.2 Twelve trees are proposed to be felled in the front garden, one tree in the courtyard area (as previously discussed) and twelve trees along the rear eastern boundary of the property.
- 4.15.3 The twelve trees in the front garden of 95/96 due to be felled are made up of eleven lime trees in an L shape along the boundary and a young Chestnut in the centre of the garden. These trees are structurally in a good condition and have a predicted life span of over 20 years. However, given the vast number of trees in this relatively small location, this development represents an opportunity to create a more balanced front garden landscape which would positively contribute to the visual amenity of the area.
- 4.15.4 In the rear garden, a line of 8 mature Hornbeam trees which are covered in Ivy are proposed to be removed. These trees are within 15cm of the eastern boundary wall and are causing some structural issues to this wall. In addition four other trees are proposed to be removed, all of which are

in variable condition and health. The proposed replacement landscaping scheme which plant ten, eight metre high trees with a canopy diameter of three and half metres, would be an improvement to the visual amenity compared to the existing trees in this location. To ensure that the replacement landscaping scheme contributes to the visual amenity of the area, conditions 8 & 9 are recommended. The proposal therefore with conditions has an acceptable impact on trees and therefore complies with criterion (iv) of policy CL2 of the Core Strategy.

## **5.0 PUBLIC CONSULTATION**

5.1 One hundred and ninety seven properties were consulted on the application. To date, four objections and three letters of support have been received. The concerns of the objectors are as follows:

### **5.2 Structural stability of the property and neighbouring properties.**

The application was submitted with 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 work.

### **5.3 Increase in sense of enclosure caused by the side extension on 93 Cheyne Walk.**

The impact of the development is discussed in sections 4.7.15, 4.7.16, 4.9.3 and 4.10.2 within the report. It is concluded that the side extension would increase sense of enclosure to the neighbouring property, however, the increase is not significant enough to justify refusal of planning permission.

### **5.4 That the proposal would cause harm to the appearance of the listed building.**

The proposed development is a high quality contemporary addition to this listed building which would not harm the listed building's appearance or the appearance of the conservation area.

### **5.5 The proposed side extension would harm views of the Thames from properties in Beaufort Mansion.**

The increase in height of the extension would obscure some obtuse long range views of the Thames from Beaufort Mansions. There is no right to a view in planning legislation. The proposed development would protect the appearance of the building would preserve the character and appearance of the conservation area and preserve the special architectural and historic interest of the listed building and therefore is acceptable.

### **5.6 That the side extension is out of scale with surrounding developments.**

The proposed side extension would remain subservient to the building.

The scale of the building is also comparable to surrounding developments such as the artist studio to the rear of the site.

**5.7 That the demolition of 94A is unacceptable as the roof of 94A lends considerable visual interest and charm to the rear view.**

Whilst the building is not unattractive, given that 94A is not of historical significance and the wider benefits that the scheme provides, its demolition is on balance deemed acceptable.

**5.8 Objection to planting a tree adjacent to rear wall of 93 as it may cause damage to the wall and sense of enclosure issues.**

The only planting adjacent to the rear of 94 and 93 would be a climber on the building facade. This plant given its minimal roots would not cause significant harm to the wall of the property and would not cause a sense of enclosure issue.

**5.9 Noise and vibration from plant and kitchen extractors.**

The impact of the plant and any other mechanical equipment including kitchen extractors on neighbouring properties will be controlled by condition and as such would not cause undue harm to neighbouring amenity.

**6.0 CONCLUSION**

6.1 The proposed development would protect the appearance of the property , would preserve the listed buildings' special architectural and historic interest and would preserve the character and appearance of the conservation area. The proposed development would not result in the loss of archaeological remains. The proposed development would not harm neighbouring amenity, visual amenity provided by trees, cause flooding, cause climate change or have an harmful impact on the highway or parking. The proposal therefore complies with Core Strategy policies CL1, CL2, CL3, CL4, CL5, CL6, CE1, CE6 and CR6 and 'saved' Unitary Development Plan policies CD44, CD45, CD47, CD49 and CD63.

**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/12/01502 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Erection of a three storey side extension to 95/96 Cheyne Walk, a subterranean extension adjacent to the eastern flank wall of 95/96, for the rebuilding of the rear and flank wall of 94, for the rebuilding of the mansard to 94 and insertion of a front gate and creation of new doors in flank wall of rear extension to 95/96.**

**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
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CL6	Small-scale Alterations and Additions
CE1	Climate Change
CE6	Noise and Vibration
CR6	Trees and landscape

**'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
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: Cheyne adopted 2 June 1983 (19), Thames adopted 13 September 1983 (21), Trees and Development adopted 20 April 2009 (0901), Noise adopted 21 May 2009 (0902), Subterranean Development adopted 26 May 2009 (0903), Transport adopted 10 December 2008 (0803). 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 development would protect the appearance of the property, would preserve the listed buildings' special architectural and historic interest and would preserve the character and appearance of the conservation area. The proposed development would not result in the loss of archaeological remains. The proposed development would not harm neighbouring amenity, visual amenity provided by trees, cause flooding, cause climate change or have an harmful impact on the highway or parking. The proposal therefore complies with Core Strategy policies CL1, CL2, CL3, CL4, CL5, CL6, CE1, CE6 and CR6 and 'saved' Unitary Development Plan policies CD44, CD45, CD47, CD49 and CD63.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/12/01502>. 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.