

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

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APP NO. PP/13/00005/Q21  
PLANNING APPLICATIONS COMMITTEE 16/04/2013  
AGENDA ITEM NO. N27

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**SITE ADDRESS**

115 Elgin Crescent LONDON W11 2JF	<b><u>APPLICATION DATED</u></b>	10/12/2012
	<b><u>APPLICATION COMPLETE</u></b>	08/01/2013

**APPLICANT/AGENT ADDRESS**

Mr H Chan  
Thomas Croft Architects  
9 Ivebury Court  
325 Latimer Road  
LONDON  
W10 6RA

<b><u>LISTED BUILDING</u></b>	N/A	<b><u>CONS. AREA</u></b>	Ladbroke	<b>WARD</b>	Norland
<b><u>CAPS</u></b>	Yes	<b><u>ENGLISH HERITAGE</u></b>	N/A	<b>ART '4'</b>	No

<b><u>CONSULTED</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>SUPPORT</u></b>	<b><u>PETITION</u></b>	<b><u>COMMENTS</u></b>
11	10	0	0	0

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**Applicant** Mr Hawtin

**PROPOSAL:** Excavation of basement beneath main house and parts of front and rear gardens with associated alterations, replacement of lower ground floor rear extension, new ground floor rear extension, alterations to rooflights and alterations to main roof level.

RBK&C Drawing No(s):PP/13/00005

Applicant's Drawing No(s): 000, 001, 002, 003, 004, 005, 006, 020, 021, 030, 031, 032, 100, 101, 102, 103, 104, 105, 106, 120, 121, 122, 130, 131, 132.

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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. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, 000, 001, 002, 003, 004, 005, 006, 020, 021, 030, 031, 032, 100, 101, 102, 103, 104, 105, 106, 120, 121, 122, 130, 131, 132. (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. **Other than to the lower ground level rear extension, all work and work of making good to the exterior shall be finished to match the existing original work to the building(s) 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 and enhance the character and appearance of the Conservation Area. (R072)
4. **The roofs of the extensions hereby permitted shall not be used at any time as a terrace. (C080)**  
*Reason* - To protect the privacy and amenity of neighbouring property (R080)
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:**
  - **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.

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. **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.*
8. **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.*
9. **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:**
- (a) **a scheme of hard and soft landscaping for the front and rear gardens.**  
*Reason - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)*
10. **Full particulars of the methods by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement**

of the development and maintained for the duration of building and other operations on site. (C021)

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

11. For the duration of all works associated with carrying out the development hereby permitted, no tree within the curtilage of the site shall be lopped, topped, or felled, or root pruned, without the prior written approval of the Local Planning Authority. (C023)

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

12. 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)*

13. Noise emitted by any building services plant, 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)*

14. The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. (C57f)

*Reason - To protect the amenities of nearby occupiers.*

15. Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of 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 bin store to the front garden, including drawings to a scale of 1:20, details of materials and details of the extent of foundations to the bin store and how these relate to the adjacent trees on the front boundary.

(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. (R011)*

## **INFORMATIVES**

- 1 I10 Attention to Conditions
- 2 I11 Care - Conservation Area
- 3 I09 Variations due to Building Regs.
- 4 I63 Subterranean Development
- 5 IDN1 GTD/No pre-app/Est. Guid/No amend reqd
- 6 I71 Party Wall Act
- 7 I27 Earth Moving
- 8 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)
- 9 I.67A

## **1.0 SITE**

1.1 The proposals relate to an end of terrace, single dwelling house on the eastern side of Elgin Crescent at its junction with Rosmead Road. The site adjoins communal gardens to the rear.

1.2 The building is not listed but it within the Ladbroke Conservation Area. The building is subject to Article IV directions which remove permitted development rights in respect of the following:

- Enlargement or alterations affecting the rear of the dwellinghouse;
- Erection, construction or alteration of means of enclosure less than 1m high fronting a highway;
- Demolition of any means of enclosure fronting a highway;
- Erection, construction, alteration or demolition of means of enclosure less than 2m facing the communal garden;
- Alteration of a door or window fronting a highway;
- Provision or extension of a hard surface which fronts a highway.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 1985- planning permission granted for provision of a rear extension at lower ground level.

2.2 1994- planning permission granted for conservatory at rear basement level and raising height of railings fronting Rosmead Road.

2.3 Pre-application advice was given by the Council in June 2012 regarding several extensions and alterations to the building.

2.4 Planning permission and conservation area consent (PP/12/03341 and CC/12/03342) we refused on 6 November 2012 for excavation under the house and parts of front and rear gardens; replacement of rear lower ground extension, new ground floor rear extension, alterations to rooflights and alterations to main roof level. This was refused due to impact of the proposed alterations to the front lightwell on the TPO'd tree of heaven adjoining the front boundary.

2.5 Planning permission and conservation area consent (PP/12/03343 and CC/12/03344) refused for the same works as listed in paragraph 2.4, but including excavation under the footpath of Rosmead Road. Reasons for refusal related to: impact of the front lightwell on the TPO'd tree on the front boundary, and failure to demonstrate a mechanism to replace the tree on Rosmead Road.

2.6 Planning permission was granted for 2 dormer windows on 25 January 2013 (PP/12/04884).

2.7 A separate planning application is also currently under consideration for the same works proposed under this application but including excavation under part of the footpath of Rosmead Road.

## **3.0 PROPOSAL**

3.1 Planning permission is sought for the following:

- Excavation of a basement under main building, parts of rear garden, side access with associated alterations including alterations to front lightwell,
- Replacement rear lower ground extension,
- Ground floor side/ rear extension;
- Replacement of rooflights above side extension;
- Alterations at main roof level including part infilling of central roof valley.

3.2 The current application differs from that recently refused through including alterations to the proposed front lightwells. The lightwells are proposed to be the same width as the existing.

#### **4.0 CONSIDERATIONS**

4.1 The main considerations in this case relate to:

- Impact on the character and appearance of the conservation area;
- Impact on the amenities of the nearby properties;
- Impact of the proposed basement on landscaping, drainage, flooding and sustainability.

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. A list of the relevant policies is attached. The contents of the Government's National Planning Policy Framework have also been taken into account.

#### **Impact on the character and appearance of the conservation area**

4.3 Given that there is an existing rear lower ground conservatory, the proposed replacement lower ground rear extension is considered acceptable. By reason of its sunken location and design, it would appear as a subordinate addition to the building and would not detract from its original form or character. This is compliant with the relevant development plan policies.

4.4 The side extension at the ground level would appear as a continuation of the existing side addition. While this is not characteristic of the property type, in light of the size of the extension and its location the proposals would not adversely affect the character of the property and would not cause harm to its symmetry. Overall the side extension would preserve the character and appearance of the conservation area and a condition is recommended to ensure the materials and finishes match the host building.

4.5 The replacement of rooflights above the side addition is welcome and the proposed rooflights would have a lesser projection from the main roof than the existing. These would not detract from the property and would enhance the character and appearance of the building and the conservation area.

4.6 The proposals include infilling part of the existing roof valley with a section of flat roof measuring approximately 1.9m by 1.2m including two rooflights. By reason of its location, away from the principal elevations of the building, and its modest size, this addition would preserve the character of the roof and would not detract from its original roof form. By reason of its location this addition would preserve the views enjoyed from private view points in the surrounding area. This is compliant with the relevant policies of the Core Strategy and 'saved' UDP policies.

4.7 The proposed basement level would be situated under the main house and parts of the front, rear and side gardens, and also under part of the footpath of Rosmead Road to the south of the site. Once complete the external manifestations of the basement at ground level include: provision of rooflights to the side of the building; provision of a lightwells to the rear of the building with grille above and alterations to the front lightwell including lowering of its floor level, insertion of a grille and provision of a staircase to its northern edge.

4.8 The rear lightwell, by reason of its sunken position at the lower ground level, and

provision of a grille above, would appear as a visually discreet addition to the site and would not draw significant undue attention to the basement addition. Due to their modest size, the rooflights to the southern side of the building would preserve the overall character and appearance of the building.

- 4.9 In terms of their visual impact, the proposed alterations to the front lightwell are acceptable. While the lightwell becomes two storey its depth is divided by a metal grille, and the width of the main part of the lightwell is not increased. This is compliant with the relevant development plan policies and the 'Subterranean Development' SPD. Overall the basement addition would preserve the character and appearance of this part of the conservation area.

#### **Impact on the amenities of the nearby properties**

- 4.10 As the proposed lower ground rear extension would replace an existing rear extension, and would be enclosed by a high boundary wall to the north, this addition would not cause harm to the amenities of the adjoining properties. A condition is recommended to ensure the roof of the extension is not used as a terrace to prevent overlooking.
- 4.11 The other extensions, by reason of their location and size, would not cause harm to the amenities of other adjoining properties in terms of sunlight and daylight, sense of enclosure or privacy. The proposals are therefore compliant with policy CL5.
- 4.12 The proposals include a plant room under the front stairs. Conditions are recommended to ensure appropriate noise levels from any plant to ensure it is not audible from adjoining properties, in order to comply with policies CL5 and CE6.
- 4.13 The applicant has submitted a construction method statement and this complies with the requirements laid out in the 'Subterranean Development' SPD. The statement adequately demonstrates that the stability of existing and adjoining properties could be safeguarded and is compliant with policy CL2. Further matters relating to structural stability would be considered under building regulations and party wall legislation. The information submitted is adequate for the assessment of the planning application.
- 4.14 With regard to the construction process associated with the subterranean extension, conditions can be used to help control the impact on nearby properties and on local traffic and parking. Such conditions are recommended in this case to control the construction process as far as reasonably possible under planning control. Other legislation exists, for example Environmental Health and Party Wall legislation, which would provide further control over these matters.

#### **Impact of the proposed basement on landscaping, drainage, flooding and sustainability**

- 4.15 The subterranean extensions do not exceed 85% of the front or rear gardens and adequate opportunities would continue to exist for natural drainage on the site, compliant with the 'Subterranean Development' SPD. Topsoil is not provided to the side of the main building; however, this area is limited in size and is currently hard landscaped. As this area represents a narrow gap between the side elevation and the boundary there is no expectation for mature landscaping in this location and the absence of top soil in this location is acceptable.
- 4.16 There is a significant 'tree of heaven' adjacent to the front boundary of the site which makes an important contribution to the townscape. An Arboricultural report has been submitted with the application which includes evidence of trial



excavations made in the front garden to establish the position of any roots from the tree. These trial excavations revealed roots in all areas of the garden to varying depths. The proposals have been amended since the earlier application and the extent of works to the front garden have been reduced in accordance with advice from the Council's Arboriculturalist. The Council's Arboriculturalist raises no objection to the revised proposals. While some detail has now been provided regarding the protection of the tree during construction, the Arboriculturalist has requested further details and a condition is recommended to this effect. Subject to compliance with the condition, the proposals are compliant with policies CR6 and the 'Trees and Development' SPD. The earlier reason for refusal in this respect has therefore been adequately addressed and overcome.

4.17 The site is not within a designated flood risk zone and the borehole tests from the site did not encounter ground water. As appropriate top soil and tree pits are retained, the proposals would not adversely affect the permeability of the site or adversely increase surface water run off. As recognised within paragraph 4.5.1 of the 'Subterranean Development' SPD, ground water flows will find an alternative route if blocked by a subterranean structure, although there may be very small rises in level. These changes in level are likely to be significantly less than the natural variations in the water table associated with seasonal variations. The proposals are therefore acceptable in terms of impact on flooding and compliant with policy CE2.

4.18 With regard to sustainability, the applicant has submitted an ecohomes pre-assessment which demonstrates that the entire dwelling could achieve the 'very good' rating following completion of the basement. If the application were otherwise acceptable a condition could be used to ensure this rating is achieved. This is compliant with policy CE1 of the Core Strategy.

## **5.0 PUBLIC CONSULTATION**

5.1 Adjoining units were notified of the proposals, a site notice erected outside the property and a press notice published. The issues raised within the objections received may be summarised as follows:

### **5.2 Noise and disruption from the construction process**

Conditions are recommended to help control the impact of the construction process as far as reasonably possible under planning control. It is not recommended that planning permission is refused on this basis.

### **5.3 Instability of adjoining and nearby buildings and inadequate construction method statement**

This matter is discussed above and the applicant has submitted a construction method statement which satisfies adopted planning policies. Other matters relating to stability are considered under Party Wall and Building Regulations legislation and it is not recommended that planning permission is refused on this basis.

### **5.4 Harm to the tree in Elgin Crescent**

This matter is discussed above and the proposals are now policy compliant in this respect.

### **5.5 Noise from plant**

This matter is discussed above and conditions are recommended to ensure appropriate noise levels and prevent vibration from any plant.

5.6 **The double height bays 'bookend' the terrace and should not be obscured, the square extension is inappropriate**

The proposed rear extension does not obscure the bay more than the existing and the existing bay would be retained.

5.7 **Light pollution from basement rooflights**

It is not considered that the additional light emitted from the rooflights would cause significant increase in light pollution above the existing level to an extent which would warrant the refusal of planning permission.

5.8 **Inadequate consideration of impact on flooding**

The applicant has provided a construction method statement which complies with the policy requirements. There is no policy requirement to secure additional information in this respect in this case.

5.9 **Insufficient design and access statement**

The submitted document is acceptable for the assessment of the planning application.

6.0 **CONCLUSION**

6.1 The proposed subterranean extension, once complete, would be a subordinate and visually discreet addition to the site, compliant with the aims of the 'Subterranean Development' SPD, and would not cause harm to the existing protected tree on Elgin Crescent. Conditions are recommended to help control the impact of the construction process on the amenities of neighbouring properties as far as reasonably possible under planning control. Overall the extensions and alterations would preserve the character and appearance of the host property and this part of the Ladbroke Conservation Area.

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/13/00005 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Excavation of basement beneath main house and parts of front and rear gardens with associated alterations, replacement of lower ground floor rear extension, new ground floor rear extension, alterations to rooflights and alterations to main roof level.**

**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
CT1	Improving alternatives to car use
CE6	Noise and Vibration
CE1	Climate Change
CE2	Flooding
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: Ladbroke adopted 10 April 1989 (03), Transport adopted 10 December 2008 (0803), Subterranean Development adopted 26 May 2009 (0903), Trees and Development adopted 20 April 2009 (0901). 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 subterranean extension, once complete, would be a subordinate and visually discreet addition to the site, compliant with the aims of the 'Subterranean Development' SPD, and would not cause harm to the existing protected tree on Elgin Crescent. Conditions are recommended to help control the impact of the construction process on the amenities of neighbouring properties as far as reasonably possible under planning control. Overall the extensions and alterations would preserve the character and appearance of the host property and this part of the Ladbroke Conservation Area.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/00005>. 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.