

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

APP NO. PP/11/02771/Q13

PLANNING APPLICATIONS COMMITTEE 06/03/2012

AGENDA ITEM NO. N18

SITE ADDRESS

**35 Clarendon Road
LONDON
W11 4JB**

**APPLICATION 21/08/2011
DATED**

**APPLICATION 22/08/2011
COMPLETE**

**APPLICATION 17/01/2012
REVISED**

APPLICANT/AGENT ADDRESS

**Mr A Moffat
Albyns Limited
41 Paradise Walk
LONDON
SW3 4JL**

<u>LISTED</u>	N/A	<u>CONS.</u>	Ladbroke	WARD	Norland
<u>BUILDING</u>		<u>AREA</u>			
<u>CAPS</u>	Yes	<u>ENGLISH</u>	N/A	ART '4'	Yes
		<u>HERITAGE</u>			

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
13	11	1	0	0

Applicant Lidderdale North Limited

PROPOSAL: Construction of two storey sub-basement floor level, full width extension at rear basement floor level with associated elevational and roof level alterations.

RBK&C Drawing No(s): PP/11/02771 and PP/11/02771/A

Applicant's Drawing No(s): CR-014 REV E, CR-015 REV E, CR-016 REV E, CR-017 REV E, CR-018 REV E, CR-019 REV E, CR-020 REV E, CR-022 REV A, CR-D01, CR-D02, CR-D03, CR-D04, CR-D05, CR-D06, CR-D07, CR-D08, CR-001, CR-002 REV F, CR-003 REV E, CR-004 REV E, CR-005 REV E, CR-006 REV E, CR-007 REV E, CR-008 REV E, CR-009 REV F, CR-023 REV A and CR-024.

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 , CR-014 REV E, CR-015 REV E, CR-016 REV E, CR-017 REV E, CR-018 REV E, CR-019 REV E, CR-020 REV E, CR-022 REV A, CR-D01, CR-D02, CR-D03, CR-D04, CR-D05, CR-D06, CR-D07, CR-D08, CR-001, CR-002 REV F, CR-003 REV E, CR-004 REV E, CR-005 REV E, CR-006 REV E, CR-007 REV E, CR-008 REV E, CR-009 REV F, CR-023 REV A and CR-024. (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 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)
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 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 and to comply with the Subterranean Development SPD and policy CL5.

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

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

7. **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 landscaping and tree/shrub planting scheme to include two trees of a minimum of 18-20cm circumference when planted. (C016)

Reason - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)

8. **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)

9. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**

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

10. **All new windows hereby approved shall be timber framed, white painted and so maintained. (C075)**

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

11. **All new doors hereby approved shall be timber framed, white painted and so maintained.**

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

12. **All new railings hereby permitted shall be painted black, and so maintained. (C082)**
Reason - To safeguard the appearance of the building/street. (R082)
13. **The roof slope(s) of the mansard roof extension hereby permitted shall be clad in grey slates, and so maintained. (C073)**
Reason - To preserve and enhance the character and appearance of the Conservation Area.(R072)
14. **The dormer windows hereby permitted shall be lead chequered and be so maintained. (C75a)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
15. **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: all rooflights for the subterranean accommodation including sections at a scale of not less than 1:20 and details of their method of opening. (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)
16. **The roof of the rear lower ground floor extension hereby permitted shall not be used at any time as a terrace except for that area specifically shown as a terrace on drawing CR-004. (C080)**
Reason - To protect the privacy and amenity of neighbouring property (R080)

INFORMATIVES

- 1 I09 Variations due to Building Regs.
- 2 I10 Attention to Conditions
- 3 I11 Care - Conservation Area
- 4 Thames Water requests that the Applicant should incorporate within their proposal protection to the property by, for example, the use of a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5 I67A Construction Management
- 6 I68 TFL - Olympic Route Network

1.0 **SITE**

1.1 The property is a four storey (plus basement) mid-terraced building situated on the West side of Clarendon Road. The property is sub-divided into flats.

1.2 The property is not a listed building, but is within the Ladbroke conservation area.

1.3 The site is subject to an Article 4 Direction which has removed the permitted development rights of the site, as set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended), in respect of the following:

'Any alteration of a window or a door in an elevation fronting a highway on any property in wholly residential use which is or may become a dwellinghouse being comprised within Class A, Part 1'

'Any provision of or extensions to a hard surface for any purpose, which fronts a highway on any property in wholly residential use which is or may become a dwellinghouse'

1.4 Planning permission is, therefore, required for all of the proposed works except the merging of the dwellings within the building as set out below.

2.0 **PROPOSAL**

2.1 Planning permission is sought for the following:

-the erection of a single storey full width rear extension, measuring approximately 3m in height, 7.3m in width and 3.4m in depth, located at rear garden level.

-the construction of two basement floor levels to a depth of approximately 6.5m, providing 230 sq.m of floorspace, beneath the footprint of the building and approximately 85% of the rear garden, with a metre of topsoil above.

-the replacement of the existing mansard roof, to form a flat topped mansard roof to be clad in grey slate with two lead clad dormer windows incorporating traditional timber framed sliding sashes to the front and rear elevations. The roof of the mansard would feature one rooflight projecting approximately 100mm. Both the front and rear building line of the mansard would be set back from the front and rear parapet.

-elevational alterations including the removal of piping to the front and rear elevations.

- 2.2 Amended plans and documents has been submitted following Officer advice, including:
- the submission of accurate drawings;
 - a reduction in the extent of demolition;
 - removal of a swimming pool;
 - amended EcoHomes assessment;
 - amended construction method statement;
 - significant elevational alterations; and
 - amended design alteration of rear extension and mansard roof.
- 2.3 In consideration of the information submitted, given that the extent of demolition would be restricted to the removal of the mansard roof and rear basement floor level extension, the proposal would not amount to demolition requiring conservation area consent.
- 2.4 The proposals also include the amalgamation of the existing residential units into a single dwelling; this amalgamation does not constitute a material change of use requiring planning permission.

3.0 RELEVANT SITE HISTORY

- 3.1 Planning permission was granted in 1973 to alter the roof and covert to three self contained one bed flats and a self contained three bed maisonette. This permission was implemented.
- 3.2 Planning permission was granted in 1973 to form two front elevation dormer windows. This permission was implemented.
- 3.3 A Certificate of Proposed Lawful Development was refused in 2011 (CL/11/1989) for the construction of a single storey sub-basement level beneath the footprint of the building, the erection of a single storey full width extension located at rear basement floor level and rear elevation alterations.
- 3.4 A Certificate of Lawful Proposed Use or Development was issued in 2012 (CL/11/1982) for the amalgamation of four self contained residential units to provide a single dwellinghouse.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration in the determination of this application are the impact on the character and appearance of the conservation area; subterranean development considerations including sustainability, flooding, structural stability and the impact on the highway; and the impact on the amenity of neighbouring occupiers.
- 4.2 The relevant policies against which to assess this proposal are contained within the Core Strategy of the Local Development Framework, as well as certain policies 'saved' from the Unitary Development Plan 2002 (as amended 28th September 2007).

The relevant Core Strategy policies are:

CL1 (Context and Character)
CL2 (New Buildings, Extensions and Modifications to Existing Buildings)
CL3 (Historic Environment)
CL5 (Amenity)
CL6 (Small-scale Alterations and Additions)
CT1 (Improving alternatives to car use)
CR6 (trees and landscape)
CE1 (Climate change)
CE2 (Flooding)
CE6 (Noise and Vibration)

The relevant 'saved' policies to this application are as follows;

CD44 & CD45 (roof level alterations)
CD46 (roof terraces)
CD47 (extensions)
CD63 (views around the Borough)

- 4.3 Also for consideration is 'The London Plan' 2011. In this particular instance, there are no specific Policies relevant to this application contained within this plan.
- 4.4 The Ladbrooke Conservation Area Proposal Statement (CAPS) has also been given weight, as has Supplementary Planning Guidance, Trees and Development SPD, Transport SPD and Subterranean Development SPD.
- 4.5 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 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 2011, plus relevant 'saved' policies from the UDP.

Surrounding Townscape

- 4.6 The West side of Clarendon Road exhibits a variety of building styles and sizes. Attributed to the change in architectural style, character and height, Nos.17-21, 23-29 and 31-39 are considered as separate terraces within themselves.
- 4.7 Within the terrace Nos.31-39, the properties can be characterised at the rear by a variety of extensions which project into the rear gardens.

- 4.8 Planning permission was granted in 2004 at 37 Clarendon Road (PP/04/02412) for, amongst other works, the erection of a basement floor (garden) level extension projecting more than 4m rearwards into the garden. No.33 exhibits approved basement floor (garden) level extensions projecting more than 3.5m rearwards into the garden. It is acknowledged No.29 also features a basement floor (garden) level extension projecting more than 3.5m rearwards into the garden, however this forms part of a separate terrace, as stated above.
- 4.9 Within this context, the pattern of rear extensions which project into the rear garden greater than 3.5m has been established along this particular terrace.
- 4.10 In consideration of 'saved' UDP Policy CD47, the proposed extension would neither extend rearward beyond the existing general rear building line of any neighbouring extensions, nor would it significantly reduce garden space of amenity value, in this particular instance the garden is approximately 14m in depth. With regard to its detailed design, it is considered the associated elements such as railings and fenestration are considered appropriate in style and appearance. Whilst the proposal is contrary to part (f), being full width, on balance, given its location at basement floor level and position set behind surrounding closet wings and boundary treatments it is considered the proposal would be visually subordinate to the parent building and would preserve the character and appearance of the building and the terrace of which it forms part and the surrounding conservation area.
- 4.11 The proposed mansard roof would replicate the detailed design, size, scale and materials as those considered appropriate in style and appearance along the terrace. In consideration of the CS Policies CL1, CL2, CL3 and CL6, 'saved' UDP Policies CD44 and CD45, in addition to the Ladbroke Conservation Area Proposals Statement (**CAPS**), it is considered the proposed additional storey and associated elevational alterations would preserve the character and appearance of the building and the terrace of which it forms part and the surrounding conservation area. This particular proposal is therefore considered to comply with the Council's CS Policies CL1, CL2, CL3 and CL6 and 'saved' UDP Policies CD44 and CD45.

Subterranean Works

- 4.12 The proposal seeks the construction of a two basement floor levels approximately 6.5m in depth, providing 230sq.m of floorspace, beneath the footprint of the building and approximately 85% of the rear garden, providing a metre of topsoil above. As proposed footprint of the basement does not exceed 85% of the rear garden it is considered to allow sufficient opportunities for soft landscaping and natural drainage across the site. This is compliant with the 'Subterranean Developments' SPD.

- 4.13 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). The applicant has submitted the requisite EcoHomes assessment and a condition requiring the appropriate standard to be met is recommended.
- 4.14 In accordance with the requirements laid out in the 'Subterranean Development' supplementary planning document the applicant has submitted a Construction Method Statement. It is considered that this meets the requirements of the SPD and is adequate for the assessment of the planning application. Further issues relating to the structural stability of the basement are dealt with under the Building Regulations and the stability of adjoining land and property primarily dealt with under the Party Wall Act 1996. In accordance with the 'Subterranean Developments' SPD, a condition is recommended to ensure that a suitably qualified engineer is employed to carry out the works.
- 4.15 The site does not lie within a designated flood risk zone and there are no self contained units of accommodation below ground level. It is therefore not considered that risk of flooding should constitute a reason for refusal of this planning permission.
- 4.16 In respect of the impact on the highway, a condition is recommended to ensure a Construction Traffic Management Plan is submitted for approval prior to the commencement of the development, to minimise this impact as far as can be expected.

Amenity

- 4.17 With regard to the construction process, planning conditions can be used to supplement powers under other legislation such as the Environmental Protection Act, Highways Acts, and Control of Pollution Act. Such conditions are recommended in this case in order to minimise the impact of the construction process on the amenity of local residents, and function of local highways, as far as can reasonably be achieved under the Town and Country Planning Act. A condition is recommended to require that the person carrying out the works is a member of the National Considerate Constructors scheme.
- 4.18 By virtue of its location and position behind the surrounding boundary treatments and parapets, the proposed basement floor level rear extension and mansard roof extensions would not result in a loss of sunlight or daylight for neighbouring occupiers nor would they present any increased sense of enclosure to the adjoining and surrounding properties.
- 4.19 It is considered, the use of the roof to the proposed rear extension would not result in an unacceptable material increase in overlooking or associated noise or disturbance for neighbouring occupiers, subject to a condition controlling the extent of roof used as a terrace.

- 4.20 The Council's Arboriculturist has commented on the application and raises no objection to the proposal subject to a specific condition being imposed which controls landscaping. The proposal is, therefore, considered to comply with Policy CR6.

5.0 PUBLIC CONSULTATION

- 5.1 Neighbouring occupiers were notified of the application and a site notice was erected and a notice placed in the press. Representations have been received which object on the grounds that the proposed development would result in:

Harm to the character and appearance of the building, terrace and surrounding conservation area

- 5.2 This issue has been addressed in Section 4 of this report.

Loss of privacy attributed to the roof terrace above the basement floor level extension

- 5.3 This issue has been addressed in Section 4 of this report.

EcoHomes Assessment inaccurate

- 5.4 This issue has been addressed in Sections 2 and 4 of this report.

Harm to structural stability of adjoining properties

- 5.5 This issue has been addressed in Section 4.0 of the report above and matters relating to structural stability are dealt with under the Building Regulations and the Party Wall Act.

Fails to comply to Subterranean SPD and possibility of exacerbating flooding

- 5.6 This particular issue has been addressed in Section 4.0 of this report

Loss of trees in surrounding properties

- 5.7 This issue has been addressed in Section 4 of this report.

Inaccurate drawings

- 5.8 This particular issue has been resolved and addressed in Section 2 of this report.

Cllr David Lindsay objects on the grounds that the demolition of a property within a conservation area would be a loss to the character and appearance of the area.

- 5.9 It was considered the demolition of the property would be contrary to Core Strategy Policy CL3. The applicant therefore made amendments retaining the building, thereby not requiring conservation area consent.

The proposed development will result in noise and disturbance

5.10 Where appropriate, planning Conditions can be used to supplement powers under other legislation such as the Environmental Protection Act, Highways Act, and Control of Pollution Act. Such Conditions are recommended in this case, in order to minimise the impact of the construction process on the amenity of local residents, and function of local highways, as far as can reasonably be achieved under the Town and Country Planning Act.

5.11 The representations support the proposed development on the grounds that:

The proposed development would improve the appearance of the property

5.12 It is considered the proposal would preserve the character and appearance of the property within the conservation area.

6.0 CONCLUSION

6.1 The proposed construction of a two storey basement, full width rear extension at basement floor level and associated elevational and roof level alterations, by reason of their design, location and position would preserve the character and appearance of the conservation area. It is also concluded that the proposal would not impact harmfully upon levels of amenity enjoyed by residents of neighbouring property, subject to the imposition of appropriate conditions. Therefore, it is concluded that the development would be in accordance with the relevant policies of the development plan.

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/11/02771 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: LP
Report Approved By: DT/JB
Date Report Approved: 22/02/2012**

PSC03/12/LP.REP

23/02/2012 10:14:16

/PP/11/02771: 13

Construction of two storey sub-basement floor level, full width extension at rear basement floor level with associated elevational and roof level alterations.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to 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
CR6	Trees and landscape
CE1	Climate Change
CE2	Flooding
CE6	Noise and Vibration
CT1	Improving alternatives to car use

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

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

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Ladbroke adopted 10 April 1989, Transport adopted 10 December 2008, Subterranean Development adopted 26 May 2009, Trees and Development adopted 20 April 2009. These documents were prepared in line with Government guidance and 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 construction of a two storey basement, full width rear extension at basement floor level and associated elevational and roof level alterations, by reason of their design, location and position would preserve the character and appearance of the conservation area. It is also concluded that the proposal would not impact harmfully upon levels of amenity enjoyed by residents of neighbouring property, subject to the imposition of appropriate conditions. Therefore, it is concluded that the development would be in accordance with the relevant policies of the development plan.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.