

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

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APP NO. PP/13/00798/Q21  
PLANNING APPLICATIONS COMMITTEE 16/04/2013  
AGENDA ITEM NO. S29

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**SITE ADDRESS**

9 Paultons Square  
LONDON  
SW3 5AP

**APPLICATION**  
**DATED**

07/02/2013

**APPLICATION**  
**COMPLETE**

08/02/2013

**APPLICANT/AGENT ADDRESS**

Ms B Greenwell  
Savills  
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**  
46

**OBJECTIONS**  
4

**SUPPORT**  
0

**PETITION**  
0

**COMMENTS**  
0

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**Applicant**

Mr Gosden

**PROPOSAL:** Extension in depth of the rear closet wing at 1st and 2nd floor levels.

RBK&C Drawing No(s):PP/13/00798

Applicant's Drawing No(s): Location plan, 1 of 1 Rev. B, 1 of 6 Rev. B, 2 of 6 Rev. B, 3 of 6 Rev. B, 4 of 6 Rev. B, 4 of 6 Rev. A, 5 of 6 Rev. B, 6 of 6 Rev. B

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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, Location plan, 1 of 1 Rev. B, 1 of 6 Rev. B, 2 of 6 Rev. B, 3 of 6 Rev. B, 4 of 6 Rev. B, 4 of 6 Rev. A, 5 of 6 Rev. B, 6 of 6 Rev. B (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 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 the character and appearance of the Conservation Area. (R072)*
4. **The windows to the rear elevation of the extension shall be painted timber, traditional double hung, single glazed vertical sliding sashes with no trickle vents. All mouldings and dimensions to match the existing windows. (C210c)**  
*Reason - To preserve the character and appearance of the Conservation Area. (R072)*
5. **No window(s) shall be inserted in the north west facing elevation of the extension without first obtaining the prior written approval of the Local Planning Authority.**  
*Reason - To safeguard the amenity of neighbouring property, and in particular to prevent overlooking.*
6. **The roof of the extension hereby permitted shall not be used at any time as a terrace. (C080)**  
*Reason - To protect the privacy and amenity of neighbouring property (R080)*

## **INFORMATIVES**

- 1 I10 Attention to Conditions
- 2 I11 Care - Conservation Area
- 3 IDN3 GTD/Pre-app/At submission Est.G/No amend
- 4 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)
- 5 I.67A

## **1.0 SITE**

- 1.1 The application site comprises of a three storey mid terrace building, with lower ground floor level, located on the west side of Paultons Square. The building is Grade II listed and lies within the Cheyne Conservation Area. There are no Article 4 directions relating to the property which is in use as a single dwelling.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 Planning permission was refused in November 1972 for the erection of a rear extension on the first and second floors. Planning permission was refused due to the impact of the proposal on daylight levels to the adjoining property. Listed building consent for the proposed works was granted.
- 2.2 TP/84/1603 and TP/84/1780 – Planning permission and Listed Building consent for the erection of an additional storey (mansard) – Refused.
- 2.3 TP/85/1824 – Replacement of existing conservatory in rear basement area with a new conservatory – Granted.
- 2.4 TP/91/1127 and TP/91/1128 – Erection of a two storey rear extension at first and second floor levels.

During the course of the application the plans and description were amended to reduce the proposal to an extension at first floor mezzanine level only. Planning permission was refused for the following two reasons and listed building consent was refused for the second:

1. The proposal would reduce light to the adjoining premises and would significantly increase the sense of enclosure on the boundary to the detriment of the amenities of that property. It is therefore contrary to the policies of the adopted District Plan, in particular Policy 4.10.2 and Conservation and Development Chapter of the Draft Unitary Development Plan, in particular CD59 and CD29.
2. The proposal would, by virtue of its size and position, constitute an uncharacteristic and prominent feature detrimental to the character and appearance of the Conservation Area, and thus be contrary to the policies of the adopted District Plan in particular Policies 3.3.4, 4.1.5, 4.3.9, 4.6.6, 4.7.2 and 4.7.6 and the Conservation and Development Chapter of the draft Unitary Development Plan, in particular Policies CD29, CD50 and CD51.

A subsequent appeal for the listed building consent application was allowed; however, the inspector concluded that the proposed development would adversely affect the amenities of the adjoining properties and the appeal for the planning permission was dismissed.

## **3.0 PROPOSAL**

- 3.1 Planning permission and listed building consent (the latter under application LB/12/00779) are sought for the extension in depth of the rear closet wing at first and second floor levels, with associated internal alterations within the existing non-original closet wing extension.

## **4.0 CONSIDERATIONS**

- 4.1 The main considerations in this case relate to:
- the impact on the special architectural and historic interest, character

and significant of the Grade II Listed Building and the character and appearance of Cheyne Conservation Area; and

- the impact on the amenities of the nearby properties.

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.

4.3 Relevant policy includes:

Core Strategy 2010

CL1 (Context and Character)

CL2 (New buildings, extensions and modifications to existing buildings)

CL3 (Heritage Assets – Conservation Areas and Historic Spaces)

CL4 (Listed Buildings)

CL5 (Amenity)

'Saved' Unitary Development Plan 2002 (amended 2007)

CD44 (Resist additional storeys and roof level alterations)

CD45 (Permit additional storeys and roof level alterations)

CD63 (Identified views in Conservation Areas)

4.4 The contents of the Government's National Planning Policy Framework have also been taken into account. The guidance contained in the Cheyne Conservation Area Proposals Statement was also taken into consideration.

#### **Impact on character and appearance**

4.5 Policy CL3 of the Core Strategy states that the Council will require development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes, and their settings. With specific regard to the Listed Building, Policy CL4 states that the Council will require development to preserve or enhance the special architectural or historic interest of listed buildings and scheduled ancient monuments and their settings, and the conservation and protection of sites of archaeological interest.

4.6 The building has previously been extended with the construction of a four storey, half width closet wing addition which projects further at ground floor level than the upper levels. In addition to this, the property has also been extended with a lower ground floor infill conservatory to the side of the existing closet wing. A search of the planning history of the site shows that there have been a number of applications for extensions to the rear closet wing (see section 2 above). Most recently, planning permission and listed building consent was refused in 1991 for a first floor extension to the closet wing. A subsequent appeal for the listed building consent application was allowed.

4.7 The current application seeks planning permission and listed building consent for the extension of the non-original rear closet wing at first and second floor levels. The plans submitted with the application show that the first floor closet wing would be extended by 1.815m to match the depth of the existing ground floor extension and that of the neighbouring property 8 Paultons Square. At second floor level it is proposed to extend the closet wing by 0.7m to match the depth of extension which was granted planning permission and listed building consent at 4 Paultons Square (PP/12/03373 and LB/12/03374). The overall

height of the closet wing would not be increased, remaining at 9.9m from lower ground floor level. It is proposed to construct the extension using London Stock brick to match the existing, and to reposition the existing rear facing timber framed sash windows to the rear elevation of the extension.

- 4.8 Whilst the proposed extension would not project above or beyond the prevailing rear building line for development within this terrace, it is noted that the combined bulk of the proposed extensions at first and second floor level would be greater than that which has been granted within the terrace. However, the cumulative visual impact of the development will be limited, and the proposed extension would be of a traditional closet wing design. Furthermore, the plans submitted with the application set out that the existing windows and sills will be reused and the extension would be constructed using reclaimed yellow stock bricks in line with the existing building and wider terrace. The proposed minor internal alterations to the floor levels within the existing non-original closet wing extension would not have a detrimental impact on the listed building.
- 4.9 The proposal preserves the special architectural and historic interest of this Grade II Listed Building, and the character and appearance of the building, terrace and wider Cheyne conservation area. The proposal complies with policies Core Strategy policies CL1, CL2, CL3 and CL4, and saved UDP policies CD44, CD46 and CD63.

### **Amenity**

- 4.10 Policy CL5 of the Core Strategy seeks to achieve high standards of amenity, with particular regard to provision of sunlight and daylight to buildings and amenity spaces, privacy, sense of enclosure and traffic, noise, odour and parking, and vibration. The proposal would increase the bulk and mass of the building at first and second floor level and as such the impact of the proposal in terms of sunlight and daylight to the neighbouring properties and the sense of enclosure as a result of the proposal should be addressed.
- 4.11 In assessing the effect of new development on sunlight and daylight conditions, the Council has regard to the guidelines in 'Site Layout for Daylight and Sunlight: a Guide to Good Practice' published by the Building Research Establishment. The application has been submitted alongside a BRE Assessment. This report assesses the impact of the proposal on 8 Paultons Square and the report has following out the following tests: No Sky Line; Vertical Sky Component (VSC); Average Daylight Factor (ADF); and levels of sunlight. The report has been amended during the course of the application to include an assessment of the lower ground floor level and to provide Daylight Distribution Test data and No Sky Line diagrams. An assessment of the impact on 10 Paultons Square has not been provided and the proposal would not have a detrimental impact on the living conditions of this property.
- 4.12 The report submitted with the application concludes that the proposed extension would have an impact on three windows within the property, two at ground floor level (W2 and W3) and two at lower ground floor level (W10 and W11). With regards to the openings at ground floor level, whilst the openings do not achieve the required VSC standard, the openings would achieve an ADF of greater than the required 2% and furthermore, there is a large south west facing glazed door to the rear elevation which also serves this room. As such, the proposed extension would not have a significantly detrimental impact on the level of daylight and sunlight to this room to warrant refusal of the application. With regards to the lower ground floor opening which would be affected by the proposal, this opening serves a utility room/hallway and does not serve a habitable room. As such, the proposal would not have a detrimental impact on the living condition of neighbouring properties. Concerns have been raised with regards to the loss of light to window W12 at lower ground floor level which

serves a kitchen. However, the BRE Assessment submitted with the application, including the Daylight Distribution Test data, demonstrates that proposed extension would not have a detrimental impact on this room in terms of loss of light, in accordance with Core Strategy Policy CL5.

- 4.13 Concerns have been raised regarding the impact of the proposed extension on the level of sunlight and daylight reaching the garden of adjoining properties. However, given the modest size of the extension and the size of the gardens to adjoining properties, the proposal would not have a significantly detrimental impact on the living conditions of neighbouring properties, in accordance with Core Strategy Policy CL5.
- 4.14 Given the modest size of the proposed extension, the proposal would not have a detrimental impact on the sense of enclosure to the adjoining property to warrant refusal of the application. Concerns have been raised regarding an increase in overlooking; however, there are no additional side facing openings proposed and the new windows in the rear elevation replace existing, albeit slightly further to the rear. As such the proposal would not result in a significant increase in overlooking of adjoining properties above the existing level, in compliance with Core Strategy Policy CL5. Condition 5 is recommended to ensure that no side facing openings are inserted into the extension and condition 6 is recommended to ensure that the roof of the extension would not be used as a terrace.

## **5.0 PUBLIC CONSULATION**

- 5.1 The following units were notified of the proposals:

38 Beaufort Street  
Mulberry Close, Beaufort Street  
6, 7, 8, 10, 11, 12 Paultons Square

In addition to this, a site notice was erected outside the property and a press notice issued. To date four letters of objection have been received, summarised as:

- 5.2 **Further mass to the existing three storey extension. The extension already rises one storey above all adjacent extensions.**  
This matter has been addressed in section 4.5 – 4.9 above.
- 5.3 **Would set a precedent for further extensions.**  
Each application is considered on its merits at the time of submission, in accordance with the relevant development plan policies.
- 5.4 **Increased sense of enclosure, obstructing daylight and sunlight.**  
This matter has been addressed in section 4.10 – 4.14 above.
- 5.5 **Increase in overlooking with the windows protruding further into the garden.**  
This matter has been addressed in section 4.14 above.
- 5.6 **Concerns regarding the use of the property.**  
The lawful use of the building is as a single dwelling house (C3). The application does not seek to change this and relates to extensions only.
- 5.7 **The Daylight and Sunlight Report doesn't assess the light impact on the garden or the consequences for a tree to 8 Paultons Square.**  
Whilst the proposal may result in the loss of this tree, in accordance with the BRE standards such a tree could be replanted and should not be a constraint on

development. The impact on the garden area is addressed in section 4.13 of the report.

**5.8 The report fails to address the impact of the lower ground floor level of the 8 Paultons Square.**

The report has been updated to include an assessment of the lower ground floor level.

**5.9 The application site has a history of applications. A proposal for a 2 storey extension at 1<sup>st</sup> and 2<sup>nd</sup> floor has been refused previously.**

Noted. Each application is considered on its merits at the time of submission in accordance with the relevant development plan policies.

**5.10 The Planning and Heritage Statement is misleading and highly subjective.**

The statement has been submitted in support of the application which has been subject to consultation with the Council's Design and Conservation Team. Matters relating to design have been addressed in section 4.5 – 4.9 above.

**5.11 The supporting information suggests that the planned extension was agreed in consultation with the neighbours which is incorrect and misleading.**

Noted. However, the application has been subject to formal consultation with the adjoining properties.

## **6.0 CONCLUSION**

6.1 The proposal would preserve the significant and special architectural and historic interest of this Listed Building, and the character and appearance of the building and the wider conservation area, and would not have a detrimental impact on the living conditions of neighbouring properties. As such the proposal complies with the relevant development plan policies.

## **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/13/00798 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

## **Extension in depth of the rear closet wing at 1st and 2nd floor levels.**

### **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

#### **'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
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Cheyne adopted 2 June 1983 (19). 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 proposal would preserve the significant and special architectural and historic interest of this Listed Building, and the character and appearance of the building and the wider conservation area, and would not have a detrimental impact on the living conditions of neighbouring properties. As such the proposal complies with the relevant development plan policies.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/00798>. 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.