

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

APP NO. PP/13/00558/Q21
PLANNING APPLICATIONS COMMITTEE 16/04/2013
AGENDA ITEM NO. N30

SITE ADDRESS

43 Wallingford Avenue
LONDON
W10 6PZ

APPLICATION
DATED

31/01/2013

APPLICATION
COMPLETE

31/01/2013

APPLICATION
REVISED

25/03/2013

APPLICANT/AGENT ADDRESS

Mr I Dollamore
27-28 Eastcastle Street
LONDON
W1W 8DH

LISTED
BUILDING

N/A

CONS.
AREA

Oxford Gardens

WARD

Notting Barns

CAPS

Yes

ENGLISH
HERITAGE

N/A

ART '4'

Yes

CONSULTED

8

OBJECTIONS

3

SUPPORT

0

PETITION

0

COMMENTS

0

Applicant

Ms Willa Keswick

PROPOSAL: Construction of single basement to create additional habitable accommodation including creation of rooflight.

RBK&C Drawing No(s):PP/13/00558 and PP/13/00558/A

Applicant's Drawing No(s): EX_OS_MAP; /EX-E1; /EX_F1; /EX_S1; /EX_S2; PROP_E1;
/PROP_F1; /PROP_S1; /PROP_S2

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, EX_OS_MAP; /EX-E1; /EX_F1; /EX_S1; /EX_S2; PROP_E1; /PROP_F1; /PROP_S1; /PROP_S2 (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 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)

4. **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)

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. 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.

7. 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.

8. Full particulars of the method(s) by which the existing street trees on the pavement immediately adjacent to 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)

INFORMATIVES

- 1 I10 Attention to Conditions
- 2 I11 Care - Conservation Area
- 3 I09 Variations due to Building Regs.
- 4 I63 Subterranean Development
- 5 IDN2 GTD/No pre-app/Amendmts to comply Est. G
- 6 I71 Party Wall Act
- 7 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)
- 8 I.67A

1.0 SITE

- 1.1 The property is a two storey mid-terrace building situated on the eastern side of Wallingford Avenue. The property is a single dwellinghouse.
- 1.2 The property is not listed, but is located within the Oxford Gardens 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:

'Alterations, Improvements and extensions to any part of those elevations of a dwellinghouse which fronts onto a highway'

'Alterations, Improvements and extensions to any part of the roof of the original dwellinghouse'

- 1.4 Planning permission is therefore required for any works involving these developments.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the excavation of a single storey basement extension beneath the existing property with the addition of a rooflight to the rear.

3.0 RELEVANT SITE HISTORY

- 3.1 Planning permission was granted in 1991 (TP/91/1858) for the erection of a dormer window to the rear roof slope. This permission was implemented.
- 3.2 Planning permission granted in 2011 (PP/11/03294) to enlarge rear single storey extension and rear outbuilding with alteration of dormer window and installation of rooflight located on main rear roof slope.
- 3.3 Planning permission sought in 2012 (PP/12/04132) for alterations to previously approved rear outbuilding and the provision of a glass walkway joining this to the ground floor rear extension. This application was withdrawn.
- 3.4 A concurrent application (PP/13/00889) is under consideration for alterations to the existing single storey extension; the alteration of dormer window and installation of rooflight on main rear roof slope; and alteration of the roof of the rear garden outbuilding.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration in this case are:
- The impact of the proposal on the character and appearance of the building and conservation area
 - The impact of the development on the amenities of neighbouring occupiers
 - Impact of the basement on landscaping and trees, and performance in terms of sustainability
- 4.2 The Core Strategy (CS) 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 (July 2011), plus relevant 'saved' policies from the UDP. The contents of the Government's National Planning Policy Framework have also been taken into account.

- 4.3 The policies relevant to this application are listed on the 'Reasons to Grant' sheet.
- 4.4 There are no policies from the London Plan considered relevant to this application. Weight has also been given to the Oxford Gardens Conservation Area Proposals Statement (CAPS) as supplementary planning guidance.

Subterranean Development

- 4.5 The proposed basement would be located beneath the rear half of the footprint of the main house. It would be single storey. The proposed basement would be provided with natural daylight via a roof light set within the rear garden adjacent to the main wall of the house.
- 4.6 In accordance with policy CE1, the applicant has provided an Ecohomes Pre-Assessment prepared by Abitar Ltd. which demonstrates that the dwelling is capable of achieving the Ecohomes Very Good Standard once the basement is complete. A condition is recommended to secure this.
- 4.7 The applicant has submitted a construction method statement (CMS) prepared by a structural engineer which shows how the basement may be safely constructed. The CMS includes all relevant criteria as set out in the Subterranean Development SPD. The proposal would therefore comply with the Subterranean Development SPD and would not harm the structural stability of the building itself or the amenity of the neighbouring occupiers with regard to the stability of their buildings. The proposal would comply with CS policy CL2(g)(ii) in this regard.
- 4.8 CS Policy CT1 (b) requires that development shall not result in any material increase in traffic or parking congestion. If permission is granted, it is suggested that a condition requiring the submission and approval of a Construction Traffic Management Plan, to minimise disruption to pedestrians and vehicular traffic on the highway, and to safeguard neighbouring amenity. On this basis the proposal is capable of complying with CS Policy CT1.

Visual Impact

- 4.9 The sole external manifestation of the proposed basement would be a rooflight measuring 1m deep and 2m wide set against the rear wall of the building on the southern side of the garden. The proposed rooflight is modest in scale and discreetly positioned. It would not appear visually intrusive when viewed from neighbouring properties to the rear and it would not compromise the established character of the terrace.
- 4.10 The proposals would preserve the character and appearance of the conservation area, and the proposal complies with CS Policies CL1, CL2, CL3 and CL6.

Impact on Amenity

- 4.11 The installation of the rooflight would not result in any harmful impact on the amenity of occupiers of the neighbouring properties, given its low level location and orientation skywards. Once complete, the basement would have no adverse affect on the amenity of adjoining properties in terms of sunlight and daylight, sense of enclosure, privacy or noise. The proposal complies with CS Policy CL5.
- 4.12 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 could be 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.

- 4.13 The applicant has submitted a Construction Method Statement, this contains details of intrusive ground investigations, structural calculations, it addresses the impact on neighbouring properties and is signed off by an appropriately qualified engineer. This complies with the requirements laid out in the 'Subterranean Developments' Supplementary Planning Document (SPD). 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.

Landscaping and Flooding

- 4.14 The Subterranean Development SPD seeks 1m of topsoil and limits basements to no more than 85% of the site area in order to provide for planting spaces to produce a green and leafy appearance and to allow for natural drainage. The plans demonstrate that the development would not extend under the rear garden with the exception of the rooflight, therefore the proposal will not extend under 85% of either the front or rear gardens. Adequate opportunities would therefore continue to exist for mature landscaping and natural drainage on the site. This is compliant with policies CL2, CE2, CR6 and the 'Subterranean Development' SPD. A condition is recommended to secure an appropriate replacement scheme of soft landscaping to the rear garden.
- 4.15 The proposal includes a single level of basement accommodation. The Environment Agency has not designated a flood risk area which includes or is near to this site. As sufficient space remains on the site for natural drainage within the site it is considered to be acceptable in this respect.
- 4.16 The Council's Arboricultural Officer has considered the proposal and is satisfied that there would be no adverse impact on trees as a result of this proposal, compliant with CS policy CR6.

5.0 PUBLIC CONSULTATION

- 5.1 Letters of consultation have been sent to occupiers of neighbouring properties and a site notice erected. To date, letters of objection has been received, detailed as follows:

5.2 **The basement level would extend beyond the rear building line of neighbouring properties.**

The basement would be sited within the footprint of the existing property and its rear extension, with the exception of the rooflight, the impact of which has been considered at Paragraphs 4.9 and 4.10 of this report. The rooflight does not constitute an extension to the property and therefore 'saved' UDP policy CD47 is not applicable in this case.

5.3 **The rooflight is a harmful addition, and would lead to noise and disturbance to neighbouring properties.**

The rooflight has been considered at Paragraphs 4.9 and 4.10 of this report. It would be a sealed, walk-on structure which would not facilitate noise or disturbance to neighbouring properties.

5.4 **The submitted drawings are confusing and inaccurate.**

In response, the drawings submitted are to scale and clearly show the size and position of the basement. The relevant position of section drawings is also indicated for clarity. The drawings are considered acceptable to determine the application.

5.5 The development will cause intolerable noise and disturbance for the duration of the works and create traffic problems for the street.

It is appreciated that the nature of the proposal would mean considerable works on site. Noise and disturbance caused by building works are not however material planning considerations which would justify refusing planning permission. As indicated at Paragraph 4.12 of this report, other legislation exists to provide the primary controls to mitigate the impacts of building works. With reference to traffic impacts, a condition is recommended to ensure the submission, approval and compliance with a Construction Traffic Management Plan (CTMP).

5.6 The basement should be fully insulated against noise.

The internal fittings of the basement are not controlled by the planning process and therefore this cannot be required as part of an application.

5.7 The Construction Method Statement (CMS) does not comply with the relevant requirements of the Council's Subterranean Development SPD, including lack of reference to borehole tests, geology and existing foundations.

The applicant has submitted a revised CMS to clarify a number of points and to make specific reference to the relevant requirements of the SPD. The CMS is considered to be compliant with the SPD and CS policy CL2(g)(ii).

5.8 Neighbouring properties should be indemnified against damage resulting from the works.

This is not a material planning consideration, but a private matter in which the Council cannot become involved.

5.9 The basement will have an adverse impact on the water table and may lead to instability in existing foundations.

The applicant's CMS indicates that the basement will not extend lower than the prevailing groundwater level, and no interference with natural water flow will therefore result from this development.

5.10 The application will result in damage to trees within the garden and outside the property.

The Council's Arboricultural Officer has reviewed the proposal and is satisfied that there would be no adverse impact upon trees as a result of the development.

5.11 The applicant has acted in an unneighbourly fashion as they have not approached neighbours about proposals, and have created noise and disturbance when in residence.

Whilst the Council recommends that applicants engage with neighbours prior to submitting applications, this is not a statutory requirement, nor is it a material consideration which would justify a refusal of planning permission. Matters of noise and disturbance during residence are not planning matters.

6.0 CONCLUSION

6.1 Once complete, the subterranean extension would appear as visually discreet addition to the site which would preserve the character and appearance of the conservation area. The rooflights would also preserve the character and appearance of the conservation area and, once complete, the proposed development would not result in significant harm to the amenities of the adjoining properties, nor harm to existing trees. Conditions have also been imposed to mitigate the short term impact from construction of the subterranean extension. The proposed development is therefore consistent with the development plan and relevant supplementary planning guidance.

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/13/00558 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Construction of single basement to create additional habitable accommodation
including creation of rooflight.**

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
CE1	Climate Change
CR6	Trees and landscape
CE2	Flooding

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Oxford Gardens adopted 9 July 1990 (01), Transport adopted 10 December 2008 (0803), Trees and Development adopted 20 April 2009 (0901), Subterranean Development adopted 26 May 2009 (0903). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

Once complete, the subterranean extension would appear as visually discreet addition to the site which would preserve the character and appearance of the conservation area. The rooflights would also preserve the character and appearance of the conservation area and, once complete, the proposed development would not result in significant harm to the amenities of the adjoining properties, nor harm to existing trees. Conditions have also been imposed to mitigate the short term impact from construction of the subterranean extension. The proposed development is therefore consistent with the development plan and relevant supplementary planning guidance.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/00558>. 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.