<table>
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<tbody>
<tr>
<td><strong>1.</strong> The proposed basement is contrary to emerging policy CL7 of the Core Strategy.</td>
<td><strong>1.1.</strong> The basement and sub-basement proposals accord with the current Core Strategy and existing SPD and was recommended for approval by the case officer. The committee were advised from the outset by Erin Lawn, the Assistant Head of Development Management and Conservation, and Hazel Salisbury, Legal Adviser, that the emerging policy should be given limited weight due to significant unresolved objections (see Appendix C ‘Minutes of a meeting of the Planning Applications Committee held in Committee Room 1, Kensington Town Hall, London W8 7NX at 6.30pm on Tuesday 14 October 2014’). However in its deliberations Members of the Committee went against planning and legal advise and determined that the emerging policy should be given more weight and the application for a double basement conflicted with this policy.</td>
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| **2** The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction contrary to Core Strategy policies CL2, CL3 and CL5. | **2.1** - We disagree with RBKC’s statement that ‘The proposed basement by reason of its size and depth would result in overdevelopment...’. The current Core Strategy and existing SPD allows excavation under the footprint of non-listed buildings and up to 85% coverage of the garden space. Under the current Core Strategy and existing SPD there is no vertical restriction to limit the number of storeys that can be excavated below ground. Therefore the proposed basement would not result in overdevelopment.  

**2.2** - We disagree with RBKC’s statement that ‘The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction’. The opening summary (paragraph 1.1) of the case officers’ committee report states the following: ‘All technical considerations in relation to the basement have been met. The external manifestations of the basement extension are acceptable and would preserve the character and appearance of the conservation area. The living conditions of neighbouring occupiers would be safeguarded’. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are Non-Material Planning considerations and therefore should not be used as a refusal reason. |
2 The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction contrary to Core Strategy policies CL2, CL3 and CL5.

2.3 - RBKC Policy CL2 - Design Quality (Appendix B), as quoted in the refusal document is generic and states that modifications to existing buildings should be 'of the highest architectural and urban design quality' and also states that they should be 'attractive – pleasing in its composition, materials and craftsmanship'. The proposed development will have minimal visual impact on the external appearance of the application site as the proposed basement will not be visible externally with the exception of two small manifestations in the form of black metal grilles. These are discreetly positioned to prevent any visual impact. The case officer states within his report (paragraph 6.6) The new lightwells would be low lying and would have a minimal impact on the surrounding area. With regards to the front lightwell, there are other similar features within this terrace and this would not appear incongruous within the streetscene. The rear lightwell is discreetly located and would not be widely visible. Condition 7 is recommended requiring the grilles to be black painted metal to prevent them from appearing overly prominent. Subject to this, the proposals would preserve the character and appearance of the conservation area, complying with Core Strategy Policies CL1, CL2, CL3 and CL6 and 'saved' UDP Policies CD47 and CD63.
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<tr>
<td><strong>2</strong> The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction contrary to Core Strategy policies CL2, CL3 and CL5.</td>
<td><strong>2.4</strong> - RBKC Policy CL3 - Heritage Assets - Conservation Areas and Historic Spaces (Appendix C), as quoted in the refusal document states 'The Council will require development to preserve and to take opportunities to enhance the cherished and familiar local scene. character or appearance of conservation areas, historic places, spaces and townscapes, and their settings.' The opening summary (paragraph 1.1) of the case officers' committee report states the following: 'All technical considerations in relation to the basement have been met. The external manifestations of the basement extension are acceptable and would preserve the character and appearance of the conservation area. The living conditions of neighbouring occupiers would be safeguarded.' Therefore Core Strategy Policy CL3 should not be used as a refusal reason. The proposed development will have minimal impact on the external appearance of the application site and the case officer states within his report (paragraph 6.6) 'The new lightwells would be low lying and would have a minimal impact on the surrounding area. With regards to the front lightwell, there are other similar features within this terrace and this would not appear incongruous within the streetscene. The rear lightwell is discreetly located and would not be widely visible. Condition 7 is recommended requiring the grilles to be black painted metal to prevent them from appearing overly prominent. Subject to this, the proposals would preserve the character and appearance of the conservation area, complying with Core Strategy Policies CL1, CL2, CL3 and CL6 and 'saved' UDP Policies CD47 and CD63.'</td>
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| 2. The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction contrary to Core Strategy policies CL2, CL3 and CL5. | 2.5 - RBKC Policy CL5 - Amenity Living Conditions (Appendix D), as quoted in the refusal document states 'The Council will require all development new buildings, extensions and modifications and small scale alterations and additions, to achieve standards of amenity. ensure good living conditions for occupants of new, existing and neighbouring buildings.' The Case officer states within his report (paragraph 6.7) 'The scheme complies with Core Strategy Policy CL5. The proposed basement would be located below ground so there would not be an impact on the living conditions of neighbouring occupiers in terms of sunlight and daylight, overshadowing or privacy.' The planning officer also states within the opening summary (paragraph 1.1) of the case officers' committee report: 'All technical considerations in relation to the basement have been met. The external manifestations of the basement extension are acceptable and would preserve the character and appearance of the conservation area. The living conditions of neighbouring occupiers would be safeguarded.'
<table>
<thead>
<tr>
<th>Conclusion</th>
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| **3.1** - Please consider that Royal Borough of Kensington & Chelsea Council are acting entirely unreasonably in refusing to grant permission for the proposed basement which will have minimal visual impact upon the external appearance of the building, and minimal impact on the internal layout and conforms to current policy. RBKC have previously issued a number of planning consent approvals for basements in Seymour Walk.

**3.2** - For the first refusal reason RBKC have gone against the recommendation of the planning officer, the assistant head of development management and legal adviser in determining the outcome of this application against the emerging policy. RBKC have been advised by the assistant head of development management and legal adviser that no one can predict the Planning Inspector’s decision and that emerging policy should be given limited weight. Based upon these facts the decision by RBKC is highly unreasonable.

**3.3** For the second refusal reason RBKC have gone against current policy and against the recommendation of the planning officer in determining the proposal to be overdevelopment. RBKC have also listed impact on living conditions during construction as part of the second refusal reason. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are Non-Material Planning considerations and therefore should not be used as a refusal reason. Based upon these facts the decision by RBKC is highly unreasonable.
Appendix A

Decision Notice Application - PP/14/04747
Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PERMISSION TO DEVELOP

The Royal Borough of Kensington and Chelsea hereby REFUSES PERMISSION for the development set out in the schedule below.

Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

Development: Construction of double storey basement under building footprint and rear garden and lightwells to front and rear of the building.

Site Address: 29 Seymour Walk, LONDON, SW10 9NE

RBKC Drawing Nos: PP/14/04747

Applicant’s Drawing Nos: 2203-LA-LG.01, 2203-LA-0G-01, 2203-LA-01-01, 2203-LA-02-01, 2203-LA-00-01, 2203-LA-00-02, 2203-LA-LG.02, 2203-LA-0B.01, 203-LA-LB.01, 2203-LA-00-03, 2203-LA-0S.01, 2203-LA-0S.02

Application Dated: 25/07/2014

Application Completed: 25/07/2014

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF
REASON(S) FOR REFUSAL

1. The proposed basement is contrary to emerging policy CL7 of the Core Strategy.

2. The proposed basement by reason of its size and depth would result in overdevelopment which will harm the living conditions of neighbouring occupiers during construction contrary to Core Strategy policies CL2, CL3 and CL5.

INFORMATIVE(S)

1. To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

In this case the proposal does not comply with guidance and policies. No pre-application discussions were entered into, but the Council is ready to enter into discussions with the applicants through the advice service to assist in the preparation of any new planning application.

2. 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 London Plan Spatial Development Strategy for Greater London adopted July 2011; the Core Strategy adopted 8 December 2010 and the 'Saved' policies of the Unitary Development Plan adopted 25 May 2002. The relevant policies of the Core Strategy were CL1, CL2, CL3, CL5, CL6, CE2, CE6, CT1. The relevant policies of the UDP were CD63. Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: The Boltons adopted 21 October 1980 (12), Subterranean Development adopted 26 May 2009 (0903), Transport adopted 10 December 2008 (0803). These documents were adopted following public consultation.

The full report is available for public inspection on the Council's website at [http://www.rbkc.gov.uk/PP/14/04747](http://www.rbkc.gov.uk/PP/14/04747). 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.

Yours sincerely,

Jonathan Bore
Executive Director, Planning and Borough Development
Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- As this is a decision to refuse planning permission for a 'householder application', if you want to appeal against your local planning authority’s decision then **you must do so within 12 weeks of the date of this notice**.

- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

- The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
Appendix B

Royal Borough of Kensington Chelsea - Officers Report
1. Summary

1.1 All technical considerations in relation to the basement have been met. The external manifestations of the basement extension are acceptable and would preserve the character and appearance of the conservation area. The living conditions of neighbouring occupiers would be safeguarded.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

3.1 The application site relates to a property located on the east side of Seymour Walk. The property is two storey plus lower ground floor level mid-terrace house, currently in use as a single dwelling. The property is not listed but is situated within The Boltons Conservation Area.

4. The proposal and any relevant planning history
4.1 This application seeks planning permission for the construction of two new basement levels under the building footprint and rear garden. The scheme proposes the installation of lightwells at the front and rear which will be adjacent to the application building. The scheme proposes the installation of lightwells at the front and rear which will be adjacent to the application building. The lightwells will be covered with metal grills which will be flush with ground level. During the course of the determination period, a revised construction method statement was received.

4.2 The following application is also for consideration at this Committee:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Summary description</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PP/14/05116</td>
<td>Construction of a single storey basement under building footprint and rear garden and lightwell to front and rear of the building</td>
<td>Pending consideration.</td>
</tr>
</tbody>
</table>

5. Main relevant policies and strategies relevant to the decision

The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

<table>
<thead>
<tr>
<th></th>
<th>Core Strategy</th>
<th>UDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Area</td>
<td>CL3</td>
<td>CD63</td>
</tr>
<tr>
<td>General townscape</td>
<td>CL1, CL2, CL6</td>
<td></td>
</tr>
<tr>
<td>Amenity</td>
<td>CL5</td>
<td></td>
</tr>
<tr>
<td>Subterranean</td>
<td>CE1, CE6</td>
<td></td>
</tr>
<tr>
<td>development</td>
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</tbody>
</table>

These documents can be read online at:


Other local strategies or publications

5.2 The main relevant supplementary planning documents adopted by the Council are:

- The Boltons Conservation Area proposal statement
- Subterranean development
- Transport

These documents can be read online at:


- Other documents: [www.rbkc.gov.uk/planningandconservation/planningpolicy/supplementaryplanning.aspx](http://www.rbkc.gov.uk/planningandconservation/planningpolicy/supplementaryplanning.aspx)

6. Evaluation
6.1 An EcoHomes Pre-Assessment Report demonstrates that the building could achieve a 'very good' standard, and achieve 40% of the credits in the 'waste', 'energy' and 'materials' sections, as required by Core Strategy Policy CE1 and the Subterranean Development SPD (para 5.1.3). Recommended condition 6 of the planning permission would secure this.

6.2 The site is not located within an area at risk of surface water or fluvial flooding. The scheme does not propose to significantly increase the amount of hardstanding material nor reduce the amount of land available for drainage to an unacceptable level. Moreover, the scheme proposes to retain 1m of topsoil over the bulk of the new extension as advised by the SPD. No further flooding mitigation measures are advised for this proposal. The proposals would have no material impact on surface water run-off and accord with the Subterranean Development SPD and Core Strategy Policy CE2 in these respects.

6.3 Storage/utility space is proposed in the new subterranean extension which does not constitute habitable space. Nonetheless, the scheme does include lightwells which would allow natural light and ventilation within the top level of the extension. Floor to ceiling heights for the rooms at 2.7m are in excess of the minimum requirements of 2.5m. The proposal would be able to provide adequate accommodation and would comply with the requirements of the Subterranean SPD.

6.4 There are no trees which would be directly affected by the works.

6.5 The decisive issues are:

i Whether the proposal would preserve the character and appearance of the building and conservation area

ii Whether the proposal would affect the living conditions of neighbouring occupants

iii Whether the proposal would safeguard the structural stability of the proposal building and surrounding properties

Design

6.6 A lightwell at the front and rear are proposed as a source of light and ventilation in the new basement. The new lightwells would be low lying and would have a minimal impact on the surrounding area. With regards to the front lightwell, there are other similar features within this terrace and this would not appear incongruous within the streetscene. The rear lightwell is discreetly located and would not be widely visible. These would be covered by a metal grille; Condition 7 is recommended requiring the grilles to be black painted metal to prevent them from appearing overly prominent. Subject to this, the proposals would preserve the character and appearance of the conservation area, complying with Core Strategy Policies CL1, CL2, CL3 and CL6 and 'saved' UDP Policies CD47 and CD63.

Living Conditions

6.7 The scheme complies with Core Strategy Policy CL5. The proposed basement would be located below ground so there would not be an impact on the living conditions of neighbouring occupiers in terms of sunlight and daylight, overshadowing or privacy.

6.8 A Construction Traffic Management Plan (CTMP) has been submitted with the planning application but amendments are required to minimise the impacts of the construction works in terms of transport. Condition 3 is recommended requiring the submission of a revised CTMP for approval prior to commencement on site. Subject to this, the proposals are acceptable in this respect and accord with the Subterranean SPD.

Structural Implications of the Proposal

6.9 The applicant has submitted a Construction Method Statement, prepared and signed-off by
6.10 Additional issues relating to the structural stability of the basement are dealt with primarily under Building Regulations. Issues concerning the stability of the adjoining land and property are primarily dealt with under the Party Wall Act 1996. Receipt of planning permission does not negate the developer’s liabilities and responsibilities under any other legal acts.

7. Consultations carried out

Comments from interested parties

7.1 Sixteen nearby owners/occupiers were notified directly of the application. The application was advertised in the Kensington & Chelsea Chronicle on 15/08/14. A statutory notice advertising the application was posted near the site on 15/08/14.

7.2 Fifteen letters were received objecting to the application, summarised as:

<table>
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<tr>
<th>Comment</th>
<th>Response</th>
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<tbody>
<tr>
<td>1  Concerns regarding the potential structural implications of the proposal on the fabric of the application building and surrounding properties</td>
<td>A construction method statement has been submitted with the planning application to demonstrate that the potential structural impacts of the basement on surrounding buildings have been considered at an early stage. This report concludes that the subterranean extension could be constructed without harming the structural integrity of neighbouring properties. This issue can also be considered, and enforced against, under separate legislation such as the Party Wall Act.</td>
</tr>
<tr>
<td>2  Concerns relating to the transport and access implications of the subterranean extension including access to the mews for emergency services and refuse collection</td>
<td>These issues can be addressed prior to the start of works by a condition should permission be granted. Condition 3 requiring the submission of a revised CTMP is recommended to secure this.</td>
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<tr>
<td>3  Development would be out of keeping with the area</td>
<td>The only visible manifestations of the new basement would be lightwells located at the front and rear. There are other front lightwells along this part of Seymour Walk and the rear lightwell would not be widely visible; as such the proposal would preserve the character and appearance of the conservation area.</td>
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Disruption during construction would be minimised as far as is possible through the Town and Country Planning Acts by the recommended conditions. Other matters relating to noise and disturbance could be considered, and enforced against, under separate Environmental Health legislation.

The property is currently in use as a single dwelling and the scheme does not propose to increase the number of units at the site. There will be no material change in the way the application building is utilised and therefore, no additional pressure on parking as a result of the proposal.

Condition 3 would require the submission of a Construction Traffic Management Plan which should minimise the risk of damage to parked cars. Damage to vehicles is dealt with under other legislation.

The applicant's need for additional space within their own private dwelling is a personal matter and is not a material consideration in the planning application determination process.

The site is not located within an area at risk of flooding and the scheme would not reduce the amount of land available for drainage to an unacceptable level.

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<tr>
<th>Consultee</th>
<th>Comment</th>
<th>Where in the report this is considered</th>
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<tbody>
<tr>
<td>Transport</td>
<td>A number of amendments are required to minimise the traffic impacts during the construction phase. A condition is recommended requiring the submission of a revised CTMP for approval prior to commencement on site.</td>
<td>Paragraph 6.8 and condition 3.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection in relation to noise impacts. There is no detailed information on ground conditions within the site included with the supporting documents and there are two contaminated sites within proximity to the proposal property. The development will expose and remove a substantial volume of the materials during which contamination may or may not be encountered. Appropriate actions taken should contamination be encountered.</td>
<td>There is no specific risk in relation to this site; as a such, this can dealt with under other legislation.</td>
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9. **Recommended conditions if the application is granted**

1. **Time Limit**
   The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   
   *Reason* - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**
   The development shall not be carried out except in complete accordance with the details shown on submitted plans 2203-LA-LG.01, 2203-LA-0G-01, 2203-LA-01-01, 2203-LA-02-01, 2203-LA-00-01, 2203-LA-00-02, 2203-LA-LG.02, 2203-LA-0B.01, 203-LA-LB.01, 2203-LA-00-03, 2203-LA-0S.01, 2203-LA-0S.02
   
   *Reason* - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Construction Traffic Management Plan (CTMP)**
   No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

   a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
   b) access arrangements to the site;
   c) the estimated number and type of vehicles per day/week;
   d) details of any vehicle holding area;
   e) details of the vehicle call up procedure;
   f) estimates for the number and type of parking suspensions that will be required;
   g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
   h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
   i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
   j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
   k) 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, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

   The development shall be carried out in accordance with the approved Construction Traffic Management Plan.
   
   *Reason* - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Subterranean Development SPD and policies CT1 and CL5 of the Core Strategy.

4. **Professional management of engineering works**
   No development shall 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.

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(g) (ii) of the Core Strategy.

5. **Considerate Constructors Scheme (CCS)**
No development shall commence 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 forming the subject of this permission.

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 of the Core Strategy.

6. **Applicable EcoHomes Standards**
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 Letter of Compliance for the dwelling has been issued certifying that a Very Good rating has been achieved.

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

7. **Lightwell grilles**
The grilles covering the new lightwells shall be painted black metal, and so maintained.

Reason - To preserve or enhance the appearance of the building and the character of the conservation area, in accordance with policies of the development plan in particular policies CL1, CL2 and CL3 of the Core Strategy.

**INFORMATIVES**

1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

2 Conditions no(s) 3, 4 and 5 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and
unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Borough Development, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: Planning Advice Service

This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Borough Development.

You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining property freeholders and leaseholders and anyone who has had an interest of 12 months or greater, where the building owner intends to carry out work which involves:

1. Work involving an existing shared wall with another property;
2. Building on the boundary with another property;
3. Excavating near a neighbouring building, and that work falls within the scope of the Act

Notice should be served on neighbours at least one month before commencement of building works. Section 12(1) of the Act provides for the developer to provide security for neighbours through insurance or a security bond.

Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: Party Wall Act 1996

In order to discharge the requirements of condition 3 in respect of the Construction Traffic Management Plan, the CTMP should be amended accordingly/include the following:

Q6 – The routing outlined does not tally with Q24 – requirement to reverse in due to it being a dead end street is needed.
Q8 – Council objects to proposed location for skip. Skip should be located outside property and exchange at that location. Additional suspended bay will be needed at that location and set out in CTMP.
Q12 – Times for deliveries / collections do not adhere to guidelines set out.
Q15 – A ‘Phone In’ procedure should be implemented to ensure there is no waiting within the highway network in the Borough.
Q29 – Liaison with other developments in area is needed and should be detailed. No.22 / 24 have recently had planning permission.
Q30 – The response should also set out the days of domestic and commercial waste collections.

Wording such as ‘where reasonably possible’ or ‘where appropriate’ etc should be omitted from this document; the document has to be specific to ensure it can be enforced.

The Councils pro forma must be used which can be found via the following link:


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. (l61)

8 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

9 You are advised that that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974. In particular, building work which can be heard at the boundary of the site shall only be carried out between the following hours:

- **Monday to Friday - 08.00 to 18.30**
- **Saturdays – 08.00 to 13.00**
- **Sundays and Bank Holidays – No noisy works at all**

Builders who undertake noisy work outside of these hours may be liable for prosecution and a fine of up to £5,000 where a notice has been previously served under the Control of Pollution Act 1974.

10 Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#).

**Background papers:**
Documents associated with the application (except exempt or confidential information) is available at [www.rbkc.gov.uk/PP/14/04747](http://www.rbkc.gov.uk/PP/14/04747) or electronically in our Customer Service Centre, Town Hall, Hornton Street.

**Contact officer:**
Annabel Osborne

**Telephone:** 020 73613012
Appendix C

Royal Borough of Kensington Chelsea - Minutes of Planning
Application Committee 14/10/14
Minutes of a meeting of the Planning Applications Committee held in Committee Room 1, Kensington Town Hall, London W8 7NX at 6.30pm on Tuesday 14 October 2014

PRESENT

Members of the Committee
Cllr Paul Warrick (Chairman)
Cllr Robert Atkinson
Cllr Sam Mackover
Cllr Julie Mills
Cllr Charles Williams

Support Officers in Attendance
Sarah Day, Governance Administrator
Erin Lawn, Assistant Head of Development Management and Conservation
Daniel Massey, Senior Planning Officer - South
Elen Richards, Development Management Team Leader - Central
Sian Saadeh, Development Management Team Leader - South
Hazel Salisbury, Legal Adviser
Derek Taylor, Development Management Team Leader - North

AGENDA

A1 APOLOGIES FOR ABSENCE
There were none.

A2 MEMBERS’ DECLARATIONS OF INTEREST
Councillor Mills declared an interest in respect of the following Agenda Items: N101, N102, C78 and S112.

A3 MINUTES OF THE MEETINGS HELD ON 29 JULY 2014
The minutes were confirmed as a correct record and signed by the Chairman.

A4 TOWN AND COUNTRY PLANNING ACT 1990 – APPLICATIONS
With the permission of the Chairman, the Executive Director for Planning and Borough Development tabled a sheet of amendments to the reports before the Committee, a copy of which has been placed on the Minute Book.
Councillor Mills withdrew from the room for the following item.

Agenda Item N102 - 89 Lansdowne Road, W11

Officer introduction (DT)

The Development Management Team Leader - North introduced the report and gave an electronic presentation, which included photographs of the rooflights installed to the rear of the property. He explained that the lightwells fell outside the boundaries of the Certificate of Lawfulness or the existing planning permission granted on appeal. He drew the Committee's attention to three additional letters of objection from the Ladbroke Association and local residents. He explained why a Construction Method Statement had not been submitted and why the requirement for one metre of topsoil would not be a reasonable requirement in this case as it would not be practical to require this above a lightwell.

Responding to questions from Members of the Committee, the Planning Officer stated that Party Wall Surveyors would have been appointed for neighbours on both sides of the property, but reported that he did not know if they were content with the works. He stated that the Planning Inspector's decision granted planning permission for the roof lights and it could be deduced that if the Planning Inspector considered that the rooflights themselves were not harmful to the appearance of the property or character of the area, then the lightwell beneath them must be still less harmful.

The Objector's case

Mark Katzenellenbogen, Local Resident, was invited to the table and objected to the applications on the following grounds, in addition to those contained in his letter of objection included in the report:

- The Statutory Consultee's objection was very important;
- The backs of the houses in Lansdowne Road were in a semi-public domain;
- The Planning Inspector had not had the opportunity to take the statutory consultee's objection into account;
- Permeable paving and topsoil could be required by condition;
- The test was not whether the proposal would cause significant harm;
- A Construction Method Statement should be submitted for approval;
- Water had been found in borehole tests and this was a matter of public interest.

Ward Councillor's representations
Councillor Lindsay was invited to the table. He made the following key points:

- He endorsed the Ladbroke Association's comments in relation to the requirement for one metre of topsoil;
- This was a small garden and its design was therefore more important as it would be more noticeable;
- Residents of 91 Lansdowne Road had reported significant cracking and damage to their property;
- The owner of 87 Lansdowne Road had faced difficulties in renting out his property due to the works;
- The Party Wall Act was imperfect.

The Applicant’s case

Matt Bailey, Agent for the applicant, was invited to the table to respond to the objections. He made the following key points:

- Most of the objections pre-dated the appeal decision and were in relation to the skylights;
- The Planning Inspector would have considered all matters, including the surrounding gardens;
- A Certificate of Lawfulness was issued in relation to the basement in October 2012 and a planning application was submitted for the lightwell in July 2013, but due to delays in the planning process, this was not considered until January 2014.

In response to questions from the Committee, Mr Bailey made the following key points:

- A Construction Method Statement would not assist local residents in relation to structural issues and the applicant had appointed qualified engineers and employed experienced teams who were familiar with the Council's requirements;
- The garden was hard paved before the works;
- During construction of the basement, holes had been made where the lightwells were located to provide access for the works;
- On completion of the basement, the applicant and architect decided to apply for planning permission for the lightwells;
- He confirmed that the foundations for the lightwells were secondary works.

Mr Bailey confirmed that he was appointed by the applicant after the basement had been built in July 2013.

Committee deliberation and decision
The Planning Officer answered questions from the Committee as follows:

- He did not know why the application had been subject to delays;
- The basement was not under the garden and therefore the Planning Authority should not impose the requirement for one metre of topsoil;
- A recent appeal decision stated that weight should be given to the fact that a garden had previously been covered with a hard surface; he was not sure what the garden surface was prior to the works.

After some deliberation, the Committee voted and it was RESOLVED (with Councillor Atkinson dissenting) –

That the recommendation be adopted.

**Action by: EDP&BD**

**Councillor Mills returned to the room.**

**Agenda Items C76 and C77 - 29 Seymour Walk, SW10**

**Officer introduction (ER)**

The Development Management Team Leader - Central introduced the reports, summarising both applications. She gave an electronic presentation and drew the Committee's attention to the Addendum Report which included additional objections.

Responding to questions from Members of the Committee, the Planning Officer stated that the submitted Construction Traffic Management Plan (CTMP) was unsatisfactory and was the subject of further negotiation with the Council's Highways and Transportation Officers. She added that she had not identified any other approved CTMPs for premises located in Seymour Walk. She confirmed that a satisfactory Construction Method Statement had been submitted and added that it was preferable to approve a CTMP closer to the time of construction.

In response to questions about the Council's emerging new policy for subterranean development, the Assistant Head of Development Management and Conservation explained that there were unresolved objections to the emerging basement policy and the Planning Inspector's decision had not been received. In such circumstances, she stated that the National Planning Policy Framework (NPPF) advised that an emerging policy should be given limited weight only. The Legal Adviser agreed with this advice and added that no one could predict the Planning Inspector's decision.
The Planning Officer explained that the suggested timescales for construction could alter should changes be made in relation to the CTMP.

**The Objector’s case**

Juan Lopez, FTB Chambers, speaking on behalf of the Seymour Walk Residents’ Association, was invited to the table and objected to the applications on the following grounds:

- Following NPPF advice, significant weight should be given to policy CL7;
- The proposed development was contrary to policy CL7;
- A satisfactory CTMP had not been submitted and the building works could not be carried out whilst respecting other properties in Seymour Walk.

In response to questions from Members of the Committee, Mr Lopez stated that the NPPF advised the stage of the emerging policy and the extent of unresolved objections to relevant policies should be considered when assessing how much weight to give to an emerging policy; he said there was no indication that there were unresolved objections in relation to policy CL7.

**Ward Councillor’s representations**

Councillor Rossi, Ward Councillor, was invited to the table and made the following points:

- The proposal for a double storey basement was excessive overdevelopment;
- The disturbance resulting from the works would be intolerable for residents and the accumulation of applications in the road would cause mayhem;
- Conditions should be imposed to limit the hours of construction;
- The road was very narrow and would impact on Fulham Road;
- A detailed CTMP should be submitted and the cumulative dangers on a highway must be fully assessed.

**The Applicant’s case**

Kevin O'Connor, Cranbrook Basements, was invited to the table to respond to the objections. He made the following points:

- The proposals complied with all of the Council's policies;
- Advice on the Council’s website clearly stated that existing policies applied until the Planning Inspector's report had been received by the Council;
Eight planning applications for basements had been granted in Seymour Walk all with CTMPs reserved by condition; three of which had been submitted and approved by the Council's Transportation and Highways Officer;

The application was not unique and should be judged on its merits;

The Council's website stated that no weight should be given to the emerging policy and the Council had re-consulted on policy CL7;

Building works could only commence following submission and approval of a satisfactory CTMP.

In response to questions from Members of the Committee, Mr O'Connor stated that his company had constructed many basements and he was certain that the proposed basements would be completed in seventy weeks.

Committee deliberation and decision

Responding to questions from the Committee, the Assistant Head of Development Management and Conservation advised that the CTMP condition would require that other developments in Seymour Walk be taken into account. She referred the Committee to Mr McCool's, Transport Planning Manager, letter dated 13 October included in the papers and added that residents would have a chance to comment on the CTMP if they registered with 'My RBKC' on the homepage of the Council's website (www.rbck.gov.uk).

Responding to questions from the Committee, the Planning Officer advised that 15 per cent of the garden would remain undeveloped. She confirmed that nothing had been agreed in relation to the CTMP.

In response to further questions about emerging policy CL7, the Assistant Head of Development Management and Conservation stated that modifications had been made to the emerging policy and these were presently out to consultation. She stated the three main tests as outlined by the NPPF to be applied when assessing how much weight to attribute to an emerging policy, namely, 1) The stage of preparation of the emerging plan 2) The degree of consistency 3) The extent to which there were unresolved objections. She added that there were significant unresolved objections and advised the Committee that only limited weight should be attributed to the emerging policy.

In its deliberations, Members of the Committee made the following points for and against the proposals:

- The proposals complied with the existing policy;
- The site was very difficult to access;
The Committee could not double guess the Planning Inspector's decision in respect of the emerging policy;

- The CTMP should be very detailed and well thought out;
- The emerging policy should be given more weight and the application for a double basement conflicted with this policy;
- An acceptable CTMP should be provided;
- The proposed double basement was contrary to Council policies CL2, CL3, CL5;
- The proposed double basement constituted overdevelopment of the site.

The Committee voted on each application separately as follows:

**Agenda Item C76** - Construction of double storey basement under building footprint and rear garden and lightwells to front and rear of the building.

The Chairman voted in favour of granting the application; Councillors Atkinson, Mackover, Mills and Williams voted against the recommendation.

**RESOLVED** -
That the application be REFUSED on the grounds that it was contrary to Core Strategy policies CL2, CL3, CL5 and taking account of NPPF advice, emerging policy CL7. It also constituted overdevelopment and would adversely affect amenity.

**Agenda Item C77** - Creation of single storey basement under building footprint and rear garden and lightwells to front and rear of the building.

The Chairman voted in favour of granting the application; Councillors Atkinson, Mackover, Mills and Williams voted against the motion and voted to defer the application.

**RESOLVED** -
That the application be **deferred**.

It was noted that Members of the Committee requested that a satisfactory CTMP be submitted prior to reconsideration of the application.

**Action by: EDP&BD**

**Agenda Item N100 - Cameret Court, Lorne Gardens, W11**

*Officer introduction (DT)*

The Development Management Team Leader - North introduced the report, summarising the application. He gave an electronic
presentation and drew the Committee's attention to the recommended condition in relation to facing materials and to a late objection submitted by residents of Upper Addison Gardens. He clarified that the recommendation was to grant the application subject to a Section 106 agreement to secure the contributions listed in the report; he clarified that the proposed additional units would be parking permit free.

Responding to questions from the Committee, the Planning Officer stated that the proposal would not have a material impact on Lorne Gardens and would not significantly increase the sense of enclosure due to the distance between the application site and nearby buildings.

Members of the Committee asked further questions about the increased sense of enclosure, when taking into account the cumulative impact of other developments in the vicinity once they had been constructed. The Planning Officer concluded that the degree of change when considering this would not be significant.

The Objector's case

Eddie Styring, Local Resident and Director of the Cameret Court Residents’ Association, was invited to the table and objected to the applications on the following grounds:

- A qualified engineer’s structural report should be submitted to assess the stability of Cameret Court;
- The developers did not own the space above Cameret Court;
- The proposal would have a major adverse impact and 205 Holland Park Avenue already had access problems;
- The proposal would result in additional noise for residents;
- The top floor flat would be the most affected by the proposal;
- The developers had not given any indications in relation to timings for construction works.

He mentioned also that the recommendation in the report referred to section 10, but there was not a section 10 in the report.

Responding to questions from Members of the Committee, Mr Styring stated that there were 35 flats in Cameret Court, but only 22 parking places, which were purchased separately to the flats.

In relation to parking, the Planning Officer referred the Committee to paragraphs 1.2 and 7 in the report.

The Applicant’s case

Jonathan Wright, Planning Solutions Ltd, was invited to the table to respond to the objection. He made the following points:
• This was a modest proposal, which would be set back from the main building;
• It was proposed to build two car free flats;
• The applicant was the freeholder of the building and the lessees were advised about the proposal in May 2013;
• Most of the objections did not refer to planning matters;
• Any contractors would be registered with the Considerate Constructors Scheme; a CTMP would be submitted; the works would be controlled under the Control of Pollution Act and managed properly;
• Three cycle storage bays were proposed;
• Properties located in Lorne Gardens had small single windows and would suffer a five degree loss of light; their privacy would not be affected;
• The sixth and seventh floors would be set back and there would be no increase in overlooking into Upper Addison Gardens.

Members of the Committee asked questions about the works and Mr Wright explained that the methods for carrying out the works would be set out at a later stage, but the applicant would want to minimise any impact on residents. He added that construction methods were not planning matters.

The Planning Officer explained that structural reports were required in respect of planning applications for subterranean development where the Council's policy required an Engineer’s report, supported by the Subterranean Supplementary Planning Document (SPD), but the SPD did not cover other planning applications. He added that structural stability was covered by Building Regulations and freeholder/lessee issues were not a planning consideration.

Committee deliberation and decision

After some deliberation, the Committee voted and it was RESOLVED (with Councillors Atkinson and Mills dissenting) –

That the recommendation be adopted.

Action by: EDP&BD

Agenda Item N99 - 43 Wallingford Avenue, W10

Officer introduction (DT)

The Development Management Team Leader - North introduced the report, and informed the Committee that there was an existing planning permission for a basement and rear extension, expiring in April 2016, which should be given significant weight. He gave an
electronic presentation, explained differences between the application before the Committee and the existing planning permission, and drew attention to the recommended conditions.

Members of the Committee commented that the proposed grille would be visible from the road.

Responding to questions from the Committee, the Planning Officer stated that the proposed grille would be painted black and advised that it would have to be widely visible to amount to any harm. The Planning Officer stated that the trees would have been taken into account.

The Assistant Head of Development Management and Conservation clarified that a modification had been made by the Planning Inspector in respect of emerging basement policy CL7 h), which was relevant when considering this application.

Committee deliberation and decision

After some deliberation, the Committee voted and it was RESOLVED (with Councillor Atkinson dissenting) -

That the recommendation be adopted.

Action by: EDP&BD

Councillor Mills left the room for the following item.

Agenda Item N101 - 82 Princedale Road, W11

Officer introduction

The Development Management Team Leader - North introduced the report, summarising the application. He gave an electronic presentation which included photographs of the application premises and an artist's impression.

Committee deliberation and decision

The Chairman stated that he had visited the premises and asked whether the proposed fenestration was appropriate.

Members of the Committee commented that the proposed side and rear elevations were not in keeping with the Conservation Area with particular concern in relation to the proposed windows which extended to floor level.

The Planning Officer confirmed that no changes were proposed at roof level and explained that any changes to the proposed floor level windows to the rear of the building were beyond the scope of a condition as there could be consequential internal implications.

After some deliberation, the Committee voted and it was RESOLVED –
That the application be refused on the grounds that the proposed windows to the rear of the building with sills deepened to ground level would neither preserve nor enhance the Conservation Area.

**Action by:** EDP&BD

**Councillor Mills returned to the room for the following items.**

**Agenda Items S113 and S114 - 40 and 41 Hans Place, SW1X**

*Officer introduction (DM)*

The Planning Officer introduced the reports, summarised both applications and gave an electronic presentation.

Responding to questions from Members of the Committee, the Planning Officer stated that the two storey basement would be approximately 13.5 metres deep when measured from street level and confirmed that this included the depth of the proposed pool.

**Committee deliberation and decisions**

**Agenda Item S113**

The Committee voted and it was RESOLVED (with Councillor Mills abstaining) -

That the recommendation be adopted.

**Agenda Item S114**

The Committee voted and it was RESOLVED –

That the application be REFUSED on the grounds that it was contrary to the emerging Core Strategy policy CL7.

**Action by:** EDP&BD

**Agenda Item S111 - 49 Cheyne Place, SW3**

*Officer introduction (SS)*

The Planning Officer drew the Committee's attention to the Addendum Report and introduced the report, summarising the application.

Responding to questions from the Committee, she confirmed that borehole tests had been carried out to the full depth of the proposed basement and confirmed that the Construction Method Statement had been updated. She confirmed that the CTMP for the proposed three storey basement had not yet been approved.

**Committee deliberation and decision**

The Chairman commented that the proposal complied with the Council's existing policies for subterranean development and stated
that it was preferable to submit a CTMP closer to the commencement of works.

After some deliberation, the Committee voted and it was RESOLVED –

That the application be REFUSED on the grounds that it did not comply with emerging Core Strategy policy CL7 in respect of the proposed depth, garden area, lightwell and grilles.

**Action by: EDP&BD**

**Agenda Items S115 and S116 - 149-151 Old Church Street, SW3**

*Officer introduction (SS)*

The Planning Officer introduced the report and gave an electronic presentation. She confirmed that nothing would be attached to the historic fabric of the building and that the proposed poles and cameras would be discreet.

Responding to questions from Members of the Committee, the Planning Officer stated that Councillor Pascall had expressed concern about the number of planning applications submitted in relation to this site.

**Committee deliberation and decision**

After some deliberation, the Committee voted and it was RESOLVED (with Councillor Atkinson dissenting and Councillor Mills abstaining) –

That the recommendations be adopted.

**Agenda Items S117 and S118 - 149-151 Old Church Street, SW3**

*Officer introduction (SS)*

The Development Management Team Leader - South introduced the report and summarised the application. She gave an electronic presentation.

**Committee deliberation and decision**

The Committee voted and it was RESOLVED (with Councillor Atkinson dissenting) -

That the recommendations be adopted.

**Councillor Mills left the Committee room for the following Agenda Item.**

**Agenda Item C78 - 74 Abingdon Villas, W8**

*Officer introduction (ER)*

The Development Management Team Leader - Central introduced the report and gave an electronic presentation. She confirmed that the
proposed basement excavation exceeded 50 per cent of the garden, but was less than 85 per cent.

Committee deliberation and decision

Members of the Committee expressed concern about the contemporary windows proposed to the rear of the building at lower ground and upper ground floor levels and commented that they did not enhance the character of the area.

The Committee voted and it was RESOLVED -

That the recommendation be REFUSED on the grounds that the proposed fenestration in the rear elevation would neither preserve nor enhance the character and appearance of the Conservation Area.

OTHER APPLICATIONS ON THE AGENDA

Officer introduction

The Planning Officers introduced each report, summarising each application. They confirmed that each of these applications before the Committee complied with the requirements of the Council’s planning policies.

Committee deliberation and decision

After some deliberation, the Committee:

RESOLVED –

That the Executive Director's recommendations be adopted in respect of the following applications:

Agenda item S112 73-74 and 75 Sloane Street, 17, 19 and 21 Pont Street, SW1X - attention was drawn to the Addendum Report, which contained minor amendments to the report, amended conditions 8 and 9 and a recommended additional informative - Councillor Mills withdrew from the room for this item.

Agenda item C79 53 Scarsdale Villas, W8

Action by: EDP&BD

Withdrawn - 37 Clabon Mews, SW1X

ANY OTHER URGENT MATTERS

No further business was transacted at the meeting.
The meeting ended at 10.05pm

Chairman
Appendix D

Royal Borough of Kensington Chelsea - Policy CL2
Policy CL2

Policy CL2 Design Quality

New Buildings, Extensions and Modifications to Existing Buildings

The Council will require new buildings, extensions and modifications to existing buildings all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions.

To deliver this the Council will, in relation to:

Architectural Design

a. require development to be:
   i. Functional - fit for purpose and legible;
   ii. Robust - well built, remain in good condition and adaptable to changes of use, lifestyle, demography and climate;
   iii. Attractive - pleasing in its composition, materials and craftsmanship;
   iv. Locally distinctive - responding well to its context;
   v. Sustainable - in the use of resources, construction and operation;
   vi. Inclusive - accessible to all;
   vii. Secure - designs out crime.

b. require an appropriate architectural style on a site-by-site basis, in response to:
   i. the context of the site;
   ii. the building’s proposed design, form and use;
   iii. whether the townscape is of uniform or varied character.

c. facilitate the redevelopment of ‘eyesores’ by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable;
Appendix E

Royal Borough of Kensington Chelsea - Policy CL3
Policy CL 3

Policy CL3 Heritage Assets - Conservation Areas and Historic Spaces

The Council will require development to preserve and to take opportunities to enhance the cherished and familiar local scene. Character or appearance of conservation areas, historic places, spaces and townscapes, and their settings.

To deliver this the Council will:

a. require development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.

b. resist the change of use of any building where the current use contributes to the character of the surrounding area and to its sense of place.

c. resist substantial demolition in conservation areas unless it can be demonstrated that:

i. the building or part of the building or structure makes no positive contribution to the character or appearance of the area;

ii. a scheme for redevelopment has been approved;

d. require a replacement replica in the event of a collapse or unauthorised demolition of a structure that made a positive contribution to the character or appearance of in a conservation area; a replacement replica of the structure where the original made a positive contribution to the character and appearance of that conservation area.

e. require full planning applications in conservation areas
Appendix F

Royal Borough of Kensington Chelsea - Policy CL5
Core Strategy Policy CL5:

Policy CL5 Amenity Living Conditions

The Council will require all development new buildings, extensions and modifications and small scale alterations and additions, to achieve standards of amenity. Ensure good living conditions for occupants of new, existing and neighbouring buildings.

To deliver this the Council will:

a. require applicants to relate proposed living conditions to those in the immediate area, the character of the built form and spaces, and the expectation of higher standards in new developments.

b. require good daylight and sunlight amenity for new buildings, gardens, terraces and balconies and amenity spaces, and that the conditions of existing adjoining buildings, gardens, terraces and amenity spaces balconies are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;

c. require that there is reasonable visual privacy for occupants of new development and, as the result of new development, no significant increase in overlooking of, or disturbance to, neighbouring properties, gardens, terraces or balconies; nearby buildings;

d. require that there is no harmful increase in the sense of enclosure to existing buildings and spaces neighbouring gardens, balconies and terraces;

e. require that development does not harm the prospect from the upper floors of nearby properties;

f. require gardens, balconies or terraces to be of a size that is proportionate to the size of the house or flat;

g. d. require that there is no significant impact on the use of buildings and spaces due to increases in traffic, servicing, parking, noise, disturbance, odours or vibration or local microclimatic effects.
Appendix G

Example of Approved Basement Applications
Within Seymour Walk

Approved Planning Drawings
Application Refs: PP/12/01059 11 Seymour Walk

Approved Planning Drawings
Application Refs: PP/14/04026 22 Seymour Walk
EXISTING REAR ELEVATION

PROPOSED REAR ELEVATION
SECTION BB

Outline of existing property

New timber rail to existing boundary wall

SCALE