

PLANNING APPLICATION PUBLIC COMMENT

Application number: PP/17/07888
Site Address: 132B Fulham Road, LONDON, SW3 6HX
Proposal: Demolition of dwelling house and erection of a two storey 2-bedroom detached house with subterranean development

Comment received: Dear Sirs

We act on behalf of 35-37 Cranley Gardens (Reversions) Ltd (the Objector) who is the owner of 35-37 Cranley Gardens which is adjacent to the Application Site and who wish to OBJECT to the Application for the reasons set out below.

Basement Development

The Objector has substantial concerns about the proposed basement excavation, and the impact on Cranley Gardens due to soil movement and/ or subsidence.

The Ground Movement Assessment Report of October 2016 prepared by CGL to support the Application states that the neighbouring properties (including 37 Cranley Gardens) do not share party walls and have not been underpinned and hence there is a 'potential risk for ground loss'.

The assessment confirms that the underpinned boundary wall of 132b is located at minimum 1m distance from Cranley Gardens. The maximum impact and ground movement of the propped development at this restraint location is estimated in the order of a net 0.5mm of upward movement. The report states that 'very good quality workmanship' is 'essential' in controlling further movement. The report concludes that provided that good workmanship is applied then the effect on Cranley Gardens is expected to be negligible. The Objector has reservations that the planning system can adequately control and deliver the very good quality workmanship required by the report to minimise the damage to Cranley Gardens.

The Construction Method Statement submitted in support of the Application also states that the critical factor in controlling ground movement and the effects on adjoining properties is the degree of propping of the walls during excavation and the transfer from the temporary props to the permanent structure. Differential movement is expected to be minimum however the entire structure will need to be monitored for the whole duration of the construction period.

The report also states that the works for the new basement should not affect the adjoining properties, however they will be monitored for movement and damage continuously during the installation of the

basement structure, during excavation and at transfer of load. The monitoring will not require any fixings to the adjoining structure and all measures will be subject to agreement with the owners and occupiers of these premises under the requirements of the Party Wall Act. No such agreement has been reached with the Objector.

The report concludes that an appropriate monitoring regime will be adopted to manage risk and potential damage to the neighbouring properties.

The Local Plan advises that applicants wishing to undertake basements are strongly advised to discuss their proposals with neighbours and others who will be affected, commence party wall negotiations before the planning application is submitted. We submit that these discussions have not taken place with the Objector.

Policy CL7 states that the Council will require all basement developments be designed to safeguard the structural stability of nearby buildings. We submit that the Application is contrary to policy CL7 as adequate safeguards to minimise the damage to Cranley Gardens cannot be secured by a planning condition.

Should the Council be minded to grant planning permission the Objector wishes to ensure that there is a condition which requires the submission and approval by the Council of a monitoring regime. The Objector would also wish to be consulted on the terms of the draft monitoring regime.

Amenity

The Construction Traffic Management Plan prepared by Caneparo dated April 2016 submitted in support of the Application states that the building works may take up to 20 months to complete. It is submitted that the works will be very disruptive to a number of 35-37 Cranley Gardens owners both in terms of noise, vibration and general disruption from construction traffic.

There is a double length bus stop directly opposite the entrance to the Application Site leaving a maximum 8 meter road space to the opposite kerb, so the additional presence of a parked, high sided commercial vehicle would reduce this substantially and although Caneparo Associates calculate 'two large cars' can pass the Objector considers that this will be very difficult. Fulham Road contains bus routes 14, 211, 345 and 414 and commercial vehicles favour this arterial route into Central London. It is submitted that the construction traffic will cause gridlock in this area with larger vehicles. Recently Fulham Road was reduced to a single lane in this location with the road works in Old Church Street. The grid lock was so severe that it backed up to South Kensington and Brompton Road causing severe disruption in the area contrary to policy CL5.

It is submitted that the Application will lead to further congestion in a narrow passage between two bus stops of an already congested road causing further disruption to surrounding neighbours for a

considerable period of some 20 months.

In addition traffic management on the Fulham Rd will be disrupted with undoubted challenges for access to the Application Site. We note the proximity of a number of hospitals to the Application Site which are dependent on clear running traffic on Fulham Rd for emergencies.

The Council will require all new development ensures good living conditions for occupants of new, existing and neighbouring buildings (policy CL5). The Council will require that the reasonable enjoyment of the use of buildings gardens and other spaces is not harmed due to increase in traffic, servicing, parking, noise, disturbance, odours or vibration. We submit that the Application is contrary to policy CL5 for the reasons set out above.

Design

Policy CL1 of the Local Plan requires all development to respect the existing context, character and appearance taking opportunities available to improve the quality and character of buildings and the area and the way it functions including being inclusive for all.

Policy CL1 requires development to:

- contribute positively to the townscape through the architecture and urban form addressing matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials and historic fabric;
- respond to local context;
- require the density of development to be optimised, sensitive to context;
- require the development of backland sites to ensure that the scale and massing respect the hierarchy of the existing urban block so as to enhance the character of the area.

Policy CL2 requires 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.

We submit that the Application represents a new highly modern building that has no respect for the adjoining existing development. The existing building is a 1980s building which was designed to be sympathetic to its surroundings. The Application Site is set within a distinctive townscape and if the Application cannot respond to and respect its surrounding then perhaps it suggests that the Application Site is not suitable for further redevelopment. Indeed there is no justification provided in the Application suggesting why the existing property needs to be demolished.

The last report from the RBKC Architecture Appraisal Panel provided in the Application still has some outstanding concerns with regard to the design of the building together with an overriding concern about the internal planning of the building. We are not

aware if these concerns have been addressed by the applicant.

Listed Building

To the north east and attached to the Application Site is a grade II listed terrace known as 128-132 Fulham Road.

There are a number of other designated heritage assets in the immediate vicinity of the Application Site.

There is a statutory duty on the local planning authority to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess' (section 66 Planning (Listed Building and Conservation Areas) Act 1990).

The explanatory text to policy CL4 of the Local Plan confirms that listed buildings can be negatively affected by unsympathetic neighbouring development. Such changes can diminish the architectural and historic value and detract from their setting. The setting of a listed building and the surroundings in which it is experienced can also contribute to its special interest.

It is submitted that the Application does nothing to preserve the adjoining listed building or its setting. Indeed it is submitted that it detracts from it by reason of its inappropriate design.

Conservation Area

The Application Site is within the Thurloe Smiths Charity Conservation Area.

There is a statutory duty on the Council to 'pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area' Section 72 Planning (Listed Building and Conservation Areas) Act 1990.

Policy CL3 states that the Council will require development within Conservation Areas to preserve and to take opportunities to enhance the cherished and familiar local scene. To deliver this the Council will:

Require development to preserve or enhance the character or appearance of the conservation and protect the special architectural or historic interest of the area and its setting;

Resist substantial demolition in conservation unless it can be demonstrated;

In the case of substantial harm or loss to the significance of a heritage asset it is necessary to achieve substantial public benefits that outweigh that harm or loss;

In the case of less than substantial harm to the significant of a heritage asset that public benefits including securing the optimum viable use, outweigh that harm;

- The building or part of the building or structure makes no positive contribution to the character or appearance of the area.

The existing property does make a contribution to the character of the Conservation Area in that its design respects and is sympathetic to its surroundings. By reason of the proposed demolition we cannot see therefore how the Application 'preserves' or 'enhances' the conservation area for the reasons set out above. To allow the Application would therefore be a breach of the statutory duty for which no justification has been given. We do not accept that the existing building makes 'no positive contribution' to the character of the area therefore we believe that the Application is contrary to policy CL3. No valid evidence has been provided to justify the demolition of the existing building.

Daylight and Sunlight Study

We note that a Daylight and Sunlight Study has been submitted in support of the Application.

The Council will require all new development ensures good living conditions for occupants of new, existing and neighbouring buildings (policy CL5). The Council will ensure that good standards of daylight and sunlight are achieved in new development and in existing properties affected by new development and require that there is reasonable visual privacy for occupants of new development and for occupants of existing properties affected by new development; require that there is no harmful increase in the sense of enclosure to existing buildings and spaces, neighbouring gardens, balconies and terraces.

The Objector is concerned about the reduction of light in flats 14, 15 and 16 of Cranley Gardens and has commissioned specialist advice from Anstey Horne, a copy of which is attached. The report concludes that proposed development will result in very harmful adverse effects on the residential amenity to the lower ground floor flats in 35-37 Cranley Gardens. There will be an adverse effect on light that the applicant's Daylight and Sunlight Study has not quantified. Furthermore, the proposed development will result in an unacceptable overbearing sense of enclosure to the lower ground floor flat at 37 Cranley Gardens.

We therefore respectfully request the Council to refuse planning permission for the reasons set out above.

Yours faithfully

Sent by: Hill Dickinson LLP
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Objection