

# **A STATEMENT OF OBJECTION TO THE DEMOLITION AND REDEVELOPMENT OF 132B FULHAM ROAD**

## **Introduction:**

This statement of objection has been prepared at the request of Mr Robert Hughes who is the owner of the lower ground floor apartment at 37 Cranley Gardens by me being a Borough Councillor on another Council for twenty four years and having served on planning committees and policy planning committees for that same period of time. I am also a director of a planning and construction consultancy. I visited site on 2<sup>nd</sup> January in the company of Mr Hughes. Subsequent to that visit I advised Mr Hughes to also obtain a report from a specialist planning consultant together with a report regarding construction proposals analysis from other independent consultants.

The principal of demolition of the existing building is in doubt due to inexact information regarding the history of the structure within a conservation area.

## **Main Planning Considerations**

### **RBKC Consolidated Local Plan:**

- |                      |                 |
|----------------------|-----------------|
| 1. Conservation Area | CL3 CL11        |
| 2. Listed Building   | CL4             |
| 3. General Townscape | CL1 CL2 CL6     |
| 4. Living Conditions | CL5 CE6         |
| 5. Subterranean Dev. | CL7 CT1 CE1 CE2 |

### **Supplementary Planning Documents:**

1. Basements

### **Other Structural Relevant Documents:**

1. Thurloe/Smith's Charity Conservation Area Proposal  
([www.rbkc.gov.uk/CAPS](http://www.rbkc.gov.uk/CAPS))

### **Key Issue:**

- 1 Principle of Demolition and the impact on the character and appearance of the Conservation Area.
- 2 The quality of the proposed accommodation
- 3 The impact on the living conditions of neighbouring properties and the structural stability of those properties taking into consideration the excavation of a basement.
- 4 Suitability of the development with regard to trees, landscape, drainage and flooding.

## **Building in a Conservation Area**

The existing building is situated in the Thurloe Estate and Smith's Charity Conservation Area, is unlisted and lies back from the road behind a 3M high brick wall.

The only access to the property from the street is via a standard width single door set into the wall.

To the North East of the site is a Grade 2 listed early 19<sup>th</sup> century terrace of cottages constructed of brick with stucco work at the ground floor level to the front elevation.

To the South West is 37 Cranley Gardens which is a six story late nineteenth century mansion building.

## **RBKC Thurloe Estate and Smith's Charity Conservation Area Appraisal (Oct. 2016)**

### **130-132 Fulham Road**

*"These three stock brick houses date from the early 19<sup>th</sup> century and have Georgian paned sashes, fanlights over their multi-panelled front doors, flat frontages and anthemion balconies to the first floors. They are set secretively behind treed front gardens. **There is a concealed house immediately to the West accessed by a door in the wall which retains the leafy character of gardens surrounding the houses**"*

This last sentence refers to 132B Fulham Road and would indicate the "*concealed house to the West*" is pertinent to the setting of the terrace.

The Grade 2 listed terrace is constructed of yellow brick bonded with traditional lime mortar which is now brittle with age. There is stucco to the front elevations and anthemion balconies to the first floor fronts. It is obvious that the early 19<sup>th</sup> century terrace is fragile and major excavation and construction work within a few centimetres of the actual construction could prove catastrophic. The mansion building on the other side dates from the late 19<sup>th</sup> century and is reputedly the last major project by Sir Charles Freake. The building at 132B Fulham Road was originally part of the 37 Cranley Gardens mansion development though later sold off and became a separate property.

The proposed development will fail to preserve the setting of the adjoining Grade 2 listed terrace at 130-132 Fulham Road contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and will also fail to sustain the significance of the conservation area of the adjacent property as designated heritage assets contrary to para.131 of the National Planning Policy Framework.

## Key Issues

In considering the demolition of the existing building, Policy CL3 of the RBKC Core Strategy is highly relevant. The policy resists substantial demolition in a conservation area unless it can be demonstrated that:

- 1 Such demolition will result in substantial public benefit that demonstrably outweighs the loss of a heritage building.
- 2 The public benefit will include optimum viable use.
- 3 The existing building makes no contribution to the character or appearance of the area.

It is contended that the applicant has been unable to demonstrate any substantial public benefit that will be gained from the demolition of the existing building in the conservation area. There is obviously no public benefit in respect of optimum public benefit.

As noted above, the Council's Conservation Area Assessment states that the existing house contributes to the character of the Conservation Area.

A drainage plan of 1899 shows a single story building described as a "Billiard Room" and serving 37 Cranley Gardens. A later drainage drawing dated 1929 shows the same building though no longer described as a "Billiard Room" but as a "Dining room and Kitchen" now serving the ground floor flat at 37 Cranley Gardens. All this indicates that the building was probably contemporary with 37 Cranley Gardens.

It would therefore be considered necessary for a historical assessment of the site to be carried out to establish the value of the building on the site with regard to its historical significance to the Conservation Area.

It has been contended that the present building on the site appears to be of relatively modern construction (possibly 1980's). However it is possible that much of the building, particularly at lower levels, is of earlier construction. This is enhanced by the fact that the planning application submitted in June 1986 speaks of "conversion" of the existing building.

The present building in both appearance and style looks contemporary with 37 Cranley Gardens and as such is in character with the Conservation Area. It is certainly worthy of consideration that departure from that style would be detrimental to the character of the Conservation Area.

In the Planning and Heritage Statement accompanying the present application, the Applicant has written at paras 3.10 and 3.12:

*In 1986, plans were submitted for a two storey property at the rear of no. 37 Cranley Gardens, on a similar site to the previous studio (figure 17). This structure is the present building at no 132b Fulham Road. This appears to largely occupy the same footprint as the original structure, although some land for no. 35 Cranley Gardens may have been acquired to extend its plot. A site inspection suggests that no original fabric from this earlier structure remains.*

*3.12 The building at no. 132 Fulham Road therefore dates from the late 1980s.*

In the light of the 1986 planning documentation, this representation, that 132b is a modern building constructed after 1986, (and disparaged in the Planning and Heritage Statement by the present applicant as being of no merit) must surely be incorrect. 132b was an extension of the Studio, developed with the Council's approval to maintain its charming, somewhat quirky style.

### **Recent Planning History:**

The site has been the subject of at least two previous planning applications in the relatively recent past.

An application in 2016 was withdrawn following concerns expressed by the RBKC regarding the close proximity of the proposed basement to the foundations of the Grade 2 Listed Georgian terrace.

Although no mention was made by RBKC regarding any potential impact on 35-37 Cranley Gardens, it should be noted that Historic England believe that any future decision on a listing of that building would be "*very finely balanced*" which is further supported by the existing Grade 2 listing of much of the immediately neighbouring Evelyn Gardens which is generally still within the Thurlo Smith Estate but post Sir Charles Freake and lacking some of the additional architectural embellishments of 37 Cranley Gardens.

A previous application was made in respect of the site in 1986 (RBKC Application No. TP/86/2030/M/39) and was approved by the local planning authority. However this application was to convert the existing single story property to a two story dwelling employing the main ground floor building fabric. In other words building on top of the then existing walls.

The application did not therefore require the demolition of the existing fabric of the building nor did it seek to excavate a basement.

It is the contention therefore that this previous permission cannot in any way be taken as precedence in any decision to grant the current application.

However it should be noted that in granting permission of the 1986 application, the local planning authority (RBKC) did impose conditions. The most relevant of those was regarding further development of the site.

Condition 3 stated that

*"No further additions, extensions or enlargements shall, at any future time, be erected or constructed to any part of the premises without prior permission of the Council"*

The reason for the imposition of this condition was given as:

*"The erection of any further additions or extensions would result in an overdevelopment of this restricted site"*

The current application is for a much larger extension than was proposed in the 1986 permission.

A further condition stated:

*"All new or replacement external finishes shall be carried out in materials to match the existing facing work....."*

The reason for this condition was given as:

*"To ensure that the external appearance of the building is satisfactory"*

### **The Current Proposal and Potential impact:**

It is clear that the proposed replacement dwelling would be constructed using modern materials totally out of keeping with the surrounding buildings and would therefore be harmful to the Conservation Area. The use of "Corten" (weathering steel) would be highly controversial. The applicant contends that the use of this material shares the benefits of good quality and construction to compliment the historic buildings with the ultra modern design of the proposed dwelling. It has been proved that the ageing process of this material is unpredictable and patchy. Unacceptable "bleeding" will certainly run to the fresh water drain beneath 37 Cranley Gardens. Run-offs have been shown to disfigure pavements and probably the stonework of the adjacent buildings. The US Steel Tower in Pennsylvania is a prime example. It is contended that this is not either a desirable or appropriate method for the construction of a residential dwelling in a conservation area particularly as it abuts the wall of a Grade 2 Listed building.

In addition to this, much of the south eastern elevation of the proposed dwelling would be significantly closer to the rear of 37 Cranley Gardens and would significantly reduce daylight to the two habitable rooms plus the kitchen particularly for the lower ground floor apartment which would suffer an unacceptable reduction to the occupier's amenity.

Policies CL1, CL2 and CL11 of the RBKC consolidated Local Plan 2015 seeks to retain the character and appearance of the conservation area and protect the special architectural or historic interest of the area and its setting. It is clear that the choice of design and materials of the proposed dwelling will be totally out of character with other buildings within the Conservation Area and the proposal therefore conflicts with those policies and are serious and pertinent grounds for refusal.

In the previous application the applicant wrongly assumed that the present dividing wall is 3M in height whereas the structural wall is in fact 2M in height and the additional 1M is achieved by the use of a wooden trellis which is, for the most part, secured on Mr Hughes' side of the wall. Mr Hughes alone has maintained this trellis since 1997. Mr Hughes contends that the trellis is a temporary structure and he reserves the right to reduce or remove it altogether to achieve the balance of privacy against light. As stated above, the applicant previously wrongly assessed the issue but seems to have corrected it in the current plans. The height of the wall should therefore be assessed against the potential loss of light and amenity to the residents of 37 Cranley Gardens at the present 2M. height.

Policy CL5 (Living Conditions including those of neighbouring properties) is of great significance when considering the current proposal being that there is greater potential for overlooking 37 Cranley Gardens and as discussed above the amenity of daylight in habitable rooms is greatly compromised. The amenity of the residence of 37 Cranley Gardens will also be compromised by the increase in the potential level of light spillage both from the full length window and from the skylights to the upper floor. These are further pertinent grounds for refusal.

Policy CL7 covers all aspects of the construction of basements and all associated subterranean work and also refers to the method on construction and the impact during construction on the surrounding area and infrastructure system. It is noted that undue adverse impact on the flow of traffic can in itself be a reason for refusal of a planning application. The policy and associated guidance also seeks to control the noise, vibration and general inconvenience to neighbouring properties during construction work.

CL7 also restricts the development of a basement to 50% or less of the garden area surrounding the property. It is clear from the application drawing that the area affected would be far greater than the 50% maximum. Again a pertinent ground for refusal

It is beholden upon the Local Planning Authority by virtue of its obligations under the NPPF to encourage neighbourhood consultation by an applicant. It would appear that no such consultation, formal or otherwise, has taken place. The NPPF also states that *“a new development [should make] a positive contribution to the local character and distinctiveness”* Arguably this is not the case in this instance.

As already stated above the proposed development will fail to preserve the setting of the adjoining Grade 2 listed terrace at 130-132 Fulham Road contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and will also fail to sustain the significance of the conservation area of the adjacent property as designated heritage assets contrary to para.131 of the National Planning Policy Framework.

### **Conclusion:**

For all the reasons set out above the proposed development would conflict with Policies CL1, CL2, CL11, CL5 and CL7 of the Local Planning Authority's Consolidated Local Plan 2015, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 131 of the National Planning Policy Framework.

The Council is therefore urged to dismiss the application.

**Barry J F Cheyne**

**February 2018**