

PP/17/07888 132B Fulham Road, LONDON, SW3 6HX

Listed Building Grade: 2

Demolition of dwelling house and erection of a two storey 2-bedroom detached house with subterranean development

I write again for the Kensington Society and in support of our members to object to the application for the demolition and construction of 3 storey house on this small site.

Objection:

- **Safeguarding the structural integrity of the adjoining listed building, No132 Fulham Road and adjoining No37 Cranley Gardens;**
- **Harm to listed building;**
- **Harm to the Thurloe and Smith's Charity Conservation Area and the association to the listed building in the immediate area;**
- **Contrary to Local Plan policies;**
- **Harm to the living conditions of the adjoining property;**
- **Construction outside site ownership;**
- **Excessive basement;**
- **Unacceptable CTMP;**
- **Harm to heritage asset;**
- **Oppose demolition;**
- **Loss of Daylight, loss of privacy, increase in sense of enclosure;**
- **Excessive skylight/rooflights: light pollution and privacy harm;**
- **Increase in impermeable surface, loss of plating area and increase in water run-off;**
- **Lifetime home; and**
- **No public benefit: NPPF**

Safeguarding the structural integrity of the adjoining listed building, No132 Fulham Road and adjoining No37 Cranley Gardens.

As before our concerns centre on the potential damage to the Listed Building, No132 Fulham Road. Though a bit more detail than before the structural details are lacking. Insufficient information has been submitted to demonstrate the structural stability of the neighbouring listed building would not be at risk from the subterranean extension beyond any reasonable doubt. This existing boundary wall is integral to the listed building. It is obvious that works against the listed wall will have consequences. In addition, there is insufficient structural information on the replacement of the boundary wall to No37 Cranley Gardens which is required for the massively deep basement,

By reason of proximity, proportions and reduced separation between the listed terrace houses and the proposed the effect of the proposal would be harmful to the integrity of the listed building and would undermine their significance. The subterranean extension could therefore harm the character and appearance of the conservation area and the special architectural and historic interest of the proposal and adjacent listed buildings, contrary to policies of the development plan, in particular Local Plan (LP) policy CL4 and CL7.

CL 7 Basements

The Council will require all basement development to:

- e. comply with the tests in national policy as they relate to the assessment of harm to the significance of heritage assets;*
- f. not involve excavation underneath a listed building*

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building.

In addition, the Basement SPD Alan Baxter stated their guidance in the formulation of the basement policy on ways to reduce risk in basement construction. This advice is set a minimum for basements near to listed building as 1.5m to 2m separation with piled foundations, or up to 5m where excavated systems are used. According to the drawings, the walls are located on the line of the listed building external western wall and are in line with the assumed edges of the foundations.

In our opinion the applicant has failed to demonstrate by reason of a lack of information, in particular a satisfactory Construction Method Statement containing structural calculations, that the proposed subterranean development would safeguard the structural stability of existing listed building and the neighbouring buildings and therefore has not demonstrated that the proposals would not harm the special architectural or historic interest of the building, contrary to policies of the LP in particular policy CL4 and in particular Local Plan policy CL7 (e) and (f).

Harm to listed building

The proposed new building would reduce the separation between adjoining Grade II listed properties of 130 and 132. This would erode the setting of the terrace and diminish the distinction between the twin listed building and existing detached house. Given the significance of this group of buildings, the proposal would fail to preserve both the setting of the Grade II listed building and the character and appearance of the conservation area.

Harm to the Thurloe and Smith's Charity Conservation Area and the association to the listed building in the immediate area

The design of the building is glaring alien in the context of the adjoining listed buildings, the site and the Thurloe and Smith's Charity Conservation Area. The LP is very specific about the amount of protection our historic environment requires and as chapter 3 Building on Success: Our Vision and Strategic Objectives stress that we must protect "the high quality historic environment" and must ensure that "new developments are of equivalent quality, so that we pass on a legacy to future generations, including quality within the public realm".

This site is within the Strategic Cultural Area and the council recognises "*that any development within the Strategic Cultural Area must be of the highest quality and reflect the historic and architectural interest of the area.*"

In addition, the LP recognises the "*inevitable pressure for change, as the existing, often historic, building stock is updated, renewed or replaced to meet today's needs and changing lifestyles*"... "*These changes are not only physical. The mixed uses in the borough – as set out in Keeping Life Local and Fostering Vitality – are an integral part of the borough's character. Even small changes of use, that reduce the finely grained mix of uses that are interspersed in our residential areas can be damaging to the quality of the borough.*" 34.2.2

34.3.2 Over and above the pure preservation of our historic urban fabric, the Council has embraced the principle of resisting design that fails to take the opportunities available for improving the character and quality of the area and the way it functions. Assessment of planning applications is therefore based on whether they are 'good enough to approve' rather than 'bad enough to refuse' to ensure the continuation of our existing high quality environment.

Contrary to Local Plan policies

The LP policy CL1 seeks respect for the context, character and appearance and sets out further requirements to this end. Policy CL2 concerns design quality and an appropriate architectural style will be required on a site-by-site basis, in response to the context of the site, the proposed design, form and use; and whether townscape is varied or uniform in character. Heritage assets are the subject of Policies CL3 on conservation areas and CL4 on listed buildings. Views, vistas, gaps and the skyline that contribute to the character and quality of the area are to be protected under Policy CL11. In all these cases this proposal is contrary to these policies.

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to the desirability of preserving the listed building or, importantly in this case, its setting. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The LP requires that where new buildings are proposed the policies seek to conserve and protect the valued features of buildings and their surroundings, and the character and appearance of conservation areas, both as seen and appreciated in public views of the street scene and in more private views from nearby houses and gardens.

As a matter of aesthetic judgement, we find that the proposed new building would not respect the context, character or appearance of the conservation area nor the listed buildings adjoining the site as required by the policies within the LP. Further, the exposed concrete, metals and forms proposed would not preserve or enhance the character or appearance of the Thurloe and Smith's Charity Conservation Area as a whole and would conflict with the provisions of policy CL3 of the Core Strategy in relation to the conservation of heritage assets.

The application of rusted metal with what appears to be either moth holes or peppered shot covering vast over amounts of glass is harmful to the conservation area and as stated is the totally acceptable and should be refused.

Harm to the living conditions of the adjoining property

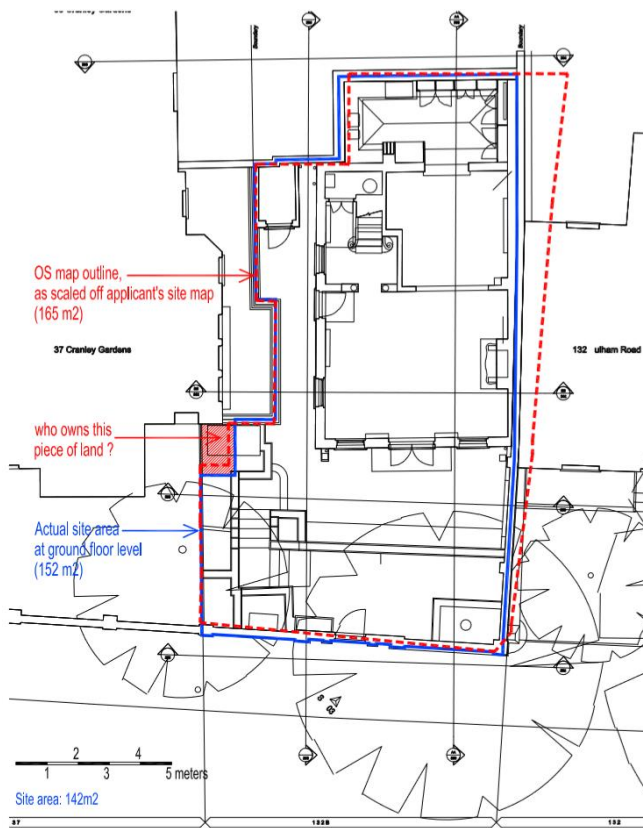
The negative effect of the new structure will harm the good living conditions of the adjoining residents reduce their privacy, increase the overlooking, sense of enclosure, cause light pollution especially No37 Cranley Gardens. The increase in height of the boundary wall between the site and No3's only outdoor space and the lower ground habitable rooms will reduce the daylight and greatly increase the sense of enclosure.

In addition, the extensive, full height and width of the proposed sliding glass windows on the west elevation will further this sense of enclosure and reduce the privacy of No37. This is contrary to CL5 a, b, c, d, and e.

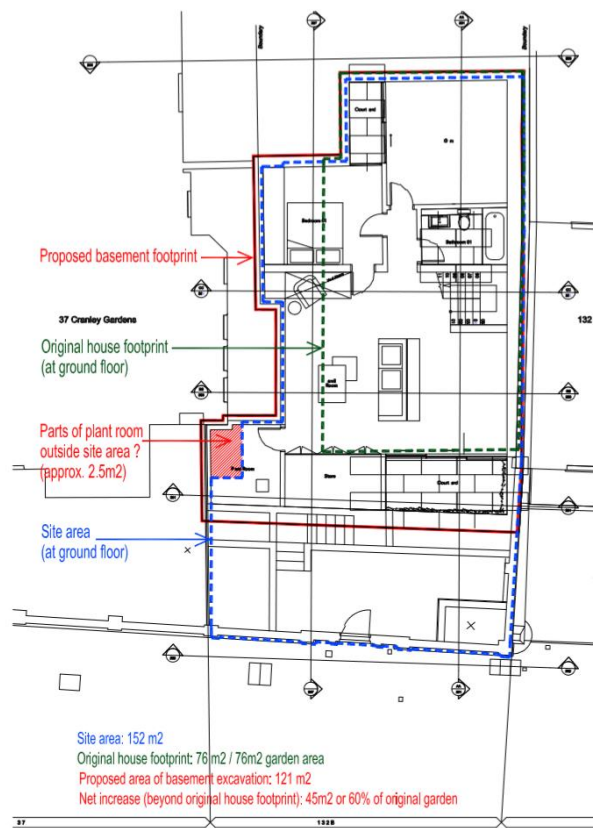
Construction outside site ownership

The first map is from the OS map and shows what the application notes as the "site". The next 2 plans are the existing ground floor plan on the left and the proposed basement plan. Notice that the OS map has a corner piece at of the western property line which is not within the site. However, when compared to the next plans the corner is incorporated into the

construction. It even becomes the plant room in the basement. It appears the proposal encroaches into the corner of No37 Crawley Gardens (red area) .



132B Fulham Road - Existing ground floor plan
1:100 @ A3 / RevA on 12.02.2018



132B Fulham Road - Proposed basement plan
1:100 @ A3 / RevA on 12.02.2018

Excessive basement

The CL7 basement policy is very clear on several issues which effect this application: basements under or near listed buildings (addressed elsewhere), limit of 50% of the garden, the requirement for sustainable drainage system (SuDS), excessive and large lightwells (addressed elsewhere), and 1m of soil above the basement within a garden. All of these the proposal contradict.

The site is 152 m2. The existing house is 76 m2 and the garden 76 m2. The existing house has no basement. The new proposal has a basement of 121 m2 or 80% of the entire site and is 60% of the garden.

There is no soil above the basement which extends into the garden. It is all hard surface and will increase surface water run-off (covered elsewhere) and prevent any planting.

The proposal does not comply with CL7.

Unacceptable CTMP

The site is on one of the busiest streets in the borough with three large hospitals with a half a mile way and multiple buses routes. We are opposed to any permanent/renewable on street extensive road suspension. Soils should be bagged and loaded on to a HGV which is loaded at off peak daytime hours. Contractors prefer the conveyor belt method for soils removal but this requires a permanent skip and the conveyor belt going across the pavement. As with the road traffic, this is a busy pedestrian and cycling area with families and shoppers coming and going. If at all the suspension should be controlled in working hours and suspension not imposed after 5.30pm and not at all on weekends. The construction period is 20 months. The NPPF require that construction be for the public benefit. Viewed in light of public benefit, we would say it has no public benefit and in fact, has public harm. The harm to the general public for the benefit of one is excessive, unnecessarily protracted or unjustifiable.

As CL7 (k) requires a basement proposal must *“ensure that traffic and construction activity do not cause unacceptable harm to pedestrian, cycle, vehicular and road safety; adversely affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby”* and (l) *“ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works”*. Both the CTMP and the CMS are unworkable and unacceptable.

The Swept Path Analysis by Caneparo has no scale bar. Without a scale bar and without dimension of the road there is no way to truly confirm the information.

Incomplete and inaccurate information

The elevations and sections of the existing are totally misleading – perhaps on purpose as the entire proposed basement is include as if the basement was already there. This gives a very false, and as said perhaps intentional, impression that there is already a basement.

Harm to heritage asset

We agree the existing building is “scarcely visible from the street” which is a major plus point for the existing building. However, even if visible the existing building is of the quality that would not harm the CA. This proposed building will cause harm. By height contrast No35

and No37 Cranley Garden are taller but the materials are similar to the existing structure. This is architectural logical as the proposed site was once the garden of No37 Cranley Gardens. The existing's impact and association with No35 and No37 Cranley Gardens are material. As for No132 Fulham Road the existing structure neither distracts nor harms the conservation area.

Though the present structure appears to be partially rebuilt in the 1980s there has been a building on this site since 1899. The part of the present building replaced a structure which was a billiard room of No37 Cranley Gardens then a small separated flat. We are unclear when the extension was formed into part of the garden of No35 Cranley Gardens which appears to be first a conservatory then a kitchen. The structure, of course, is a new building so one could argued that it lacks heritage but it does not lack historic value. It was designed carefully to fit into its environment. The test is harm and enhancement. The existing building does not harm and does enhance.

Oppose demolition

Demolition is not justified nor necessary. Demolishing a brick building wastes the embodied energy and uses up more energy in demolition and rebuilding.

34.3.23 The partial or full demolition of a heritage asset, or its alteration, whether it be a listed building or unlisted structure of historic or architectural merit, can cause irreversible damage to the character and appearance of our high-quality townscape. The harm caused will therefore be carefully weighed up against any public benefit that might result. However, as heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

34.3.24 As the majority of the borough is covered by conservation areas, there are limited opportunities for new development because the presumption is to retain the original built fabric, whether it faces the street or not, where it contributes positively to the character of the conservation area. New buildings should contribute to the character and appearance of the conservation area.

Policy CL 3: 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.

To deliver this the Council will:

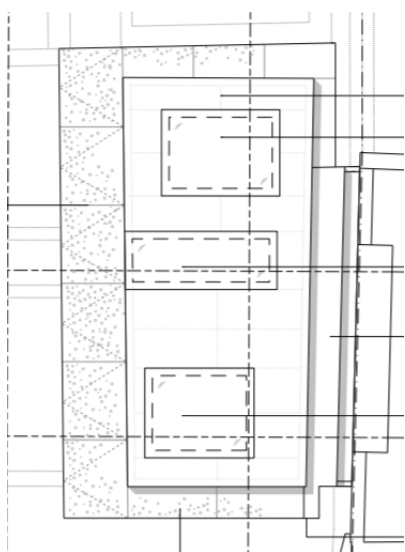
- c. resist substantial demolition in conservation areas unless it can be demonstrated that:
 - i. in the case of substantial harm or loss to the significance of a heritage asset it is necessary to achieve substantial public benefits that outweigh that harm or loss;*
 - ii. in the case of less than substantial harm to the significance of a heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm;*
 - iii. the building or part of the building or structure makes no positive contribution to the character or appearance of the area;**

Loss of Daylight, loss of privacy, increase in sense of enclosure

In reference to the Right of Light Consulting report please note as confirmed in appeal APP/K5600/W/15/3006609, APP/K5600/Y/15/3006613, the BRE guide states that its advice is not mandatory. The squaring of the roof line from the height pitch results in a building which will over shadow the lower ground floor rooms of No37 Cranley Gardens. The report has omitted the assessment of these rooms and therefore is flawed and unacceptable.

Excessive skylight/rooflights: light pollution and privacy harm

The applicant has made much about the site being “towered over by the neighbouring properties”. That is a fact. However, what must be considered is the low height of the existing building adds to its acceptable nature. What is proposed is excessive in number and size skylight/rooflights. The roof alone has three massive skylights (one 4 X 1.5m and two 2 X 1.5m) and a wraparound glazed edge on the north, west and south edge of the roof (the west is 9 X 1.2m, the north is 3.5 X .5m and the front south is 3 X .5M). Almost the entire roof is glazed in one form or another and will be a glaring beacon at night to all surrounding homes but hopefully not missed by the planning officer. This is contrary to CL7.



Roof plan

As the SPD notes under 3.8 “Such artificial features (rooflights) appearing away from the building line in the middle of private gardens can often be visually harmful particularly when illuminated at night.” The plot is overlooked by Cranley Gardens. The light from excessively large and numerous lightwells and rooflights will spill into No37 Cranley Gardens and will be like many beacons in the night.

The front lightwell is excessively deep and is an alien feature of the streetscape especially with the frameless glass balustrade.

“CL7 (g) - not introduce light wells and railings to the front or side of the property where they would seriously harm the character and appearance of the locality, particularly where they are not an established and positive feature of the local streetscape;”

“CL7 (h) - maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited; in the case of light wells and roof lights, also limit the impact of light pollution;”

“34.3.65 It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to neighbours from light pollution through roof lights and other forms of lighting.

“Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be sensitively designed and sited, respecting the existing character and appearance of the building, streetscape and gardens in the vicinity”.

The rooflights by virtue of their location, size, prominence and ability to cause light pollution, would be incongruous and unattractive features and would harm the setting of the listed building, contrary to policies of the LP in particular policy CL4 and CL7.

Increase in impermeable surface, loss of plating area and increase in water run-off

3.2 of the Basement SPD notes: *“The policy objective to provide a significant space free of development to enable natural surface water drainage and a planting area should be considered”.*

The basement covers over 60% of the site and the proposed garden is almost totally impermeable surfaces or deep lightwells. This will increase the surface flooding. The sizes of the planting areas can easily be called mean – or lacking.

It does not have the required 1m of soil. The proposal does not comply with CL7 (h) requiring the improvement and reduction of surface water run-off.

Lifetime home

The Core Strategy addresses the growing need within the borough for Lifetime Homes.

“35.3.26 Lifetime homes standards will be used to address this issue. New homes will incorporate basic design criteria to ensure that the properties are convenient, flexible and adaptable. They are designed to meet a family’s changing needs over time, but are not intended to be fully wheelchair accessible. The standards exceed those in Part M of the Building Regulations which are only concerned with enabling disabled people to visit a dwelling”.

There are allowable exceptions to this requirement within historic buildings. As this will be a totally new home it should meet all these requirements. It does not and is another reason for refusing the application.

“Policy CH 2: Housing Diversity

The Council will ensure new housing development is provided so as to further refine the grain of the mix of housing across the borough.

To deliver this the Council will, in relation to:

- b. require new residential developments, including conversions, amalgamations and changes of use, to be designed to as a minimum achieve all the following standards:*
 - i. lifetime homes;”*

No public benefit: NPPF

The harm to the adjoining listed building and the Conservation Area is a material consideration as is the disruption and traffic congestion. The existing house has two bedrooms and two full bathrooms on the first floor. The proposal has one bedroom and bathroom in the basement with deep lightwells for ventilation and daylight and another bedroom on the first floor with a bathroom. There is no increase in bedrooms. Only a gym

and a family room in the basement. It may be argued that it is less than substantial. We would not agree. This is substantial and thus, in accordance with paragraph 134 of the Framework, the harm must be balanced against the public benefits of the proposals including securing its optimum viable use. The proposal has no more bedrooms and a massive basement. In this case the benefits are for one family to replace an existing, functional home with another larger one for the benefit solely of the new owner and it has zero - perhaps negative - benefits to the public.

Conclusion

To repeat but also to emphasis, the National Planning Policy Framework seeks a high standard of design and requires development to respond to the local character and reflect the identity of local surroundings. This proposal does not respond to the local character. To be direct it responded more to a shipping container or an industrial site. Policies CL1 and CL2 of the LP are consistent with the Framework. They require development to respect the existing context, character and appearance and seek the design of new development, including modifications and alterations, to take opportunities to positively contribute to the quality and character of buildings and areas. These policy objectives are reinforced in guidance in the Subterranean Development Supplementary Planning Document (SPD) which seeks basement extensions that are well-designed in respect of the character of the property and area, structurally sound and appropriate in terms of living conditions.

Summary: the following polices directly reflect these requirements to protect and ensure our historic fabric is not damage or lost:

- CL1 (a), (b), (g), and (i);
- CL2 (a)iii, (b)i, ii, and iii;
- CL3 (a), (c)i, ii, and iii;
- CL4 (a), (b), (d)I and ii;
- CL5 (a), (b), (c), (d), and (e) and
- CL7
- No Lifetime Home Standard
- No public benefit therefore contrary to NPPF.

We ask that this application be refused under delegated decision powers for the reasons stated above. If recommended for approval, please note then Kensington Society's desire to speak as an objector.

Yours sincerely

The Kensington Society