

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

APP NO. CL/14/04830/Q26

Date: 25/09/2014

This application is for a class of development which may be determined under powers delegated to the Executive Director, Planning and Borough Development. It is not an application which any Councillor has asked to be considered by the Planning Applications Committee.

RECOMMENDED DECISION: Grant certificate of lawful proposed use.

SITE ADDRESS

28 Godfrey Street, LONDON,
SW3 3SX

**APPLICATION 28/07/2014
DATED**

**APPLICATION 31/07/2014
COMPLETE**

APPLICANT/AGENT ADDRESS

Mr J Lai
Cranbrook Basements
732 Cranbrook Road
Ilford Essex
IG6 1HU
Applicant: Professor C Fisher

<u>Listed</u>	N/A	<u>Cons. Area</u>	Chelsea	<u>Ward</u>	Stanley
<u>Building</u>					
<u>CAPS</u>	Yes	<u>Eng. Heritage</u>		<u>Art '4'</u>	No
<u>Consulted</u>	<u>Objections</u>	<u>Support</u>	<u>Petition</u>	<u>Comments</u>	
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PROPOSAL: Formation of basement under original building footprint (Certificate of Lawful Development - Proposed)

RBK&C Drawing No(s): CL/14/04830

Applicant's Drawing No(s): 2131-100, 2131-101, 2131-102, 2131-103, 2131-CLD-200, 2131-CLD-201, 2131-250, 2131-251.

CONDITIONS AND REASONS FOR THEIR IMPOSITION

1. The proposal constitutes permitted development under Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended).

INFORMATIVES

- 1 GTD/No pre-app/Est. Guid/No amend rqd

1.0 SITE

- 1.1 No.28 comprises a three storey mid-terrace property on the east side of Godfrey Street.
- 1.2 It is not a listed building, or under any Article 4 directions, but is located within the Chelsea Conservation Area.

2.0 PROPOSAL

- 2.1 A Certificate of lawfulness is sought to confirm that formation of basement under original building footprint does not require planning permission.

3.0 RELEVANT SITE HISTORY

- 3.1 Planning permission PP/13/01455 was granted on the 08/05/2013 for the construction of a single storey basement extension beneath the property with front and rear lightwell and associated alterations.

4.0 PLANNING CONSIDERATIONS

- 4.1 The relevant considerations in this case are set out in Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended. (Amendment) (No. 2) (England) Order 2008 is of particular relevance. This relates to development within the curtilage of a dwellinghouse. The proposed development is not restricted by the Article IV Directions noted at Paragraph 1.2.

Permitted development	Officer response
The enlargement, improvement or other alteration of a dwellinghouse.	The proposal consists of a single storey basement under the original building footprint.

Development not permitted	Officer response
A1. Development is not permitted by Class A if -	
(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The proposal would not exceed 50% of the curtilage.
(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	The proposed extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.
(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	The proposed extension is subterranean in nature and would not exceed the height of the eaves of the existing dwellinghouse.
(d) the enlarged part of the	The enlarged part of the

<p>dwellinghouse would extend beyond a wall which—</p> <ul style="list-style-type: none"> (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse; 	<p>dwellinghouse would not extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwellinghouse.</p>
<p>(e) the enlarged part of the dwellinghouse would have a single storey and—</p> <ul style="list-style-type: none"> (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height; 	<p>Not applicable - The enlarged part of the dwellinghouse would have more than one storey.</p>
<p>(f) the enlarged part of the dwellinghouse would have more than one storey and—</p> <ul style="list-style-type: none"> (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; 	<p>The enlarged part of the dwellinghouse following construction of the proposed basement, would have four storeys, but would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of the boundary of the dwellinghouse opposite the rear wall of the dwellinghouse.</p>
<p>(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;</p>	<p>The proposed extension would be within 2m of the boundary. The height of the eaves of the extension would not exceed 3m.</p>
<p>(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—</p> <ul style="list-style-type: none"> (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse; or 	<p>The proposed extension would not extend beyond a wall forming a side elevation of the dwellinghouse.</p>
<p>(i) it would consist of or include—</p> <ul style="list-style-type: none"> (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse. 	<p>Criterion (i) is complied with as the proposal does not include any of the specified items.</p>
<p>A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—</p>	<p>The dwelling is on Article 1(5) land.</p>

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	No cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles is proposed.
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	The proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.
(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.	The enlarged part of the dwellinghouse would have four storeys, however, it would not extend beyond the rear wall of the original dwellinghouse.
Conditions A.3 Development is permitted by Class A subject to the following conditions— (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Not applicable - The enlarged part of the dwellinghouse would be subterranean in nature.
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	The submitted documents do not propose windows in an upper floor level.
(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	The enlarged part of the dwellinghouse following construction of the proposed basement would have four storeys. However, given the subterranean nature of the proposed enlargement, this is not applicable.

All requirements of Class A of Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 are satisfied.

5.0 PUBLIC CONSULTATION

5.1 Not applicable.

6.0 RECOMMENDATION

6.1 Grant Certificate.

JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

List of Background Papers:

The contents of file CL/14/04830 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

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