

Hearing Statement - 7/representor number

Savills Client Consortium

Matter 7: Light wells and railings

Issue 7.1: Whether CL7 (h) is effective

Response from Savills Planning

37. *Is the criterion for light wells and railings in clause h. of CL7 too limiting? Please explain briefly (referring to previous evidence).*

38. *Is the criterion too lax? Please explain briefly (referring to previous evidence).*

39. *Could the aims of the criterion be achieved or satisfied in another way? If so, please suggest an alternative wording.*

40. *Should the criterion contain an exception clause to cater for differing circumstances? For instance, where light wells and railings could be made acceptable by blending into the surroundings and/or hidden or disguised from public view?*

Response by Savills Planning

We consider the above questions are interlinked, as such the following provides our comprehensive response to all of the above questions.

The criterion for light wells and railings in clause (h) is too limiting.

The clause unnecessarily restricts light wells to the front or side of properties, regardless of whether they are visible from the public realm or not.

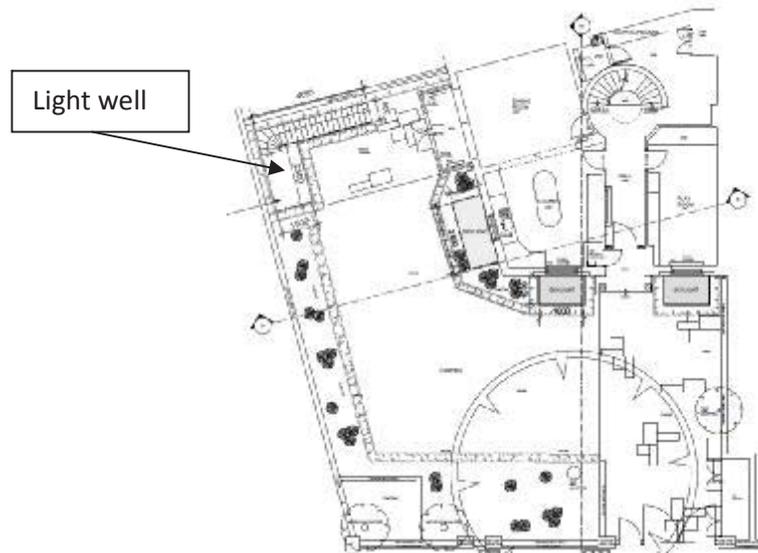
According to paragraph 34.3.66, the two main reasons for restricting light wells are to avoid light pollution, and to avoid harm to the character or appearance of an area.

In terms of light pollution, the aims of the criteria can be, and have been, achieved through the imposition of a condition on planning decision notices. For instance, an appeal was allowed for a light well at 2-4 Elystan Place (ref. APP/K5600/D/13/2210877 – attachment 1), with the following condition attached:

“No development shall take place until details of the light sensor activated blinds, including details of the light sensor mechanism and the blind material, have been submitted to and approved in writing by the local planning authority. The basement served by the lightwell shall not be artificially illuminated once the lightwell has been constructed unless the approved blinds have been installed. The blinds shall thereafter be retained, operated and maintained as approved.”

The light well was considered acceptable because a condition could be added requiring the installation of light sensor operated blinds. The Inspector stated that *“I see no reason why this could not be secured through a planning condition since it would meet the tests set out in Circular 11/95”*.

In terms of harm to the character or appearance of an area, we would emphasise that the principal effect of any proposal comes from its effect on public, rather than private, views (as is well established in the planning context). Clearly, light wells which are not visible from public views are not necessarily harmful to an area. A useful example of this is a recent appeal for the construction of a subterranean extension and associated rooflights and access staircase at 18 Addison Road was allowed on 31 July 2014 (Appeal Ref: APP/K5600/D/14/2217190 – attachment 2).



The Inspector disagreed with RBKC's case and set out that:

"There would be no visibility of the development from the public realm, as a result of the high garden fence bordering Addison Road. Long views would only exist as glimpses from Redlynch Court, a tower block opposite the site, with established street trees partially obstructing the view. Even during winter, the view distance and orientation of horizontal opening of the atrium away from the tower would result in minimal harm within the view."

"The void space would be mitigated by the surrounding landscaping and boundary treatment, and as such, any views towards the development would have limited views into the void space. Additionally, and having noted the condition of development visible within nearby adjoining garden spaces, the proposed scheme would represent an appropriate response that would be in context with the character and appearance of the area."

The criterion is therefore not sound as currently drafted.

We consider that the aims of the criterion can be achieved through the imposition of conditions controlling light pollution, and through re-wording the criterion so as to relate specifically to light wells visible from public views.

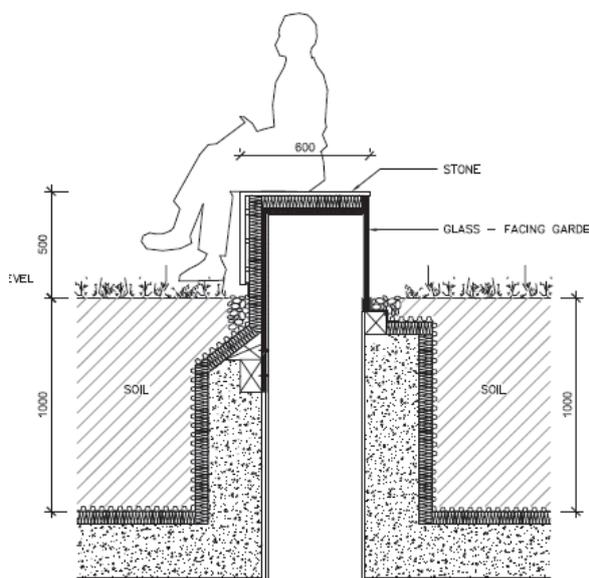
We therefore consider that the criterion should be amended as follows:

"not to introduce light wells that are harmful to either the host building or street scene. Light wells blended into the surroundings and/or hidden from public views will be considered favourably."

We consider that the above proposed re-wording of the criterion proposes an acceptable exception clause to cater for differing circumstances.

In terms of the wording within the supporting text at paragraph 34.3.66, we consider that the requirement for visible elements to be 'located near the building' results in unnecessary restriction in development.

In our experience, sensitively design light wells and roof lights, even when located away from the building, can be accommodated without harming the character and appearance of the building, streetscape and garden. Both light wells and roof lights can be designed so that they are blended into the garden, or so that they are an intrinsic feature of the garden. Examples of this are at 44-46 Bedford Gardens, where a light well was approved away from the main building, disguised as a bench as shown in the image below (application ref. PP/14/00946 – attachment 3).



Light well at 44-46 Bedford Gardens

A second example is at 27 Chepstow Villas, where a light well was approved away from the main building as it was disguised from views through the utilisation of vegetation and planters (application ref. PP/13/02821 – attachment 4).



Proposed light well along side boundary, disguised by planters

27 Chepstow Villas

As such, the wording in paragraph 34.3.66 should be revised so as to remove the reference to externally visible elements being located 'near the building'.

Attachment 1



Appeal Decision

Site visit made on 5 February 2014

by K E Down MA (Oxon) MSc MRTPI MBS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2014

Appeal Ref: APP/K5600/D/13/2210877

2-4 Elystan Place, LONDON, SW3 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Islef against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/13/04445 was refused by notice dated 3 October 2013.
 - The development proposed is insertion of lightwell to the rear of the property to provide natural light to the approved basement.
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Decision

1. The appeal is allowed and planning permission is granted for a lightwell to the rear of the property to provide natural light to the approved basement at 2-4 Elystan Place, London, SW3 3LF in accordance with the terms of the application ref. PP/13/04445, dated 8 August 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A181_101 P1 (Site location plan), A181_101 P1 (Existing basement floor plans), A181_102 P1, A181_202 P1, A181_112_lightwell P1, A181_121_lightwell P1, A181_203_lightwell P1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall take place until details of the light sensor activated blinds, including details of the light sensor mechanism and the blind material, have been submitted to and approved in writing by the local planning authority. The basement served by the lightwell shall not be artificially illuminated once the lightwell has been constructed unless the approved blinds have been installed. The blinds shall thereafter be retained, operated and maintained as approved.
 - 5) In the event that contamination is found at any time when carrying out the approved development it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall then be undertaken, and where remediation is necessary a remediation

scheme shall be prepared. This shall be submitted to and approved in writing by the local planning authority. Following completion of the measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for its written approval.

Procedural matter

2. The Council altered the original description of development to include reference to the construction of a basement beneath No 4 Elystan Place and a lightwell on the southern elevation. There is no evidence that this was with the agreement of the appellant. A basement with a lightwell on the southern (street) elevation has already been permitted under permission ref. PP/11/03644 dated 14 April 2012. This permission remains extant. Neither the original application nor the appeal documents provide any information regarding the construction of the basement, only referring to the proposed lightwell. I am therefore unable to consider the merits of the basement. Moreover, on the basis of the evidence I consider that the original description of development, referring only to the lightwell, describes accurately the development for which planning permission is now sought. I have therefore used this description in my decision and determined the appeal on this basis.

Main issue

3. There is one main issue which is the effect of the proposed lightwell on the character and appearance of the host dwelling, the adjoining group and the surrounding area, including the Chelsea Conservation Area.

Reasons

4. The host dwelling, which comprises two smaller houses that have been combined, marks the end property in a two storey terraced group, set around a courtyard garden. It dates from the 1950s, is modest in scale and in style resembles Arts and Crafts architecture with Georgian elements. It lies within the Chelsea Conservation Area (CA) which in the immediate area is characterised by mainly residential buildings of mixed age and design, including modern flatted development, other Arts and Crafts style houses and older dwellings of Georgian style.
5. There is an existing basement beneath the former No 2 Elystan Place which is lit by two lightwells in the small front garden facing the street. The permitted basement under No 4 would be served by one further lightwell, also in the small front garden facing the street. The proposed lightwell would be on the western side of No 4, set within a paved area of the private courtyard garden. It would be situated below an existing window, which is proposed to be converted to a double door under permitted development rights, and just beyond an existing bay. It would be covered with a grille to match the existing and permitted grilles.
6. The existing bay would partly obscure the lightwell and grille from the street. However, it would be seen from the private communal courtyard garden. It would be the only lightwell in the garden area but its location, within a paved area and beyond the bay, would mean that it had a negligible effect on the character and appearance of the host dwelling, the group, including the communal courtyard, and the Chelsea CA.

7. The Council is concerned that the lightwell would advertise the presence of a basement, which it says is not characteristic of the host dwelling and adjoining group or of Arts and Crafts style in general, and draws attention to its Supplementary Planning Document (SPD) entitled "Subterranean Development", dated 2009. This states that the Council will discourage lightwells and railings in CAs where they are visible from the street and not a feature of that street. As discussed above, the building dates from the 1950s and is not faithful to any particular style of architecture. Moreover, the proposed lightwell would be partially obscured from the street and would supplement three existing or permitted lightwells which are closer to and more visible from the street. It will therefore be obvious that a basement exists and the proposed lightwell would not make this materially more noticeable, particularly from the public realm. The proposed lightwell would not therefore conflict with the SPD or undermine its objectives.
8. The Council also suggests that night glare from the lightwell would draw attention to the basement and be unacceptable in the communal garden area. Whilst I do not consider that glare would be particularly noticeable from the street, given the number of existing windows in No 2-4 which overlook the courtyard and from which light could spill, I accept that it could make the lightwell more noticeable at night to neighbouring occupiers which could materially alter the perceived character and appearance of the courtyard garden. However, the appellant proposes to install light sensor operated blinds which would close at dusk, thus avoiding any light glare. Notwithstanding the Council's reservations, I see no reason why this could not be secured through a planning condition since it would meet the tests set out in Circular 11/95: The Use of Conditions in Planning Permissions. I shall therefore require such blinds to be installed and retained.
9. I conclude on the main issue that the proposed lightwell would have no materially detrimental effect on the character or appearance of the host dwelling, the adjoining group or the surrounding area and would preserve or enhance the character and appearance of the Chelsea CA.
10. In consequence, the proposed lightwell would comply with the requirements of Policies CL1, CL2, CL3 and CL6 of the Royal Borough of Kensington and Chelsea Core Strategy, 2010 and with Policy CD63 of the Unitary Development Plan, 2002, which accord with the policies of the National Planning Policy Framework. Taken together these policies, amongst other things, expect new development including alterations to respect existing context, character and appearance through high quality design, being visually subordinate to the host building and allowing the form of the original building to be clearly seen, and to take account of views within the CA such that its character and appearance are preserved or enhanced. The Council also refers in its refusal to the Chelsea Conservation Area Proposals Statement but does not identify any specific conflict with it.
11. The Council suggests that in addition to the commencement condition materials should match those used in the existing building. I agree this is necessary in order to protect the character of the host dwelling and the surrounding area. In addition, for the avoidance of doubt and in the interests of proper planning the development should be carried out in accordance with the approved plans. The Council suggests a number of other conditions which appear to relate to the basement development that is already permitted and, as explained above, I

have not considered as part of this appeal. These conditions are either not relevant or would be unreasonably onerous in the context of the proposed lightwell. However, I consider that the Council's suggested condition relating to contamination is necessary because the lightwell would extend the area of excavation and whilst there is no evidence that contamination might be present, the suggested condition adopts a precautionary approach should unexpected contamination be encountered.

12. For the reasons set out above and having regard to all other matters raised, including third party concerns relating to disturbance during the construction process, I conclude that the appeal should be allowed.

KE Down

INSPECTOR

Attachment 2

Appeal Decision

Site visit made on 22 July 2014

by G J Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2014

Appeal Ref: APP/K5600/D/14/2217190
18 Addison Road, London, W14 8DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sophie Fitzgerald against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/13/07692, dated 23 December 2013, was refused by notice dated 7 March 2014.
 - The development proposed is the construction of a subterranean extension and associated rooflights and access staircase.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a subterranean extension and associated rooflights and access staircase at 18 Addison Road, London, W14 8DJ in accordance with the terms of the application, Ref PP/13/07692, dated 23 December 2013, subject to the conditions set out in the attached Annex A: Schedule of Conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property, and the Holland Park Conservation Area.

Reasons

3. The proposed development would be located in the basement level of the appeal site, which accommodates a corner terraced dwelling with street access from Addison Road, and adjoining garden. The main point of dispute within the Council's decision is the design of an atrium above the proposed external staircase within the garden, leading to the subterranean extension. As such, I have mainly limited my considerations to this issue.
4. There is an extant approval on the site for the construction of a two storey subterranean extension, associated rooflights and access staircase, which was granted by the Council in late 2013. The main difference between that scheme and the appeal proposal is the reduction from two to one subterranean levels. Externally, the outdoor access staircase would be accommodated in the same location as previously proposed, abutting the garden wall of 10 Somerset Square, but with the addition in the appeal scheme of an atrium above its basement landing. The three skylights abutting the ground floor level of the house within the previous scheme are carried through to the current proposal.

5. The proposed atrium's horizontal opening would measure approximately 2.5m by 1.5m and be set against the side wall of the garden, replacing part of an existing paved patio and border planting. The plans and visualisations indicate that the open roof of the atrium would be bordered by a railing fence and edge planting, and from my own observations I noticed that the area is presently largely covered by hard-standing and a garden border.
6. The atrium would appear within a garden setting and I have considered the impact of the proposal from the various viewpoints identified by the Council, including the cumulative impact of the three skylights also proposed. I have taken into account the advice of the Council's Subterranean Development Supplementary Planning Document (2009), which requires above-ground features to be discreet. There would be no visibility of the development from the public realm, as a result of the high garden fence bordering Addison Road. Long views would only exist as glimpses from Redlynch Court, a tower block opposite the site, with established street trees partially obstructing the view. Even during winter, the view distance and orientation of horizontal opening of the atrium away from the tower would result in minimal harm within the view.
7. From the rooms above garden level in the houses fronting Somerset Square views would be largely limited to the closest house, at No. 10. The visual impact could be mitigated by an approved, but unimplemented fence trellis on the boundary separating the two properties, but even so, the impact of the proposed atrium is limited by its location close to the corner of the garden. The void space would be mitigated by the surrounding landscaping and boundary treatment, and as such, any views towards the development would have limited views into the void space. Additionally, and having noted the condition of development visible within nearby adjoining garden spaces, the proposed scheme would represent an appropriate response that would be in context with the character and appearance of the area.
8. As such, the proposed development would not detract from the character or appearance of the host dwelling or the surrounding area. For these reasons, I conclude that the development would preserve both the character and the appearance of the Holland Park Conservation Area and sustain the significance of the heritage asset in accordance with the *National Planning Policy Framework*. There would be no conflict with the Council's Core Strategy (2010) Policies CL 1, CL 2, and CL 3, or Unitary Development Plan (2002) Policy CD63. Together, these require new development, including subterranean development, to be of a high quality, preserve the character and appearance of conservation areas, including views, and ensure that it is appropriate within its context.

Conclusion and conditions

9. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
10. The Council has provided a list of conditions, to which I have applied the tests set out in the Planning Practice Guidance. Condition number 2 is required in the interests of proper planning and for the avoidance of doubt, and to ensure that the proposal is built in accordance with the plans, including materials. Condition number 3 is necessary to minimise the impact of construction work, so that both highway safety and living conditions would be preserved. Condition number 4 has been applied to ensure that the structural stability of

the appeal and surrounding properties would be satisfactorily maintained during the works.

11. I have applied condition number 5 to ensure that the proposal would not unreasonably impact upon the living conditions of neighbours, and condition number 6 is necessary to secure mitigation for the environmental impact of the development. Conditions 7 and 8 are required to provide assurance that protected trees and their contribution to local character and appearance would be preserved, and that the proposed landscaping works would also be appropriate. I have amended the former condition to include the boundary treatment around the proposed lightwell, as this is not marked on the plans listed under condition 2.
12. Conditions 9 through 12 are required so that any risks from land contamination are minimised, and to comply with the Framework and local plan policies.

G J Rollings

INSPECTOR

ANNEX A: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan 1:500; 18AR G01 Rev N; 18AR B06 Rev I; 18AR SEC 01 (Section A-A); 18AR SEC01 (Section B-B).
- 3) 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) routing 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.

- 4) 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.

- 5) 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.
- 6) 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.
- 7) No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees shrubs and paths and their surfacing materials, as well as all proposed fencing and other treatment around the proposed lightwell, and including the planting of at least two full canopied (non pleached) heavy standard trees, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.
- 8) No development shall commence until full particulars of the method(s) by which all the existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping and other operations on the site on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.
- 9) No development shall commence (save for demolition) until a Preliminary Risk Assessment Report comprising:
 - (a) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;
 - (b) information from site inspection;
 - (c) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and
 - (d) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials;

has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

- 10) Contamination – Site Investigation Scheme.
No development shall commence (save for demolition) until a Site Investigation Scheme has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.
- 11) Contamination – Remediation method statement.
No development shall commence (save for demolition) until a Remediation Method Statement to address the results of the Site Investigation Scheme, and include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, has been submitted to, and approved in writing by, the local planning authority.
- 12) Contamination – Verification report.
No development shall commence (save for demolition) until the approved Remediation Method Statement has been carried out in full and a Verification Report confirming that the following have been submitted to, and approved in writing, by the local planning authority:
 - (a) completion of these works;
 - (b) details of the remediation works carried out;
 - (c) results of any verification sampling, testing or monitoring including the analysis of any imported soil;
 - (d) classification of waste, its treatment, movement and disposal; and
 - (e) the validation of gas membrane placement.

Attachment 3



Executive Director Planning and Borough Development
Jonathan Bore

Ms K Anthony
Savills
33 Margaret Street
LONDON
W1G 0JD

Date: 24/06/2014

My Ref: PP/14/00946

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

Permission for Development (Conditional)

The Royal Borough of Kensington and Chelsea hereby GRANTS PERMISSION for the development set out in the schedule below, subject to the stated Conditions and in accordance with the plans and information submitted.

Your attention is drawn to the enclosed information sheet.

SCHEDULE

Development:

Excavation of basement extension (under rear garden of no 46) with lightwell and access hatch. Construction of single storey side and rear extension and partial demolition and rebuilding of party wall (with no 44)

Site Address:

44-46 Bedford Gardens, LONDON, W8 7EH

RBKC Drawing Nos:

PP/14/00946 PP/14/00946/A

Applicant's Drawing Nos:

RD0832-OSMAP A, RD0832-P200 A, RD0832-P200-1 A,
RD0832-P201-1 A, RD0832-P203 A, RD0832-P203-1 A,
RD0832-P203-2 A, RD0832-P204 A, RD0832-P204-1 A,
RD0832-P204-2 A, RD0832-P205 A, RD0832-P205-1 A,
RD0832-P205-2 A, RD0832-P303 A, RD0832-P304 A,
RD0832-P402 A, RD0832-P402-1 A, RD0832-P402-2 A,
RD0832-P404 A, RD0832-P503 A, RD0832-P504 A,
RD0832-TOPO B, RD0832-P201 B, RD0832-P201-2 B,
RD0832-P202 B, RD0832-P202-1 B, RD0832-P202-2 B,
RD0832-P501 B, RD0832-P502 B, RD0832-S201 A,
RD0832-S201-1 A, RD0832-S201-2 A, RD0832-S202 A,
RD0832-S202-1, RD0832-S202-2, RD0832-S203 A,
RD0832-S203-1 A, RD0832-S203-2 A, RD0832-S204 A,
RD0832-S204-1 A, RD0832-S204-2 A, RD0832-S205 A,
RD0832-S205-1 A, RD0832-S205-2 A, RD0832-S303 A,
RD0832-S2304 A, RD0832-S402 A, RD0832-S402-1 A,
RD0832-S402-2 A, RD0832-S404 A.

Application Dated: 14/02/2014

Application Completed: 14/02/2014

Application Revised 08/05/2014

**FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND INFORMATIVE(S)
ATTACHED OVERLEAF**

CONDITION(S) AND REASON(S) FOR THEIR IMPOSITION

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

Except as required by condition 3, the development shall not be carried out except in complete accordance with the details shown on submitted plans RD0832-OSMAP A, RD0832-P200 A, RD0832-P200-1 A, RD0832-P201-1 A, RD0832-P203 A, RD0832-P203-1 A, RD0832-P203-2 A, RD0832-P204 A, RD0832-P204-1 A, RD0832-P204-2 A, RD0832-P205 A, RD0832-P205-1 A, RD0832-P205-2 A, RD0832-P303 A, RD0832-P304 A, RD0832-P402 A, RD0832-P402-1 A, RD0832-P402-2 A, RD0832-P404 A, RD0832-P503 A, RD0832-P504 A, RD0832-TOPO B, RD0832-P201 B, RD0832-P201-2 B, RD0832-P202 B, RD0832-P202-1 B, RD0832-P202-2 B, RD0832-P501 B, RD0832-P502 B, RD0832-S201 A, RD0832-S201-1 A, RD0832-S201-2 A, RD0832-S202 A, RD0832-S202-1, RD0832-S202-2, RD0832-S203 A, RD0832-S203-1 A, RD0832-S203-2 A, RD0832-S204 A, RD0832-S204-1 A, RD0832-S204-2 A, RD0832-S205 A, RD0832-S205-1 A, RD0832-S205-2 A, RD0832-S303 A, RD0832-S2304 A, RD0832-S402 A, RD0832-S402-1 A, RD0832-S402-2 A, RD0832-S404 A.

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. Submission of details (Full PP)

Notwithstanding condition 2, no development shall commence until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved, and shall be so maintained:

- (a) construction drawings of all external windows, conservatory/orangery glazing and rooflights at 1:20 and 1:10 and 1:5 as appropriate;
- (b) details of all external doors and 1:20 and 1:10 and 1:5 as appropriate;
- (c) details of the sedum roof including details of the species to be used on the roof, the depth of soil shown in a section drawing to a scale of at least 1:20 and drawn details of how the roof shall be drained;
- (d) details of the lattice frame, fixed seating in garden and the sliding hatch at 1:20;
- (e) samples of all new external finishes including hard landscaping to the front and rear of the site;
- (f) sample panel of new brickwork including pointing of the dismantled wall between 44-46 Bedford Gardens to be inspected on site;
- (g) details of the repairs and replacement of railings to the front between 44 and 46 Bedford Gardens.

Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.

4. Protection of trees during construction – Details required

No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing

by the local planning authority and the development shall be carried out only in accordance with the details so approved.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

5. **Trees and landscaping – Details required**

No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees, shrubs and paths/hard surfaced areas (the samples of the materials to be used for the hard surfaced areas to be provided as part of Condition 3), has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved. The details shall include planting species, heights and densities.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

6.

Planting and replanting

All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

7. **Use of roof as terrace precluded**

The roof of the rear extension at 46 Bedford Gardens forming the subject of this planning permission shall not be used at any time as a terrace.

Reason - To avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policy CL5 of the Core Strategy.

8. **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) routing 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.

9. **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.

10. **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.

11. **Applicable BREEAM Standards**

The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved an 'BREEAM' 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.

12. **Noise from plant**

Noise from the air conditioning condensing unit, air handling unit and associated inlet and exhaust, and boiler flue, hereby permitted, when operating individually or in combination, shall not exceed the lowest

existing measured background LA90(15min) level measured or predicted at 1.0m from the nearest residential window or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Core Strategy.

13. Noise mitigation measures

In order to comply with Condition 12 the noise mitigation measures detailed in section 9.1, pages 9 and 10 of the Environmental Noise Survey & Plant Noise Assessment Report (prepared by Hann Tucker Associated, ref. 19889/PNA1 dated 19 February 2014) shall be adopted and implemented in full.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Core Strategy.

14. Anti-vibration mounts for air-conditioning/ extraction equipment

The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Core Strategy.

15. Odours from swimming pool ventilation/ filtration equipment

Fumes or odours expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not be detectable at the property boundary. If at any time the extraction plant is determined by the local planning authority to be failing to comply with this condition, it (or the source equipment) shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Core Strategy.

INFORMATIVE(S)

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, 5, 8 and 9 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](#)

4. 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.
5. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Director of Building Control, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
6. You are reminded that, if not properly managed, construction works can lead to significant negative impacts on the local environment, reducing residential amenity and the safe function of the highway. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980. 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 [Advice for Builders](#) on the Council's website; from this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required) which are very valuable instruments in limiting the impact of large scale building work.
7. Please be aware that sewer flooding has previously occurred in parts of the borough, such as Holland and Norland Wards, and any risk of this type of flooding must be mitigated against and is the responsibility of the owner and/or occupier. Thames Water encourages the use of water pumps, non-return valves and other suitable devices to avoid the risk of backflow, on the assumption that the sewerage network may surcharge to ground level during storm conditions. You are required to consider Part H of the Building Regulations 2000 for all proposals for subterranean development. You are also advised to let Thames Water know if your property has previously suffered from sewerage flooding or as soon as possible if this occurs in the future.
8. Under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit their website at [Thames Water website](#) .

9. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
10. The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.
11. 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.

12. 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](#)
13. You are reminded of the purpose of the Construction Traffic Management Plan, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.
14. 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](#)

15. In order to discharge the requirements of condition 8 in respect of the Construction Traffic Management Plan, the Councils pro forma must be used which can be found via the following link:

<http://www.rbkc.gov.uk/environmentandtransport/transportandstreets/roadsandpavements/managingconstructiontraffic/ctmpguidance.aspx>

16. 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.

The scheme was submitted in accordance with advice provided through pre-application discussions.

17. 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. (I61)

18. You are reminded that, if not properly managed, construction works can lead to significant negative impacts on the local environment, reducing residential amenity and the safe function of the highway. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980. 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 [Advice for Builders](#) on the Council's website; from this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required) which are very valuable instruments in limiting the impact of large scale building work. (I.40)

The full report is available for public inspection on the Council's website at www.rbkc.gov.uk/162693. 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

INFORMATION SHEET

When a permission or consent is given it does not convey any approval, consent, permission or licence under any Acts, Byelaws, Orders or Regulations other than those referred to in the permission or consent. Nothing in the permission or consent shall be regarded as dispensing with compliance with such other Acts or Byelaws etc.

In respect of planning permission, your particular attention is drawn to the provisions of the Building Act 1984, and the Building Regulations 2010 (as amended).

Also, the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any persons entitled to the benefits thereof.

Your attention is drawn to applicant's rights arising from the refusal of planning permission or Listed Building Consent, and from the grant of permission/consent subject to Conditions, as follows:

- 1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission, Listed Building Consent, or approval for the proposed development; or to grant permission or approval/consent subject to conditions, he may appeal to the Secretary of State, under section 78 of the Town and Country Planning Act 1990, within **six months** of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- 2) If permission to develop land or Listed Building Consent is refused or granted subject to Conditions whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the relevant authority where the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990, or Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) In certain circumstances, a claim may be made against the local planning authority for compensation. The circumstances in which such compensation is payable are set out in Sections 114 of the Town and Country Planning Act 1990, or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4) The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 5) The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

Attachment 4

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

APP NO. PP/12/03106/Q13
PLANNING APPLICATIONS COMMITTEE 27/11/2012
AGENDA ITEM NO. N106

SITE ADDRESS

27 Chepstow Villas LONDON W11 3DR	<u>APPLICATION DATED</u>	24/08/2012
	<u>APPLICATION COMPLETE</u>	04/09/2012
	<u>APPLICATION REVISED</u>	28/09/2012 07/11/2012

APPLICANT/AGENT ADDRESS

Mr D Burt
MRJ Rundell Associates
Units 2a
The Courtyard
44 Gloucester Avenue
LONDON
NW1 8JD

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Pembridge	WARD	Pembridge
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>	N/A	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
16	5	0	0	1

Applicant Mr Balon

PROPOSAL: Excavation of a basement beneath main house and parts of front and rear gardens with associated alterations; reconfiguration and extension of the rear elevation; alterations and extensions to mansard roof and alterations to front boundary wall.

RBK&C Drawing No(s): PP/12/03106 and PP/12/03106/A PP/12/03106/B

Applicant's Drawing No(s): P001, P100, P101, P102, P103, P104, P110, P111, P112, P113, P120, P122. Demolition drawings: P140, P141, P142, P143. Proposed drawings: P300/B, P301/B, P302/B, P303/B, P304/B, P305/B, P310, P311, P312, P313, P314, P320, P321.

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, P001, P100, P101, P102, P103, P104, P110, P111, P112, P113, P120, P122. Demolition drawings: P140, P141, P142, P143. Proposed drawings: P300/B, P301/B, P302/B, P303/B, P304/B, P305/B, P310, P311, P312, P313, P314, P320, P321. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
4. **All metal work shown on the drawings hereby approved, including the front boundary railings and gates, balustrades to front lightwell and rear upper ground levels, and all grilles at the lower ground floor level, shall comprise black painted metal, and shall be so maintained.**
Reason - To preserve the character and appearance of the Conservation Area and comply with policies CL1, CL2, CL3 and CL6.
5. **The roof slopes of the mansard roof hereby permitted shall be clad in natural slates, and so maintained. (C073)**
Reason - To preserve the character and appearance of the Conservation Area.(R072)
6. **The cheeks of the dormer windows hereby permitted shall be clad in lead and be so maintained. (C75a)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
7. **All new windows and doors hereby approved above the lower ground floor level shall be timber framed, and so maintained. (C075)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

8. **The privacy screen at the rear upper ground level shall be installed in accordance with drawings P312 and P311 prior to the first use of the rear extensions hereby permitted and shall be so maintained.**
Reason - To protect the privacy of the adjoining properties and comply with policy CL5.
9. **Other than the areas shown on the approved drawings, the roofs of the rear extensions hereby permitted shall not be used at any time as a terrace. (C080)**
Reason - To protect the privacy and amenity of neighbouring property (R080)
10. **The development hereby permitted shall not 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. (C106)**
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. (R106)
11. **The development hereby permitted shall not be implemented until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:**
- **routeing of demolition, excavation and construction vehicles;**
 - **access arrangements to the site;**
 - **the estimated number of vehicles per day/week;**
 - **details of any vehicle holding area;**
 - **details of the vehicle call up procedure;**
 - **estimates for the number and type of parking suspensions that will be required;**
 - **details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works;**
 - **a strategy for coordinating the connection of services on site with any programmed work to utilities upon adjacent land;**
 - **work programme and/or timescale for each phase of the demolition, excavation and construction works; and**
 - **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, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.

Reason - In the interest of highway safety and to safeguard the amenity of the area and to comply with the Subterranean Development SPD and policy CT1 and CL5.

12. No development shall be carried out 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 hereby approved.

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.

13. 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 review Certificate for the dwelling has been issued certifying that a Very Good rating has been achieved. (C110)

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

14. Noise emitted by building services mechanical plant located in the basement area shall be 10dBA below the existing lowest LA90(15min) background noise level measured or predicted at 1.0m from the nearest residential window or at 1.2m above any adjacent residential garden, terrace, patio or balcony at any time when the unit is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition it shall be shut down and not operated until such a time that it is able to comply.

Reason- To protect the amenities of the adjoining occupiers and ensure compliance with policies CL5 and CE6 of the Core Strategy.

15. All plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
Reason- To protect the amenities of the adjoining occupiers and ensure compliance with policies CL5 and CE6 of the Core Strategy.
16. Odour expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not cause annoyance to any adjacent occupied premises. The use of the swimming pool shall not commence until a fully detailed scheme indicating the measures to be used to control and minimize odour has been submitted to and approved in writing by the Local Planning Authority and the report shall show how this condition will be met.
Reason- To protect the amenities of the adjoining occupiers and ensure compliance with policies CL5 and CE6 of the Core Strategy.
17. Full particulars of the following shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted commences, and the development shall not be carried out otherwise than in accordance with the details so approved:
- (a) a landscaping and tree/shrub planting scheme for both the front and rear gardens.
- Reason* - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)
18. All planting, seeding and turfing, forming part of the approved details of landscaping, shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner and any trees or plants which, within a period of 5 years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives its written consent to any variation. (C018)
Reason - To protect the amenity of the area. (R018)
19. The mulberry tree existing on the site at the date of this permission shall be protected against damage in accordance with the measures contained in the Tree Report by MRJ Rundell & Associates dated August 2012 and drawing TSP-01 Rev.1, throughout the period of building and other operations pursuant to this permission, including site preparation. (C020)
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)

INFORMATIVES

- 1 I10 Attention to Conditions
- 2 I09 Variations due to Building Regs.
- 3 I11 Care - Conservation Area
- 4 I63 Subterranean Development
- 5 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 occupier(s) 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 a neighbouring property;
 3. Excavating near a neighbouring building, and that work falls within the scope of the Act.Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk. (I71)
- 6 The approved drawings do not include any external plant and the applicant is reminded that any external plant or equipment required to serve the proposed subterranean extensions and swimming pool may require further planning permission.
- 7 I65 Sewer Water
- 8 I64 Surface Water
- 9 I67 Controlling Noisy Works
- 10 I30 Demolition (Environmental Prot. Act)
- 11 I31 Demolition - Codes of Practice
- 12 I27 Earth Moving
- 13 I67A Construction Management

SITE

1.0

1.1 The application relates to a detached building on the southern side of Chepstow Villas, west of its junction with Pembridge Crescent. The building is not listed but lies within the Pembridge Conservation Area.

1.2 The building currently exists as two self contained units.

2.0

RELEVANT PLANNING HISTORY

2.1 The building has been the subject of planning permission for extensions and alterations, including provision of off street parking to the front garden in 1964, provision of a roof extension in 1975 and alterations to fenestration at lower ground level in 1997.

3.0

PROPOSAL

3.1 Planning permission is sought for the following:

- Excavation of a single storey basement underneath the main house and parts of front and rear gardens with associated alterations including alterations to lightwells at the front of the building and new lightwells with grilles against the rear elevation;
- Reconfiguring of rear elevation including extensions at lower ground, upper ground and first floor levels with terrace at upper ground level;
- Alterations at main roof level, including extension of the mansard and provision of dormer windows in the front and rear roof slopes;
- Alterations to front boundary.

3.2 The proposals seek to amalgamate the two existing units to form one single dwellinghouse. The amalgamation of the units is not considered to amount to a change of use requiring planning permission.

4.0

CONSIDERATIONS

4.1 The main considerations in this case relate to:

- Impact on the character and appearance of the conservation area;
- Impact on the amenities of the nearby properties and structural stability;
- Impact on landscaping, drainage, flooding and sustainability.

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. A list of the relevant policies is attached. The contents of the Government's National Planning Policy Framework have also been taken into account.

Impact on the character and appearance of the conservation area

- 4.3 At the front of the property the subterranean extension would entail alterations to the existing lightwells. The eastern lightwell would be lowered to incorporate an external staircase and the western lightwell would be deepened and enclosed with a metal grille. The front lightwells of the property have been heavily altered in the past and, due to their location and design, the alterations would preserve the character and appearance of the building. At the rear it is proposed to provide two lightwells 1.2m in width from the back of the building with metal grilles at the garden level. A glazed skylight is also proposed. These alterations comply with the guidance contained in the 'Subterranean Development' SPD and due to their location they would receive limited visibility from the surrounding area. Overall the alterations would allow the basement to appear as a visually discreet addition to the site and would preserve the character and appearance of the Pembridge Conservation Area.
- 4.4 At the rear of the building it is proposed to extend the lower ground, upper ground and first floor levels of the building to reconfigure the rear elevation. The proposed rear elevation would comprise a new three storey projecting element to the western side of the elevation and a single storey extension with terrace above to the eastern side of the elevation. The projecting element would extend 1.6m beyond the furthest point of the existing rear elevation and would comprise sliding doors at the lower ground level, Juliette balconies at the upper ground level and timber sash windows at the first floor level.
- 4.5 The property forms part of a group of 5 properties on the southern side of Chepstow Villas between the junctions with Portobello Road and Pembridge Crescent. The proposed rear elevation would be a similar form to the existing rear elevations of others within this group, in particular 29, 31 and 33 Chepstow Villas which comprise three storey projecting bays of similar appearance. The proposed extensions would therefore reinstate uniformity to the rear elevations of this group and would respect the established pattern and rhythm of rear elevations in the group.
- 4.6 The rear elevation of this property is not subject to any direct views and is only visible from oblique angles from the rear elevations of the adjoining properties on Pembridge Crescent and Chepstow Villas. For this reason the proposed contemporary fenestration at the lower ground level is acceptable. The proposed fenestration to the rear elevation would preserve the character and appearance of the conservation area and the private views enjoyed across it and condition 7 is recommended to ensure that all new windows and openings above the lower ground level are timber framed with timber glazing bars to ensure a traditional appearance.
- 4.7 The property has an existing mansard roof extension which is untraditional in its design and form with openings at the rear leading onto a roof terrace. The proposed alterations would provide a more traditionally detailed mansard extension and would involve the removal of the large doors and roof terrace to the rear of the building. The drawings show that the height of the mansard and the heights of the existing front and rear parapets would not be altered and therefore the prominence of

the roof addition from street level would not be increased by the proposals. Conditions 5 and 6 are recommended to ensure the roof extension comprises traditional materials. Overall the alterations proposed to the roof would enhance the Conservation Area, and views enjoyed within it, and would comply with policy CL2 of the Core Strategy and 'saved' UDP policies CD44 and CD45.

- 4.8 The reinstatement of traditional piers to the front boundary is welcome and would enhance the appearance of the building and the conservation area. The design of the alterations to the front boundary wall would match the front boundary of 29 Chepstow Villas. The proposals retain the existing off street parking space and the gap in the western side of the front boundary. As this arrangement currently exists, no objection is raised to its retention.

Impact on the amenities of the nearby properties and structural stability

- 4.9 The relevant BRE guidance for sunlight and daylight standards is contained within the 'Planning Standards' Chapter of the UDP. The applicant has also submitted a sunlight and daylight assessment during the application process which contains the results of the Vertical Sky Component (VSC) test for daylight and the Average Probable Daylight Hours (APDH) test for sunlight. The sunlight test has been carried out on five windows and the daylight test on nine windows at 25 Chepstow Villas.
- 4.10 With regard to daylight, the VSC tests show that four of the windows would not receive a significant worsening of sunlight provision as a result of the proposals. The tests show that one of the windows would receive a slightly greater loss of sunlight. However, due to its location at lower ground level and proximity to the flank wall of 27 Pembridge Villas and the boundary wall, the levels of sunlight received by this window are already low. The window is not the sole source of sunlight or outlook to this room and constitutes an 'un-neighbourly' window due to its orientation and proximity to the application site. Therefore the overall quality of accommodation at 25A Chepstow Villas would not be significantly worsened by the proposals.
- 4.11 With regard to impact on sunlight, the results of the APDH test show that none of the nine windows tested would receive a significant loss of sunlight as a result of the proposals.
- 4.12 Number 29 Chepstow Villas is located to the south west of the application site and would therefore not receive a significant loss of sunlight. Due to the positioning of the extensions and their distance from the boundary, the proposals comply with the tests for daylight contained in the Planning Standards chapter of the UDP. The proposals would therefore not cause significant harm to the overall amenities of the adjoining properties or their standard of accommodation, compliant with policy CL5.
- 4.13 The proposals entail provision of a terrace to the rear elevation to replace the existing conservatory. The proposed privacy screen would be adequate to prevent unreasonable overlooking of the adjoining property and condition 8 is recommended to ensure the screen is installed prior to

the use of the extensions.

- 4.14 Overlooking from the main roof level would be significantly reduced through the omission of the existing terrace, and condition 9 is recommended to ensure the flat roof of the first floor extension is not used as a terrace.
- 4.15 The proposals include creation of a swimming pool within the subterranean extension however no external plant has been shown to serve the swimming pool. An informative is recommended to notify the applicant that any external plant and equipment would require further planning permission. The Director of Environmental Health has reviewed the proposals and has recommended conditions 14, 15 and 16 to ensure that internal plant would not cause noise and disturbance to nearby properties. The conditions ensure compliance with policy CE6 and CL5 of the Core Strategy.
- 4.16 With regard to structural stability, the applicant has submitted a construction method statement prepared by a suitably qualified engineer. The statement complies with the requirements laid out in the 'Subterranean Development' SPD and includes site specific borehole and trial pit test results. The method statement adequately demonstrates that the stability of the existing and neighbouring buildings could be safeguarded and the requirements of policy CL2 (g) and the 'Subterranean Development' SPD have been satisfied. Condition 10 is recommended to ensure the works are carried out by a suitability qualified engineer whose appointment should be approved in writing by the Local Planning Authority. The structural stability of the existing and adjoining buildings would be considered primarily under separate legislation, in particular Building Regulations and Party Wall legislation.
- 4.17 Conditions 11 and 12 are recommended to help control the impact of the construction process as far as reasonably possible under planning control. These require submission of a construction traffic management plan to control the impact of the construction on local traffic and parking, and that the works are carried out only by members of the Considerate Constructors Scheme. Other matters relating to noise and disturbance could be considered, and enforced against, under separate Environmental Health legislation. Influence on construction arrangements may also be achieved under Party Wall legislation. The proposals are compliant with the relevant planning policies of the development plan.

Impact on landscaping, drainage, flooding and sustainability

- 4.18 The subterranean extensions do not exceed 85% of either the front or rear gardens and 1m of top soil is proposed where it extends beneath the gardens. This is compliant with the 'Subterranean Development' SPD and would ensure that adequate opportunities for mature landscaping and natural drainage are retained on the site. Condition 17 is recommended to secure a scheme of landscaping for the front and rear gardens.
- 4.19 The arboricultural report submitted with the application adequately demonstrates that the existing street trees would not be harmed by the development. At the rear of the site the proposals entail the removal of a fig and a loquat tree, however these are small and could be replaced as

part of the landscaping scheme. The proposals retain the Mulberry tree in the rear garden. Condition 19 is recommended to ensure adequate protection of the tree during construction.

4.20 The site is not within a designated flood risk zone. The borehole test results from the site state that neither ground water, nor the water table, were encountered to a depth of 15m. The proposals would therefore not be at significant risk of flooding nor cause a material increase in flood risk in the area.

4.21 The applicant has submitted an Ecohomes pre-assessment which demonstrates that the entire dwelling could achieve the 'very good' standard following completion of the development. Condition 13 is recommended to ensure this standard is achieved prior to the first use of the basement. This would ensure compliance with policy CE1.

Mayor of London's Community Infrastructure Levy

4.22 The proposed development would provide 436sqm of additional internal residential floorspace and as such a contribution of £21,800.00 is required to the Mayor of London's Community Infrastructure Levy (CIL).

5.0 PUBLIC CONSULTATION

5.1 Adjoining units are notified of the proposals, a site notice erected outside the property and a press notice issued. The issues raised within the objections received to date may be summarised as follows. The Officer's response is contained below each issue.

5.2 Increased sense of enclosure and loss of light to 25 and 25A Chepstow Villas

This matter is discussed above and a sunlight and daylight assessment has been carried out by the applicant. The proposals are acceptable in this respect and would not cause significant additional harm to the amenities of adjoining properties.

5.3 The lightwells are manifestations of the basement and are not typical features of the conservation area

This matter is discussed above and by reason of their location, size and design, these additions are discreetly located and would not be visually prominent in views across the conservation area.

5.4 The proposed basement is larger than others approved in the area

Once complete, the only evidence of the basement would be the proposed alterations to the front lightwells and new lightwells and grilles to the rear of the site. The size of the basement beneath would not be evident and would not be appreciated in views across the conservation area.

5.5 Harm to the stability of adjoining properties and history of subsidence in the area

In this case the construction method statement satisfies the criteria laid out in the 'Subterranean Development' SPD and complies with policy CL2 (g). These matters would be considered further under Building Regulations and Party Wall legislation.

5.6 The method statement should be independently assessed

The 'Subterranean Development' SPD states that the Council will rely on the professional integrity of the engineer appointed to ensure the construction of a subterranean development is safe and would protect structural stability. It is unsubstantiated that the host building is exceptional in terms of its vulnerability and the submitted method statement is adequate and compliant with development plan policies.

5.7 Problems with surface water flooding in the area

The proposals do not entail provision of excessive areas of impermeable surfacing and 1m of topsoil is proposed above the basement excavation of the front and rear gardens. Surface water flooding would therefore not be significantly worsened by the proposals.

5.8 Noise and disturbance from the construction process

This matter is discussed within section 4 of the report above and conditions 11 and 12 are recommended to control the impact of construction on local residents. Matters relating to noise and disturbance from the construction process would also be considered under Environmental Health and Party Wall legislation.

5.9 Greenery on boundary should not be removed

The foliage which currently exists on the rear site boundaries could not be retained under planning control. However, condition 17 is recommended to secure an appropriate replacement landscaping scheme.

5.10 Building work should limit damage to trees

This matter is discussed above and condition 19 is recommended to ensure protection of the retained tree.

6.0 CONCLUSION

6.1 The proposed development, by reason of its form and detailed design, would reinstate consistency in the rear elevations of the terrace and would preserve the character and appearance of the Pembridge Conservation Area. The proposals would not cause significant additional harm to the amenities of the adjoining properties and conditions are recommended to control the construction process as far as reasonably possible under planning control.

7.0 RECOMMENDATION

7.1 **Grant planning permission**

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/12/03106 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Excavation of a basement beneath main house and parts of front and rear gardens with associated alterations; reconfiguration and extension of the rear elevation; alterations and extensions to mansard roof and alterations to front boundary wall.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

Core Strategy adopted 8 December 2010

CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity
CL6	Small-scale Alterations and Additions
CE1	Climate Change
CE2	Flooding
CE6	Noise and Vibration
CT1	Improving alternatives to car use
CR6	Trees and landscape

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD44	Resist Additional Storeys and Roof Level Alterations
CD45	Permit Additional Storeys and Roof Level Alterations
CD46	Roof Terraces
CD47	Resist Proposals for Extensions
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Pembridge adopted 28 June 1982 (04), Trees and Development adopted 20 April 2009 (0901), Subterranean Development adopted 26 May 2009 (0903). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The proposed development, by reason of its form and detailed design, would reinstate consistency in the rear elevations of the terrace and would preserve the character and appearance of the Pembridge Conservation Area. The proposals would not cause significant additional harm to the amenities of the adjoining properties and conditions are recommended to control the construction process as far as reasonably possible under planning control.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.