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PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

Simon Hands & Ass.,
12 Ruislip Road,
Greenford,
Middlesex
UB6 9QN

APPLICATION NO: PP/03/00272

APPLICATION DATED: 24/03/2001

DATE ACKNOWLEDGED: 05 February 2003

APPLICATION COMPLETE: 31/01/2003

DATE TO BE DECIDED BY: 28/03/2003

SITE: 17 Selwood Terrace, London, SW7 3QG

PROPOSAL: Proposed basement and ground floor rear extension and internal alterations.

ADDRESSES TO BE CONSULTED

- 1.
- 2. 15-19 (INC) SELWOOD TERRACE
- 3.
- 4. 1 + 18 SELWOOD PLACE
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

JGB

CONSULT STATUTORILY

- English Heritage Listed Bdgs - CATEGORY:
- English Heritage Setting of Bdgs Grade I or II.
- English Heritage Demolition in Cons. Area
- Demolition Bodies
- DoT Trunk Road - Increased traffic
- DoT Westway etc.,
- Neighbouring Local Authority
- Strategic view authorities
- Kensington Palace
- Civil Aviation Authority (over 300')
- Theatres Trust
- National Rivers Authority
- Thames Water
- Crossrail
- LRT/Chelsea-Hackney Line/Cross Rail Line 2
- Victorian Society
- DTLR Dept. Transport Loc.Gov.& Regions

ADVERTISE

- Effect on CA
- Setting of Listed Building
- Works to Listed Building
- Departure from UDP
- Demolition in CA
- "Major Development"
- Environmental Assessment
- No Site Notice Required
- Notice Required other reason
- Police
- L.P.A.C
- British Waterways
- Environmental Health
- GLA - CATEGORY:
- Govt. Office for London
- Twentieth Century Society

JGB

(D)

DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

ADDRESS 17 SELWOOD TCE

17 SELWOOD TERRACE

POLLING DISTRICT CRB PP 30272

- | | | | |
|-----|--|--------|--|
| HB | Buildings of Architectural Interest | LSC | Local Shopping Centre |
| AMI | Areas of Metropolitan Importance | AI | Sites of Archeological Importance |
| MDO | Major Sites with Development Opportunities | SV | Designated View of St. Paul's from Richmond |
| MOL | Metropolitan Open Land | SNCI | Sites of Nature Conservation Importance |
| SBA | Small Business Area | REG 7 | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non-core) | ART IV | Restrictions of Permitted Development Rights |

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC	LSC	AI	SV	SNCI	REG 7	ART IV
13A	II								C.N.					✓	

	Within the line of Safeguarding of the Proposed Chelsea/Hackney underground line
	Within the line of Safeguarding of the Proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area Proposed	
Proposed Plot Ratio	

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

Notes:
SYSTEMS.
 ENGLISH
 HERITAGE
 DO NOT NEED
 TO BE
 NOTIFIED.
 Brian
 31/1/3

Royal Borough of Kensington and Chelsea
GGP Point in Polygon Search Results
Corporate Land and Property Gazetteer
Buildings and their Units

Residential Building		1	Selwood Place	SW7 3QQ
Residential Building		18	Selwood Place	SW7 3QQ
Non-Residential Unit	Public House	15	Selwood Terrace	SW7 3QG
Building Shell	Anglesea Arms P.H. The Anglesea	15	Selwood Terrace	SW7 3QG
Residential Building		16	Selwood Terrace	SW7 3QG
Building Shell		17	Selwood Terrace	SW7 3QG
Residential Unit		17	Selwood Terrace	SW7 3QG
Residential Unit	Basement Flat	17	Selwood Terrace	SW7 3QG
Residential Building		18	Selwood Terrace	SW7 3QG
Residential Building		19	Selwood Terrace	SW7 3QG

Total Number of Buildings and Units Found 10

REASON FOR DELAY

CASE NO / /

This case is identified as a "Target" application, with the target of being passed through to the Head of Development Control within 6 weeks of the completion date.

In the case of this application, there has been a delay, **beyond 8 weeks,**

of.....

I have been unable to ensure that this case has been determined within the 8 week period for the following reason(s) [*highlight – there may be more than one reason!*]

- 1) Delay in arranging initial Site Visit [*a date for this should be fixed up in the first week after you receive the case!*]
- 2) Delays due to internal Consultation [*highlight as many as necessary*]
 - (i) Design – Discussions/initial Obs.
 - (ii) Design – Formal Obs.
 - (iii) Transportation
 - (iv) Policy
 - (v) Environmental Health
 - (vi) Trees
 - (vii) Other
- 3) Further neighbour notification/external consultation necessary (*spread or time period – please specify*)
- 4) Revisions not requested in time
Remember – Request all revisions by end of fourth week to stand reasonable chance of renotifying and determining case within 8 weeks !
- 5) Revisions requested in time, but not received in time
- 6) Revisions received but inadequate – further revisions requested
- 7) Revisions received but reconsultation necessary
- 8) Awaiting Direction from English Heritage/other EH delays...
- 9) Because of the Committee cycle
- 10) Applicant's instruction
- 11) OTHER REASON *Please state*].....

Signed..... (Case Officer)

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

My Ref: PP/03/00272/NB CODE 1D

Room No:

Date: 06 February 2003

DEVELOPMENT AT:

17 Selwood Terrace, London, SW7 3QG

DEVELOPMENT:

Proposed basement and ground floor rear extension and internal alterations.

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990
(development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)
4. Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (applications for Listed building consent)

M.J. French

Executive Director, Planning & Conservation

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

FILE COPY

1 2079/2080
020-7361- 2079/2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile: 020-7361-3463

Date: 06 February 2003

My reference: Your reference:
My Ref: DPS/DCSW/PP/03/00272/NB

Please ask for:
Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 17 Selwood Terrace, London, SW7 3QG

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Please telephone should you require further information.

Proposal for which permission is sought

Proposed basement and ground floor rear extension and internal alterations.

Applicant Rainey Associates, 71 Earls Court Road, London W8 6EF

Yours faithfully

M. J. FRENCH
Executive Director, Planning and Conservation

WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- Effect upon the character or appearance of a Conservation Area;
- Effect upon the special historic interest of a Listed Building, or its setting;
- Effect upon traffic, access, and parking;
- Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation.

WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- Loss of property value;
- Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct);
- Smells (Also covered by Environmental Services);
- Competition between firms;
- Structural and fire precaution concerns; (These are Building Control matters).

WHAT HAPPENS TO YOUR LETTER

All letters of objection are taken into account when an application is considered. Revised drawings may be received during the consideration of the case and normally you will be informed and given 14 days for further response. Generally planning applications where 3 or more objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public, including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.

WHERE TO SEE THE PLANS

Details of the application can be seen at the Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the Chelsea Area (SW1, SW3, SW10) can be seen at The Reference Library, Chelsea Old Town Hall, Kings Road SW3 (020 7361 4158), for the Central Area (W8, W14, SW5, SW7) can be viewed in the Central Library, Town Hall, Hornton Street, W.8. and applications for districts W10, W11 and W2 in the North of the Borough can be seen at The Information Centre, North Kensington Library, 108 Ladbroke Grove, London W11 (under the Westway near Ladbroke Grove Station 020 7727-6583). Please telephone to check the opening times of these offices.

If you are a registered disabled person, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY

NOTICE OF A PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990



**KENSINGTON
AND CHELSEA**

Notice is hereby given the Royal Borough of Kensington and Chelsea Council have received an application:

- ~~(a) for development of land in or adjacent to a Conservation Area.~~
- ~~(d) for consent to demolition and/or alteration of a building which is of architectural or historic interest.~~

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11, Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Dept. 705) within 21 days of the date of this notice.

SCHEDULE

Reference: PP/03/00272/NB

Date: 14/02/03

17 Selwood Terrace, London, SW7 3QG

Proposed basement and ground floor rear extension and internal alterations.

APPLICANT Rainey Associates,

RBKC

CONSERVATION AND DESIGN OBSERVATIONS

Address: 17 Selwood Terrace, SW7.	App. No.: LB/03/0273.	D.C. Officer: N.B.	L.B.: II.	C.A.: 13A.	Area: S.W.
Description: Internal alterations and lightwell infill and basement and ground.			Code: I. & X.		

Comments:

A number of aspects of this application are rather concerning, not least that none of the proposed drawings are to scale; any revisions must be accurately to scale, and to the same scale as the survey drawings, and they have not included a survey rear elevation:

Basement:

- The loss of what was probably the original through passage is deeply concerning.
- The insertion of double doors at the foot of the stair is unacceptable.
- The door to the rear room appears to be in the original position, and may be the original door, if so its loss is unacceptable.
- The loss of the chimneybreast in the rear room is unacceptable.
- The loss of the rear sash is potentially concerning.

Ground Floor:

- The plans of the front basement area (poorly depicted) appear to contradict the survey drawings; a proposed change not shown on the basement drawings or incompetence?
- The loss of the chimneybreasts from both rooms is unacceptable.
- The loss of the rear sash is potentially concerning.
- The proposed double French doors on the rear of the closet wing is unacceptable; a single, half-glazed door may be acceptable.

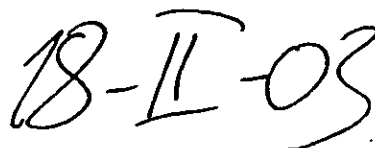
First-Floor:

- The loss of the chimneybreast in the rear room is unacceptable.

Lightwell Infill:

- The principle would depend upon the prevalent adjacent precedent, and the position of the ground floor in relation to actual garden level, however, if the principle were to be acceptable:
 1. The rear elevation should be set back from the rear of the closet wing by a minimum of 300 millimetres.
 2. The ground floor, and possibly the basement also, should be of a lightweight, skeletal construction, ideally a traditional painted timber.

SITE VISIT PLEASE.



PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Simon Hands and Associates
12 Ruislip Road
Greenford
Middlesex
UB6 9QN

Switchboard: 020 7937 5464
Extension: 2699
Direct Line: 020 7361 2699
Facsimile: 020 7361 3463
Email: nick.booth@rbkc.gov.uk
Web: www.rbkc.gov.uk

19 March 2003

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCSW/LB/03/00273 & Your reference: CEC/saw/2002224/2 Please ask for: Nick Booth
DPS/DCSW/PP/03/00272 003.1.225

F.A.O Mr C E Criscuolo

Dear Mr Criscuolo,

**Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
17 Selwood Terrace, London, SW73QG**

With reference to the above applications for Planning Permission and Listed Building consent, I can confirm that Officers of this Department have now examined the proposal and submitted plans and in view of the recent site visit, the following comments are made.

With regard to the history of the site, during the course of the site visit you draw the Officers attention to the partial implementation of works approved in 1983. It was therefore queried whether this would allow the remainder of the works to be implemented without further permission. Following an examination of the history of the site, it has been established that Planning and Listed Building consent were granted in May 1983 for internal alterations and the erection of a basement extension and ground floor conservatory. It was noted that limited internal alterations had consequently been implemented. However, it was established during the course of the site visit that the exterior alterations and additions had not taken place. As such, it is considered that whilst the Listed Building Consent would appear to have been implemented, works relating to the Planning Permission had not. Given the above, it is considered that the 1983 planning permission has now lapsed and therefore cannot be implemented without further planning permission.

With regards to the proposed extensions, it is noted that the planning history for extensions of this type within the terrace is limited to No.16, the rear extension of which was granted in 1964. Current policies relating to rear extensions are found in the Unitary Development Plan, adopted in May 2002. The extension of No.16 cannot be viewed as setting a precedent within the terrace. Policy CD42 resists Conservatories located significantly above garden level, and Policy CD41 resists rear extensions that fail to respect or disrupt the even rhythm of existing rear additions. As such, it is considered that the proposed basement extension would create a solid infill between the existing closet wing and the neighbouring property to the detriment of the clearly identifiable solid/void rhythm within the terrace and the conservatory would be located significantly above garden level. Both elements would therefore



INVESTOR IN PEOPLE

run contrary to these policies and as such cannot be supported. It is therefore advised that the solid basement extension be omitted from the proposal and replaced with a lightweight conservatory infill extension clearly set back from the rear building line.

Turning to the issue of interior alterations, it was noted on site that a number of works appeared to have already been undertaken and original features including doors removed from the site. Whilst you advised the Officers that the property was as the Applicant had purchased it and that any works pre-dated his ownership, unauthorised works to a listed building undertaken without consent are a matter of concern and a criminal offence. With regards to the proposed alterations, the following comments are made.

With regard to the basement, it is considered that the insertion of double doors at the foot of the stairs, the removal of the door and chimneybreast in the rear room and the loss of the original passage is unacceptable and should be removed from the proposal. It is also advised that no removal of the partially damaged ceiling be undertaken until further information regarding its stability is submitted, although it is accepted that this last issue may be best dealt with under a condition attached to a subsequent consent.

At ground floor level, the submitted plans appear to contradict the survey drawings with regard to the dimensions and enclosure of the coal stores within the front lightwell. These should be re-checked and re-submitted. The loss of the chimneybreast from both rooms, the loss of the rear sash window and the introduction of double French Doors to the rear of the closet wing are considered unacceptable and should be omitted from the scheme.

At first floor level, the loss of the chimneybreast to the rear room is considered acceptable. It should also be noted that the introduction of recessed lighting in all but previously altered ceilings of secondary rooms are resisted and where they are proposed, should be shown on fully notated plans.

In view of the above, revised plans addressing all of the above points should be submitted for further consideration. Given the time considerations, revised plans must be submitted by the 26 March 2003. Failure to do so will result in the current submitted plans forming the basis of the Councils determination which, given the above, is unlikely to be favourable.

Should you have any queries concerning this or any other matter relating to this application, please feel free to contact either the dealing Case Officer, Mr Nick Booth or Mr Justin Ayton of our Design and Conservation Team.

Yours sincerely,

John W Thorne
Area Planning Officer
For Executive Director, Planning and Conservation



RBKC
CONSERVATION & DESIGN

GRADE II LISTED BUILDINGS
FORMAL OBSERVATIONS

Address: 17 Selwood Terrace, SW7.

Description: Internal alterations and rear extension.

Application No: LB/03/0273.

DC Case Officer: N.B.

Drawing Nos:

CD Case Officer: J.A.

Existing:
01; 02; 03.

Proposed:
04A; 05A; 06A; 07; 08.

Date: 27th March 2003.

Grant/Refuse: Refuse.

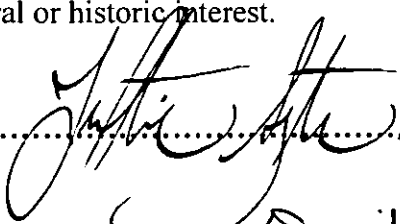
Formal Observations:

This listed building survives in a tolerable state of preservation; all bar one of the rooms retain lath and plaster ceilings, and most rooms retain their original skirting boards and cornices. There are, however, no original fireplaces, and all the doors have been removed from site.

This application, whilst generally involving refurbishment, would also include the total loss of original door openings and architraves, the installation of double doors off the stair in the basement, alterations to the original under-stair cupboard, and the loss of a chimney breast in the rear, first-floor room.

It would also include a substantially solid two-storey lightwell infill. There currently appears to be no adjacent precedent for a two-storey infill within this terrace, and the proposal is crudely detailed and would entail the loss of a good original sash with crown glass.

Both the proposed rear extension, and the cumulative impact of the internal works would cause harm the remaining character of this building as a building of special architectural or historic interest.

Signed: 

Date: 

Approved: 

Date: 27/03/03

Notes:

We asked for substantial revisions, but none have been forthcoming, and deadline is now up.

NB

Simon Hands & Associates

FACSIMILE COVER SHEET

*fax already
ack'd.*

12 Ruislip Road
Greenford
Middlesex UB6 9QN
Tel: 020 8575 5959
Fax: 020 8575 8866

DATE: 28 March 2003 TIME: 10:42 AM
TO: PLANNING DEPARTMENT FAX NO: 020 73613463

OF: THE ROYAL BOROUGH OF KENSINGTON & CHELSEA REF: CEC/sh/2002224/2003.3.272
FROM: C E Criscuolo

Number of pages including cover sheet: 1

PP/03/0272

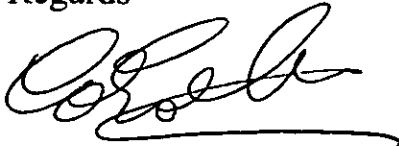
SUBJECT: SINGLE STOREY REAR EXTENSION & INTERNAL ALTERATIONS 17 SELWOOD TERRACE LONDON.

We have tried to telephone you recently following receipt yesterday of your letter dated 19/3/3 in respect of the above application but have been unable to get through.

We confirm we have forwarded a copy of your letter to our client and are awaiting instructions.

Please could you therefore, upon receipt of this fax, hold our clients current applications in abeyance until we advise further.

Regards



C E Criscuolo

X	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.	31 MAR 2003				PLANNING	
K.C.						
V	C	SW	SE	APP	IO	REC
				APP	ED	IN

(23)

1.0 THE SITE

1.1 This application relates to a two-storey plus basement, north-east facing, mid-terraced property on the residential Selwood Terrace. The property is both Grade II Listed, and forms part of the Thurloe/Smith's Charity Conservation Area.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the erection of a basement and ground floor rear extension within the void between existing closet wings of No.16 and 17 Selwood Terrace.

2.2 These works, including additional internal works of refurbishment are the subject of a listed building application under reference LB/03/00273.

3.0 HISTORY

3.1 Planning permission and Listed Building consent were granted for the erection of a basement extension with ground floor conservatory above in May 1983. Almost identical to the current proposals, save for a number of small internal works, these approvals were not implemented and have therefore expired.

4.0 PLANNING CONSIDERATIONS

4.1 The main issues for consideration are the impact of the proposal on the appearance of the property, on the character and appearance of the Conservation Area, and on the amenities of neighbouring occupiers. With regard to the above, it is therefore considered that the relevant policies within the UDP are CD25, CD30, CD37, CD41, CD42, CD44, CD52 and CD53. Guidance laid out within the Thurloe/Smith's Charity Conservation Area Proposals Statement is also relevant.

4.2 With regard to the application for Listed Building consent, it is considered that policies CD57 and CD58 are also relevant.

4.3 Policy CD41 f) resists extensions which would spoil or disrupt the even rhythm of rear additions. It is considered that the terrace in which the property stands has maintained the traditional form of closet wing/void, and that whilst basement level infills may sometimes be acceptable, the proposed extension would appear overly bulky and clearly interrupt the identifiable rhythm of rear additions within the terrace.

4.4 Policy CD42 b) resists proposals for conservatories which would be located significantly above garden level. Whilst the proposed conservatory would be built onto a basement extension recessed within a partial lightwell, it would stand well above the rear garden level and would appear an incongruously glazed structure at this level.

4.5 With regard to the impact of the proposal upon the Listed Building, Circular 01/2001 advises Local Authorities on the new arrangements for handling Heritage applications.

English Heritage did not need to be notified of this application under the new arrangements and therefore the Council are authorized to determine it. The formal observations of the Council's Conservation and Design Officer are as follows:-

"This listed building survives in a tolerable state of preservation; all but one of the rooms retain lath and plaster ceilings, and most rooms retain their original skirting boards and cornices. There are, however, no original fireplaces, and all the doors have been removed from the site."

"This application, whilst generally involving refurbishment, would also include the total loss of original door openings and architraves, the installation of double doors off the stair in the basement, alterations to the original under-stair cupboard, and the loss of a chimney breast in the rear, first floor room."

"It would also include a substantially solid two-storey lightwell infill. There currently appears to be no adjacent precedent for a two-storey infill within the terrace, and the proposal is crudely detailed and would entail the loss of a good original sash with crown glass."

"Both the proposed rear extension, and the cumulative impact of the internal works would cause harm to the remaining character of this building as a building of special architectural or historic interest."

4.5.1 In view of the above, it is considered that the development would run contrary to policy CD57 and CD58.

4.6 With regard to issues of privacy and residential amenities, due to the nature of the development and its position, it is considered that the proposal would not have any impact upon the amenity of the immediate area.

5.0 CONSULTATIONS

5.1 In total, the residents of 8 neighboring properties were contacted with regard to the proposal. No representations have been received.

6.0 RECOMMENDATION

6.1 With regard to the above, it is considered that the proposal is unacceptable and would not comply with the adopted policies within the UDP. A recommendation of refusal of both planning permission and listed building consent is therefore made.

--- End of Document//

Simon Hands & Associates

FACSIMILE COVER SHEET

12 Ruislip Road
Greenford
Middlesex UB6 9QN
Tel: 020 8575 5959
Fax: 020 8575 8866

DATE: 28 May 2003 TIME: 10:34 AM
TO: PLANNING DEPARTMENT FAX NO: 020 7361 2699
Mr Nick Booth
OF: THE ROYAL BOROUGH OF REF: CEC/sh/2002224/2003.5.188
KENSINGTON & CHELSEA
FROM: C E Criscuolo
Number of pages including cover sheet: 1

SUBJECT: SINGLE STOREY REAR EXTENSION & INTERNAL ALTERATIONS 17 SELWOOD TERRACE LONDON

We have tried to telephone you recently in respect of the above application but have been unable to get through. Please could you therefore, upon receipt of this fax, telephone the writer to advise on progress.

I am sorry to keep chasing you but your early attention to this matter would be greatly appreciated, as I am sure you are aware our clients are becoming very concerned about the lack of progress in respect of the above.

As you are also aware, we have obtained advice from the Department of the Environment, which suggested to us that as the previous Permissions have been partially implemented, it is possible that they could be fully implemented without the need of a further Planning Application. You did advise me that you would be checking this with your legal department and would be coming back to me. This was, from memory, approximately 5 weeks ago but to date all you have advised me is that you are still waiting on your legal department. Please could you contact them again as a matter of urgency in order to expedite this matter.

Regards

PP SG Hands

C E Criscuolo

EX DIR	IND	IF	CAC	AD	CLU	AO
R.B.	K.C.	28 MAY 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEE	

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

F.

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Simon Hands & Associates
12 Ruislip Road
Greenford
Middlesex
UB6 9QN

Switchboard: 020 7937 5464
Extension: 2669
Direct Line: 020 7361 2669
Facsimile: 020 7361 3463
Email: nick.booth@rbkc.gov.uk
Web: www.rbkc.gov.uk

3rd June 2003

My reference: DPS/DCSW/LB/03/00273/CLBA & PP/03/00272 Your reference: CEC Please ask for: Nick Booth

FAO C E Criscuolo

Dear Mr Criscuolo

**Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
17 Selwood Terrace, London SW7 3QG**

I write with reference to your correspondence to this office regarding the recent refusal of planning permission and listed building consent for works to the above property, and the status of implementing works approved under planning and listed building consents dating from May 1983. I can confirm that based on the legal advice provided by the Council's Director of law and Administration, I would make the following comments.

Planning Permission and Listed Building Consent was granted on the property in May 1983 with respect to the erection of a basement extension and a rear conservatory under reference TP/83/0389 and TP/83/0390 respectively. Whilst internal works are detailed within the approved plans for the planning permission and the listed building consent, the written description of the works do not refer to any internal works. Condition one attached to the Planning Permission states:

"The Development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted."

In order to comply with this condition, works requiring planning permission must therefore have been implemented prior to May 1988. In respect of implementation, the Town and Country Planning Act 1990, section 56 provides that development is deemed to have "begun" on the earliest date on which "material operation" as defined in section 56 (4) is carried out. It should be noted that the works listed in section 56 (4) do not necessarily constitute "development" for the purposes of section 55.

Section 56 (4) states:

"Material Operations" means-

- a) any course of construction in the course of the erection of a building;
- (aa) any work of demolition of a building;

- b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- d) any operation in the course of laying out or constructing a road part of a road;
- e) any change in the use of any land which constitutes material development.

In relation to the planning permission, the works listed within section 56(4) would relate to external development. From the site visit undertaken as part of the consideration of the recent applications, it was established that works undertaken as part of the earlier approvals related solely to the internal reconfiguration of the first floor to provide an ensuite toilet. Whilst it is your opinion that as the internal works are detailed on the approved planning plans and therefore comprise part of the approved development, it is my opinion that these plans clearly were intended to serve a dual purpose in that they were also submitted for the listed building consent. It is therefore considered that these aspects of the works were not relevant to the consideration of the planning permission.

In view of the above, it is therefore my opinion that the works carried out were minimal, solely internal, did not form part of the description of development in the planning permission and do not constitute any works listed in section 56 (4). As such, the planning permission granted in May 1988 was not implemented and has duly expired.

I trust this clarifies the situation in terms of the Council's position, and whilst not the response you were hoping for, is of some use. In the event that you wish to re-submit a new proposal for works based upon a revised scheme and would like to seek advice concerning details of design or on how to proceed, please feel free to contact Nick Booth directly on the above telephone number.

Yours sincerely

John W Thorne
Area Planning Officer
For Executive Director, Planning and Conservation



MEMORANDUM

To: Nick Booth: Planning & Conservation

From: Director of Law
and Administration

Your Ref:

My Ref: HS/PDEV(generaladvice2003)
Ext: 3370

Date: 28th May 2003

17 Selwood Terrace

Implementation of Listed Building Consent and Planning Permission granted May 1983 For erection of basement extension and ground floor conservatory

Thank you for your memorandum dated 15th May 2003 concerning the above property.

I understand from the reading of your files that Listed Building consent and Planning Permission were granted by the Council in May 1983 for the erection of a basement extension and ground floor conservatory together with some internal alterations both subject to the usual time limiting condition requiring the works to be begun within 5 years from the date of issue. Therefore, works must have been begun by May 1988.

From your visit to the premises, you are satisfied that no external works were carried out to the building before 1988. The only works commenced prior to 1988 were "a small amount of internal works" comprising of the installation of a toilet and shower.

Those internal works are detailed on the approved plans which were submitted for both the planning application and listed building consent. However, the written description of the development on the planning permission or listed building consent does not refer to any internal works.

You have asked for clarification of your conclusion that the planning permission has not been implemented and has therefore lapsed but the listed building consent is still alive. Therefore any works requiring planning permission cannot be carried out even if authorised by the listed building consent.

Implementation of Planning Permission

Condition one attached to the planning permission states :

" The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted"

In respect of implementation, the TCPA 1990, section 56 provides that development is **deemed** to have been "begun" on the earliest date on which any "material operation" as defined in section 56 (4) is carried out. It should be noted that the works listed in section 56 (4) do not necessarily constitute "development" for the purposes of section 55.

Section 56 (4) states :

“Material Operations” means –

- (a) any course of construction in the course of the erection of a building;
 - (aa) any work of demolition of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development.

From the information you have provided, none of the above works have been carried out on the land. On the face of it, it appears that the planning permission has not been implemented. The works listed within section 56(4) are all fairly minimal and external and would be expected if a building were to be erected in accordance with the planning permission.

It could be argued that the internal works are detailed on the approved plans and therefore “comprise part of the development”. However, the plans served a dual purpose in that they were also submitted for the listed building consent application and therefore we can argue that this is not relevant. There is no reference to any internal works within the description of the development attached to the planning permission which assists our case.

In summary, it is always a matter of fact and degree for you to decide whether any particular works carried out are in implementation of a planning permission. In this case, you have made an assessment and the works carried out already are internal, are not detailed in the description of the development in the planning permission and do not constitute any works listed in section 56 (4). Therefore, I think you have made a correct assessment in deciding the planning permission has not been implemented.

Implementation of Listed Building Consent

The wording of the condition attached to the consent is identical to that detailed above.

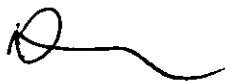
In addition, section 18 of the Listed Building Act 1990 provides that every listed building consent shall be granted subject to a condition requiring the work to which it relates must be **begun** not later than the expiry of (a) five years beginning with the date on which the consent is granted or (b) such other period as specified.

Therefore, we could look to the Listed Building Act 1990 for guidance on the meaning of **“begun”**. However, unlike the TCPA 1990, this Act provides no specific guidance on this issue. According to the commentary in the Encyclopedia of Planning Law of Practice, such a lack of provision could be taken to imply that there needs to be more than a mere token commencement of the works although not necessarily a “substantial” implementation.

Your instructions are that a toilet and shower have been installed internally which would require listed building consent and are detailed in the approved plans. However, there is no reference to the internal works within the wording of the listed building consent. Are you happy that the internal works were part of the listed building consent and if so, have the works been carried out in accordance with the approved plans ?

If you are happy that the internal works are approved and have been correctly carried out then again, it is a matter of fact and degree and for you to judge whether this constitutes implementation of the listed building consent. However, it seems that anything other than works of a "de minimus" nature could be sufficient for the purposes of implementation. Therefore, subject to the works being approved and carried out correctly then in my view, I think the listed building consent has been implemented as you have already concluded.

In summary, I would expect the developer will apply for a certificate of lawfulness for completion of the works. We can see what evidence is submitted with any such application. hope this is of assistance to you.



Hazel Salisbury
for the Director of Law and Administration