

# Other Documents

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8223

Grounds of Appeal Statement - 19 Alexander Place, London, SW7

Sept 2001



THE  
BELL  
CORINWELL  
PARTNERSHIP  
CHARTERED TOWN PLANNERS



**WRITTEN REPRESENTATIONS  
GROUNDS OF APPEAL STATEMENT**

**EXTENSION AT SECOND AND THIRD  
FLOOR LEVEL**

**TO  
REAR OF 19 ALEXANDER PLACE,  
LONDON, SW7**

**MR & MRS JEFFREYS**

**Local Planning Authority Ref. Nos:**

*PP/01/00620/CHSE  
LB/01/00621/CHSE*

**Planning Inspectorate Ref. Nos:**

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**R.B.K.C PLANNING**

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**Date: 11<sup>th</sup> September 2001**

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## **1.0 INTRODUCTION**

1.1 These appeals are being submitted in response to the Royal Borough of Kensington and Chelsea's decision to refuse both planning permission and listed building consent for the erection of an extension at second and third floor level to the rear of 19 Alexander Place, London.

1.2 The decision notice in respect of the planning application was issued on 17<sup>th</sup> May 2001. The reason for refusal is given as follows:

*"The proposed extension by reason of its height and scale would cause harm to the special architectural character and historic interest of the listed building and character and appearance of the listed terrace and the Conservation Area in which it is situated. On that basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD41, CD52, CD53 and CD58."*

1.3 The decision notice in respect of the Listed Building Consent application was also issued on 17<sup>th</sup> May 2001. The reason for refusal is given as follows:

*"The proposed extension by reason of its height and scale would cause harm to the special architectural character and historic interest of the listed building and the listed terrace of which it forms a part. On this basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policy CD58."*

1.4 Section 2.0 deals with 'preliminary matters' providing a brief description of the site and its location, details of the proposed development, relevant planning history and finally the main issues that are at the hub of these appeals.

1.5 Section 3.0 provides the planning policy context that is of relevance in the consideration

of these appeals.

- 1.6 Section 4.0 discusses in detail the merits of the proposed development and the reasons behind why it is considered to be acceptable in planning policy terms.
- 1.7 Section 5.0 discusses the Council's case.
- 1.8 Section 6.0 draws on the conclusions reached.
- 1.9 In addition to this Grounds of Appeal Statement, the Inspector is asked to have regard to the Planning Support Statement that was submitted with the Planning and Listed Building Applications which outlined the case for the proposed development. This statement does not duplicate the Planning Support Statement instead it seeks to respond specifically to the concerns raised by the Council during the applications stage.

## **2.0 PRELIMINARY MATTERS**

### **The Site and its Location**

- 2.1 The appeal site comprises a site area of 0.0136 hectares and is located on the south side of Alexander Place, north of South Terrace. A site location plan is attached at **Appendix 1**.
- 2.2 The site lies within the Thurloe Estate and Smiths Charity Conservation Area and comprises a three-storey, mid-nineteenth century terrace property. The property forms a group of seven terraced dwellings in total (nos. 9 - 21 Alexander Place). Nos. 9 - 19 are all Grade II Listed Buildings, as are the three blocks of terraces located immediately to the south (nos. 2-22 South Terrace), east (nos. 13-19 Thurloe Square) and west (nos. 13-20 Alexander Square). Nos. 9-19 are listed for their group value as opposed to their individual value. The listing description does not specify any features of special interest.

### **The Proposal**

- 2.3 Planning permission and listed building consent is being sought for the erection a rear extension at second and third floor level. The proposed extension would be above an existing single storey rear flat roof extension and would be of the same depth and width. All materials would match the existing building.
- 2.4 The existing sash window at second floor level above the existing single-storey extension is to be used in the proposed extension. A new sash window is proposed to be inserted at third floor level in the rear elevation. The window will replicate the existing sash windows on the property.
- 2.5 The top of the proposed extension comprises a parapet wall, replicating that currently

found on the single-storey extension.

- 2.6 The proposed extension will result in an increase in floorspace of just 9 square metres.
- 2.7 There have been no revisions or amendments to either of the applications.

### **Relevant Planning History**

- 2.8 Planning permission and listed building consent was granted on 21<sup>st</sup> December 1999 for alterations to the rear elevation and internal alterations.

### **Main Issue**

- 2.9 Having regard to each of the Council's reasons for refusal for the planning application and listed building consent application, the main issue in this case is whether the proposed extension would cause harm to the special architectural character or historic interest of the listed building and the effect the proposal may have on the character and appearance of the Thurloe Estate and Smiths Charity Conservation Area.



### **3.0 THE PLANNING POLICY CONTEXT**

- 3.1 As the appeal building is a Grade II Listed Building and is in a conservation area, Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable to the appeal proposal. Section 66(1) says that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Also of relevance in this context is Planning Policy Guidance 15 (PPG15) and English Heritage's publication, "*London terrace houses 1660 - 1860 - A guide to alterations and extensions*".
- 3.2 Section 54A of the Town and Country Planning Act 1990 (as amended) requires alterations for planning permission and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.3 The approved development plan for the purposes of Section 54A of the Act is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), which was adopted in August 1995. The policies from this UDP that are of relevance to the proposed development are **Policies CD25, CD28, CD30, CD41, CD52, CD53 and CD58**. A copy of these policies can be found at **Appendix 2**.
- 3.4 Policy CD25 seeks to ensure that all development is of a high standard of design and is sensitive to and comparable with its surroundings in terms of scale, height, bulk and character.
- 3.5 Policy CD28 is concerned with ensuring that the development does not significantly reduce sunlight and daylight to adjoining buildings and amenity spaces.
- 3.6 Policy CD30 requires development to be designed to ensure sufficient visual privacy of

- residents and the working population.
- 3.7 Policy CD41 identifies a set of criteria (nine in total) that will be applied when considering proposals for rear extensions. Of these nine criteria, (a), (b), (e) (f), (g), (h) & (i) are not considered to be at issue with the Council. Of the two criteria that are of relevance, criteria (c) is concerned with resisting extensions which would rise above the general height of neighbouring and nearby extensions, or rise to or above the original main rear eaves or parapet. Criteria (d) requires extensions to be visually subordinate to the parent building.
- 3.8 Policy CD52 seeks to ensure that any development in a conservation area preserves or enhances the character or appearance of the area.
- 3.9 Policy CD53 requires development in conservation areas to be of a high standard of design and compatible with: character, scale and pattern; build and height; proportion and rhythm; roofscape; materials; landscaping and boundary treatment; of the surrounding development.
- 3.10 Policy CD58 seeks to resist proposals to alter listed buildings unless: (a) original architectural features and later features of interest of retained; (b) alterations would be in keeping with the style of the original building; (c) works are carried out in a scholarly manner; and (d) the integrity, plan form and structure of the building together with other areas of the building as may be identified of special interest are retained.
- 3.11 In addition to the adopted UDP policies above, considerable weight should also be attached to emerging policies in the Proposed Alterations of the UDP, published in April 2000. A public inquiry into objections to the Proposed Alterations was held between 10<sup>th</sup> January and 15<sup>th</sup> February 2001. The Inspector's report was published in July of this year.
- 3.12 The emerging policies that are relevant to this proposed development, having regard

to the Inspectors comments, are **Policies CD25, CD28, CD30, CD41, CD52, CD53 and CD58**. A copy of these policies is attached at **Appendix 3**.

3.13 The policies are essentially the same as those in the adopted UDP. The Inspector's report does recommend some alterations to these policies, however they are of a minor nature. A copy of relevant extracts from the Inspector's report is attached at **Appendix 4**.

3.14 The Council is satisfied that the proposed development would: (i) not significantly reduce sunlight or daylight; (ii) would not result in a harmful increase in the sense of enclosure to adjoining properties and their amenity spaces; and (iii) would ensure that sufficient visual privacy of residents is retained. There have been no third party objections in respect of these matters or indeed any other matters. On this basis Policies CD28 and CD30 of both the adopted UDP and the Proposed Alterations, and Policy CD31a of the Proposed Alterations only, are not considered to be at issue in the consideration of these appeals.

3.15 The Council has also published Supplementary Planning Guidance for the Thurloe Estate and Smith's Charity Conservation Area in the form of a Conservation Area Policy Statement (CAPS). Although this guidance does not carry the same weight as the development plan it is another material consideration. Such CAPS advice is specifically acknowledged in paragraph 5.4 of the UDP, as follows:

"The statements will set out detailed guidance to interpret and elaborate on development control policies set out in the Plan. Such detailed guidance will be applied to all relevant planning applications."

#### 4.0 THE CASE FOR THE APPELLANTS

- 4.1 PPG 15 (para. 3.13) accepts the principle that listed buildings can sustain some degree of sensitive alteration or extension subject to certain criteria.
- 4.2 The adopted UDP and emerging UDP also accept the principle of extension or alteration to listed buildings subject to certain criteria. They further accept that development can take place in conservation areas providing that it either preserves or enhances the character or appearance of the area.
- 4.3 The CAPS specifically confirms that in Alexander Place rear additions to properties are acceptable in principle, (see table attached at **Appendix 5**).
- 4.4 English Heritage's guide to alterations and extensions (attached at **Appendix 6**) advises (page 13) that *"rear extensions can often be acceptable, providing they are well related to the original building and in scale with the building and space around it (see Figs 5 and 10)."* Figures 5 and 10 provide illustrations of similar extensions to that being proposed.
- 4.5 Paragraph 3.12 of PPG15 states that in judging the effect of any alteration or extension to a listed building it is essential to have assessed the elements that make up the special interest of the building in question. Paragraph 4.1 of PPG15 implies that in assessing the effect of any alteration or extension on a conservation area, regard should be had to all aspects of character or appearance that define the area's special interest. In order to assist in making these assessments consideration has been given to the CAPS for the Thurloe Estate & Smith Charity Conservation Area as well as the list description.
- 4.6 The rear of nos. 9-19 Alexander Place comprise a varied mix of single, two-storey and three-storey extensions that have been built over a number of years. They are mainly of solid brick built construction matching in with that of the existing building. One property has part painted the external face of the rear elevation in white. No. 21

Alexander Place, which is attached to the end of the group of listed terraces, is a modern replacement (1950s) of the original property that existed there previously. The rear elevation of these group of terraces, is not considered to be one of the elements that make up its special architectural interest as a listed building as confirmed by the CAPS and indicated by the listed building list description. The rear elevation is generally not open to public view from the surrounding streets, although it can be seen from the occupiers of the three groups of terraces to the east, west and south. The rear elevation does not retain much of its original character. Taking those factors together the rear elevation does not make an important contribution to the character and appearance of the Conservation Area, nor to the special architectural or historic interest of the listed building.

- 4.7 In contrast, the front elevation of nos. 9-19 is uniform and harmonious in design. It is of higher quality and consistency than that of the rear elevation. Its original character features are preserved and include arched and plastered entrances, doorways with plain pilasters, square-headed sash windows, glazing bars, stucco cornice and cast iron balustrade to the first floor windows. This detailing is referred to in both the listed description and CAPS. It is these features that constitute this building's special and intrinsic architectural and historic interest, such that warrants its status as a Grade II Listed Building. It is also this part of the building that contributes to the character and appearance of the Conservation Area.
- 4.8 This view is supported by the Council's Conservation Area Policy Statement which states that; *"In a terraced development so characteristic of this area, the front elevation was the show piece and less attention was paid to the rear."* (Para. 2.2) The Statement also states in paragraph 4.1.2 in its discussion of 'development pressure' arising from 'rear extensions' that; *"The comparatively low number of refusals reflects the fact that the rear elevation is visually of less importance. In the predominantly terraced development in this area, the maintenance of a uniform front elevation and roof line is considered to be of greater importance"*.

- 4.9 In light of the assessments made above we now turn to consider the merits of the proposal having regard in particular to Policies CD25, CD41(c) & (d), CD52, CD53 and CD58 of the UDP, the CAPS, PPG15 and English Heritage's guide to alterations and extensions.
- 4.10 The proposed development has been very carefully designed and to a high standard. The form, scale, materials and design of the extension are such that it would relate well and respect the style and appearance of the building and the space around it, and is in keeping with the character and appearance of the Conservation Area. The extension employs the existing architectural vocabulary of the listed building so as to ensure that it is integrated harmoniously with the character of the terrace as a whole.
- 4.11 The extension would only cover one third of the property's width and would terminate one-storey beneath the original parapet line, linking internally to the house through existing structural openings. The brickwork would match the existing in terms of colour, texture, facebond and pointing. The windows would also match the existing windows in the property and the rest of the terrace, in terms of design, material, and proportions. On this basis the extension would be visually subordinate to and would not dominate the parent building. As the extension is directly above an existing extension it will not extend beyond the building line of the existing house, nor therefore, the rear building line of the existing terrace. The extension would not infringe on daylight, sunlight, privacy or outlook to adjoining occupiers, nor would it in any way create a sense of enclosure. The extension would not intrude on any garden space of amenity value, given its siting above the existing rear extension. No walls, railings or trees would be disturbed as a result of this proposal development.
- 4.12 The proposed extension reflects the pattern of development in the surrounding area such that it is keeping with the character and appearance of the Conservation Area. It would be similar in design, form, scale and height as the other rear extension a few doors down at no. 11 Alexander Place and the numerous rear extensions on the three groups of terraces to the east, west and south of the appeals site.

## **5.0 RESPONSE TO THE COUNCIL'S CASE**

- 5.1 The Council's case, outlined in a report to delegated panel on the 10<sup>th</sup> May 2001 (attached at **Appendix 7**), considered that the height and bulk of the proposal is excessive on the basis that it is higher than some of the other extensions in the terrace. However, they acknowledge that it is not higher or bulkier than no. 11, neither is it higher or bulkier than the other extensions immediately surrounding the site. The Council seeks to imply that no. 11 has no relevance to the consideration of this proposal, with the only comment in the report in respect of this extension being; *"This is a historic extension which has no planning record."* We however, consider that this extension is extremely relevant, as it is part of the organic history and form of the rear of these group of terraces. The fact it has no planning record does not take away from the fact that it is there, forming part of the historic townscape when the building was listed and when the conservation area was designated. All those properties that have had similar extensions have been included in the conservation area and a number of them are also listed. In our view therefore, extensions of that scale and form cannot be regarded as "excessive". By contrast, what would be "excessive" would be a proposal that is larger than all those others. In this case the proposed development is not larger. Indeed it reflects the scale of development illustrated in Figure 5 of English Heritage's document as being acceptable and typical for buildings of this type.
- 5.2 With regard to Policy 41(d), the Council contend that the extension is not visually subordinate on the basis that the rear of the building would be covered by extensions. This however, is a matter about the general scale of development. It is not a question about the overall amount of extensions that have taken place, as this has nothing to do with whether the proposed extension is subordinate or not. The scale and form of this proposed extension is entirely in keeping with the advice from English Heritage on rear extensions. With regard to the general level of extensions on this building, a very large proportion of them relates to a historic light weight conservatory that is set back in the light-well. That in itself would not result in the proposed extension appearing to dominate the building. On the contrary the proposed raising of the rear extension would help

reinforce the typical terraced pattern at the rear of light-wells inter-spaced with solid rear extensions as can be seen on the surrounding properties.



**6.0 CONCLUSIONS**

- 6.1 The special and historic interest of this listed terrace is essentially its front elevation. This is confirmed in both the list description and the Council's CAPS. The proposed extension would not harm this elevation such that it will continue to be preserved.
- 6.2 In contrast the rear elevation is not considered to be special. The Council's CAPS also concurs with this view. The rear elevation of the terrace comprises a mix of development. This includes an extension at no. 11 which is similar to that being proposed. Other similar extensions can also be found at the rear elevations of the three groups of listed terraces that are adjacent to the site.
- 6.3 Having regard to these considerations, together with the fact that the proposed extension has been designed sympathetically to be in keeping with the building, it is considered that there would be no harm to this listed property nor to the setting of this listed terrace or the adjoining listed terraces as a whole.
- 6.4 The character and appearance of this part of the conservation area is defined by fine examples of groups of late Georgian/early Victorian terraces. The front elevation of these terraces retain much of their original feature detailing such the Council has and continues to preserve them through planning policy.
- 6.5 The rear elevations of these terraces paints a different picture, in that their character and appearance is defined by examples of organic development of various forms.
- 6.6 We consider that the proposed rear extension would be entirely in keeping with the form of development that exists at the rear of these terraces, such that it would contribute to the growth in character and appearance of this part of the Conservation Area.
- 6.7 In general terms the proposed extension is of a design, form, scale and height which would wholly respect the existing building by being subordinate to and entirely in

keeping with its character and appearance.

- 6.8 The proposed extension would blend in with pattern and type of development that is present. This, combined with the fact it is largely obscured from view from surrounding streets ensures that it would have no detrimental impact on the visual amenity of the area.
- 6.9 As confirmed by the Council, the proposed extension would not harm the amenities of the adjoining occupiers, either in terms of overlooking, overbearing effect or loss of sunlight or daylight.
- 6.10 We conclude that the proposed extension would not harm the special architectural character or historic interest of this listed building and terrace or the character and appearance of the Thurloe Estate and Smiths Charity Conservation Area. The proposed development therefore, complies with the advice set out in PPG15, English Heritage's document, "London terrace houses 1660 - 1860 - A guide to alterations and extensions", UDP Policies CD25, CD28, CD30, CD41, CD52, CD53 and CD58, and the Council's Supplementary Planning Guidance: the Thurloe Estate & Smith's Charity Conservation Area Policy Statement.
- 6.11 For the reasons given above, we respectfully request the Inspector to allow these appeals.

# **APPENDICES**

# **APPENDIX**

1



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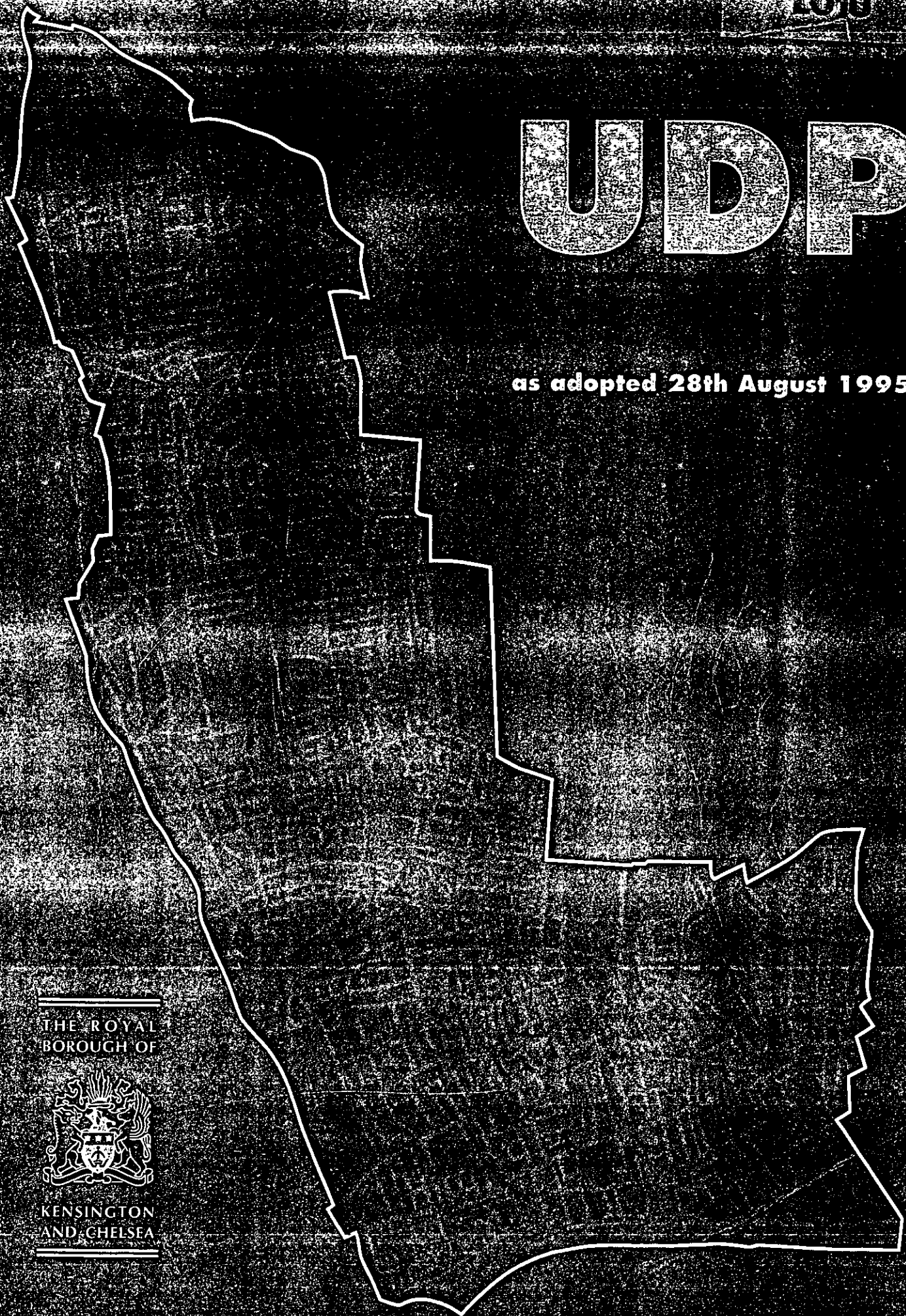
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# **APPENDIX**

2

# UDP

as adopted 28th August 1995



THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## 3 CONTROL OF DEVELOPMENT

**3.1** The policies below apply in all parts of the Borough.

### Standards of Design

**3.2** The Council is concerned that the quality of architectural design of development in all areas of the Borough should be of a high standard. Development may also provide opportunities for environmental benefits such as siting-out sports or landscaped areas.

**CD25** TO SEEK THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK AND CHARACTER OF THE SURROUNDINGS.

### Infill Development

**3.3** Infill development is more common than large-scale redevelopment in the Borough. If sensitively handled it may reinforce local character. Its form should therefore largely be determined by its townscape context. Local height, bulk, scale, building lines and materials should be carefully considered in developing appropriate designs.

**CD26** TO REQUIRE INFILL DEVELOPMENT TO:

- (a) CONFORM TO THE EXISTING BUILDING LINES AND OVERALL SCALE AND CHARACTER OF THE AREA,
- (b) HAVE RESPECT TO THE FORM AND MATERIALS OF ADJOINING BUILDINGS; AND
- (c) HAVE REGARD TO OPEN SPACES WHICH ARE IMPORTANT TO THE PROPOSED DEVELOPMENT AND THE SURROUNDING AREA.

### Backland Development

**3.4** The development of 'backland' sites, that is, the gardens or open land behind buildings, is inevitably difficult to achieve successfully. Access is a major problem and the amenities of adjoining properties need to be protected. The open and landscaped character of the land may be detrimentally affected.

**CD27** TO RESIST THE DEVELOPMENT OF BACKLAND SITES IF:

- (a) THERE WOULD BE INADEQUATE VEHICULAR ACCESS, OR
- (b) THE AMENITY OF ADJOINING PROPERTIES WOULD BE ADVERSELY AFFECTED, OR
- (c) THERE WOULD BE A LOSS OF OPEN SPACE, OR
- (d) THE CHARACTER OF THE AREA WOULD BE HARMED



## Plot Ratio for Non-Residential Development

**3.5** Plot ratio is used to assess the maximum quantity of accommodation which may be provided in non-residential developments, and is a planning tool which can indicate building bulk and levels of activity likely to be generated by development of a site. Plot ratio is not an exact control. In assessing what would be an acceptable building bulk for a site, the plot ratio standard will be the starting point. However, it cannot of itself be the determining factor. For example, a building with above average floor-to-ceiling heights will have a greater building bulk, but will have the same plot ratio as a lower building. The emphasis will be on the design and compatibility with adjoining buildings, the effect on the character and amenity of the area and on traffic. The Council is concerned that development to high plot ratios allowed in the past has had harmful consequences to the character and environment of the Borough. The Council will therefore be seeking lower plot ratios in new development in order to achieve a reduction in the intensity of development and thereby protect the residential character and quality of environment of the Borough. In all cases critical examination of the massing, traffic generation, access to public transport and employment density of the scheme will also be undertaken.

**3.6** No standard could be expected to be universally applicable, however a plot ratio of up to 2:1 will normally be acceptable. In areas which derive their character from low intensity of building a plot ratio higher than 2:1 will be expected; on the other hand plot ratios of up to 2.5:1 may be acceptable in areas of more intensive existing development. Over 2.5:1 may be justified only on townscape grounds.

**3.7** This plot ratio assessment may also apply to extensions to existing buildings.

**3.8** Guidance on the calculation of plot ratio is contained in the Planning Standards Chapter.

## Sunlight and Daylight

**3.9** Sunlight and daylight are valued elements in a good quality living and working environment. This is particularly the case in the Borough, where historic patterns of development have resulted in buildings often very close together. This helps to give the Borough its special character, but means less light within buildings and also within gardens and open spaces.

**3.10** Badly designed developments can make adjoining properties and their gardens gloomy and unattractive. Where particular owners or occupiers will experience a loss of light as a result of a proposed development, this may be material to the consideration of the proposal. However, the aim of the Council's policies is to protect the quality of the area's environment generally, safeguarding those amenities which ought to be protected in the public interest.

- 3.11** In considering development proposals the Council will not be seeking to ensure that they meet any particular minimum or maximum standard. Where proposals affect the light conditions in and around adjoining property, the extent to which it involves a significant and unreasonable worsening of light conditions for those properties will be assessed, taking account of the prevailing general standard of light in that local environment. Where existing buildings or spaces have poor light conditions, any worsening of light would only be justified on exceptional grounds. In some situations it will be appropriate to take the opportunity offered by development to achieve an improvement in light conditions where these presently fall below the standard generally prevailing in the area, or where it would otherwise be appropriate to do so. The 'good neighbourliness' of an existing property will also be relevant, for example some buildings are situated very close to the property boundary and would impose significant and unreasonable constraints on adjoining properties if standards were rigidly applied.
- 3.12** Within new developments, the Council will be seeking good light conditions, taking into account the general levels of light in the immediate area, and the character of its built form and spaces, as well as the fact that people generally look for better standards of light now than in the past.
- 3.13** These policy aims do not stand in isolation and must be weighed with other planning objectives. Conservation and design considerations will often justify closer spacing of buildings to protect the traditional character and close-knit urban fabric of the Borough.
- 3.14** The Council's policies will be relevant to most developments to impact on existing residential and non-residential properties and sites, and to the light conditions within proposed residential development and non-residential development. In the case of non-residential development, existing and proposed, it will be necessary to assess whether the occupants have a reasonable expectation of a particular standard of daylight and/or sunlight. Schools, hospitals, hotels, and many small workshops and offices will usually benefit from good light conditions. Light, including sunlight, is also important to the enjoyment of gardens and open spaces, and these will normally be included in the assessment.
- CD28** NORMALLY TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES.
- CD29** NORMALLY TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE GOOD LIGHT CONDITIONS FOR ITS BUILDINGS AND SPACES.
- 3.15** In assessing developments, the Council will, where necessary, have regard to the guidelines in "Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice", published by the Building Research Establishment. A summary of the most relevant parts of the BRE guide is contained in the Planning Standards Chapter.

## Privacy

- 3.16** The Borough has the highest residential density in Great Britain, and where good standards of privacy exist, within buildings and open spaces, it is a highly valued amenity. In assessing development proposals the Council will seek to protect the existing privacy of residents and, where appropriate, the working population and to ensure good standards of privacy within new development. Buildings in the Borough, however, are often close together and some loss of privacy as a result of development may be unavoidable. Where particular owners or occupiers will experience a loss of privacy, this will be material to the consideration of the proposal. However the aim of the Council's policies is to safeguard those amenities which deserve to be protected in the public interest.
- 3.17** In considering development proposals the Council will not be seeking to ensure that they meet any particular minimum or maximum standard. Where proposals, including extensions to existing buildings, affect the privacy of adjoining property, the extent to which they involve a significant and unreasonable worsening of overlooking to those properties will be assessed, taking account of the prevailing general standards of privacy in that local environment.
- 3.18** In some situations it will be appropriate to take the opportunity offered by development to achieve an improvement in privacy conditions where these presently fall below the standard generally prevailing in the area, or where it would otherwise be appropriate to do so. The 'good neighbourliness' of an existing property will also be relevant, for example some buildings are situated very close to the property boundary and would impose significant and unreasonable constraints on adjoining properties if standards were rigidly applied.
- 3.19** Within new developments, the Council will be seeking good standards of privacy for future occupants, taking into account the general levels of privacy in the immediate area, and the character of its built form and spaces, as well as the fact that people generally look for better standards of privacy now than in the past. A distance of about 18 metres between opposite habitable room windows reduces inter-visibility to a degree acceptable to most people. This distance may be reduced if windows are at an angle to each other. A lesser distance is normally acceptable where windows face the public highway.
- 3.20** A common cause of loss of privacy, in the Borough is the construction of terraces or balconies above garden level. Where existing levels of privacy are good, development involving new, direct overlooking from a balcony or terrace into an adjoining habitable room window or private garden below should be avoided, especially at first floor level. Where residential accommodation already has access to a garden this will be taken into account in considering the proposal to add a balcony or terrace. Generally, the size, position and angle of view into adjoining properties and gardens will be taken into account, along with the existing levels of privacy.

**3.21** These policy aims do not stand in isolation and must be weighed with other planning objectives. Conservation and design considerations will often justify closer spacing of buildings to protect the traditional character and close-knit urban fabric of the Borough.

**3.22** In the case of non-residential development, existing and proposed, it will be necessary to assess whether the proposed occupants have a reasonable expectation of a particular standard of privacy. Privacy, is also important to the enjoyment of gardens and open spaces, and these will normally be included in the assessment.

**CD30** TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION.

**3.23** Where appropriate the Council will attach conditions to planning permissions to ensure that developments do not significantly reduce the privacy enjoyed by adjoining properties. These include requiring the use of obscured glass, prohibitions on the insertion of windows in particular facades, requiring windows to be kept fixed shut, and the provision of planting boxes on terraces.

## Views and Vistas

**3.24** As well as the views and vistas highlighted below, the skylines and roofscape of large areas of the Royal Borough are sensitive to ill-considered change. Existing high buildings will not be considered as precedents. The Council's policies on views and vistas are contained in other sections of the Conservation and Development Chapter: that is Areas of Metropolitan Importance, Areas of Local Character and Conservation Areas and Listed Buildings.

**3.25** In all these views and vistas, a building erected immediately to one side, or immediately behind the building can be as damaging to a view as a building built in front.

**3.26** The Council will produce Supplementary Planning Guidance for those areas where skylines and vistas are important to the Borough's townscape and historic character.

## High Buildings

**CD31** TO RESIST A NEW HIGH BUILDING WHICH WOULD SIGNIFICANTLY EXCEED THE HEIGHT OF NEIGHBOURING BUILDINGS AND WHICH WOULD HARM THE SKYLINE

## Rear Extensions

**4.8** Buildings in the Borough are frequently difficult to extend without offending the light, privacy and outlook of adjoining buildings. The rear of some buildings may also be distinguished architecturally. Where, for example, they overlook communal gardens, these elevations may be of as much importance as the front. Whilst the rear elevations of buildings are generally subordinate to the front, they often have a simple dignity and harmony which makes them attractive.

### **CD41** NORMALLY TO RESIST PROPOSALS FOR REAR EXTENSIONS IF:

- (a) THE EXTENSION WOULD EXTEND REARWARD BEYOND THE GENERAL REAR BUILDING LINE OF ANY NEIGHBOURING EXTENSIONS;
- (b) THE EXTENSION WOULD SIGNIFICANTLY REDUCE GARDEN SPACE OF AMENITY VALUE, OR SPOIL THE SENSE OF GARDEN OPENNESS WHEN VIEWED FROM PROPERTIES AROUND;
- (c) THE EXTENSION WOULD RISE ABOVE THE GENERAL HEIGHT OF NEIGHBOURING AND NEARBY EXTENSIONS, OR RISE TO OR ABOVE THE ORIGINAL MAIN REAR EAVES OR PARAPET;
- (d) THE EXTENSION WOULD NOT BE VISUALLY SUBORDINATE TO THE PARENT BUILDING;
- (e) ON THE SITE BOUNDARY, THE EXTENSION WOULD CAUSE AN UNDUE CLIFF-LIKE EFFECT OR SENSE OF ENCLOSURE TO NEIGHBOURING PROPERTY;
- (f) THE EXTENSION WOULD SPOIL OR DISRUPT THE EVEN RHYTHM OF REAR ADDITIONS. FULL WIDTH EXTENSIONS WILL NOT USUALLY BE ALLOWED (EXCEPT IN SOME CASES AT GARDEN LEVEL).
- (g) THE ADEQUACY OF SUNLIGHT AND DAYLIGHT REACHING NEIGHBOURING DWELLINGS AND GARDENS WOULD BE IMPAIRED, OR EXISTING BELOW STANDARD SITUATIONS MADE SIGNIFICANTLY WORSE (See Planning Standards Chapter);
- (h) THERE WOULD BE A SIGNIFICANT INCREASE IN OVERLOOKING OF NEIGHBOURING PROPERTIES OR GARDENS.
- (i) THE DETAILED DESIGN OF THE ADDITION, INCLUDING THE LOCATION OR PROPORTIONS OR DIMENSIONS OF FENESTRATION OR THE EXTERNAL MATERIALS AND FINISHES WOULD NOT BE IN CHARACTER WITH THE EXISTING BUILDING (SOME EXCEPTION MAY BE ALLOWED AT BASEMENT LEVEL).

## Conservatories

**4.9** In recent years, conservatories have become an increasingly popular way of adding to domestic accommodation. A small conservatory at garden level at the rear of a property may be considered to be an appropriate garden feature. However, it is important that such proposals fit in with the historic character of the Borough. In considering applications for conservatories their location in relation to the building and garden, their impact on neighbouring properties, their size and detailed design will be considered.

- 5.6** The Council will support the improvement of the environment of conservation areas through street works and the upkeep of open spaces. Many conservation areas are cluttered by street furniture such as lamp-posts and signs and, where possible, the Council will reduce unnecessary elements. The Council will pay particular attention to the design and location of street furniture in conservation areas.

## Demolition

- 5.7** The architectural quality of a building and its contribution to the character and appearance of a conservation area may be severely compromised by partial demolition, and this will be taken into account when the Council considers any proposals. It is considered that a building's contribution to the character of a conservation area stems not only from its street frontage but also the side and rear elevations. The historic plan form and integrity of the buildings also make a significant contribution to the character of the conservation areas. Redevelopment behind a retained front facade therefore is generally not acceptable.

**CD51** TO RESIST DEMOLITION OR PARTIAL DEMOLITION OF BUILDINGS IN CONSERVATION AREAS UNLESS:

- (a) THE BUILDING OR PART OF THE BUILDING STRUCTURE MAKES NO POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE AREA OR
- (b) THE CONDITION OF THE BUILDING IS PROVED TO BE SUCH THAT REFURBISHMENT IS NOT POSSIBLE; AND
- (c) A SATISFACTORY SCHEME FOR REDEVELOPMENT HAS BEEN APPROVED.

- 5.8** Any consent for demolition will normally be subject to a condition that the building shall not be demolished until a contract for new work has been made.

## Development in Conservation Areas

- 5.9** The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. The Council, therefore, will seek to protect or enhance this through the control of development in conservation areas. In exercising such control, careful regard will be had to the content of Conservation Area Proposals Statements.

**CD52** TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.

**CD53** TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:

- (a) CHARACTER, SCALE AND PATTERN;
- (b) BULK AND HEIGHT;
- (c) PROPORTION AND RHYTHM;
- (d) ROOFSCAPE;
- (e) MATERIALS;
- (f) LANDSCAPING AND BOUNDARY TREATMENT;  
OF SURROUNDING DEVELOPMENT.

**CD54** TO CONSIDER THE EFFECT OF PROPOSALS ON VIEWS IDENTIFIED IN THE COUNCIL'S CONSERVATION AREA PROPOSALS STATEMENTS, AND GENERALLY WITHIN, INTO, AND OUT OF CONSERVATION AREAS, AND THE EFFECT OF DEVELOPMENT ON SITES ADJACENT TO SUCH AREAS.

**5.10** In order for the Council to consider fully and in detail any proposals for new buildings, alterations, or extensions which will affect the character or appearance of a conservation area, sufficient information must be supplied with any planning application.

**CD55** NORMALLY TO REQUIRE FULL PLANNING APPLICATIONS IN CONSERVATION AREAS.

**5.11** The other policies in this chapter will be rigorously applied in conservation areas.

**5.12** In applying these policies, the Council will consider not only the street scene, but views at the rear from other buildings and gardens, as these are also important to residents' amenities.

**5.13** The Council will be particularly attentive to those unsympathetic small-scale developments and extensions, the significance of which lies in the incremental and cumulative effects which can so easily be detrimental to the local environment.

**CD56** NORMALLY TO RESIST UNSYMPATHETIC SMALL-SCALE DEVELOPMENTS WHERE THE CUMULATIVE EFFECT OF A NUMBER OF SIMILAR PROPOSALS WOULD BE DETRIMENTAL TO THE CHARACTER OF THE AREA.

**5.14** In dealing with applications for alterations and extensions, the Council will seek to enhance buildings by encouraging the reinstatement of missing architectural features.

**5.20** The other policies in this chapter will also apply to listed buildings.

**CD58** NORMALLY TO RESIST PROPOSALS TO ALTER LISTED BUILDINGS UNLESS:

- (a) THE ORIGINAL ARCHITECTURAL FEATURES, AND LATER FEATURES OF INTEREST, BOTH INTERNAL AND EXTERNAL, WOULD BE RETAINED; AND
- (b) ALTERATIONS WOULD BE IN KEEPING WITH THE STYLE OF THE ORIGINAL BUILDING; AND
- (c) ALL WORKS, WHETHER THEY BE REPAIRS OR ALTERATIONS, ARE CARRIED OUT IN A CORRECT SCHOLARLY MANNER, UNDER PROPER SUPERVISION, BY SPECIALIST LABOUR WHERE APPROPRIATE; AND
- (d) THE INTEGRITY, PLAN FORM AND STRUCTURE OF THE BUILDING INCLUDING THE GROUND FLOOR PRINCIPAL ROOMS, MAIN STAIRCASE AND SUCH OTHER AREAS OF THE BUILDING AS MAY BE IDENTIFIED AS BEING OF SPECIAL INTEREST ARE RETAINED.

**5.21** The Council will provide advice on the repair and maintenance of listed buildings. Detailed advice will also be provided in Conservation Area Proposals Statements and other publications. In considering proposals to alter listed buildings the Council will encourage the removal of later inappropriate additions and alterations.

## Uses

**5.22** The best use for a listed building is the use for which it was designed, and this use, particularly where residential, should continue. Proposals for the change of use of listed buildings which were designed for uses no longer required will be considered in the light of other policies in the Plan. The new and adapted use must not diminish the architectural or historic value of the building. The implications of complying with other statutory requirements, e.g. for fire escapes, will be taken into account in determining applications for change of use.

**CD59** TO ENCOURAGE THE USE OF LISTED BUILDINGS FOR THEIR ORIGINAL PURPOSE.

**CD60** TO RESIST THE CHANGE OF USE OF A LISTED BUILDING WHICH WOULD MATERIALLY HARM ITS CHARACTER

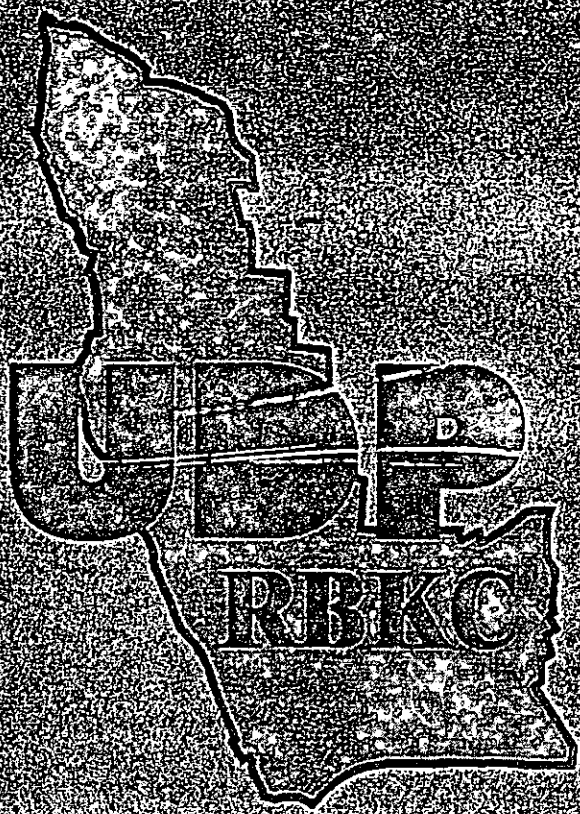
**5.23** The setting of listed buildings is of great importance, particularly landscaped spaces and the character of neighbouring properties. Unsympathetic neighbouring development may detract from the setting of buildings on the statutory list.

**CD61** TO RESIST DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE SETTING OF A LISTED BUILDING.



# **APPENDIX**

3



# Proposed Alterations

*Incorporating Public Input*

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**Unitary Development Plan**

**Public Inquiry Version**

**Planning and Conservation Committee**

**3 April 2000**

**Council 12 April 2000**

### 4.3 CONTROL OF DEVELOPMENT

4.3.1 The policies below apply in all parts of the Borough.

#### Standards of Design

4.3.2 The Council is concerned that the quality of architectural design of development in all areas of the Borough should be of a high standard. Development may also provide opportunities for environmental benefits such as sitting-out, sports or landscaped areas.

**CD25 TO SEEK THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK, MATERIALS AND CHARACTER OF THE SURROUNDINGS.**

#### Urban Design

4.3.2a Quality in urban design is an essential component in the control of development. It includes the relationship between different buildings; the relationship between buildings and the streets, squares, parks, trees and other vegetation, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a city with other parts; and the patterns of movement and activity which are thereby established.

4.3.2b The policy below is intended to reinforce and enhance the traditional urban pattern of the Royal Borough in a number of ways. First, by maintaining free movement, particularly of pedestrians, through the streets of the Borough (permeability). Second, by preserving and creating features which contribute in a positive way to the legibility of the built environment (that is, the way the urban environment is recognised and understood) including landmarks, edges building lines, open spaces, views, vistas and nodes key locations such as important cross roads, shopping centres or public gathering places. Third, by ensuring visually interesting and secure streets by the provision of active frontages in appropriate locations, the maintenance of defensible space, and the provision of appropriate uses and design of upper floors to ensure informal surveillance of the public realm. Fourth, by preserving and creating those features which contribute to the special character of the Royal Borough.

**CD25a TO REQUIRE DEVELOPMENT TO BE PHYSICALLY AND VISUALLY INTEGRATED INTO ITS SURROUNDINGS BY:**

**a) PRESERVING EXISTING PUBLIC ROUTES, CREATING NEW ROUTES WHERE APPROPRIATE, AND EXTENDING LINKS TO MAINTAIN A HIGH LEVEL OF ACCESSIBILITY, (See Transportation Chapter)**

**b) RESERVING AND CREATING FEATURES WHICH CONTRIBUTE TO THE LEGIBILITY OF THE BUILT**

## Sunlight and Daylight

- 4.3.9 Sunlight and daylight are valued elements in a good quality living and working environment. This is particularly the case in the Borough, where historic patterns of development have resulted in buildings often very close together. This helps to give the Borough its special character, but means less light within buildings and also within gardens and open spaces.
- 4.3.10 Badly designed developments can make adjoining properties and their gardens gloomy and unattractive. Where particular owners or occupiers will experience a loss of light as a result of a proposed development, this may be material to the consideration of the proposal. However, the aim of the Council's policies is to protect the quality of the area's environment generally, safeguarding those amenities which ought to be protected in the public interest.
- 4.3.11 In considering development proposals the Council will not be seeking to ensure that they meet any particular minimum or maximum standard. Where proposals affect the light conditions in and around adjoining property, the extent to which it involves a significant and unreasonable worsening of light conditions for those properties will be assessed, taking account of the prevailing general standard of light in that local environment. Where existing buildings or spaces have poor light conditions, any worsening of light would only be justified on exceptional grounds. In some situations it will be appropriate to take the opportunity offered by development to achieve an improvement in light conditions where these presently fall below the standard generally prevailing in the area, or where it would otherwise be appropriate to do so. The 'good neighbourliness' of an existing property will also be relevant, for example some buildings are situated very close to the property boundary and would impose significant and unreasonable constraints on adjoining properties if standards were rigidly applied.
- 4.3.12 Within new developments, the Council will be seeking good light conditions, taking into account the general levels of light in the immediate area, and the character of its built form and spaces, as well as the fact that people generally look for better standards of light now than in the past.
- 4.3.13 These policy aims do not stand in isolation and must be weighed with other planning objectives. Conservation and design considerations will often justify closer spacing of buildings to protect the traditional character and close-knit urban fabric of the Borough.
- 4.3.14 The Council's policies will be relevant to most developments, to impact on existing residential and non-residential properties and sites, and to the light conditions within proposed residential development and non-residential development. In the case of non-residential development, existing and proposed, it will be necessary to assess whether the occupants have a reasonable expectation of a particular standard of daylight and/or sunlight. Schools, hospitals, hotels, and many small workshops and offices will usually benefit from good light conditions. Light, including sunlight, is also important to the

enjoyment of gardens and open spaces, and these will normally be included in the assessment.

**CD28 NORMALLY TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES.**

**CD29 NORMALLY TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE GOOD LIGHT CONDITIONS FOR ITS BUILDINGS AND SPACES.**

- 4.3.15 In assessing developments, the Council will, where necessary, have regard to the guidelines in "Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice", published by the Building Research Establishment BRE. A summary of the most relevant parts of the BRE guide is contained in the Planning Standards Chapter.

### **Privacy**

- 4.3.16 The Borough has the highest residential density in Great Britain, and where good standards of privacy exist, within buildings and open spaces, it is a highly valued amenity. In assessing development proposals the Council will seek to protect the existing privacy of residents and, where appropriate, the working population and to ensure good standards of privacy within new development. Buildings in the Borough, however, are often close together and some loss of privacy as a result of development may be unavoidable. Where particular owners or occupiers will experience a loss of privacy, this will be material to the consideration of the proposal. However the aim of the Council's policies is to safeguard those amenities which deserve to be protected in the public interest.
- 4.3.17 In considering development proposals the Council will not be seeking to ensure that they meet any particular minimum or maximum standard. Where proposals, including extensions to existing buildings, affect the privacy of adjoining property, the extent to which they involve a significant and unreasonable worsening of overlooking to those properties will be assessed, taking account of the prevailing general standards of privacy in that local environment.
- 4.3.18 In some situations it will be appropriate to take the opportunity offered by development to achieve an improvement in privacy conditions where these presently fall below the standard generally prevailing in the area, or where it would otherwise be appropriate to do so. The 'good neighbourliness' of an existing property will also be relevant, for example some buildings are situated very close to the property boundary and would impose significant and unreasonable constraints on adjoining properties if standards were rigidly applied.
- 4.3.19 Within new developments, the Council will be seeking good standards of privacy for future occupants, taking into account the general levels of privacy in the immediate area, and the character of its built form and spaces, as well as the fact that people generally look for better standards of privacy now than in the past. A distance of about

18 metres between opposite habitable room windows reduces inter-visibility to a degree acceptable to most people. This distance may be reduced if windows are at an angle to each other. A lesser distance is normally acceptable where windows face the public highway.

- 4.3.20 A common cause of loss of privacy, in the Borough is the construction of terraces or balconies above garden level. Where existing levels of privacy are good, development involving new, direct overlooking from a balcony or terrace into an adjoining habitable room window or private garden below should be avoided, especially at first floor level. Where residential accommodation already has access to a garden this will be taken into account in considering the proposal to add a balcony or terrace. Generally, the size, position and angle of view into adjoining properties and gardens will be taken into account, along with the existing levels of privacy.
- 4.3.21 These policy aims do not stand in isolation and must be weighed with other planning objectives. Conservation and design considerations will often justify closer spacing of buildings to protect the traditional character and close-knit urban fabric of the Borough.
- 4.3.22 In the case of non-residential development, existing and proposed, it will be necessary to assess whether the proposed occupants have a reasonable expectation of a particular standard of privacy. Privacy, is also important to the enjoyment of gardens and open spaces, and these will normally be included in the assessment.

### **CD30 TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION.**

- 4.3.23 Where appropriate the Council will attach conditions to planning permissions to ensure that developments do not significantly reduce the privacy enjoyed by adjoining properties. These include requiring the use of obscured glass, prohibitions on the insertion of windows in particular facades, requiring windows to be kept fixed shut, and the provision of planting boxes on terraces.

#### **Sense of Enclosure**

- 4.3.23a In the same way that the proximity of buildings in the built up environment of the Borough will generally mean that a certain degree of overlooking must normally be expected, a certain degree of "sense of enclosure" will often be experienced by occupants of property. As with daylight and sunlight, and privacy, whilst some reduction can be tolerated as a result of new development there will normally be a critical point beyond which such reduction in amenity should be deemed unacceptable. In some cases, even where a proposed development meets technical daylight and sunlight standards it might still increase the sense of enclosure to a property by a material and unacceptable degree. Such an effect can be particularly severe where the affected accommodation comprises only one or two habitable rooms; if these rooms are both significantly affected then there would be a consequent reduction in the enjoyment of the dwelling as a whole. Similarly, flats at

lower levels in buildings or opening onto lightwells can already suffer a great sense of enclosure and even a small increase in this might be intolerable. Mathematical calculation is inappropriate in these situations; on-site judgement will always be the best starting point for assessment.

**CD30a TO RESIST DEVELOPMENT WHERE IT WOULD RESULT IN A HARMFUL INCREASE IN THE SENSE OF ENCLOSURE TO NEARBY RESIDENTIAL PROPERTY**

**High Buildings, Views and Vistas**

- 4.3.24 [As well as the views and vistas highlighted below,] The skylines and roofscape of large areas of the Royal Borough are sensitive to ill-considered change. Existing high buildings will not be considered as precedents. LPAC has published a study of high buildings in London as a guide to draft strategic planning advice. In considering proposals for high buildings, the Council will have regard to this advice. Policy CD31 will be applied to extensions to existing high buildings as well as new development. [The Council's policies on views and vistas are contained in other sections of the Conservation and Development Chapter: that is Areas of Metropolitan Importance, Areas of Local Character and Conservation Areas and Listed Buildings.]
- 4.3.25 The Council's policies on views and vistas are contained in other sections of the Conservation and Development Chapter. While not intended to be exhaustive, these policies are: CD1, CD5A, CD6 (Areas of Metropolitan Importance); CD11, CD12, CD13, CD15 (Metropolitan Open Land); CD16 (Areas of Local Character); CD54, CD61 (Conservation Areas and Listed Buildings) and CD81 (Archaeology and Ancient Monuments). ~~that is. Areas of Metropolitan Importance, Areas of Local Character and Conservation Areas and Listed Buildings.~~ [In all these views and vistas, a building erected immediately to one side, or immediately behind the building can be as damaging to a view as a building built in front.] In applying these policies, account will be taken of circumstances where the subject of a view or vista may be compromised by a new development immediately to one side or behind as much as a building constructed in front. The Council will produce Supplementary Planning Guidance for those areas where skylines and vistas are important to the Borough's townscape and historic character.
- [4.3.26 The Council will produce Supplementary Planning Guidance for those areas where skylines and vistas are important to the Borough's townscape and historic character.]

**[High Buildings]**

**CD31 TO RESIST A NEW HIGH BUILDING WHICH WOULD SIGNIFICANTLY EXCEED THE HEIGHT OF NEIGHBOURING BUILDINGS AND WHICH WOULD HARM THE SKYLINE.**

## Roof Terraces

- 4.4.6 Terraces on roofs of main buildings or extensions can provide a valuable small area of open space for residents. They can also result in serious intrusion into the privacy and quiet enjoyment of neighbouring residential properties, and be visually intrusive. It is normally inappropriate to set back a mansard roof to provide a terrace.

### **CD40 TO RESIST THE INTRODUCTION OF ROOF TERRACES IF:**

- a) **SIGNIFICANT OVERLOOKING OF, OR DISTURBANCE TO, NEIGHBOURING PROPERTIES OR GARDENS WOULD RESULT; OR**
- b) **ANY ACCOMPANYING ALTERATIONS OR ROOF ALTERATIONS ARE NOT TO A SATISFACTORY DESIGN, WOULD BE VISUALLY INTRUSIVE OR WOULD HARM THE STREET SCENE.**

- 4.4.7 Account will be taken of whether the residential unit has access to any other amenity space.

## [Rear] Extensions

- 4.4.8 Buildings in the Borough are frequently difficult to extend without offending the light, privacy and outlook of adjoining buildings. The rear and sides of some buildings may also be distinguished architecturally. Where, for example, they overlook communal gardens, these elevations may be of as much importance as the front. Whilst [the rear] these elevations of buildings are generally subordinate to the front, they often have a simple dignity and harmony which makes them attractive.

- 4.4.8a The following policies are applicable to development involving extension to buildings other than additional storeys and roof extensions (see CD38 and CD39). Policy CD41 is applicable to all proposed extensions with policies CD42 and CD43 indicating additional circumstances applying specifically to conservatories and side extensions respectively.

### **CD41 NORMALLY TO RESIST PROPOSALS FOR [REAR] EXTENSIONS IF:**

- a) **THE EXTENSION WOULD EXTEND REARWARD BEYOND THE GENERAL REAR BUILDING LINE OF ANY NEIGHBOURING EXTENSIONS;**
- b) **THE EXTENSION WOULD SIGNIFICANTLY REDUCE GARDEN SPACE OF AMENITY VALUE, OR SPOIL THE SENSE OF GARDEN OPENNESS WHEN VIEWED FROM PROPERTIES AROUND (See also Policy CD72);**



- c) THE EXTENSION WOULD RISE ABOVE THE GENERAL HEIGHT OF NEIGHBOURING AND NEARBY EXTENSIONS, OR RISE TO OR ABOVE THE ORIGINAL MAIN [REAR] EAVES OR PARAPET;
- d) THE EXTENSION WOULD NOT BE VISUALLY SUBORDINATE TO THE PARENT BUILDING;
- e) ON THE SITE BOUNDARY, THE EXTENSION WOULD CAUSE AN UNDUE CLIFF-LIKE EFFECT OR SENSE OF ENCLOSURE TO NEIGHBOURING PROPERTY;
- f) THE EXTENSION WOULD SPOIL OR DISRUPT THE EVEN RHYTHM OF REAR ADDITIONS. FULL WIDTH EXTENSIONS WILL NOT USUALLY BE ALLOWED [(EXCEPT IN SOME CASES AT GARDEN LEVEL)];
- g) THE ADEQUACY OF SUNLIGHT AND DAYLIGHT REACHING NEIGHBOURING DWELLINGS AND GARDENS WOULD BE IMPAIRED, OR EXISTING BELOW STANDARD SITUATIONS MADE SIGNIFICANTLY WORSE (See Planning Standards Chapter);
- h) THERE WOULD BE A SIGNIFICANT INCREASE IN OVERLOOKING OF NEIGHBOURING PROPERTIES OR GARDENS;
- i) THE DETAILED DESIGN OF THE ADDITION, INCLUDING THE LOCATION OR PROPORTIONS OR DIMENSIONS OF FENESTRATION OR THE EXTERNAL MATERIALS AND FINISHES, WOULD NOT BE IN CHARACTER WITH THE EXISTING BUILDING (SOME EXCEPTION MAY BE ALLOWED AT BASEMENT LEVEL).
- j) THE EXTENSION WOULD BREACH THE ESTABLISHED FRONT BUILDING LINE;
- k) AN IMPORTANT OR HISTORIC GAP OR VIEW WOULD BE BLOCKED OR DIMINISHED.

#### Conservatories

- 4.4.9 In recent years, conservatories have become an increasingly popular way of adding to domestic accommodation. A small conservatory at garden level at the rear of a property may be considered to be an appropriate garden feature. However, it is important that such proposals fit in with the historic character of the Borough. In considering applications for conservatories their location in relation to the building and

**CD51 TO RESIST DEMOLITION OR [PARTIAL] SUBSTANTIAL DEMOLITION OF BUILDINGS IN CONSERVATION AREAS UNLESS:**

- a) **THE BUILDING OR PART OF THE BUILDING STRUCTURE MAKES NO POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE AREA; OR**
- b) **THE CONDITION OF THE BUILDING IS PROVED TO BE SUCH THAT REFURBISHMENT IS NOT POSSIBLE; AND**
- c) **A SATISFACTORY SCHEME FOR REDEVELOPMENT HAS BEEN APPROVED.**

4.5.8 Any consent for demolition will normally be subject to a condition that the building shall not be demolished until a contract for new work has been made.

**Development in Conservation Areas**

4.5.9 The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm, but also at the rear and sides of properties, particularly, around areas of private gardens. Residents appreciation and enjoyment of the special character and appearance of conservation areas derives from both public viewpoints and views from within their dwellings. In applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens, as these are also important to residents' amenities. The Council, therefore, will seek to protect or enhance this [through] by rigorously applying the policies in this chapter to control [of] development in conservation areas. In exercising such control, careful regard will be had to the content of Conservation Area Proposals Statements.

**CD52 TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.**

**CD53 TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:**

- a) **CHARACTER, SCALE AND PATTERN;**
- b) **BULK AND HEIGHT;**
- c) **PROPORTION AND RHYTHM;**
- d) **ROOFSCAPE;**

- 4.5.17 In cases where there is an imminent threat to such buildings by demolition or development proposals, the Council will consider use of its powers to serve Building Preservation Notices.

#### **Demolition of Listed Buildings**

- 4.5.18 The Council has control over the proposed demolition of all listed buildings in the Borough. The general presumption is that all buildings on the statutory list will be preserved because of their architectural or historic interest. Redevelopment behind a retained facade is usually unacceptable.

**CD57 TO RESIST THE DEMOLITION OF LISTED BUILDINGS IN WHOLE OR IN PART, OR THE REMOVAL OR MODIFICATION OF FEATURES OF ARCHITECTURAL IMPORTANCE (BOTH INTERNAL AND EXTERNAL).**

#### **Works to Listed Buildings**

- 4.5.19 In dealing with works to listed buildings there is a presumption firmly in favour of preservation. All proposed works to the building should be shown on an application for listed building consent. It should be demonstrated that any matter that might be the subject of control under other legislation or by another authority can be dealt with, without adversely affecting the building's character.
- 4.5.20 The other policies in this chapter will also apply to listed buildings.

**CD58 NORMALLY TO RESIST PROPOSALS TO ALTER LISTED BUILDINGS UNLESS:**

- a) **THE ORIGINAL ARCHITECTURAL FEATURES, AND LATER FEATURES OF INTEREST, BOTH INTERNAL AND EXTERNAL, WOULD BE [RETAINED] PRESERVED; AND**
- b) **ALTERATIONS WOULD BE IN KEEPING WITH THE STYLE OF THE ORIGINAL BUILDING;AND**
- c) **ALL WORKS, WHETHER THEY BE REPAIRS OR ALTERATIONS, ARE CARRIED OUT IN A CORRECT SCHOLARLY MANNER, UNDER PROPER SUPERVISION, BY SPECIALIST LABOUR WHERE APPROPRIATE; AND**
- d) **THE INTEGRITY, PLAN FORM AND STRUCTURE OF THE BUILDING INCLUDING THE GROUND AND FIRST FLOOR PRINCIPAL ROOMS, MAIN STAIRCASE AND SUCH OTHER AREAS OF THE BUILDING AS MAY BE IDENTIFIED AS BEING OF SPECIAL INTEREST ARE [RETAINED] PRESERVED.**

- 4.5.21 The Council will provide advice on the repair and maintenance of listed buildings. Detailed advice will also be provided in Conservation Area Proposals Statements and other publications. In considering proposals to alter listed buildings the Council will encourage the removal of later inappropriate additions and alterations and also the reinstatement of original features.

#### Uses

- 4.5.22 The best use for a listed building is the use for which it was designed, and this use, particularly where residential, should continue. Proposals for the change of use of listed buildings which were designed for uses no longer required will be considered in the light of other policies in the Plan. The new and adapted use must not diminish the architectural or historic value of the building. The implications of complying with other statutory requirements, e.g. for fire escapes, will be taken into account in determining applications for change of use.

**CD59 TO ENCOURAGE THE USE OF LISTED BUILDINGS FOR THEIR ORIGINAL PURPOSE.**

**CD60 TO RESIST THE CHANGE OF USE OF A LISTED BUILDING WHICH WOULD MATERIALLY HARM ITS CHARACTER.**

- 4.5.23 The setting of listed buildings is of great importance, particularly landscaped spaces and the character of neighbouring properties. Unsympathetic neighbouring development may detract from the setting of buildings on the statutory list.

**CD61 TO RESIST DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE SETTING OF A LISTED BUILDING.**

## 4.6 SHOPFRONTS AND ADVERTISEMENTS

### Shopfronts

- 4.6.1 Many of the shopping streets in the Borough are of national and international repute; many are included in or border on conservation areas. Though the perceived quality of any particular proposals for new advertisements or shopfronts must depend, at least to some extent, on aesthetic taste, excessive or inconsiderate advertisement defeats its own ends. (See also Supplementary Planning Guidance - Design and Conservation of Shopfronts and Shopping Streets).
- 4.6.2 The Council's aim is to protect or improve the general quality of advertisement and shopfront design and to limit the quantity where excess would spoil the character of particular shops or shopping areas. The Council will prepare, for the guidance of applicants, from time to time, comprehensive design guidelines for shopfronts and advertising for each of the Borough's principal shopping streets. Design guidelines have already been prepared for Kensington High Street, Earls Court Road, King's Road

# **APPENDIX**

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