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International Property Advisers

SUPERSEDED

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26 MAR 2001
TOMMASETTI
P/BK 03

PP010637
40 OVINGTON STREET, LONDON, SW3
PLANNING STATEMENT
MADE IN SUPPORT OF APPLICATIONS
SUBMITTED ON BEHALF OF MS HELEN GREEN
TO MODIFY THE APPROVED CONSERVATORY
TO PROVIDE A GLAZED INFILL LIGHTWELL

SUPERSEDED

GVA GRIMLEY
10 STRATTON STREET
LONDON
W1X 6JR

Ref. ND/L/MJO/02A087137
March 2001

1.0 INTRODUCTION

1.1 Our client, Ms Helen Green, has instructed us to submit planning and listed building applications to modify the approved conservatory, to provide a glazed infill lightwell at first floor level within the confines of the approved scheme. These planning applications are restricted to the rear of the residential property at 40 Ovington Street, London SW3.

1.2 This planning statement is intended to provide a comprehensive overview of the proposal, and sets out the planning justification in relation to the policies concerning the development. The proposal is intended to bring about a sensitive enhancement to the rear of the property without causing harm to the character and setting of the listed building.

1.3 This statement is considers the proposal under the following headings:

- Site & surrounding area
- Planning history
- The proposal
- Policy objectives
- Consideration and conclusions

2.0 SITE & SURROUNDING AREA

- 2.1 The site, which measures approximately 103 sq. m, is a mid 19th Century terraced house situated in the Chelsea Conservation Area, which faces onto Ovington Street to the front and Lennox garden Mews to the rear. The property is three storeys in height and also includes a basement below street level, similar to much of the remainder of the terrace on Ovington Street (see photograph 1).
- 2.2 The building, a Grade II listed building, is currently in a poor condition, particularly the rear to which this application relates (see photograph 2). Recent planning and listed building consents, however, will allow for a fundamental enhancement to the rear elevation. The building is listed as part of an entire group- numbers 2 to 58 (even) for their group value forming a symmetrical terrace. Although the properties are listed the listing description acknowledges that several of these buildings have been 'mutilated'.
- 2.3 We do not consider that the rear of the properties on Ovington Street, as viewed from Lennox Gardens Mews, are particularly significant in terms of architectural merit, rhythm or unity (see photographs 3 and 4). Several properties have been subjected to alterations or extensions to the rear, with many having large rear wing additions and conservatories, as seen in photograph 5.
- 2.4 The building at 40 Ovington Street has been subjected to a number of alterations and changes over time. The cumulative effect of these changes, including an existing ramshackle lean-to extension, appear to have paid little attention to the design and materials of the original building listed building.

3.0 PLANNING HISTORY

- 3.1 Planning and listed building applications (PP/00/01956 and LB/00/01957 respectively), approved by the Royal Borough of Kensington and Chelsea on 5 October 2000, provided consent for the erection of a roof extension, remodelling of the existing closet wing, fenestration alterations, internal alterations and the erection of a rear conservatory within the lightwell to the rear of this property.
- 3.2 The permitted scheme proposes to significantly improve the visual character and design qualities to the rear of this property. As part of the approved scheme the dilapidated lean-to extension will be removed and replaced by a high quality frameless conservatory. The approved scheme proposes to extend the rear closet wing in height and length with a new conservatory situated within the gap between the extension and the existing flank wall of the neighbouring property. Subsequently the rear closet wing will be much taller, creating additional floorspace at ground, first and second floors, which raises the line of the existing parapet.
- 3.3 Planning permission has previously been granted for alterations, extensions and new conservatories to the rear of several other properties along Ovington Street. For example 52 Ovington Street (TP/90/0201 and TP90/0202) and 56 Ovington Street (TP/93/1853 and TP/93/1854). The permitted alterations to the property at 52 Ovington Street involving the erection of a new conservatory extending from a previously existing conservatory type extension is illustrated in photograph 6.

4.0 THE PROPOSAL

- 4.1 The proposal is to modify the approved conservatory, to provide a glazed infill lightwell within the confines of the approved scheme. This will allow for an increase in the height of the glazing to create a taller infill to the rear lightwell to ground floor level. The effect of this will be not to create a conservatory as such but a glazed infill lightwell.
- 4.2 The proposal will be situated at first floor level between the approved scheme and the existing flank wall of the neighbouring property. This moderate infill extension will be concealed largely by the existing and permitted schemes, which to a large extent will preclude any unfavourable impacts on the visibility of the proposal. Consequently, it is considered that the proposal will have little, if any, impact on neighbouring properties or visual amenity.
- 4.3 The glazed design enhances the listed building in terms of rhythm and unity by emulating the permitted scheme, while allowing the original building to be viewed. It is not considered that the proposal will harm the listed building, if anything it will add character and interest. The proposal will entail the removal of the existing window at ground floor level, which will be replaced an internal opening to allow the conservatory lightwell to be experienced from the ground floor south drawing room, effectively extending the permitted conservatory in height creating a new glazed infill lightwell. There is no access to the conservatory at first floor level.
- 4.4 Unlike the permitted scheme at 52 Ovington Street the proposal is frameless, which has been sensitively designed by specialist contractors in order to preserve and enhance the character of the existing listed building. It is not considered that the raised height of the glazed infill will be significantly visible above the garden wall, which currently surrounds the property. There would be no significant increase in overlooking from neighbouring properties.

5.0 POLICY OBJECTIVES

5.1 The proposals set out in the previous section are considered against national and local planning policy.

5.2 The Council adopted the UDP in August 1995. At present the UDP is under review, having completed two deposit periods in August 1999 and March 2000 respectively, and a Public Local Inquiry, which concluded in February 2001. Whilst the emerging UDP represents the Council's current approach to the consideration of planning applications, and a material consideration, in the light of section 54A of the 1990 Act, the applications must be judged against the policies of the adopted UDP. The emerging UDP, nevertheless, does not intend to significantly alter the existing policies that relate to this proposal.

5.3 Relevant policy is set out and the proposals considered under the following headings:

- Design Considerations
- Conservation Areas
- Listed building Works
- Alterations and Extensions
- Conservatories.

Design Considerations

5.4 Policy CD25 of the Adopted Royal Borough of Kensington and Chelsea UDP deals with standards of design within the Borough. The policy states that:

"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."

- 5.5 We consider the existing rear of this property to be of little architectural merit in terms of design, rhythm and unity. Nevertheless we believe that this proposal for development, together with the permitted scheme (PP/00/01956) successfully addresses existing issues of poor design, which proposes to positively enhance the character and function of the building. We do not consider this proposal to be out of character with the surroundings in terms of scale, height or bulk, especially when compared to the permitted extension at 52 Ovington Street. The carefully designed frameless structure represents a sympathetic and skilled solution for an extension to the rear of this listed property, which does not conceal the original building with solid brickwork.
- 5.6 PPG1 provides additional guidance when considering matters relating to the design of proposed development. This guidance states that local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily (paragraph 18), and should not concern themselves with matters of detailed design (except where such matters have a significant effect on the character or quality of the area) (paragraph 18). Paragraph 19 advises that planning permission should not be refused on design grounds unless there are exceptional circumstances. In addition, the guidance advises that design policies and guidance should focus upon encouraging good design and should avoid stifling responsible innovation, originality or initiative proposals.
- 5.7 We consider that the glazed infill lightwell is not visibly obvious to other residents and will not be cause a problem in terms of overlooking, since there are no windows on the adjacent flank wall of the neighbouring property. Considering the quality of the other rear extensions in this area and the harm already done to visual character, we consider that this proposal has a favourable impact on the visual amenity of neighbouring occupiers. If anything, we consider that the glazed infill lightwell is more likely to add interest and enhance the appearance of the rear elevation than be detrimental to it.

- 5.8 We consider that other permitted extensions to the rear of similar properties in this area set good and sufficient precedents for the permitting of this glazed feature and that this component is not incongruous or unobtrusive in the context of these other extensions or alterations nearby.

Conservation Areas

- 5.9 The site falls within the Chelsea conservation area, within the Royal Borough of Kensington and Chelsea. There are a number of policies in the Royal Borough of Kensington and Chelsea UDP that relate to development within conservation areas, in particular Policy **CD53** states:

To ensure that all development in a conservation area 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*
- 5.10 It is unrealistic to assume that no further alterations can be made to buildings merely because they are within a conservation area. Conservation is as much concerned with ensuring that changes are compatible with their surroundings as with retaining the exact appearance of an area and its buildings. The Chelsea Conservation Area Proposals Statement sets out more specific information relating to development proposals in this area. The Conservation Area Proposals Statement accepts that there is continuing pressure within the area for development to occur, stating that:

“The predominant built form in Chelsea Conservation Area is of small or medium sized houses, often much altered, many still single family dwellings. There is consequently continuous pressure to adapt and extend them further to suit changing family patterns and aspirations.”

- 5.11 More specifically the Chelsea Conservation Area Proposals Statement states that:

“In Ovington Street two long symmetrical listed terraces face each other but there has been little attempt to produce a grand statement”.

- 5.12 The character of Ovington Street, therefore, although significant is predominantly concerned with the street frontage, rather than to the rear, where properties have been subjected to numerous phases of incremental change and alteration. Since this proposal, for a moderate alteration, is restricted to the rear of the property we do not consider that it will have a noticeable affect on the character or appearance of the conservation area, although its relationship with the surrounding area is, nevertheless, an important consideration.

- 5.13 Whilst we acknowledge that this group of properties has already suffered as a result of incremental changes and alterations we do not consider that the proposal will have a further detrimental impact on the surrounding area. The glazed infill lightwell, set within the confines of the approved scheme and the neighbouring flank wall, would not be visually intrusive, unlike the development at 52 Ovington Street, which is extremely exposed. The glazed proposal pays close attention to the original listed building, whilst at the same time emulates the permitted scheme, which enhances the building in terms of rhythm and unity.

Listed Building Works

5.14 Policy CD58 deals with the works to listed buildings. The Policy states that:

“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 features of the building as may be identified as being of special interest are retained.”*

5.15 We do not consider that the glazed proposal and the removal of the window at first floor level detracts from the style of the original building, nor does it undermine the features of interest that led to it being identified as of special interest, which was its group value as a symmetrical terrace. If anything the proposal attributes special character and interest.

5.16 PPG15 (planning and the historic environment) provides further advice regarding alterations and extensions to listed buildings, which states that buildings can effectively sustain a degree of sensitive alteration and extension to accommodate new or continuing uses. Furthermore, that cumulative sensitive changes reflecting the history of use and ownership are themselves an aspect of special interest, which demonstrate flexibility and imagination and do not serve to be destructive to the building's special interest. PPG15, paragraph 3.15, states:

“Thus, a better solution may be possible if a local planning authority is prepared to apply normal development control policies flexibly; or if an applicant is willing to exploit unorthodox spaces rather than set a standardised requirement or if an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach.”

- 5.17 English Heritage provides further advice in their guide on alterations and extensions, *London Terrace Houses 1660-1860*, which states:

“Sometimes, however, later features such as conservatories, porches, balconies or chimneys may have intrinsic merit and form an important part of the cumulative history of the building.”

- 5.18 Furthermore it states that:

“As a general rule alterations should preserve the structure, character and appearance of the building. In a conservation area it is vital to consider the way the house fits into the wider context of the street and any alterations should preserve or enhance the character or appearance of the area.”

- 5.19 It is considered that this proposal accords with both the UDP policy and advice from English Heritage in a number of significant ways. As stated previously, it is deemed that the wider context and the character of the properties to the rear of Ovington Street are not particularly significant in terms of architectural merit, rhythm or unity. Hence the proposed glazed infill lightwell would not detract from the already undistinguished character to the rear of these properties, particularly since it would be enclosed by existing structures on three sides.

- 5.20 The very nature of the glazed translucent proposal allows the form listed original building to be appreciated and preserved whilst the same time

employing a creative approach in order to accommodate the continuing use. It is considered, therefore, that this sensitive glazed proposal achieves a proper balance between the special interest of the listed building without causing additional harm.

Alterations and Extensions

- 5.21 The proposal to increase the height of the permitted conservatory to create a glazed infill light well forming an additional first floor storey is assessed below in the light of current policy. Policy **CD39** deals with additional storeys to properties and roof level alterations. The policy advises the Council to:

“Normally to permit additional storeys and roof level alterations in the following circumstances:

- a) *Where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to re-unit the group; and*
 - b) *The alterations are architecturally sympathetic to the age and character of the building.*
- 5.22 It is considered that the proposal is not contrary to policy since it has already been revealed that this group of properties has suffered as a consequence of numerous incremental alterations and extensions having a detrimental impact on the character, rhythm and unity of the buildings. Furthermore we consider this carefully designed glazed proposal to be architecturally sympathetic to the age and character of the building, which would not harm its appearance.

Conservatories

5.23 Although we do not strictly consider this proposal to be a conservatory, Policy CD42 of the UDP deals with rear conservatories within the Borough. The policy advises:

“Normally to resist proposals for conservatories if:

- a) Located in front of the property;*
- b) Located at roof level;*
- c) Located significantly above garden level;*
- d) Covering the whole width of the property;*
- e) Of a size or design which is unsympathetic to the existing building;*
- f) Located on a corner site;*
- g) Intruding on an important gap;*
- h) Likely to increase significantly overlooking of neighbouring properties.”*

5.24 As stated earlier, we do not strictly consider this proposal to be a conservatory since it is not restricted to the ground floor level, rather it is considered that the proposal constitutes a glazed infill lightwell at first floor level. Nevertheless, it can be demonstrated that the proposal is nevertheless in accordance with UDP policy relating to conservatories. The proposal, located to the rear of the property, does not extend to the full roof line of the building, nor does it cover the whole width of the building, since this is a glazed infill lightwell which is restricted to the confines of the previously permitted scheme.

5.25 Whilst the UDP fails to define what is meant by the term ‘garden level’, we do not consider that the proposal significantly extends above garden level since it would not be visible above the garden wall and hedge when viewed from the site exterior (see photograph 3). The proposal will, therefore, have little if any noticeable impact on the surrounding area. Accordingly we conclude that the proposal is in accordance with UDP policy.

6.0 CONSIDERATION & CONCLUSIONS

- 6.1 The property at 40 Ovington Street has existed since the early to mid nineteenth century, and is listed as part of its group value, which forms an historic symmetrical terrace. The building, although listed, is capable of sustaining a certain degree of cumulative change. Incremental alterations to the terrace has detracted from the original street layout, which has had to a certain degree, a detrimental impact on the tenuous visual appearance of the terrace rear.
- 6.2 The frameless glazed detailed proposal is an excellent example of structural design, which considers the historic nature of the building while respecting the needs of the current occupier to extend the property. The proposal will have little, if any, noticeable impact on the ill-defined character to the rear of the group of properties on Ovington Street. Nor will the proposal affect the function and appearance of the surrounding conservation area or the amenity enjoyed by residents of nearby properties.
- 6.3 The impact of the sensitively designed proposal on the building itself will be minimal. The glazed material allows the listed building to be appreciated in its original form, whilst at the same time emulates the layout of the permitted scheme to form the glazed infill lightwell. The removal of the window at first floor level is not a significant feature that contributed to the listed status of the property. On balance it is not considered that the removal of the window causes so much harm as to warrant refusal of planning permission.
- 6.4 In summary, these planning and listed building applications accord with the Unitary Development Plan in a number of significant ways and positively contribute to the area. Accordingly, under s.54A of the Town and Country Planning Act, we conclude that planning consent should be granted.



PHOTOGRAPH 1



PHOTOGRAPH 2



PHOTOGRAPH 3



PHOTOGRAPH 4



PHOTOGRAPH 5



International Property Advisers

CCF

**40 OVINGTON STREET, LONDON, SW3
PLANNING STATEMENT
MADE IN SUPPORT OF APPLICATIONS
SUBMITTED ON BEHALF OF MS HELEN GREEN
TO MODIFY THE APPROVED CONSERVATORY
TO PROVIDE A GLAZED LIGHTWELL INFILL**

**GVA GRIMLEY
10 STRATTON STREET
LONDON
W1X 6JR**

**Ref. ND/L/MJO/02A087137
March 2001**

1.0 INTRODUCTION

- 1.1 Our client, Ms Helen Green, has instructed us to submit planning and listed building applications to modify the approved conservatory, to provide an extension to the glazed area at first floor level within the overall confines of the approved scheme. These planning applications are restricted to the rear of the residential property at 40 Ovington Street, London SW3.
- 1.2 This planning statement is intended to provide a comprehensive overview of the proposal, and sets out the planning justification in relation to the policies concerning the development. The proposal is intended to bring about a sensitive enhancement to the rear of the property without causing harm to the character and setting of the listed building.
- 1.3 This statement is considers the proposal under the following headings:
- Site & surrounding area
 - Planning history
 - The proposal
 - Policy objectives
 - Consideration and conclusions

2.0 SITE & SURROUNDING AREA

- 2.1 The site, which measures approximately 103 sq. m, is a mid 19th Century terraced house situated in the Chelsea Conservation Area, which faces onto Ovington Street to the front and Lennox garden Mews to the rear. The property is three storeys in height and also includes a basement below street level, similar to much of the remainder of the terrace on Ovington Street (see photograph 1).
- 2.2 The building, a Grade II listed building, is currently in a poor condition, particularly the rear to which this application relates (see photograph 2) and has recently been acquired by our client. Recent planning and listed building consents, however, will allow for a fundamental enhancement to the rear elevation. The building is listed as part of an entire group- numbers 2 to 58 (even) for their group value forming a symmetrical terrace. Although the properties are listed the listing description acknowledges that several of these buildings have been 'mutilated'.
- 2.3 We do not consider that the rear of the properties on Ovington Street, as viewed from Lennox Gardens Mews, are particularly significant in terms of architectural merit, rhythm or unity (see photographs 3 and 4). Several properties have been subjected to alterations or extensions to the rear, with many having large rear wing additions and conservatories, as seen in photograph 5.
- 2.4 The building at 40 Ovington Street has been subjected to a number of alterations and changes over time. The cumulative effect of these changes, including an existing ramshackle lean-to extension, appear to have paid little attention to the design and materials of the original building listed building.

3.0 PLANNING HISTORY

- 3.1 Planning and listed building applications (PP/00/01956 and LB/00/01957 respectively), approved by the Royal Borough of Kensington and Chelsea on 5 October 2000, provided consent for the erection of a roof extension, remodelling of the existing closet wing, fenestration alterations, internal alterations and the erection of a rear conservatory within the lightwell to the rear of this property.
- 3.2 The permitted scheme proposes to significantly improve the visual character and design qualities to the rear of this property. As part of the approved scheme the dilapidated lean-to extension will be removed and replaced by a high quality frameless conservatory. The approved scheme proposes to extend the rear closet wing in height and length with a new conservatory situated within the gap between the extension and the existing flank wall of the neighbouring property. Subsequently the rear closet wing will be much taller, creating additional floorspace at ground, first and second floors, which raises the line of the existing parapet.
- 3.3 Planning permission has previously been granted for alterations, extensions and new conservatories to the rear of several other properties along Ovington Street. For example 52 Ovington Street (TP/90/0201 and TP90/0202) and 56 Ovington Street (TP/93/1853 and TP/93/1854). The permitted alterations to the property at 52 Ovington Street involving the erection of a new conservatory extending from a previously existing conservatory type extension is illustrated in photograph 5.

4.0 THE PROPOSAL

- 4.1 The proposal is to modify the approved conservatory, to provide an extension to the glazing at first floor level within the overall confines of the approved scheme. This will allow for an increase in height to the permitted conservatory by extending the area of glazing to first floor level.
- 4.2 The proposal will be situated at first floor level between the approved scheme and the existing flank wall of the neighbouring property. The permitted scheme and existing flank wall will thus largely conceal the proposed development. Consequently, it is considered that the proposal will have little, if any, impact on neighbouring properties or visual amenity.
- 4.3 The glazed design enhances the listed building in terms of rhythm and unity by emulating the permitted scheme, while allowing the original building to be viewed. It is not considered that the proposal will harm the listed building, if anything it will add character and interest. The proposal will entail the removal of the existing window at first floor level, which will be replaced an internal opening to allow the conservatory to be experienced from the ground and first floors, effectively extending the permitted conservatory in height. There would be no access to the conservatory at first floor level.
- 4.4 Unlike the permitted scheme at 52 Ovington Street the proposal is frameless, which has been sensitively designed by specialist contractors in order to preserve and enhance the character of the existing listed building. It is not considered that the raised height of the glazing will be significantly visible above the garden wall, which currently surrounds the property. There would be no significant increase in overlooking from neighbouring properties, as there would be no access to this new area as it is, in effect, a double height space.

5.0 POLICY OBJECTIVES

5.1 The proposals set out in the previous section are considered against national and local planning policy.

5.2 The Council adopted the UDP in August 1995. At present the UDP is under review, having completed two deposit periods in August 1999 and March 2000 respectively, and a Public Local Inquiry, which concluded in February 2001. Whilst the emerging UDP represents the Council's current approach to the consideration of planning applications, and a material consideration, in the light of section 54A of the 1990 Act, the applications must be judged against the policies of the adopted UDP. The emerging UDP, nevertheless, does not intend to significantly alter the existing policies that relate to this proposal.

5.3 Relevant policy is set out and the proposals considered under the following headings:

- Design Considerations
- Conservation Areas
- Listed building Works
- Alterations and Extensions
- Conservatories.

Design Considerations

5.4 Policy CD25 of the Adopted Royal Borough of Kensington and Chelsea UDP deals with standards of design within the Borough. The policy states that:

"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."

- 5.5 We consider the existing rear of this property to be of little architectural merit in terms of design, rhythm and unity. Nevertheless we believe that this proposal for development, together with the permitted scheme (PP/00/01956) successfully addresses existing issues of poor design, which proposes to positively enhance the character and function of the building. We do not consider this proposal to be out of character with the surroundings in terms of scale, height or bulk, especially when compared to the permitted extension at 52 Ovington Street. The carefully designed frameless structure represents a sympathetic and skilled solution for an extension to the rear of this listed property, which does not conceal the original building with solid brickwork.
- 5.6 PPG1 provides additional guidance when considering matters relating to the design of proposed development. This guidance states that local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily (paragraph 18), and should not concern themselves with matters of detailed design (except where such matters have a significant effect on the character or quality of the area) (paragraph 18). Paragraph 19 advises that planning permission should not be refused on design grounds unless there are exceptional circumstances. In addition, the guidance advises that design policies and guidance should focus upon encouraging good design and should avoid stifling responsible innovation, originality or initiative proposals.
- 5.7 The glazed extension will not cause a problem in terms of overlooking, since there are no windows on the adjacent flank wall of the neighbouring property. Considering the quality of the other rear extensions in this area and the harm already done to visual character, we consider that this proposal has a favourable impact on the visual amenity of neighbouring occupiers. If anything, we consider that the glazing is more likely to add interest and enhance the appearance of the rear elevation than be detrimental to it.

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**

GVA Grimley,
10 Stratton Street,
London
W1X 6JR

Switchboard: 020-7937-5464
Direct Line: 020-7361-2664
Extension: 2664
Facsimile: 020-7361-3463

CCD 17 MAY 2001

My Ref: PP/01/00637/CHSE
Your Ref: MJO

Please ask for: South East Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of their powers under the above mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT: Erection of glazed lightwell infill extension at rear first floor level.

SITE ADDRESS: 40 Ovington Street, London, SW3 2JB

RBK&C Drawing Nos: PP/01/00637 and PP/01/00637/A

Applicant's Drawing Nos: 2011/ 01; 2011/ 02; 2011/ 03; 2011/ 12 and Planning Statement (received 04/04/2001).

Application Dated: 21/03/2001

Application Completed: 26/03/2001

Application Revised: 04/04/2001

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

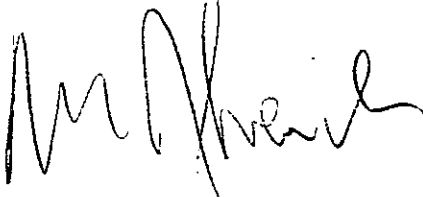
REASON(S) FOR REFUSAL:

By reason of its location significantly above garden level, the proposed glazed infill extension is considered to introduce an alien feature at this level, removing an original window and having an overbearing impact on the rear facade. This would be detrimental to the character and appearance of the property, the terrace of which it forms part and the surrounding Conservation Area and would be contrary to policies contained within the Conservation and Development Chapter of the Unitary Development Plan, particularly Policies CD25, CD41, CD42, CD48, CD52 and CD53.

INFORMATIVE(S)

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD25, CD41, CD42, CD48, CD52 and CD53. (I51)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael J. French', written in a cursive style.

Michael J. French
Executive Director, Planning and 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**

GVA Grimley,
10 Stratton Street,
London
W1X 6JR

2 MAY 2001
COPY

Switchboard: 020-7937-5464
Direct Line: 020-7361-2664
Extension: 2664
Facsimile: 020-7361-3463

17 MAY 2001

My Ref: LB/01/00638/CLBA
Your Ref: MJO

Please ask for: South East Area Team

Dear Sir/Madam,

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 - SECTION 7

**WORKS OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST
(DL2)**

REFUSAL OF CONSENT

The Borough Council hereby REFUSES consent to the works to the Listed Building(s) referred to in the under-mentioned schedule, as shown in the plans submitted. Your attention is drawn to the enclosed Information sheet

SCHEDULE

- DEVELOPMENT:** Erection of glazed lightwell infill extension at rear first floor level.
- SITE ADDRESS:** 40 Ovington Street, London, SW3 2JB
- RBK&C Drawing Nos:** LB/01/00638 and LB/01/00638/A
- Applicant's Drawing Nos:** 2011/01; 2011/02; 2011/03; 2011/12 and Planning Statement
(received 04/04/2001)
- Application Dated:** 21/03/2001
- Application Completed:** 26/03/2001
- Application Revised:** 04/04/2001

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

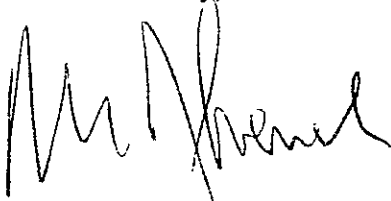
REASON(S) FOR REFUSAL:

By reason of its location significantly above garden level, the proposed glazed infill extension is considered to introduce an alien feature at this level, removing an original window and having an overbearing impact on the rear facade. This would be detrimental to the special architectural character and historic interest of the property, the terrace of which it forms part, and the character and appearance of the surrounding Conservation Area and would be contrary to policies contained within the Conservation and Development Chapter of the Unitary Development Plan, particularly Policies CD25, CD41, CD42, CD48, CD52, CD53 and CD58.

INFORMATIVE(S)

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policy CD58. (I51)

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation

- 5.8 We consider that other permitted extensions to the rear of similar properties in this area set good and sufficient precedents for the permitting of this glazed feature and that this component is not incongruous or unobtrusive in the context of these other extensions or alterations nearby.

Conservation Areas

- 5.9 The site falls within the Chelsea conservation area, within the Royal Borough of Kensington and Chelsea. There are a number of policies in the Royal Borough of Kensington and Chelsea UDP that relate to development within conservation areas, in particular Policy CD53 states:

To ensure that all development in a conservation area 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*
- 5.10 It is unrealistic to assume that no further alterations can be made to buildings merely because they are within a conservation area. Conservation is as much concerned with ensuring that changes are compatible with their surroundings as with retaining the exact appearance of an area and its buildings. The Chelsea Conservation Area Proposals Statement sets out more specific information relating to development proposals in this area. The Conservation Area Proposals Statement accepts that there is continuing pressure within the area for development to occur, stating that:

"The predominant built form in Chelsea Conservation Area is of small or medium sized houses, often much altered, many still single family dwellings.

There is consequently continuous pressure to adapt and extend them further to suit changing family patterns and aspirations."

- 5.11 More specifically the Chelsea Conservation Area Proposals Statement states that:

"In Ovington Street two long symmetrical listed terraces face each other but there has been little attempt to produce a grand statement".

- 5.12 The character of Ovington Street, therefore, although significant is predominantly concerned with the street frontage, rather than to the rear, where properties have been subjected to numerous phases of incremental change and alteration. Since this proposal, for a moderate alteration, is restricted to the rear of the property we do not consider that it will have a noticeable affect on the character or appearance of the conservation area, although its relationship with the surrounding area is, nevertheless, an important consideration.

- 5.13 Whilst we acknowledge that this group of properties has already suffered as a result of incremental changes and alterations we do not consider that the proposal will have a further detrimental impact on the surrounding area. The glazed infill lightwell, set within the confines of the approved scheme and the neighbouring flank wall, would not be visually intrusive, unlike the development at 52 Ovington Street, which is extremely exposed. The glazed proposal pays close attention to the original listed building, whilst at the same time emulates the permitted scheme, which enhances the building in terms of rhythm and unity.

Listed Building Works

- 5.14 Policy CD58 deals with the works to listed buildings. The Policy states that:

“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 features of the building as may be identified as being of special interest are retained.”*

5.15 We do not consider that the glazed proposal and the removal of the window at first floor level detracts from the style of the original building, nor does it undermine the features of interest that led to it being identified as of special interest, which was its group value as a symmetrical terrace. If anything the proposal attributes special character and interest.

5.16 PPG15 (planning and the historic environment) provides further advice regarding alterations and extensions to listed buildings, which states that buildings can effectively sustain a degree of sensitive alteration and extension to accommodate new or continuing uses. Furthermore, that cumulative sensitive changes reflecting the history of use and ownership are themselves an aspect of special interest, which demonstrate flexibility and imagination and do not serve to be destructive to the building's special interest. PPG15, paragraph 3.15, states:

“Thus, a better solution may be possible if a local planning authority is prepared to apply normal development control policies flexibly; or if an applicant is willing to exploit unorthodox spaces rather than set a

standardised requirement or if an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach.”

- 5.17 English Heritage provides further advice in their guide on alterations and extensions, *London Terrace Houses 1660-1860*, which states:

“Sometimes, however, later features such as conservatories, porches, balconies or chimneys may have intrinsic merit and form an important part of the cumulative history of the building.”

- 5.18 Furthermore it states that:

“As a general rule alterations should preserve the structure, character and appearance of the building. In a conservation area it is vital to consider the way the house fits into the wider context of the street and any alterations should preserve or enhance the character or appearance of the area.”

- 5.19 It is considered that this proposal accords with both the UDP policy and advice from English Heritage in a number of significant ways. As stated previously, it is deemed that the wider context and the character of the properties to the rear of Ovington Street are not particularly significant in terms of architectural merit, rhythm or unity. Hence the proposed glazed lightwell infill would not detract from the already undistinguished character to the rear of these properties, particularly since it would be enclosed by existing structures on three sides.

- 5.20 The very nature of the glazed translucent proposal allows the form listed original building to be appreciated and preserved whilst the same time employing a creative approach in order to accommodate the continuing use. It is considered, therefore, that this sensitive glazed proposal achieves a proper

balance between the special interest of the listed building without causing additional harm.

Alterations and Extensions

- 5.21 The proposal to increase the height of the permitted conservatory to create a glazed infill light well forming an additional first floor storey is assessed below in the light of current policy. Policy CD39 deals with additional storeys to properties and roof level alterations. The policy advises the Council to:

“Normally to permit additional storeys and roof level alterations in the following circumstances:

- a) *Where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling between them would help to re-unit the group; and*
- b) *The alterations are architecturally sympathetic to the age and character of the building.*

- 5.22 It is considered that the proposal is not contrary to policy since it has already been revealed that this group of properties has suffered as a consequence of numerous incremental alterations and extensions having a detrimental impact on the character, rhythm and unity of the buildings. Furthermore we consider this carefully designed glazed proposal to be architecturally sympathetic to the age and character of the building, which would not harm its appearance.

Conservatories

5.23 Although we do not strictly consider this proposal to be a conservatory, Policy CD42 of the UDP deals with rear conservatories within the Borough. The policy advises:

“Normally to resist proposals for conservatories if:

- a) Located in front of the property;*
- b) Located at roof level;*
- c) Located significantly above garden level;*
- d) Covering the whole width of the property;*
- e) Of a size or design which is unsympathetic to the existing building;*
- f) Located on a corner site;*
- g) Intruding on an important gap;*
- h) Likely to increase significantly overlooking of neighbouring properties.”*

5.24 As stated earlier, we do not strictly consider this proposal to be a conservatory since it is not restricted to the ground floor level, rather it is considered that the proposal constitutes a glazed extension at first floor level. Nevertheless, it can be demonstrated that the proposal accords with UDP policy relating to conservatories. The proposal, located to the rear of the property, does not extend to the full roof line of the building, nor does it cover the whole width of the building, since this is a glazed lightwell infill which is restricted to the confines of the previously permitted scheme.

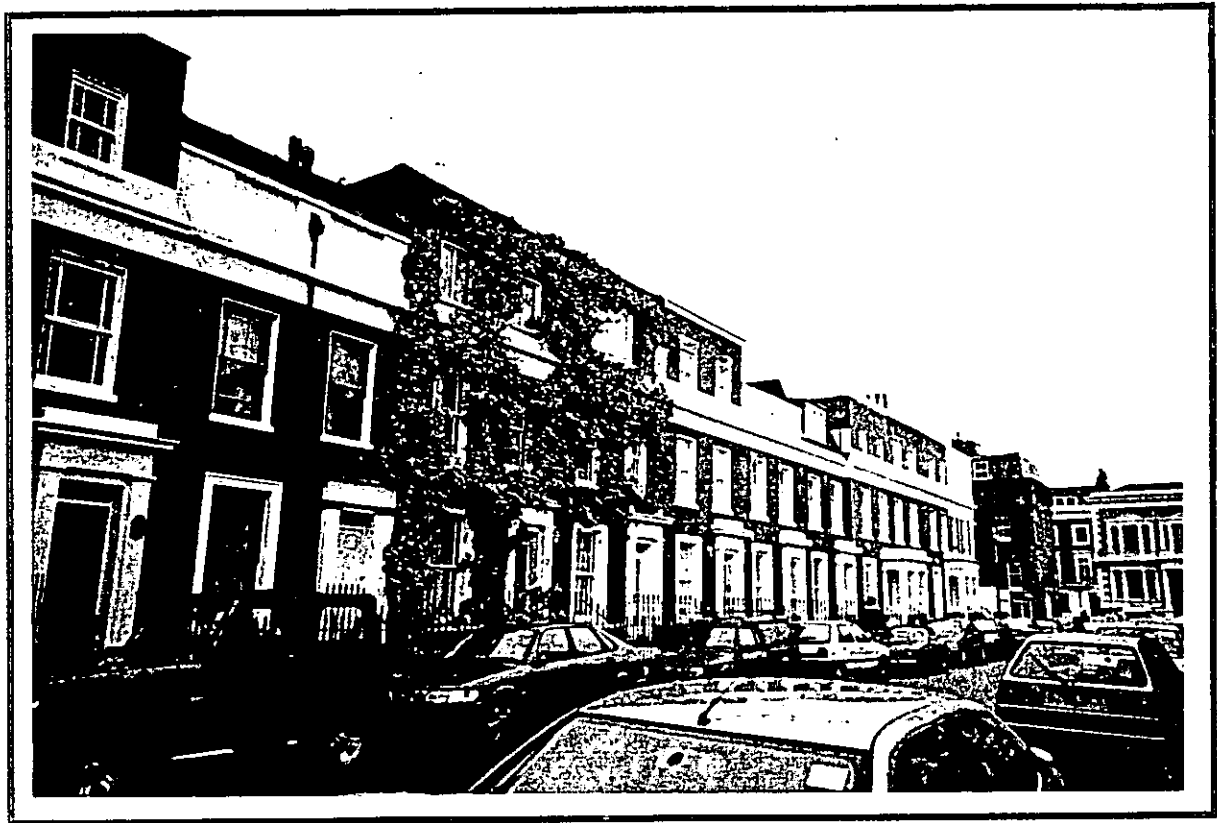
5.25 Whilst the UDP fails to define what is meant by the term ‘garden level’, we do not consider that the proposal significantly extends above garden level since it would not be visible above the garden wall and hedge when viewed from the site exterior (see photograph 3). The proposal will, therefore, have little if any noticeable impact on the surrounding area.

5.26 Planning permission has been granted for alterations, extensions and new conservatories to the rear of several other properties along Ovington Street. It is considered that this group of properties has previously suffered as a consequence of these numerous incremental alterations and extensions. Consequently it is considered that the proposal does not have a harmful impact on the poor building uniformity apparent in the existing rear elevations.

5.27 It is considered that the glazed extension emulates the approved scheme, which improves the rear elevation in terms of rhythm and unity. Furthermore, the proposal would be set within the confines of the approved scheme, which would not be visually intrusive, unlike other examples of permitted developments and conservatories to the rear of Ovington Street. Accordingly we conclude that the proposal is in accordance with UDP policy.

6.0 CONSIDERATION & CONCLUSIONS

- 6.1 The property at 40 Ovington Street has existed since the early to mid nineteenth century, and is listed as part of its group value, which forms an historic symmetrical terrace. The building, although listed, is capable of sustaining a certain degree of cumulative change. Incremental alterations to the terrace has detracted from the original street layout, which has had to a certain degree, a detrimental impact on the tenuous visual appearance of the terrace rear.
- 6.2 The frameless glazed detailed proposal is an excellent example of structural design, which considers the historic nature of the building while respecting the needs of the current occupier to extend the property. The proposal will have little, if any, noticeable impact on the ill-defined character to the rear of the group of properties on Ovington Street. Nor will the proposal affect the function and appearance of the surrounding conservation area or the amenity enjoyed by residents of nearby properties.
- 6.3 The impact of the sensitively designed proposal on the building itself will be minimal. The glazing allows the listed building to be appreciated in its original form, whilst at the same time emulates the layout of the permitted scheme. The removal of the window at first floor level is not a significant feature that contributes to the listed status of the property. On balance it is not considered that the removal of the window causes so much harm as to warrant refusal of planning permission.
- 6.4 In summary, these planning and listed building applications accord with the Unitary Development Plan in a number of significant ways and positively contribute to the area. Accordingly, under s.54A of the Town and Country Planning Act, we conclude that planning consent should be granted.



PHOTOGRAPH 1

GVA Grimley

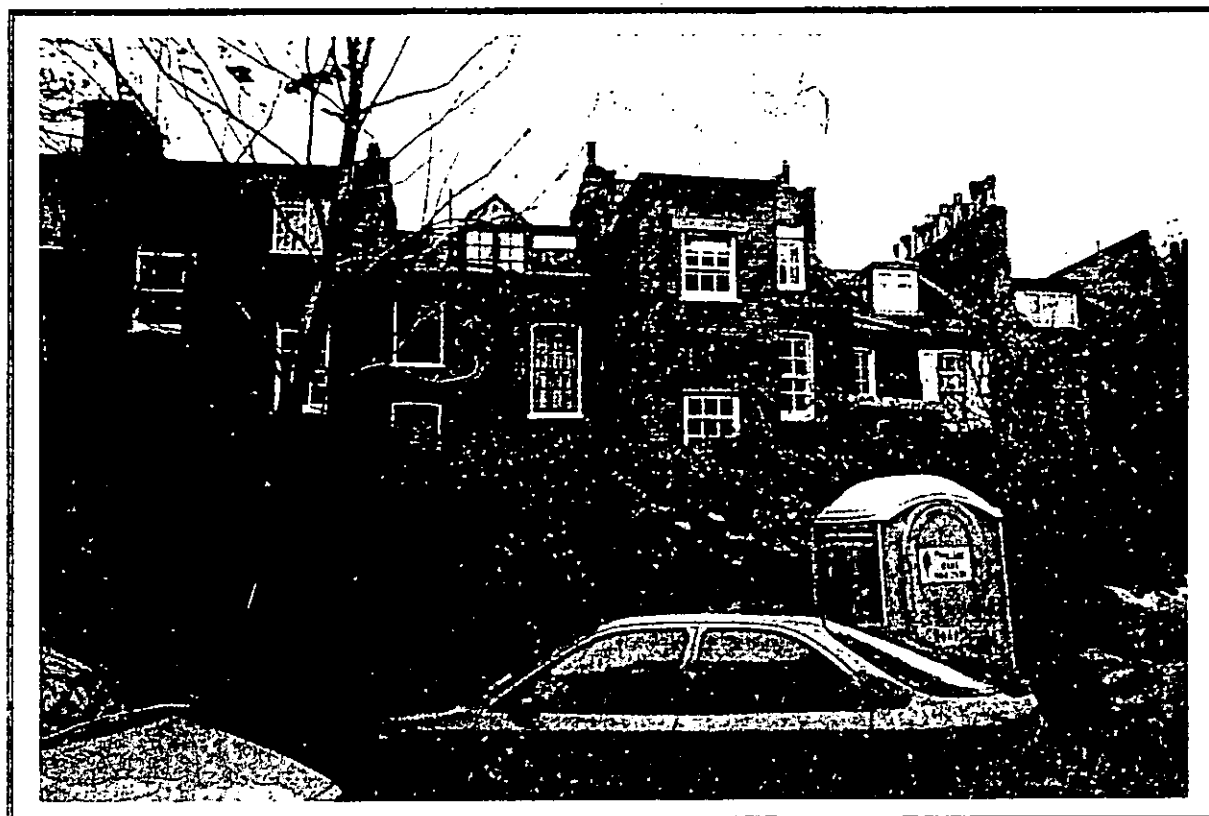


PHOTOGRAPH 2

GVA Grimley



PHOTOGRAPH 3



PHOTOGRAPH 4



PHOTOGRAPH 5

GVA Grimley