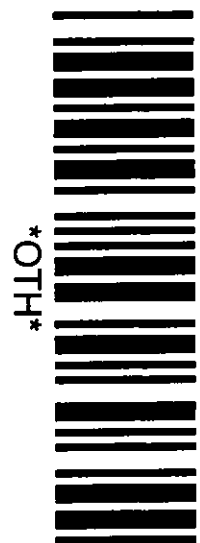


**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

OTHER



16 September 2002

Our ref: CL6411/IR/SPo/HW
Your ref:

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.	18 SEP 2002			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

(14)

**Nathaniel
Lichfield
& Partners**

*Development Planning
Urban Design Economics*

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Dear Sir/Madam

ROYAL BOROUGH OF KENSINGTON AND CHELSEA: 51 PELHAM STREET, LONDON, SW7 2NJ

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION (PP/02/00242/CHSE/) UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

On behalf of our client, Mr Naeem Ahmad, please find enclosed full appeal documentation with regard to the above property.

The planning appeal comprises:

- a completed, signed and dated Planning Appeal Form;
- a copy of the original planning application and site ownership certificate as submitted to the LPA;
- a site location plan with the site outlined in red (Plan 1 NLP drawing no. CL/6411/1);
- a list and copies of all plans, drawings and documents sent to the LPA as part of the application;
- LPA's Refusal notice dated 18 March 2002
- all other relevant correspondence with the LPA.

Form of Appeal

We have requested that the appeal is considered by written representation and enclose a statement in support of the appeal.

LON2002/L6411-002

DIRECTORS: Geoffrey Smith BS MRP (MRP) FRES (Chairman), Gareth Morgan BS DipTP MRTP (Managing), David Gavin BA DipTP MS MRTP, Nicholas Thompson BA BPP MA (Ed) MRTP, Nigel Perry BS MRTP, James Fennell BA MRICS MRTP, Justin Cartland BA BPP MRTP, Philip Barnes BA BPP MRTP, Neil Gadsden BA BPP MRTP, Iain Rhind BA MRP DipTP MRTP, Dr. Malcolm Hockaday FRTP FEng FRS

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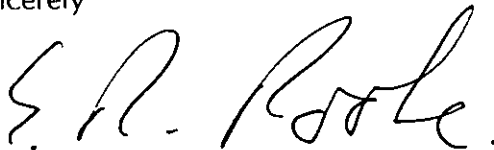
Site Ownership

The site is owned by our client Mr Naeem Ahmad (the applicant) and therefore it is not necessary to serve notice on any other parties.

As required, we have provided the LPA with copies of all the enclosed documentation.

We trust that the information provided is complete and sufficient for the Inspectorate to register the appeal. Should you have any queries regarding this matter please do not hesitate to contact me.

Yours sincerely



SIMON POOLE

c.c.	RB Kensington & Chelsea	-	Planning and Conservation
	Naeem Ahmad	-	51 Pelham Street
	Rob Sterry	-	Paul Archer Design

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received

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PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name Mr Naeem Ahmad

Address 51 Pelham Street Daytime phone no c/o Agent

South Kensington, London Fax no

Postcode SW7 2NJ E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Nathaniel Lichfield & Partners Ltd

Address 14 Regent's Wharf Your reference CL/6411/IR/SP

All Saints Street Daytime phone no 020 7837 4477

London Fax no 020 7837 2277

Postcode N1 9RL E-mail address spoole@lichfields.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA The Royal Borough of Kensington and Chelsea LPA's application reference no PP/02/00242/CHSE/

Date of the planning application 1 February 2002 Date of LPA's decision notice (if issued) 18 March 2002

LON2002/GENM/51 Pelham St - Appeal Form

D. APPEAL SITE ADDRESS

Address 51 Pelham Street

South Kensington

London

Postcode SW7 2NJ

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☒

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

Existing 2nd floor roof terrace to be lowered and railings to front facade removed. Existing roof
access to be replaced with new mansard roof to rear half of roof terrace, creating new 2nd floor
room; replacement of lantern-style rooflight to rear of basement with flat roof below parapet
level.

Size of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

0.009 ha

12 sqm

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **one** box only



1. Refuse planning permission for the development described in Section E. ☒
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐
- or
6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

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CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views

Please tick **one** box only ✓

1. WRITTEN REPRESENTATIONS _____

☒

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING _____

☐

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY _____

☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

See attached statement

H. GROUNDS OF APPEAL (continued)

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I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.** Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: Please tick **one** box only ☒

CERTIFICATE A ☒

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☒

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____

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J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, **must** be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

1. A copy of the original **planning application** sent to the LPA. ☒
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA **at application stage** (this is usually part of the LPA's planning application form). ☒
3. A copy of the **LPA's decision notice** (if issued). ☒
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☒
5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☒
6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☐

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. ☐
Please number them clearly and list the numbers here:

8. Any relevant **correspondence** with the LPA. ☒
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
 - (a) the relevant outline application; ☐
 - (b) all plans sent at outline application stage; ☐
 - (c) the original outline planning permission. ☐
10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. ☐
11. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
12. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

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K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not, your appeal will not normally be accepted).
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

S. R. Poole

(on behalf of) Mr Naeem Ahmad

Name (in capitals) SIMON POOLE

Date 16 September 2002

for Nathaniel Lichfield and Partners

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E311018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND:

• **1 COPY to us at:**

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

We do not currently accept
appeals by e-mail or fax.

• **1 COPY to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

• **1 COPY for you to keep**

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by the Planning Inspectorate April 2002

Printed in the UK April 2002 on paper comprising 25% post consumer waste and 100% ECF recycled paper.

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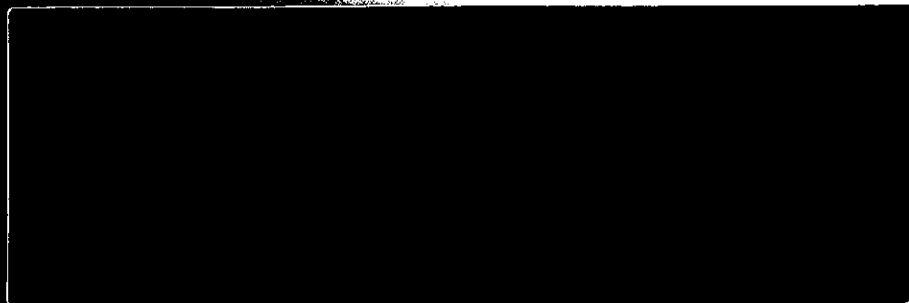
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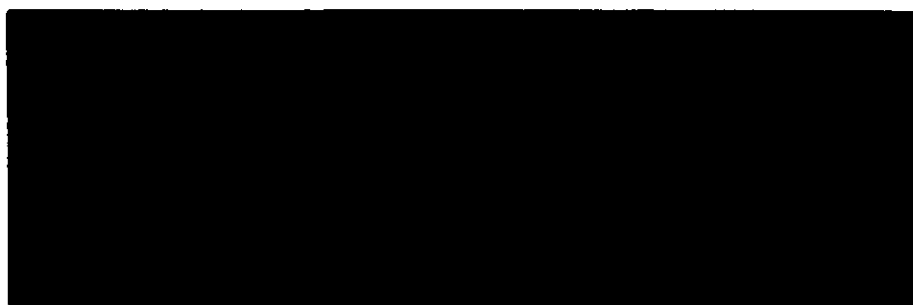
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Lichfield
& Partners

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TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL STATEMENT

51 Pelham Street, South Kensington, London SW7 2NJ

LPA APPLICATION REFERENCE:

PP/02/00242/CHSE/

Nathaniel Lichfield & Partners Ltd
Development Planning Urban Design Economics
14 Regent's Wharf
All Saints Street
London N1 9RL

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Fax: (020) 7837 2277
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CL/6411/IR/SPo/HW

16 SEPTEMBER 2002

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(36) (30)

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APPENDICES

- Appendix 1** Photographs of the appeal site and surroundings
Appendix 2 Planning Officer's report

1.0 INTRODUCTION

- 1.1 This statement has been prepared in support of an appeal by Mr Naeem Ahmad against the Royal Borough of Kensington and Chelsea's decision to refuse Planning Permission for the alteration and extension of No. 51 Pelham Street, London SW7 2NJ.
- 1.2 The planning application was submitted on behalf of the applicant by Paul Archer Design Ltd on 1 February 2002. Nathaniel Lichfield and Partners has been instructed by Mr Ahmad to submit this appeal.
- 1.3 The appeal is submitted within six months of the Royal Borough of Kensington and Chelsea's decision notice, dated 18 March 2002. It is requested that the appeal is determined through the written representation procedure.

Reasons for the Refusal of Planning Permission

- 1.4 The Royal Borough of Kensington and Chelsea refused the planning application for the following reason:

"The proposed roof addition, by rising above a uniform parapet in a terrace that is unbroken by additional storeys and is harmed by old and isolated roof structures, and due to its materials and detailed design, would be harmful to the character and appearance of the Thurloe Estate/Smith Charity Conservation Area, contrary to policy that is set out in Chapter 4 of the Unitary development plan, in particularly Policies CD25, CD38, CD39, CD48, CD52, CD53, CD54 and STRAT6"

Principal Issue

- 1.5 The principal issue raised by the reason for refusal is whether the proposal preserves or enhances the character and appearance of the Thurloe Estate/Smith's Charity Conservation Area. This issue is considered in detail in this statement.

Structure of the Statement

- 1.6 This statement provides a description of the appeal site and surroundings at Section 2.0 and describes the proposed development at Section 3.0. Section 4.0 then reviews the appeal site's planning history and the project's chronology. Relevant national, regional and local planning policy and supplementary guidance are summarised at Section 5.0. Section 6.0 assesses the affect of the proposed development on the Thurloe Estate and

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Smith's Charity Conservation Area. Ultimately the case for upholding the appeal is summarised at Section 7.0.

2.0 SITE AND SURROUNDINGS

The Appeal Site

- 2.1 No. 51 Pelham Street is situated at the western end of the terrace of six early Victorian houses (Nos. 51-61). The six properties are to all intents and purposes identical, comprising two storeys above a lower ground/basement storey. The terrace is set back from the back edge of the pavement by approximately 7m and includes three storey ranges to the rear. (See photographs 1 to 4, Appendix 1).
- 2.2 No. 51 Pelham Street incorporates a roof level terrace which is accessed via an enclosed staircase from the first floor. This structure rises above the height of the property's front parapet by approximately 1.75m, but is not visible from Pelham Street or from Thurloe Square to the rear. The roof terrace is partly enclosed by railings which are visible from the street. In addition to the railings to No. 51, there are railings at roof level to No. 61 Pelham Street, and an array of chimneys and television aerials which are also visible from the street. There is an existing roof level addition to the No. 61 Pelham Street (Photograph 4).

The Surroundings

- 2.3 Pelham Street runs between Old Brompton Road to the west and Fulham Road to the east. With the exception of Nos. 51 to 61, Pelham Street forms a boundary to the Thurloe Estate and Smith's Charity Conservation Area. A large proportion of the street is bounded on the northern side by a 2m high brick wall and the Circle and District underground railway lines which also run to the rear of Nos. 51 to 61. Directly opposite the appeal site there is a high brick wall which encloses a car park and garages.
- 2.4 The appeal site is directly abutted to the west by No. 49, a three storey, red brick building which is significantly larger than No. 51 and is built up to the back edge of the pavement. It therefore obscures views of No. 51 from points on Pelham Street to the west and from Thurloe Square to the north-west (see photographs 4a to 4c). No. 49 Pelham Street is outside the Conservation Area.
- 2.5 The eastern end of Pelham Street is dominated by a four storey twentieth century, red brick building occupied by London Transport. Between this and the eastern end of the

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residential terrace there is a single storey modern structure which fronts directly onto the street and forms an entrance to a health club.

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- 2.6 A full description of the Thurloe Estate and Smith's Charity Conservation Area is set out in Section 6.0.

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3.0 PROPOSAL

- 3.1 The proposed extension comprises the formation of a new room at roof level measuring approximately 3.2m by 3.2m and a reconfigured staircase to give an overall space of approximately 3.2m by 4.7m. The southern frontage of the extension is set back from the front elevation of the property by more than 4m. (See Paul Archer Design drawings 237.21c, 237.025b, 237.026d, 237.027c, 237.028c and 237.029d).
- 3.2 The floor level to the extension and the level of adjoining roof terrace will be lowered by approximately 0.4m. This will result in a new roof level which is approximately 0.5m lower than the existing roof level structure and will enable the removal of the unoriginal railings above the parapet wall at the front of the property (see Paul Archer Design drawing 237.029d). The rear of the extension will be formed by the reinstatement of a parapet wall and sloping glazing.
- 3.3 Paul Archer Design drawing 237.026d demonstrates that the proposed extension will not be visible from the pavement on the southern side of Pelham Street.
- 3.4 The rear of the proposed extension will be constructed of reclaimed bricks to match the existing materials of No. 51 Pelham Street and adjacent properties. The new roof will be constructed of patinated copper.
- 3.5 The proposal also includes the replacement of a 'lantern' style rooflight to the rear of the basement with a glazed roof measuring 3m x 1.8m. The new glazed roof will be situated below parapet level.

4.0 PLANNING HISTORY

- 4.1 At Section 4.0 of the Planning Officer's report three planning applications are listed as relevant planning history (see Appendix 2).

Previous Planning Applications

- 4.2 Planning permission was granted in 29 August 1961 for *"alterations and additions and conversion of the basement into a self contained caretaker's flat and a self contained maisonette on the ground and first floors"*.
- 4.3 On 26 January 1990 planning permission was granted for *"infilling of the existing rear courtyard by construction of a glazed roof"*.
- 4.4 Planning permission was refused on 13 November 2001 (Ref: PP/01/2188) for the *"erection of a roof addition over the rear half of the existing roof terrace and the provision of a full width glazed rear extension infilling the existing lightwell at ground and first floor levels"*.
- 4.5 Planning consent has recently been permitted for the *"replacement and extension of existing coal cellars beneath front garden to create new steam room; replacement of existing 'lantern' rooflight to rear of basement, with new flat rooflight set below rear parapet"*. (Ref: P02/01157).
- 4.6 This application involved excavation underneath the existing front garden to create a steam room and toilet. The proposals were conditionally approved on 30 August 2002, but are not material to this appeal.

Planning Application Subject to this Appeal

- 4.7 On 1 February 2002 Paul Archer Design submitted an amended planning application for works to the roof. This application took note of officers' criticisms of the previously refused application.
- 4.8 The occupiers of fifteen nearby properties in Pelham Street and Thurloe Square were notified of the application. During the public consultation period no objections were raised to the proposed works.

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4.9 A site visit was carried out on 20 February 2002.

4.10 The application was refused through delegated powers and the decision notice published on 18 March 2002.

5.0 PLANNING POLICY CONTEXT

- 5.1 In this section, national, regional and local planning policy and guidance are considered in relation to the proposed development. Relevant extracts from the Royal Borough of Kensington and Chelsea's supplementary guidance are also outlined.

Statutory Considerations

- 5.2 Section 54A of the Town and Country Planning Act 1990 states that:

"Where an adopted or approved development plan contains relevant policies, Section 54A requires that an application for planning permission or appeal be determined in accordance with the plan, unless material considerations indicate otherwise."

- 5.3 Section 72 of the Listed Building and Conservation Areas Act 1990 places a statutory duty on decision makers to pay special attention to *"the desirability of preserving or enhancing the character and appearance"* of conservation areas when considering applications for development.

National Planning Policy Guidance

- 5.4 A full statement of the Government's policies for the protection of historic buildings and areas of special architectural or historic interest is set out in Planning Policy Guidance Note 15 (PPG 15), *Planning and the Historic Environment* (1994).
- 5.5 Paragraph 4.16 of PPG15 acknowledges that development within conservation areas is acceptable, stating that:

"While conservation (whether by preservation or enhancement) of their [conservation areas] character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change"

- 5.6 Paragraph 4.17 outlines the importance of development that is sympathetic to its surroundings, stating:

"What is important is not that new buildings should directly imitate earlier styles but that they should be designed with respect for their context, as part of a larger whole which has a well established character and appearance of its own."

- 5.7 Paragraph 4.18 re-emphasises the value of detailed design that is harmonious with its surroundings in conservation areas:

"Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design...General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the conservation area."

Regional Policy Context

- 5.8 RPG3 (1996) provides strategic guidance for London. In the context of the historic environment, paragraph 8.8 states:

"Boroughs should:

- *Identify appropriate areas, spaces and buildings of special quality or character including conservation areas.*
- *Promote policies for the conservation of areas and buildings which complement the appropriate designation of areas..."*

- 5.9 Relevant London-wide policy and guidance is provided by the Draft London Plan (June 2002). Policy 4B.10 highlights the need to *"protect and enhance the historic environment for the benefit of London as a whole"* and specifically the importance of ensuring that *"the setting for historic assets is taken into account."*

Local Planning Policy

- 5.10 The statutory development plan covering the appeal site, for the purposes of Sections 54A of the Town and Country Planning Act 1990, is the Royal Borough of Kensington and Chelsea's Unitary Development Plan (UDP). The UDP was adopted in May 2002, however, given that the final version is currently being prepared for publication, the Council continue to use the version of the former UDP (adopted 1995) containing final modifications, for development control purposes.
- 5.11 The majority of policies referred to by the Council in its reasons for refusing permission are included within UDP chapter 4, which covers Conservation and Development. These are:
- Policy CD 25: Standards of Design
 - Policy CD 38: Alterations and Extensions to Buildings

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- Policy CD 39: Alterations and Extensions to Buildings
- Policy CD 48: Conservation Areas and Listed Buildings
- Policy CD 52: Development in Conservation Areas
- Policy CD 53: Development in Conservation Areas
- Policy CD 54: Development in Conservation Areas
- STRAT6: Conservation and Development

5.12 Policy CD 25 states that the Council will ensure, "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".

5.13 Policy CD 38 deals with additional storeys and roof level additions. In relation to applications involving such works Policy CD 38 identifies situations where planning permission will be refused. The policy states that additional storeys and roof level alterations will normally be resisted where:

- (a) *"complete terraces or groups of buildings where the existing roof line is unimpaired by extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design;*
- (b) *buildings or terraces that already have an additional storey or mansard;*
- (c) *buildings that include a roof structure or form of historic or architectural interest;*
- (d) *buildings which are higher than surrounding neighbours;*
- (e) *buildings or terraces where the roof line or party walls are exposed to long views from public spaces, and where they would have an intrusive impact on that view or would impede the view of an important building or open space beyond;*
- (f) *buildings which, by the nature of the roof construction and architectural style are unsuitable for roof additions, e.g. pitched roofs with eaves;*
- (g) *mansion blocks of flats where an additional storey would add significantly to the bulk or unbalance the architectural composition;*

- (h) *terraces which are already broken only by isolated roof additions."*

5.14 Policy CD 39 relates to the circumstances where permission may be granted for additional storeys and roof level alterations. It states that development will be permitted 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-unite the group; and*
- (b) *The alterations are architecturally sympathetic to the age and character of the building and would not harm its appearance."*

5.15 Policy CD 48 identifies that special attention will be paid to *"the desirability of preserving or enhancing the character or appearance of each conservation area"*.

5.16 Policy CD 52 seeks to ensure that development in a conservation area *"preserves and enhances the character or appearance of the area"*

5.17 Policy CD 53 seeks to promote design and quality through out conservation areas. It seeks 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."*

5.18 Policy CD 54 outlines the Council's commitment to protecting views within conservation areas. Policy CD 54 seeks:

"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."

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5.19 Policy STRAT 6 is a strategic policy which seeks to "enhance the character or appearance of conservation areas."

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5.20 Policy H13 is a housing policy, seeking to "continue to encourage the improvement and preservation of the existing housing stock."

Supplementary Planning Guidance

Thurloe Estate/Smith's Conservation Area Policy Statement

5.21 The Thurloe Estate & Smith's Charity Conservation Area Policy Statement is a supplementary document, produced by the Royal Borough of Kensington and Chelsea. This provides material guidance of relevance to the appeal. It was published in 1981, it sets out the area's characteristics and the Council's policies to conserve it. We understand that this is the most up-to-date statement for the area.

5.22 Policies of specific relevance to this appeal are set out in section 2.1: *'Additional Storeys and Roof Alterations'*. Within paragraph 2.1 it is identified that *"Any alterations especially those at roof level will therefore have to be designed with particular care if they affect views into this area."*

5.23 It is also identified that the area is largely made up of uniform terraces and therefore "... additional storeys are generally only suitable in terraces where there are a sufficient number of precedents, and where such an extension would improve the coherence of the terrace as a whole."

5.24 The Policy Statement identifies areas where roof extensions will be viewed favourably. It does not, however, state where additional storeys will not be permitted as suggested in the officer's report (paragraph 5.4). There is not a specific reference in pages 31 and 32 of the Statement to Pelham Street.

Summary - relevant policy tests

5.25 From the review of relevant planning policy and guidance set about above, a series of "tests" can be derived which require consideration of in the assessment of the proposed development, namely:

- will the roof line of the terrace be impaired by the extension (Policy CD38).

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- would the appearance of No. 51 Pelham Street be harmed by the proposal? (Policy CD39).
- is the proposal of high standard of design? (Policy CD25).
- will there be an impact on important views within the Conservation Area? (Policies CD38 and CD54) and, in particular,
- does the proposal preserve or enhance the character and appearance of the Conservation Area? (Policies CD48, CD52, CD53, CD54 and STRAT6; PPG15).

5.26 These issues are addressed in Section 7.0. The following section provides an assessment of the characteristics of the Thurloe Estate and Smith's Charity Conservation Area.

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6.0 THE THURLOE ESTATE AND SMITH'S CHARITY CONSERVATION AREA

Background

- 6.1 The Thurloe Estate and Smith's Charity Conservation Area was developed between approximately 1827 and 1880 on land held in Trust or in the ownership of the Smith's Charity, Thurloe, Brompton Hospital, Van Zandt, Holmes, Cumberlege Ware and Mill's Charity estates. (The former two were the prominent landowners).
- 6.2 The area was developed as a series of formal squares (Onslow Square, Ovington Square, Thurloe Square), crescents (Pelham and Egerton) and streets enclosed by terraces of predominately three or four storey properties (see photographs 9 to 16, Appendix 1). This street pattern remains intact to this day although as a result of war damage a number of sites in the area were developed in modern architectural styles in the 1950s and 1960s. The construction of the Metropolitan and District lines in the 1860s had a profound effect on Pelham Street and the south western corner of Thurloe Square due to the demolition of sections of terraces in these areas and the exposure of views to the rear of retained buildings.

Character and Appearance

- 6.3 The Thurloe Estate and Smith's Charity Conservation Area is described in the Council's policy statement as "a collection of individual compositions, each with its own distinctive character" (page 15). This is a result of the fragmentation in ownership across the area and reflects the variety of nineteenth century architectural styles that predominate.
- 6.4 The most formal elements of the Conservation Area are provided by the concentration of late Georgian terraces on Alexander Square and the surrounding streets. These properties have an ordered, symmetrical appearance with simple detailing.
- 6.5 The majority of properties within the Conservation Area are of Victorian origin, and display a range of architectural styles. The earliest Victorian properties are the stucco terraces of Pelham Crescent and Walton Crescent. They exhibit a high degree of uniformity and grandeur, which is absent from the majority of the Conservation Area, including Walton Street and Egerton Terrace, which date from the same period.

- 6.6 Cromwell Road, Cromwell Place at the northern boundary of the Conservation Area and Ovington Square to the west contains more elaborate properties exhibiting the "*Kensington Italianette*" style. This style of tall, narrow housing with ornate detailing is typical of much of South Kensington and is particularly well preserved in the Conservation Area.
- 6.7 Despite the degree of variety within the Conservation Area, the following features can be defined as predominant characteristics:
- formal streets, squares and crescents;
 - three or four storey terraced housing;
 - long views and vistas along terraced streets;
 - continuous building lines along the primary street frontages;
 - the predominant use of stucco and yellow stock brick;
 - the regular rhythm of window openings;
 - white painted sash windows with slender glazing bars; and,
 - classically influenced detailing.

The Role of No. 51 Pelham Street

- 6.8 No. 51 Pelham Street is located on the edge of the Conservation Area. It plays a peripheral role and makes a modest contribution to the overall character, appearance and significance of the Conservation Area.
- 6.9 No. 51 Pelham Street primarily contributes to the terrace. It does not form part of one of the major squares, crescents or primary terraces which are the principal characteristic of the area.

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7.0 SUMMARY OF CASE FOR UPHOLDING THE APPEAL

- 7.1 In Section 5.0 a set of planning policy "tests" have been identified. The following evaluates the proposed roof level extension against these tests.

Effect on the Roof Line of the Terrace

- 7.2 The local planning authority's reason for refusal states that the proposal will rise "above a uniform parapet in a terrace that is unbroken by additional storeys and is harmed by old and isolated roof structures". Photographs 1 to 4 demonstrate that the roofline is interrupted by chimneys, railings, television, aerials, air conditioning units and by the roof level addition to No. 61 Pelham Street. The roof level stair enclosure to No. 51 Pelham Street is not evident from the street. Photographs 4a to 4c demonstrate that the rear of No. 51 Pelham Street is also obscured from view from points on Thurloe Square.
- 7.3 The skyline of the terrace is not "marred" by this structure as suggested in the Planning Officer's report (paragraph 5.5).
- 7.4 Whilst the proposed roof level extension to No. 51 would be more substantial in plan form than the existing roof level structure, it would be significantly lower. It is clearly demonstrated by drawing 237.029d that the proposal will be not be visible from the footway immediately opposite the property.
- 7.5 The extension will not be visible in oblique views from Pelham Street. No. 49 Pelham Street will obscure all views from the western end of the street and the proposal will not break the skyline in views from the eastern end. The latter can be deduced from analysis of the existing extension at No. 61 Pelham Street. That extension is predominately visible above the flank elevation of the property: no more than approximately 0.3m of the structure is apparent above the front parapet (see photograph 4). The proposal is approximately in the same alignment as the roof level addition to No. 61 Pelham Street but approximately 0.6m lower. It is clear therefore that the local planning authority's supposition that the proposal would rise above the parapet is incorrect. The roofline of the terrace will not be impaired and Policy CD38 will be complied with.

Effect on the Appearance of No. 51 Pelham Street

- 7.6 For the reasons given above, the appearance of No. 51 Pelham Street will be unharmed by the proposal and Policy CD39 will be complied with.

Design

- 7.7 The proposed extension is of a high quality of design. It is modest in form and does not detract from the existing building. It uses high quality materials, such as copper, which are compatible with the quality of the existing property. UDP Policy CD25 is complied with.

Effect on Views within the Conservation Area

- 7.8 There are no important views along Pelham Street or towards the appeal site from other parts of the Conservation Area. Views within this part of the Conservation Area are characterised by the openness of the railway land and the rears of properties on the Thurloe Street and Thurloe Square. There is no impact on important views within the Thurloe Estate and Smith's Charity Conservation Area. Policies CD38 and CD54 will be complied with.

Effect of the Character and Appearance

- 7.9 The proposal is modest in scale and, due to the lowering of the roof level and its adjacency to No. 49 Pelham Street, will not be visible from any viewpoints in the Conservation Area. The roof level addition will therefore have a neutral impact on the character and appearance on the Conservation Area.
- 7.10 The existing railings above the parapet wall to the front of the property will be removed. This will result in an enhancement to the property, the terrace and the Conservation Area as a whole. Unitary Development Plan policies CD48, CD52, CD53, CD54 and STRAT6 will be complied with.

Summary

- 7.11 The proposal complies with the Royal Borough of Kensington and Chelsea's relevant Unitary Development Plan policies and national planning guidance for the following reasons:

(48) (5A)

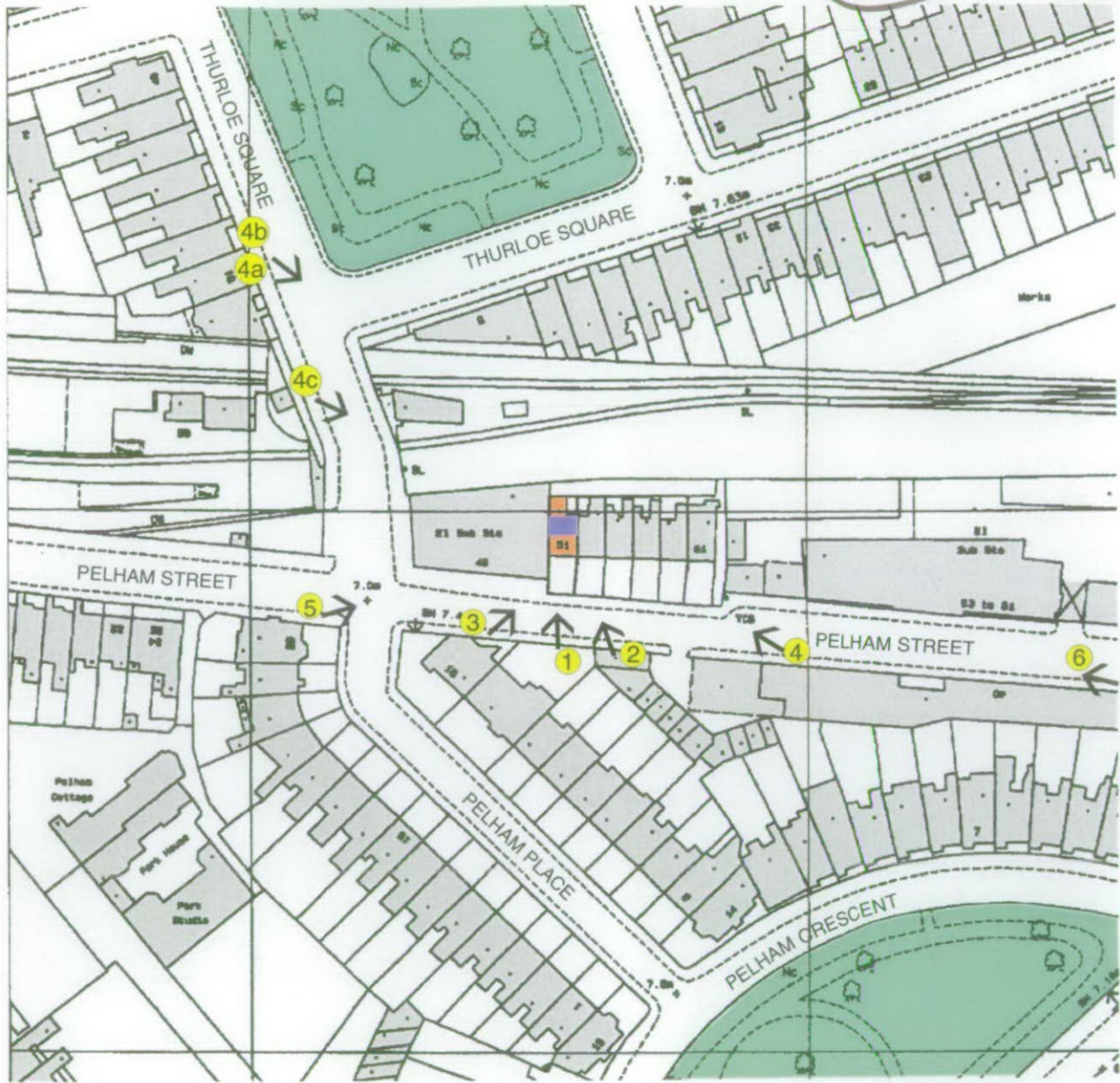
- i) it is of a high quality architectural design which will not detract from the quality of the property or the terrace.
- ii) it will not break the skyline when viewed from points on Pelham Street and in Thurloe Square.
- iii) no important views within, to, or from the Conservation Area will be effected by the proposal.
- iv) character and appearance of the Thurloe Estate and Smith's Charity Conservation Area will be preserved and enhanced.

7.12 For the reasons set out above, we respectfully request that this appeal is upheld and planning permission is granted.

APPENDIX 1: PHOTOGRAPHS OF THE APPEAL SITE AND SURROUNDINGS

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KEY

No. 51 Pelham Street



Extent of proposed Extension



Surrounding Buildings



Photographic View Point



Project 51, PELHAM STREET

Title PLAN 2

Photographic View Points

Client Mr Naeem Ahmad

Date September 2002

Scale 1:1250 (A3)

Drawn by H.W.

Orig. No. CL/6411/2

Nathaniel Lichfield & Partners
Development Planning
Urban Design Economics

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CB411-002



1. No. 51 Pelham Street (centre), No. 49 Pelham Street (left).



2. No. 51 Pelham Street viewed from the south side of the street.



3. Nos. 51-61 Pelham Street. The skyline is broken by a range of elements including aerials, chimneys and railings.



4. View looking westwards along Pelham Street. The roof level extension to No. 61 is apparent above the parapet line and above the flank wall of the property.

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51, PELHAM STREET, SW7



4a. View from Thurloe Square looking towards Pelham Street. No. 51 Pelham Street is obscured from view by the northeastern corner of No. 49.



4b. View from Thurloe Square. The white painted trellis to the rear edge of the roof of No. 53 Pelham Street is visible beyond the street lamp.



4c. View from the southwestern corner of Thurloe Square. The rears to Nos. 55, 57, 59 and 61 are visible from this point.

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51, PELHAM STREET, SW7



5. View looking north east towards No. 49 Pelham Street. Nos. 51 to 61 Pelham Street are largely obscured from view.



7. View eastwards along Pelham Street, from the junction with South Kensington station. A tall wall runs from west to east along the northern side of Pelham Street.



6. No. 63 Pelham Street. This London Transport building dominates the view looking along Pelham Street.



8. View looking westwards towards South Kensington station. The fence to the right of the picture is a significant structure which detracts from the appearance of the street.

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51, PELHAM STREET, SW7



9. View towards Pelham Place from Pelham Street.



10. Pelham Crescent.



11. Sydney Place looking north.



12. Onslow Square.

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51, PELHAM STREET, SW7



13. Thurloe Square. Large four storey houses with characteristic porches and collonades.



14. View from South Terrace looking towards the Brompton Oratory.



15. View along Egerton Crescent.



16. Thurloe Street.

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51, PELHAM STREET, SW7

APPENDIX 2: PLANNING OFFICER'S REPORT

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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972

To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 15 March 2002
Our Ref: PP/02/00242

Application Date: 01/02/2002 Complete Date: 04/02/2002
Revised Date:

Agent: Paul Archer Design, 13 Canonbury Place, Canonbury, London N1 2NQ
Address: 51 Pelham Street, London, SW7 2NJ

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

Class - Listed building consent for above Classes.

Class - shop fronts

Class - Conservation area consent

Class - conversion from non
s/c dwellings etc

DELEGATED
APPROVAL
REFUSAL
1 8 MAR 2002

Class - approval of facing materials

Class - amendments as required
by T.P. Committee

Class - grant of planning permission for a change
from one kind of non-residential use to
another non-residential use except where this
would involve the loss of a shop in a

Principal

core shopping frontage.

Class - grant or refuse certificates of
Lawful development
under

Class - grant permission license or no objection

Class - Crossover under S.108 of the
Highways Act 1980

Sections 73, 74, 138, 143, 152, 153, 177 &
180 of the Highways Act

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

Existing 2nd floor roof terrace to be lowered and railings to front facade removed.
Existing roof access to be replaced with new mansard roof to rear half of roof terrace,
creating new 2nd floor room; replacement of lantern-style rooflight to rear of basement
with flat glazed roof below parapet level.

RECOMMENDED DECISION Refuse planning permission

RBK&C drawing(s) No. PP/02/00242 Applicant's drawing(s)

No.237.002b;237.003;237.004;237.005;237.006;237.007a;237.008b;237.009;237.020;237.021c;
237.022f;237.023b;237.024c;237.025b;237.026d;237.027c;237.028c,and 237.029d.

Number of Objections - 0

I hereby determine and refuse this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

PP/02/00242-1

18/3/02

15/3/02

REASONS FOR REFUSAL

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1. The proposed roof addition, by rising above a uniform parapet in a terrace that is unbroken by additional storeys and is harmed by old and isolated roof structures, and due to its materials and detailed design, would be harmful to the character and appearance of the Thurloe Estate/Smith Charity Conservation Area, contrary to policy that is set out in Chapter 4 of the Unitary Development Plan, in particular Policies CD38, CD39, CD48, CD52, CD53, CD54, and STRAT6.

C025

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan and proposed alterations thereto were used in the determination of this case, in particular, Policies STRAT6; CD38; CD39; CD48; CD52; CD53 and CD54.

..... (I51)

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C025

DELEGATED REPORT

PP/02/00242

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M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/02/00242 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: BC
Report Approved By: BC/LAWJ
Date Report Approved:

(66) (60)

1.0 INTRODUCTION

- 1.1 This report concerns an application for planning permission to carry out roof level alterations to a property in Pelham Street. The proposed works are considered not to comply with the development plan and are accordingly recommended to be refused.

2.0 THE PROPERTY

- 2.1 No. 51 is situated at the west end of a short terrace of six properties which is located on the north side of Pelham Street between its junctions with Thurloe Square and Brompton Road/ Fulham Road.
- 2.2 The property comprises basement, ground and first floors and is occupied as a single family dwelling. It has a roof terrace on the main roof, accessed via a stair housing located in the north-west corner of the roof, and enclosed by a metal railing on both the front and rear elevations.
- 2.3 Pelham Street is situated within the Thurloe Estate/ Smith's Charity Conservation Area.

3.0 THE PROPOSAL

- 3.1 The applicants are applying for planning permission for proposals which involve lowering of the roof terrace, removal of the railings to the front facade, erection of a mansard roof on the rear half of the terrace and replacement of the lantern-style rooflight at basement level with a flat glazed roof.
- 3.2 The proposed roof addition would take the form of full width aluminium framed glazed doors on the front elevation, a copper roof and a glazed slope to the rear.
- 3.3 The proposed glazed flat roof at basement level would be installed below parapet levels.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted in August 1961 for alterations and additions and conversion into a maisonette with caretaker's flat in the basement.
- 4.2 Planning permission was granted in January 1990 for infilling the existing rear courtyard by construction of a glazed roof.

4.3

Planning permission was refused in November 2001 for the erection of a roof addition over the rear half of the existing roof terrace at second floor level and for the erection of a full width glazed rear extension infilling the existing lightwell at ground and first floor levels.

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5.0 PLANNING CONSIDERATIONS

5.1 The principal considerations are compliance with the relevant policies in the Unitary Development Plan towards roof additions; towards work in Conservation Areas and towards Conservation Areas generally.

5.2 The policies towards roof additions - CD38 and CD39 - one designed to be read as a pair, with CD38 indicating the circumstances where planning permission will be refused and CD39 setting out the limited circumstances where planning permission will normally be granted.

5.3 Policies CD52 and CD53 refer to development in Conservation Areas. Policies CD48 and STRAT 6 reflect the statutory duty to preserve or enhance the character or appearance of Conservation Areas. Policy CD54 refers to views.

5.4 The policies set out in the Thurloe Estate and Smith's Charity Conservation Area Policy Statement are also a material consideration. The policy set out in Pages 31 and 32 towards additional storeys and roof alterations states that additional storeys will not be permitted in this terrace.

5.5 The property was inspected on 20th February. The terrace of six properties is of attractive appearance with the roofline being set by the parapet on both the front and rear elevations - the rear elevation is visible from the public highway in Thurloe Square and it is estimated that the roofline is highly visible from any surrounding properties. The skyline is marred by structures on the roof of the end two properties - Nos. 51 and 61. Research does not indicate any planning permission for these structures, but it is evident that they are of an age which would make them immune from enforcement action.

5.6 Analysing the proposed roof extension against Policy CD38, the terrace is one which is unimpaired by authorised roof extensions but which is broken by old isolated unauthorised structures. Further roof extensions would infringe Policy CD38. Even if this were set aside, the detailed design of the proposed extension, due to its materials, is not architecturally sympathetic to the age and character of the building, and Policy CD39 would not be complied with.

5.7 Although the existing roof stair housing and railings are considered to be harmful to the character and appearance of the Conservation Area, replacement by a larger roof addition which would also be harmful to the character and appearance of the Conservation Area does not comply with Policies STRAT 6, CD48, CD52 and CD53. In this regard, although sight lines are included on the submitted drawings which indicate that the proposed extension would not be visible from the footway immediately opposite the

property, site inspection indicates that it will be highly visible in oblique views and it is estimated that it will be highly visible from many nearby properties. Policy CD54 will be accordingly infringed.

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- 5.8 The proposed basement level glass roof is considered to comply with Policies CD48, CD52, CD53 and STRAT 6 and will not be highly visible.

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6.0 **PUBLIC CONSULTATION**

- 6.1 The occupiers of fifteen nearby properties in Pelham Street and Thurloe Square have been notified, and the applications were advertised by notices posted on site and in the press on 15th February. To date, no replies have been received.

7.0 **RECOMMENDATION**

- 7.1 Refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/02/00242 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: BC
Report Approved By: BC/LAWJ
Date Report Approved: 15/03/2002

Nathaniel Lichfield & Partners

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www.lichfields.co.uk

APPEAL

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TO: BC

FROM: RAG

DATE RECEIVED: 18-9-02

EXTN: 2081

APPEAL

CASE OFFICER: BC

APPEAL

ADMIN OFFICER: BB

OUR REF: PP/02/242

DTLR REF: A/02/1099624

ADDRESS: 51 Pelham St

SW7

REASON FOR APPEAL: Ref.

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN

REPRESENTATIONS



INFORMAL

HEARING



PUBLIC

INQUIRY



START DATE OF APPEAL:

20th Sept

3RD PARTY LETTERS DUE:

4th Oct

SENT:

3/10

QUESTIONNAIRE DUE:

4th Oct

SENT:

3/10

WRITTEN REPS STAT DUE:

1st NOV

SENT:

30/10

INFORMAL HEARING STAT DUE:

SENT:

PUBLIC INQUIRY RULE 6/8 DUE:

SENT:

PROOF EXCHANGE DUE:

SENT:

NEW APPEAL

DATE: 18-9-02

TO: DEREK TAYLOR

/ PAUL KELSEY

JOHN THORNE

/ BRUCE COEY

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A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA -
FILE(S) ATTACHED. THE SITE ADDRESS IS:

51 Pelham St, SW7

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING
WITH THIS APPEAL:

Bruce Coey

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE
APPEAL TO BE DETERMINED:

☒ WRITTEN REPRESENTATIONS

♦ HEARING

♦ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The
appellant has the right to be heard. If the appellant wants a Hearing and you choose
Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and
you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE
AT THIS STAGE

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE
APPEALS SECTION WITHIN 24 HOURS

THANK YOU



The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930
Switchboard 0117-3728000
Fax No 0117-3728443
GTN 1371-8930

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 20 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

EX	HDC	TP	CAC	AD	CLU	AO
DIA						AK
R.B.	23 SEP 2002					PLANNING
K.C.						
N	C	SW	SE	IO	REC	
				FPLN	DES	
					FEES	

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

The following documents must be **submitted** within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date**. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

J. Rice

pp Mr Dave Shorland

102(BPR)

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Site visit arrangements

As stated in the enclosed letter, it is our aim to arrange the visit within 12 weeks of the starting date. However, a steep rise in the number of appeals submitted means that there is currently a backlog of some 6 weeks or so in arranging site visits. As a result most visits may not take place until 18 – 20 weeks after the date of this letter, but steps are being taken urgently to address the problem.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Nathaniel Lichfield & Partners Ltd
14 Regent's Wharf
All Saints Street
London
N1 9RL

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2087
Extension: 2087
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 03 October 2002

My Ref: DPS/DCSE/PP/02/00242/BC

ODPM's Reference: App/K5600/A/02/1099624 Please ask for: Mr.B. Coey

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 51 Pelham Street, London, SW7 2NJ

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

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Direct Line: 020-7361-2081

Extension: 2081

Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 03 October 2002

My Ref: DPS/DCSE/PP/02/00242/BC

ODPM's Reference: App/K5600/A/02/1099624

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 51 Pelham Street, London, SW7 2NJ

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

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**



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AND CHELSEA**

File Copy

1 Direct Line: 020-7361-2087

Extension: 2087

Facsimilie:

Switchboard: 020-7097-5464

020-7361-3463

Date: 03 October 2002

My Ref: DPS/DCSE/PP/02/00242

ODPM's Reference: App/K5600/A/02/1099624

Please ask for: Mr.B. Coey

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 51 Pelham Street, London, SW7 2NJ

A Planning Appeal has been made by Naeem Ahmad, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Existing 2nd floor roof terrace to be lowered and railings to front facade removed. Existing roof access to be replaced with new mansard roof to rear half of roof terrace, creating new 2nd floor room; replacement of lantern-style rooflight to rear of basement with flat glazed roof below parapet level.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Please send 3 copies and quote the ODPM's reference given above. **The Inspectorate must receive your representations by 01/11/02 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 01/11/02). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 01/11/02 **(please telephone ahead in order to ensure that these are available)**. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M.J. FRENCH

Executive Director, Planning and Conservation

NOTICE OF A PLANNING APPEAL

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Reasons for Refusal

1. The proposed roof addition, by rising above a uniform parapet in a terrace that is unbroken by additional storeys and is harmed by old and isolated roof structures, and due to its materials and detailed design, would be harmful to the character and appearance of the Thurloe Estate/Smith Charity Conservation Area, contrary to policy that is set out in Chapter 4 of the Unitary Development Plan, in particular Policies CD25, CD38, CD39, CD48, CD52, CD53, CD54, and STRAT6.

Property

51 Pelham Street, London, SW7 2NJ

Proposal

Existing 2nd floor roof terrace to be lowered and railings to front facade removed.
Existing roof access to be replaced with new mansard roof to rear half of roof terrace, creating new 2nd floor room; replacement of lantern-style rooflight to rear of basement with flat glazed roof below parapet level.

Plans and drawings are/are not available for inspection.

(If plans are available, these may be seen in the Planning Information Office between the hours of 9.15 a.m and 4.30 p.m Mondays to Thursdays and between 9.15 a.m and 4.00 p.m on Fridays)

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

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Summary

The proposal complies with the Royal Borough of Kensington and Chelsea's relevant Unitary Development Plan policies and national planning guidance for the following reasons:

- i) it is of a high quality architectural design which will not detract from the quality of the property or the terrace.
- ii) it will not break the skyline when viewed from points on Pelham Street and in Thurloe Square.
- iii) no important views within, to, or from the Conservation Area will be effected by the proposal.
- iv) character and appearance of the Thurloe Estate and Smith's Charity Conservation Area will be preserved and enhanced.

For the reasons set out above, we respectfully request that this appeal is upheld and planning permission is granted.

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QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF

APPEAL REF: APP/KS600/A/02/1099624

GRID REF:

APPEAL BY: MR N AHMAD

SITE: 51 PELHAM STREET, SW7

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the starting date given in our letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the starting date.

1. Do you agree to the written representations procedure?

YES NO

OR Do you wish to be heard by an Inspector at:

a. a local inquiry?

YES NO

or b. a hearing?

YES NO

2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?

YES NO

(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)

3. Does the appeal relate to an application for approval of reserved matters?

YES NO

4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?

YES NO / NA

5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?

YES NO

Is the appeal site within an approved Green Belt or AONB?

Please specify which

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YES ☒ NO

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)

YES ☒ NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?
If YES, please attach details and, where necessary, give our reference numbers.

YES ☒ NO

- b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES ☒ NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)

☒ YES / NO

10. Does the appeal relate to an application for conservation area consent?

YES ☒ NO

- 11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?

YES ☒ NO

~~Grade I / II* / II~~

- b. Would the proposed development affect the setting of a listed building?

YES ☒ NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES ☒ NO

- 13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES ☒ NO

- b. If YES, was English Heritage consulted? Please attach a copy of any comments.

~~YES / NO~~

- 14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?

If YES, please attach the comments of English Nature.

YES ☒ NO

- b. Are any protected species likely to be affected by the proposals?

If YES, please give details.

YES ☒ NO

5. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

h. Details of any other applications or matters you are currently considering relating to the same site;

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*

j. Any supplementary planning guidance, together with its status, that you consider necessary. **EXTRACTS FROM UOP CHAPTERS 1-4 ADOPTED MAY 2002**
EXTRACTS FROM CONS. AREA PROPOSALS STATEMENT

k. Any other relevant information or correspondence you consider we should be aware of.

83 **77**
YES ☒ NO

~~Sch 1~~ ~~Sch 2 col 1~~

YES ☒ NO

YES ☒ NO

Number of Documents Enclosed	N/A
	✓
	✓
1	
	✓
	✓
✓	
✓	
NOT CONSIDERED IF APPROPRIATE YET.	

1. a. What is the date you told those you notified about the appeal that we must receive any further comments by?

Notif. letter dated →

1st Nov '02
3rd Oct '02

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

i) representations received from interested parties about the original application

ii) the planning officer's report to ~~committee~~ *DELEGATED*

iii) any relevant committee minute

Number of Documents Enclosed

N/A

✓

✓

✓

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal?

If NO, please send the following information:-

a. In non-determination cases:

i) what the decision notice would have said;

ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

i) the relevant planning history;

ii) any supplementary reasons for the decision on the application;

iii) matters which you want our Inspector to note at the site visit.

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YES / NO

18. THE MAYOR OF LONDON CASES ONLY

a. Was it necessary to notify the Mayor of London about the application?

If YES, please attach a copy of that notification.

YES / NO

b. Did the Mayor of London issue a direction to refuse planning permission

If YES, please attach a copy of that direction.

YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: *[Signature]* on behalf of R B K & C Council

Date sent to us and the appellant 3/10/02

Please tell us of any changes to the information you have given on this form.

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2-16 Colgate
Norwich NR3 1BQ



The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930
Switchboard 0117-3728000
Fax No 0117-3728443
GTN 1371-8930

45C

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 4 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

I enclose third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

D. Shorland

Mr Dave Shorland

211AL(BPR)

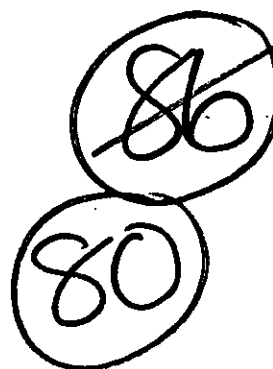
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15 November 2002

Our ref: CL6411/IR/SPo/jw

Your ref: APP/N5600/A/02/1099624

The Planning Inspectorate
3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

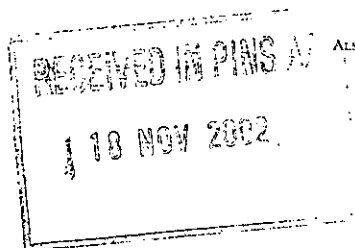


14 REGENT'S WHARF, ALL SAINTS STREET, LONDON N1 9RL
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E-MAIL nlplondon@lichfields.co.uk

ALSO AT: GENERATOR STUDIOS, TRAFALGAR STREET, NEWCASTLE UPON TYNE, NE1 2LA
TEL 0191 261 5685 FAX 0191 261 9180
E-MAIL nlplnewcastle@lichfields.co.uk

TEMPLE COURT, CATHEDRAL ROAD, CARDIFF CF11 9HA
TEL 029 2078 6514 FAX 029 2078 6516
E-MAIL nlplcardiff@lichfields.co.uk

www.lichfields.co.uk



Dear Sir/Madam

ROYAL BOROUGH OF KENSINGTON & CHELSEA: PLANNING APPEAL - 51 PELHAM STREET, LONDON SE7 2NJ (REF: APP/N5600/A/02/1099624)

We are in receipt of the Local Planning Authority's ("LPA") Appeal Statement and Questionnaire regarding the above. On behalf of our client, Mr Ahmad, we have the following comments and observations.

Visibility of the proposal

It is recognised that the uppermost part of the appeal proposal will be higher than the front parapet to the property. However, as we explain at paragraph 7.5 of our statement, the proposal will not appear above the parapet in views from Pelham Street.

The LPA refers to views from "many of the taller properties in the Conservation Area". Whilst in our analysis of the visibility of the proposal it was not possible to assess its visibility from nearby properties, the following is apparent:

- No. 49 Pelham Street will screen views of the proposal from properties to the southwest, west and northwest;
- there are a limited number of tall properties on the southern side of Pelham Street which have clear views northwards towards the appeal property;
- views of the appeal site from the east will be obscured by London Transport building; and,

DIRECTORS: Geoffrey Smith BSc MPhil MRTPI FRICS (Chairman), Gareth Morgan BSc DipTP MRTPI (Managing), David Gavin BA DipTP MSc MRTPI, Nicholas Thompson BA BPI MA(UD) MRTPI, Nigel Perry BSc MCD MRTPI, James Fennell BA MRICS MRTPI, Justin Cartland BA BPI MRTPI, Philip Barnes BA BPI MRTPI, Neil Goldsmith BA BPI MRTPI, Iain Rhind BA MPhil Dip(UD) MRTPI, Dr. Malcolm Hockaday FRTPi FIMgt FRSA

NON EXECUTIVE DIRECTORS: Robert Warner ACA, Roger Aldridge OBE MRICS, Nicholas Wheat BSc MA FCA FTI

SENIOR ASSOCIATES: John Robertson BSc DipCompSc DipTP MRTPI, Jane Hira BA MRTPI, Peter Wilks BSc DipTP MRTPI

ASSOCIATES: Andrew Clarke BA DipTP MRTPI MRICS, Marie Nagy BSc MSc MRTPI, Hugh Scanlon BA MPhil MRTPI, Simon Prole BA DipArch MPhil MRTPI, Jonathan Wallace BA MSc MRTPI, Nicola Kingston BSc DipTP MRTPI, Justine Yarwood BSc MA MRTPI, Matthew Spry BSc DipTP MRTPI

COMPANY SECRETARY: Stephanie Silcock **TECHNICAL ASSOCIATES:** Francis Powell ASITP, Katharine Thomson

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- the upper windows of properties on Thurloe Square look south across railway cutting (which is outside the Conservation Area) towards the rears of properties on Pelham Street. Whilst the appeal proposal is likely to be visible from these properties, there will not be a material impact on the character and appearance of the Conservation Area.

The Local Planning Authority refers to the dividing wall and chimney stacks between Nos. 51 and 53 Pelham Street and suggests that this will not comply with the Building Act. Paul Archer Design has confirmed that there is no need under current regulations to raise the section of wall referred to above the level shown on the drawings. The use of fire resistant glass in the area closest to the boundary will be sufficient to deal with the issue of fire spread. The extent of development shown is therefore correct.

Design

The LPA states that the appeal proposal is of an "alien" design and "incongruous in terms of materials to the parent property". It is suggested that the traditional form of mansard roofs consisting of slate, clad roof slopes, and timber sash windows is more appropriate to the Conservation Area. Whilst such an approach may be appropriate in many circumstances, in this case, where the proposal only involves an extension to part of the roof area of the property, such a type of design would be highly incongruous.

The appeal proposal is of a high standard of design and incorporates high quality materials. It will be compatible with the quality of No. 51 Pelham Street and will enhance the character and appearance of the Thurloe Estate and Smith's Charity Conservation Area.

Conservation Area Policy Statement

The objective of the LPA's Conservation Area Policy Statement is to preserve and enhance the character and appearance of the conservation area. For the reasons set out in our Appeal Statement and reiterated above, we believe that the appeal proposal complies with this objective.

We respectfully request that this appeal is upheld and planning permission granted subject to the Council's proposed conditions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. R. Poole'.

SIMON POOLE

c.c. Naeem Ahmad - 51 Pelham Street
Rob Sterry - Paul Archer Design



The Planning Inspectorate

BC

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88
82

Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 25 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mr Dave Shorland

217L(BPR)

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K.C.						
N	C	SW	SE	APP	IO	REC
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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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Web: www.rbkc.gov.uk

29th November, 2002

File
**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

My reference: DPS/DCSE/ DETR'S Ref: APP/K5600/ Please ask for: Mr. B. Coey
BC/PP/02/00242 A/02/1099624

Dear Sirs,

Town and Country Planning Act 1990
Appeal – 51 Pelham Street, Kensington, London SW7

With reference to the above appeal please find enclosed copies of the following documents which, together with this letter and the copy of the officer's report already forwarded, constitute the Royal Borough's representations:-

BC1 A copy of Chapter 4 of the Royal Borough's Unitary Development Plan. The Plan was adopted on 28th August 1995 and at the time of the refusal of the appeal scheme (March 2002) constituted the statutory development plan for the Royal Borough.

The proposed alterations to the plan have been approved by the Council, been out to consultation and examined at a Public Inquiry in January 2001. The Inspector's report regarding the alterations was received in July 2001 and the Inspector's comments were taken into account in the deposited version of the plan in February 2002. The modified plan was adopted on 25th May 2002. The plan will be published shortly – however, the Inspector is advised that there are no material changes to the policies which are referred to in the officer's report.

BC2 An extract from the published Conservation Area Policy Statement for the Thurloe Estate and Smith's Charity Conservation Area concerning policy on additional storeys and roof alterations.

The policy issues are clearly set out in the officer's report. There are three issues which are referred to in the appellant's statement of case which I wish to respond to, together with suggested conditions. These are the visibility of the proposed mansard roof; the design of the mansard roof and the policy towards additional storeys that is set out in pages 31-33 of the Conservation Area Policy Statement.

In their statement the appellants claim in paragraph 7.5 that the proposed extension will not rise above the parapet of the existing house and in paragraph 7.9 that it will not be visible from any viewpoints in the Conservation Area. The council would point out that the submitted drawings show that it will rise 1.2 metres above the height of the front parapet. Whilst the inspector will come to his own judgement at the site inspection concerning the visibility of the extension from the street, the extension will be clearly visible from many of the taller properties in the Conservation Area notably in Thurloe Square and Pelham Place. What is not clear from the submitted drawings is the alterations to the dividing wall and chimney stacks between Nos. 51 and 53 Pelham Street that will be necessary to accommodate the

(84) (90)

extension, including any firebreak wall to comply with the Building Act. In the Council's experience it is these works that are the most visible part of roof extensions that would otherwise not be visible from the street in viewpoints immediately opposite and that the roof extension that is the subject of this appeal would be visible in oblique views from the pavement on the opposite side of Pelham Street, notably from opposite the recently constructed entrance to the LA fitness health club.

In the officer's report it is demonstrated that the proposed extension does not comply with the development plan. Should the Inspector conclude that the Council is incorrect in their estimate of the visibility of the extension, and that its invisibility constitutes a material consideration to set aside the requirements of Section 54A of the 1990 Town and Country Planning Act, the proposed design of the extension needs to be carefully considered. The traditional form of mansard roofs in the Thurloe Estate and Smith's Charity Conservation Area consists of slate clad mansard slopes with dormers and timber framed double hung sliding sash windows. The appeal scheme comprises full width glazing set in aluminium frames and a copper roof. It is the Council's view that the proposed design is alien and incongruous in terms of materials to the parent property and from where it will be visible, the extension will consequently be harmful to the character and appearance of the Conservation Area.

On the maps on pages 32 and 33 of the Conservation Area Policy Statement the properties where additional storeys are considered to be acceptable are indicated in black and annotated accordingly. Pelham Street is included on the map on Page 32 and is not referred to. The policy which is referred to is set out on Page 31 and states "elsewhere ... additional storeys will not generally be permitted." I have highlighted the sentence in the submitted extract from the statement in view of the appellant's comments in paragraph 5.24 of their statement, which is incorrect. For avoidance of doubt the Council do regard the appeal scheme as an additional storey.

For the reasons set out in the officer's report and amplified in this letter, the appeal proposal fails to comply with the development plan. The Inspector is therefore requested to dismiss this appeal. Should the Inspector decide to grant planning permission, the Council would request that the following conditions are imposed.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unimplemented planning permissions.
2. Full particulars of the following shall be submitted to, and approved in writing by, the Executive Director, Planning and Conservation, prior to the commencement of work on site and following approval the approved details shall be so maintained:-
 - a) the facing materials to be used on the mansard roof
 - b) all necessary works to the party wall between Nos. 5 and 53 Pelham Street.*Reason - To ensure that the Local Planning Authority are satisfied with the detail of the proposal.*

Yours faithfully,



MR. B. COEY,
AREA PLANNING OFFICER
ON BEHALF OF THE EXECUTIVE DIRECTOR,
PLANNING AND CONSERVATION.



The Planning Inspectorate

3/23 Hawk Wing
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GTN 1371-8645

BC
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85

Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 3 January 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

I am writing to inform you that the Inspector appointed by the First Secretary of State to determine the above appeal is

Mr L Coop BA(Hons) DipTP MRTPI

The Inspector will visit the appeal site at 13:30 on Monday 20 January 2003. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

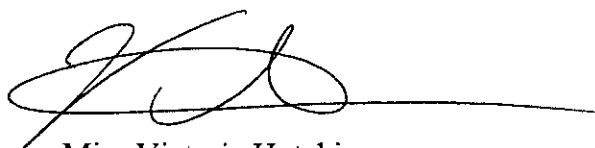
The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

EX	HDC	TP	CAC	AD	CLU	AC	AK
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R.B.	- 6 JAN 2003					PLANNING	
K.C.							
N	C	SW	SE	APP	IO	REC	
				ARB	FPL	DES	FEES

21

Yours faithfully



Miss Victoria Hutchinson

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NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209D



The Planning Inspectorate

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File 02/0242

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 26 February 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

I am writing to let you know that the decision on this appeal has missed our target of 5 weeks as the Inspector has been engaged on other work which has taken longer than originally forecast.

I apologise for any inconvenience that the delay may cause, however, every effort is being made to ensure that this decision will be issued as soon as possible.

Yours faithfully

Mr Adam William-Cassell

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EX	HDC	TP	CAC	AD	CLU	AO
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R.B.		27 FEB 2003				PLANNING
K.C.						
N	C	SW	SE	ARB	IO	REC
			ARB	FPLN	DES	FEES

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Ms R Gill (Dept Of Planning & Conservation)
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Your Ref: PP/02/0242/CHSE/
Our Ref: APP/K5600/A/02/1099624
Date: 13 March 2003

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Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR N AHMAD
SITE AT 51 PELHAM ST, LONDON, LONDON, SW7 2NJ

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

P. Gardiner

Mr Dave Shorland

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EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		14 MAR 2003			PLANNING	
	SW	SE	APP	IO	REC	
	ARB	FPL	DES	FEE		



Appeal Decision

Site visit made on 20 January 2003

by Leslie Coop BA(Hons) DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

13 MAR 2003

Appeal Ref: APP/K5600/A/02/1099624

51 Pelham Street, South Kensington, London

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Naeem Ahmad against the decision of The Royal Borough of Kensington and Chelsea Council.
- The application ref: PP/02/00242, dated 1 February 2002, was refused by notice dated 18 March 2002.
- The development proposed is the existing second floor roof terrace to be lowered and railings to the front removed. The existing roof access to be replaced with a new mansard roof to the rear half of the roof terrace, creating a new second floor room. The replacement of the lantern style rooflight to the rear of the basement with a flat glazed roof below parapet level.

Summary of Decision: The appeal is dismissed

Main Issue

1. I consider the main issue to be whether the proposal would preserve or enhance the character or appearance of the Thurloe Estate and Smith's Charity Conservation Area.

Planning Policy

2. The Development Plan for the area is the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), adopted in May 2002.
3. Policy CD25 of the Plan requires that any development is built to a high standard and is sensitive to and compatible with its surroundings in terms of its scale, height, bulk and materials. Policies CD38 and CD39 set out the criteria where additional storeys and roof level alterations to buildings would be resisted or permitted. Their objective is to prevent roof extensions that would have an adverse effect on the character and appearance of dwellings and their surrounding areas.
4. The general thrust of policies STRAT 6, CD48, CD52 and CD53 is to preserve and enhance the character and appearance of the Borough's conservation areas and to encourage and contribute to the improvement of their environment. Any development in such areas should be of a high standard and should be compatible with surrounding development in terms of its design. Policy CD54 requires that the effect of proposals on views should be considered including those identified in the Council's conservation area proposals statements, and views within, into and out of conservation areas. The effect of development on sites adjacent to such areas should also be considered. Policy H13 encourages the improvement and preservation of the existing housing stock.
5. As required, the Council has produced a Policy Statement for the Thurloe Estate and Smith's Charity Conservation Area which sets out more detailed guidance on UDP policies. The appeal site is in a part of the Conservation Area where alterations at roof level may be acceptable, but

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roof extensions will not generally be permitted. When considering applications for additional stories a number of general policies will be taken into account including, amongst other things, the need for the proposal to match or be in sympathy with the existing building. The Policy Statement has been approved by the Council, and I accord it considerable weight in the determination of the appeal.

6. Reference has been made to RPG 3 and the Draft London Plan which set out the importance of designating conservation areas and protecting the historic environment.
7. I have also had regard to Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG 15) which sets out Government policy on the need to preserve or enhance the character and appearance of conservation areas. New buildings are not required to directly imitate earlier styles but should be designed to harmonise with their surroundings.

Reasons

8. No 51 Pelham Street is situated at the western end of a terrace of six two storey dwellings set back from the street behind small front gardens. They are the only properties on the north side of the street that are included in the Thurloe Estate and Smith's Charity Conservation Area. To the west the terrace adjoins a three storey building, No 49 Pelham Street, which includes an electricity sub station and appears to be used by London Underground Transport (LUT). To the east the terrace abuts a single storey building used as a fitness centre, beyond which are four storey offices also occupied by LUT. The Circle and District underground lines run to the rear of the terrace in an open cutting and beyond the lines there are terraced residential properties in Thurloe Square. The south side of Pelham Street opposite the appeal site is characterised by a high brick wall behind which are lock up garages and a car park and the rear of residential properties in Pelham Place and Pelham Crescent.
9. The proposal is to lower the roof terrace by about 0.4m, remove the railings above the parapet wall at the front of the dwelling and replace an existing staircase housing with a mansard roof extending the full width of the dwelling to provide an extra room. The mansard, which would be set back over 4m from the front of the dwelling, would have a glazed front elevation, a copper roof and a sloping glazed rear elevation above a rebuilt parapet wall.
10. The proposed development also includes the replacement of a rooflight to the rear of the basement but this element of the proposal does not appear to be in dispute.
11. From my observations, I accept that the existing stair housing on No51 is not visible when viewed from Pelham Street where the views when approaching from the east and the west are obscured by the LUT buildings, which are built up to the back edge of the footway. Neither is it visible from Thurloe Square as the roof of the dwelling is obscured by the corner of the building at No 49 Pelham Street. Because the proposed mansard would be some 0.5m lower than the existing stair housing, I do not consider it would be visible from the surrounding streets. However, it would be clearly visible when viewed from the rear windows of the terraces on the far side of the underground lines in Thurloe Square and from the rear windows of terraces in Pelham Place and Pelham Crescent.
12. Whilst I note the advice concerning design set out in PPG 15, I do not consider that the modern design of the proposed mansard and its use of materials would be in keeping with the design and materials of this traditional Victorian building. In my opinion, the proposal would form a prominent and disruptive element when viewed from nearby properties and would have a significant detrimental impact on the integrity and appearance of the terrace. I also consider that if the appeal were to be allowed, the Council would find it difficult to resist similar proposals in the future, which could cumulatively harm the character and appearance of both the terrace and the area and would add to the harm I have already identified. There is a roof level addition on

No 61 Pelham Street at the eastern end of the terrace, but I understand the Council have no record of this development having obtained planning permission.

13. In reaching this conclusion, I have noted that to some extent the roofline of the terrace has been interrupted by a number of existing structures including railings, television aerials and air conditioning units. However, apart from the roof level addition on No 61, these are not on the same scale as the proposed mansard and in my view, the roofline remains largely unspoiled. I do not consider that the removal of the railings would add to the harm I have identified.
14. I consider the fact that the terrace is on the edge of the Conservation Area does not lessen its contribution to the Area's character and appearance. I conclude therefore that the proposed development would be harmful to the character and appearance of the Thurloe Estate and Smith's Square Conservation Area and would be contrary to the Development Plan policies set out above.

Other Considerations

15. The Council has suggested that the proposal as designed may not comply with the Building Act. However, I note that this matter has been investigated by the appellant and that the use of fire resistant glass in the area closest to the boundary would allow the proposal to comply.

Conclusion

16. For the reasons given above and for all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

17. In the exercise of the powers transferred to me, I dismiss the appeal.

Information

18. A separate note is attached setting out the circumstances in which the validity of the decision may be challenged by making an application to the High Court.

Leslie Corp.

INSPECTOR

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

MY REF(S): RAG/PP/02/242/BC

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...18 March 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 51 Pelham Street, SW7

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR IAN DONALDSON
COUNCILLOR RIMA HORTON
COUNCILLOR BARRY PHELPS, CABINET MEMBER FOR PLANNING POLICY
TOWN CLERK & CHIEF EXECUTIVE C.CAMPBELL RM: 253
DIRECTOR OF LAW AND ADMINISTRATION...L. PARKER RM: 315
LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315
LAND CHARGES..... M. IRELAND RM: 306
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
TRANSPORTATION.....B.MOUNT RM: 230
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
HEAD OF DEVELOPMENT CONTROL
APPEALS OFFICER
NORTH
CENTRAL
SOUTH-EAST
SOUTH-WEST
INFORMATION OFFICE
FORWARD PLANNING..... G. FOSTER
DESIGN. D. McDONALD
STATUTORY REGISTER
FILE(S)
SYSTEMS.....C. STAPLETON

APPEAL NOTIFICATIONS

Re: 51 Pelham St, SW7

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

☐ WARD COUNCILLORS:

1. Mr. Ian Hanham
2. David Hanand
3. Shireen Ritchie

☒ KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace,
London W11 2QJ)

☐ CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens,
London SW10 9QF)

☐ RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

1. South Kensington Residents
- 2.
- 3.

☒ ALL 3RD PARTIES ORIGINALLY NOTIFIED

☐ ALL OBJECTORS/SUPPORTERS

☐ STATUTORY BODIES ORIGINALLY NOTIFIED

☐ ENGLISH HERITAGE

☐ OTHERS:.....

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GENERAL POLICIES

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Part I Policies and Reasoned Justifications

- i. London's physical environment is diverse. Some areas are run-down or heavily congested and in desperate need of improvement. At the other extreme, London boasts some of the finest buildings and urban landscapes in the world. The quality of London's physical environment is of great importance to people living in the Capital. It is also important in determining London's overall image as a city attractive to residents, visitors and investors.
- ii. The importance of protecting and enhancing the overall quality of the environment is emphasised by both Regional Guidance for the South East (RPG9) and Strategic Guidance for London (RPG3). The Royal Borough's unique residential character is a major contributor to London's diversity and vitality. A large part of the Borough derives its character and townscape from its heritage of eighteenth, nineteenth and early twentieth century buildings. The Council has designated 35 conservation areas, some centred on the major estates and on the many garden squares. Encompassing 70% of the Borough, these conservation areas vary in character and their appeal often depends on subtle aspects of the local scene. The Borough also contains some 3,800 buildings which are listed for their special architectural or historic interest. The Council considers that this special character should be protected and that all new development should contribute to the enhancement of Kensington and Chelsea's environmental quality.
- iii. Areas of distinctive architectural character and historic interest such as the strategically important view of St Paul's Cathedral must be protected from obtrusive development (RPG3 paragraph 70). The Proposals Map identifies those parts of the Borough to be protected under this policy.
- iv. The special character and amenity of the River Thames is one of London's greatest assets. It is also an important wildlife habitat. Therefore, any development proposals on or near the River must be considered with this in mind whilst ensuring that the integrity of the River flood defences is maintained.
- v. The Council is concerned that people with special mobility needs are not prevented from using services or buildings to which the public have access, because of building design or location.
- vi. As an historically rich city, London has a variety of archaeologically significant areas. Such areas are particularly sensitive to new developments. Therefore proposals likely to have an impact on such sites must take this into account.
- vii. In order to contribute to London's overall environmental quality, the Council proposes the following strategic policies:

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STRAT 5

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH.

STRAT 6

TO PROTECT LISTED BUILDINGS AND TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST.

STRAT 7

TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS.

STRAT 8

TO PROTECT LONDON'S SKYLINE AND STRATEGIC VIEWS, PARTICULARLY THE STRATEGIC VIEW OF ST PAUL'S CATHEDRAL FROM KING HENRY'S MOUND.

STRAT 9

TO PROTECT THE RIVER THAMES AND ITS SETTING, TO ENHANCE ITS CHARACTER AND AMENITY AND ENSURE THAT THE INTEGRITY OF THE RIVER'S FLOOD DEFENCES IS MAINTAINED.

STRAT 10

TO HAVE REGARD FOR NATURE CONSERVATION AND THE PROTECTION OF THE NATURAL HABITAT AND WILDLIFE ENVIRONMENT IN THE CONSIDERATION OF ALL PROPOSALS.

STRAT 11

TO ENSURE THAT PEOPLE WITH SPECIAL MOBILITY NEEDS HAVE EQUALITY OF PHYSICAL ACCESS THROUGHOUT THE BOROUGH.

STRAT 12

TO PROTECT ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL INTEREST.

1 OBJECTIVES

- 1.1** A large part of the Borough derives character and townscape value from its heritage of buildings of architectural and historic character, many of which also lie within areas designated as conservation areas. These are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.
- 1.2** The policies of this chapter are intended to ensure the provision of an environment which can satisfy the needs of modern life, whilst maintaining its quality, and to allow change in a sensitive way so that social and economic well-being is maintained.
- 1.3** There are four overall objectives for conservation and development:
- (A) To protect or enhance areas of character throughout the Borough, both in terms of use and the physical environment.
 - (B) To ensure that all development respects local character, is of a high standard of design, takes into account people with special mobility needs and does not adversely affect residential amenity.
 - (C) To preserve or enhance the Borough's conservation areas and listed buildings.
 - (D) To protect or enhance the natural environment and to preserve the archaeology of the Borough.

2 PROTECTING OR ENHANCING AREAS OF EXISTING CHARACTER

- 2.1** As well as the Council's designated conservation areas and listed buildings, dealt with in detail in Section 5, there are Areas of Metropolitan Importance and Areas of Local Character which should be protected. This section includes policies for all areas of significance requiring protection. These areas are considered first as they set the general context within which many of the later policies should be considered.

AREAS OF METROPOLITAN IMPORTANCE

- 2.2** The following areas, as shown on the Proposals Map, are considered to be of special character with an importance which extends beyond the Borough's boundary. These are: the Riverside, the South Kensington Museums Area and the Royal Hospital. The following policies recognise their special character.

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The Riverside

2.3 By virtue of its character and appearance the Thames and foreshore constitutes one of the greatest of all London's areas of metropolitan importance. It is also a site of metropolitan importance for nature conservation. The Council has designated the whole of the Thames within the Borough boundaries as a conservation area and produced a proposals statement. Its detailed guidance should be referred to in consideration of any proposals affecting the Riverside.

2.4 The greater part of the stretch of the Thames lying within the Borough is bounded by Chelsea Embankment which carries extremely heavy traffic. As opportunities arise, the Council will implement environmental improvement schemes, to enhance the setting of the Embankment.

CD1 TO PROTECT OR ENHANCE VIEWS AND VISTAS ALONG THE RIVERSIDE INCLUDING: RIVER VIEWS OF CHELSEA EMBANKMENT AND THE SETTING OF CHELSEA OLD CHURCH AND VIEWS FROM THE THAMES BRIDGES.

2.5 In considering proposals for Riverside development, the Council will also take account of views from the opposite bank of the Thames.

2.6 The Council will encourage a variety of appropriate riverside uses including transport links, recreation and servicing of boats, providing they are environmentally acceptable (see also Transportation Chapter).

Thames-side Vessels and Structures

2.7 The River is an important transport route, and with its foreshore and banks is a unique open space with a special environmental character. Permanently moored vessels and structures can adversely affect this unique character and reduce the River's potential as a navigable waterway. The policy below will also apply to the extension of riverside sites into the River. In considering any applications the Council will take account of LPAC's Thames-side Planning Guidelines for vessels and structures.

CD2 TO RESIST PERMANENTLY MOORED VESSELS ON THE RIVER, EXCEPT WHERE THEY WOULD NOT HAVE:

- (a) A DETRIMENTAL EFFECT ON THE SPECIAL CHARACTER OF THE RIVER;
- (b) A DETRIMENTAL EFFECT ON AMENITY ARISING FROM TRAFFIC GENERATION OR SERVICING NEEDS;
- (c) AN ADVERSE AFFECT ON THE CHARACTER OR APPEARANCE OF THE EXISTING RESIDENTIAL MOORINGS AT BATTERSEA REACH.

2.8 Floating structures relating to the River for transport purposes may be permitted. Cadogan Pier has potential for greater use by river traffic.

- 2.9** The only area of residential moorings within the Borough is that at Battersea Reach. Guidelines for the design of replacement boats and existing vessels are contained in the Thames Conservation Area Proposals Statement. The extension of the moorings area would be detrimental to the character of the Riverside particularly if the gap between the areas of moorings were encroached upon.

CD3 TO SEEK TO PROTECT AND ENHANCE THE ESTABLISHED AREA OF RESIDENTIAL MOORINGS AT BATTERSEA REACH.

Riverside Development

- 2.10** The character of the Riverside owes much to the buildings and open spaces which adjoin it. The Royal Hospital and its grounds, the Chelsea Physic Garden and the buildings on Cheyne Walk are of particular importance. The character changes to the west with the World's End Estate and industrial buildings on Lots Road. The high buildings of the World's End Estate are not in character with the remainder of the Riverside and should not be seen as a precedent for similar developments. Any new development should enhance the special character of the Riverside.

CD4 TO REQUIRE ANY DEVELOPMENT ON THE RIVERSIDE TO PRESERVE OR ENHANCE THE WATERFRONT CHARACTER, PROTECT OR IMPROVE PHYSICAL AND VISUAL LINKS BETWEEN THE RIVER AND THE REST OF THE BOROUGH, AND BE OF A HEIGHT NO GREATER THAN THE GENERAL LEVEL OF EXISTING BUILDING HEIGHTS TO THE EAST OF BLANTYRE STREET.

- 2.11** The Thames Path is a long distance walking route proposed by the Countryside Commission in accordance with its statutory responsibilities and approved by the Secretary of State for the Environment. The Council supports the designation of the Thames Path and will ensure, as the opportunity arises, that this path is provided westward to the Borough boundary (from the east side of Battersea Bridge, including a path beneath that bridge). Consideration will also be given to the provision of a bridge over Chelsea Creek to link up with the Riverside Walk at Chelsea Harbour. In implementing the Path proposals the Council will seek to achieve the standards set out in guidance provided by the Countryside Commission.

CD5 TO ENSURE THE PROVISION OF A RIVERSIDE WALK WITHIN APPROPRIATE DEVELOPMENTS.

South Kensington Museums Area

- 2.12** This area (see Proposals Map) contains the South Kensington Museums, Imperial College, Brompton Oratory, and views of the Albert Hall, which is within the City of Westminster.

CD6 TO PROTECT IMPORTANT VIEWS AND VISTAS IN AND AROUND THE SOUTH KENSINGTON MUSEUMS AREA.

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2.13 Important views and vistas include the following:

- (a) From the west: through Kynance Mews from Launceston Place; and from Victoria Road along Victoria Grove.
- (b) From the north: from the axial flight of steps south of the Albert Hall.
- (c) From the south: from Harrington Road up Queensberry Place; up the east side of Onslow Square towards the Natural History Museum; from the front of Melton Court up Cromwell Place to the tower of the Natural History Museum and the Colcutt Tower; and from Pelham Place and Thurloe Square towards the tower of the Victoria and Albert Museum.
- (d) From the east: from Princes Gate Mews; and from Fairholt Street and Cheval Place (partly within Westminster).

2.14 The area has a precinct character, but is generally outward-looking rather than enclosing its own space. This makes the preservation or enhancement of the area particularly difficult, not least because of the presence of major roads. The area may be defined by its predominantly cultural and institutional character, stemming from the museums and Imperial College. There are residential uses in close proximity and there is very little commercial intrusion.

CD7 TO PRESERVE OR ENHANCE THE PRECINCT CHARACTER OF SOUTH KENSINGTON BY:

- (a) SAFEGUARDING SKYLINES AND VISTAS TO THE NATURAL HISTORY AND VICTORIA AND ALBERT MUSEUMS, THE COLCUTT TOWER AND BROMPTON ORATORY;
- (b) SEEKING REINFORCEMENTS OF THE AXIAL LAYOUT FORMED BY THE TOWER OF THE NATURAL HISTORY MUSEUM, THE COLCUTT TOWER AND THE ROYAL ALBERT HALL IN ANY REDEVELOPMENT ON THE SITE OF IMPERIAL COLLEGE;
- (c) ENCOURAGING BETTER CONDITIONS FOR VIEWING THE MAIN FACADES WITHIN THE PRECINCT AREA AND PROPOSING ENVIRONMENTAL IMPROVEMENT SCHEMES WHERE APPROPRIATE;
- (d) SEEKING IMPROVEMENTS IN SETTING-DOWN FACILITIES FOR COACH-BORNE VISITORS (SEE ALSO TRANSPORTATION CHAPTER);
- (e) ENCOURAGING GREATER USE OF THE SOUTH KENSINGTON PEDESTRIAN TUNNEL FOR AFFORDING ACCESS TO AND CIRCULATION WITHIN THE PRECINCT AND PROPOSALS TO MAKE IT MORE ATTRACTIVE; AND
- (f) MAINTAINING A PEDESTRIAN ARCADE THROUGH SOUTH KENSINGTON STATION.

2.15 The importance of the wider area is recognised and includes parts of Imperial College and the Albert Hall within the City of Westminster. The institutions, particularly the museums, are keen to promote improvements to the area. The Council will encourage the preparation of a strategy for the enhancement of the South Kensington Museums Area.

Royal Hospital

- 2.16** The area is dominated by Wren's magnificent Royal Hospital and its grounds. However, the surrounding late Georgian and Victorian terraces and adjacent open spaces also make an important contribution to this part of the Royal Borough.

CD8 TO PROTECT IMPORTANT VIEWS AND VISTAS IN AND AROUND THE ROYAL HOSPITAL.

- 2.17** Important views and vistas include the following:

- (a) along Chelsea Embankment and from the Embankment northwards towards the Royal Hospital and its ancillary buildings;
- (b) along Royal Avenue from King's Road to the Royal Hospital; and
- (c) along St Leonards Terrace, Franklins Row, Royal Hospital Road and Ormonde Gate.

CD9 TO PROTECT THE OPEN SPACES SURROUNDING THE ROYAL HOSPITAL FROM INAPPROPRIATE DEVELOPMENT BOTH IN THE LANDSCAPED AREAS THEMSELVES AND IN THE NEIGHBOURING STREETS.

METROPOLITAN OPEN LAND

- 2.18** RPG3 refers to areas of Metropolitan Open Land (MOL), originally defined in the GLDP as strategic open land of value to the whole of London or part of London stretching over several Boroughs. These areas provide attractive breaks in the built-up area, provide open air facilities and contain features or landscapes of historic, recreational, or natural importance. Each area of MOL contains particular leisure uses which the Council will protect and enhance. The Council seeks to protect its areas of MOL (Kensington Gardens, Holland Park and Brompton and Kensal Green Cemeteries) by the following policies.

CD10 TO RESIST DEVELOPMENT ON METROPOLITAN OPEN LAND AND TO PROTECT AND ENHANCE ITS EXISTING USES.

Kensington Gardens

- 2.19** Kensington Gardens, together with Hyde Park, is managed by the Royal Parks Agency. It is a Site of Metropolitan Importance for Nature Conservation. The skyline of buildings around it is particularly important. Kensington Gardens was included in the Royal Parks Review for the Secretary of State for the Environment. The Council supports the proposals in the Review to preserve and enhance the special character of Kensington Gardens.

CD11 TO REQUIRE NEW BUILDINGS AND EXTENSIONS TO EXISTING BUILDINGS IN THE ROYAL BOROUGH, WHICH CAN BE SEEN FROM KENSINGTON GARDENS AND HYDE PARK, TO BE DESIGNED SO AS NOT TO EXCEED THE GENERAL HEIGHT OF BUILDINGS EXCLUDING POST WAR BLOCKS AND TO PAY REGARD TO THE TREE LINES.

- CD12** TO ENSURE THAT NEW BUILDINGS DO NOT IMPOSE THEMSELVES AS AN UNSYMPATHETIC BACKCLOTH TO KENSINGTON PALACE, PARTICULARLY WHEN VIEWED FROM THE EAST ACROSS THE ROUND POND.

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Holland Park

- 2.20** Holland Park, which is owned by the Council, is of particular historic and landscape value. A management strategy has been prepared for the park. It is also included within a conservation area for which there is a proposals statement.

- CD13** TO RESIST PROPOSALS THAT WOULD ENCROACH UPON OR ADVERSELY AFFECT THE SETTING OF HOLLAND PARK.

Cemeteries

- 2.21** Two other principal open spaces in the Royal Borough are the cemeteries, dating back to the 1830's and designated as Metropolitan Open Land. They were conceived as places of beauty, or botanic and other interest. Both have been designated as conservation areas. They are social and historic 'documents', also worthy of conservation as nature reserves, botanic gardens and sculpture parks. The Council will promote their appreciation by, for example, encouraging improved access, landscaping, paths, signs and visitor information, but at the same time ensure that their character is not unduly affected by greater numbers of visitors or new visitor facilities.

- CD14** TO PROMOTE OPPORTUNITIES FOR THE APPRECIATION OF KENSAL GREEN AND BROMPTON CEMETERIES WHILST PROTECTING THEIR SPECIAL CHARACTER.

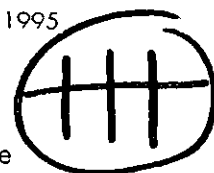
STRATEGIC VIEWS

- 2.22** Strategic Guidance requires the Council to protect and enhance the designated strategic view of St. Paul's seen from King Henry's Mound in Richmond Park. Protection and enhancement will be achieved by height limitations within the defined areas between view points. The protected field of view is shown on the Proposals Map and further details may be found in Strategic Guidance for London (RPG3), Annex A and the Secretary of State's Direction dated 22nd May 1992. (See also policy STRAT 8.)

- CD15** TO PROTECT THE LONG-DISTANCE VIEW FROM KING HENRY'S MOUND (RICHMOND PARK) TO ST PAUL'S.

AREAS OF LOCAL CHARACTER

- 2.23** Areas of Local Character contribute to the diversity and interest of the Borough and are found both inside and outside existing conservation areas, and have a distinct character which the Council will seek to preserve or enhance.



The Grand Union Canal

- 2.24** The Grand Union Canal in the north of the Borough provides a welcome break in the built-up area. It has a unique character which should be protected. It is also a Site of Metropolitan Importance for Nature Conservation. The opportunity will be taken, in connection with any development, to improve the visual appearance of canalside areas, in a manner sensitive to the type of development and the character of the canal. The canal and its towpath also have further potential for transport and leisure activities. These will be encouraged, providing they are not environmentally damaging.

CD16 TO RESIST DEVELOPMENT THAT WOULD ADVERSELY AFFECT THE SETTING OF THE CANAL.

CD17 TO ENCOURAGE USE OF THE CANAL FOR THE MOVEMENT OF FREIGHT AND PASSENGERS AND FOR RECREATION.

CD18 TO ENCOURAGE CANALSIDE DEVELOPMENT WHICH RELATES TO WATER-BASED ACTIVITIES AND RECREATION.

CD19 TO ENCOURAGE IMPROVED ACCESS TO THE CANALSIDE.

- 2.25** Residential moorings can provide life and colour to the canalside scene, but they should not conflict with other canal users or local amenity.

CD20 TO PERMIT RESIDENTIAL MOORINGS ON THE GRAND UNION CANAL PROVIDING:

- (a) THERE ARE ADEQUATE SERVICES FOR PERMANENTLY MOORED VESSELS;
- (b) OTHER CANAL USERS (BOTH WATER AND LAND-BASED) ARE NOT ADVERSELY AFFECTED; AND
- (c) LOCAL RESIDENTIAL AMENITY IS NOT AFFECTED.

Public Open Space

- 2.26** Parks and gardens under the control of the Council provide a valuable amenity, wildlife and recreational resource. It is important that all public open space is protected. (See also Leisure and Recreation Chapter.)

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Private Open Space

2.27 In addition there are other important open spaces not under the Council's control which contribute significantly to the quality of the urban environment. They are valuable not only because some public access may be afforded, but also for their history, wildlife value and visual amenity. They include some of the Royal Hospital grounds, Burton's Court, the Chelsea Physic Garden, Chelsea Rectory garden, the Moravian Burial Ground, Kelfield Gardens, the grounds of the Duke of York's Headquarters and the grounds of the College of St Mark and St John, Chelsea. (See also Leisure and Recreation Chapter.)

CD21 TO PROTECT AND ENHANCE, AND TO RESIST THE LOSS OF EXISTING PUBLIC AND PRIVATE OPEN SPACE WHICH MAKES, OR IS CAPABLE OF MAKING, A CONTRIBUTION TO AN AREA'S CHARACTER OR APPEARANCE; AND TO RESIST PROPOSALS WHICH WOULD ADVERSELY AFFECT ITS SETTING.

Garden Squares

2.28 There are over 100 garden squares in the Borough, which are major elements in its character providing welcome contrast to the densely built-up townscape. The mature trees, shrubs and other planted areas combine with boundary railings to give areas which are attractive, secluded, relatively peaceful and can provide wildlife habitats. This rather fragile character may be destroyed by even the most minor development. The Council considers that protection of their special character is of great importance. Further policies are set out in the Leisure and Recreation Chapter and Transportation Chapter. Minor proposals relating to the gardens' use as open space will be treated on their merits.

CD22 TO RESIST DEVELOPMENT IN, ON, OVER OR UNDER GARDEN SQUARES, IN ORDER TO PROTECT THEIR EXISTING CHARACTER; AND TO PROMOTE PROPOSALS FOR THEIR ENHANCEMENT.

Gardens of Special Historic Interest

2.29 The following gardens and open spaces are included in the Register of Parks and Gardens of Special Historic Interest in England compiled by English Heritage: The Boltons, Brompton Cemetery, Cadogan Place, Chelsea Physic Garden, 100 Cheyne Walk, Edwardes Square, Hans Place, Holland Park, Kensal Green Cemetery, Kensington Gardens, Ladbroke Square Gardens, Royal Hospital, Chelsea and Ranelagh Gardens and St Luke's Gardens.

CD23 TO PROTECT PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST FROM DEVELOPMENT WHICH WOULD HAVE AN ADVERSE EFFECT ON THE SITE, SETTING OR ENJOYMENT OF ANY PART OF THEIR GROUNDS AND TO ENCOURAGE THE MAINTENANCE OF THEIR HISTORIC CHARACTER.

Other areas of character

- 2.30** The Council has identified other areas of character. All are of interest, but conservation area designation is not necessarily applicable in every case. These are: The Earls Court Road area; Portobello and Golborne Roads; King's Road; and Kensington High Street.
- 2.31** Supplementary Planning Guidance and proposals for these areas will be prepared as the need arises. When adopted, non-statutory guidance will be applied to all development within the area concerned.

AREAS OF DEVELOPMENT

- 2.32** As the majority of the Borough is within conservation areas or the areas of character defined above, the opportunities for development are limited and confined to a number of small sites rather than large areas. Areas of opportunity include vacant land and sites not yet developed under the Westway and areas which are environmentally poor and contain badly maintained buildings caused by blight or lack of investment.
- 2.33** It is in these areas in particular that the Council will look for the provision of new land uses, facilities and amenities to meet needs identified in other parts of the Plan, such as new housing (see Housing Chapter), recreational facilities (see Leisure and Recreation Chapter), and local industry and small offices for new services (see Offices and Industry Chapter). However, because of the limited development land available it will not be possible to cater for all these needs.
- CD24** TO ENCOURAGE THE IMPROVEMENT OF LAND WHICH IS ENVIRONMENTALLY POOR AND BUILDINGS IN POOR CONDITION BY INVESTMENT AND REFURBISHMENT OR NEW DEVELOPMENT.
- 2.34** However, the Council will have regard also to the value to the community of those activities, often small-scale, generally service or craft orientated, whose economic existence depends on a pool of low-cost property. (See Offices and Industry Chapter.)

3 CONTROL OF DEVELOPMENT

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

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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 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 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, because, 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 for 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 lower than 2:1 will be expected; on the other hand plot ratios of up to 2.5:1 may be appropriate 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.

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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.

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3.27 The Council will also take account of:

- (a) the effect on aviation. (The Council is required to consult with the Secretary of the Civil Aviation Authority in respect of any proposed building, structure, erection or works exceeding 90 metres in height within the area shown on the safeguarding map for London (Heathrow));
- (b) wind turbulence;
- (c) disruption of telecommunications beam channels;
- (d) the proximity of high chimneys;
- (e) the location of existing underground tunnels and proposed routes for new Underground lines which might affect the potential siting or depth of deep foundations. (See also Transportation Chapter.)

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Landscaping

3.28 The Council considers that open spaces, both large and small, make a vital and significant contribution to the character of the Borough. It is important that where open space forms part of a development, it is landscaped to a high standard. Landscaping may be defined as the treatment of space around and between buildings. This includes all the components of external spaces - hard and soft surfacing, boundaries, street furniture, lighting and service provision, trees and other planting. The aim of good landscaping should be both to enhance the appearance of a development and to minimise its impact on the surrounding area. Where appropriate, the Council will require that Planning Obligations are entered into in order to achieve implementation of landscaping.

CD32 TO ENSURE THAT WHERE OPEN SPACE FORMS PART OF A PROPOSAL IT IS DESIGNED AND LANDSCAPED TO A HIGH STANDARD.

3.29 As well as displaying aesthetic benefits, landscaping should be functional. It can serve a variety of purposes - minimise vandalism, increase privacy, improve safety and security, reduce maintenance, provide sitting-out areas, make efficient use of space, provide protection from the effects of weather and microclimate, provide wildlife habitats and minimise the intrusiveness of noise and air pollution. With thought given at the outset to the intended function of a particular area, features, materials and species can be chosen that fulfil the desired role. Developments in the past have often left small areas unbuilt upon. These can be eliminated to a large degree by good design. Where unavoidable these areas should be landscaped to a high standard.

3.30 A well-designed open space should take into account all characteristics of the site and surrounding influences. Existing features can add maturity, visual continuity and act as wildlife habitats in a development. Wherever possible such features should be retained and utilised fully in the new design.

Security and Safety in Design

- 3.31** The Council will require that development takes user safety into account. This will include consideration for proper street lighting, traffic and parking provision, and the location and design of pedestrian access routes.

CD33 TO REQUIRE THAT THE DESIGN OF NEW AND ALTERED BUILDINGS OR AREAS ADEQUATELY TAKES INTO ACCOUNT THE SAFETY AND SECURITY OF THE USERS OF THE FACILITIES AND THAT OF NEIGHBOURING RESIDENTS.

- 3.32** The Council will also have regard to the standards set out in the "Police Architectural Liaison Manual of Guidance" published by the Home Office.

Noise

- 3.33** The residential amenity of the Borough can be adversely affected by noise created by certain types of development. Dwellings may also suffer noise nuisance from external sources such as roads or railways or by the transmission of noise through walls and floors from other dwellings.

- 3.34** The Council will seek to ensure that all development with noise nuisance potential is sited away from residential and other noise sensitive areas.

CD34 TO RESIST PROPOSALS WHERE THE NOISE GENERATED WOULD CAUSE SIGNIFICANT DISTURBANCE TO SURROUNDING PROPERTIES.

CD35 TO ENSURE THAT RESIDENTIAL DEVELOPMENTS INCLUDE ADEQUATE PROTECTION OF THE INTERNAL ENVIRONMENT FROM THE EFFECTS OF NOISE.

- 3.35** The Council will ensure that policy CD35 is applied to proposals for the subdivision of existing buildings for residential purposes.

Access For All

- 3.36** The Council will ensure that all non-domestic developments (see Glossary) are designed and built to mobility and wheelchair standards. The provision of features such as wide doors, ramps and lifts enables all members of the community to make use of the development whether they have a disability, are elderly, pushing a pram, or carrying a heavy weight. Wherever possible such considerations will also apply to changes of use, alterations and extensions to such buildings. Car parking associated with the development should include bays of appropriate width and be suitably close to the development. (See Planning Standards Chapter.) The Council will also seek mobility and wheelchair standard housing in housing developments. (See policy H28 of the Housing Chapter.)

CD36 TO REQUIRE THAT ALL NON-DOMESTIC DEVELOPMENTS, INCLUDING WHERE POSSIBLE, CHANGES OF USE, ALTERATIONS, AND EXTENSIONS TO EXISTING BUILDINGS ARE ACCESSIBLE TO PEOPLE WITH SPECIAL MOBILITY NEEDS, INCORPORATING LEVEL ACCESS INTO THE BUILDING.

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- 3.37** Exceptions may be allowed for on listed buildings and some buildings in conservation areas to avoid damage to their architectural or historic interest.
- 3.38** The Council will ensure that in its own works adequate access and facilities for people with special mobility needs will be provided.
- 3.39** People with special mobility needs include those with physical disabilities and/or sensory impairment; the elderly; and people with small children, prams and buggies. (See Planning Standards Chapter for details of designing for access.)

Internal Access

- 3.40** The Council will encourage internal access in buildings which are open to the public or used for employment or education purposes for people with special mobility needs, through negotiations and Part M of the Building Regulations together with other relevant legislation. Developers should refer to the Director of Building Services for more information on internal provision.

Per Cent for Art

- 3.41** The Council's policy for Per Cent for Art is contained in the Leisure and Recreation Chapter (see policy LR30 and paragraph 4.12 of the Leisure and Recreation Chapter).

Development and Planning Standards

- 3.42** The Council will use the standards set out in the Planning Standards Chapter to assess whether development proposals are in accordance with the policies of the Plan.

CD37 TO HAVE REGARD TO THE STANDARDS SET OUT IN THE PLANNING STANDARDS CHAPTER IN DETERMINING APPLICATIONS FOR DEVELOPMENT.

- 3.43** The standards set out are those which the Council consider will be likely to achieve development in accordance with the policies of the Plan and will in appropriate cases provide the basis for deciding planning applications and for determining conditions attached to planning permissions.

4 ALTERATIONS AND EXTENSIONS TO BUILDINGS

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- 4.1** The majority of planning applications received by the Borough are for alterations and extensions to buildings. This section sets out the policies which will be applied when considering such applications. These policies apply in addition to those in the "Control of Development" Section.

Additional Storeys and Roof Level Alterations

(See also Views and Vistas and High Buildings).

- 4.2** Additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings, on the skyline and may conflict with policies relating to car parking. Such proposals will, therefore, be judged in relation to:
- (a) their effect upon the character of the street or terrace, the skyline as seen from neighbouring houses and streets, and daylighting and sunlighting to neighbouring houses and gardens; and
 - (b) the design relationship of any additional storey to the building.

The Council's policies on additional storeys and roof level alterations are generally restrictive and CD38 indicates those circumstances in which planning permission will be refused. CD39 gives the limited circumstances in which permission may be granted. Policies CD38 and CD39 should therefore be read as a pair.

CD38 NORMALLY TO RESIST ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS ON:

- (a) COMPLETE TERRACES OR GROUPS OF BUILDINGS WHERE THE EXISTING ROOF LINE IS UNIMPAIRED BY EXTENSIONS, EVEN WHEN A PROPOSAL INVOLVES ADDING TO THE WHOLE TERRACE OR GROUP AS A CO-ORDINATED DESIGN;
- (b) BUILDINGS OR TERRACES THAT ALREADY HAVE AN ADDITIONAL STOREY OR MANSARD;
- (c) BUILDINGS THAT INCLUDE A ROOF STRUCTURE OR FORM OF HISTORIC OR ARCHITECTURAL INTEREST;
- (d) BUILDINGS WHICH ARE HIGHER THAN SURROUNDING NEIGHBOURS;
- (e) BUILDINGS OR TERRACES WHERE THE ROOF LINE OR PARTY WALLS ARE EXPOSED TO LONG VIEWS FROM PUBLIC SPACES, AND WHERE THEY WOULD HAVE AN INTRUSIVE IMPACT ON THAT VIEW OR WOULD IMPEDE THE VIEW OF AN IMPORTANT BUILDING OR OPEN SPACE BEYOND;
- (f) BUILDINGS WHICH, BY THE NATURE OF THE ROOF CONSTRUCTION AND ARCHITECTURAL STYLE ARE UNSUITABLE FOR ROOF ADDITIONS, E.G. PITCHED ROOFS WITH EAVES;

- (g) MANSION BLOCKS OF FLATS WHERE AN ADDITIONAL STOREY WOULD ADD SIGNIFICANTLY TO THE BULK OR UNBALANCE THE ARCHITECTURAL COMPOSITION;
- (h) TERRACES WHICH ARE ALREADY BROKEN ONLY BY ISOLATED ROOF ADDITIONS.

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4.3 Terraces that change their architectural style, character or height but are joined are considered as separate terraces. Roof extensions on one are not regarded as precedents for the adjoining terrace.

CD39 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-UNITE THE GROUP; AND
- (b) THE ALTERATIONS ARE ARCHITECTURALLY SYMPATHETIC TO THE AGE AND CHARACTER OF THE BUILDING.

4.4 The Council will continue to produce detailed non-statutory guidance on roof additions and alterations in Conservation Area Proposals Statements and other reports.

4.5 Principles for the design of roof additions are illustrated in Figures 2.6 and 2.7 in the Planning Standards Chapter.

Roof Terraces

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.

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

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:

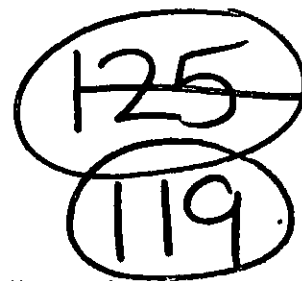
- (a) THE EXTENSION WOULD EXTEND REARWARD BEYOND THE GENERAL REAR BUILDING LINE OF ANY NEIGHBOURING EXTENSIONS;
- (b) THE EXTENSION WOULD SIGNIFICANTLY REDUCE GARDEN SPACE OF AMENITY VALUE, OR SPOIL THE SENSE OF GARDEN OPENNESS WHEN VIEWED FROM PROPERTIES AROUND;
- (c) THE EXTENSION WOULD RISE ABOVE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

CD42 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 AND GARDENS.



Side Extensions and Gaps

4.10 Many streets in the Borough are characterised by the presence of mature rear gardens. This greenery softens the dense urban scene and provides relief and visual interest when viewed from the street through gaps between buildings or when a corner building has an open rear frontage. A similar pleasant contrast may occur by a view of the sky or rear elevations of nearby properties. Gaps are often a planned feature of the layout of a Victorian estate. Side extensions may have an unfortunate effect in unbalancing an otherwise symmetrical elevation of a terrace, detached or semi-detached property. Conservation Area Proposals Statements will, where appropriate, identify important gaps and vistas where infilling would be inappropriate. The policy below also applies to free-standing buildings in gaps.

CD43 NORMALLY TO RESIST SIDE EXTENSIONS TO BUILDINGS IF:

- (a) A SIGNIFICANT VIEW OR GAP WOULD BE BLOCKED OR DIMINISHED;
- (b) THE ESTABLISHED FRONT BUILDING LINE WOULD BE BREACHED;
- (c) THE ARCHITECTURAL SYMMETRY OF A BUILDING TERRACE OR GROUP OF BUILDINGS WOULD BE IMPAIRED;
- (d) THE ORIGINAL ARCHITECTURAL FEATURES ON A FORMER FLANK ELEVATION WOULD BE OBSCURED;
- (e) ACCESS TO THE REAR OF THE PROPERTY OF THOSE ADJOINING WOULD BE LOST OR REDUCED.

4.11 Single storey side extensions at garden level may be permitted where they would not conflict with the above policy, are in a style sympathetic to the original building, and are set back from the original front and rear building lines.

Other Alterations

- 4.12** Alterations and extensions are often necessary to modernise, adapt or extend the life of a building. If unsympathetically carried out they may individually spoil the appearance of buildings or collectively be detrimental to the townscape.

CD44 TO PERMIT ALTERATIONS ONLY WHERE THE EXTERNAL APPEARANCE OF BUILDINGS OR THE SURROUNDING AREA WOULD NOT BE HARMED.

- 4.13** Such alterations may include the following: the replacement of windows or glazing patterns; the replacement of panelled front entrance doors; the repair or replacement of stucco other than to the original design; the permanent removal of projecting mouldings; balustrades, chimneys or other architectural details; the permanent fixing of any form of equipment or structure to the facade; the rendering or painting of a brick-faced building; security works including alarms and cameras; shutters or grilles; ventilation/extract ducts and plant; front walls and railings; and signs which are not advertisements.

Telecommunications Apparatus

- 4.14** Developments in telecommunications have led to changes in the way telephone and television systems operate. Both broadcasting and reception create demands for various forms of antenna (including satellite dishes). The General Development Order and Telecommunications Code Systems Operators' Licences allow certain telecommunications developments to take place without the need for planning permission, but in some cases allow the planning authority to require changes to siting and appearance with the aim of protecting amenity. The Council will use these powers to minimise the impact of telecommunications development. Some domestic satellite dishes may be installed as permitted development under the General Development Order. Where permission is required, the following policy will apply.

CD45 TO PERMIT DOMESTIC SATELLITE DISHES EXCEPT:

- (a) ON LISTED BUILDINGS WHERE THEIR SPECIAL CHARACTER WOULD BE HARMED; OR
- (b) ON THE FRONT AND SIDE OF BUILDINGS IN CONSERVATION AREAS OR WHERE HARM TO THE CHARACTER OR APPEARANCE OF THE AREA WOULD BE CAUSED; OR
- (c) IN OTHER PARTS OF THE BOROUGH WHERE THEY WOULD CAUSE UNACCEPTABLE HARM TO THE APPEARANCE OF THE SURROUNDING AREA.

4.15 Where complying with the above policy, new satellite dishes will only be permitted if:

- (a) they are no more than 0.9m in diameter (exceptions may be made in the case of Telecommunications Code Operators);
- (b) they are located as discreetly as possible on the building concerned, and coloured to blend in with their surroundings;
- (c) there is not more than one dish per residential building.

4.16 In view of the rapidly changing technology in this field, planning permissions will only be granted for a limited period. The Council will prepare planning guidelines on the siting and location of satellite dishes and for the apparatus connected with cable television.

Forecourt and Off-Street Parking

4.17 Forecourt parking can be particularly harmful to the appearance of a street, particularly in front of terraced houses, and can increase the apparent width of the road. (See also Transportation Chapter.)

CD46 TO RESIST OFF-STREET CAR PARKING IN FORECOURTS AND GARDENS IF:

- (a) THE PROPOSAL WOULD RESULT IN THE LOSS OF THE GREATER PART OF THE EXISTING FRONT GARDEN SPACE;
- (b) THE PROPOSAL WOULD RESULT IN THE LOSS OF ANY TREES OF AMENITY VALUE (INCLUDING STREET TREES);
- (c) THE PROPOSAL WOULD RESULT IN THE DEMOLITION OF MOST OF THE STREET GARDEN WALL OR RAILING, OR LEAD TO AN UNSIGHTLY BREACH IN IT, PARTICULARLY WHERE THE WALL OR RAILINGS FORM PART OF A UNIFORM MEANS OF ENCLOSURE TO A TERRACE AND AN ESSENTIAL FEATURE OF STREET ARCHITECTURE;
- (d) THE CAR, WHEN PARKED ON THE HARDSTANDING, WOULD OBSTRUCT DAYLIGHT OR OUTLOOK ENJOYED BY A BASEMENT DWELLING.

Mews

4.18 The many mews streets in the Borough form an integral part of the nineteenth century pattern of development of this area of London. Indeed, the mews as a feature of the townscape is one of the factors which distinguishes London from other cities. Whilst their origin as stable blocks for large houses means that they are generally of modest design, they do have a distinct character based on their consistency, simplicity and unity.

CD47 TO ENSURE THAT THE CHARACTER OF MEWS PROPERTIES IS PRESERVED OR ENHANCED AND TO RESIST INAPPROPRIATE ALTERATIONS AND EXTENSIONS.

5 CONSERVATION AREAS AND LISTED BUILDINGS

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Conservation Areas

- 5.1** There are currently 35 conservation areas in the Borough, covering over 70% of its area. The Council will consider from time to time whether conservation areas should be extended or new areas designated. The programme of preparing proposals statements for all existing conservation areas will be completed and those in need of review will be updated.
- 5.2** A list of conservation areas and Conservation Area Proposals Statements appears in Appendix 1. Conservation areas are identified on Map 4 and also shown on the Proposals Map.
- 5.3** Each statement identifies the characteristics which contribute to the special nature of the conservation area and includes guidance which ensures its preservation or enhancement. Guidelines for the design of new building work (including extensions and alterations to existing properties), as well as proposals for enhancement work to be carried out by the Council itself, are also included. The preparation or review of Conservation Area Proposals Statements, and the enforcement or implementation of any proposals identified in them, will be carried out in consultation with local amenity groups.
- 5.4** 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.
- CD48** TO PAY SPECIAL ATTENTION TO THE DESIRABILITY OF PRESERVING OR ENHANCING THE CHARACTER OR APPEARANCE OF EACH CONSERVATION AREA.
- 5.5** In many cases the character of an area depends not only on the fabric of existing buildings, but also on the ambience created by trees and gardens, walls and railings, external features and materials. The mix of land uses may contribute to the character of an area and in retail streets the design of shopfronts and signs are important.
- CD49** TO ENCOURAGE AND CONTRIBUTE TO THE IMPROVEMENT OF THE ENVIRONMENT OF CONSERVATION AREAS.
- CD50** TO SEEK THE IMPLEMENTATION OF SPECIFIC PROPOSALS WHICH HAVE BEEN AGREED IN CONSERVATION AREA PROPOSALS STATEMENTS AS RESOURCES PERMIT, AND IN CONSULTATION WITH AMENITY GROUPS, COMMERCIAL INTERESTS AND OTHER RELEVANT BODIES.

- 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.

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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.

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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.

Listed Buildings

- 5.15** There are over 3,700 buildings, widely dispersed within the Royal Borough, which are included in the Statutory List of Buildings of Special Architectural or Historic Interest. The Council considers that their preservation, protection and correct maintenance is of great importance.
- 5.16** The Council will, as the need arises, propose further buildings suitable for listing to the Department of National Heritage.
- 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

- 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

- 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.

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.

6 SHOPFRONTS AND ADVERTISEMENTS

Shopfronts

- 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.

- 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 and Portobello Road. Guidelines will also be incorporated in Conservation Area Proposals Statements.

CD62 TO ENCOURAGE THE RETENTION OF SHOPFRONTS OF QUALITY, EITHER ORIGINAL TO THE BUILDING OR LATER AND OF HISTORIC VALUE. IN THOSE EXCEPTIONAL CASES WHERE THE FABRIC IS BEYOND REPAIR, THE REPLACEMENT SHOULD BE DESIGNED AS A SCHOLARLY REPLICA OF THE EXISTING SHOPFRONT IN RESPECT OF ITS DESIGN, FORM, DETAILING AND MATERIALS.

- 6.3** A shopfront should not be designed in isolation but conceived as part of the whole building into which it is fitted. The fascia and columns or pilasters which support it form the frame into which the shopfront is set. Whilst there may be scope for individual design in shopfronts it is important that this frame is maintained in order to relate the shopfront to the building above and neighbouring properties.

CD63 TO SEEK THAT ALL NEW SHOPFRONTS RESPECT THE BUILDING'S ORIGINAL STRUCTURAL FRAMEWORK.

- 6.4** In old buildings, the original fascia and pilasters or columns which form the frame of the shopfront should be retained or reinstated as appropriate.

CD64 NORMALLY TO REQUIRE, WHERE SHOP UNITS ARE COMBINED, NEW SHOPFRONTS AND SIGNAGE TO BE INSTALLED WITHIN THE ORIGINAL SURROUNDS AND NOT TO OBSCURE THEM.

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- 6.5** Modern shopfronts are often temporary street features adapting constantly to changing retail demands. It is important that transient retail fashions do not disrupt the character of a building to achieve short-term requirements. House styles may have to be adapted to fit in with the age and character of the building in which the shopfront is situated.

- 6.6** All shopfronts should incorporate the property number in their design.

- 6.7** Open shopfronts can break up the continuity of a street frontage and leave an undesirable gap in a shopping parade.

CD65 TO RESIST OPEN SHOPFRONTS.

- 6.8** Exceptions may be made where this would allow the provision of an open air restaurant facility, and where nearby residents would not be disturbed or pedestrians obstructed.

- 6.9** The under-use of the upper floors of retail premises is of concern to the Council, particularly where the lawful use is for residential purposes. Often the lack of separate access prevents the use of upper floors. The policy below aims to prevent the removal of separate access and to seek its reinstatement where possible. Exceptions may be made only where adequate alternative means of separate access is provided or where justified for security reasons.

CD66 TO RESIST NEW SHOPFRONTS WHICH WOULD INVOLVE THE REMOVAL OF EXISTING SEPARATE ACCESS TO RESIDENTIAL ACCOMMODATION OR PRECLUDE THE RESTORATION OF SUCH ACCESS IF ALREADY REMOVED, AND TO SEEK, WHERE POSSIBLE, THE REINSTATEMENT OF SUCH ACCESS.

- 6.10** Shopping centres are public places and therefore it is particularly important that high street premises are accessible to all. Easy access for people with special mobility needs, both into and within buildings, is generally beneficial to all shoppers. Retailers and developers are referred to Part M of the Building Regulations and to the shopfront design guides produced by the Council.

CD67 TO REQUIRE WHERE APPROPRIATE THAT SHOPFRONT PREMISES ARE ACCESSIBLE TO PEOPLE WITH SPECIAL MOBILITY NEEDS, INCLUDING LEVEL ACCESS AND APPROPRIATE DOOR WIDTHS INTO THE BUILDING.

Advertisements

- 6.11** The Council considers it important to control signs and advertisements since, if insensitively handled in size, design and siting, they can detrimentally affect amenity by causing harm to the character and appearance of buildings and streets and add clutter and visual confusion to the street scene.

CD68 TO RESIST ADVERTISEMENTS IF:

- (a) BY REASON OF SIZE, SITING, DESIGN, MATERIALS OR ILLUMINATION THEY WOULD HARM THE APPEARANCE OF A BUILDING OR THE STREET SCENE; OR
- (b) THEY WOULD ADVERSELY AFFECT PUBLIC SAFETY.

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- 6.12** Certain types of advertisements can cause particular harm to the appearance of buildings and the street scene, and the Council will therefore discourage the following: freestanding advertisements on forecourts, signs or advertisements above fascia level, and more than one projecting sign per shop unit. The Council will exercise firm control over advertisements in conservation areas and on listed buildings. Illuminated box signs are particularly inappropriate in these areas and on such buildings.
- 6.13** Projecting signs should be located at fascia level and should not damage original mouldings or console brackets. Size, design and illumination will be carefully controlled.

Blinds, Awnings and Flags

- 6.14** The Council considers that it is important to control blinds, awnings and flags because, if poorly designed or over-prominent, they can detract from the appearance of buildings and be obtrusive features in the street scene.

CD69 TO PERMIT AWNINGS OR BLINDS WHICH ARE IN CHARACTER WITH THE AGE AND STYLE OF THE BUILDING IN WHICH THEY ARE SITUATED.

- 6.15** Permission will only be granted for blinds which have no adverse impact on the quality of the street scene. Curved rigid-framed blinds will generally be discouraged and will not usually be acceptable in conservation areas or on listed buildings.
- 6.16** Bright, fluorescent, glossy or metallic finish blinds, and those which obscure fascias will generally be discouraged.
- 6.17** Blinds will generally not be permitted above first floor cill level.
- 6.18** Flagpoles in limited numbers can be a lively feature in commercial streets. However, the street scene may be harmed by an uncontrolled proliferation of flags. This is particularly so in predominantly residential areas.

CD70 TO PERMIT FLAGPOLES UNLESS THEIR SITING WOULD HARM THE CHARACTER OF AN AREA OR WOULD NOT PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.

Hoardings

- 6.19** Advertisement hoardings, either free-standing or attached to buildings, are generally considered to be unacceptable as permanent features of the street scene as they detract from townscape quality.

CD71 TO RESIST THE ERECTION OF PERMANENT HOARDINGS.

- 6.20** Temporary hoardings may be approved where they can be advantageously used for screening of building sites or land which is unsightly and where such hoardings would not in themselves be injurious to amenity or constitute a danger to public safety. In the case of buildings in need of refurbishment, consent for an advertising hoarding will only be granted when a contract has been let for the works.

Estate Agents' Boards

- 6.21** The proliferation of estate agents' boards in the Borough has been curbed through the identification of areas where they may not be displayed without express consent. Within these areas, advertisement consent will be required for any estate agents' board. These areas, subject to the Secretary of State's direction, will be periodically reviewed. Agents are advised to check with the local planning authority whether or not an area is subject to special controls before erecting boards.

7 TREES

(See also Planning Standards Chapter)

- 7.1** Trees in cities are a valuable amenity which once removed can rarely be adequately replaced; it is often only when a tree has been removed, that its value becomes apparent. Trees act as screens; they provide privacy and mask unwelcome views. Trees are valuable as contrast and relief to bricks and mortar and can be complementary to new developments. Trees act as barriers to wind and noise and as a filter to pollution. They are also a wildlife resource.

CD72 TO RESIST DEVELOPMENT PROPOSALS THAT WOULD RESULT IN AN UNNECESSARY LOSS OF TREES.

CD73 TO ENCOURAGE THE PLANTING OF TREES IN NEW DEVELOPMENT.

- 7.2** The Council recognises the importance of trees as valuable elements of the urban landscape. The consent of the Council must be obtained if it is proposed to cut down, prune (lop, top), uproot or destroy any tree which is the subject of a Tree Preservation Order (TPO). Most of the significant trees in the Borough are already protected by TPOs but the Council will continue to make new Orders where particular trees or groups of trees

are threatened. Trees in conservation areas are also protected. Six weeks notice must be given to the Council if it is proposed to carry out any work to a tree in a conservation area. This applies only to trees with a trunk diameter greater than 75mm at 1.5m in height. The purpose of this requirement is to give the Council a final opportunity to make an Order where appropriate before work is carried out. Penalties for contravention are the same as those for trees which are subject to a TPO.

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- 7.3** The Council views unauthorised tree works very seriously and will pursue a policy of initiating prosecution in appropriate cases. The Council will give publicity to this policy and the penalties.

CD74 TO RESIST THE LOSS OF TREES UNLESS THEY ARE DEAD, DYING OR POTENTIALLY A PUBLIC DANGER, CAUSING AN ACTIONABLE NUISANCE OR, EXCEPTIONALLY, WHEN REMOVAL IS REQUIRED IN A REPLANTING PROGRAMME.

CD75 TO REQUIRE WHERE PRACTICABLE AN APPROPRIATE REPLACEMENT FOR ANY TREE THAT IS FELLED.

- 7.4** Where development is permitted on sites with existing trees which are to be retained, it is important to protect the trees from damage during building operations. The Council will attach appropriate conditions to planning permissions to ensure the necessary protective measures are put in place and maintained. Further guidance is given in the Planning Standards Chapter.

CD76 TO ENSURE ADEQUATE PROTECTION OF TREES ON SITES IN THE COURSE OF DEVELOPMENT.

- 7.5** New planting will be encouraged during the next decade so that some mature trees will be established when mature and overmature trees have to be removed. The use of native species will be encouraged where appropriate.
- 7.6** The Council will pursue a programme of care and maintenance, planting and replacement designed to keep at least the current standard of tree-lined amenity prevailing in the Borough streets.
- 7.7** The Council will increase the stock of trees on public land throughout the Borough by its tree planting programme. Planting and replacement will normally have priority in the less attractive areas and those where there is a noticeable absence of mature trees. The Council is also particularly concerned to ensure that a sufficient number of appropriate trees are provided in conjunction with development. The Council will continue to co-operate with societies and groups interested in the preservation and planting of trees.

SCHEDULE OF SITES OF NATURE CONSERVATION IMPORTANCE

To be read in conjunction with Section 8

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The Sites are graded into the following hierarchy:

Sites of Metropolitan Importance

Grand Union Canal (M6)
Kensal Green Cemetery (M125)
The River Thames (M31)
Holland Park (M131)
Kensington Gardens (M103)

Sites of Local Importance

Emslie Horniman Pleasance (L1)
Westway Wildlife Garden (L2)
Avondale Park Wildlife Garden (L3)
Natural History Museum Gardens (L4)
Little Wormwood Scrubs Park (L5)
Meanwhile Gardens (L6)

Sites of Borough Importance: Grade I

Kensal Green Gas Works (BI 1)
West London and District Lines (BI 2)
Brompton Cemetery (BI 3)
Chelsea Physic Garden (BI 4)

Sites of Borough Importance: Grade II

British Rail Western Region Land (BII 1)
Metropolitan Line (BII 2)
Carmelite Monastery (BII 3)
Ladbroke Grove Garden Complex (BII 4)
Moravian Burial Ground (BII 5)
Royal Hospital Old Burial Grounds (BII 6)
Ranelagh Gardens (BII 7)
King's College (BII 8)

The reference numbers in brackets accord with the standard referencing system used by the London Ecology Unit and help to identify the sites shown on Map 3 and the Proposals Map.

Source: RBK&C Ecological Habitat Surveys 1993 & 1994

DEFINITIONS OF SITES

Sites of Metropolitan Sites

Sites which contain the best examples of London's habitats. These sites are of the highest priority against loss or damage. Metropolitan sites are considered by the London Ecology Committee before notification to the land owners.

Sites of Borough Importance: Grade I & II

These sites are important in the context of the Borough. The nature conservation quality of these sites varies considerably. These sites are therefore graded as I & II in relation to their quality.

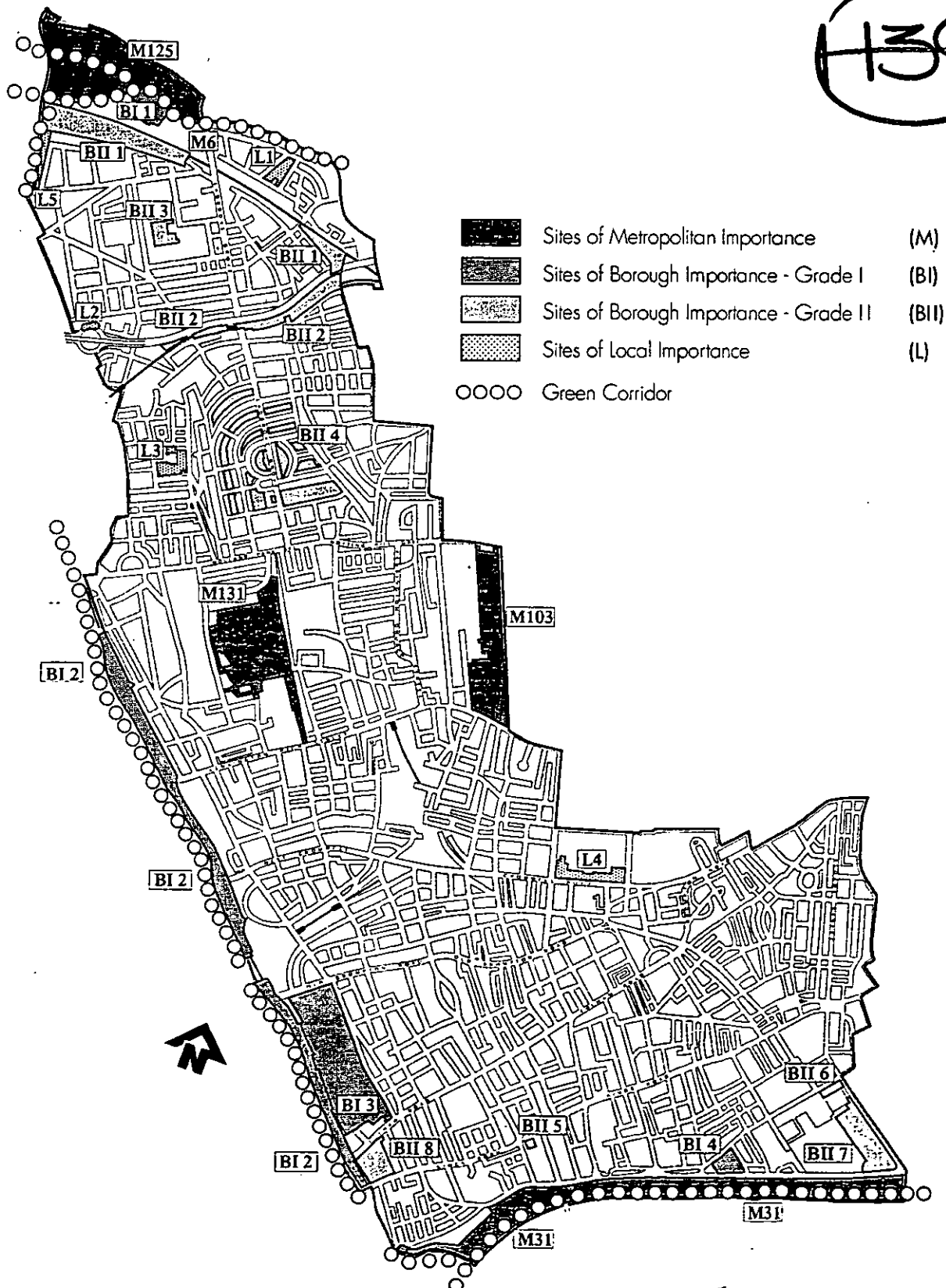
Sites of Local Importance

Local sites are those which do not qualify on their intrinsic nature conservation quality for either of the above categories, but may however be of particular value to the local community and to schools.

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MAP 3 Sites of Nature Conservation Importance 1994

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8 THE NATURAL ENVIRONMENT

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- 8.1** In a heavily built-up environment, areas with potential for wildlife and natural environments are obviously limited. The Council will therefore protect and enhance such areas.

CD77 TO IDENTIFY AND PROTECT SITES OF NATURE CONSERVATION IMPORTANCE.

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- 8.2** Sites of Nature Conservation Importance have been identified by direct survey undertaken by the London Ecology Unit on behalf of the Council. The sites play an important role in preserving existing species and are, in many cases, a resource for leisure and educational use. Where such areas are potential development sites, the contribution of the site to the ecology of the area will be taken into account when considering planning applications. Sites of Nature Conservation Importance are shown on Map 3 and on the Proposals Map. The list of sites will be reviewed periodically.

CD78 TO ADOPT AND ENCOURAGE THE APPROPRIATE NATURE CONSERVATION MANAGEMENT OF SITES OF NATURE CONSERVATION IMPORTANCE.

- 8.3** Management Plans have already been prepared for Holland Park and the Grand Union Canal. Other potential areas for the management of nature conservation include: Kensal Green and Brompton Cemeteries; parts of the Riverside; the campus of the college of St. Mark and St. John in Chelsea; railway corridors; the inter-tidal foreshore of Chelsea Creek; and parts of some of the larger garden squares.

CD79 TO CONSIDER THE EFFECT ON NATURE CONSERVATION IN DEALING WITH ANY PROPOSALS FOR DEVELOPMENT.

CD80 TO ENCOURAGE THE ALLOCATION OF POCKETS OF LAND FOR NATURE CONSERVATION AND THE PLANTING OF NATIVE SPECIES IN LANDSCAPING ON APPROPRIATE DEVELOPMENT SITES.

9 ARCHAEOLOGY AND ANCIENT MONUMENTS

- 9.1** Archaeological remains constitute the principal surviving evidence of the Borough's past but are a finite and fragile resource very vulnerable to modern development and land use. Once removed, that part of the past is lost forever. The destruction of such remains should be avoided wherever possible and should never take place without archaeological excavation and record.

CD81 TO ENCOURAGE THE CONSERVATION, PROTECTION AND ENHANCEMENT OF SITES OF ARCHAEOLOGICAL IMPORTANCE AND THEIR SETTINGS AND THEIR INTERPRETATION AND PRESENTATION TO THE PUBLIC.

- CD82** TO REQUIRE, WHERE DEVELOPMENT IS PROPOSED ON SITES OF ARCHAEOLOGICAL SIGNIFICANCE OR POTENTIAL: THAT ARCHAEOLOGICAL FIELD EVALUATION TAKES PLACE BEFORE DEVELOPMENT PROPOSALS ARE DETERMINED; THAT REMAINS AND THEIR SETTINGS ARE PERMANENTLY PRESERVED EITHER IN SITU, OR EXCEPTIONALLY BY RECORD, AND THAT PROVISION IS MADE FOR AN APPROPRIATE LEVEL OF ARCHAEOLOGICAL EXCAVATION AND RECORDING TO TAKE PLACE PRIOR TO DEVELOPMENT COMMENCING ON SITE.

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- CD83** TO ENCOURAGE CO-OPERATION BETWEEN LANDOWNERS, DEVELOPERS AND ARCHAEOLOGICAL ORGANISATIONS, IN ACCORDANCE WITH THE PRINCIPLES OF THE BRITISH ARCHAEOLOGISTS LIAISON GROUP CODE OF PRACTICE.

- 9.2** Special attention will be given to the Sites of Archaeological Importance shown on the Proposals Map and on the Museum of London's sensitivity map and schedule.
- 9.3** The Royal Borough contains the following Scheduled Ancient Monuments: the Brick Kiln in Walmer Road, Kensington Palace and the Royal Hospital.
- CD84** TO PRESERVE OR ENHANCE ALL SCHEDULED ANCIENT MONUMENTS AND OTHER NATIONALLY IMPORTANT ARCHAEOLOGICAL SITES AND MONUMENTS IN THE BOROUGH.

10 CHURCHES AND OTHER PLACES OF WORSHIP

- 10.1** Churches not only have a religious purpose but also often play an important role in the community and contribute to the townscape of that area. Where a place of worship is declared redundant, its community, townscape or architectural value should be retained. (See also Social and Community Uses Chapter.)
- 10.2** Where a place of worship is threatened with redundancy the Council's objectives will be where possible:
- (a) to encourage use by an alternative religious community as a place of worship;
 - (b) to retain buildings of architectural, townscape or landmark value;
 - (c) to retain a meeting hall or other community facilities;
 - (d) to ensure that conversion works respect the external design and interior space of the building;

(e) to seek that if the building is not to be used for worship, the upkeep and maintenance will be provided for, and public access can be arranged to view architectural features;

(f) In exceptional circumstances, where it is not possible to retain religious buildings, the Council will seek their replacement by buildings of equal landmark value.

CD85 TO RETAIN WHERE POSSIBLE RELIGIOUS BUILDINGS OF ARCHITECTURAL OR TOWNSCAPE MERIT.

10.3 The Council will seek to protect churchyards for their social, historic, landscape and wildlife interest.

11 PLANNING POWERS AND LOCAL AUTHORITY ACTIVITY

11.1 The Council will seek the improvement of the environment using the following tools.

Planning Briefs

11.2 Many potential development sites require detailed planning guidance, to supplement the Council's policies and to make clear other local and site specific requirements. Planning briefs and guidance notes fulfil this role.

CD86 TO PREPARE PLANNING BRIEFS FOR IMPORTANT POTENTIAL DEVELOPMENT SITES AND IN CONSIDERING PROPOSALS TO HAVE REGARD TO THE ADOPTED BRIEFS.

11.3 After the preparation of a planning brief or guidance notes, there may, on occasions be considerable delay in development proposals coming forward. In these cases and where circumstances have significantly changed, the Council will up-date the brief or guidance notes accordingly.

Environmental Improvements

11.4 The Council is committed to improving the local environment and will identify areas and sites where improvement schemes would be beneficial. As well as implementing its own schemes it will encourage other organisations to carry out such works.

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- CD87** TO IDENTIFY AREAS AND SITES WHICH WOULD BENEFIT FROM ENVIRONMENTAL IMPROVEMENT SCHEMES, AND IMPLEMENT SUCH SCHEMES AS RESOURCES PERMIT IN CONSULTATION WITH LOCAL RESIDENTS, BUSINESSES AND OTHER GROUPS.

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- 11.5** While funds are available from Central Government, priority will be given to improvements in the areas of the Borough covered by City Challenge.

Grants

- 11.6** The Council, as well as seeking improvements to the local environment through the control of development, also takes a positive role in offering grants and loans for suitable schemes.

- 11.7** The Council will offer grants and loans, as resources permit, to encourage groups and individuals to carry out works of enhancement, including:

the restoration of architectural detail on listed buildings and buildings in conservation areas;

repairs and restoration of mews arches;

the reinstatement of railings around garden squares; and

improvements in access for people with special mobility needs.

Environmental Assessment

- 11.8** Proposals for large developments may have major environmental implications. The Council will request environmental assessments from developers in appropriate cases.

Street Furniture and Paving

- 11.9** The Council will seek to improve street furniture and paving with the aim of providing consistent and attractive designs to enhance the Borough's character. It will lead by example and promote a high quality of street furniture design.

- 11.10** The Council and statutory undertakers are responsible for most of the street furniture and paving throughout the Borough. The Council will ensure that in its own provision of street furniture and paving, design and siting will be sensitive to local character. However, provision of many items of street furniture, for example telephone kiosks and bus shelters, is by authorities other than the Council. To protect the environment of the Borough, the Council will seek to influence the siting and design of these items through normal consultation procedures. (See Public Utilities and Services Chapter).

11.11 Existing street furniture will be rationalised where the opportunity arises and historic features such as bollards, lamps and coal hole covers will be preserved where possible.

11.12 The following policies are proposed to control and influence the design and siting of street furniture and paving.

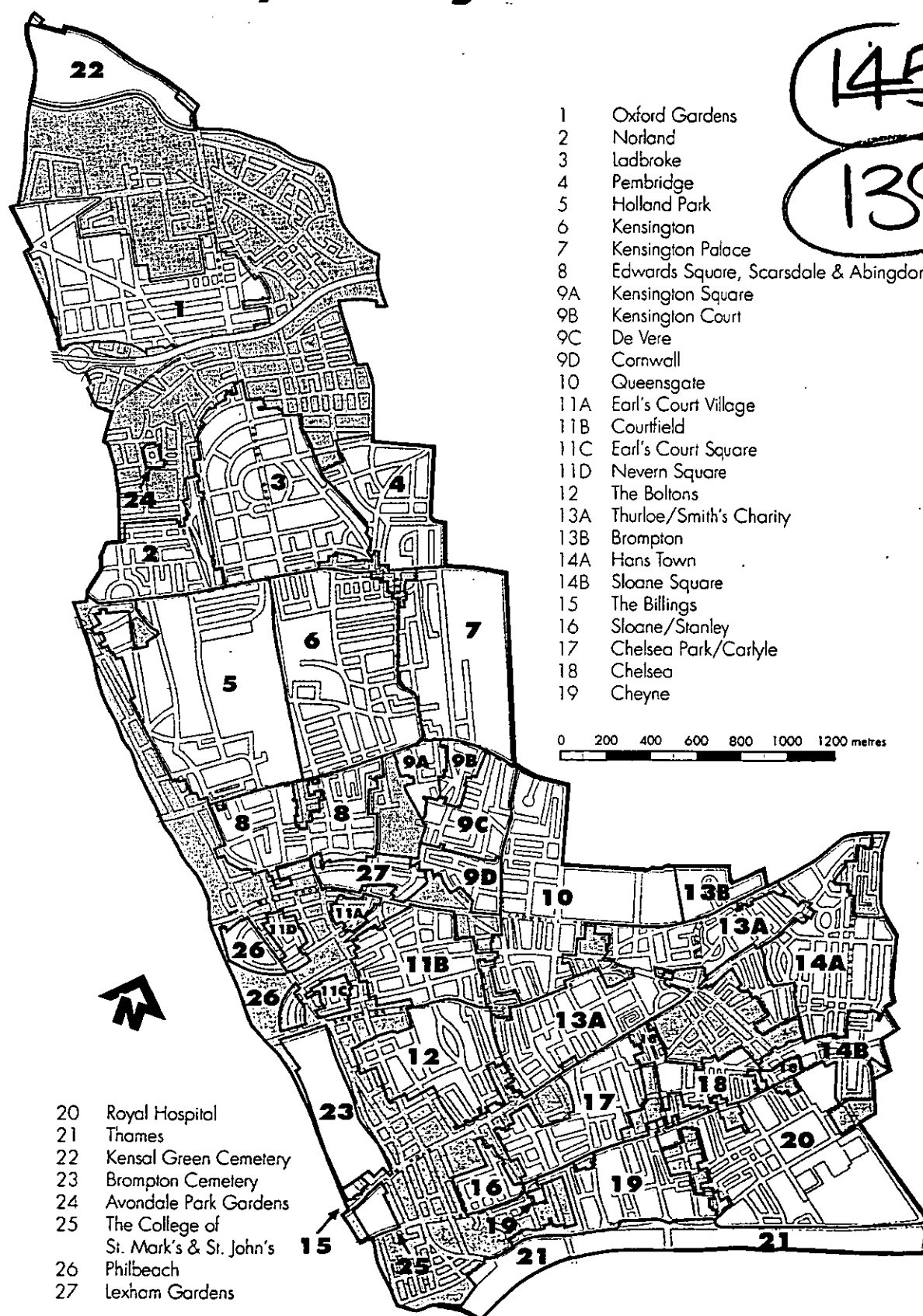
CD88 TO DISCOURAGE EXCESS STREET FURNITURE.

CD89 TO ENCOURAGE, GOOD QUALITY STREET FURNITURE OF UNOBTRUSIVE DESIGN, IN HARMONY WITH THE STREET SCENE, SITED TO MINIMISE VISUAL CLUTTER AND TO ALLOW CLEAR AND SAFE PASSAGE FOR PEOPLE WITH SENSORY AND MOBILITY DIFFICULTIES.

CD90 TO SEEK THE PRESERVATION OF HISTORIC STREET FURNITURE AND OTHER STRUCTURES.

MAP 4

The Royal Borough's Conservation Areas



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APPENDIX 1

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List of Conservation Areas and Proposals Statements

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- Areas with an Approved Proposals Statement
- 1 Oxford Gardens/St Quintins
- 2 Norland
- 3 Ladbroke
- 4 Pembridge
- 5 Holland Park
- 6 Kensington
- 7 Kensington Palace
- 8 Edwardes Square/Scarsdale/Abingdon
- 9A Kensington Square
- 9B Kensington Court
- 9C De Vere
- 9D Cornwall
- 10 Queen's Gate
- 11A Earls Court Village
- 11B Courtfield
- 11C Earls Court Square
- 11D Nevern Square
- 12 The Boltons
- 13A Thurloe/Smith's Charity
- 13B Brompton
- 14A Hans Town
- 14B Sloane Square
- 15 The Billings
- 16 Sloane/Stanley
- 17 Chelsea Park/Carlyle
- 18 Chelsea
- 19 Cheyne
- 20 Royal Hospital
- 21 Thames
- 22 Kensal Green Cemetery
- 23 Brompton Cemetery
- 24 Avondale Park Gardens
- 25 College of St Mark and St John
- 26 Philbeach
- 27 Lexham Gardens

of the Public Health Act, 1961 as applied by the Kensington and Chelsea Corporation Act, 1971, to ensure that listed buildings are preserved in good order. In practice, however, this only extends to repairs sufficient to keep structures standing and to exclude wind and rain.

Compensation

The Council also has statutory powers under Sections 101 and 114/5 of the 1971 Act, and under Section 27 Compensation may be payable in certain cases by the Council if planning permission is refused, and the refusal is upheld at appeal, for a proposal involving an increase to a building of up to 10% of its original floorspace.

2.1 Additional Storeys and Roof Alterations

Additional storeys have a significant impact on the appearance of the area, as they affect both the buildings on which they are situated, and views towards other buildings. The Townscape Chapter has already consider the major views in and out of the area: the museums area to the north of Brompton Road has been scheduled by the Greater London Development Plan (paragraph 6:3) as an Area of Special Character. Any alterations, especially those at roof level will therefore have to be designed with particular care if they affect views into this area.



Mansard roofs in Neville Street; future additional storeys should adhere to this pattern.

Because this Conservation Area is composed largely of uniform terraces, additional storeys are generally only suitable in terraces where there are a sufficient number

of precedents, and where such an extension would improve the coherence of the terrace as a whole. This applies particularly to small buildings, such as mews houses, because an extension of a given size is proportionately greater on a small house, than on a large house.

The need to maintain the unity of the terraces means that in practice there are comparatively few locations where additional storeys could be permitted. Furthermore, any diversity of additional storey type in an otherwise uniform terrace would be inappropriate, since this would also destroy the coherence of the terrace.



In considering applications for additional storeys and roof alterations, the Council will adhere to the specific design guidelines overleaf, with respect to sites where additional storeys are considered acceptable. Elsewhere, alterations at roof level may be acceptable, such as altering an unsightly dormer window to a more suitable pattern, but additional storeys will not generally be permitted. The following general policies will also be taken into account when considering applications for additional storeys.

1. roof additions will not be permitted above an existing mansard or steep pitched roof, but the provision of dormer or velux windows may in some cases be appropriate if they match the existing building style.
2. When considering such applications, the Council will require that water tanks, lift housings and other such features be located within the roof space if at all possible. If, as is normally preferable, the additional storey is a true mansard rather than flat topped, enough space is created in the roof for such items as water tanks. If this cannot be done, there are other ways of reducing their visual effect. Tank and lift housings can be clad in materials which blend in with the building; these items, together with fire escapes, can be positioned where they have the least visual effect such as in the middle of the roof; while lift motor rooms can be located at the bottom, rather than the top of the lift shaft.
3. The materials of the additional storey will be required to match or be in sympathy with the existing building. This also applies to the style, size and positioning of windows; the use of materials already visible on the building, such as stock bricks, slates and clay tiles, and the retention of items such as chimney stacks and pots.
4. In considering application for roof extensions, the Council will also seek the retention of existing gables.

ADDITIONAL STOREY GUIDELINES Figure c-1

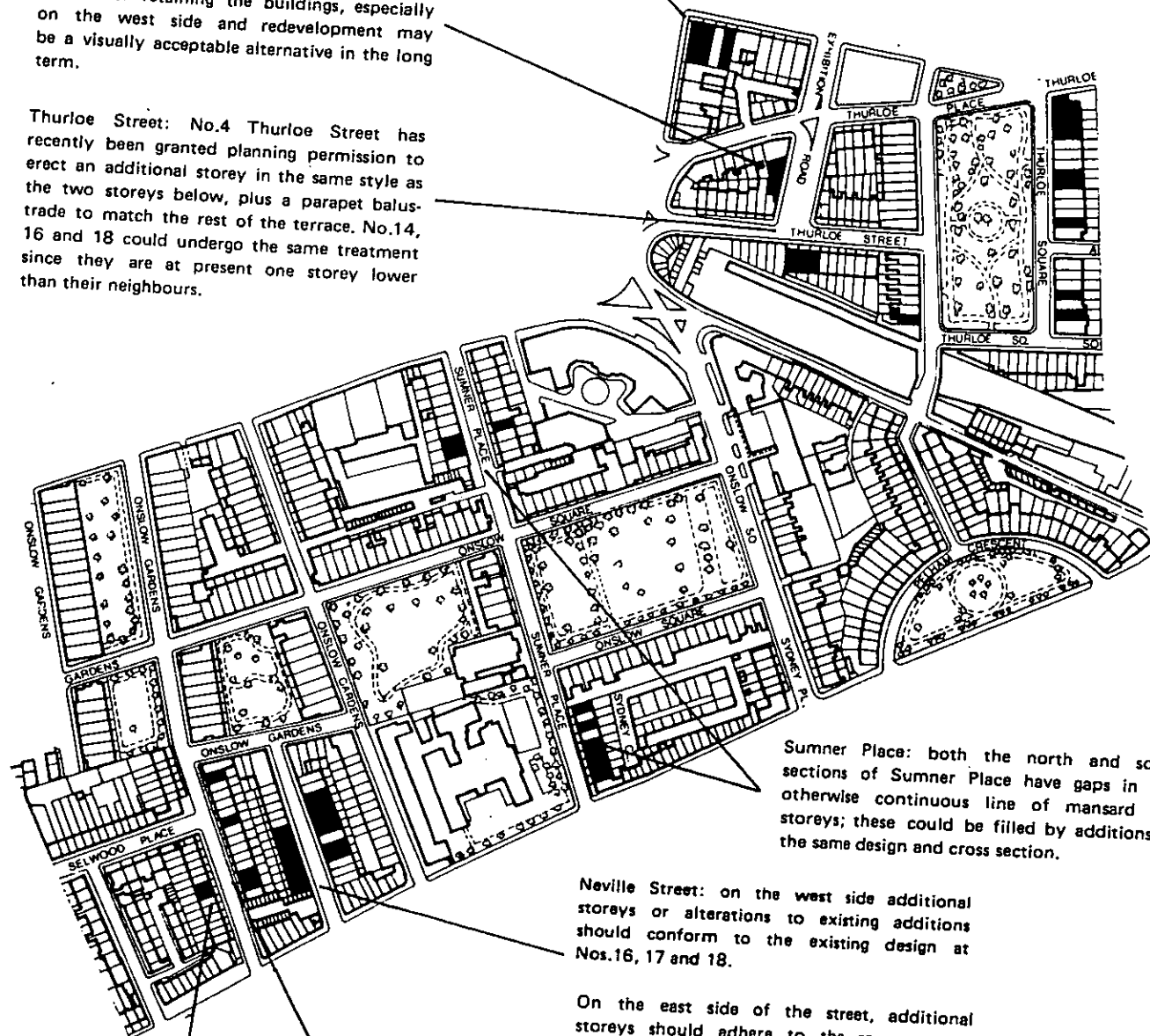
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Thurloe Square: on the east side of the Square in particular, there is scope for providing mansard storeys where they do not already exist, or for enlarging existing additional storeys so that they match the predominant style of the Square.

Cromwell Road: Nos.13, 17 and 19 could be raised to match No.15; this would involve a mansard storey in all three cases, with a further storey flush with the building line, in the case of No.17.

Exhibition Road: there are number of sites where additional storeys may be appropriate. On Nos.7-9 (odd) an additional storey in matching style would be the most appropriate in the short-term. In this street however, architectural importance is not a satisfactory reason for retaining the buildings, especially on the west side and redevelopment may be a visually acceptable alternative in the long term.

Thurloe Street: No.4 Thurloe Street has recently been granted planning permission to erect an additional storey in the same style as the two storeys below, plus a parapet balustrade to match the rest of the terrace. No.14, 16 and 18 could undergo the same treatment since they are at present one storey lower than their neighbours.



Sumner Place: both the north and south sections of Sumner Place have gaps in and otherwise continuous line of mansard top storeys; these could be filled by additions to the same design and cross section.

Neville Street: on the west side additional storeys or alterations to existing additions should conform to the existing design at Nos.16, 17 and 18.

On the east side of the street, additional storeys should adhere to the same pattern as on the west side.

Neville Terrace: additional storeys could be permitted at 9 and 14 and the existing additional storeys enlarged at 2 and 3 provided that they match the existing extensions at No.8.

Selwood Terrace: additional storeys could be permitted at Nos.7 and 8 provided that they match the existing extensions at No.9.

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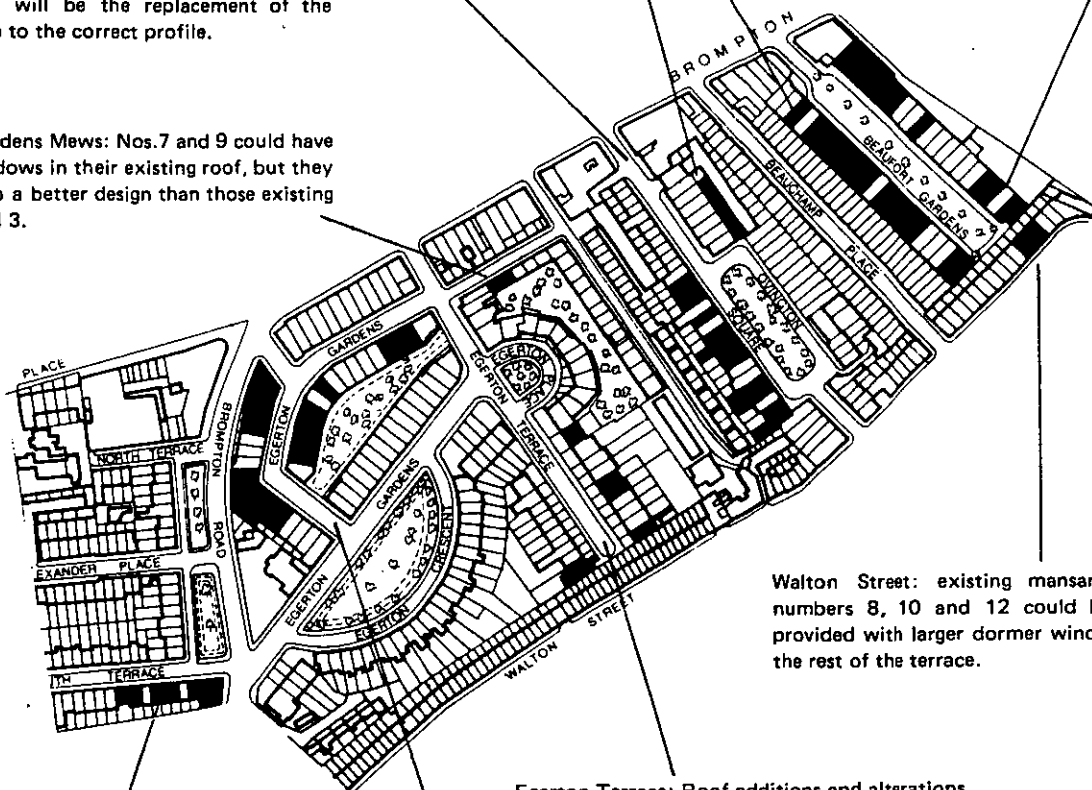
Ovington Mews: on the south side of Ovington Mews, additional storeys may be permitted as long as they are as low as, and set back to the same extent as the roof addition at No.4.

Beaufort Gardens, north side: additional storeys will be allowed provided that they match those existing at Nos.11 and 12, and provided that they have cornices and window surrounds to the same pattern as the rest of the building.

Ovington Square, south side: dormer windows may be permitted provided that they match the profile and window style of Nos.1 and 13. This terrace has suffered considerably from loss of stucco embellishments, and its appearance would be much improved were the main cornice and parapet balustrades restored to match that at No.19. A condition on any planning consents for additional storeys in this terrace, will be the replacement of the main cornice to the correct profile.

Beaufort Gardens, south side: the existing extensions are more diverse than the north side of the Street. However, there is an existing extension, flush with the building line at No.44, while similar extensions have been approved at 41-43. These examples should be regarded as the pattern for any future extensions on this terrace.

Egerton Gardens Mews: Nos.7 and 9 could have dormer windows in their existing roof, but they should be to a better design than those existing at Nos.1 and 3.



Walton Street: existing mansard storeys at numbers 8, 10 and 12 could be raised and provided with larger dormer windows to match the rest of the terrace.

Egerton Terrace: Roof additions and alterations may be permitted at number 25 (to match 27) 31, 33, 41, (to match 29) and 24 (to match 22).

South Terrace: additional storeys will only be permitted on the smaller houses in South Terrace (as well as the four north facing houses in Alexander Square) where additions do not already exist. Additional storeys should be double mansard roofs with party walls raked back to the same angle as those on 21 Alexander Square. Two dormer windows should be provided, in line with those below and with the same detailing. An additional storey was recently approved at 1 South Terrace; this should be regarded as the pattern for future extensions.

Egerton Gardens: where additional storeys are allowed, they should preferably be mansard type additions, rather than the ugly box like additions which exist at Nos.17-23 and 35-37 (odd). The extension at Nos.34-36 (even), where two floors have been contained within a sloping roof, is a good example of how additional space can be obtained within an unobtrusive exterior. This extension would, however, be improved by being clad in slates.