

P.P.S.

Phillips Planning Services Ltd.
Town Planning and Development Consultants

04/0221

Permit / ALS

My Ref; PWJMS/032949

13 November 2006

The Royal Borough of Kensington and Chelsea
The Town Hall
Horton Street
LONDON
W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	15 NOV 2006				PLANNING	
N	C	 	APP	IO	REC	
HBS		 	ARB	FPLN	DES	FEES

43

Dear Sirs

Proposed Rear Extension - No. 5 Tedworth Square, London SW3

Background:

As you will note from your records, we initially contacted the Council (Mr McCreery) by letter in respect of this matter in December 2003. (Copy of our initial letter attached for ease).

The letter described a proposed ground floor rear extension that our client proposed to build and sought confirmation from you that this could be constructed under the benefit of permitted development rights. The response from Mr McCreery dated 08 December is also attached for ease. In basic terms Mr McCreery agreed that the proposal appeared to constitute permitted development but requested that we submit an application for a certificate of lawfulness of proposed development in order to gain formal confirmation.

This application was duly submitted on 24 January 2004. The plans showing the proposed extension and previous extensions at the property are also attached. Following a site meeting with the case officer Ms. Salmon, the certificate was issued on 20 February 2004 reference CL/04/00221. (Copy attached).

Current Proposal:

The rear extension for which the LDC certificate exists has never been implemented. However, we have recently been contacted by Icon Architects who are now assisting the property owner in terms of moving the proposals forward. I understand that Icon are considering various internal alterations as well as revisiting the proposed rear extension to examine how this space may best be utilised.

When this matter was first reviewed back in 2003/2004 as outlined above, the rear extension was specifically designed to the limit of the permitted development tolerances on the basis that the then architects had been advised that the Council may not look favourably on a proposal for a rear extension which would run the full width of the plot and beyond other rear extensions as this would be viewed as being contrary to adopted UDP Policy CD45.

The limiting factor in designing the LDC extension was not the cubic volume taken up by the proposed extension but rather the 50% of the curtilage stipulation in the GPDO 1995.

Having now reviewed the internal arrangement which can be designed within the scope of the permitted extension it is considered that with only a very modest increase in the floor space a far better internal layout could be achieved. As you will note from comparing the previously approved plans and the attached proposed plan ref 482/385, (which also shows the additional floor space now sought shaded), a more spacious area with a central island would result.

Of course this increase would exceed the permitted development tolerances and therefore require planning permission.

Advice Sought:

As the Council is of course aware, a significant material consideration when determining planning applications at residential properties is what scale and form of development may be possible already under permitted development rights.

We appreciate that if the proposed new rear extension was put forward in isolation of the permitted LDC extension it is likely that the Council would take the view that the proposal does not accord with Policy CD47 and therefore should be resisted. However, given that the LDC does exist for a very similar proposal we would seek your understanding and a flexible approach to the policy in this instance. In effect the only element of the new proposal that requires planning permission is the small section, approximately 0.95 metres by 3.3 metres (shaded on the proposed plan), that would close the corridor style gap between part of the LDC extension and the existing house that would otherwise remain if the permitted development extension was to proceed.

We respectfully suggest that a planning application for the slightly enlarged extension can be considered favourably by the Council in this instance for three reasons:

1. In reality the application would not offend Policy CD47 and set a precedent. The permitted development extension already goes beyond the policy. The minor enlargement would not be the element that breaches the policy criteria.
2. The proposed additional element would not cause any harm. It would not result in overlooking, dominate any of the neighbouring properties etc. It would have a neutral impact on the Conservation Area. It is respectfully submitted that there is no genuine planning reason to resist the small additional area.

3. The proposed enlargement will result overall in a better and more appropriate design for the house and when viewed externally would remove the need to retain the small 'corridor'. The plan form and internal usability of the property will also be improved.

I would be grateful to receive your thoughts on this matter prior to the submission of any planning application.

Should you wish to discuss any of the issues involved, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Watson', with a stylized, cursive script.

Paul Watson
PHILLIPS PLANNING SERVICES LTD.

Enc.