

Site at
10, Horbury Crescent, W11.

RBK&C Ref:

TP/97/1903

TP/97/1904

D.o.E. Ref:

APP/K5600/A/98/291038

APP/K5600/E/98/814132

**Statement
& Documents**

Written Representations

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Site at
10, Horbury Crescent, W11.

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**Statement
& Documents**

Written Representations

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

APPEAL

10 HORBURY CRESCENT

KENSINGTON W11

LIST OF APPEAL DOCUMENTS

- 1) Planning application dated 16th July 1997
- 2) Committee report presented to the Planning Services Committee dated 25th February 1997.
- 3) Planning Permission dated 30th January 1989, 10- 12 Horbury Crescent.
- 4) Planning Permission dated 2nd May 1997, 10 Horbury Crescent
- 5) Letter sent by the Council dated 2nd May 1996, relating to no 16 Horbury Crescent.
- 6) Conservation and Development chapter of the Council's Unitary Development Plan
- 7) The Council's preferred conditions if approval is given by the Inspector.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J French FRICS DipTP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

The Planning Inspectorate
Department of the Environment
Room 1203
Tollgate House
Houlton Street
BRISTOL BS2 9NJ

Switchboard: 0171-937 5464
Extension: 2734
Direct Line: 0171-361 2734

Facsimile: 0171 361 3463

5 March 1998

My reference: DPS/DCN/TP/97/1903 & Your reference: APP/K5600/E/98/814132 Please ask Andrew Paterson
DPS/DCN/TP/97/1904/ & APP/K5600/A/98/ for:
AP/AMJ 291038

Dear Sir

**Town and Country Planning Act 1990 (As Amended)
10 Horbury Crescent, Kensington, W11**

I write to you with reference to the Appeals made by Mr. and Mrs. Priest under Section 78 of the Town and Country Planning Act 1990 (As Amended) and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against (a) the non-determination of a planning application seeking to erect a basement and ground floor addition and a ground floor infill addition under the existing cantilevered rear elevation; and (b) the non-determination of a Conservation Area Consent application seeking to partially demolish the rear elevation of the premises to accommodate the proposed rear additions mentioned in (a) above, by the Royal Borough of Kensington and Chelsea at 10 Horbury Crescent, Kensington, W11.

The Council consider that with a few additions to explain Statutory Plans and Policies and the Status of the Council's Unitary Development Plan, the report presented to the Planning Services Committee dated 25th February 1998, clearly amplifies the Council's resolution to refuse Planning Permission had control still be vested for the purposes of determining the application. Following consideration of the implications of the House of Lords ruling regarding the Case of Shimizu (UK) Limited -v- Westminster City Council and subsequently Circular 14/97, the Council consider that the works of demolition though substantial are not sufficient so as to require Conservation Area Consent. The Council does not therefore consider it appropriate to pursue the Conservation Area Consent appeal.

Statutory Plans and Policies

On 28th August 1995, the Council's Unitary Development Plan (UDP) was formally adopted, and it is the Statutory Development Plan for the Borough.

Other relevant documents are Circulars, Planning Policy Guidance Notes and other advice from Central Government, and the statutory framework provided by the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990, and the Planning and Compensation Act 1991.

Section 54A of the Town and Country Planning Act 1990 places an emphasis on the need to meet the requirements of the Development Plan, and states:-

“Where on making any development under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”

Planning Policy Guidance: General Policy and Principles (PPG1) states:-

“Conversely, applications which are not in accordance with relevant policies in the Plan should not be allowed unless material considerations justify granting planning permission.”(PPG1 paragraph 40). /

Concerning design, PPG1 advises at paragraph 15:-

“Good design should be the aim of all those involved in the development process and should be encouraged everywhere.”

“Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary design guidance” (PPG1 paragraph 16).

It further advises in paragraph 17:-

“Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subject to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings.”

Paragraph 4.14 of PPG15 states inter alia:-

“Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State’s view, be a material consideration in the Planning Authority’s handling of development proposals which are outside the Conservation Area but would adversely affect its setting, or views into or out of the area.”

Observations upon the Appellant’s Grounds of Appeal

The Council consider that the majority of the points raised by the appellant have been addressed in the report presented to the Planning Services Committee on the 25th February 1998.

The Council would like to reiterate that No.16 Horbury Crescent is a single family dwelling house and the rear addition was constructed without Planning Permission as it was considered to fall within the scope of Permitted Development as explained in a letter sent by the Council dated 2nd May 1996 (copy of letter to be attached).

The addition at No.12 Horbury Crescent was not granted Planning Permission by the Council. The Council do not have exact records indicating when it was constructed, however the Planning Permission allowing Nos. 10 and 12 Horbury Crescent to be converted into self-contained units included the refurbishment of the existing addition. The Council would like to stress that the addition is not a full width addition.

The Council have only two other comments to make concerning the remainder of the appellant's statement.

The appellant gives the impression that the Council Officers deliberately did not submit the application to the Planning Services Committee. However, on a number of occasions the appellant's agent sought to revise the proposal following concerns expressed by the Case Office. These revisions were not considered acceptable and were always submitted after the relevant Committee agenda had closed, thus making it impossible to present the case to the Committee's mentioned by the appellant. This written dialogue continued into December 1997, and verbal dialogue continued into January 1998.

The second comment the Council would make relating to the appellant's Statement concerns the quotes of the Council's officers relating to No.16 Horbury Crescent. At the site meeting on 15th October 1997 the Council's officers did not comment as suggested. This is the appellant's agents interpretation of their comments.

The chronological list of events is considered misleading and does not alter the proposal which is considered contrary to the Council's policies which the appellant was made aware of prior to the meeting on site on the 15th October 1997.

If the Inspector is minded to grant Planning Permission for the erection of the rear additions, it is considered that the conditions accompanying this letter be attached to safeguard the character and appearance of the property and the Ladbroke Conservation Area.

The Council would for the reasons stated in the report presented to the Planning Services Committee, dated 25th February 1998, and in the contents of this letter, request the Inspector upholds the Council's reason to refuse Planning Permission.

Yours faithfully



R. THOMPSON
Area Team Leader
for the Executive Director of Planning and Conservation

cc: Urban Roots Architecture & Landscape
First Floor
11-12 Great Sutton Street
EC1V 0BX



TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND AND / OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

Fee £ 180 = 50 (REFUND £90)

19 AUG 1997

Borough/Parish: W.C. Registered No. C 1 8 E Ack

Cheque / Postal Order / Cash: 5000 21

Date Received: 6 AUG 1997 (T)

Receipt No. Issued: 102 0064

PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM

PART ONE	To be completed by or on behalf of all applicants as far as applicable	Number of Applications	10	Fees Office	£	Forward Plan	180	Head DC
		FEE (where applicable)						

1. APPLICANT (in block capitals) 10-12 HORBURY CRES. RESIDENTS ASSOCIATION
 Name Mrs. Bonnie Priest
 Address 10 Horbury Crescent
London W.11
 Tel. No.

AGENT (if any) to whom correspondence should be sent
 Name URBAN ROOTS ARCHITECTURE
 Address 2ND FLOOR
11-12 GREAT SUTTON STREET
LONDON EC.1V 0BX
 Tel. No. 0171-689-3210 Ref.

2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT

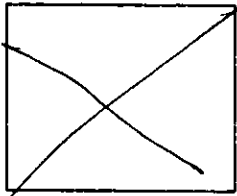
(a) Full address or location of the land to which this application applies
10 HORBURY CRESCENT TP971903
LONDON W.11

(b) Site area
90m² Approx.

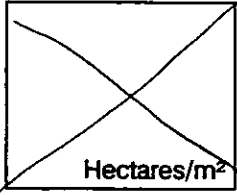
(c) Give details or proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.
KITCHEN EXTENSION/INFILL UNDER EXISTING CANTILEVERED BACK ADDITION BAY.
CONSERVATORY AND DINING AREA ON GROUND FLOOR.
CONSERVATORY ON BASEMENT LEVEL.

(d) State whether applicant owns or controls any adjoining land and if so, give its location.
JOINTLY OWNS THE FREEHOLD TO NO 12 HORBURY CRESCENT.

(e) State whether the proposal involves:- State Yes or No

(i) New building(s) or extension(s) to existing building(s) YES **State Yes or No** If "Yes" state gross floor area of proposed building(s). 27.5 m²
 If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats. 

(ii) Alterations YES

(iii) Change of use **State Yes or No** If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use). 
 Hectares/m²
 Strike out whichever is inapplicable

(iv) Construction of new access to a highway } vehicular
 } pedestrian

(v) Alteration of an existing access to a highway } vehicular
 } pedestrian

State whether this application is for: State Yes or No

(i) Outline planning permission

(ii) Full planning permission YES

(iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted.

(iv) Consideration under Section 72 only (Industry)

If "Yes" strike out any of the following which are not to be determined at this stage.

- 1. Siting
- 2. Design
- 3. Landscaping
- 4. External appearance
- 5. Means of access

If "Yes" state the date and number of previous permission and identify the previous condition.

Date Number

The Condition

4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND

State :-

(i) Present use of buildings/land DWELLING HOUSE

(ii) If vacant the last previous use and period of use with relevant dates.

5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS, ETC; forming part of this application

BP/01-04, COPIES OF PHOTOGRAPHS.

6. ADDITIONAL INFORMATION State Yes or No

(a) Is the application for non-residential development NO If "Yes" complete PART THREE of this form (See PART THREE for exemptions)

(b) Does the application include the winning and working of minerals NO If "Yes" complete PART FOUR of this form

(c) Does the proposed development involve the felling of any trees NO If "Yes" state numbers and indicate precise position on plan

(d) (i) How will surface water be disposed of? AS EXISTING

(ii) How will foul sewage be dealt with?

(e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:

(i) Walls GLASS

(ii) Roof GLASS

(iii) Means of enclosure GLASS

We hereby apply for (strike out whichever is inapplicable)

(a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith

~~(b) Planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of the land already instituted as described in this application and accompanying plans.~~

Signed B. W. ... on behalf of Mrs. B. Priest Date 16.7.97

AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)

If you are the ONLY owner of ALL the land at the beginning of the period 20 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

CERTIFICATE A - Certificate under Section 66 of the Town & Country Planning Act 1990. I hereby certify that:

*Strike out whichever is inapplicable.

1. No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.

2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. ~~I have / the applicant has given requisite notice to every person other than myself / himself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-~~

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

Name and Address of Tenant

Date of Service of Notice

Signed B. W. ... on behalf of Mrs. Bonnie Priest Date 16.7.97

10-12 HORNBURY CRES. RESIDENTIAL DEPT.



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

APPLICATION NO. AGENDA ITEM
 TP/97/1903//97 31

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Urban Roots Architecture,
 2nd Floor,
 11-12 Great Sutton Street,
 London EC1V 0BX

**RECOMMENDATION
 ADOPTED.**

Application dated 16/07/97
 Revised 02/12/97
 Completed 19/08/97
 Polling Ward GA 19

ON BEHALF OF : Mrs. B. Priest, 10 Horbury Crescent
 INTEREST : Joint Freeholder

District Plan Proposals Map:

Cons.Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
3	YES	NO	NO	N/A	14	2

RECOMMENDED DECISION :-

MINDED to refuse planning permission for the erection of a basement and ground floor addition and ground floor infill addition to existing cantilevered rear elevation.

MINDED To

**REFUSED BY
 PLANNING SERVICES COMMITTEE
 FEB 25 1998
 REFUSAL REF.....**

At: 10 HORBURY CRESCENT, KENSINGTON, W.11

As shown on submitted drawing(s) No(s): TP/97/1903 and TP/97/903/A

Applicant's drawing(s) No(s) : BP/01, 02, 03, 05, 06A, 07A and photograph

REASON FOR REFUSAL

It is considered that the proposed basement and ground floor rear glazed addition and infill addition at rear ground floor level will have a detrimental effect upon the character and appearance of the premises and the Conservation Area they are located within by virtue of their design, bulk and location and would create an overbearing relationship when viewed from the adjoining property at No. 8 Horbury Crescent and are therefore contrary to the Council's policies as stated in the Unitary Development Plan in particular Strategies 5 and 6 and Policies CD41, CD52 and CD53.

1.0 SITE

- 1.1 The property is located on the western side of Horbury Crescent approximately 30 metres from its junction with Kensington Park Road to its North and 70 metres from its southern junction with Ladbroke Road.
- 1.2 The property is located within the Ladbroke Conservation Area and comprises basement and four upper floors. The basement and ground floor provides a self-contained maisonette with the upper floors providing self-contained flats which are horizontally connected with No. 12 Horbury Crescent.

2.0 PROPOSAL

- 2.1 The proposal seeks to erect a basement and ground floor glazed rear addition and the infilling below an existing cantilevered back addition bay at ground floor level.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The Council granted Planning Permission in 1988 for the conversion of Nos. 10 and 12 Horbury Crescent into eight self-contained flats.
- 3.2 The Council granted Planning Permission for the erection of a basement level conservatory on the 2 May 1997.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations that have to be addressed when determining this proposal cover the Council's policies relating to the erection of rear additions and the effect the proposal would have upon the character and appearance of the Conservation Area the property is located within. Consideration must also be given to the impact of the proposal upon adjoining properties.
- 4.2 The relevant Unitary Development Plan policies are:
- . CD41 (Rear additions)
 - . CD42 (Conservatories)
 - . Strats 5 & 6 (Preservation and enhancement of the Borough)
 - . CD52 and CD53 (Development in Conservation Areas)
- 4.3 The existing property includes a rear extension, which extends the full height of the premises. The addition is unusual as it is angled and set back at ground floor level to allow access to the premises from the garden. The property therefore benefits from a full height, half width rear addition.

- 4.4 The proposed two storey rear addition whilst constructed from glass is not considered to read as a conservatory but a two storey rear addition constructed from glass.
- 4.5 The Council addresses the subject of rear extensions in the Unitary Development Plan with Policy CD41, seeking to resist proposals for them, if their construction would result in various circumstances occurring. It is considered that the erection of a two storey rear addition in the lightwell of the premises would result in the premises having a full width extension at basement and ground floor levels, thus disrupting the rhythm of rear additions and lightwells at the rear of the terrace. The proposal is therefore considered contrary to Policy CD41(f).
- 4.6 Whilst the rear extension is not considered a conservatory addition, it is considered prudent to address the Council's policies relating to proposal for conservatory extensions. The Council considers that conservatories are mainly garden level features and the erection of a small garden level conservatory appropriately designed to complement the main building would be acceptable.
- 4.7 Policy CD42 of the Unitary Development Plan which addresses the subject of conservatories seeks to resist them if they are located significantly above garden level, or are of a size and design which is unsympathetic to the existing building. The proposal is therefore considered to be contrary to Policy CD42 (c) and (e)
- 4.8 The Council's policy is to maintain and enhance the character and appearance of th Borough and Strategies 5 and 6 of the Unitary Development Plan outline the Council's general policies. This theme is developed with Policies CD52 and CD53. It is considered that the proposal will have a detrimental effect upon the character and appearance of the property and the Conservation Area and is therefore contrary to the stated aims of the Council by virtue of its location and design.
- 4.9 The Council advised the applicant that the erection of the basement conservatory granted Planning Permission by the Council on the 2 May 1997, would be the full extent of the construction that would be allowed in the lightwell. The applicant was further advised that the infilling of the recessed ground floor elevation of the existing rear addition would probably be acceptable if it were to follow the angle of the addition on the upper floors. The proposal does not do this but seeks to create a larger area by coming out at a right angle along the existing boundary wall dividing the premises from the adjoining property No. 8 Horbury Crescent by approximately a metre.

- 4.10 The proposed ground floor infill will it is considered result in a reduction in the residential amenity of the occupiers of the basement and ground floor residential units adjoining at No. 8 Horbury Crescent by virtue of the creation of an addition which would have an undue cliff-like effect when viewed from their properties and heighten the sense of enclosure, contrary to Policy CD41(e) of the Unitary Development Plan.
- 4.11 The applicant has identified a rear basement and ground floor addition at No. 16 Horbury Crescent, which extends the full width of the premises as being a precedent that should allow the Council to grant Planning Permission for their proposal.
- 4.12 The property No. 16 Horbury Crescent is a single family dwelling house unlike the applicant's property which is divided into self-contained units. The rear addition at No. 6 Horbury Crescent was erected by virtue of it falling within the Scope of Permitted Development thus beyond the Council's control. It must be stated that the addition is unattractive, bulky and is considered to have a detrimental effect upon the character and appearance of the property and the Conservation Area. The addition constructed by virtue of Permitted Development rights serves as a precedent to show why such additions should not be followed and enforces the importance of the Council's policies which seek to resist such proposals.

5.0 PUBLIC CONSULTATION

- 5.1 The Council notified 14 addresses of the proposal and has received two letters of objection.
- 5.2 The two letters advise the Council that the proposed infill of the existing ground floor addition will result in a reduction to the light afforded to the basement and ground floor flats at the adjoining premises No. 8 Horbury Crescent.

It is considered that the proposed infill extension will result in a detrimental effect upon the visual amenity of the objectors by virtue of the cliff-like effect it will create. The infill addition will not however have a measurable effect upon the sun or daylight the two residential units currently experience.

6.0 RECOMMENDATION

- 6.1 Minded to Refuse Planning Permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

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E.A. SANDERS, ARICS,
Director of Planning and Transportation

M.J. FRENCH, ARICS, Dip. T.P.,
Deputy Director of Planning and Transportation

Department
The Town Hall,
Hornton Street,
London,
W8 7NX

Philip Mercer
49 Hereford Road,
London W.2 5BB

Telephone: (011) 837 8464
Telex: 2081
Facsimile: 01-838 1445

30 JAN 1989

My reference Your reference Please refer to Miss P. Vallely
PV/TP/83/2474/G/03/19

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1977
Permission for development (Conditional)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out herein and in accordance with the plans submitted, save insofar as they otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Conversion into eight self contained flats and elevators and alterations, at 10 + 12 HORBURY CRESCENT, KENSINGTON, W.11., as shown in the submitted drawings Nos. TP/88/2474 . Applicant's drawings Nos. 1019/001A, 1019/002, /003, /004, /005, /007 and /RC01 (dated Jan. 1989). In accordance with your application dated 19/10/88, completed 30/11/88 & 16/01/89.

CONDITIONS ...

TP/88/2474 : 2

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CONDITIONS

- 1. All new or replacement external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building. (C.9)
- 2. No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building. (C.11)
- 3. The development to which this permission relates shall be begun before the expiration of five years from the date of this permission. (C.22)
- 4. No water tank, lift motor room or other roof structure shall be erected which rises above the level of the roof hereby approved. (C.34)
- 5. The premises subject of this permission shall not be used, at any time for any purpose specified in Section 4 of the Greater London Council (General Powers) Act, 1983, shall not be used for any purpose specified in Section 5 of the Greater London Council (General Powers) Act, 1984, and shall not be used, at any time for the purpose of holiday lettings (explanatory note to this condition prohibits the use of the premises for the purpose of temporary sleeping accommodation for periods of less than 28 days and prohibits use for time sharing and holiday lettings). (C.48)

REASONS FOR THE IMPOSITION OF CONDITIONS

- 1. To ensure that the external appearance of the building is satisfactory. (R.5)
- 2. It is considered that external plumbing would detract from the appearance of the building and injure its amenities. (R.6)
- 3. To prevent an accumulation of permissions which have not been acted upon, and as required by Section 41 of the Town and Country Planning Act, 1971. (R.13)
- 4. To ensure that the external appearance of the building is satisfactory. (R.5)
- 5. To ensure the permanent retention of the accommodation for normal residential purposes. (R.21)

... ALTERNATIVES ...

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INFORMATIVES

1. Refuse storage accommodation and access thereto must be provided to the Council's satisfaction. You are therefore advised to consult with the Director of Engineering and Works Services, Central Depot, Warwick Road, W14. (01-373-6099) who will advise of practice available. Advice can also be given on certain aspects of industrial and commercial waste, as well as household waste. The Council operates a trade refuse service on a recharging basis. (1.3)

2. Your attention is drawn to the Building Act, 1984, the Building Regulations, 1985, and, insofar as they are applicable, the London Building Acts, 1930-39. The Council's District Surveyors (01-373-7702), must be consulted in these respects.

In the case of new residential accommodation (or works on existing residential premises) attention is drawn also to the Housing Act, 1985, and to the Council's Underground Rooms regulations. The Borough Environmental Health Officer (01-937-5464) will advise on requirements necessary to satisfy this legislation.

3. This permission is given without prejudice to the Council's powers under Section 35 the London Building Acts (Amendment) Act 1939. (as regards means of escape in case of fire) and in this respect the Council's officers should be consulted on the latest date. Any proposals for external fire escapes or fire walkways or safety railings will need to be the subject of a separate application for planning permission. The District Surveyors will advise on the Building Regulations, 1985, which are operative in Inner London from 1st January, 1986. (1.18)

4. The premises subject of this permission are within a Conservation Area designated under Section 277 of the Town and Country Planning Act, 1971. The Council accordingly request that every care be taken to ensure that new external facing work and any other elevational treatment be carried out in a manner which is sympathetic to the external treatment and appearance of the existing building. A schedule of detailed requirements is set out in the Council's Conservation Area Regulations. If you are carrying out works on these requirements (where appropriate) cannot be met, you should consult with the Council's Officers before proceeding. The design particularly so as the design and architectural details of many buildings is often all important to the character of the Conservation Area. Proposals for alteration, extension and other external changes must therefore be clearly indicated on drawings submitted for planning permission.

/ 1. The Council's Officers...

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1. The following is a schedule of items to be removed or altered. They must not be removed or altered in any way without the prior agreement of the Council's Town Planning Department. Their removal or alteration has been approved by the Council, either in writing or by a specific written reference to approved plans.

- (a) roof and ridge covering
- (b) chimney stacks and pots
- (c) parapets
- (d) cornices
- (e) windows (including mullions, transoms and iron bars)
- (f) window jambs, reveals, soffits, sills, lintels and heads
- (g) external door reveals, architraves
- (h) railings or balustrading to balconies and boundary walls
- (i) boundary walls and gate piers
- (j) decorative features or embellishments

2. The following items of work should only be carried out after prior consultation with the Council's officers responsible both for the administration of the Town and Country Planning Acts, 1971/74, and the London Buildings Acts, 1930/39:

- (a) the concreting or paving of front garden
- (b) the construction of front garden dustbin enclosures
(Dustbin enclosures should also be agreed with the Director of Engineering and Works Services at the Central Depot).

Should the above requirements be infringed in any way the Council will vigorously pursue enforcement action in the appropriate circumstances, to ensure facilities for the reinstatement of any items removed or altered.

5. Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act, 1974, which imposes restrictions on the way in which building works are implemented, including the hours during which the work may be carried out. This is administered by the Borough Environmental Health Officer and you are advised to consult with his Department at an early stage. (I.44)

6. You are advised that the granting of this permit shall in no way, affect the existing tenancy rights of any relevant tenants and no works shall be carried out which in any way affect their continued enjoyment of their existing accommodation without their agreement.

Yours faithfully,

F.A. Sanders

Director of Planning and Transportation





PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

Glass Houses Ltd.
63 Islington Park Street,
London N1 1QB

Switchboard: 0171-937 5464

Direct Line: 0171-361 3266

Facsimile: 0171-361 3463

- 2 MAY 1997

My reference:

Your reference:

Please ask for:

Priest
DPS/PA/TP/97/0149/M/12/447

North Area Team

Dear Sir/Madam.

FILE COPY

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of a conservatory at rear semi-basement level, at 10 HORBURY CRESCENT, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/97/0149 and TP/97/0149/A, Applicant's drawing(s) No(s). P-01A, P-02, P-03 and P-04, in accordance with your application dated 10/01/97, completed 23/01/97, revised 20/03/97.

/ CONDITIONS ...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
3. The conservatory hereby permitted shall be timber framed, white painted and so maintained unless otherwise agreed in writing by the Executive Director, Planning and Conservation. (C.76)

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)

INFORMATIVES

1. Approval under the Planning Acts is hereby granted for the development as shown on the approved drawings and subject to the conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further approval. You are advised to consult the Directorate of Planning Services before commencing work. (I.9)
2. Your attention is drawn to the conditions of this approval and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act, 1990, as amended. (I.10)
3. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, W8 6PW should be consulted before works commence. (I.21)

/ 4. Demolition and...

4. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours of work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I.30)

Yours faithfully,



Executive Director, Planning & Conservation





PLANNING AND CONSERVATION

THE TOWN HALL, HORNTON STREET, LONDON W1 7NN

Executive Director: M J FRENCH FRICS Dip TP MRTPI Cert TR

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Facsimile: 0171-361 3463

02 May 1996

F
THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCN/AT/TP Your reference:
/H

Please ask for: Alison Tero

Dear Mr. Shepherd

Town and Country Planning Act 1990
Re: 16 Horbury Crescent, London, W11

I am writing in response to your letter of the 11 April 1996 regarding the need for planning permission for the proposed extension at ground floor level, at the above mentioned address.

The property is a single family dwelling house and it is located in the Ladbroke Conservation Area. In my opinion the proposed extension at rear ground floor level falls within the definition of Permitted Development of the Town and Country Planning (General Permitted Development) Order 1995, and as such, planning permission will not be required.

However, the proposal does involve the demolition of the existing conservatory located at ground floor level, and Conservation Area Consent will be required. An application form has been enclosed for your use.

If you have any queries please do not hesitate to contact my assistant Alison Tero on the above telephone number.

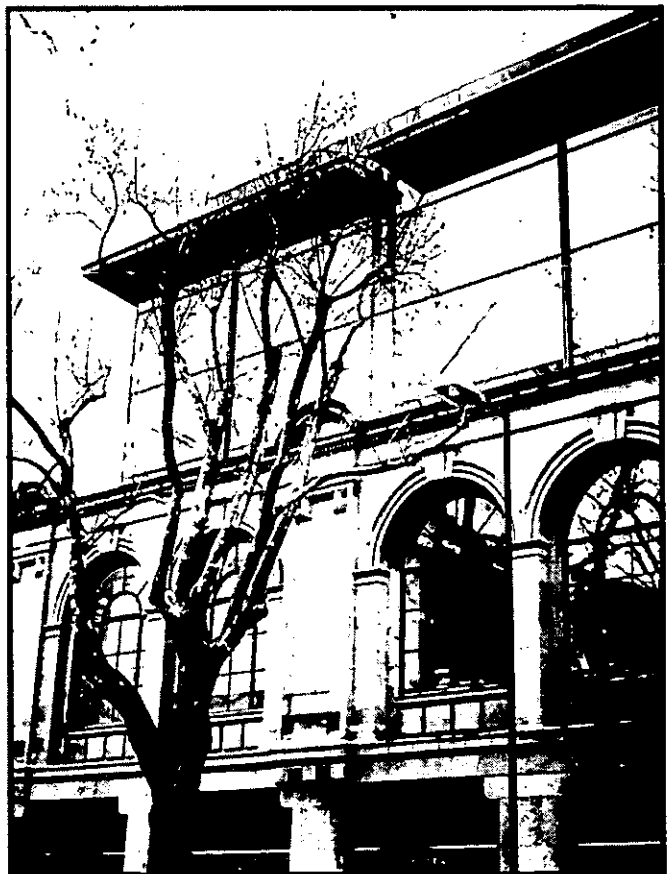
Yours faithfully

M J French
Executive Director
Planning & Conservation





CONSERVATION AND DEVELOPMENT



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GENERAL POLICIES

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:

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.

LOCAL POLICIES

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.

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.

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.

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.)

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, Ladbrooke 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.

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.

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

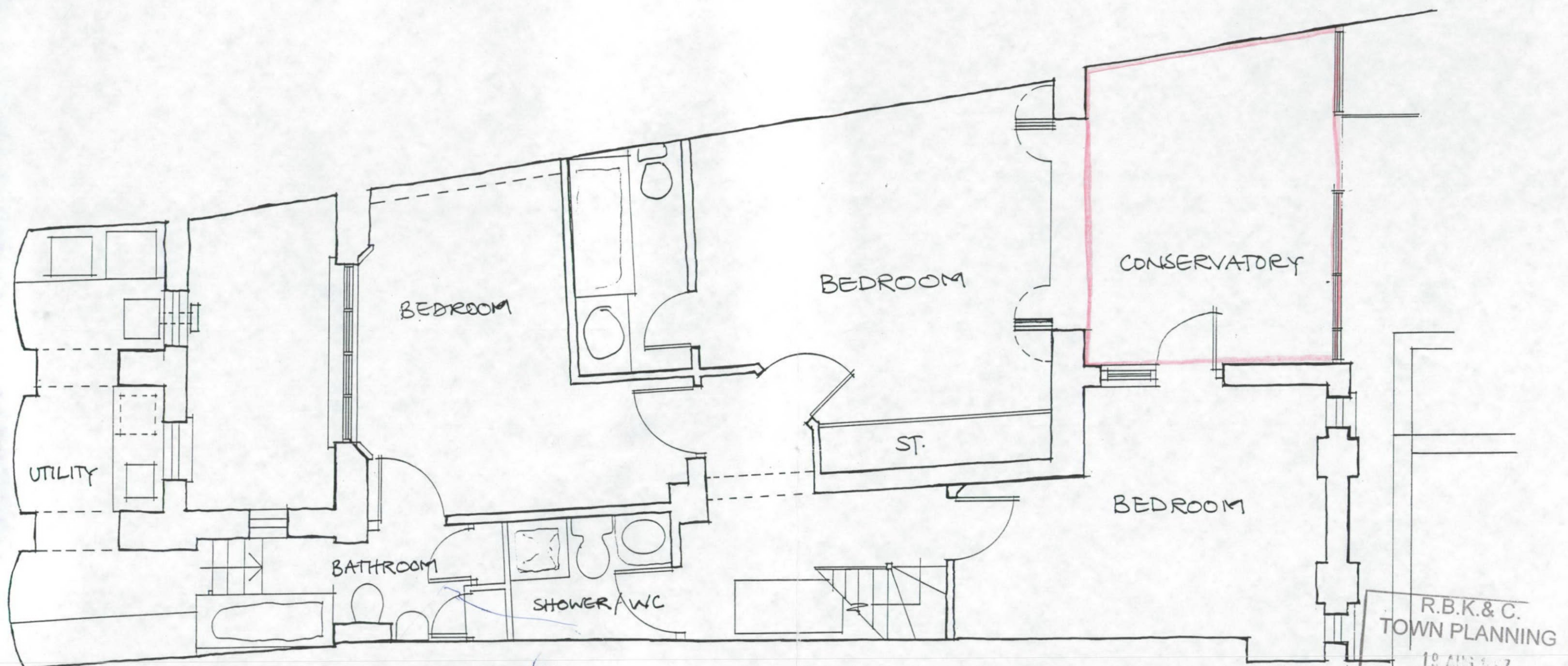
3.24 As well as the views and vistas highlighted below, the skylines and roofscape of large areas of the Royal Borough are sensitive to ill-considered change. Existing high buildings will not be considered as precedents. The Council's policies on views and vistas are contained in other sections of the 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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URBAN ROOTS ARCHITECTURE AND LANDSCAPE

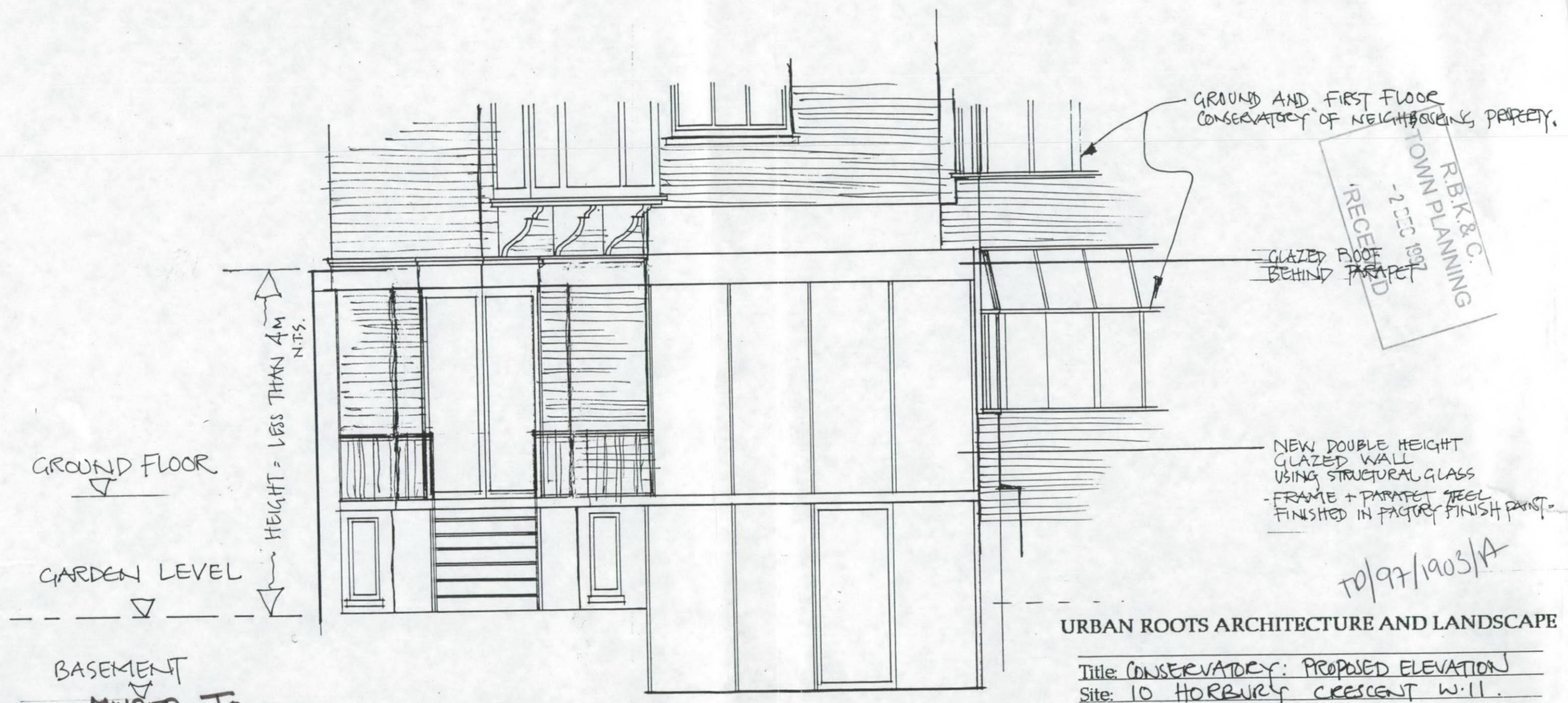
Title: CONSERVATORY - BASEMENT PLAN: PROPOSED
Site: 10 HORNBURY CRESC. W.11
Client: MRS B. PRIEST
Drawing No: BP/02 Scale: 1:50
Drawn By: Date: JUNE 97

1ST FL 11-12 GREAT SUTTON STREET LONDON EC1V 0BX

TELEPHONE/FAX: 0171 689 3210 FACSIMILE: 0171 689 8300 MOBILE: 0973 540 106
Bridget Nicholson BArch Dip. Building Conservation AA David Viall Dip Hort. Capel Manor

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GROUND FLOOR

GARDEN LEVEL

BASEMENT
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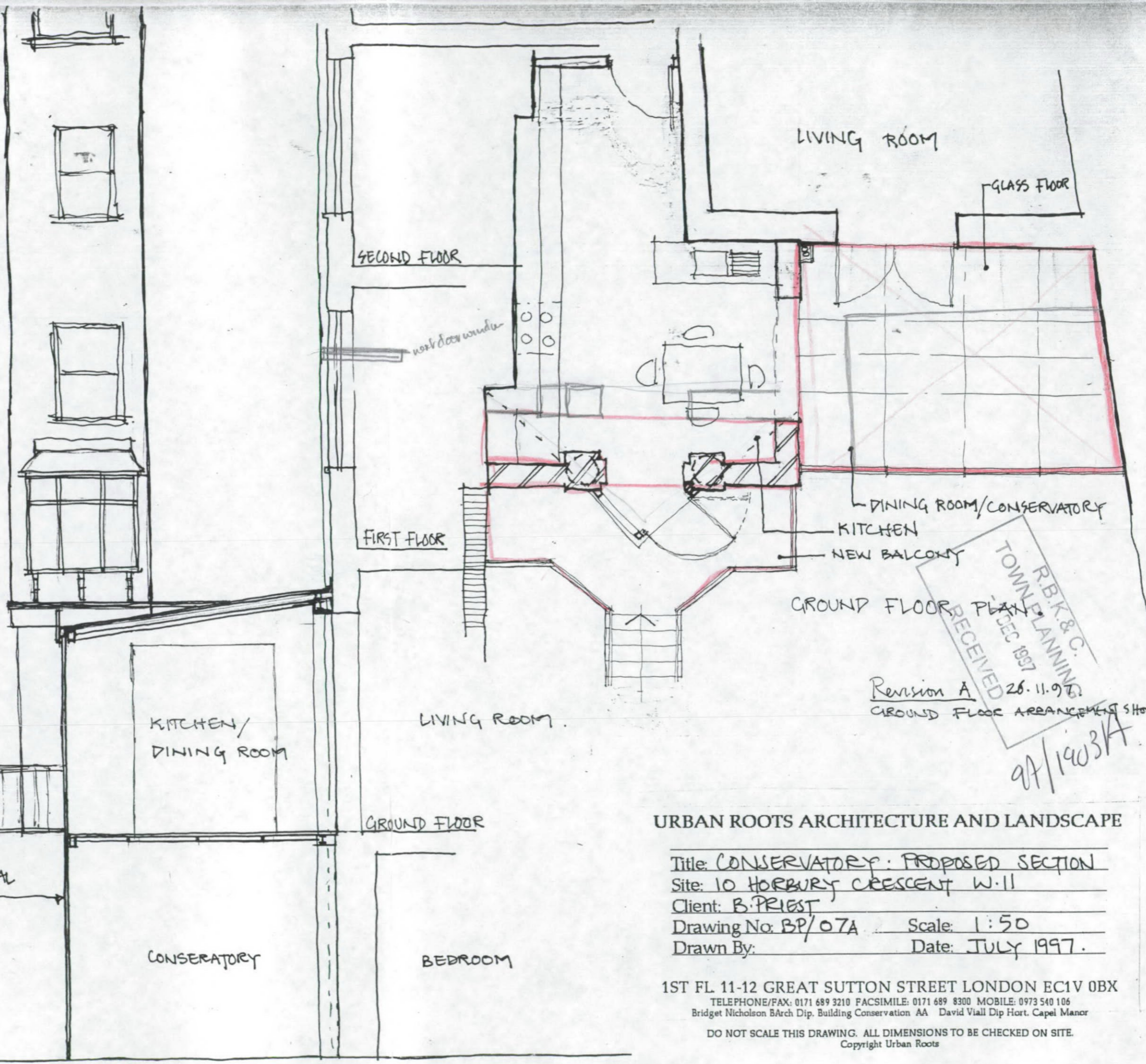
PROPOSED ELEVATION.

URBAN ROOTS ARCHITECTURE AND LANDSCAPE

Title: CONSERVATORY: PROPOSED ELEVATION
 Site: 10 HORBURY CRESCENT W.11.
 Client: BONNIE PRIEST
 Drawing No: BP/06 A Scale: 1:50
 Drawn By: Date: JU '97

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 26.11.97

Revision A
 GROUND FLOOR ARRANGEMENT SHOWN

URBAN ROOTS ARCHITECTURE AND LANDSCAPE

Title: CONSERVATORY: PROPOSED SECTION
 Site: 10 HORBURY CRESCENT W.11
 Client: B. PRIEST
 Drawing No: BP/07A Scale: 1:50
 Drawn By: Date: JULY 1997.

1ST FL 11-12 GREAT SUTTON STREET LONDON EC1V 0BX
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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.)

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.

- 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

- 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.

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 return 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 FORMAL 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

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.

Demolition

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

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

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

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

Development in Conservation Areas

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

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

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

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

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

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

CD55 NORMALLY TO REQUIRE FULL PLANNING APPLICATIONS IN CONSERVATION AREAS.

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

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

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

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

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

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.

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.

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.

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

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.

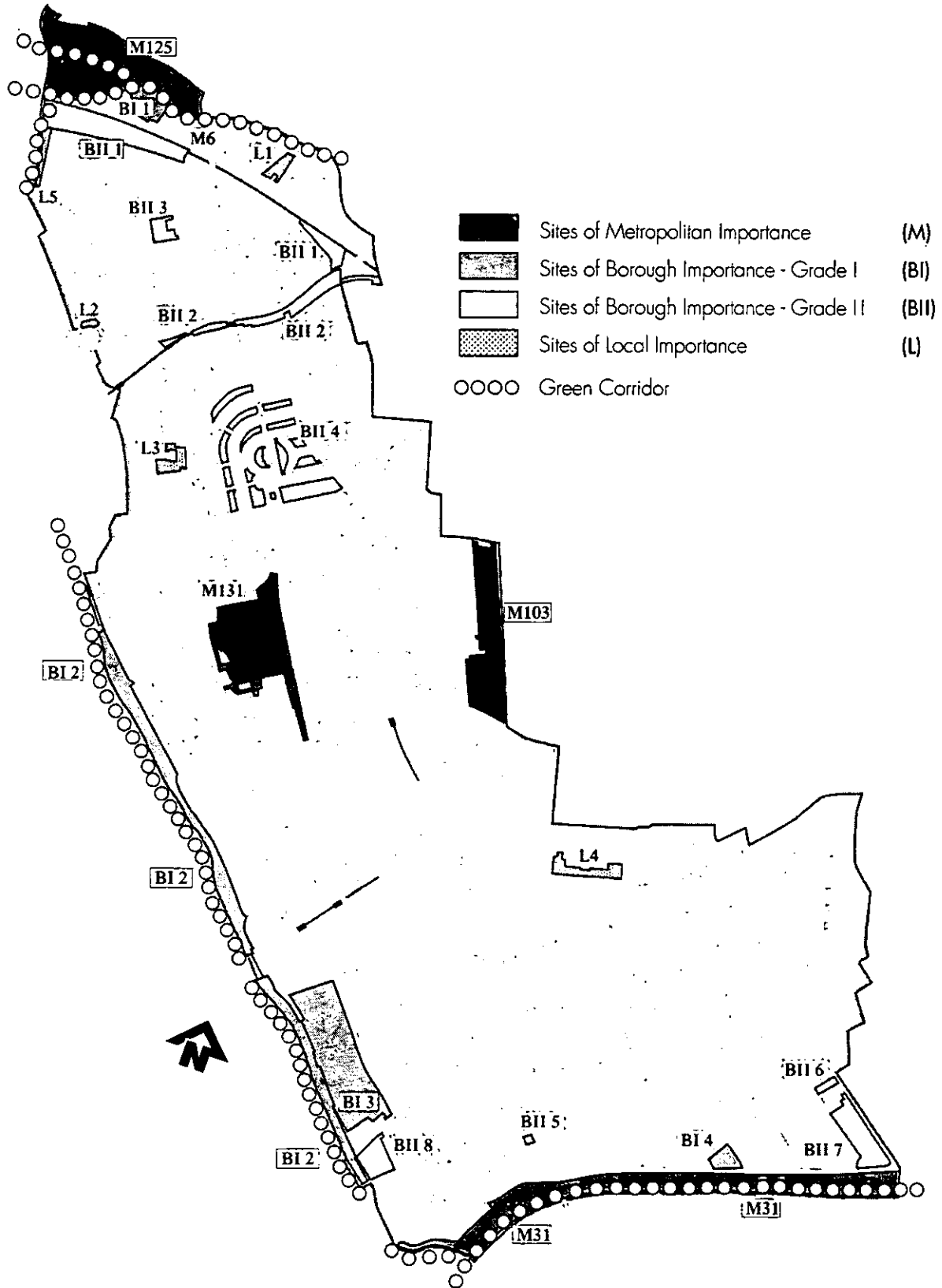
Sites of Borough Importance: Grade I & II

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.

MAP 3 Sites of Nature Conservation Importance 1994



8 THE NATURAL ENVIRONMENT

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.

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.

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.

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.

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.

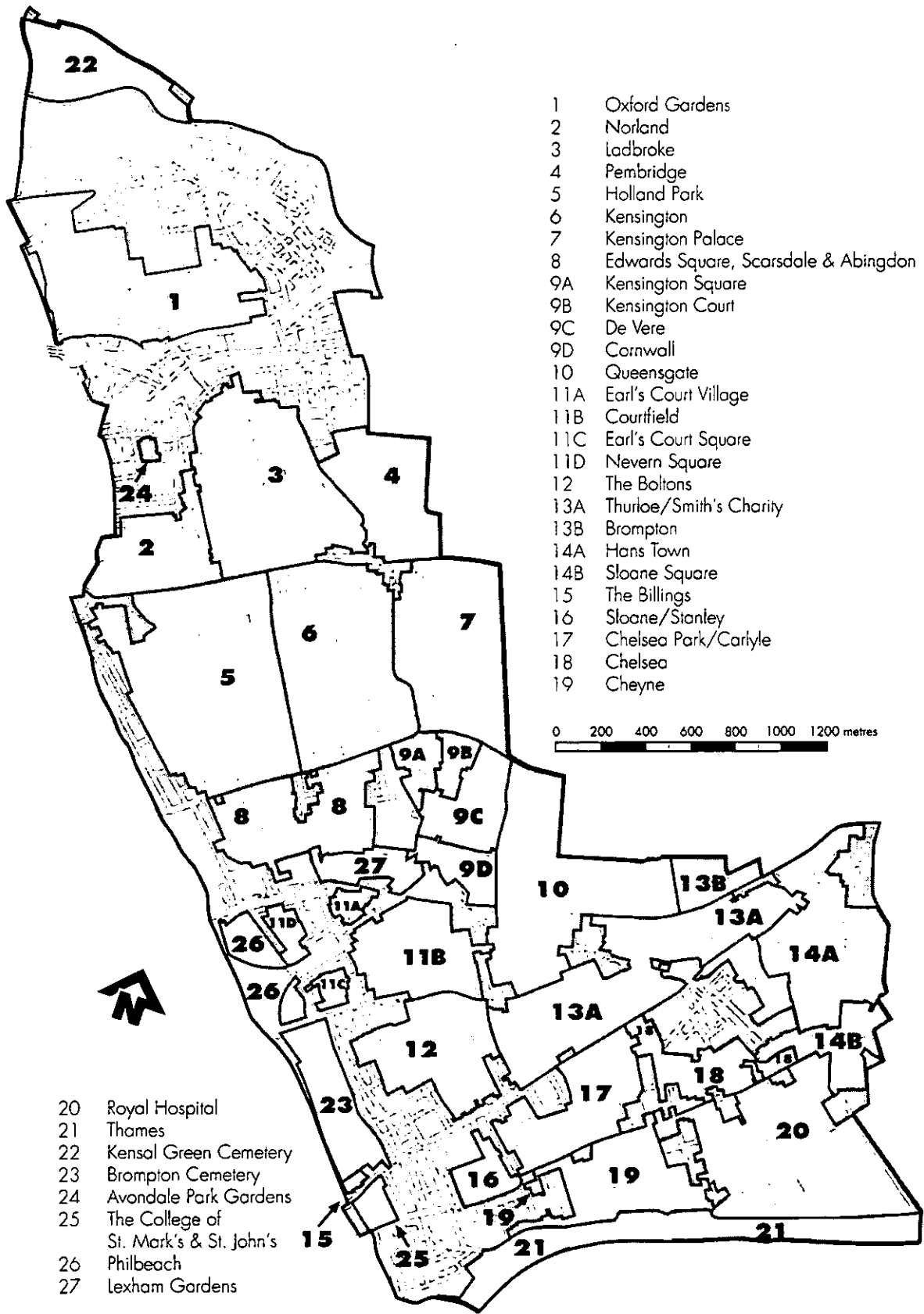
11.12 The following policies are proposed to control and influence the design and siting of street furniture and paving.

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



APPENDIX 1



List of Conservation Areas and Proposals Statements

- 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



CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2) The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority.
- 3) All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture and profile and in the case of brickwork, facebond and pointing.

REASONS

- 1) As required by section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions
- 2) The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area
- 3) To ensure a satisfactory standard of external appearance.