

**Site at
29B, Stadium Street, SW10.**

**RBK&C Ref:
DPS/DCSW/TP/98/1715**

**D.E.T.R. Ref:
APP/K5600/A/99/1015674**

**Statement and
Documents**

Andrew Paterson

29th April 1999

Informal Hearing

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

**Site at
29B, Stadium Street, SW10.**

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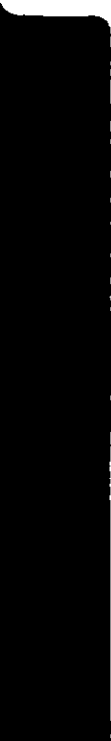
KENSINGTON
AND CHELSEA

APPEAL: 29B STADIUM STREET, SW10

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- 2). SITE PLAN
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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Appeal under Section 78 of the Town and Country Planning Act 1990 by Ms. J. Dawson against the failure of the Royal Borough of Kensington and Chelsea to give notice of its decision within the appropriate period on an application seeking planning permission for the insertion of a new window in the rear mansard roof addition and associated alterations to the rear parapet wall at 29B Stadium Street, London, SW10

RBK&C Reference:	DPS/DCSW/TP/98/1715/
DOE Reference	APP/K5600/A/99/1015674

STATEMENT

1.0 THE SITE AND LOCATION

- 1.1 The premises are located on the South Side of Stadium Street, and consists of ground and three upper floors and is divided into two self-contained flats. The property does not fall within a Conservation Area.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The Council granted Planning Permission on 1st April 1996, for the erection of an additional mansard storey at third floor level and the erection of rear extensions at first and second floor levels at the property.
- 2.2 The Council issued a Breach of Condition Notice dated 13 August 1997, requiring that a window constructed at the rear first floor level that had not been glazed with obscure glazing be glazed with obscured glass as required by Condition 3 of the 1996 Planning Permission. The Condition was eventually complied with to the Council's satisfaction.
- 2.3 In September 1997, it became apparent that there was a second Breach of Condition, this time relating to Condition No. 2 of TP/95/2335, in that a door access had been constructed between the mansard extension and the roof of the extension, thus allowing it to be used as an authorised roof terrace. Condition No. 2 required that the development be carried out in accordance with the approved drawings from which there should be no variation without the prior written approval of the local planning authority. It was considered the construction of the access door represented a significant variation from approved drawings.
- 2.4 The applicant submitted two planning applications to the Council in November 1997, one for the retention of the works at rear third floor level including the provision of a roof terrace, which was the subject of the Breach of Condition Notice and the second application was for the use of the bathroom roof as a roof terrace with door access in lieu of a window in the mansard extension.
- 2.5 Both planning applications were refused Planning Permission on the 22 December 1997, and the 9 January 1998. The applicant appealed to the Secretary of State against the refusal of Planning Permission dated 9 January 1998, which sought to retain the works undertaken to the rear third floor level, including the provision of a roof terrace.
- 2.6 The appeal was dismissed by the Planning Inspector in a letter dated 16 July 1989, (Ref no: T/APP/K5600/A/98/292873/P7).

3.0 RELEVANT LEGISLATION AND CENTRAL GOVERNMENT ADVICE

- 3.1 Attention is drawn to Section 54A of the Town and Country Planning Act 1990 which states:-

“Where in making any determination 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”.

The Borough’s Unitary Development Plan is the development plan for the above purposes.

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).

- 3.2 PPG1, identifies the Government’s approach to design in paragraphs 13 to 20.

Paragraph 16 states:-

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. This should be done in a manner appropriate to the nature and scale of the proposals.

Paragraph 17 states:-

Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected 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 18 states:-

Local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary design guidance. Local planning authorities should not concern themselves with matters

of detailed design except where such matters have a significant effect on the character or quality of the area, including neighbouring buildings. Particular weight should be given to the impact of development on existing buildings and on the character of areas recognised for their landscape or townscape value, such as National Parks, Areas of Outstanding Natural Beauty and Conservation Areas.

Paragraph 19 states:-

Where the design of proposed development is consistent with relevant design policies and supplementary design guidance, planning permission should not be refused on design grounds unless there are exceptional circumstances. Design policies and guidance should focus on encouraging good design and should avoid stifling responsible innovation, originality or initiative. Such policies and guidance should recognise that the qualities of an outstanding scheme may exceptionally justify departing from them.

3.3 THE UNITARY DEVELOPMENT PLAN

The Council's policies relevant to these issues are stated in its Unitary Development Plan for the Royal Borough which is the development plan for the purpose of Section 54A of the Town and Country Planning Act 1990.

- 3.4 The Conservation and Development Chapter of the UDP outlines four overall objectives in Paragraph 1.3. Attention is drawn to Objective (B):

(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.

The Council's concern that the architectural design quality of all new development in all areas of the Borough should be of a high standard is set out in paragraph 3.2, Policy CD25 therefore follows:

“To seek that all development in any part of the Borough is to a high standard of design and is sensitive and compatible with the scale, height, bulk and character of the surroundings.”

- 3.6 The Council addresses the subject of roof additions and roof level alterations with policies CD38 and CD39. Paragraph 4.2 of the “Conservation and Design” Chapter of the Unitary Development Plan advises these policies should be read as a pair.

Policy CD38 states:-

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 extension, 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.

Policy CD39 states:-

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.

4.0 PLANNING CONSIDERATIONS

- 4.1 The Council was minded to refuse Planning Permission for the insertion of a new window in the rear mansard roof addition and associated alterations to the rear parapet wall at the Planning Services Committee on the 9th March 1999. The reason for refusal was:-

The proposed replacement window and removal of part of the rear parapet wall are, by virtue of their location, size and design, considered to be detrimental to the character and appearance of the property and as a result contrary to the Council's policies as stated in the "Conservation and Development" Chapter of the Council's Unitary Development Plan in particular Policies CD25 and CD38.

- 4.2 The proposal seeks to remove the existing window on the left hand side at the rear of the mansard roof addition and insert a new replacement window. The two windows granted Planning Permission by the Council on the 1st April 1996, measured approximately 900mm in width and 1800mm in length where were set behind a rear parapet wall with a box gutter set approximately 300mm from the inside of the parapet wall.
- 4.3 The proposed window will measure approximately 1300mm in width an increase of 400mm, and approximately 2.9 metres in length, an increase of approximately 1100mm.
- 4.4 The window which is not the subject of this appeal measures approximately 1300mm in width and an estimated 2.2 metres in length. This window has not been built in accordance with the approved drawing PL/08A granted Planning Permission by the Council on the 1st April 1996. Taking into account the Inspector's decision in this appeal the Council will need to consider whether or not it is expedient to take enforcement action. All the measurements mentioned above take account of lead checks and tops to the dormer windows.
- 4.5 The proposal also seeks to create an opening in the rear parapet wall measuring approximately 1300mm in width and 1200mm in length, thus allowing the full height of the proposed window to be viewed.
- 4.6 The Council considers the proposal which is an amendment to the rear of the mansard addition granted Planning Permission by the Council on 1st April 1996, to be contrary to the Council's policies relating to roof level alterations as expressed in Policy CD38 of the "Conservation and Design" chapter of the Unitary Development Plan.
- 4.7 The Council has advised the appellant of the policies and concerns relating to the insertion of the longer window and removal of part of the rear parapet wall. This view was also stated in the Council's Statement presented at the local hearing heard on the 30th June 1998, in paragraph 4.6.

- 4.8 The Council's policies have not changed since that date, nor has the Council's advice to the appellant.
- 4.9 The Council do not consider the appellant has designed the rear mansard roof addition as currently proposed to follow any particular pattern of design which could be considered modern or innovative, but more through the circumstances of attempting to use the flat roof of the second floor addition as a roof terrace and requiring an opening on to that flat roof.
- 4.10 The Council as stated in paragraph 3.0 of this Statement is aware of Central Government Advice relating to design and are of the opinion that the proposal constitutes bad design, which has evolved as a result of the appellant having never fully implemented the rear of the mansard roof addition in accordance with drawings granted Planning Permission on 1st April 1996.
- 4.11 The Council in paragraph 2.31 of the "Planning Standards" chapter of the Unitary Development Plan advises that figures 2.6 and 2.7 set out below paragraph 2.31, will use the principles set out in these figures in consideration of proposals for additional storeys.
- 4.12 The proposed roof alterations which seek to replace an existing rear dormer window which is one of two located on the rear mansard roof addition, which measures approximately 1800mm in height and 900mm in width, with a window measuring approximately 2.9 metres in height and approximately 1300mm in width, and remove the section of the rear parapet wall where the proposed window is to be located is considered to have a detrimental effect on the character and appearance of the premises. The proposal is therefore contrary to Policy CD38 of the "Conservation and Development" chapter of the Unitary Development Plan which addresses roof level alterations and additional storeys and Policy CD25 which seeks a high standard of design.
- 4.13 The removal of a section of the rear parapet wall to a mansard roof addition, will alter the appearance of the mansard addition in a negative fashion and give the appearance of a door opening onto a roof terrace at the rear.
- 4.14 The Inspector who determined the appeal against the use of the flat roof of extension as a roof terrace, stated in his decision letter dated 16 July 1998, "The Council did not pursue their design criticism of the door at the hearing although I understand why they would want it removed to ensure that access to the roof is blocked off".
- 4.15 The Council having won the appeal against the use of the flat roof as a roof terrace consider it is not satisfactory to have an opening that could still allow access to the flat roof, however the proposed new longer window would not be considered to be a proposal that would cause detriment to either the character or appearance of the building if the parapet wall were retained.

5.0 **COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL**

5.1 At the time of writing this Statement the Council is unaware of the appellant's grounds of appeal, other than for non-determination and is therefore unable to comment upon the appellant's case at this stage.

6.0 **CONCLUSION**

6.1 The Council considers the proposed development to be unacceptable for the reasons explained in this Statement and the Inspector is respectfully requested to dismiss the appellant's appeal.

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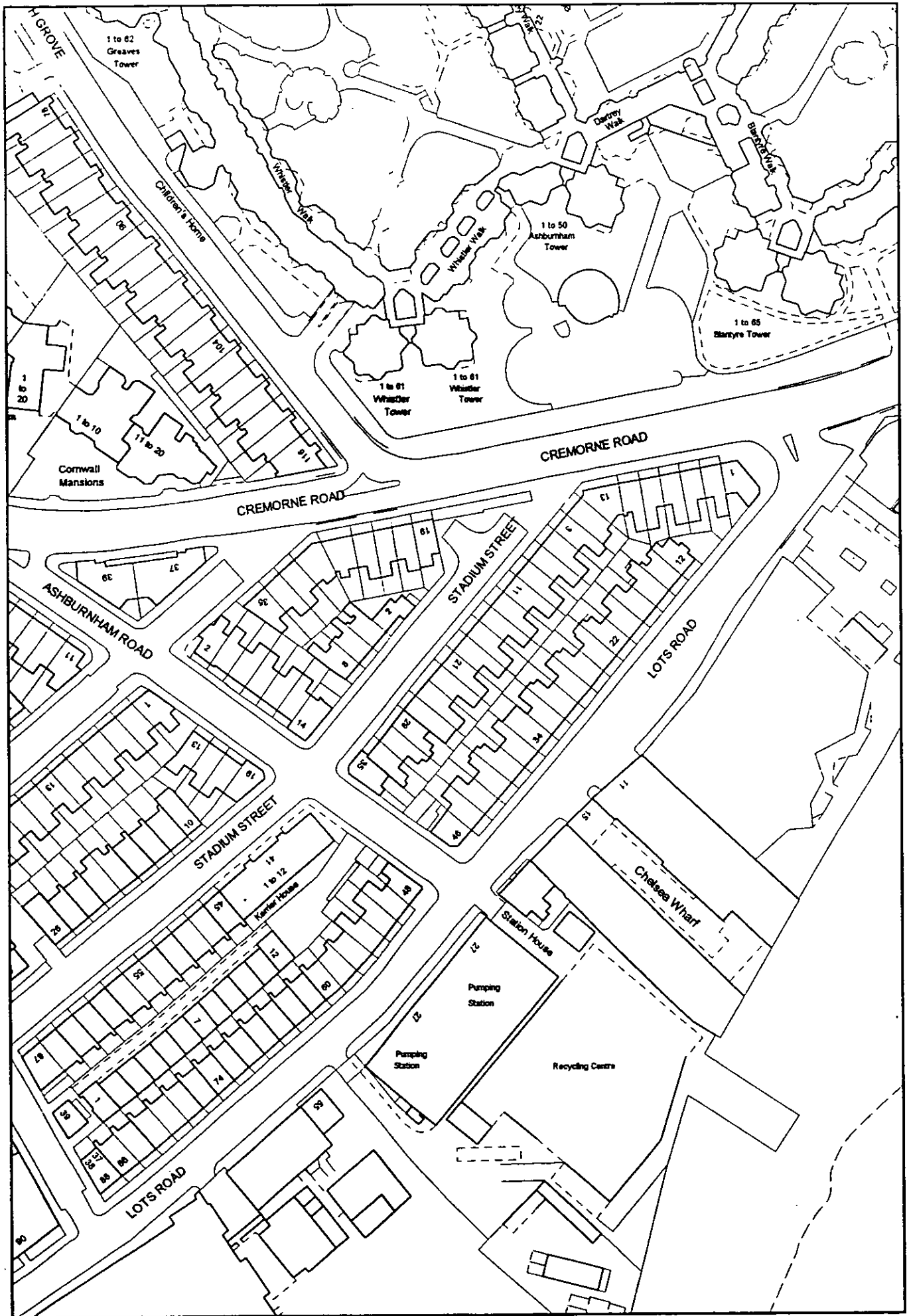
APPEAL: 29B STADIUM STREET, SW10

LIST OF DOCUMENTS

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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

Horrell Associates,
4 Stadium Street,
London SW10 0PS

Switchboard: 0171-937 5464
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463

13 APR 1996

My reference:

Your reference:

Please ask for:

DPS/PA/TP/95/2335/M/08/4102

Mrs. P. Abdelrahman

Dear Sir/Madam,

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 an additional mansard storey at third floor level and rear extension at first and second floor levels, at 29B STADIUM STREET, CHELSEA, S.W.10, as shown on submitted drawing(s) No(s). TP/95/2335, TP/95/2335/A and TP/95/2335/B. Applicant's drawing(s) No(s). PL01, PL02, PL03, PL04, PL05/A, PL06/A, PL07/A, PL08/A, PL09/A PL10 and PL11, in accordance with your application dated 10/10/95, completed 01/11/95, revised 19/02/96.

/ CONDITIONS ...

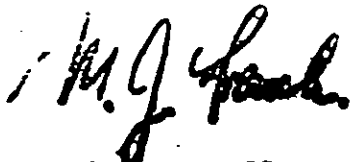
CONDITIONS

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 window at first floor level hereby permitted shall be constructed using only obscured glazing and shall be so maintained. (C.92)
4. The window shall be timber framed double hung sliding sashes. (C.75)
5. 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. (C.71)

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 safeguard the amenities of neighbouring properties and in particular to prevent overlooking. (R.91)
4. To ensure a satisfactory standard of external appearance. (R.71)
5. To ensure a satisfactory standard of external appearance. (R.71)

Yours faithfully,



Executive Director, Planning & Conservation







The Planning Inspectorate

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8930
Switchboard 0117-987 8000
Fax No 0117-987 8443
GTN 1374

Executive Director of Planning
& Conservation
RB of Kensington & Chelsea
Dept. 705
The Town Hall
Horton Street
LONDON W8 7NX

Your Ref:
TP/97/2551
Our Ref:
APP/K5600/A/98/292873

Date: 16 July 1998

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY Ms JULIA DAWSON
SITE AT 29B STADIUM STREET, LONDON

I enclose a copy of our Inspector's decision letter.

Yours faithfully

Pp J Dawson

D SHORLAND

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HANDLED BY PLANNING SERVICES							
X	N	C	SW	SE	ENF	AO	ACK
17 JUL 1998							
APP	REC	ARB	FWD	CON	FEES		
			PLN	DES			

NOTE: We generally keep appeal files for one year from the date of the Inspector's decision letter.



The Planning Inspectorate

Room 1404
Tollgate House
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Bristol BS2 9DJ

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Mr M J Ryder BA(Hons) MRTPI
Solicitor
Berwin Leighton
Adelaide House
London Bridge
LONDON
EC4R 9HA

Your Ref:
MRDR/D617/1
Our Ref:
T/APP/K5600/A/98/292873/P7
Date:

16 JUL 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MS JULIA DAWSON
APPLICATION NO: TP/97/2551

1. As you know I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine this appeal against the decision of the Kensington and Chelsea Royal Borough Council to refuse an application for planning permission (made under Section 73 of the Town and Country Planning Act 1990) for the development of land without complying with a condition subject to which a previous planning permission was granted. The planning permission referred to was numbered TP/95/2335 and was dated 1 April 1996. It was for the erection of an additional mansard storey at third floor level and a rear extension at first and second floor levels at 29B Stadium Street, Chelsea, SW10. I conducted a hearing into the appeal on 30 June 1998. At the hearing you applied for an award of costs against the Council on behalf of your client. This is the subject of a separate letter.
2. The condition in dispute is number 2 which states that 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. The Council's reason for the condition was that the details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area.
4. What is being sought is the relaxation or removal of condition 2 to the extent necessary to allow the retention of a door in the rear elevation of the approved mansard roof and the creation of an outdoor terrace on the roof of the approved two storey rear extension.
5. From what I heard at the hearing, have read in the written submissions and saw during my inspection of the site and its surroundings, I consider that the main issue in the appeal is the impact that the proposed terrace would have on residential amenity in nearby dwellings, with particular reference to the possibility of diminished privacy and increased disturbance.



6. The Unitary Development Plan has a policy specifically dealing with the issues arising from the introduction of roof terraces. These will be resisted if significant overlooking of, or disturbance to, neighbouring properties or gardens would result. Any accompanying alterations are to be of a satisfactory design and not visually intrusive. The text of this part of the plan indicates that a balance has to be struck between the provision of valuable open space for residents and the serious intrusion into the privacy and quiet enjoyment of neighbouring properties that can be caused. Account is to be taken of whether the residential unit has access to any other outdoor amenity space.

7. You also drew my attention to the more general policy in the UDP dealing with privacy. This says that development is to be designed to ensure sufficient visual privacy for residents. The accompanying text explains that the protection of privacy is not to be achieved by the use of any particular minimum standards but that the extent to which proposals would involve a significant and unreasonable worsening of overlooking will be assessed taking account of the prevailing standard of privacy in the area. The text goes on to say: where existing levels of privacy are good, development involving new direct overlooking from a 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 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.

8. The UDP thus deals explicitly with roof terraces and privacy in two places and in ways which, by my reading, may not be entirely consistent. In the policy dealing with proposed terraces the plan talks primarily of resisting them if significant overlooking or disturbance would result. In the text dealing with privacy, reference is made to the prevailing levels of privacy in the area, to whether proposals would significantly and unreasonably worsen any overlooking and new direct overlooking being important considerations.

9. The backland area between the properties in this part of Stadium Street and Lots Road is a narrow space enclosed by relatively tall buildings. Most of the properties have roof terraces located above rear extensions, the heights of which vary. The Council say that not all of the existing terraces have the benefit of planning permission and at least one of them is being examined to see whether enforcement action can be taken. Nevertheless the prevailing level of privacy is not high and this is likely to remain the case.

10. Although it would be possible to look from the proposed terrace into windows in properties on either side of the appeal site, the angles, relative heights and sizes of windows involved do not suggest to me that there would be significant harm to privacy within these dwellings. More significantly, however, the proposed terrace would inevitably provide clear views into the backs of several properties in Lots Road. Some of the windows likely to be affected are already subject to some overlooking from other terraces but the proposed terrace would introduce new lines of vision and intrusion. The worst effects would be immediately opposite where a direct line of sight from above would be created at relatively close quarters where at the moment only angled and longer range viewing is possible. Although it was difficult during the site visit to gauge the full impact of this because building works were in progress, I consider that a significant loss of privacy involving new direct overlooking would be involved. Whilst the prevailing levels of privacy in the area as a whole may not be high this would, in my view, significantly and unreasonably harm the privacy in those particular properties and this is a material consideration in the appeal.

11. As far as inter-visibility between the proposed terrace and other terraces and gardens is concerned, I consider that new or significant problems would not be created. Although it would be possible to lean over the edge of the terrace and obtain very obtrusive views into the gardens immediately below, I find it hard to believe that even people with a better head for heights than I have would choose to do this for any length of time. I therefore take the view that this aspect of the proposal would not cause undue harm. Similarly, bearing in mind the distances from other terraces, gardens and windows any noise and disturbance likely to come from the proposed terrace would not be material. The terrace is a small area and could not accommodate large numbers of boisterous people.

12. The appeal premises is a dwelling without access to private external amenity space and this is a factor to be taken into account. I have also noted the case put on behalf of your client that the existence of terraces in a relatively small space creates good neighbourliness, a communal spirit and an atmosphere of shared enjoyment. I accept that this can give an area a particular character involving the intensive use of the open air in dense urban surroundings.

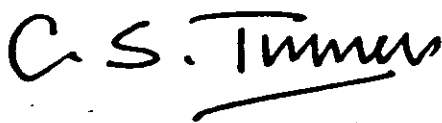
13. Taking all these considerations into account, I conclude on the main issue in the appeal that material harm to privacy would be caused by the introduction of overlooking from above and at close range from the proposed terrace. This would affect windows at the back of nearby dwellings in Lots Road and would amount to a significant and unreasonable worsening of overlooking in those properties. I also conclude that the mitigating factors in the case (such as the lack of access to a garden from this unit, the large number of roof terraces in the vicinity and the poor level of privacy prevailing in the area) do not overcome or override this consideration. For the same reason I find the proposal not to be in complete accord with the Development Plan.

14. The Council and others have concerns about the design of the proposed means of enclosing the terrace. At the hearing it was agreed that these could be overcome by imposing a condition requiring the detailed approval of any barrier, with the Council preferring simple metal railings. Although there may be some tension between the competing objectives of preserving privacy (which would suggest a tall opaque structure) and not blocking light, I am satisfied that a design that was compatible with the character and appearance of the area could be devised. I therefore consider that this is not a decisive issue in the appeal. The Council did not pursue their design criticisms of the door at the hearing, although I understand why they would want it removed to ensure that access to the roof is blocked off.

15. I have taken into account all the other matters raised in the written representations and at the hearing, including the other examples of terraces and appeals referred to, but consider that they do not alter the conclusions reached above on the particular merits of this case.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



C S TURNER MA BA DipTP MRTPI DMS
Inspector

APPEARANCES**FOR THE APPELLANT**

- Mr M J Ryder BA(Hons) MRTPI, Solicitor - Berwin Leighton.
- Ms S Dawson RIBA - Dawson Horrell Associates.
- Mr N Horrell - Dawson Horrell Associates.

FOR THE LOCAL PLANNING AUTHORITY

- Mr R Fowler BA(Hons) BPI - Planning & Conservation.

DOCUMENTS

- Document 1 - List of Persons Present at the Hearing.
- Document 2 - Notice of the Appeal.
- Document 3 - File of Responses to the Notice.
- Document 4 - Statement for the Appellant.
- Document 5 - Statement for the Council.
- Document 6 - Conservation and Design Consultation (RBK&C).
- Document 7 - Appeal Decisions T/APP/K5600/A/96/267859 and 258473.

PLANS

- Plan A - Site Location Plan.
- Plan B - 101/W/09: Rear Elevation as Proposed for Retention.
- Plan C - 101/W/05/A: Third Floor Plan as Proposed for Retention.
- Plan D - 101/W/06: Section A-A as Proposed for Retention.
- Plan E - 101/W/07: Section B-B as Proposed for Retention.
- Plan F - PL 08/A: Rear Elevation, Approved Plan.
- Plan G - PL 09/A: Section, Approved Plan.



Minded REFUSED
PLANNING SERVICES COMMITTEE
MAR 20 1999
REFUSAL REF

ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 09/03/1999 APP NO. TP/98/01715/M 37
AGENDA ITEM NO. 6038

ADDRESS

29B STADIUM STREET,
S.W.10

RECOMMENDATION ADOPTED

APPLICATION DATED 07/09/1998

RECOMMENDATION ADOPTED

APPLICATION COMPLETE 11/09/1998

APPLICATION REVISED

APPLICANT/AGENT ADDRESS: Dawson Horrell Associates, 4 Stadium Street, London, SW10 0PS
CONSERVATION AREA NO
ARTICLE '4' NO
CAPS Yes
WARD South Stanley

LISTED BUILDING NO
HBMC DIRECTION N/A

CONSULTED 19
SUPPORT 0
OBJECTIONS 2
PETITION 0

RECOMMENDED PROPOSAL:

Insertion of a new window in the rear mansard roof addition and associated alterations to the rear parapet wall.

RBK&C Drawing No(s): TP/98/1715
Applicant's drawings Nos. 101/P/02, 03 and 04

RECOMMENDED DECISION: Minded to Refuse

REASON FOR REFUSAL:

The proposed replacement window and removal of part of the rear parapet wall are, by virtue of their location, size and design, considered to be detrimental to the character and appearance of the property and as a result contrary to the Council's policies as stated in the "Conservation and Development" chapter of the Council's Unitary Development Plan in particular Policies CD25 and CD38.

1.0 SITE

- 1.1 The premises are located on the south side of Stadium Street, and consists of ground and three upper floors and is divided into two self-contained residential flats. The property does not fall within a Conservation Area.

2.0 PROPOSAL

- 2.1 The proposal seeks to insert a new window in the existing opening a third floor level and remove part of the rear parapet wall.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The Council granted Planning Permission on 1st April 1996, for the erection of an additional mansard storey at third floor level and the erection of rear extensions at first and second floor levels, at the property.
- 3.2 The Council issued a breach of Condition Notice dated 13 August 1997, requiring that a window constructed at the rear first floor level that had not been glazed with obscure glazing be glazed with obscured glass as required by Condition 3 of the 1996 Planning Permission. The Condition was eventually complied with to the Council's satisfaction.
- 3.3 In September 1997, it became apparent that there was a second Breach of Condition, this time relating to Condition No.2 of TP/95/2335, in that a door access had been constructed between the mansard extension and the roof of the extension, thus allowing it to be used as an unauthorised roof terrace. Condition No.2 required that the development be carried out in accordance with the approved drawings from which there should be no variation without the prior written approval of the local planning authority. It was considered the construction of the access door represented a significant variation from approved drawings.
- 3.4 The applicant submitted two planning applications to the Council in November 1997, one for the retention of the works at rear third floor level including the provision of a roof terrace, which was the subject of the Breach of Condition Notice and the second application was for the use of the bathroom roof as a roof terrace with door access in lieu of a window in the mansard extension.
- 3.5 Both planning applications were refused Planning Permission on the 22 December 1997, and the 9 January 1998. The applicant appealed to the Department of the Environment against the refusal of Planning Permission dated 9 January 1998, which sought to retain the works undertaken to the rear third floor level, including the provision of a roof terrace.

- 3.6 The appeal was dismissed by the Department of the Environment in a letter dated 16 July 1998.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main consideration that has to be addressed when determining this proposal relate to the appearance of the third floor mansard parapet and the introduction of a larger window in place of the approved window.

- 4.2 The relevant Unitary Development Plan Policies considered pertinent to this proposal are:

CD25 Standards of Design CD38
}Roof level alterations and additional storeys
CD39

- 4.3 The Council, when granting planning permission for the erection of a mansard roof addition in 1996, allowed two dormer windows in the rear mansard profile with a rear parapet wall. The rear parapet wall measures, 400mm above a lead box gutter or 1600mm above the flat roof of the rear addition also granted Planning Permission in 1996. The approved rear parapet wall when measured from the roof of the mansard addition allows approximately 1.7 metres of the roof to be visible, when measured from the left party wall the rear parapet wall measures 2.1 below the top of the party wall.
- 4.4 The proposal seeks to lower the ^{parapet} party wall and omit a section of it measuring 1300mm in width and 1200mm in height. the application drawing when compared to the approved drawing also indicates the rear parapet wall has been reduced in height. The rear parapet wall measures 1400mm above the flat roof of the rear extension. When measured from the roof of the mansard addition it allows approximately 2 metres of the roof to be visible and when measured from the left party wall the rear parapet measures 2.4 below the top of the party wall.
- 4.5 The proposal, however seeks only to replace a window with a larger window on the left hand side of the mansard addition and remove a section of it as identified in the paragraph above.
- 4.6 The proposed alteration from a window to a larger window is not considered to be a proposal that would cause detriment to either the character or appearance of the building as long as the parapet wall remains unbroken. The parapet wall is located 200mm in front of the box guttering set approximately 400mm below the top of the parapet wall. The removal of the section of parapet wall where the proposed window is located will it is considered have a detrimental effect

upon the character and appearance of the property and is as a result contrary to Policy CD25 of the "Conservation and Development" chapter of the Unitary Development Plan.

- 4.7 The applicant undertook internal alterations to the living room contained within the mansard addition as part of using the flat roof of the rear addition as a roof terrace. This involved the insertion of a set of steps from the prevailing floor level down to the door, which allows access to the flat roof. The difference in floor level is approximately 700mm. As the Council has won the appeal against the use of the flat roof as a roof terrace, it is not considered satisfactory to have a window that allows access to the flat roof
- 4.8 There is a disparity with the submitted drawings as the rear wall of the opening is 1700mm above the flat roof of the rear addition, the approved height was 1600mm and the proposal as shown on the submitted drawing is 1400mm.
- 4.9 The alternatives to replacing the rear parapet wall have been explored, these being a railing and a window fixed closed. The options however do not overcome the fundamental objection to the proposal in terms of its appearance. The removal of a section of the rear parapet wall to a mansard roof addition, will it is considered alter the appearance of the mansard addition in a negative fashion and give the appearance of a door opening onto a roof terrace at the rear. It should be stated that the use of the flat roof as a terrace is not an issue with this application.
- 4.10 The Inspector who determined the appeal against the use of the flat roof of extension as a roof terrace, stated in his decision letter dated 16 July 1998, "The Council did not pursue their design criticism of the door at the hearing, although I understand why they would want it removed to ensure that access to the roof is blocked off".
- 4.11 The proposed roof alterations which seek to replace an existing rear dormer window which is one of two located on the rear mansard roof addition, which measures approximately 1000mm in height and 900mm in width, with a window measuring approximately 2.9 metres in height and approximately 1300mm in width, and remove the section of the rear parapet wall where the proposed window is to be located is considered to have a detrimental effect on the character and appearance of the premises and is therefore contrary to Policy CD38 of the "Conservation and Development" chapter of the Unitary Development Plan which addresses roof level alterations and additional storeys and Policy CD25 which seeks a high standard of design.

5.0 PUBLIC CONSULTATION

- 5.1 The Council notified 19 addresses of the proposal and has to date received one letter of objection signed by two residents living in the adjoining premises in two self contained flats.
- 5.2 The letter advises the Council of their concern that with an opening in the rear parapet wall, there would be direct access to the flat roof to which the appeal decision dated 16 July 1998, refused.
The applicant advised the Council that the proposed window was to be a sealed unit thus not allowing access to the flat roof.
- 5.3 The letter also states annoyance that the original proposal granted Planning Permission on the 1st April 1996, has to date never been fully implemented. The planning history mentioned in paragraph 3.0 of this report clearly indicates the original scheme has never been properly implemented.

6.0 RECOMMENDATION

- 6.1 Minded to refuse planning permission.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file TP/98/01715 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

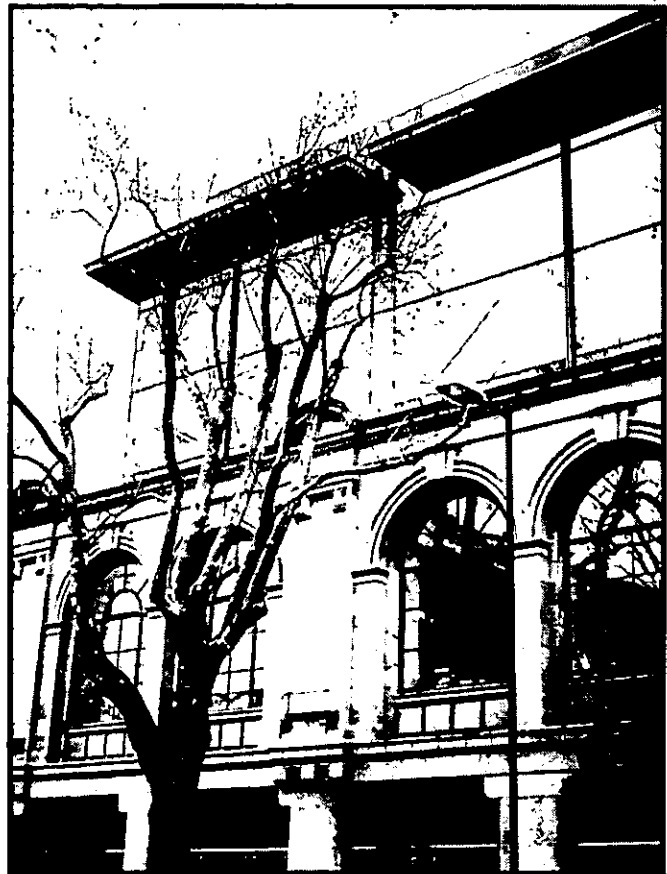
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CONSERVATION AND DEVELOPMENT



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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, Ladbroke Square Gardens, Royal Hospital, Chelsea and Ranelagh Gardens and St Luke's Gardens.

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

Other areas of character

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

AREAS OF DEVELOPMENT

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

3 CONTROL OF DEVELOPMENT

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

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.

- 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)
Iadbroke 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.

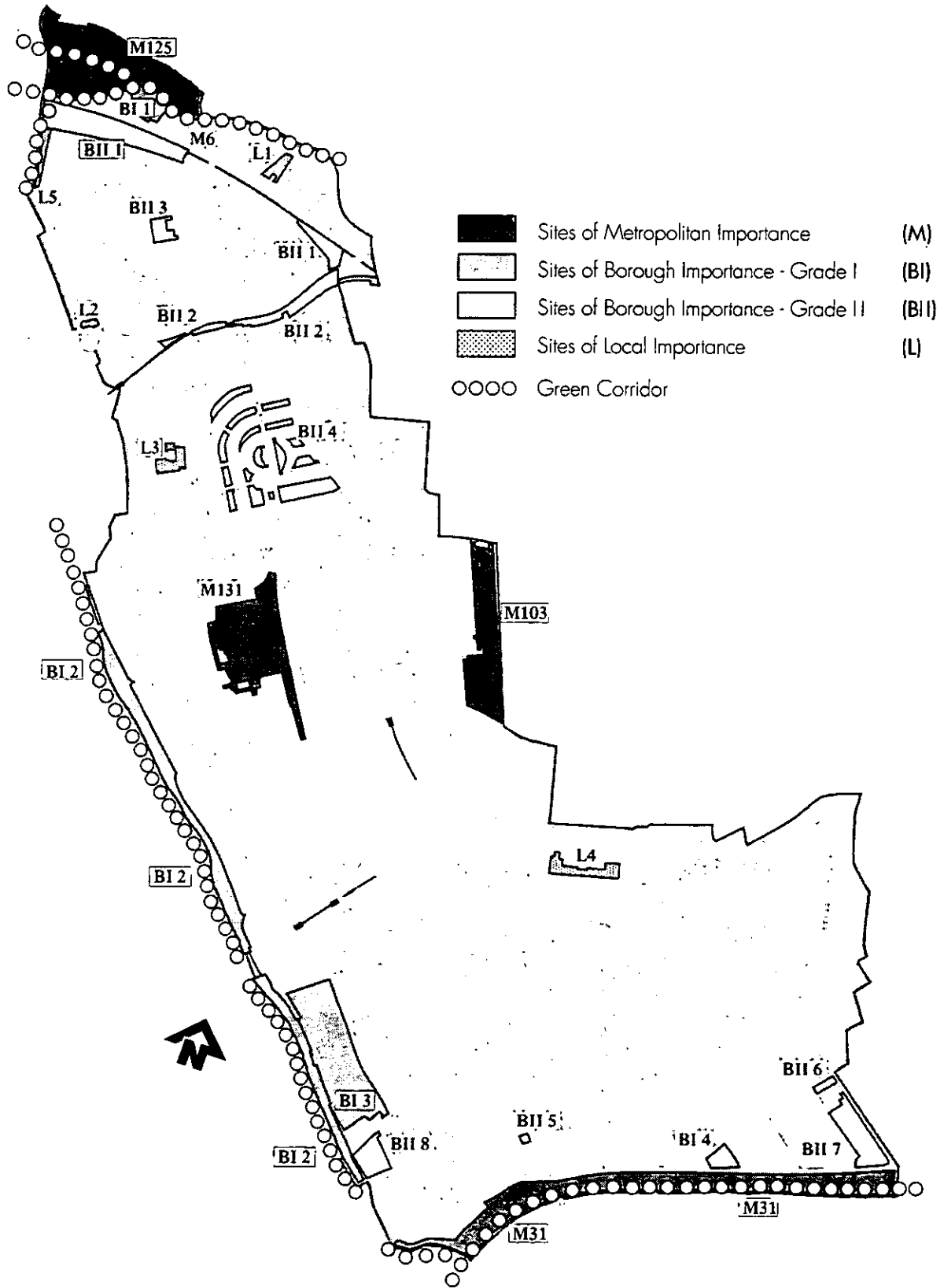
Sites of Borough Importance: Grade I & II

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.

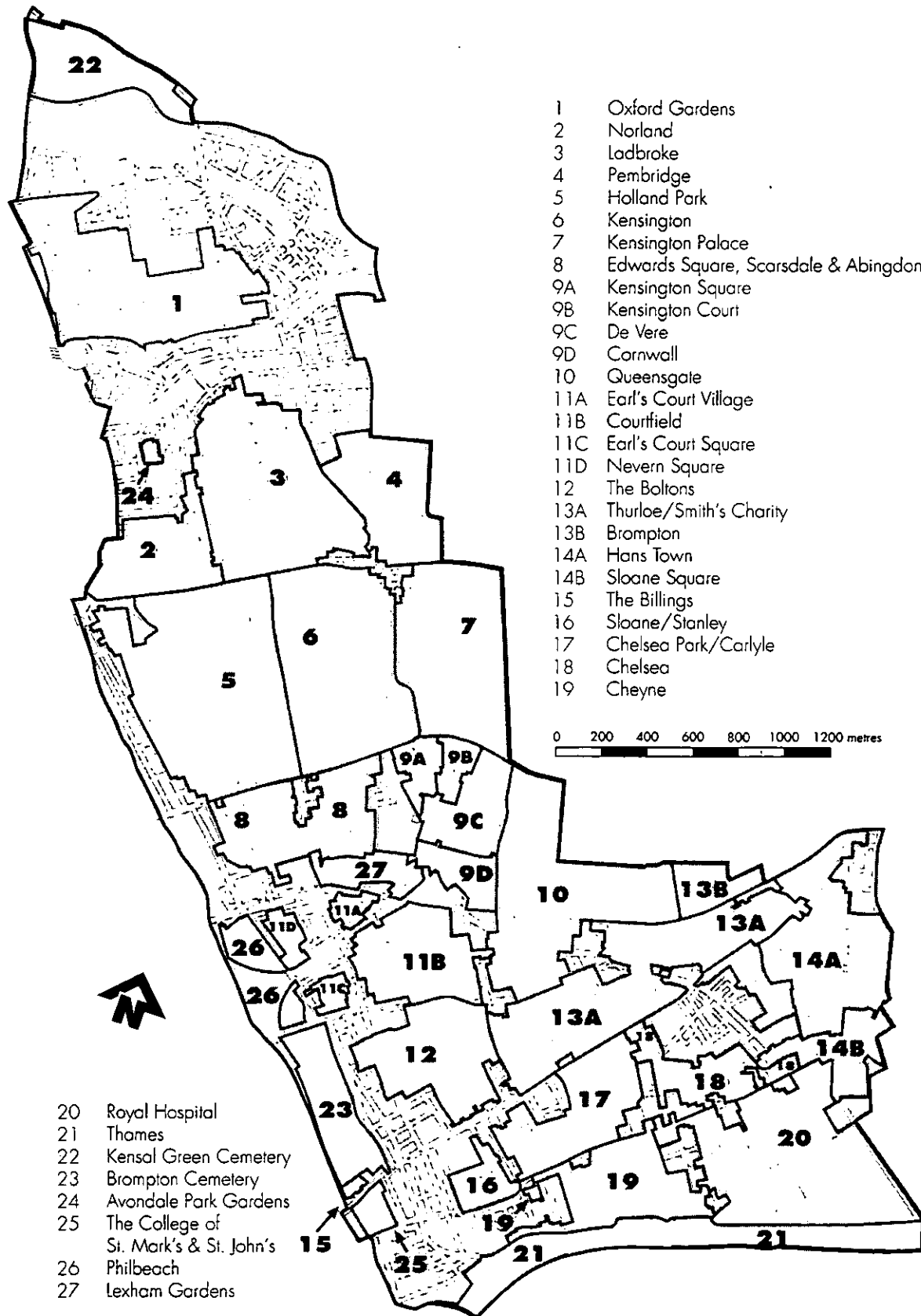
11.12 The following policies are proposed to control and influence the design and siting of street furniture and paving.

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





PLANNING STANDARDS



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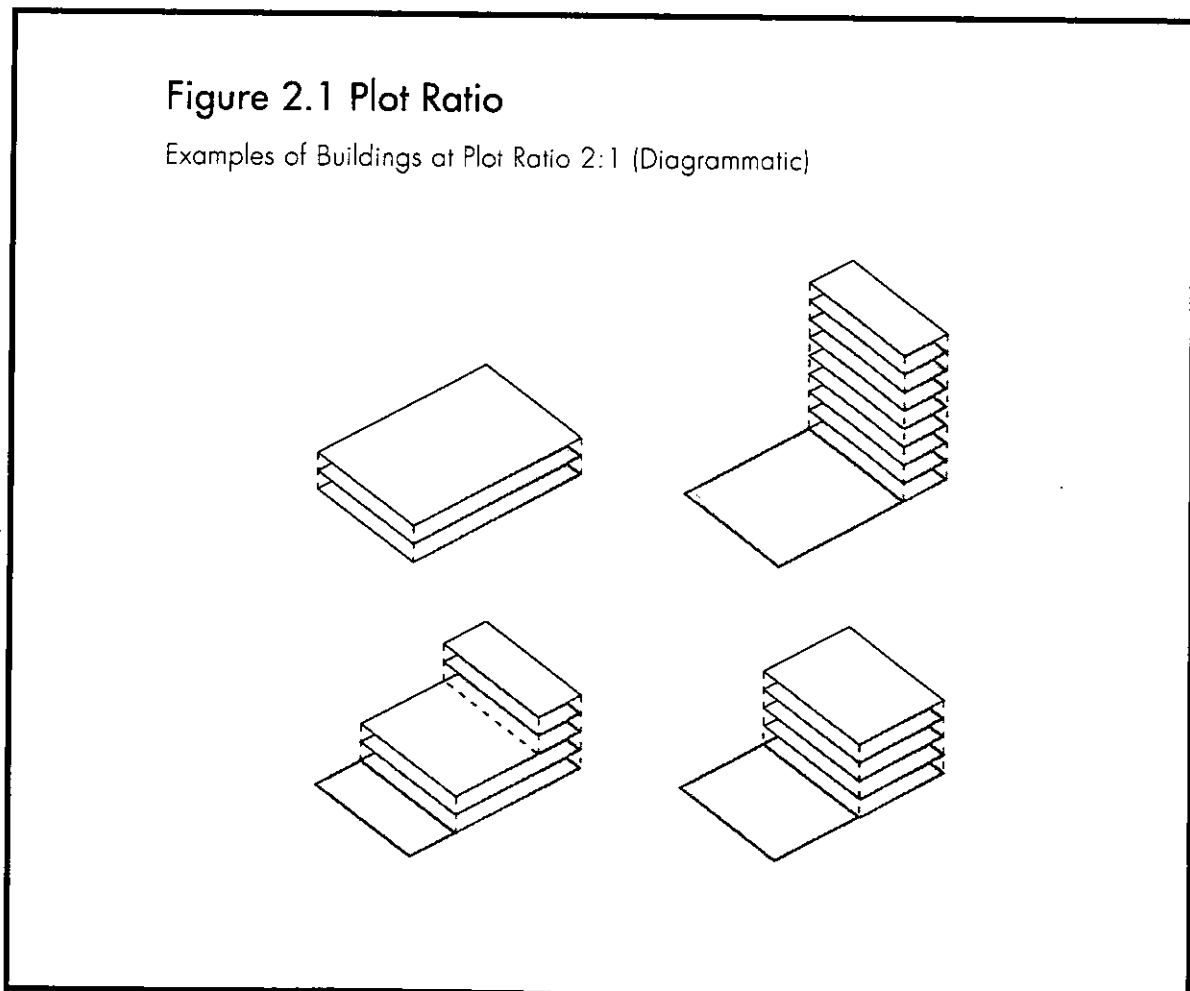
1 INTRODUCTION

- 1.1** This Chapter sets out the Council's planning standards which will be used to assess whether particular development proposals (including conversions, alterations and extensions to existing buildings), meet the Plan's policies, and to monitor the achievement of the policies of the Plan over the Plan period. The standards show how particular policies will be applied and implemented, and help to provide additional clarity and certainty for users of the Plan. They help to interpret the policies in specific circumstances, and to measure the extent to which a proposal meets the objectives of a policy. They will therefore, in appropriate cases, provide the basis for deciding planning applications and for determining conditions to be attached to planning permissions. As standards, they will always be applied flexibly, in the light of all the circumstances of a particular development.
- 1.2** In most of the Royal Borough land is already intensively developed, and, on some measurements, the levels of amenity, for example of light or privacy, are less than those found in other parts of London. Against this must be set the other attractions of the Borough, particularly its special historic character and appearance, which partly derives from the density of development. The application of standards found in less intensively developed areas would, therefore, not only be unreasonable in most cases, but would also be likely to detract from that special character. On the other hand, because some standards of amenity, like light and privacy, are lower, any significant worsening of existing standards, below the level prevailing in the area, even by a relatively small amount, will be more noticeable, and will as a result rarely be acceptable. In some cases, it will be appropriate to take the opportunity offered by development to raise the amenity standards of adjoining properties, standards which were often set for historic reasons, in times of different amenity expectations.
- 1.3** Applicants for planning permission are encouraged to follow the standards set out in this Chapter in preparing their applications, as their proposal will, as a result, be more likely to accord with the policies of the Plan. Early discussions with Council officers will also help in the interpretation of policies and standards and help to save time and resources.
- 1.4** The Council has included the following policy in the Conservation and Development Chapter, which is applicable to all proposals for development:
- CD37** TO HAVE REGARD TO THE STANDARDS SET OUT IN THE PLANNING STANDARDS CHAPTER IN DETERMINING APPLICATIONS FOR DEVELOPMENT.

2 CONSERVATION AND DEVELOPMENT STANDARDS

2.1 Plot Ratio for Non-Residential Development

- 2.1.1** Paragraph 3.6 of the Conservation and Development Chapter refers to plot ratios which are likely to be acceptable within the Borough. In assessing non-residential proposals, plot ratio will be calculated as follows.
- 2.1.2** Plot ratio is calculated by measuring the total floor area of a building (including wall thickness) and relating it to the area of land within the curtilage of the building site (excluding surrounding roads, pavements, etc.). Thus a two storey building covering the whole site on each level has a plot ratio of 2:1. So has a four storey building covering half the site (see Fig. 2.1).
- 2.1.3** Plot ratio will be calculated on the gross floorspace of the proposal with the exclusion of vehicular parking and servicing areas.



2.2 Light

Introduction

2.2.1 Kensington and Chelsea is characterised by a unique concentration of high quality historic buildings which cover the major part of the Borough (see paragraph 1.10 of the Context Chapter). This predominantly nineteenth century character manifests itself in taller than average (for London) buildings constructed in terraces with relatively narrow road widths. The overall effect is to reduce the amount of daylight and sunlight some properties receive and to emphasise the importance of including policies and standards in the Plan to protect the amenity of residents. Daylight and sunlight are matters which arise in the majority of applications for development in the Borough. This section of the Standards Chapter therefore provides guidance on the application of daylight and sunlight standards in the special circumstances of the Royal Borough of Kensington and Chelsea. CD28 and CD29 in the Conservation and Development Chapter set out the Council's policies for the protection of light in the environment. In assessing proposals for development, the Council will normally have regard to 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice', published by the Building Research Establishment (BRE) in 1991.

2.2.2 In considering development proposals the Council will not be looking to see that they meet any particular minimum or maximum objective standard. The likely impact of proposed development, including extensions to existing buildings, on existing buildings and spaces will normally be assessed by a planning officer on site, taking into account all the circumstances of the case. In those cases where it appears that the loss may be significant, (in appropriate cases) the guidance set out in the BRE will be used to measure the impact. Within new developments, the light conditions to be achieved by the layout of buildings will be assessed, in the context of conditions in the surrounding area, using the relevant BRE guidelines.

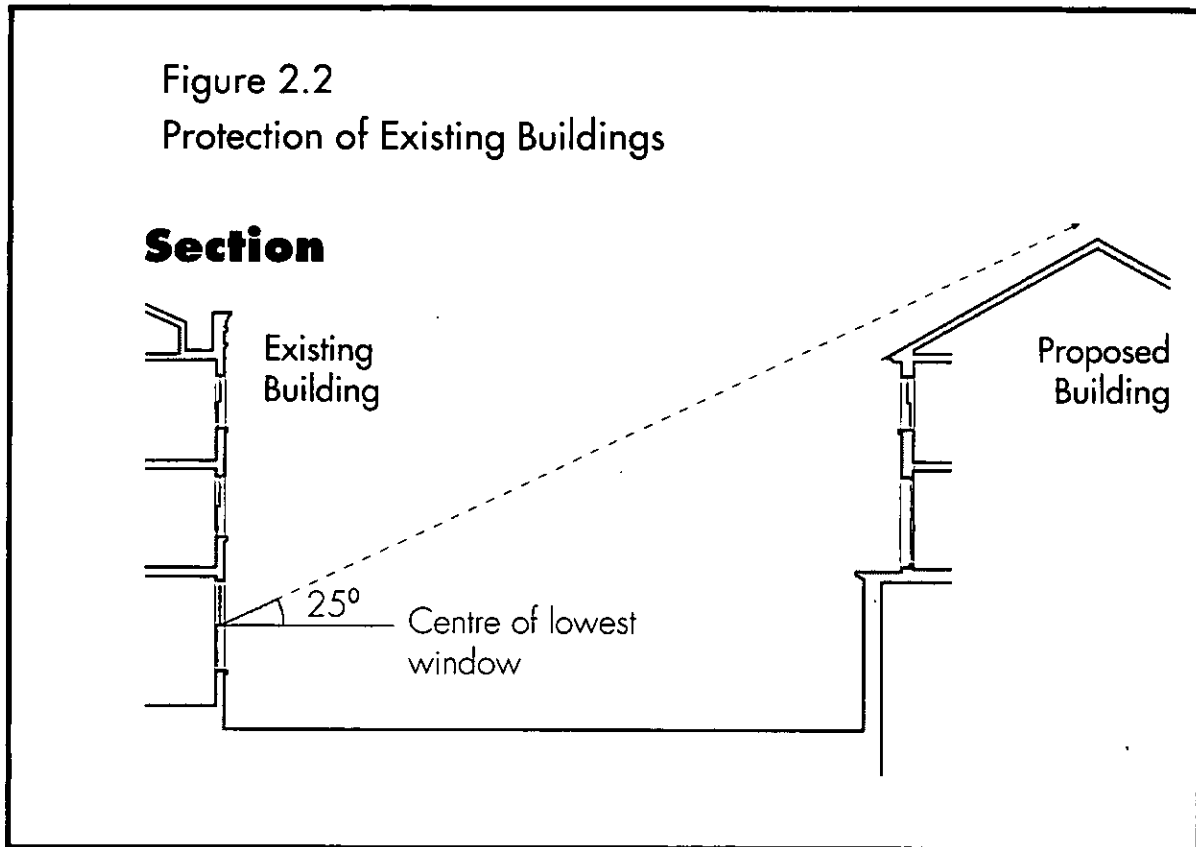
2.2.3 The following paragraphs summarise the most relevant parts of the guidance contained in the BRE document, but applicants are referred for further assistance to the full text of that publication. Where necessary, additional explanations of how the guidelines will be applied in the Borough are given in *italic*.

Application of the BRE Guidelines

PROTECTION OF EXISTING BUILDINGS

2.2.4 *Daylight: Access to daylight for existing dwellings and for non-domestic buildings where appropriate will be assessed as follows. (Section 2.2 BRE Report)*

- 2.2.5** As a first check, draw a section in a plane perpendicular to each affected main window wall of the existing building (Figure 2.2). If none of the new building or extension, subtends an angle to the horizontal (measured from the centre of the lowest window) greater than 25° to the horizontal, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building.



- 2.2.6** Any reduction on the total amount of skylight can be calculated by finding the vertical sky component at the centre of each main window. If this is greater than 27%, then enough daylight should still be reaching the window. Any reduction below this level should be kept to a minimum. If the vertical sky component, with the new development in place, is both less than 27% and less than 0.8 times its former value, then the loss of light is likely to be noticeable.

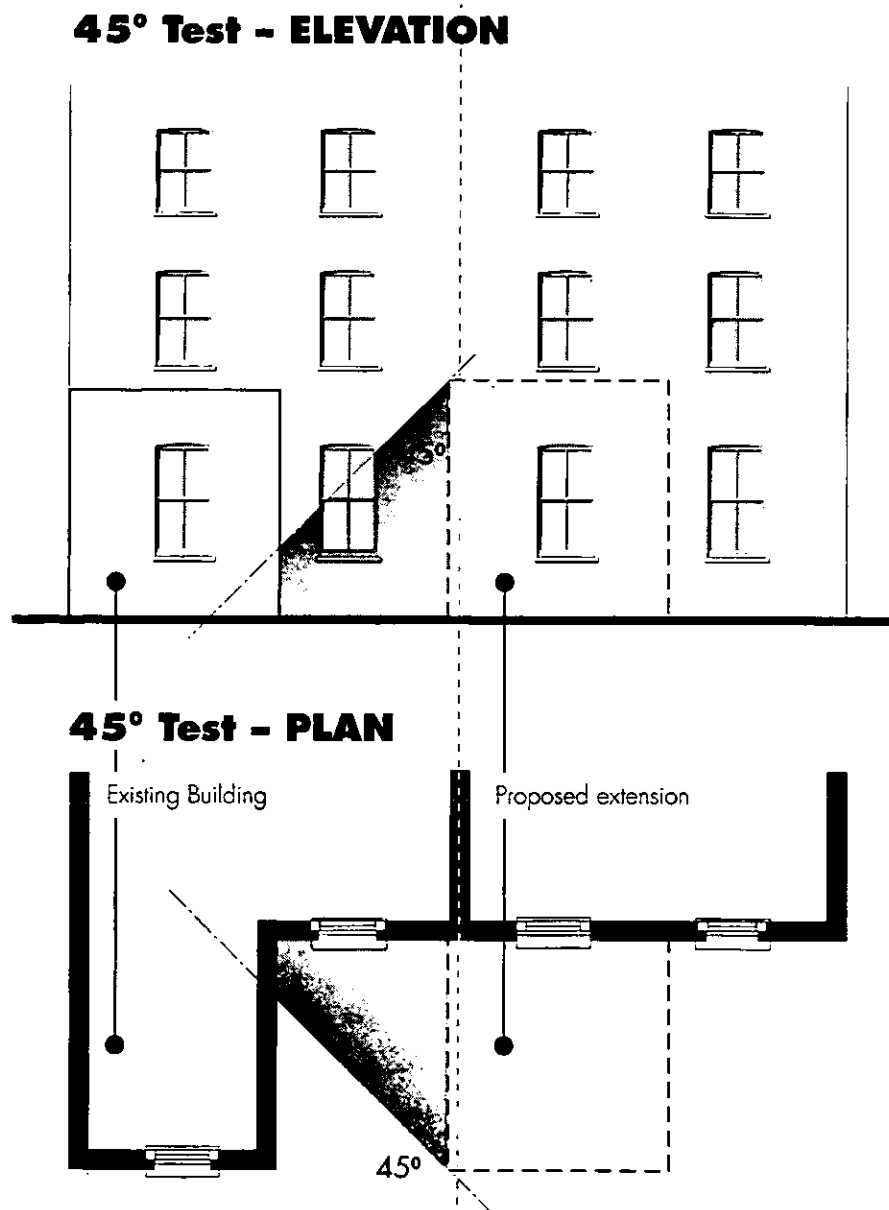
- 2.2.7** The impact on daylight distribution in the existing building can also be found by plotting the no-sky line in each of the main rooms. This is described in Section 2.2 page 5 and Appendix D of the BRE report.

- 2.2.8** These guidelines need to be applied sensibly and flexibly. One important issue will be the position of the existing building: whether it is itself a "good neighbour", standing a reasonable distance from the boundary and taking no more than its fair share of light.

2.2.9 For domestic extensions which adjoin the front or rear of a house, the '45° approach' can be used as a quick method of assessment, but normally to indicate whether further tests should be applied (see Figure 2.3).

In Kensington and Chelsea where terraces of narrow fronted buildings are common, many typical extensions would not meet the 45° guideline, but would be historically acceptable ways of extending dwellings. In these circumstances angles between 45° and 25° are likely to be acceptable. Extensions involving an angle of less than 25° will not normally be acceptable (see Figure 2.4).

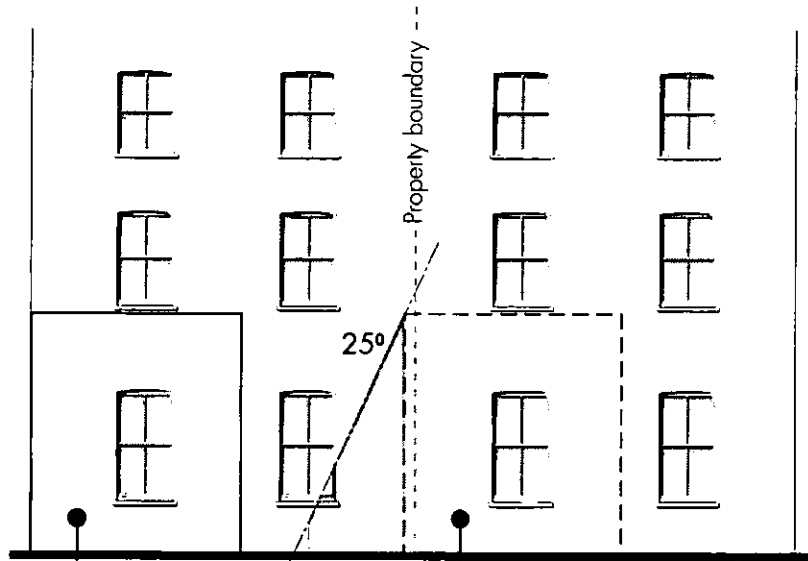
Figure 2.3



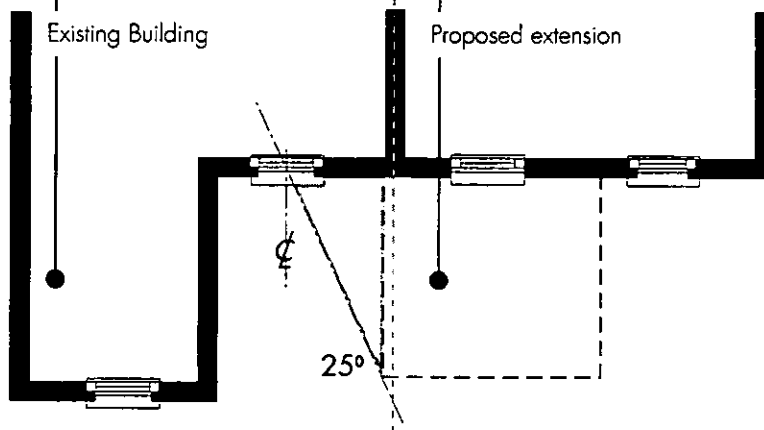
A significant amount of light is likely to be blocked if the centre of the window on the existing building lies within the 45° lines on both elevation and plan

Figure 2.4

25° Test - ELEVATION



25° Test - PLAN



Historically acceptable extensions to narrow fronted buildings may not meet the 45° test, but the centre of the window lies outside the 25° angle.

2.2.10 Sunlight: Access to sunlight for existing dwellings, and for non-domestic buildings where there is a particular requirement for sunlight, will be assessed as follows. (Section 3.2 BRE Report)

2.2.11 Obstruction to the sunlight received by existing buildings may become an issue if some part of a new development lies within 90° of due south of a main window wall of an existing building, and, in the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25° to the horizontal measured from a point 2m above the ground. To find out whether an existing building still receives enough sunlight, the British Standard can be used. This is described in Section 3.2, page 11 and Appendix G of the BRE report (see Figure 2.5).

2.2.12 This British Standard recommendation is met provided either the window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal, or the window wall faces within 20° of due south and the reference point has a vertical sky component of 27% or more. If the available sunlight hours are both below the BS criterion level and less than 0.8 times their former value then the loss will be noticeable.

LIGHT CONDITIONS WITHIN NEW BUILDINGS AND DEVELOPMENT

2.2.13 *Light conditions within new developments, both residential and non-residential will be assessed as follows. The requirement for sunlight in non-domestic buildings will vary according to the type of building, the aims of the designer and the extent to which the occupants can control their environment. Applicants for non-residential development will be asked to supply information on these points so that the appropriate assessment can be made.*

2.2.14 *The relevant guidelines for daylight and sunlight within new developments are set out in Sections 2.1, 3.1 and 3.3 BRE report.*

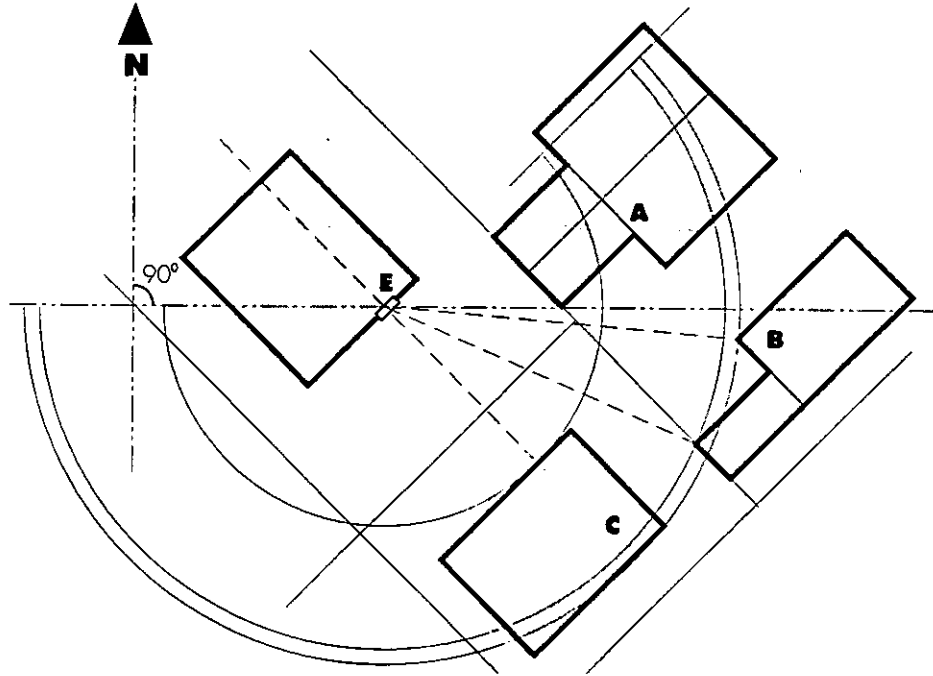
PROTECTION OF ADJOINING DEVELOPMENT LAND

2.2.15 *The effect of new development on adjoining undeveloped land, including both future non-residential development as well as residential development, will be assessed using the guidelines in Section 2.3 BRE Report.*

2.2.16 **Daylight:** A well designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed. The guidelines do not however apply when no main window wall, either of the current new development or any probable future development on the adjoining site, will face over the boundary. The guidance does not therefore apply to a boundary next to a windowless flank wall of a new house where any future housing next door should also present a flank wall without windows; nor need it apply to an industrial estate where new development or any future development is either windowless or solely rooflit.

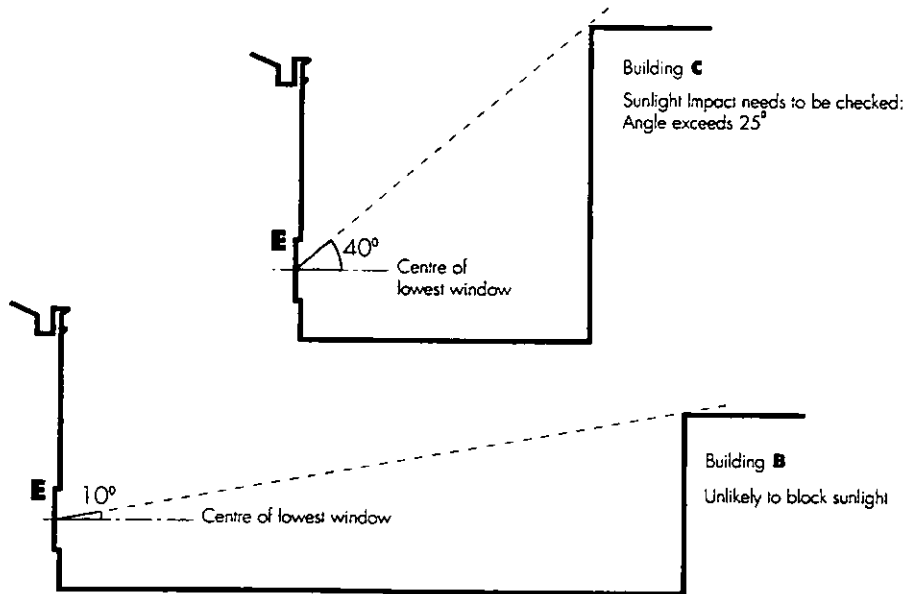
Figure 2.5

Sunlight Impact - PLAN



A is wholly north of window **E** in the existing building
B & **C** are both south.
Their impact should be checked if they subtend an angle of more than 25° to the horizontal

Sunlight Impact - SECTIONS



- 2.2.17** If the angle to the horizontal subtended at a point 2m above the boundary by the proposed new buildings is less than 43° then there will normally still be the potential for good daylighting on the adjoining development site. If this is not the case the BRE guidelines give an alternative vertical sky component test. These guidelines should not be applied too rigidly or be used as a form generator to produce a building which slopes or steps down towards the boundary.

LIGHT CONDITIONS IN GARDENS AND OPEN SPACES

- 2.2.18** *Proposed developments, including extensions to existing buildings, will be assessed for their effect on adjoining existing gardens and open spaces, and, within new developments, for the quality of the light which will be achieved. Sunlight is particularly important in gardens to encourage plant growth, to dry out the ground and dry clothes, and to make outdoor activities more pleasant. The assessment of the effects of a particular proposal on adjoining residential gardens will be affected by consideration of existing conditions, the presence of high walls, large trees and different garden levels. The assessment will normally be made as follows (Section 3.3 of the BRE Report).*
- 2.2.19** The worst situation in gardens is to have significant areas on which the sun does not shine for a large part of the year. These areas will in general be damp, chilly and uninviting. The equinox (21 March) is a good date for assessment. It is suggested that no more than two-fifths and preferably no more than a quarter of amenity areas should be prevented by buildings from receiving any sunlight at all on 21 March.
- 2.2.20** Generally only the main back garden will be analysed, and driveways and hardstandings for cars not assessed. Normally trees and shrubs will be ignored as their shapes are impossible to predict and some tree shade can be desirable. Fences and walls cast deeper shade and, where more than 1.5 metres high, can usually be assessed. If any existing garden or space is already heavily obstructed, then any further loss of sunlight should be kept to a minimum. If as a result of new development, the area which can receive direct sunlight on 21 March is reduced to less than 0.8 times its former size, then this further loss will be significant.
- 2.2.21** The guideline should be used sensibly. There is little point in leaving a tiny gap between buildings so that a thin shaft of sunlight penetrates through to a gloomy amenity area on 21 March.

RIGHTS OF LIGHT

- 2.2.22** An existing building may have statutory Rights of Light over adjoining land. It would be prudent for anyone considering carrying out a development, including a domestic extension, to examine the implication of any such Rights of Light for their proposals. Statutory Rights of Light are separate from the assessment for compliance with CD28 and CD29.

2.3 Design of Additional Storeys

2.3.1 Policies CD38 and CD39 in the Conservation and Development Chapter set out the Council's policies on additional storeys and roof alterations. The Council will use the principles set out in Figures 2.6 and 2.7 in the consideration of such proposals.

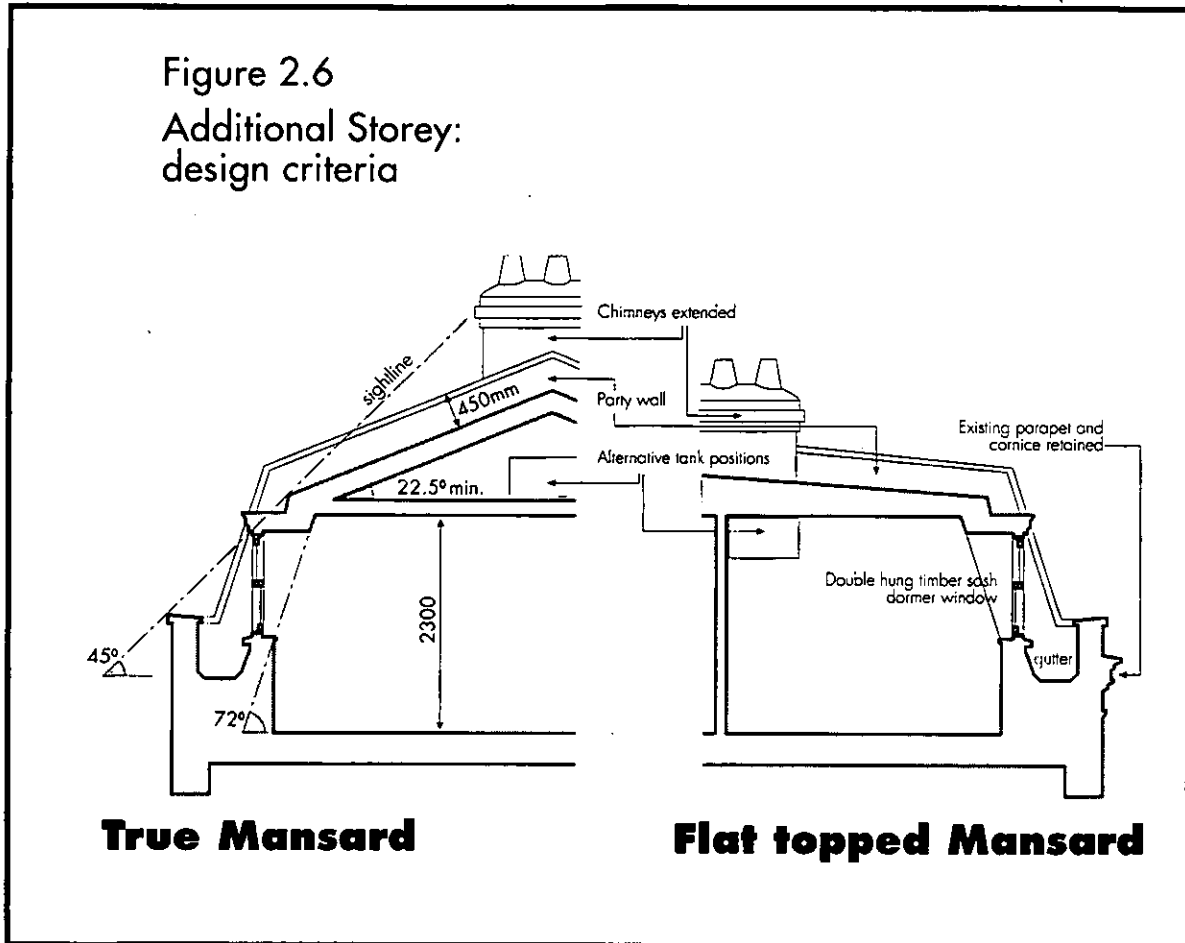
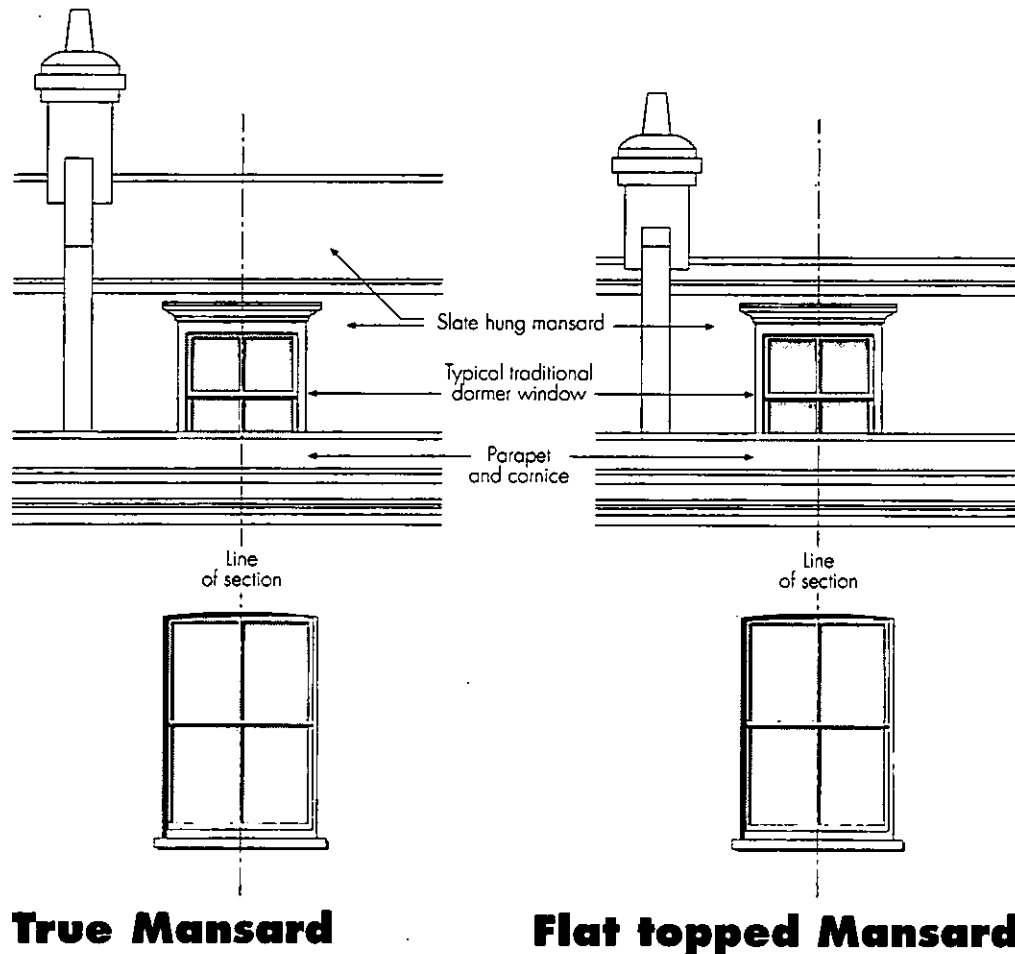


Figure 2.7
Additional Storey:
design criteria for windows



2.4 Trees

- 2.4.1** Policy CD76 in the Conservation and Development Chapter sets out the Council's policy to ensure the protection of trees during development. Developments on sites where there are existing trees to be retained should be carried out so as to ensure against any damage to the trees during construction. In considering proposals and the attachment of appropriate conditions to planning permission for development, the Council will have regard to the standards set out in Table 2.1.

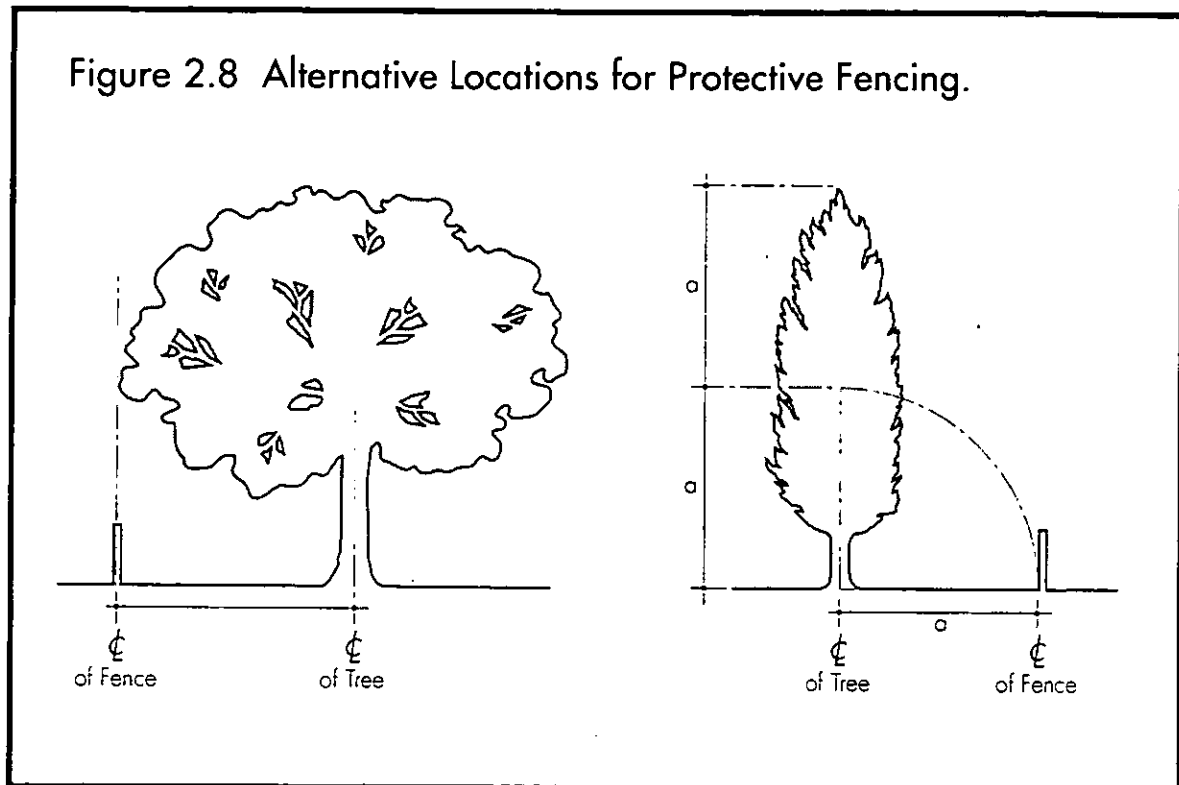
Table 2.1 Distance of Protective Fencing around Trees

Tree condition	Trunk Diameter (mm)	Minimum Distance (mm)
Young trees (age less than 1/3 life expectancy), normal vigour	<200	2.0
	200-400	3.0
	>400	4.0
Young trees, low vigour	<200	3.0
	200-400	4.5
	>400	6.0
Middle age trees, (1/3 to 2/3 life expectancy), normal vigour	<250	3.0
	250-500	4.5
	>500	6.0
Middle age trees, low vigour	<250	5.0
	250-500	7.5
	>500	10.0
Mature trees, normal vigour	<350	4.0
	350-750	6.0
	>750	8.0
Mature trees of low vigour and over-mature trees	<350	6.0
	350-750	9.0
	>750	12.0

Note: This table relates to distances from tree trunk to protective fencing. Other considerations, particularly the need to provide adequate space around the tree including allowances for future growth (and also working space), will usually indicate that structures should be further away.

- 2.4.2** Where an assessment of the age and vigour of the tree is not possible, the fencing may be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the further from the tree (see Figure 2.8 below). This distance will usually be significantly greater than the distances advocated in Table 2.1.

Figure 2.8 Alternative Locations for Protective Fencing.



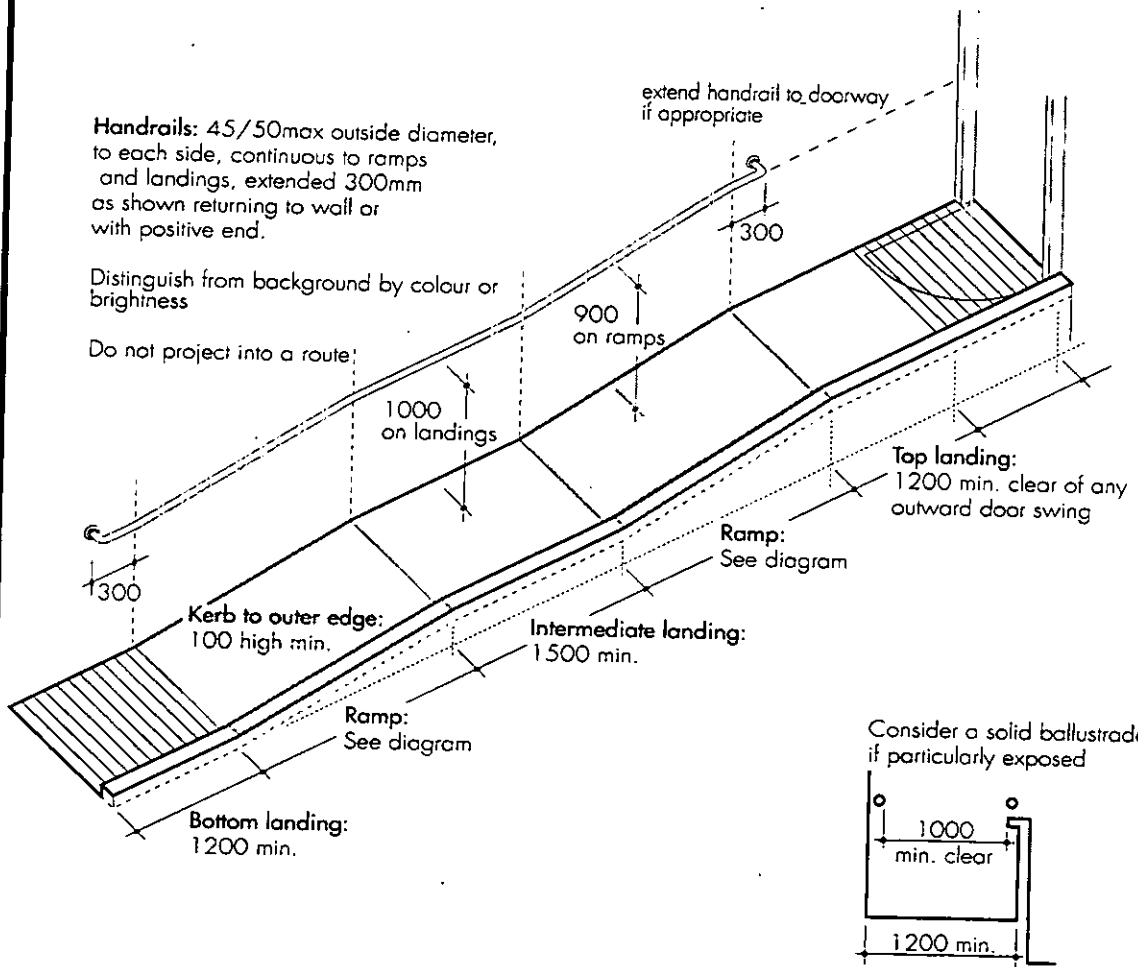
2.5 Access and Mobility

- 2.5.1** Policies CD36 and H28 set out the Council's policies on access for people with disabilities. Comprehensive design guidance on providing buildings that are accessible to the widest range of users, including people with mobility and sensory impairments, is available in the form of Supplementary Planning Guidance from the Council. Mobility and wheelchair standards for housing have also been developed in the form of Supplementary Planning Guidance. Legislation currently provides for access for people with disabilities to be available to places of employment, shops, educational establishments, hotels, places of entertainment and buildings to which the public have access (see the Chronically Sick and Disabled Persons Act 1970 as amended in 1976, the Disabled Persons Act 1981 and the 1991 Building Regulations, Part M). The Council's Access Officer and the Director of Building Control have an important role in ensuring that appropriate provisions are made for disabled people and other people with special mobility needs.
- 2.5.2** The following standards will be used in the consideration of proposals in accordance with the relevant policies. Reference should also be made to standards for car parking, kerbs and crossings, and pavements (see Section 5 of this Chapter). Further guidance on access for people with disabilities will be published in the Council's design guidance notes.

2.5.3 Ramps

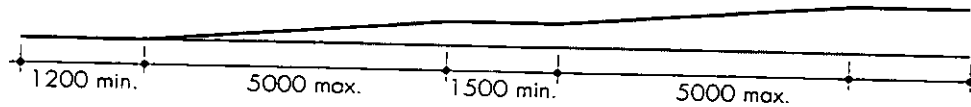
- (a) Ramped approaches should aim to achieve a gradient of 1:20 to 1:15. Where this is not achievable, a gradient of up to 1:12 is acceptable.
- (b) All ramps should achieve a minimum surface width of 1200mm.
- (c) Level landings are required at the bottom and top of all ramps, minimum length 1200mm, clear of any door swing.
- (d) Intermediate landings or rest platforms, minimum length 1500mm clear of any door swing, are required subject to the following criteria:
 - every 10 metres for ramps between 1:15 and 1:20 slope
 - every 5 metres for ramps between 1:12 and 1:15.
- (e) The surface of the ramp should be non-slip, but should not impede the smooth progress of a wheelchair.
- (f) Handrails must be provided on both sides, 900mm above the ramp surface or the pitch line of stairs and 1000mm above landing and platform levels.
- (g) A kerb, not less than 100mm high, must be placed on the exposed edge of the ramp.

Figure 2.9 Access Ramp

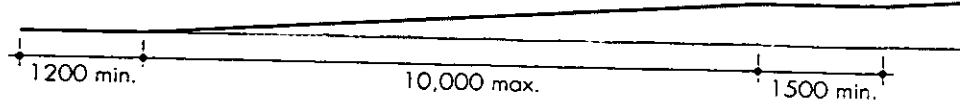


Suggested ramp length in relation to gradient (1 in 20 or shallower: "LEVEL")

1 in 12



1 in 15



2.5.4 Steps

- (a) Steps should be suitable for those who can walk but with difficulty. See design guidance notes for details.
- (b) The edges of steps must be clearly marked, and landings must have a tactile, corduroy surface.
- (c) Continuous handrails must be placed on both sides of flights and to landings.

Figure 2.10 Handrail

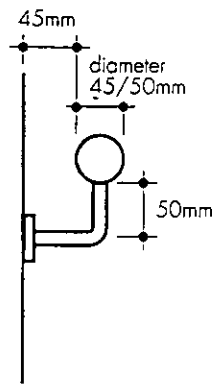
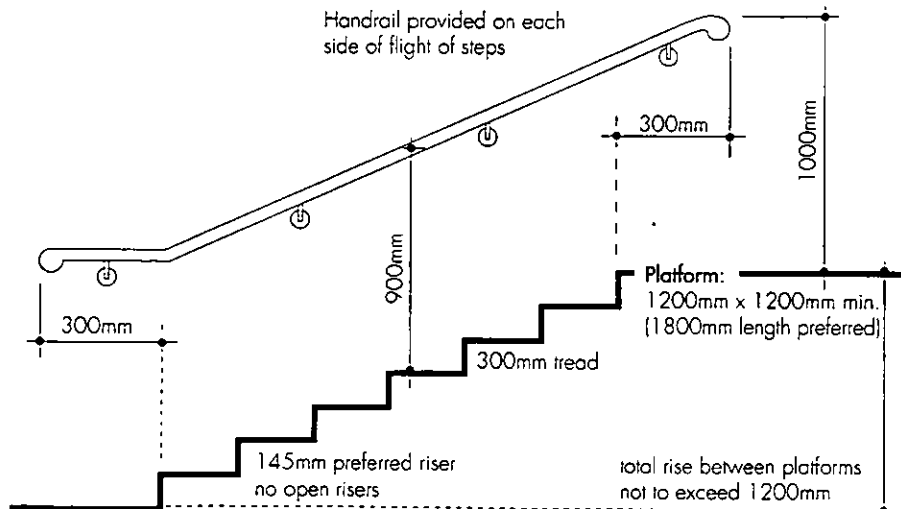


Figure 2.11 Steps



3 HOUSING STANDARDS

3.1 Residential Density

3.1.1 Policies in the Housing Chapter and the Conservation and Development Chapter set out the Council's policies for the maintenance and enhancement of the residential character and function of the Borough. This section sets out standards relevant to the consideration of proposals for the provision of housing in new buildings or in conversions, and for the protection of existing housing with shared facilities.

3.1.2 In applying the Council's policies on residential density, density will be calculated as follows. Residential density is measured in habitable rooms per net residential hectare/acre. Habitable rooms exclude bathrooms, passages and kitchens of less than 13 square metres. Net residential area includes gardens, incidental open space and half the width of surrounding roads up to a maximum of 6 metres. Method of calculation is as follows:

$$\text{No. of habitable rooms} \times \frac{10,000 \text{ m}^2}{\text{net site area (m}^2\text{)}} = \text{habitable rooms per hectare}$$

3.1.3 In mixed use proposals, where non-residential and residential uses are combined on one site, the method of calculation will depend on the size and configuration of the site, and the scheme layout.

3.2 New Housing

3.2.1 In assessing proposed residential developments, including conversions, the space to be provided for individual dwellings will be an important factor in the quality of the accommodation to be provided, and in the impact of the proposed development on the character and amenity of the surrounding area. The Council will have regard to the standards set out in Table 3.1, which are considered relevant to the Borough and likely to achieve the relevant policy objectives.

Table 3.1

Type of House	Number of habitable rooms					
	6	5	4	3	2	1
3 storey house	98	94	-	-	-	-
2 storey central terrace	92.5	85	74.5	-	-	-
2 storey semi or end	92.5	82	72	-	-	-
Maisonette	92.5	82	72	-	-	-
Flat	86.5	80.5	70	57	44.5	30
Single storey house	84	75.5	66	57	44.5	30

Figures refer to net floor area in square metres (minimum)

3.3 Conversions

- 3.3.1** Each unit should be completely self-contained except in the case of housing that, by its nature, contains communal rooms (e.g. sheltered housing). Where family-sized units are being provided by the conversion of large houses into flats and where amenity space exists within the curtilage of the property, family-sized dwellings should be located on the lower floors to enable direct access to that space.
- 3.3.2** The Council will expect conversions to be adequate and suitable in size for occupation. Clear guidance on room sizes and arrangements that would normally be acceptable will be found in Supplementary Planning Guidance.
- 3.3.3** In all conversion schemes, particular attention should be given to the necessity for stacking potentially noisy rooms in vertically adjoining dwellings, one above the other, in order to reduce nuisance from sound transmission, especially where separating floors are of timber construction. Bathrooms and w.c.'s for each dwelling should be designed one above the other so as to reduce the noise nuisance.

3.4 Multiple Occupancy

- 3.4.1** Houses in multiple occupation (HMOs) perform an important function in the housing market, especially in meeting a need for lower-cost housing. The Council is concerned that existing unfit HMOs should be brought up to standard in line with the Housing Acts, but not at the expense of losing valuable habitable rooms, i.e. bedsitting rooms. In order to minimise this potential loss through upgrading, the following standards have been agreed with the Environmental Health Department and will be applied to proposals which involve an internal reorganisation or a loss of bedsitting rooms accommodation and to proposals for new HMO accommodation.
- 3.4.2** Personal Washing Facilities: a readily accessible bathroom or shower room should be provided not more than one floor distance from any user and at a ratio of no more than one bath or shower per 3 bedsitting rooms. This standard will be regarded as a maximum if, by further provision, any habitable room would be lost.
- 3.4.3** Drainage and Sanitary Conveniences: a readily accessible w.c. should be provided not more than one floor distance from any user and at a ratio of no more than one w.c. per 3 bedsitting rooms. At least half of the w.c.'s must be situated other than in shared bathrooms or shower rooms. (External w.c.'s must be discounted from this calculation). This standard will be regarded as a maximum if, by further provision, any habitable room would be lost.

- 3.4.4** Landlords and developers are advised to contact the Council's Environmental Health Department and the Planning Department prior to altering the internal layout of HMOs. Environmental Health standards require the provision of personal washing facilities and drainage and sanitary conveniences at a minimum rate of not less than one each per 5 persons irrespective of age.

4 OFFICES AND INDUSTRY STANDARDS

4.1 Design of Light Industrial Buildings

- 4.1.1** Policies E17 and E20 in the Offices and Industry Chapter set out the Council's policies for the retention and provision of light industrial premises as part of appropriate business developments in North Kensington. The aspects of design set out in this section are those which would enable use of such developments by the range of light industrial uses operating in the Borough or seeking accommodation here. Without these standards, buildings might only be suitable for specific types of light industrial use or as offices.
- 4.1.2** The Council is concerned that light industrial premises should be as accessible to people with disabilities as they are to able-bodied people, as far as is reasonable. Attention is drawn to the 'Access and Mobility' Section of this chapter.

Access to Buildings

- 4.1.3** Light industrial buildings generally need larger doors and wider passageways than premises used as offices, to enable the transfer of goods and materials. Similarly, every floor of the building to be used for light industrial purposes should be served by a suitable goods lift. Typical goods lifts required by modern industry carry up to 1000 kilograms and have a clear internal width of 1.4m (4ft 7ins), depth of 1.65m (5ft. 5ins.), and height of 2.0m (6ft. 7ins.).
- 4.1.4** Every part of a new light industrial building (excluding ancillary areas such as toilets and management offices), should have at least one route to it from the outside where all passageways and doors are no less than 1.5m (5ft.) wide and 2.1m (7ft.) high. Upper floors to be used by light industry should be provided with a suitable lift.

Location within Building

- 4.1.5** Light industrial premises in the central and inner areas of cities may often be located on upper floors; this is the case in Kensington and Chelsea. However, in practice it is preferable to locate new light industrial premises on the ground floor for easier access.
- 4.1.6** Proposals for new B1 buildings in North Kensington should allow for the flexibility of uses envisaged by the Business Use Class of the 1987 Town and Country Planning (Use Classes) Order and encouraged by Strategic Guidance for London (paragraph 21), by including at least one floor designed for light industrial use, preferably located on the ground floor.

Floor-to-Ceiling Height

- 4.1.7** There has been a lessening of the difference between the floor-to-ceiling heights required by some types of offices and industry. However, offices generally require a minimum internal clear height of 2.4m to 3.0m (7ft. 10ins. to 9ft. 10ins.), from top of office floor to underside of ceiling finish.
- 4.1.8** Existing industrial uses in Kensington and Chelsea and those firms seeking light industrial premises in the Borough include those which require room for hoists and raising vehicles (such as some vehicle workshops), and those uses which could operate adequately without such a large headroom. New light industrial developments should have an internal clear height of at least 3.35m (11ft.) to cater for the range of local industrial uses.

Floor Loading

- 4.1.9** The Council is concerned that light industrial buildings should be able to withstand the range of floor loadings that are likely to be imposed by the Borough's light industrial uses. It would be particularly expensive to alter this aspect of a building after its construction. Generally, offices require a minimum of 2.5kN/sq.m. (50lb/sq.ft.), whilst factory and workshop premises need to withstand a distributed load of at least 2.5 - 5.0kN/sq.m. (50-100 lb/sq.ft.). Storage and machinery, in areas such as motor rooms, may exert more intensive loads.
- 4.1.10** Given both the nature of existing industrial uses in Kensington and Chelsea and the work of those firms seeking premises in the Borough, new light industrial developments should be able to withstand a floor loading of at least 5.0kN/sq.m. (100 lb/sq.ft.), on all floors to be used by light industry.

Natural Light

- 4.1.11** Many of the Borough's light industrial activities involve the comparison of colour so that the quality of available light is important. Local uses such as some types of printing uses, clothing manufacture, art and furniture restoration, require or benefit greatly from natural light. Any new, adjacent development will need to be controlled to take into account industry's need for natural light.
- 4.1.12** The availability of natural light will be an important factor in the Council's consideration of both the design of new light industrial developments themselves (so that appropriate fenestration will be required) and in the consideration of new development adjacent to industrial uses.

Supply of Utilities

- 4.1.13** Generally, workshops require 415 volt, 3-phase power in the production area of each unit. Many light industrial uses, for example those which involve printing, cooking, milling or lathe operation are likely to require such a facility.
- 4.1.14** New light industrial developments should provide 415 volt, 3-phase power to all production areas, as well as a 240 volt, single phase supply.

5 TRANSPORTATION STANDARDS

- 5.1** All development proposals requiring planning permission need to include appropriate provision for the parking of vehicles and the servicing of non-residential premises, which can be used effectively, in accordance with the Council's standards. Paragraphs 5.2.1 to 5.2.13 relate to off-street parking and servicing provision and paragraphs 5.3.1 to 5.3.20 relate to the geometric design of the parking layouts and any consequential provision of access roads and highways.

5.2 Off-Street Parking and Servicing Provision

Introduction

- 5.2.1** The policies and background to the standards are in paragraphs 6.1 to 6.19 of the Transportation Chapter. The standards for provision of parking and servicing are based on the requirement to restrain the growth in traffic by providing spaces for only those vehicles considered to require essential access to a site.
- 5.2.2** The Council is extending parking controls to all Borough roads. This creates an opportunity to treat parking and servicing provision for all non-residential developments throughout the Borough in the same way.
- 5.2.3** The standards are specific except where they are stated to be maximum or minimum. A maximum standard indicates the maximum number of spaces which will be permitted, a minimum standard indicates the minimum number of spaces which will be required.
- 5.2.4** The provision of more car parking than stipulated by the standard would be contrary to the restraint policies of the Plan. However, the provision of less car parking than stipulated could result in increased local demand for short term on-street parking at meters which would deny the facilities to neighbouring developments. This is particularly the case for some commercial developments. This could result in some illegal parking occurring at locations needed for movement with a consequent impact on the efficient operation of the road system.

Parking for Residential Development

- 5.2.5** Paragraph 6.16 of the Transportation Chapter outlines the background for the standards for residential development. With residential development it is normally considered essential to require off-street parking to supplement the restricted on-street provision. In all cases parking provision should be made available to, and permanently retained for use by, residents of the development. Provision of parking at the levels shown in Table 5.1 are considered minimum requirements. An exception is made in the case of conversions of premises above shops or conversions of houses into multiple units where it is acknowledged that the provision of off-street parking may not be possible. In such cases however, the additional demand for on-street parking spaces may preclude the granting of planning permission for such development.

Parking and Servicing Provision for Non-Residential Development

- 5.2.6** Standards for parking and servicing spaces for non-residential development are based on the need to restrain non-essential traffic. Paragraphs 6.4 to 6.9 of the Transportation Chapter outline the basis of provision which takes into account the general availability of public transport and on and off-street visitor parking. The number of spaces in non-residential developments will normally only allow for essential servicing and parking needs. Developers will be required to demonstrate evidence of additional need for spaces by specific occupiers before consideration will be given to further provision.
- 5.2.7** The rate of provision of spaces in office and studio developments which fall into use classes A2, B1(a) and B1(b) is set out in Table 5.1 and allows for 1 space per 1500 square metres. In exceptional circumstances where additional need can be demonstrated, taking into account the Councils stated policies of traffic restraint as set out in the Transportation Chapter, further spaces up to a maximum of 1 space per 750 square metres may be allowed. For developments of more than 5000 square metres it may be necessary to allocate service spaces for delivery by large goods vehicles from the off-street parking provision.
- 5.2.8** For some land uses (as indicated), standard rates of provision of spaces are not appropriate. In such cases each application will be treated individually, based on the predicted need for essential parking and servicing for the development. This assessment will take into account the Council's policies on traffic restraint as set out in the Transportation Chapter, as well as the following:
- (a) the existing and predicted levels of on-street day-time parking demand and night-time parking stress within the vicinity of the development;
 - (b) the number of sites with unimplemented planning permission in the area;
 - (c) the availability of convenient public off-street car parking spaces; and
 - (d) the opportunities for dual use of parking provision.
- 5.2.9** For large retail developments and mixed development sites it will be essential to ensure that there are adequate facilities to accommodate servicing, particularly by goods vehicles. In these developments, service bays will be required to be marked out for use by service vehicles.

Table 5.1: Parking and Servicing Provision

Land Use	Provision	Disabled Provision	Special Considerations	Cycle Parking
A2, B1(a), B1(b) (Financial and professional services, Business - Offices or Research and Development)	1 space per 1500m ²	Minimum 1 or 10% of spaces	Development > 5000m ² at least 1 space reserved for G.V. delivery as part of the parking provision	Minimum 1 stand per 200m ²
A1, A3, B1(c), B2 - B8 (Shops, Food and Drink, Business - light Industrial, Other Industrial)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
C1 (Hotels)	1 space per 40 bedspaces	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V. 1 coach space per 200 bedrooms. Taxi demand see 5.2.13.	
Hostels	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	
C2, D1, D2 (Residential Institutions, Non-Residential Institutions, leisure)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
Mixed Development Sites	Provision based on criteria in 5.2.8. Dual use of non-residential spaces considered	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Provision based on use of site.

Table 5.1: Parking and Servicing Provision

Land Use	Provision	Special Considerations
C3 Dwelling Houses i) Single family dwellings Up to 5 habitable rooms 5 or more habitable rooms	Minimum of 1 space per dwelling Prefer 2 spaces per dwelling	0.1 space per unit is required for visiting parking
ii) Purpose built flats Up to 5 habitable rooms 5 or more habitable rooms	Minimum of 1 space per dwelling unit Minimum of 1.5 spaces per dwelling unit	0.1 space per unit is required for visiting parking
iii) Converted flats	1 space per dwelling unit is desired	
iv) Public Housing Flats Houses	Minimum of 0.66 space per dwelling unit Minimum of 1 space per dwelling unit	0.1 space per unit is required for visiting parking
v) Sheltered Housing Flats Houses	Minimum of 0.3 space per dwelling unit Minimum of 0.5 space per dwelling unit	
Note: Disabled Parking Spaces should be provided for developments including flats at a rate of 10% of spaces, with a minimum of 1 space per development where parking spaces are provided.		

Table 5.2: Geometric Design

Land Use	Land Use Class	Parking Bay or Hardstanding Dimension (min.)	Disabled Bay (b) Width (min.)	Off-street Service Bay Dimension (where required)	Off-street Bay Headroom (min.)	Distance from junction to Access (min.)	Carriage Access Width (min.)	Ramp Gradient (min.)	Internal Circulation Dimensions
Retail Development	A1-23	2.4 x 4.8m	3.3m	15 x 3.5(c)	5.0m	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Commercial and General Development	B1-B8	2.4 x 4.8m	3.3m	15 x 3.5(c)	5.0m	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Hotel	C1	2.4 x 4.8m	3.3m	12 x 3m (coaches) 13 x 3.5(c)	5.3m (h)	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Single family Dwelling	C3	2.4 x 4.8m (a)	3.3m	n/a	2.1m	Normally 10m (exceptionally local roads 8m)	Crossover 2.5m (maximum)	1 in 7	n/a
Purpose-built flat	C3	2.4 x 4.8m	3.3m	n/a	2.1m	10m	3.0 - 5.1m (d) (e)	1 in 7	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Small Residential Site	C3	2.4 x 4.8m	3.3m	n/a	2.1m	10m	3.0 - 5.2m (d) (e)	1 in 7	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Large Residential Site	C3	2.4 x 4.8m	3.3m	12 x 3.5m(c)	5.0m	12m	3.0 - 5.2m (d) (e)	1 in 10	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Leisure etc.	D	2.4 x 4.8m	3.3m	15 x 3.5m(c)	5.3m (h)	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Commercial Car Park	-	2.4 x 4.8m	3.3m	n/a	2.5m	12m	4.8 - 5.7m (d) (e)	1 in 10	3.5 - 5.1m (f) 5.8 - 6.1m (g)

Note: (a) This refers to hardstanding
 (b) For a single stand-alone bay
 (c) For refuse and delivery vehicles
 (d) One-way
 (e) Two-way
 (f) One-way parallel or echelon parking bays
 (g) Two-way 90° or end-on parking bays
 (h) Where coach parking is provided

Additional Considerations Affecting the Provision of Spaces

Dual Use

5.2.10 Opportunities for dual use of non-residential spaces will be encouraged wherever possible. The provision of spaces available for use during the working day will be limited to 'restraint' standards for the development(s), but where a development has a number of complementary uses, especially at different times of the day, then dual use may be appropriate. Dual use will not be appropriate for residential spaces.

Special Mobility Needs

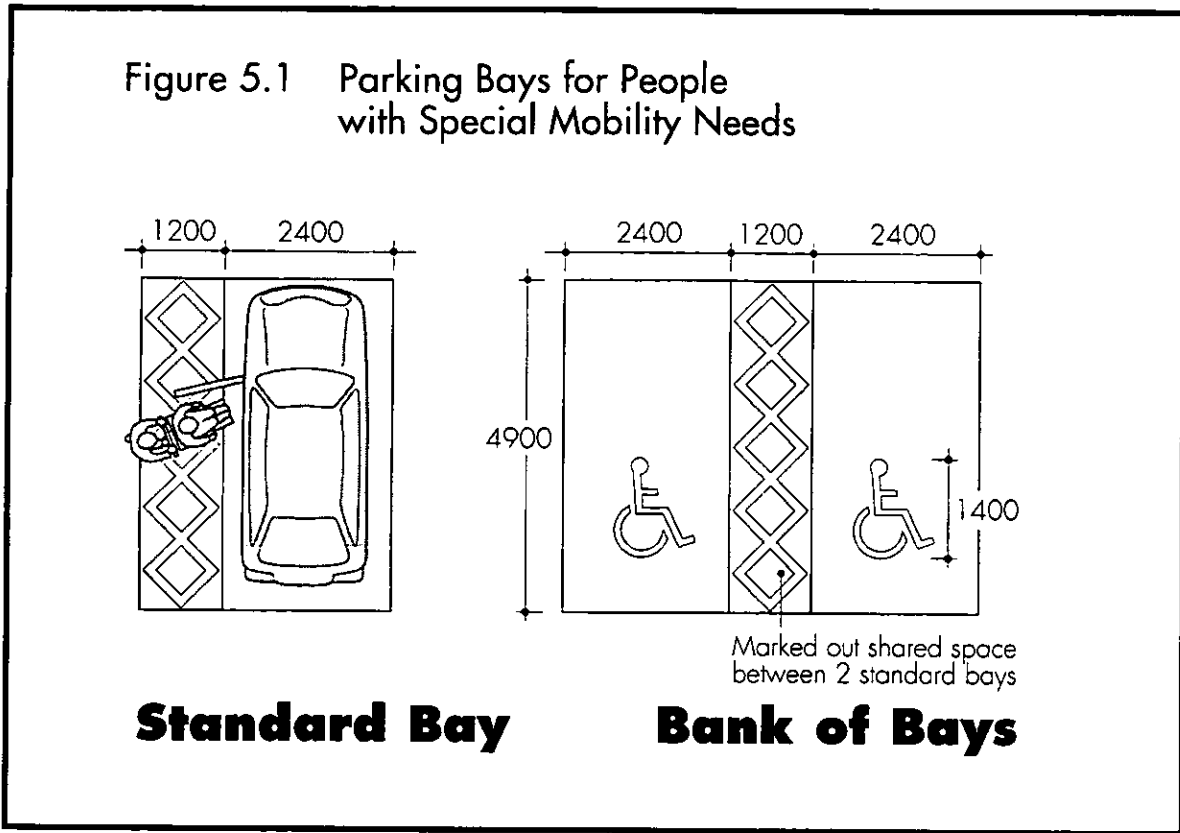
5.2.11 The Borough has a commitment to people with special mobility needs, which includes adequate parking provision in non-residential developments. Where parking provision is provided, 10% of spaces, with a minimum of 1 space in each development, must be designed and marked out for use by people with special mobility needs (see Figure 5.1). The space(s) must be located so that they are capable of use by wheelchair users and must be in close proximity to main access routes and, where appropriate, internal lifts.

Cycling

5.2.12 In applications for non-residential development the Council will seek to secure adequate cycle parking facilities. The standards for the provision of cycle parking facilities for employees is to be a minimum 1 stand per 200m² of floorspace. Additional cycle parking for visitors may be required for certain uses (see Table 5.1).

Taxis

5.2.13 Taxis are classified as public transport and therefore provision for their use is required in commercial and hotel developments. In large commercial development provision should be made for the use of taxis in line with their peak period of use. In hotel developments, applications will normally be refused unless adequate provision is made for taxis, off the public highway. Generally this will be in the form of a taxi rank or bay, within the curtilage of the hotel development. Provision of a taxi rank or bay will depend on the type of hotel use but normally any such rank should be able to accommodate 50% of peak taxi demand.



5.3 Geometric Design

5.3.1 These standards relate to developments which need to accommodate vehicular movement or parking as part of their overall design. The standards as outlined in Table 5.2 are minima, except where stated, and will normally be applied to all new developments and major redevelopment of a site. The following paragraphs should be read in conjunction with Table 5.2.

Parking Space Dimensions

5.3.2 The dimensions for car parking spaces allows for the width of the car, near side clearance and the opening of the door. For those with special mobility needs additional width is required for ease of access. The width of such spaces should be marked out (See Figure 5.1). The manoeuvring space for, or aisle width between, parking spaces will need to be appropriate to:

- the size of vehicles needing access;
- the angle and width of parking bay;
- the location of any pillars, posts or doorways on the side of the bays; and
- the location of any walls or posts opposite the bays.

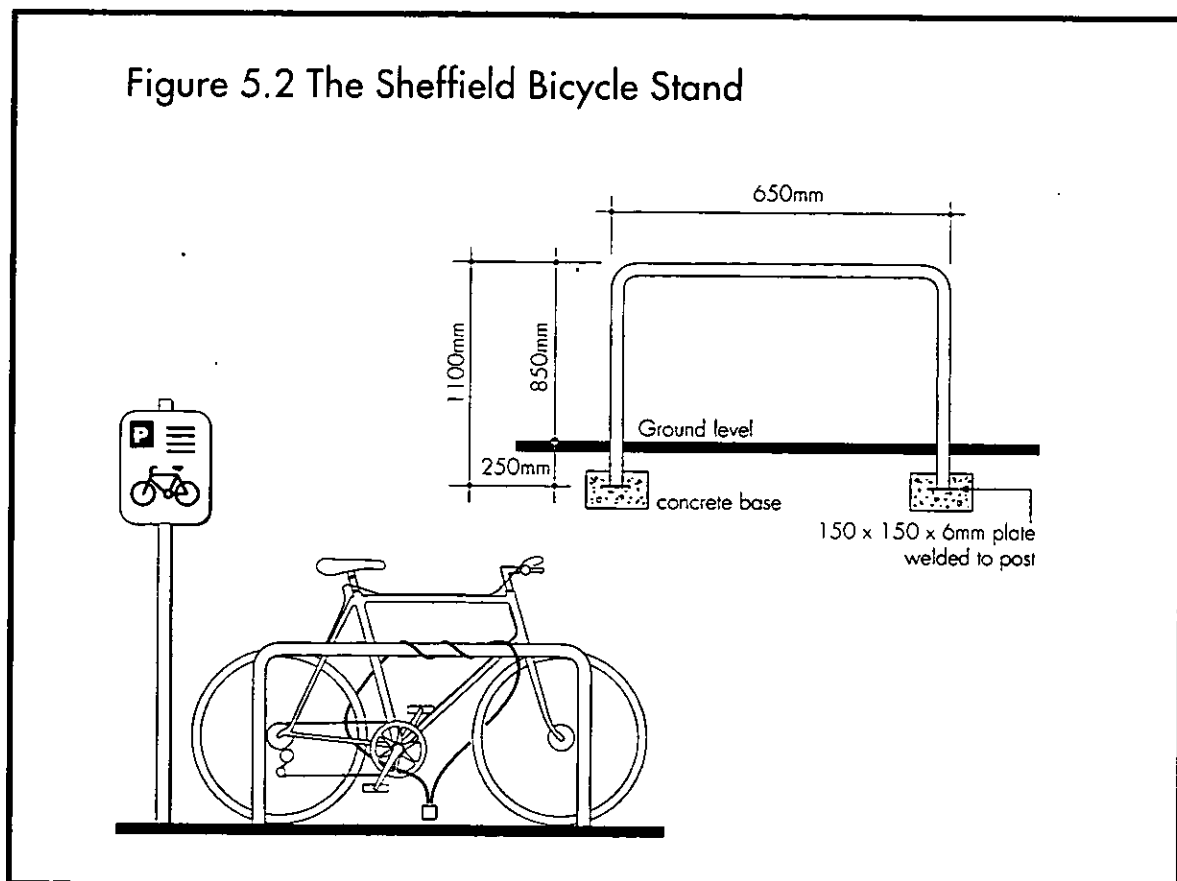
The maximum gradients to be used on vehicle access ways are shown in Table 5.2 and are presumed to be frost protected. Less steep gradients will be appropriate if such protection is not guaranteed. Gradients of 1 in 10 or steeper on vehicle access ways will need vertical transitions with appropriate adjustment to headroom and a nearly level section for a vehicle's length before joining a highway or crossing a footway.

5.3.3 Other vehicles are accommodated as indicated in Table 5.2. In most cases the requirement will be to accommodate emergency, delivery and refuse vehicles, but for hotels and other leisure sites, requirements are given, to allow for when the provision of coach standing areas is required. The minimum headroom of 5.3m reflects the need to accommodate these larger vehicles.

5.3.4 Cycle stands should be provided in visible and accessible locations where they will be well used, either inside or outside of developments. The basic requirement of cycle parking is that it:

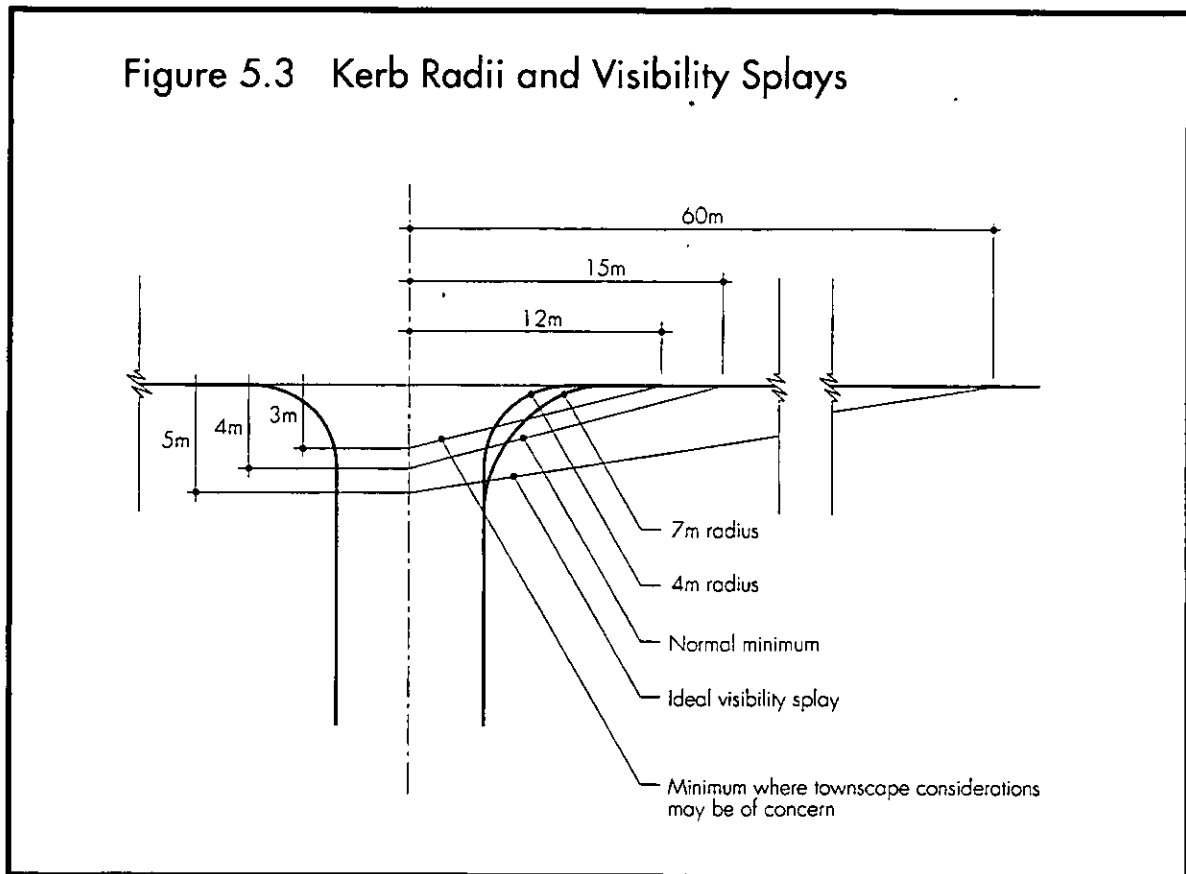
- (a) provides security against theft;
- (b) does not endanger pedestrians (especially those who are blind or partially sighted);
- (c) is visually acceptable; and
- (d) supports cycles without damaging them.

Although there are several types of parking stands, the Sheffield Stand is normally accepted as appropriate for use by the public (see Figure 5.2).



Vehicle Access Considerations

5.3.5 Dimensions of accesses vary according to the type of development. However all accesses must meet road safety and highway design standards, minimise the disruption to the footway and accord with policies set out in the Transportation Chapter. The minimum acceptable distance from a junction to an access is given in Table 5.2. Figure 5.3 shows the required kerb radii and visibility splays for accesses.



5.3.6 Where access is proposed to or from a Major Road, whether by way of a priority or signal controlled junction, the design of the access should be considered at the earliest stage in consultation with the Directorate of Highways and Traffic.

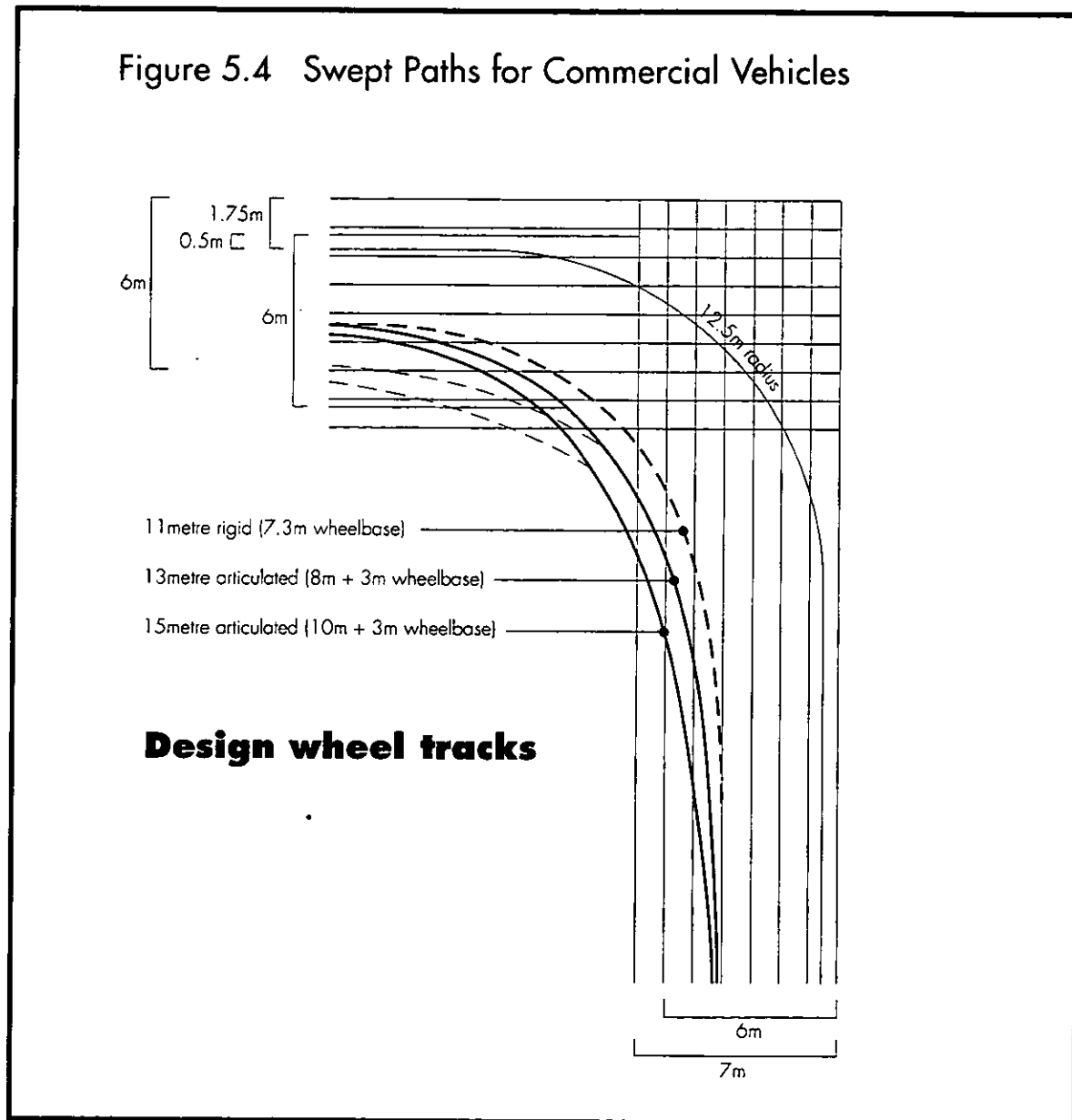
5.3.7 For single family dwellings, access will normally be via a pavement crossover. Access to other sites will normally be formed to minimise works to the footway, as well as impediment to pedestrians.

5.3.8 Access for emergency vehicles will be the same as for refuse and goods vehicle requirements.

5.3.9 Access to internal parking and servicing will often include ramps. The minimum ramp gradients are given in Table 5.2 and differ between types of development. Table 5.3 sets out the widths and radii of ramped accesses. Access ramps should not emerge straight onto the public highway and should be level from the back of the footway.

Internal Circulation

5.3.10 Vehicles should be able to manoeuvre within sites safely. Where appropriate on larger sites, traffic calming measures will be required to ensure safety. The widths of carriageway within sites are given in Table 5.2. The dimensions given for commercial car parks allows for end-on and echelon parking. Applicants are requested to provide evidence of swept paths on submitted drawings. For guidance, Figure 5.4 shows examples of the swept paths for certain commercial vehicles.



5.3.11 To ensure that vehicles, especially goods vehicles, do not need to reverse into the public highway, it will be necessary in some sites to provide a vehicle turning area. Examples of acceptable turning area layouts are given in Figures 5.5, 5.6 and 5.7.

Figure 5.5 Vehicle Turning Points in Highways

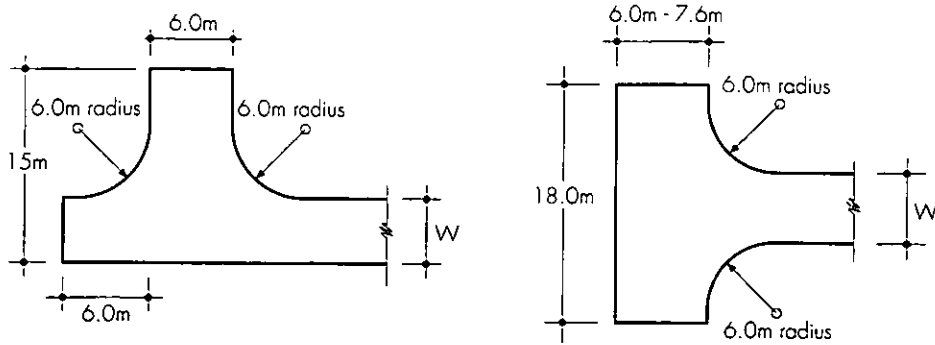
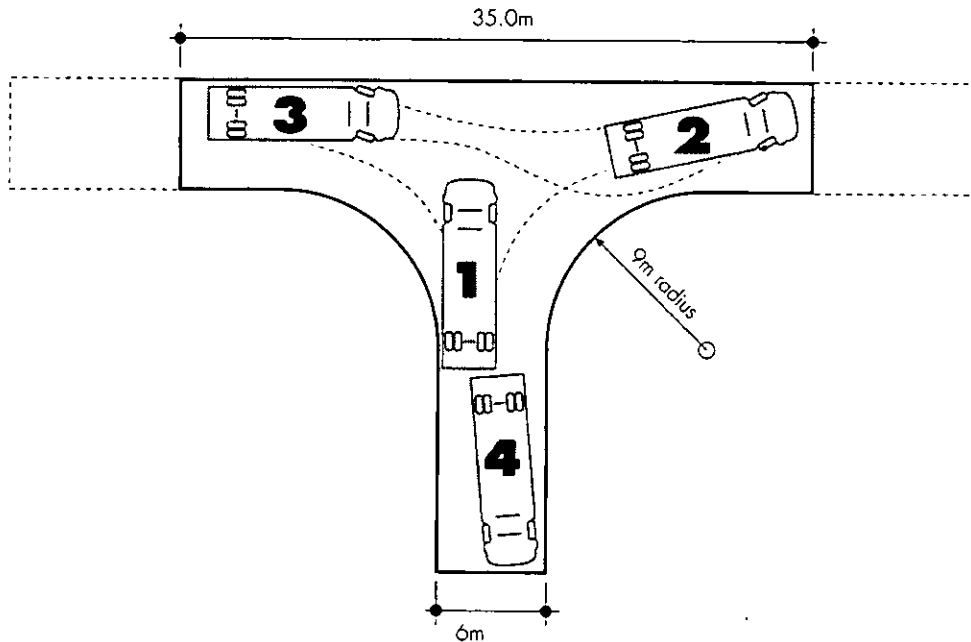


Figure 5.6 Vehicle Turning Points in Highways

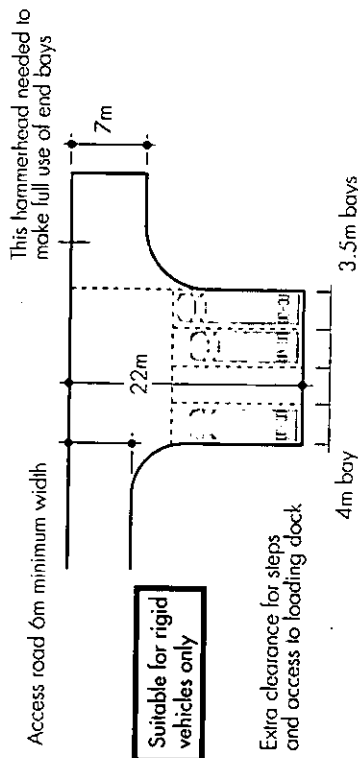
Note: If a 35m hammerhead is used, articulated vehicles cannot be accommodated



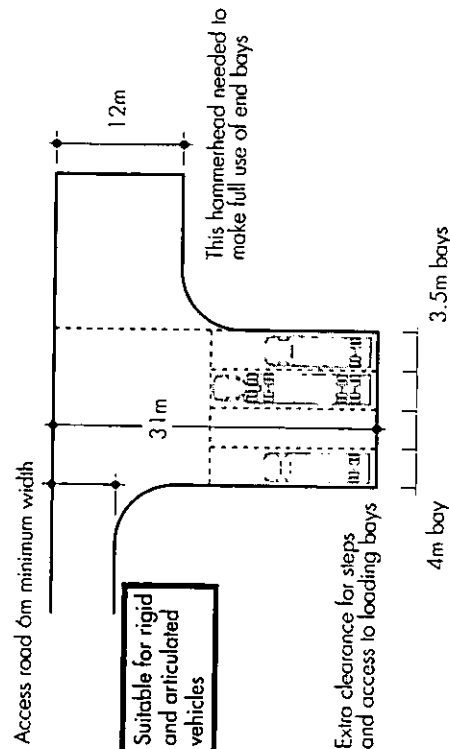
T-Turning area for "design" rigid vehicles only

Figure 5.7 Loading Bays for Heavy Goods Vehicles

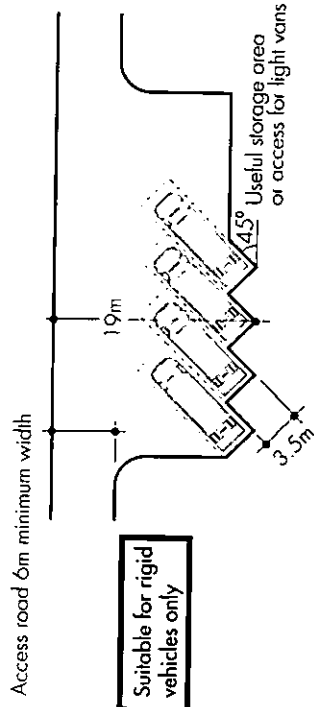
90° Loading Bays



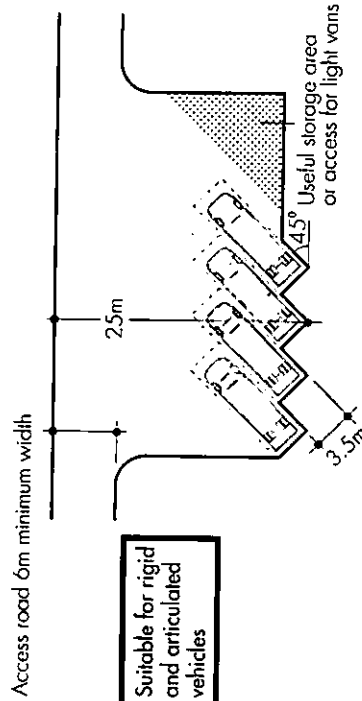
Note: These designs can be reversed left to right but drivers would be reversing in clockwise and blind to obstructions - a second person would be needed



45° Loading Bays



Note: These designs can be reversed left to right but drivers would be reversing blind
Other angles can be used (for example 60° or 50°) with proportional increases in the clearance provided



Source: 'Designing for Deliveries' © FTA 1983

Refuse, Storage and Collection

5.3.12 The Council has produced a code of practice, available from the Highways and Traffic Department, covering all aspects of refuse handling. Consultation is strongly advised before proposals are submitted, for both new buildings and the conversion of existing buildings.

5.3.13 Service roads should, wherever possible, allow for refuse vehicles to operate through a development without the need to reverse. Where the refuse vehicle must reverse into the development, provision at the entrance to it should allow for this without hindering the flow of traffic on the highway. The distance that a refuse vehicle has to reverse should not generally exceed its own length. The walking distance between the collection vehicle and dustbins to be emptied should not exceed 23m.

Pedestrian Requirements

5.3.14 The safety of pedestrians, both within developments and on the roads surrounding, is of primary importance to the Council. Thus, the aim is to minimise the number of breaks in the footway for vehicle crossings. Ideally, vehicles and pedestrians should have separate access facilities. Where this is not possible, the points of possible conflict between pedestrians and vehicles should be kept to a minimum. Any new footway should be a minimum of 1.5m, or 1.7m where street furniture has to be accommodated.

5.3.15 The doors and passageways of developments should not open onto vehicle routes unless adequate paving and sightline markings are provided. Ideally, designs should ensure that goods are not loaded or unloaded across a footway.

Transportation needs of people with special mobility requirements

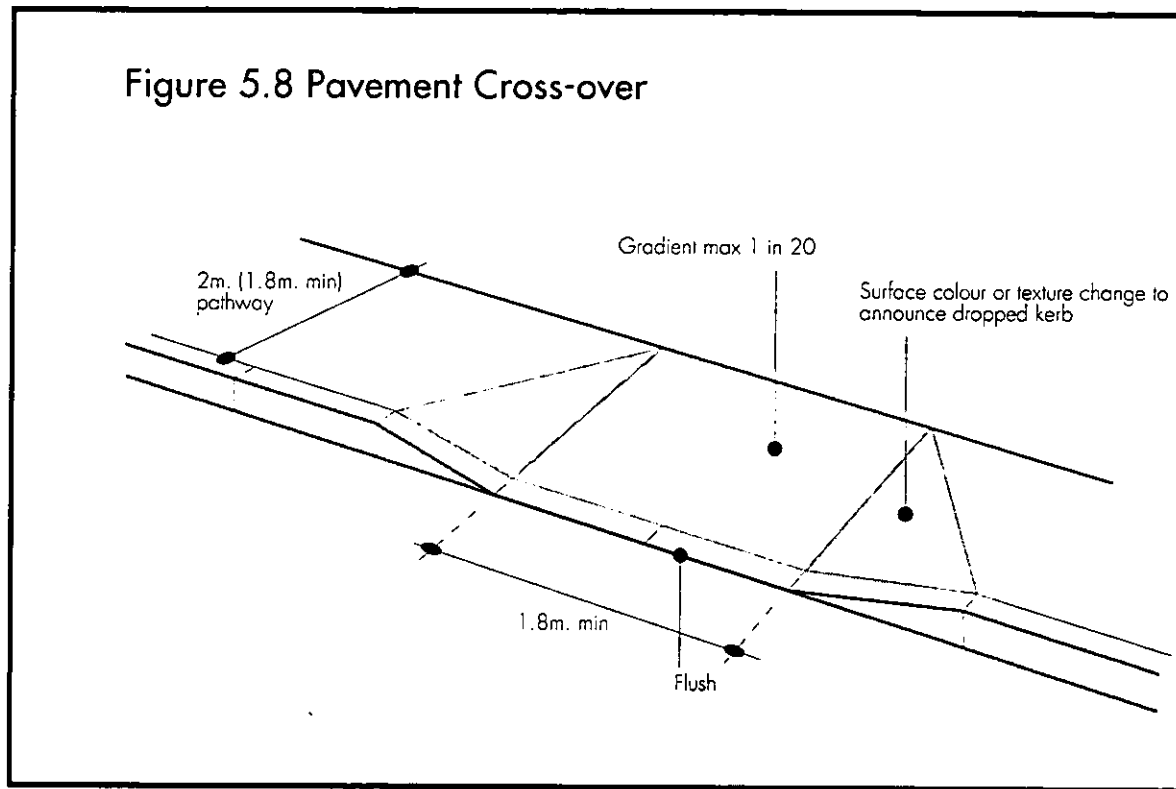
5.3.16 The Borough has a commitment to people with special mobility needs. Consideration of the needs of people with special mobility requirements is necessary in the design and implementation of parking spaces, pavements and kerbs and crossings.

5.3.17 Where parking provision is provided, 10% of spaces, with a minimum of one space in each development, must be designed and marked out for use by people with special mobility needs (see Figure 5.1). The spaces must be located so that they are capable of use by wheelchair users and must be in close proximity to main access routes and, where appropriate, internal lifts.

5.3.18 Car parking spaces for those with special mobility needs require additional width for ease of access. The width of such spaces needs to be clearly marked out (Figure 5.1).

5.3.19 Kerbs and Crossings

- (a) At all places where pedestrians are crossing roads or other vehicle carriageways, the kerb must be ramped flush to the carriageway, but constructed to a gradient not steeper than 1:10.
- (b) The crossings should be identified by a blister type tactile surface, in a colour which contrasts with the pavement for pedestrians with impaired sight.
- (c) Crossing ramps must be directly opposite one another and preferably at right angles to the carriageway.



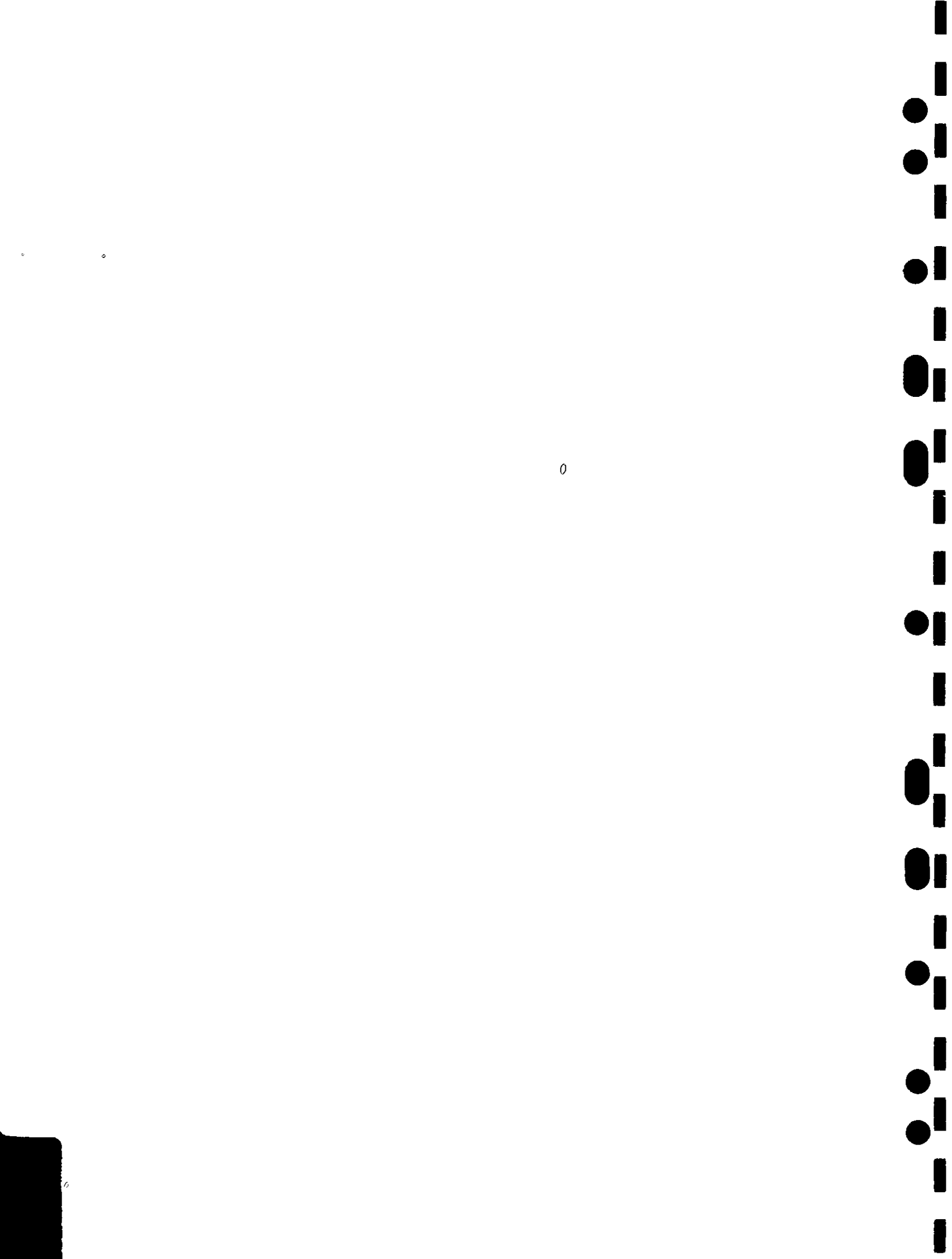
5.3.20 Pavements

- (a) All 'high use' routes must be at least 1800mm wide to allow people with prams and wheelchairs to pass without difficulty. Other routes must not be less than 1200mm wide.
- (b) Where possible, items of street furniture must be placed near the edge of pedestrian areas whilst leaving adequate space for people to walk in front of buildings.
- (c) Items of street furniture must be at least 500mm high.



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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7XX

Executive Director M.J. FRENCH FRICS Dip TP MRPI Cert IS

THE ROYAL
BOROUGH OF



**KENSINGTON
AND CHELSEA**

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FILE COPY
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FILE COPY

Switchboard: 0171-937-5464
Direct Line: 0171-361-3564
Extension: 3564
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Date: 15 March 1999

My Ref: DPS/DCSW/TP/98/01715
DoE Reference: App/K5600/A/99/1015674

Please ask for: Andrew Paterson

Dear Sir/Madam,

THE TOWN AND COUNTRY PLANNING ACT 1990
Notice of a Planning Appeal relating to: 29B STADIUM STREET, S.W.10

A planning appeal has been made to the Planning Inspectorate in respect of the above property. The appeal will be heard at an **INFORMAL HEARING** before an Inspector from the Planning Inspectorate, and will take place on 29/04/1999 at 10.00 in **Committee Room 2, at the Town Hall, Hornton Street, Kensington, W8.** This appeal is against the Council's non-determination within the appropriate period of an application for:

Insertion of a new window in the rear mansard roof addition and associated alterations to the rear parapet wall.

As a local resident or interested party, you may attend the hearing and, at the discretion of the Inspector, make representations. You may also make representations in writing to:

The Planning Inspectorate
(Room 1003) Tollgate House
Houlton Street
Bristol BS2 9DJ

Please quote the DETR's reference given above and send all representations at least 21 days before the Hearing. You are reminded that any representations made will be copied to all parties including the Appellant and the Inspector dealing with the appeal.

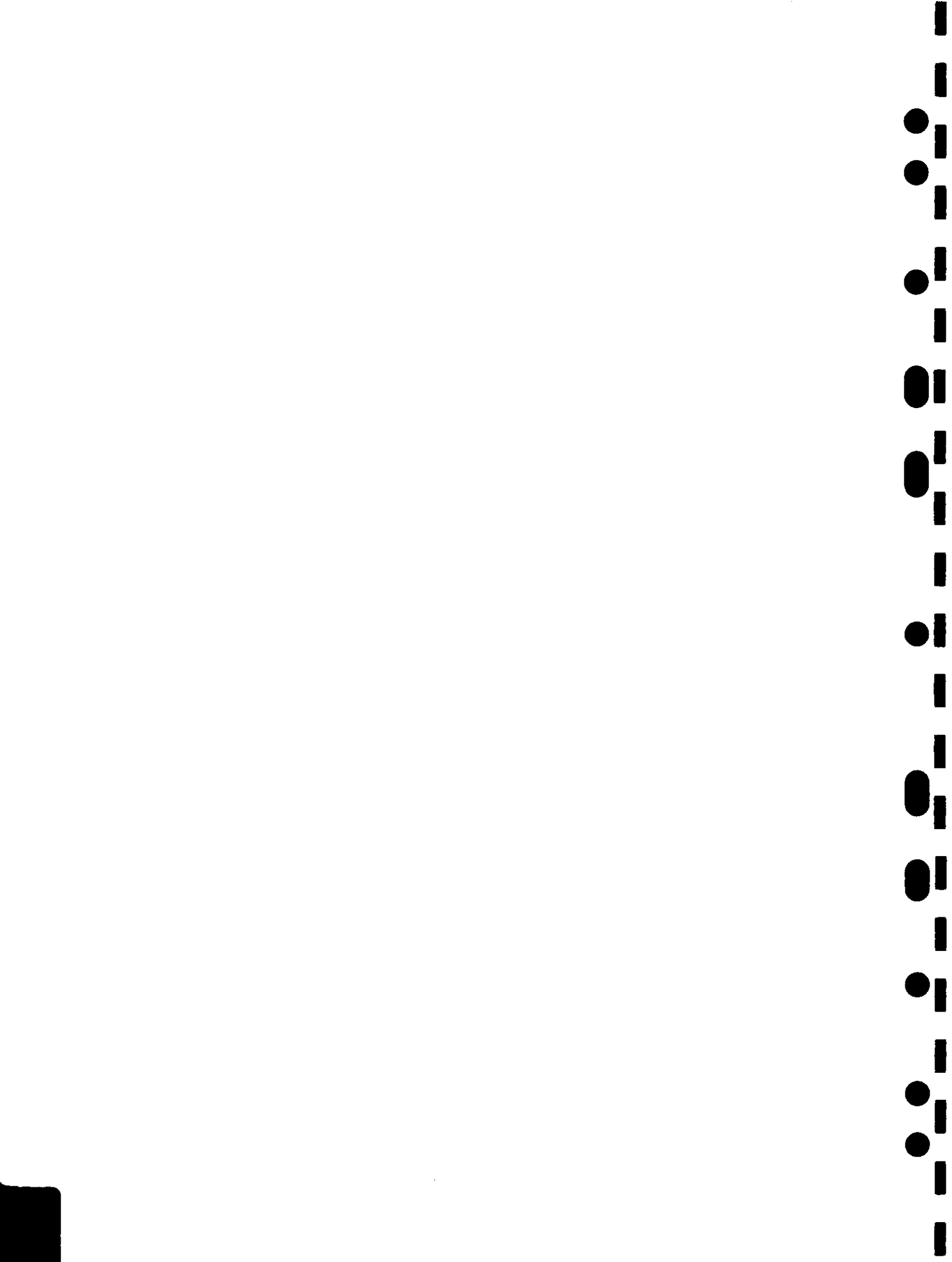
The Appellant's grounds of appeal and the Council's written statement may be inspected in the Planning Information Office at the Town Hall (please telephone ahead in order to ensure that these are available). I attach a copy of the Code of Practice for Informal Hearings. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request it.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation





PERSONS NOTIFIED OF THE APPEAL

CLLR TIMOTHY BOULTON
36 LENNOX GARDENS
LONDON SW1X 0DH

CLLR ALASTAIR WOOD
FLAT 1
51 EARDLEY CRESCENT
LONDON SW5 9JT

HUGH KRALL
THE CHELSEA SOCIETY
51 MILLMAN STREET
LONDON SW10 0DA

MR A THOMPSON, CHAIRMAN
ASHBURNHAM COMMUNITY ASSOCIATION
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MR D WING
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P OLIVER ESQ
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MISS J MUSK
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N MULOCK
27B STADIUM STREET
LONDON SW10

MR & MRS S THORPE
27C STADIUM STREET
LONDON SW10

D REHAAG
29A STADIUM STREET
LONDON SW10

E REED
29A STADIUM STREET
LONDON SW10

C LITTLEDALE
40A LOTS ROAD
LONDON SW10

THE OCCUPIERS
FLATS 1 & 2
25 STADIUM STREET
LONDON SW10

THE OCCUPIERS
31 & 33 STADIUM STREET
LONDON SW10

THE OCCUPIERS
FLATS 1 & 2
38 LOTS ROAD
LONDON SW10

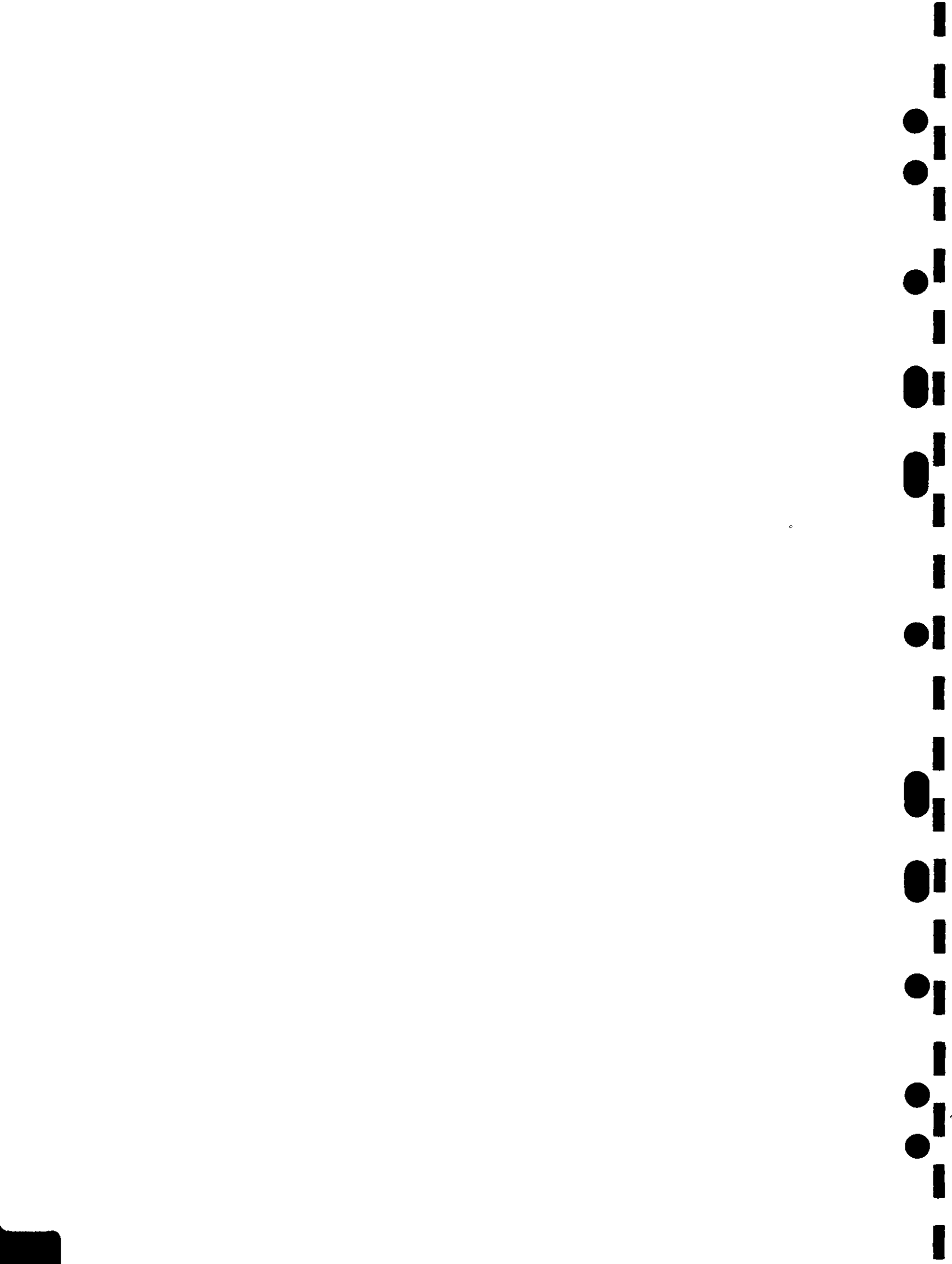
THE OCCUPIERS
38A, 40 & 42 LOTS ROAD
LONDON SW10

THE OCCUPIERS
FLATS A & B
44 LOTS ROAD
LONDON SW10

THE OCCUPIERS
THE SHOP & THE FLAT
46 LOTS ROAD
LONDON SW10

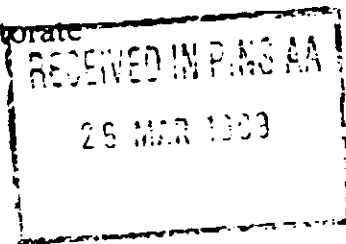
THE OCCUPIER
THE SHOP
48 LOTS ROAD
LONDON SW10





29A Stadium Street
Chelsea
London
- SW10 0PU

The Planning Inspectorate
(Room 1003)
Tollgate House
Houlton Street
Bristol
BS2 9DJ



MARCH 25, 1999

REF: DPS/DCSW/TP/98/01715
DOE: App/K5600/A/99/1015674

TO WHOM IT MAY CONCERN

With reference to the Town and Country Planning Act 1990, Notice of a Planning Appeal Relating to: 29B Stadium Street, London, SW10, I wish to notify you that I have experienced a lack of peaceful enjoyment of my property (29A Stadium Street) ever since the Dawsons have been involved in their many constructional projects.

The conditions of my flat have still not been fixed. The installation of the plumbing and rainwater downspouts, continue to leak and cause a hazardous condition for me to walk outside my back door into my back yard.

The inappropriate installed soil pipe continues to leak some substances every time the flat 29B is in use.

There have been various items in my flat that have been damaged and not fixed or done - not up to building code. I have been exposed to living with substandard, broken, and/or hazardous conditions in my flat as a result of the work carried out for the Dawsons. For example, my gas boiler/heater was damaged by water from construction work. I was told it was fixed by the Dawsons, yet it was found to not be burning gas properly, and I had been living in the flat under these conditions.

I have tried, and am still trying, to obtain assistance from the Council to resolve these problems. However, the Dawsons consistently are making false counter claims and have been harassing me in many ways.

They bang on their floor over my flat if there is the slightest sound from my flat.

They have been calling my phone number at **4 and 5 a.m.** until I had to pay to change to have my telephone number made ex-directory.

After they could not call my number, they started ringing my doorbell, and I have had to switch it off too - which has made me miss registered mail. They bang the front door to the building late at night when they enter the building and then climb their wooden (**uncovered**) stairs, waking me up every night.

They put their washer and dryer on at **11.30 p.m. until 1 a.m.** or longer - which makes a great deal of noise and vibrates. I still do not know whether any insulation was installed at the time they removed my kitchen ceiling for their remodelling purposes.

They have come down to my flat door and banged on it and when I answered, one of the larger male residents/visitors of 29B shouted at me in an intimidating way that they did not like the smell of my cooking.

They have left the front door to the building open - allowing not only cold air into the building, but exposing me to less safety from the street at night.

They removed my TV antenna during construction and never reinstalled it - I had to use an internal antenna for over a year until my daughter came from America and reinstalled my aerial so I was able to get a clear and non-crackling picture.

I am elderly, living alone, am on income support, (my daughter and son-in-law in America purchased my flat for me), and I suffer from glaucoma and therefore I spend most of the time at home.

Further, because of:

- 1) The deplorable conditions that the negligent and inappropriate building works carried out on behalf of the Dawsons,
- 2) The lack of their concern to rectify the faults appropriately and in a timely manner,
- 3) The loss of sunlight into my little flat and garden,

- 4) The loss of use of my back garden from all the plumbing, leakage (that is still not fixed),
- 5) The tremendous amount of building construction noise, for as much as 10-12 hours per day (Saturdays and Sundays also),
- 6) The unpleasant abuse and harassment I have had to tolerate from the Dawsons and the many people residing and or visiting 29B Stadium Street,
- 7) Any many other concerns that would take too long to list,

I should like to inform you that the Dawsons and their company are not only extremely unpleasant, and inconsiderate people, but they are doing everything possible to make my life miserable, and are attempting to make me leave my flat, when I have every right to be here, and have been here for the last 15 years, many more years than the Dawsons.

I expect if this new work is approved, that I will have to experience yet more building construction noise and inconvenience.

I find it amazing that the Dawsons could be permitted to carry on creating more disturbances and new building work, when they still have not made right the terrible conditions that I am still having to live with as a consequence of their past construction work - work that has interfered with my peaceable and safe use of my flat.

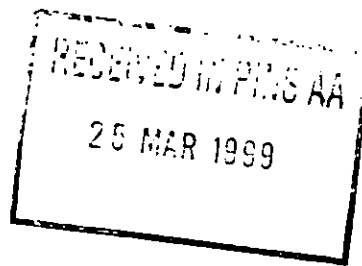
Should you wish for ~~my~~ further details or explanations, I would be more than happy to provide them to you. Please also see various previous correspondences that I have sent to you between September 1997 through to May 29, 1998.

I look forward to hearing from you.

Yours sincerely,



Dorothy M. Rehaag (Mrs.)



23rd March 1999

The Planning Inspectorate
(Room 1003) Tollgate House
Houlton Street
Bristol BS2 9DJ

42 Lots Rd
Chelsea
London
SW10 0QF

Your ref: DPS/DCSW/TP/98/01715

Dear Sir,

I am writing in response to your letter of 15th March.

I have no objection to the proposed works at 29B Stadium Street. They ought to proceed.

Improvements to properties raise property values, to the benefit of all residents and ultimately the council itself. The Planning authorities are therefore acting wrongly in placing obstacles in the path of home improvements.

Yours sincerely,

T J Broadbent

6 pages

27a & 27c Stadium Street
London
SW10 OPU

RECEIVED IN PINS AA
- 1 APR 1999

March 29 1999

Dear Planning Inspectorate

re: 29b Stadium Street SW10
ref: DPS/DCsw/tp/98/01715

DoE Ref: App/K5600/A/99/1015674

Unfortunately we are unable to attend the Informal Hearing on April 29th, however we would be most grateful if you can kindly ensure this letter and attached correspondence is submitted and considered.

WE DO OBJECT to the insertion of new window and associated alterations to the rear parapet wall as we feel this is an attempt to override both the Council's and the Planning Inspectorate's prior decision of refusal after their breach of building conditions.

We will lose amenities from our properties if there is access to the roof of 29b; the close proximity ie terraced houses means that it will result in us having to close our windows and doors in the summer as it will prove too noisy, I am completely overlooked into my garden, kitchen, bathroom, and living room at 27a, I have only a bedroom to escape into from the intrusive noise and overlooking from 29b roof, at 27c we are overlooked into our living room, toilet, bathroom and bedroom. It is time to stop using precedent as the reason for granting permission when residents, possibly such as we who have lived at our homes for 10 or more years are to suffer to our detriment.

We have been greatly affected by 29b as outlined in the attached correspondence, our objections remain the same, we are just trying to retain some privacy and peace and to prevent our properties from being further devalued. The above & attached will become a reality if you grant this appeal as we are speaking from experience, we would like to reiterate that if access to the roof is possible via a new window/door then Miss Dawson will be able to entertain outside on the roof as she did so before. The result was a noisy & inconsiderate affair (on more than one occasion) lasting past nightfall, the roof is quite large enough to entertain several guests, we were completely overlooked, we had to shut our doors/windows as the noise was intrusive, this in itself is unfair in warm weather as it was last September especially as my (27a) only means of ventilation to my living room and kitchen open directly below 29b, I only have my bedroom as an alternative room and I do not feel it fair that I have to live in my bedroom to escape the noise from 29b, it was far too noisy and overlooked to contemplate sitting in my small garden.

We respectfully ask and implore you not to grant this appeal.

Yours sincerely

J. Musk

Miss J Musk
27a

Miss Thorpe

Mr & Mrs S Thorpe
27c

PLEASE MAY WE HAVE A COPY OF THE DECISION

27a & 27c Stadium Street
London
SW10 OPU

Oct 9 1998

Dear M J French Planning & Conservation

REF: DPS/DCSW/AP/TP/98/1715 29b STADIUM STREET, SW10

We do most strongly object to the proposed works at 29b Stadium Street.
for the following reasons:

1. There would not be an existing opening if 29b rear extension had been built to the original granted plans. It only currently exists because there was a serious breach of building conditions. PLEASE REFER TO MR RICHARD FOWLER'S REPORTS RE RETROSPECTIVE PLANNING TP NO TP/95/2335 I.E. THE COUNCIL'S REFUSAL AND THE APPEAL WHICH WAS DISMISSED TP/97/2551.
2. It would appear the wall has partially been rebuilt in an attempt to reinstate the originally approved plans. However, the wall does not appear to be the permanent structure that it should be, ie it has only been built with a single line of bricks instead of the double thickness of the original plans.

Should their new plans be approved, this would mean that this wall would have to be knocked down to insert the full length window. PLEASE REFER TO THE ORIGINAL GRANTED PLANS AS THIS INDICATES HOW THE REAR EXTENSION SHOULD HAVE BEEN CONSTRUCTED IN THE FIRST PLACE AND HOW A FULL LENGTH WINDOW WILL AFFECT THE WALL AND GIVE ACCESS TO THE ROOF.

If these plans are approved we will have no peace or privacy as Miss Dawson will have direct access to the roof, which will mean that we will be directly overlooked into our properties and garden, as we have previously explained the distance between 27 & 29 is only approximately 10-12 feet at most as these are small terraced houses.

It is one thing to knowingly purchase a property that is entirely overlooked, with very little natural light, but quite another to have imposed upon you by a neighbour's large extension, especially when we have lived in our homes for approximately 10 and 15 years respectively in addition to which we received no compensation for the devaluation of our properties and general inconvenience of noise & dirt for over six months whilst the original building works were in process.

3. The reasons for our objection to this plan remain the same as in our previous objections. PLEASE REFER TO THE RETROSPECTIVE PLANNING AND THE APPEAL OBJECTIONS.

Our privacy and peace will be completely lost. We have already experienced Miss Dawson's entertaining on the roof and it was quite intolerable, the noise was most intrusive as was the feeling of being overlooked also very unpleasant. Indeed, there is already an electric outdoor light fitted to the wall to enable Miss Dawson to entertain past nightfall and we feel the granting of the full length window without wall as opposed to a medium sized sash window with wall will allow access to the roof.

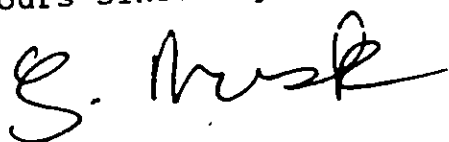
4. The rear extension at 29b has affected all of us at no.27 to our detriment in varying amounts with respect to:-

- (a) loss of daylight
- (b) loss of privacy
- (c) loss of space and openness
- (d) devaluation of our properties, and
- (e) removing amenities as detailed in our previous objections

5. The most upsetting point is that had the orientation of the sun in relation to both properties been taken correctly into account initially, and had the bulk size of the rear extension on 29 not been so large, we at no.27 would not have been so drastically affected, and the ongoing problems since the completion of the extension might not have occurred.

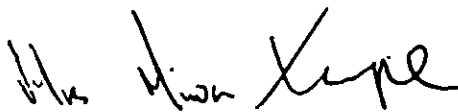
Therefore, we respectfully ask that you consider our objections and implore you not to grant permission for the change of design to the rear mansard of 29b.

Yours sincerely



MISS J MUSK

27a



MR & MRS S THORPE 27c

because that was the nature of old properties — start tampering with them and unpleasant things happen. Oh yes, he concluded happily, this house could swallow you up.

from the council

to 70 cubic metres or 15% of the size of the house. In conservation areas, virtually any change, such as installing double glazing, requires permission. If you ignore the council, they can fine you or order you to restore the property to its original state. The chances of avoiding detection are small. Council officials told me privately that they usually heard from residents, builders, architects, even traffic wardens, when a property was being developed. Even if they did not, aerial surveys of the borough revealed unauthorised changes.

ruptive because people use them for parties in the summer. I pointed to the house opposite with a hut in the middle of the roof. She frowned and said it must have been built ages ago because the council would not have given permission for anything like that in the past decade. Looking up planning law, I discovered that councils allow certain developments — such as loft conversions, garages, gates, walls, fences and sheds — in unlisted areas, provided they fall within rigid formulae. You cannot, for example, add an extra floor to your semi. It is limited

bathroom. He was honest, helpful and fair, and had renovated houses himself. But as it turned out, Ray had also

Daunted by lady

the procedure. She said a building control inspector would have to approve structural alterations, such as removing a section of the kitchen wall. If he was not happy he would tell my builders what to do. If I refused he would issue an enforcement notice and send in council-approved builders, who were very expensive. We moved up to the roof. I described the proposed terrace and she looked at me as if I had just said I intended to install a swimming pool. No, I said, out of the question. Mr. Freeman, she said sternly, the council does not like roof terraces. Principle: They are a

conservatory and outlined my plan — a glass and wooden structure, like the ones in colour supplements, and a counter to replace the kitchen wall, so

I ASSUMED I could do what I wanted with my new home, provided changes were in keeping with the area. Other houses had roof terraces so I thought the council would nod through my application to build one. I had forgotten that London councils monitor developments closely, especially in conservation areas like mine. And that I would not be allowed simply to copy my neighbours. I asked the town hall if I needed permission to rearrange my back yard and build a roof terrace. I most certainly did, a woman said. She came round to inspect the house and explain

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NEWSFLASH

ment decisions. City dealing rooms are adopting similar technology and the distinction between private and professional screens is narrowing. One broker at the Financial Mail on Sunday City Information Show, which took place in October, commented that he hoped to quit the City soon and start trading from home. This might well be the start of a migration of professionals turning amateur.

HARLES Schwab in the US halted trading in a number of Internet stocks before Christmas. For example, the initial public offer in information services company Zoom.Com saw the share price triple when trading started. Some users appear to be faster at pressing the 'sell' button than their professional counterparts. Investors are also using the Internet to share the latest research and information. Online forums, known in the US as communities, bring

27a & c STADIUM STREET
LONDON
SW10 OPU

August 3rd 1998

Dear Planning Inspectorate

ref: APP/K5600?A/98/292873
29b STADIUM STREET SW10

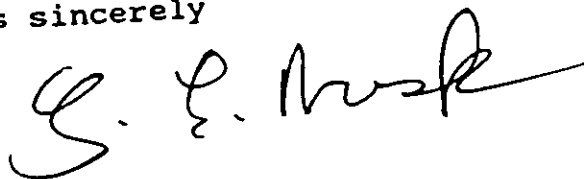
Thank you for your letter.

We are very much relieved that you dismissed the appeal for the retention of works at the above address. However, we were rather surprised that you felt we would not be unduly affected if the roof were to be used as a terrace.

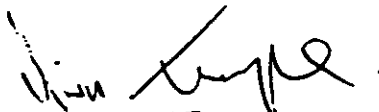
Therefore we would like to reiterate that we would be affected to our detriment if such a terrace was to be allowed, it would greatly affect our privacy and peace. We have already experienced the roof being used as a terrace last September, the noise was intrusive to the extent we had to close our windows and doors, most unfair in summer/warm weather, and our privacy was completely lost, I felt unable to use my garden plus it was too noisy. The roof is adequate enough in size to allow Ms Dawson to entertain guests which resulted in the above, this is why we are speaking from experience and not how we imagine it might be.

With the above in mind we should like this letter duly noted in case of another appeal.

Yours sincerely



MISS J E MUSK



MR & MRS S THORPE

27a & 27c Stadium Street
London
SW10 OPU

June 15th 1998

Dear Mr Fowler

REF: 29b Stadium Street SW10

This is to confirm that, the bathroom roof of 29b was used as a terrace to entertain last September on more than one occasion. The weather was very warm and because of the intrusive noise caused by the guests on the roof we had to close our windows. This was quite unfair, especially as they were aware of the noise they were creating and continued without any thought for others. The guests were eating and drinking on the roof, we had to tolerate not only the noise but also our privacy was intruded upon.


Please do not hesitate to contact us if you wish to discuss this further.

Yours sincerely



Miss J Musk

27a



Mr & Mrs S Thorpe 27c

UOP changes . S15 .

Zwangsset | 28 Jan .
J