

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

R.B.K.C.  
APPROVED BY  
THE COUNCIL ON  
- 7 MAR 2000

PLANNING SERVICES COMMITTEE 07/03/2000 APP NO. PP/99/02516/CHSE/50  
AGENDA ITEM NO. 4036

19

ADDRESS

38 Smith Street,  
Chelsea, SW3 4EP

APPLICATION DATED 09/12/1999

RECOMMENDATION  
ADOPTED

APPLICATION COMPLETE 14/12/1999

APPLICATION REVISED N/A

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA Royal Hospital CAPS Yes

Damian Minto  
for Rosemont Architecture and Surveying,  
212 St. Ann's Hill,  
London  
SW18 2RU

ARTICLE '4' No WARD Cheyne

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 11 OBJECTIONS 2

SUPPORT 0 PETITION 0

Applicant David Wright

PROPOSAL:

Extension of closet wing at first floor level to rear of property and replacement window to upper ground level.

RBK&C Drawing No(s): PP/99/02516  
Applicant's Drawing No(s): 1999.179A/S01, 02, 03, C01, C02 and C03

RECOMMENDED DECISION: Grant planning permission



**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**  
*Reason As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
  
2. **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. (C071)**  
*Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)*
  
3. **The existing sash window upon the upper storey shall be reused on the lower storey of the existing closet wing at upper ground floor level.**  
*Reason - To preserve and enhance the character and appearance of the Conservation Area.*
  
4. **Any external rainwater goods shall be cast metal painted black and so maintained.**  
*Reason - To preserve and enhance the character and appearance of the Conservation Area.*

**INFORMATIVES**

1. I09
2. I10
3. I21

## 1.0 THE SITE

- 1.1 The application relates to a four storey (including basement level) mid-terrace property. The terrace runs along the southern side of Smith Street and backs onto properties in Charles II Place. The property is a single family dwellinghouse.
- 1.2 The property lies within the Royal Hospital Conservation Area. It is not a listed building.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a rear extension at first floor level above the existing rear projection to have a depth of 3 metres. It is proposed to be constructed in matching brick with timber sash window. It is also proposed to replace an existing window at upper ground level.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1984 for the erection of a rear extension at basement and ground floor levels.
- 3.2 In 1995 planning permission was granted for the erection of a dormer window at roof level and a rear staircase from the ground floor to the garden.
- 3.3 There is a current application for the erection of an outbuilding to the rear of the garden (PP/99/2568) which is currently under consideration.

## 4.0 PLANNING CONSIDERATIONS

- 4.1 The main issues for consideration relate to, firstly, the impact that the proposal may have on the character and appearance of the Conservation Area, and secondly, the impact the proposal may have on the amenities of neighbouring properties.
- 4.2 The relevant policies for consideration are as follows:
- CD25 (High standard of design);
  - CD28 (Sunlight and daylight);
  - CD41 (Rear extensions);
  - CD48 (Preserving and enhancing the character of Conservation Areas);

- CD52 (Preserving and enhancing the character of Conservation Areas);
- CD53 (High standard of design within Conservation Areas);

4.4 The proposal involves the erection of a rear extension at second floor level above the existing rear extension, with a depth of 3 metres. There is a random arrangement of rear extensions upon the terrace which appears to have suffered considerable bomb damage. The proposed extension will be visually subordinate to the parent building and will not extend rearwards beyond the general building line. It will be constructed in matching brick with timber sash window which is considered acceptable. Given that there are other extensions at this height, the proposal is not considered to result in harm to the character and appearance of the building, the terrace or the conservation area and complies with policies CD 41 and 52.

4.5 Secondly, with regard to the impact the proposals may have on the amenities of neighbouring properties, the relevant policies for consideration are CD28 and CD41. CD28 resists development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings. Policy CD41 resists proposals for rear extensions if they would result in any significant worsening of sunlight and daylight conditions or cause an undue cliff-like effect or sense of enclosure to neighbouring property.

4.6 The proposed extension would not project beyond an angle of 25 degrees in plan when measured from the centre of the nearest window to the adjoining property to the west (no 39). Therefore, it is considered that the proposed extension will not cause any significant loss of light to this adjoining property and it is in accordance with guidelines for daylight and sunlight as set out in the UDP.

4.7 The proposed extension does not have any windows to the side elevation and the property is a significant distance (approximately 20 metres) from properties to the rear in Charles II Place and so it is not considered that the proposal will result in any significant increase in overlooking. Therefore, the proposal is considered to comply with Policy CD40.

**5.0 PUBLIC CONSULTATION**

5.1 Nine adjoining properties have been consulted in Smith Street and Charles II Place.

5.2 Two letters of objection have been received from the owner/ occupier of the two adjoining properties to the west (no. 39 and 40 Smith Street) expressing objection on the following grounds;

5.2.1 The proposal will result in a loss of light.

The proposed extension would not project beyond an angle of 25 degrees in plan when measured from the centre of the nearest window to the adjoining property. It is considered that the proposed extension will not cause any significant loss of light to this adjoining property and it is in accordance with guidelines of daylight and sunlight as set out in the Unitary Development Plan.

5.2.2 Existing extensions go up to limits of permitted development.

An application for planning permission has been made for the extension since it exceeds permitted development allowance. However, the property has a large garden of approximately 95 square metres and it is considered that this further minor extension of the existing house is not an overdevelopment of the site.

5.2.3 Create undesirable precedent for other similar extensions in Conservation Area.

It is considered that since there are already similar extensions on the terrace, that further extensions will not cause harm to the character and appearance of the Conservation Area. The proposal follows established precedent rather than creating an undesirable precedent.

6.0 RECOMMENDATION

6.1 Grant Planning Permission.

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

**List of Background Papers:**

The contents of file PP/99/02516 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: SG**  
**Report Approved By: BC/LAWJ**  
**Date Report Approved: 22/02/2000**

**PSC00.03/SG.REP**