

BB
28/4

16, Godfrey St.,
Chelsea,
London SW3 3TA

Tel: 0171-352-9831

(86) (signature)

27th April 1999

Your Ref: DPS/DCSE/PP/99/00740/CT

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
28 APR 1999 (54)							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEs	

Dear Sirs,

Re: Planning permission – 14 Astell St. London SW3 3RU

Thank you for your letter re the above application. I would like to draw your attention to the impact the proposed rear extension will have on our property 16, Godfrey St. This house is directly opposite the rear of the proposed extension and the rearmost wall of the extension will be less than 15ft from our back wall since the intervening alleyway (Danube St) is very narrow at this point. The extension will therefore be the narrowest gap at first floor level anywhere in Danube St and will make the street even more closed in. The extension will therefore block out a considerable amount of light to the first and second floors of our house. There are windows in the rear of 16, Godfrey St. which will be directly opposite any windows placed in the rear wall of the proposed extension. The extension will therefore constitute a significant intrusion into our privacy and indeed that of our immediate neighbours.

Yours sincerely,

Antony Watson



99/7401CT

198/2715

16 ASTELL STREET,
LONDON SW3 3RU
0171 352 6111



87

24th May '99

Dear Mr. Turner,

Thank you for meeting us last week.

In connection with the positioning of the back wall on the first floor of the proposed extension, we would like to make a further comment. If this wall is positioned in line with the front line of the "cut-in" which currently exists and which we discussed, it would in fact be further out than our first floor back wall.

No. 14 has no side-facing windows other than a bathroom window which is blocked out: we have several side-facing windows.

This is perhaps yet a further reason why any extension wall should be, if erected at all, at the very most in line with the back line of the "cut-in".

We are of course hoping that this extension will not take place for the reasons we discussed.

Yours sincerely,

J.K. Buckenham

J.K. Buckenham

Mr. C. Turner,
RBKC Planning Dept.,
London.

RECEIVED BY PLANNING SERVICES									
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16 ASTELL STREET,
LONDON SW3 3RU

Reported to PSC 20/7
FILE 99/0740
(88)
5th July '99
R. Beck/CT

Dear Sir,

TOWN & COUNTRY PLANNING ACT 1990
14 ASTELL STREET SW3
Your ref. DPS/DCSE/PP/99/0740

BB
5/7

Thank you for your letter of 28th June, enclosing a set of amended plans re the above.

We still object to the proposed development for the reasons applicable in our letter of 11th May.

The first floor proposed extension, though there has been a relatively minor amendment, will still have a considerable adverse effect on our house.

Would you be kind enough to pass on our views to the Planning Services Committee.

Yours truly,

J.K. BUCKENHAM

ATTENTION Mr. Bruce Coey,
Area Planning Officer for Executive Director of
Planning & Conservation.

R.B.K. & C.
TOWN PLANNING
- 5 JUL 1999
RECEIVED

reported to PSC 20/7

FILE 99/0740'

ASTELL STREET ET AL RESIDENTS ASSOCIATION
(Astell, Britten, Burnsall, Godfrey and St. Luke's Streets - all situate in Chelsea)

89
[scribble]

26 St. Luke's Street
London SW3 3RP

6th July 1999

M.J. French, Esq
Planning & Conservation
RBK&C
Town Hall
Hornton Street
London W8

RECEIVED BY PLANNING SERVICES							
HDC	N	C	SW	S	PLN	CON	DES
- 9 JUL 1999							
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[scribble]

Dear Sir,

Re: 14 Astell Street, London SW3 3RU ref: DPS/DCSE/PP/9900740/CT

20/7
9/7

We refer to the above planning application.

It seems to us that the application will have a seriously deleterious effect on the neighbouring property to the north, No. 16 Astell Street, in terms of the blocking out of so much light, and upsets completely the original design of these groups of twinned houses in which the architect made careful plans by which the house to the north had access to light (for rooms, staircases and corridors) largely undisturbed by the bulk of the house to the south, which in turn had a slightly different floor layout. These careful plans, which are not apparent from the plans accompanying the application and can only be properly appreciated from a site visit, will be totally disrupted if the application is granted and the work carried out. It would also seriously affect the property immediately opposite on the other side of Danube Street.

In general terms, we would consider that the application represents a drastic over-development of the site, particularly bearing in mind that the house is already one of 5 bedrooms and 3 bathrooms in a very small area. It is certainly not a question of adapting an old property so as to conform to present day standards.

Astell Street is a conservation area and a homogeneous whole with well thought out variation in the house styles, not just those fronting onto the street but also the backs of the houses and although the passer-by is of course concerned with the street facade, a conservation area should be viewed as a whole.

We believe that residents wish to conserve the features of an area which almost certainly attracted them to the area in the first place and that these features would have been the raison d'etre of the conservation area.

Accordingly, we oppose this application.

Yours faithfully,

Q. Morgan Edwards
Co-Chairman

reported to PSC 20/7

FILE 99/0740

~~scribble~~ 90

16, Godfrey St.,
Chelsea,
London SW3 3TA

Tel: 0171-352-9831

10th July 1999

Your Ref: DPS/DCSE/PP/99/00740/CT

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	AD ACC		
68		13 JUL 1999							
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Dear Sirs,

Re: Planning permission – 14 Astell St. London SW3 3RU

Thank you for your letter re the above application. The revised proposals are obviously better than the original although it is a little difficult to gauge from the plans how far the proposed extension has been set back from Danube Street. We still object to the revised proposal for the reasons set out in our earlier letter. If however some development is to be permitted could we suggest that it comes no closer to the rear of our house than the existing structure to the rear of number 12 Astell St.

EBB
14/7

Yours sincerely,

Antony Watson



ROYAL BOROUGH OF KENSINGTON AND CHELSEA
THE TOWN HALL KENSINGTON W8 7NX 0171-937 5464

reported to PSC 20/7
FILE 99/0740

COPY TO
EX-DIR.

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	ACK		
99		16 JUL 1999				100			
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Mr French
Executive Director,
Planning and Conservation
The Royal Borough of Kensington & Chelsea
The Town Hall
London W8

PP/99/0740

12 July 1999
By hand

Dear Mr French,

14 Astell Street, London SW3 -
Application number: DPS/DCSE/PP/99/00740/CT

I am writing to place on record my opposition to the works proposed to the above premises in the planning application, due to the adverse effect they will have on the amenities currently enjoyed at the neighbouring property, 16 Astell Street.

Having been to visit the site, it is clear that the properties which back on to a small mews known as Danube Street, were carefully designed to allow each property to receive light and air without detriment to the neighbouring premises. Hence the design of the rear of each house is built so as to allow light to the neighbouring premises, without being intrusive on each neighbour's privacy, so one house has its windows to the rear of the premises and the neighbour house has its windows at the side of the house.

The applicant's house has its windows at the rear of the house and whilst their proposed works will benefit the applicant, they will substantially decrease the light to the neighbour's house, which has its windows on the side of the premises. Both the proposed elevation of the extension and the density of filling in all the open space at the rear of the house will have a detrimental effect on Mr Buckenham's premises at number 16 and his quality of life. Number 16 will lose much light to habitable rooms, as well as the house as a whole and the density of the works proposed are not appropriate for the houses in question.

I urge the Council to refuse this application.

Yours sincerely

Joanna Gardner

Councillor Joanna Gardner

(92) 

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Appeal under Section 78 of the Town and Country Planning Act, 1990 (as amended by the Planning and Compensation Act 1991) by Mr and Mrs Farah against the refusal of planning permission for the erection of rear extensions at first and second floor levels, by the Royal Borough of Kensington and Chelsea, at 14 Astell Street, SW3

Local Authority Reference: DPS/DCSE/PP/99/0740

DOE Reference: APP/K5600/A/99/1027147

STATEMENT

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1.0 THE SITE AND SURROUNDING AREA

1.0 Site

1.1 The application relates to a three storey property which lies on the eastern side of Astell Street backing directly onto Danube Street. The property is a single family dwelling.

1.2 The property lies within the Chelsea Conservation Area. The site is shown on the enclosed map. (See Appendix 1)

2.0 RELEVANT PLANNING HISTORY

2.1 On 14 April 1999, an application for planning was received by the Council. The application sought consent for the erection of rear extensions at first and second floor levels of the property.

2.2 Planning permission was refused by the Council on 30 July 1999. The reason for refusal is as follows:

"The proposed first floor rear extension, due to its height, bulk and detailed design, would be harmful to the amenities enjoyed by the occupiers of the adjoining properties and harmful to the character and appearance of this part of the Chelsea Conservation Area, contrary to policy set out in Chapter 4 of the Unitary Development Plan, in particular Policies CD28, CD41, CD52 and CD53.

2.3 The decision letter is included as Appendix 2.

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3.0 STATUTORY PLANS AND POLICIES

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

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

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

"Where 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."

3.4 PPG15 (September 1994) Planning and Historic Environment, outlines the policies which local planning authorities should take into consideration when determining applications on listed buildings and in conservation areas. In particular, paragraph 4.14 of PPG15 states:

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

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3.5 Paragraph 4.18 continues:

“Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials).”

3.6 Paragraph 4.19 states:

“The Courts have recently confirmed that planning permission in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character and appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be over-ridden in favour of development which is desirable on the grounds of some other public interest.”

4.0 UNITARY DEVELOPMENT PLAN POLICIES

4.1 The Council considers that the main issue to be addressed in this case relates to; firstly, the effect that the development will have upon the character and appearance of the parent building, the streetscape and the character and appearance of the Chelsea Conservation Area of which it forms part; and secondly, the impact that the proposal will have upon the amenity of the neighbouring residential properties.

4.2 The Unitary Development Plan (UDP) includes strategic policies in addition to local, topic based land use policies. The strategic policies which are of relevance in this case are as follows:

STRAT 6 To protect Listed Buildings and to preserve the character and appearance of Conservation Areas, areas of

Metropolitan Importance, Areas of Local Character, and other buildings or places of interest.

4.3 Chapter 4, the Conservation and Development Chapter (Appendix 3) includes four objectives which the Council wishes to see achieved through the policies of that Chapter. These objectives are as follows:

- (A) To protect or enhance areas of character throughout the Borough, both in terms of use and 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.**

4.4 Policy CD25 of the Unitary Development Plan is applicable to all development throughout the Borough, and states:

“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.”

4.5 There are a number of policies in this Chapter which are specifically relevant to development in Conservation Areas. Policy CD52 states:

To ensure that any development in a conservation area preserves or enhances the character or appearance of the area.

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4.6 Policy CD53 states:

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.

4.7 Policy CD41 is the specific policy which relates to rear extensions. It states:

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;**

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- (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).**

4.8 In terms of the impact of proposals on the daylight experienced by neighbouring properties Policy CD28 is relevant. It states:

“Normally to resist development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces.”

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5.0 AMPLIFICATION OF COUNCIL'S REASONS FOR REFUSAL

5.1 The proposal, the subject of this appeal, is for the erection of a rear extension at first floor level, on the flat roof of the existing ground floor extension. The extension will be 3.7 metres wide and will project approximately 3.5 metres from the existing rear wall of the property. The extension is to be of brick to match the rest of the property, with a single window set within it.

5.2 Permission was also sought to extend the existing bathroom at second floor level by 500 mm. This aspect of the application is considered to be non-contentious and to comply with Council policy as set out in the Royal Borough's Unitary Development Plan.

Impact of first floor extension on character of property and of surrounding Conservation Area.

5.3 The principle of the proposed extension is not considered to comply with Council policy as set out in the Royal Borough's Unitary Development Plan as is not considered to preserve or enhance the character or appearance of the Chelsea Conservation Area.

5.4 The proposed extension lies to the rear of the property and directly abuts Danube Street to the west. Danube Street is amongst the narrowest roadways in the Borough and at some point is little more than an alleyway with the very close proximity of the rear elevations of Godfrey Street and Astell Street. As a result the immediate area is unusual in that it creates a townscape which is highly enclosed and oppressive. The fact that the rear elevations of the Astell Street buildings step down in height towards Danube Street is an important element in ameliorating the oppressive and narrow nature of Danube Street. A further rearward extension to the rear of the Astell Street buildings is likely to worsen the perception of oppressiveness of Danube Street. Such extensions will particularly have a profound effect at first floor level.

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5.5 The proposal will involve a rear extension which will, by reason of the extension's height and bulk, worsen the existing narrow and oppressive enclosed nature of Danube Street at this location. In this respect the proposal is considered to be contrary to Policy CD53 (b) which reads :

“To ensure that all development in conservation areas is to a high standard of design and is compatible with :

**(b) bulk and height
of surrounding development”**

5.6 The extension is particularly harmful given the fact that it would effect the narrowest part of Danube Street where the lack of an appropriate sense of openness is particularly noticeable. The proposal is therefore considered to harm the character of the Conservation Area at this point. Despite aspects of the proposal, such as window alterations, which are welcomed as potential enhancements, the extensions, by reason of their relationship with Danube Street are considered to neither protect or enhance the character of the conservation area and contrary to Policy CD52, which reads :

“To ensure that any development in a Conservation Area preserves or enhances the character or appearance of the area”

5.7 In addition the increase in the rear extension, in particular at first floor level, will result in an overall extension which is overly large in relation to the parent building and fails to be sufficiently visually subordinate to the building. In this respect the proposal is considered to be contrary to policy CD41 (d) which reads :

“Normally to resist proposals for rear extensions if :

(d) The extension would not be visually subordinate to the parent building”

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Impact of the proposal on the amenity of the surrounding occupiers

5.8 The property which will be most affected by the proposed first floor extension is No. 16 Astell Street which lies immediately to the north of the appeal property. No. 16 Astell Street has a number of windows in the flank elevation of the existing ground and first floor levels which will look over the application property. The dining room at ground floor level and a bed room on the first floor are the rooms which will experience the greatest potential effect as all other rooms are either non habitable and, therefore, are of less significant, or have other windows not affected by the proposal. The proposed first floor extension will have a material impact on both the outlook and on the daylight experience by the dining room. Similarly the proposed extension will have a material impact on the sense of enclosure experienced by the bed room in the rear outreach at first floor level. The current view from this bed room window is of the existing flank wall of the application property. The erection of the first floor level extension will increase the sense of enclosure still further.

5.5 Conclusion

The proposed first floor rear extension is contrary to Policy set out in Chapter 4 of the adopted Unitary Development Plan, in particular Policies CD25, CD28, CD41, CD52 and CD53 as fails to preserve or enhance the character and appearance of the Chelsea Conservation Area.

6.0 RESPONSE TO THE APPELLANT'S GROUNDS OF APPEAL

6.1 The appellants do not appear to have raised any material planning considerations.

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7.0 CONDITIONS

- 7.1 If the Inspector is minded to grant planning permission for the erection of the extension to the rear of the property at first and second floor levels it is considered that the following conditions should be attached to safeguard the character and appearance of the Chelsea Conservation Area and the amenity of the neighbouring occupiers:

Condition:

The Development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

As required by section 91 of the Town and Country Planning Act, 1990 to avoid the accumulation of unexercised planning permissions.

Condition:

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.

Reason:

The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area.

Condition:

All work and work 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.

Reason:

In order to safeguard the character and appearance of the Conservation Area.

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Condition:

The roof of the extension hereby permitted shall not be used at any time as a terrace without the prior approval in writing of the local planning authority.

Reason:

To protect the privacy and amenities of neighbouring properties.

Condition:

No water tank, lift motor room, or other roof structure, shall be erected which rises above the level of the roof hereby permitted.

Reason:

In order to safeguard the character and appearance of the Conservation Area.

8.0 CONCLUSION

- 8.1 In the Council's opinion, the proposed rear extension at 14 Astell Street is considered to be unacceptable for the reasons given in the Refusal Letter of 21 July 1999 and as amplified in this statement. It is respectfully requested that this appeal is dismissed by the Secretary of State.