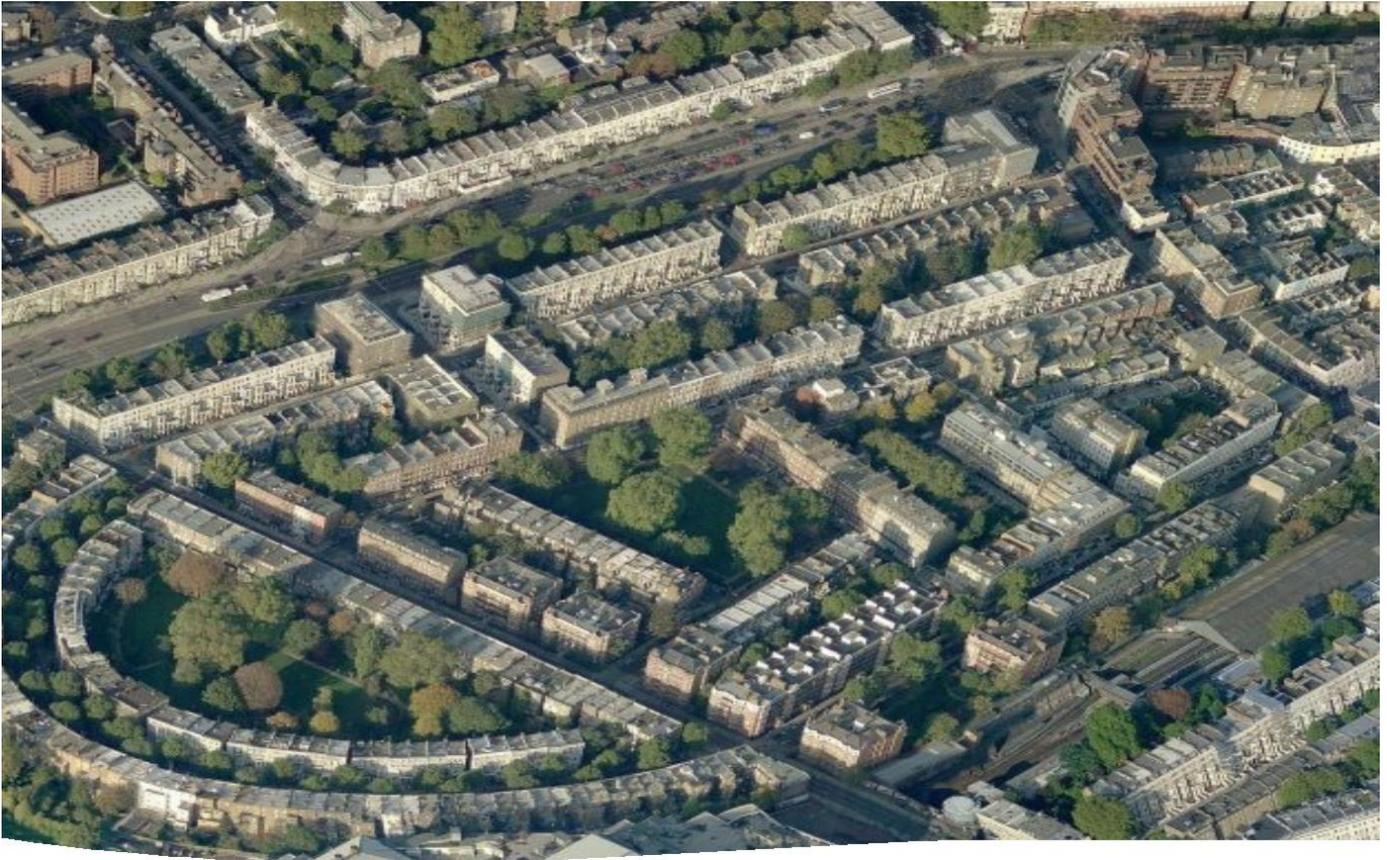


building on success



## Conservation and Design Draft Policy for Public Consultation

**Partial Review of the Core Strategy**

**December 2012**

This is a Local Development Document under the Town and Country Planning (Local Planning) (England) Regulations. This consultation relates to Regulation 18.



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA



## **Conservation and Design**

### **Draft Policy for Public Consultation**

#### **Partial Review of the Core Strategy**

## **Consultation Information**

This document has been published for comments for an 8 week period from Thursday 6 December to 31 January 2013.

If you would like to respond to this document please do so by Thursday 31 January 2013

## **Contents**

Introduction

Extracts, showing changes, from the Core Strategy:

- Chapter 33, Engaging Public Realm, some sections only
- Chapter 34, Renewing the Legacy, full chapter

## **Introduction**

This document sets out how the Council proposes to incorporate current planning policy contained in the Unitary Development Plan (UDP)<sup>1</sup> into the Core Strategy, to ensure the policy is up to date, and thus compliant with the government's National Planning Policy Framework (NPPF). It is not intended that the meaning of the policies, or of the Core Strategy as a whole, is altered as a result of the proposed changes. The Council has issued these proposed changes as Draft Policy for public consultation.

### *Background*

In March 2012 the Government introduced the National Planning Policy Framework (NPPF)<sup>2</sup>. At the same time, new regulations governing the production of planning policy were published.<sup>3</sup> Between them, these documents have introduced changes to which the Council needs to respond.

The main changes are:

- Introduction of a 'presumption in favour of sustainable development' – if a planning application meets all the requirements of planning policy, permission should be granted without delay
- A greater emphasis on economic growth, and the need to incentivise growth and housing delivery
- An emphasis on the need to have up to date policies based on clear and up to date evidence.

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<sup>1</sup> UDP, Core Strategy and NPPF are explained in following text.

<sup>2</sup> The NPPF replaced previous national planning guidance contained in Planning Policy Guidance (PPG) and Planning Policy Statements (PPS).

<sup>3</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012.

- Changes to the terminology – previously planning documents formed part of the Local Development Framework or LDF. This term is no longer in use. Similarly, Core Strategies and other related documents will be called Local Plans.

### *The Council's planning policies*

The Council's long term vision for the Borough, and the planning policies used to determine planning applications, are set out in the Core Strategy. This was adopted in 2010, and largely replaced the Unitary Development Plan (UDP). However, some policies in the UDP were not replaced, and remain current planning policies. With the NPPF's emphasis on ensuring plans are up to date, we are reviewing all the remaining UDP policies.

All the UDP policies will be superseded as a result of current reviews. It is proposed that some are incorporated into the Core Strategy, and some deleted.

### *Current policy reviews*

The Council is currently undertaking a number of reviews. This *Conservation and Design* review sets out how the Council proposes to incorporate current and well used Conservation and Design policies of the UDP policy into the Core Strategy. These are the policies prefixed 'CD'. As part of the review we have considered whether policies need to be retained, and it is proposed that some policies are deleted. In addition to this consultation document, schedules detailing changes and showing proposed deletions are available on the website.

In addition, there is a '*miscellaneous matters*' policy review to cover matters not addressed in this review, or other topic reviews – see below. It is available for public consultation alongside this document. Details can be found on the website.

Other reviews of the Core Strategy are also taking place. Both *Enterprise* and *Housing* are being reconsidered in the light of the Government's emphasis on economic growth and housing delivery. Issues and Options papers on both these topics were issued for consultation in the autumn of 2012, and can be found on the Council's website.

The Council is also reviewing its policies for *Pubs* and related uses, and for *Basements*, sometimes known as subterranean development. These reviews are in response to local issues, rather than the national agenda set in the NPPF. The Pubs and related uses review will shortly be submitted to the Planning Inspectorate for Examination. The Basements consultation has been issued for public consultation, alongside this document. Again, further information can be found on the website.

### *Stages of consultation*

This consultation document sets out Draft Policy.

Often in developing policy, the Council will prepare an 'issues and options' paper for public consultation. This was the approach taken recently in relation to Housing and Enterprise (see above). However, consultation should be proportionate. As the scope of this document is to roll forward well used and current policies in the UDP into the Core Strategy, a full Issues and Options

stage did not seem appropriate. Instead, the Council held an open public workshop<sup>4</sup> on to ensure that public views were taken into account in preparing the Draft Policy presented in this document.

Once the Council has received your comments on this document, if necessary it will be revised. It will then be 'published'. At this stage there is a further opportunity for public comment, but comments are limited to whether the policies are sound – that is justified, effective, positive and in line with national policy and regulations. Any comments are then submitted along with the Councils' published policy to the Planning Inspectorate for an Examination in Public.

People who have submitted comments on the publication policy can appear at the Examination. The Inspector then prepares a report, which is binding on the Council, before the Council adopts the policy.

#### *How this document is set out*

This document contains extracts from the Core Strategy (see contents) that need to be brought up to date. Text to be deleted is shown ~~struck through in black~~. Text to be inserted is shown **underlined in red**. The full policy or section in which the change is proposed is shown, so that the change can be seen in context. Please note, it is only the changes that are the subject of this consultation.

We consider that the changes made in this document to the introductory chapters, policies and reasoned justification<sup>5</sup> are compliant with the NPPF.

It should be stressed that these amendments are **not intended to alter the policies**, nor the meaning of the plan taken as a whole. We are re-wording policies and their supporting text so that it is up to date and integrated into the Core Strategy, to ensure they are as effective as possible.

#### *How to respond to this consultation*

Please use the comment box to respond **only** to the highlighted text that is being changed. In making your comments please say if you agree or disagree with the change. In the case of disagreement, please explain why. Given that the focus of this review is to comply with the NPPF, please indicate if you disagree with the content of the policy, or if you think the change is not compliant with the NPPF. The NPPF is available on-line [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) .

Please send us your comments by 31 January 2013. Full details of how to comment are given at the beginning of the document.

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<sup>4</sup> This meeting was held on 23<sup>rd</sup> October 2012 and attended by 19 people. The notes of the meeting are available on the Council's website. It was advertised through the planning weekly e-bulletin, Planning Direct. To sign up to receive this weekly bulletin please go to the Council website.

<sup>5</sup> Reasoned justification is the supporting text that sits alongside a policy, which sets out the reasoning that justifies the particular policy.



## Contents

Chapter 33.....	9
Engaging Public Realm.....	9
33.1 INTRODUCTION.....	9
CO 4: Strategic Objective for an Engaging Public Realm.....	9
33.2 WHAT THIS MEANS FOR THE BOROUGH .....	9
33.3 PLANNING POLICIES.....	12
Street Network .....	12
Policy CR 1: Street Network.....	13
Three-dimensional Street Form.....	13
Policy CR 2: Three-dimensional Street Form .....	14
Street and Outdoor Life .....	14
Policy CR 3: Street and Outdoor Life.....	15
Streetscape.....	15
Policy CR 4: Streetscape .....	17
Parks, Gardens, Open Spaces and Waterways.....	18
Policy CR 5: Parks, Gardens, Open Spaces and Waterways .....	19
Trees and Landscape.....	20
Policy CR 6: Trees and landscape .....	21
Servicing .....	22
Policy CR 7: Servicing.....	22
33.4 CORPORATE AND PARTNER ACTIONS.....	23
Corporate or Partnership Actions for An Engaging Public Realm .....	24
Corporate or Partnership Actions for An Engaging Public Realm (contd.) .....	25
Chapter 34.....	27
Renewing the Legacy .....	27
Conservation, quality and design.....	27
34.1 INTRODUCTION.....	27
CO 5 Strategic Objective for Renewing the Legacy .....	27
34.2 WHAT THIS MEANS FOR THE BOROUGH .....	27
34.3 PLANNING POLICIES.....	28
Context and Character .....	28
Policy CL1: Context and Character .....	30
Design Quality.....	31

Policy CL2 Design Quality .....	32
Heritage Assets - Conservation Areas and Historic Spaces .....	33
Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology.....	34
Policy CL 3: Heritage Assets - Conservation Areas and Historic Spaces.....	34
Policy CL 4: Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology .....	35
<del>Amenity</del> Living Conditions .....	36
Policy CL 5: <del>Amenity</del> Living Conditions .....	38
Small-scale Alterations and Additions .....	39
Existing Buildings – Roof Alterations/Additional Storeys.....	40
Policy CL 6: Small-scale Alterations and Additions.....	40
Existing Buildings – Extensions and Modifications .....	41
Policy CL 8: Existing Buildings – Roof Alterations/Additional Storeys.....	41
Policy CL 9: Extensions and modifications .....	43
Shopfronts.....	44
Views .....	45
Policy CL10: Shopfronts.....	45
<del>High Buildings</del> Building Heights.....	46
Policy CL 11: Views.....	46
Policy CL12: Building Heights .....	49
34.4 CORPORATE AND PARTNER ACTIONS.....	50
Corporate or Partnership Actions for Renewing the Legacy .....	51

## Chapter 33

### Engaging Public Realm

*A sense of place, attractive streets, parks and outdoor spaces*

#### 33.1 INTRODUCTION

**33.1.1** Kensington and Chelsea is distinguished by a high quality network of streets, squares and public spaces. The public realm is widely recognised and valued for providing the setting for our rich architectural heritage. This is a strategic matter for the Royal Borough, being central to our success as an attractive place to live, work and visit. Establishing a new street network, based on our historic patterns, will be at the heart of the successful regeneration of the north, and enhancing the public realm will be a key part of maintaining the success of the Borough as a whole.

**33.1.2** The public realm is not just the two-dimensional streetscape, although that is an important component. The public realm is the full three-dimensional space of streets and parks, and how they connect together and contribute to making our neighbourhoods and centres distinctive and memorable. It is the public realm therefore which gives the Borough its strong sense of place. The way buildings relate to streets, and the way streets relate to one another, are thus as important as the management and maintenance of the streetscape and our parks and gardens.

**33.1.3** *An Engaging Public Realm* is an integral part of the Core Strategy's central vision of *Building on Success*. It is regarded as critical by residents to their quality of life, and also underpins the national and international reputation of Kensington and Chelsea

#### CO 4: Strategic Objective for an Engaging Public Realm

Our strategic objective for an **engaging public realm** is to endow a strong local sense of place by maintaining and extending our excellent public realm to all parts of the Borough.

#### 33.2 WHAT THIS MEANS FOR THE BOROUGH

**33.2.1** The streets, spaces and places provide a range of opportunities for external living, whilst making it easier and more attractive to walk, cycle and take public transport. They are also the location of the world renowned Notting Hill Carnival.

**33.2.2** Open spaces support physical as well as passive activities, from playing sport to sitting and relaxing. They are places where people meet and come together. Paying particular attention to making the public realm safer and more enjoyable improves external living, whilst also enhancing the appearance of the Borough.

**33.2.3** The Exhibition Road redevelopment is a prime example of the Council's innovative approach to single surface and de-cluttering of the streets. The design principles of single surface rests on making drivers more aware of other road users and their surroundings, thereby lowering traffic speeds in the presence of pedestrians and improving safety. This approach has been modelled on Kensington High Street, which has received international praise for its ground-breaking approach to clutter reduction and streetscape improvements.

**33.2.4** There is very high public satisfaction with the appearance and maintenance of our streets and public spaces, with success derived from inherent design quality, use of high quality materials and craftsmanship, and regular maintenance. The Royal Borough is ranked third out of all London Boroughs in terms of residents' overall satisfaction with the local area<sup>6</sup>.

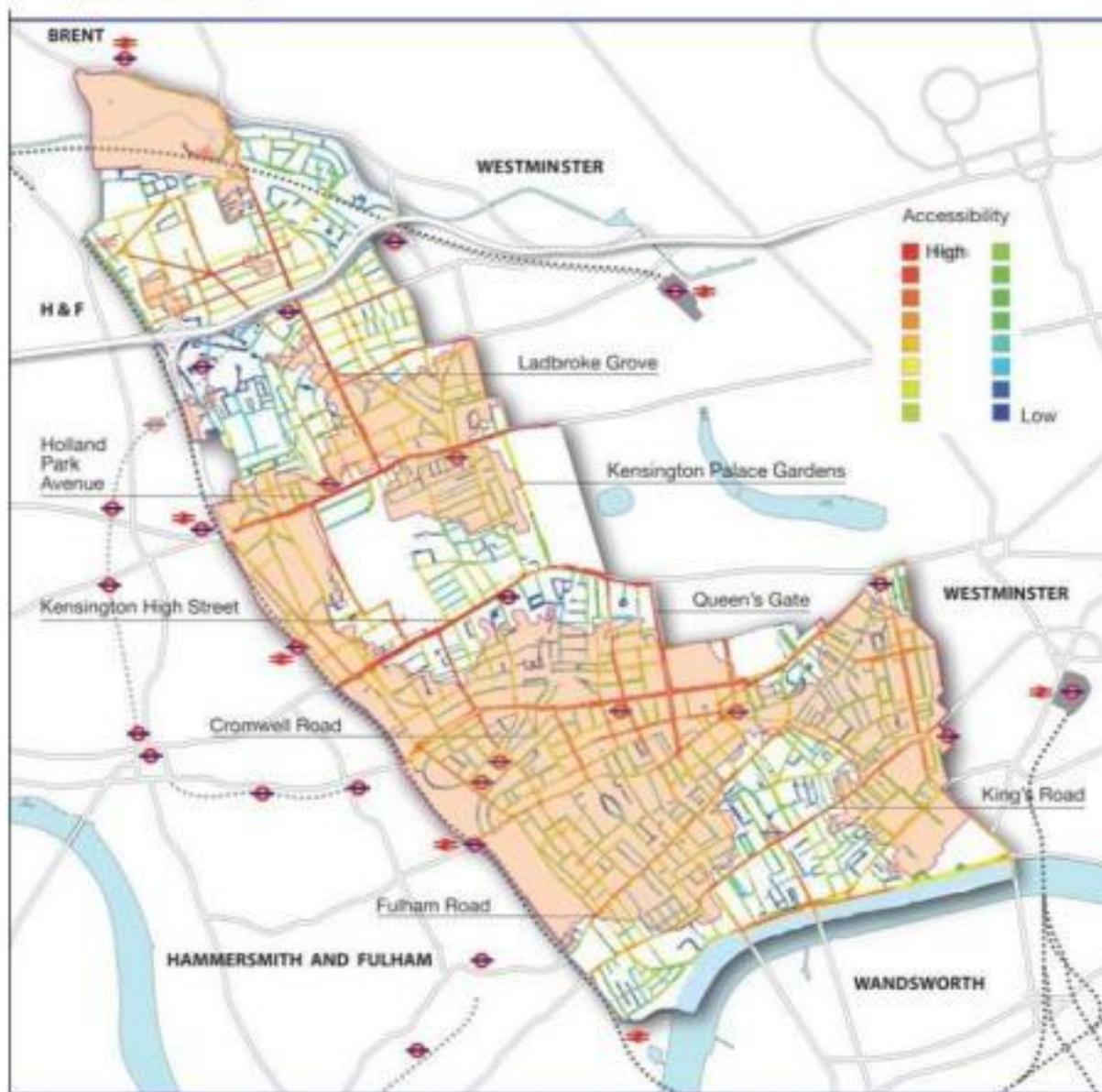
**33.2.5** However, there are parts of the Borough where the public realm is of a lesser quality and in need of significant attention. Areas such as the Westway, Cromwell Road, the Earl's Court One-Way System, Kensal, World's End and Latimer. Establishing a new and improved street network, drawing from the Borough's historic patterns and public spaces, will be at the heart of the successful regeneration of these areas.

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<sup>6</sup> Provisional scores for the National Indicators via the Place Survey 2009].

## AN ENGAGING PUBLIC REALM

This map shows all of the Borough's roads and how well they are connected to each other. The extent to which roads are well connected into a network is the single most important factor in determining pedestrians' preferred routes, and 'legibility' of an area - how easily you find your way around. The streets that are most well connected are red. By contrast, those areas that are relatively isolated and harder to navigate are dark blue. It also shows an overlay of public open space accessibility.



 Areas outside a 400m walking distance of publicly accessible open space

## 33.3 PLANNING POLICIES

### Street Network

**33.3.1** The Victorian and Edwardian terraced houses provided grid street patterns, with good connectivity. The postwar estates do not follow the historical street patterns, and this has often given rise to functional problems. Improved co-ordination of the Borough's street form enhances the experience for pedestrians, cyclist and vehicles. It provides for safer routes to school, contributes to road safety, reduces the need to travel, improves the accessibility to London's transport system and to local services and thus aids social inclusion.

**33.3.2** Street network is about the role streets play in connecting places and the ease with which people can move from one place to another in the Borough.

**33.3.3** The public realm, particularly the street network, plays a vital role in providing good transport and mobility. These networks and spaces provide excellent levels of 'permeability', reflected in spatial analysis of pedestrian movements for large parts of the Borough, but not all. There are also parts of the Borough that are isolated by the Canal, railway lines, the Westway and other major roads, which create barriers to movement. Parks and cemeteries can also form barriers in some cases, not only physical barriers but also safety barriers, particularly at night. Some housing estates, especially those post-war, also create barriers, and street networks that are confusing. Parts of the Borough where the street network is less well connected are shown as blue areas on the preceding map. These areas need to be reconnected by breaking down or otherwise overcoming barriers.

**33.3.4** Road hierarchy is an important component of any street network. This is in terms of managing through movement of vehicles or providing access to sites, buildings and their immediate surroundings and in terms of pedestrian and cycle permeability in particular. It also helps to make sense of how to navigate in the built environment.

**33.3.5** To ensure the public function of the road network is fulfilled, roads are 'adopted' by the local authority. This ensures that they are built to proper standards, and maintained for the expected levels of different types of traffic and pedestrians. It also ensures a level of uniformity and so aids to an extent social cohesion.

**33.3.6** Designing out opportunities for crime and making design more inclusive, particularly when it comes to the public realm and streets is a positive step to creating a safer community. The recent growth in demand for private 'gated communities' is a misguided attempt to address issues of safety (see also Policy CL2 (a) vii).

## Policy CR 1: Street Network

The Council will require a well connected, inclusive and legible network of streets to be maintained and enhanced.

To deliver this the Council will:

- a. require, in areas of regeneration and large scale redevelopment, the new street network to be inspired by the Borough's historic street patterns to ensure optimal connectivity and accessibility;
- b. require new street networks to be established with a clear function, hierarchy and choice of routes, designed to optimise connectivity, accessibility and legibility, and to reflect the historic and finely grained block structure of the Borough;
- c. require new links and the removal of barriers that disconnect access for pedestrians, cyclists and people with limited mobility;
- d. require new streets to be built to adoptable standards;
- e. resist the gating of existing streets and the development of new gated communities;
- f. require new streets to be designed to be attractive, safe, minimise opportunities for crime, and be inclusive to all.

## Three-dimensional Street Form

**33.3.7** Streets<sup>7</sup> provide a multi-functional role; they provide access to buildings, movement through areas and also create a sense of 'place'. Three-dimensional street form is the relationship between streets and buildings and dictates how successful the street is in performing its multi-functional role.

**33.3.8** The relationship between streets, buildings and parking often determines our feelings about a place. A street form that is open and is naturally overlooked by occupied buildings provides a positive environment, whereas a secluded street enclosed by windowless walls can create safety issues. It is important that the Borough's street form creates an environment that is inclusive, safe, functional and attractive.

**33.3.9** The Borough has a wide variety of street forms, ranging from cobbled mews with two rows of terraced cottages facing each other in close proximity, to the uniformity of the Victorian terraced housing on long, linear streets. The variation of relationships between the buildings and streets within the Borough interact differently, but are complementary.

**33.3.10** Creating a clear distinction between private and public space, such as forecourts and front gardens, helps to avoid conflicts between who has ownership, control and use of the space. Boundary treatments are an important aspect of determining whether areas are public, private or communal. Boundary treatments can be 'hard', such as walls or fences, or 'soft' such as hedges or gardens. Hard boundary treatments are often used for private spaces where as softer boundary treatments are more common in public spaces.

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<sup>7</sup> Street mean a space between building, in some instances this could be a public space or square

## Policy CR 2: Three-dimensional Street Form

The Council will require that where new streets are proposed, or where development would make significant change to the form of existing streets, the resultant street form and character must draw from the traditional qualities and form of the existing high quality streets.

To deliver this the Council will:

- a. require appropriate street widths to be established with regard to the legibility of the street function and hierarchy;
- b. require the ratio of building height to street width to give a coherent and comfortable scale to the street;
- c. require building lines and building scales to be consistent and related to context;
- d. require a frequency and rhythm of building entrances and windows that support active street frontages and optimises community safety;
- e. require a clear distinction to be maintained between public, private and communal space through the retention and provision of characteristic boundary treatments.

*NOTE:* Refer to Policy CL1(b) with regard to context.

## Street and Outdoor Life

**33.3.11** The Borough is highly built-up and leads residents and visitors alike to put high value on all open spaces. The Council is therefore keen to maximise the benefit of the public realm by encouraging the shared use of public spaces.

**33.3.12** Not only does the public realm have aesthetic value, but the outdoor spaces that make up our public realm also promote individual health and social well-being. This is achieved by the provision of opportunities for physical activity and of meeting places for social interaction. The public realm also provides a source of local economy with our streets, squares, open spaces, parks and townscapes attracting many visitors, which in turn encourage enterprise helping to keep local people in employment<sup>8</sup>.

**33.3.13** Restaurants and cafés which have tables and chairs on the highway are increasingly popular in the Borough. They can add vitality to town centres but can also reduce the amount of space pedestrians have to move freely and safely.

**33.3.14** Compared to other London boroughs there is a comparatively small amount of publicly-accessible parks, gardens and open space. This makes any open space that does exist a precious asset. Some of these spaces have come under increasing pressure from temporary uses for special events, often in large structures, to accommodate commercial activities. The form of these means that some open spaces are not accessible to the public for large parts of the year and can be visually intrusive. These spaces need to be better managed in order to maintain their primary use as publicly-accessible and visibly open space.

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<sup>8</sup> The Royal Borough of Kensington and Chelsea: Ten-year Parks Strategy 2006/2015. Better City Life

**33.3.15** Street traders, pavement cafés and festivals all bring life to the public realm, with Portobello Market, Duke of York's Square and the Notting Hill Carnival being good examples. However, the multifunctional use of space in the public realm needs to be carefully managed to ensure that it is inclusive and all users are catered for in a safe and successful manner. Event Management Plans and Management Strategies for temporary and occasional uses can ensure that matters such as public health, pedestrian and traffic safety and waste management are all taken into account

### Policy CR 3: Street and Outdoor Life

The Council will require opportunities to be taken within the street environment to create 'places' that support outdoor life, inclusive to all, adding to their attractiveness and vitality.

To deliver this the Council will: Markets:

- a. require proposals for new, and extensions to existing, markets on public highways:
  - i. where a highway is to be closed for the duration of the market, that it is demonstrated there are sufficient alternative vehicular routes and that vehicle access outside market hours is maintained;
  - ii. to maintain amenity;
- iii. to submit waste management plans as part of a planning application.
- b. require new isolated street trading pitches to contribute to the character and appearance of the street, have no adverse impact on existing shops and residential amenity and to allow for the safe and secure passage of pedestrians;

#### Pavements:

- c. maintain the free, safe and secure passage of pedestrians;
- d. require proposals for tables and chairs on the highway to maintain the primary function as public footway allowing for the free, safe and secure passage of pedestrians;

### Streetscape

**33.3.16** Much of the Borough lies within one of thirty-five conservation areas. The Council has a duty to ensure that new development within a conservation area preserves or enhances the character or appearance of that area. Street furniture, such as guardrails and signs, can both detract from this local character and hinder the safe passage for people with sensory and mobility difficulties.

**33.3.17** The excellent quality of our public realm is constantly under threat from poorly designed or uncoordinated development and the paraphernalia used to control traffic and pedestrians, public utility equipment, street furniture and advertising. This undermines the very quality that everyone values. The Council's 'Renewing the Legacy: 21 Projects for the 21st Century' included the creation of the Royal Borough Streetscape Guide. This sets out principles of good design, such as more

white lighting, the use of York stone, less clutter, sensitively designed street furniture and more public art<sup>9</sup>.

**33.3.18** Advertising hoardings and freestanding adverts can have a negative impact on visual amenity and can also have serious implications for public and road safety.

**33.3.19** Front gardens offer a valuable contribution to the streetscape. The loss of front gardens to off-street parking has long had harmful effects upon visual amenity and townscape quality. It can also reduce public safety.

**33.3.20** Public art can promote civic pride and help create of a sense of place and promote local distinctiveness.

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<sup>9</sup> . RBKC Streetscape guide 2006

#### Policy CR 4: Streetscape

The Council will require improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard.

To deliver this the Council will:

- a. require all work to, or affecting, the public highway, to be carried out in accordance with the Council's adopted Streetscape Guidance;
- b. require all redundant or non-essential street furniture to be removed;
- c. retain, ~~and~~ maintain **and repair** historic street furniture, where ~~it~~ **this** does not adversely impact on the safe functioning of the street;
- d. require that where there is an exceptional need for new street furniture that it is of high quality design and construction, and placed with great care, so as to relate well to the character and function of the street;
- e. require that by reason of size, siting, design, materials or method of illumination, advertising on buildings, **hoardings, street furniture or free standing structures** does not harm the appearance of the building or streetscene, and does not adversely affect ~~amenity~~ **the character or appearance of the area**, or public or road safety;
- f. resist temporary or permanent advertising hoardings, or freestanding adverts on streets, forecourts or roadsides, or advertisements attached to street furniture **such as kiosks and phone booths**, where these negatively impact on our high quality townscape or on public or road safety;
- g. resist pavement crossovers and forecourt parking;
- h. require all major development to provide new public art that is of high quality and either incorporated into the external design of the new building or carefully located within the public realm

## Parks, Gardens, Open Spaces and Waterways

**33.3.21** The benefit of open space is wider than pure aesthetics, it also provides a valuable recreational resource, and contributes to wildlife habitats and biodiversity and has benefits in minimising noise and air pollution. The Borough has a long history and tradition of high quality parks and gardens, such as Kensington Gardens, the Physic Garden, Holland Park, Royal Hospital and Ranelagh Gardens.

**33.3.22** There are 100 garden squares within the Borough. There are also 15 open spaces on England's Registered Parks and Gardens<sup>10</sup>, including Kensington Gardens, Holland Park, Brompton and Kensal cemeteries and Kensington Roof Gardens, the latter being the only roof garden on the national register.

**33.3.23** The Borough contains four areas of Metropolitan Open Land (MOL): Kensington Gardens, Holland Park, Brompton and Kensal cemeteries. 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.

**33.3.24** Holland Park and Kensington Gardens are the main public open spaces in the Borough. Hyde Park, although entirely in the neighbouring borough of the City of Westminster, also makes a particular contribution to open space which is accessible to residents of the Borough. However, much of the Borough, particularly in the south, lies beyond a 5 minute (400m) walk to the nearest public open space<sup>11</sup>. In spite of this, there is a strong green amenity to the area, with numerous garden squares and street trees.

**33.3.25** The Parks Strategy, Local Biodiversity Action Plan, the Play Strategy and regular updating of Playable Spaces Audits provide both a qualitative and quantitative audit of play and open spaces in the Borough. There are limited opportunities to create larger areas of public open space because of the location and potential size of development opportunities and the fact that many sites have constrained boundaries. Small areas of open space might be possible, but these are often better managed if they are communal<sup>12</sup> to the adjacent development, rather than public – as the garden square tradition of this Borough demonstrates. The provision of new public open space is, therefore, not seen as a strategic issue for this Borough, and will be assessed on a case by case basis, using the up-to-date information from on-going audits of play and open space. Contributions towards the maintenance of the existing public open spaces with appropriate play facilities will be sought from developers while communal external open space which can greatly improve the quality of life of residents, can be designed into quite small schemes. This will therefore, be the focus of our policy.

**33.3.26** Maintaining open spaces ensures the ecological and biological diversity of the Borough and contributes positively not only to wildlife habitats but also to the quality of life for residents and those visiting and working here. Optimising wildlife habitat ensures that the Borough and London provides feeding, breeding and nesting areas for a variety of bird and mammal species, which are often marginalised by increasing development pressures.

**33.3.27** In the north, the Borough is bounded by the Grand Union Canal, which is currently viewed as a physical barrier to movement. However, it is a valuable public realm asset and its potential to provide for improved biodiversity as well as amenity space and pedestrian and cycle links should be exploited.

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<sup>10</sup> Register of Parks and Gardens of Special Historic Interest in England compiled by English Heritage

<sup>11</sup> PPG17: Planning for Open Space, Sport and Recreation 2002

<sup>12</sup> such as a private garden square

**33.3.28** The River Thames forms the southern boundary, and like the Grand Union Canal to the north, the potential of the Thames as a leisure, recreation, biodiversity and transport resource remains under utilised.

### Policy CR 5: Parks, Gardens, Open Spaces and Waterways

The Council will protect, enhance and make the most of existing parks, gardens, open spaces and waterways, and require new high quality outdoor spaces to be provided.

To deliver this the Council will, in relation to:

#### Parks, Gardens and Open Spaces

- a. resist the loss of existing:
  - i. Metropolitan Open Land;
  - ii. public open space;
  - iii. private communal open space and private open space where the space contributes to the character and appearance of the area; ~~gives visual amenity to the public;~~
- b. resist development that has an adverse effect upon the environmental and open character, appearance and function ~~or visual amenity~~ of Conservation Areas, Metropolitan Open Land or sites which are listed within the Register of Parks and Gardens of Special Historic Interest in England, or their setting;
- c. resist development that has an adverse effect on garden squares including proposals for basements; ~~subterranean development, and to promote the enhancement of garden squares.~~
- d. require all major development outside a 400m radius of the closest entrance to the nearest public open space to make provision for new open space which is suitable for a range of outdoor activities for users of all ages, which may be in the form of communal garden space. Where this is not possible for justified townscape reasons, that a s106 contribution is made towards improving existing publicly accessible open space;
- e. require all major residential developments to provide on site external play space, including for under 5s, based on expected child occupancy;
- f. require all green open space to optimise biodiversity and wildlife habitat;
- ~~g. require all open space that forms part of a proposal to be designed and landscaped to a high standard;~~
- g. protect the open spaces surrounding the Royal Hospital from inappropriate development both in the landscaped areas themselves and in the neighbouring streets.

## Policy CR 5 (contd.)

### Waterways

**h. safeguard existing access and** require opportunities to be taken to improve public access to, and along the Thames (**including the foreshore**) and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport.

i. require opportunities to be taken to improve public access to, and along the Thames and the Grand Union Canal, and promote their use for education, tourism, leisure and recreation, health, well-being and transport.

**j. resist permanently moored vessels on the River, except where they would not have:**

**i. a detrimental effect on the special character of the river;**

~~**ii. a detrimental effect on the amenity physical and material comfort of residents arising from traffic generation or servicing needs;**~~

**ii. an adverse affect on the character or appearance of the existing residential moorings at Battersea Reach.**

**k. permit residential moorings on the Grand Union Canal provided that:**

**i. there are adequate services for permanently moored vessels;**

**ii. other canal users (both water and land-based) are not adversely affected; and**

~~**iii. local residential amenity physical and material comfort is not affected.**~~

### Trees and Landscape

**33.3.29** Trees and landscaping are considered an important aspect of any development as have the potential to improve quality of life within the Borough and contribute to its high quality character. The Borough has approximately 7,000 street trees and approximately 500 Tree Preservation Orders. Trees on private open space, such as those located within residential gardens can also contribute to the public realm.

**33.3.30** Although trees provide amenity, wildlife habitat and biodiversity values, there may be occasions where a tree may need to be felled, particularly if it is likely to cause serious damage to property or injury to people. Most commonly the tree will not have to be removed in its entirety – just the limbs causing the potential danger. Good planning when selecting a tree will ensure the long-term function of the site and the trees longevity, and can avoid unnecessary felling.

**33.3.31** There is a growing awareness that trees and landscaping provide a positive contribution to biodiversity and habitats for wildlife. They also help to address climate change issues and are important for human mental health. Designing landscaping so that it is compatible with its intended purpose and function allow for optimised visual and physical benefit.

**33.3.32** Street trees and trees in general are an important element of the urban environment and provide contrast to the built environment. Street trees are not only attractive and add to the character of the townscape but also act as noise and wind barriers and filter out pollution. The Council takes great pride in its strong tradition of managing street trees, being the first Council in London to employ Arboricultural Officers.

**33.3.33** Development, particularly during construction or demolition can have a negative impact on the health of trees. However, protective measures can be implemented to ensure harmony between trees and development.

### **Policy CR 6: Trees and landscape**

The Council will require the protection of existing trees and the provision of new trees that compliment existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

- a. resist the loss of trees unless:
  - i. the tree is dead, dying or dangerous;
  - ii. the tree is causing significant damage to adjacent structures;
  - iii. the tree has little or no amenity value;
  - iv. felling is for reasons of good arboricultural practise.
- b. resist development which results in the damage or loss of trees of townscape or amenity value;
- c. require where practicable an appropriate replacement for any tree that is felled;
- d. require that trees are adequately protected throughout the course of development;
- e. require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape;
- f. require landscape design to:
  - i. be fit for purpose and function;
  - ii. be of a high quality and compatible with the surrounding landscape, and townscape character;
  - iii. clearly defined as public or private space;
  - iv. optimise the benefit to wildlife habitat;
- g. serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.

## Servicing

**33.3.34** Servicing requirements add to the already high demands on our roads and can be particularly harmful to the appearance and safe functioning of the street.

**33.3.35** The servicing of sites, including vehicle parking, refuse storage and off-street loading bays, are essential for a site to function as intended. Although the Borough is primarily residential in nature, there are several strategic traffic routes into and out of London which carry very high levels of traffic. Servicing in the Borough can give rise to traffic congestion, conflict with pedestrians, and has the potential to create disturbance, particularly in or adjacent to residential areas. A Servicing Management Plan will ensure the safe and effective movement of all service vehicles and minimise any potential negative impacts on both the residential amenity, road function and pedestrian safety.

**33.3.36** The provision of servicing is a balancing act. On one hand, the Council needs to ensure the safe and efficient management of servicing vehicles so that the road network is not hindered, whilst on the other, the Council wishes to ensure that the physical servicing area is not detrimental to the character or appearance of an area, or detrimental to residential amenity. As the nature of the Borough is predominantly high density residential, the impacts of servicing can have a wider reaching impact and is therefore a matter of strategic importance.

### Policy CR 7: Servicing

The Council will require servicing facilities to be well-designed, built to accommodate the demands of new development and sensitively integrated into the development and the surrounding townscape. In particular servicing activities should not give rise to traffic congestion, conflict with pedestrians or be detrimental to residential amenity.

To deliver this the Council will:

- a. require sufficient on-site servicing space to accommodate the number and type of vehicles likely to be generated and to ensure that this can take place without manoeuvring on the highway;
- b. require a Servicing Management Plan for all sites with on-site servicing space that will control the hours of servicing, including detail on how vehicles will be managed, and controls on the types and sizes of vehicles to ensure they are appropriate to the local area and are environmentally acceptable;
- c. require, where developments cannot provide on-site servicing space, that it is demonstrated that the proposal can function satisfactorily without giving rise to adverse effects on traffic congestion, pedestrian safety, residential amenity or impact on bus routes. A Servicing Management Plan will be required in these instances;

#### Policy CR 7 (contd.)

- d. require on-site servicing space and entrances to be sensitive to the character and appearance of the building and wider townscape and streetscape.

## 33.4 CORPORATE AND PARTNER ACTIONS

### Introduction

**33.4.1** Delivering the strategic objective of *An Engaging Public Realm* will take more than the planning policies above. A range of activities undertaken across the Council and by our partner organisations will also deliver this objective. This section sets out the main strategies and action plans that have been prepared that will play a part in delivering this objective. It sets out specific actions that will be undertaken to further the objective.

### Corporate or Partnership Strategies that will contribute to the delivery of the Strategic Objective

#### The Royal Borough of Kensington and Chelsea Parks Strategy 2006-2015

**33.4.2** The Council's Transport, Environment and Leisure Services Department (TELS) has a 10-year Parks Strategy to improve and invest in its main parks. This Strategy includes an aspiration to increase the number of public open spaces managed by the Council. It also includes a rolling programme of consultation followed by a major programme of maintenance and park improvements over the lifetime of the Core Strategy. TELS also plans to produce a 'Royal Borough Parkscape Guide', by the end of 2010. This guide will include technical guidance and a design element to the planned park improvements.

#### The Royal Borough of Kensington and Chelsea Streetscape Guide 2012~~2008~~

**33.4.3** The guide introduces the concept of streetscape and explains the policies and standards adopted by the Council. It goes on to deal with individual elements of streetscape design and their application in traffic schemes and gives detailed specifications and standard details. ~~The Transportation and Highways Department has produced the Streetscape Guide which sets out the concepts of 'streetscape', policies and elements of streetscape design. The guide also includes detailed specifications for streetscape standards.~~

#### The Royal Borough of Kensington and Chelsea Tree Strategy 2005

**33.4.4** The Tree Strategy seeks to give greater emphasis to the relationship between trees in the Royal Borough and the built and historic environment. With careful consideration of planting position, spacing, selection of species and management, the strategy seeks to develop a more rigorous and coherent contribution by trees to the Borough. The Council's Arboricultural Section are responsible for implementing the Tree Strategy.

#### The Royal Borough of Kensington and Chelsea Planning and Conservation Capital Programme 2007/08 - 2009/10

**33.4.5** The Capital Programme proposes investment of £205 million from 2009/10 onwards. In terms of *An Engaging Public Realm*, there are a number of 'Local enhancement schemes' proposed, such as repaving and improved streetscape schemes.

## The Royal Borough of Kensington and Chelsea Renewing the Legacy: 21 Projects for the 21st Century 2006

**33.4.6** This document outlines a series of Council and partner-led projects that will help keep Kensington and Chelsea one of the world's best places to live. The projects range from public art to achieving high standard parks.

## Sport England Strategy 2008-2011

**33.4.7** The Sport England's Strategy aims to address the fundamental challenges facing sport, and particularly community sport, in England. The Strategy states that Sport England will draw in other partners such as local authorities who drive local provision and are key to delivering a world-leading community sport infrastructure.

## The Royal Borough of Kensington and Chelsea Play Strategy 2006-2009

**33.4.8** In 2006, the Council's Family and Children's Services Department produced a Play Strategy which sets out a vision, policies and an action plan to improve access and opportunity for the Borough's children to enjoy a range of play and recreation activities. This strategy will be replaced in 2010 and will run until 2013. The Council's Family and Children's Services Department are responsible for the implementation of the majority of the action points, although others who will play a role include the Arts and Leisure Service, Library Service and Community Safety.

## The Royal Borough of Kensington and Chelsea Play Pathfinder

**33.4.9** In 2008 the Royal Borough was chosen to be one of England's twenty play pathfinders. The aim of this scheme is to enhance adventure and open access play for local children in the Royal Borough. A Play Pathfinder Team has been created, with representatives from the Transport Environment and Leisure Services Business Group, Planning, Housing, Family and Children's Services Department Extended Services and the Tenant Management Organisations. The scheme runs until the end of 2010.

## CABE: This way to better residential streets 2009

**33.4.10** CABE's guidance document focuses on the design of residential streets in new developments to ensure that well designed streets help create sustainable communities, enable people to get around, promote walking and cycling, civic pride and identity, provide safe play for children and allow the community to interact

### Corporate or Partnership Actions for An Engaging Public Realm

1. The Council will work in partnership with Transport for London and the Council's Transportation and Highways department to encourage streetscape improvements which remove barriers and improve access for local residents;
2. The Planning and Borough Development Directorate will work in partnership with the Council's Transportation and Highways Department to implement the Local Implementation Plan;
3. The Planning and Borough Development Directorate will work closely with the Council's Family and Children's Services to assist in the implementation of the Play Strategy, to improve

access to, and widen the nature of, play facilities provided by the Council across the Borough;

4. The Planning and Borough Development Directorate will work closely with the Council's Family and Children's Service Department and with the Play Pathfinder team to help increase local children's access to adventure and open access play facilities;

5. The Planning and Borough Development Directorate will work with the Council's Transportation, Environment and Leisure Services Business Group to ensure the Implementation of the Streets and Physical Activity Strategy;

6. The Planning and Borough Development Directorate will work in partnership with the Council's Arboricultural Department to deliver the Tree Strategy;

7. The Planning and Borough Development Directorate will work in partnership with the Council's Arboricultural Department to continue the programme of street tree maintenance and replacement planting in accordance with good Arboricultural practice;

8. The Planning and Borough Development Directorate will work in partnership with Sport England to help deliver their strategy, particularly in relation to providing community sport infrastructure<sup>13</sup>;

9. The Planning and Borough Development Directorate will work in partnership with Natural England to help deliver improved Green Infrastructure;

10. The Planning and Borough Development Directorate will work in partnership with National Trails to help deliver the Thames Path Management Strategy for 2006 - 2011;

11. The Council will work with CABI to deliver developments that take account of the design guidance on public realm and streetscape;

12. The Planning and Borough Development Directorate will work in partnership with British Waterways and the Port of London Authority to help deliver improved 'blue infrastructure';

13. The Transport, Education and Leisure Directorate will deliver the Exhibition Road Project, in partnership with the City of Westminster and the Mayor of London;

#### **Corporate or Partnership Actions for an Engaging Public Realm (contd.)**

14. The Natural History Museum will prepare a Grounds Strategy that sets out a long term vision and management plan to review the use of the museum grounds;

15. The Planning and Borough Development Directorate will continue to work in partnership with the City of Westminster to achieve a shared vision for Knightsbridge and investigate the possibility of implementing public realm improvements in Montpelier Street.

16. The Planning and Borough Development Directorate will maintain existing street trees and will extend tree coverage across the Borough.

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<sup>13</sup> Sport England Strategy 2008-2011



## Chapter 34

### Renewing the Legacy

#### Conservation, quality and design

##### 34.1 INTRODUCTION

34.1.1 The Borough has inherited a remarkable historic townscape and a large number of historic buildings. The exceptional quality of the built environment underpins the Borough's success as a highly desirable place in which to live, work and invest. Over 4,000 buildings are 'listed' and there are over 100 garden squares. Conservation areas cover more than 70% of the Borough. The Royal Borough is known for its legacy of Georgian, Victorian and Edwardian architecture, but there are also a number of twentieth century buildings which continue the legacy of high quality design. Our listed buildings and conservation areas contribute immensely to local distinctiveness both within the Borough and to London as a whole.

34.1.2 *Renewing the Legacy* is an integral part of the Core Strategy's central vision of Building on Success. The exceptional quality of the built environment underpins the reputation of both Kensington and Chelsea, and our residents' quality of life.

##### CO 5 Strategic Objective for Renewing the Legacy

Our strategic objective to renew the legacy is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all. This will be achieved by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough.

##### 34.2 WHAT THIS MEANS FOR THE BOROUGH

34.2.1 Careful incremental improvement is needed to ensure our conservation areas remain of the highest quality. However, there are a number of small areas in the south and two large areas in the north of the Borough which are not within conservation areas. It is important that these areas are not regarded as 'second class' in terms of the future quality and contribution for which we should be striving. We should aspire for these areas to be our future conservation areas and a high design quality is needed to create a new design legacy for the Borough.

34.2.2 There is inevitable pressure for change, as the existing, often historic, building stock is updated, renewed or replaced to meet today's needs and changing lifestyles. Maintaining and improving the character, quality, inclusivity and setting of the Royal Borough's exceptional built environment is vital. Past approaches, where no worsening was good enough, are no longer acceptable. The prevailing philosophy will be to drive up the quality of design to improve the quality of the Borough's built environment. The local context is of primary importance in achieving this.

34.2.3 To ensure continued design excellence in the Royal Borough, the Council and the Royal Institute of British Architects (London) have appointed an Architectural Appraisal Panel. The purpose of the panel is to review key planning proposals and offer support and advice to the Council's officers, planning application committees and its Design Champion, and for planning applicants to deliver high quality architecture within the Royal Borough.

## 34.3 PLANNING POLICIES

### Context and Character

- 34.3.1** ~~34.3.1~~ The Borough's townscape is unique in its high quality, finely grained, historic built environment with a strong context and **strong** character. The Council has a reputation of upholding high standards of conservation and design. **The physical context of the Borough is highly valued, far beyond the Borough itself.**
- ~~34.3.2~~ Text combined with 34.3.2 below The Council consider that the assessment of planning applications should be based on whether they are 'good enough to approve' rather than 'bad enough to refuse' to ensure the continuation of our existing high quality environment.
- 34.3.2** ~~34.3.3~~ The Council have has a hard-won reputation for requiring more for the Borough's historic urban fabric than **Over and above the** pure preservation when it comes to assessing planning applications. **of our historic urban fabric** we have embraced the principle of resisting 'design that fails to take the opportunities available for improving the character and quality of the area and the way it functions'<sup>14</sup>. We are therefore constantly seeking to improve our environment and new development must improve upon the existing situation. **Assessment of planning applications is therefore based on whether they are 'good enough to approve' rather than 'bad enough to refuse' to ensure the continuation of our existing high quality environment.**
- 34.3.3** ~~34.3.4~~ The Borough is a highly desirable place to live, shown by the highest average home prices in England<sup>15</sup>. **These strong residential land values have led to pressure for the change to residential use. The principle of change of use is addressed in Keeping Life Local and Fostering Vitality. But the part that use plays in character must not be overlooked. The distinctive character of many buildings comes from their use, their role in the community, the facilities they provide and the activity they generate as much as their physical appearance. (Move second part of paragraph to CL3 Conservation Areas and Historic Spaces)** ~~A building's use can contribute to the character of a conservation area and to a sense of place. The Borough contains a scatter of incidental mixed uses within its residential neighborhoods, which offer variety, surprise and delight. These punctuate the street scene and add to the vitality and character of a conservation area. Their loss diminishes the character of the townscape, the cherished local scene and the vitality and diversity of the area.~~
- 34.3.4** ~~34.3.4~~ The Borough is a highly desirable place to live, shown by the highest average home prices in England<sup>(2)</sup>. This is against a backdrop of **The Borough has** considerable residential densities but surprisingly modest building scales. For example, Victorian terraced housing in the Borough is typically **of four storeys**, consists of **providing** 700 habitable rooms per hectare (hrh) in 4 storeys; Edwardian terraced mansion blocks increasing **at six storeys** provide this to 970hrh in 6 storeys. In North Kensington, the typical density and height of the postwar estates are **five and six storeys, providing** 500hrh and 5-6 storeys, much lower than in the Victorian period.

<sup>14</sup> PPS 1: Delivering Sustainable Development, 2006.

<sup>15</sup> Land Registry (2009).

**Text moved to support Views policy 34.3.5** Vistas and views as well as gaps between development are often planned aspects of townscape, particularly within the Victorian period.

**34.3.5** ~~34.3.6~~ The Borough does not shy away from high density designs; it is an exemplar in demonstrating that high density and high quality are compatible. ~~our context encourages us to deliver high density schemes. However, the Council considers that d~~Densities should not, **however**, be used as the sole determinant of design, ~~as it would undermine our~~ **We have a duty** to have regard both to the desirability of preserving or enhancing the character or appearance of conservation areas, and to good design<sup>16</sup>. The density matrix in the London Plan<sup>17</sup> therefore needs to be read in relation to the context of the development.

~~34.3.7~~ However, the Council considers that densities should not be used as the sole determinant of design, as it would undermine our duties to have regard both to the desirability of preserving or enhancing the character or appearance of conservation areas, and to good design. The density matrix in the London Plan therefore needs to be read in relation to the context of the development.

**34.3.6** ~~34.3.8~~ The physical context of the Borough is highly valued, far beyond the Borough itself, and it has become a well-known and cherished part of London. Context **Successful developments demonstrate how they have addressed their local context. The extent of the** is relevant **context is relative** to the size of the development. For example, for a single dwelling house the relevant context may be just the immediate street, whereas a larger development would **analyse a wider area to understand the context within which the scheme will sit**, ~~draw on the wider area for its context.~~

**34.3.7** ~~34.3.9~~ The Borough is fortunate to abut **meets** the River Thames in the south and the Grand Union Canal **runs through the Borough** in the north. These river and canalside environments are considered important features, in maintaining **adding to** the Borough's distinctiveness. The Thames and areas adjoining have been designated as the Thames Policy Area in conformity with the London Plan. The Council considers that developments within these environments should pay great respect in ensuring their enhancement.

**34.3.8** **In conformity with the London Plan parts of the Borough adjoining the Thames have been designated as the Thames Policy Area, to ensure developments in this area reflect the strategic role of the Thames in London.**

**Text moved to support Views policy 34.3.10** The quality and character of an area is not only provided by the individual buildings but it is also gained from views into and out of the area. When considering development that impacts on views, vistas and gaps, it is important to respect the local context. The Borough has one designated strategic view which is that of St Paul's as seen from King Henry's mound in Richmond Park.

**34.3.9** ~~34.3.11~~ It is important that a **A** comprehensive approach is taken to site re-development **is important** so that layout and design quality are not compromised, there is efficient use of

<sup>16</sup> Listed Buildings and Conservation Areas Act 1990 & Planning and Compulsory.

<sup>17</sup> Refer to the GLA density matrix for the appropriate range.

land and opportunities to improve the surrounding townscape are taken. This can include, on occasionallys, assessing adjacent sites and their development potential as part of the development appraisal process, so that a piecemeal and uncoordinated approach to site re-development is avoided.

- 34.3.10** ~~UDP 4.3.7~~ The development of “backland” sites is inevitably difficult to achieve successfully. A backland site is land often not built over, which that is surrounded by other development and which has either a very limited or no street frontage. Access is Because of the nature of these sites, integrating development into the surrounding context can be 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.~~
- 34.3.11** The Borough’s traditional urban block has a hierarchy of scale that gives the streetscape a clear degree of legibility. Mews streets are common to the Borough and demonstrate the use of different scales to occupy these internal spaces within bigger perimeter blocks.
- 34.3.12** ~~UDP 4.4.21~~ 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 to 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. ~~(See Policy H4 of the Housing Chapter and Policy E14 of the Office and Industry Chapters)~~
- 34.3.13** ~~UDP 4.4.22~~ Artists’ studios represent a distinctive building type which that emerged in the middle of the nineteenth century. They are characterised by a number of features including large windows and expanses of studio space behind. They exist in many forms from grand studio houses commissioned by famous artists of the day, to more modest and utilitarian speculatively built groups. There are significant numbers in the Royal Borough, which make an important contribution to its character and appearance. There is considerable pressure both for the introduction of new uses and the carrying out of alterations. This pressure is threatening the essence and character of these studios and consequently, undermining the artistic traditions of the Borough.

### Policy CL1: Context and Character

The Council will require all development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive for all.

To deliver this the Council will:

- a. require development, through its architecture and urban form, to contribute positively to the context of the townscape, ~~addressing matters such as~~ through matters such as appropriate scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials and historic fabric as well as vistas, views, gaps, and open space; ~~and historic fabric~~;
- b. require the analysis of context to be drawn from an area that is proportionate and relevant to the size of the development site;
- c. require the density of development to be ~~optimised relative~~ appropriate to context;

## CL1 Context and Character cont.

- d. require riverside and canalside development to enhance the waterside character and setting, including opening up views and securing access to the waterway;
- e. require development within the Thames Policy Area to protect and improve the strategic importance and iconic role that the Thames plays in London;
- f. require a comprehensive approach to site layout and design including adjacent sites where these are suitable for redevelopment, resisting schemes which prejudice future development potential and/or quality.
- g. ~~resist~~ require the development of backland sites if ~~to~~ there would be inadequate vehicular access, ensure vehicular and pedestrian access is properly integrated into the surrounding street network and that the scale and massing respect the hierarchy of the existing urban block so as not to negatively impact on the character of the area; 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.
- h. ensure that the character of mews properties is preserved and enhanced and to resist inappropriate alterations and extensions.
- i. resist the loss of, and inappropriate alterations and extensions to artists' studios.

## Design Quality

### ~~New Buildings, Extensions and Modifications to Existing Buildings~~

- 34.3.14** ~~34.3.12~~ The Royal Borough has a distinctive townscape of high quality, often characterised by a wide variety of architectural styles within relatively small areas. ~~To renew the legacy,~~ a sensitive approach to the architectural design of new buildings, and to extensions and modifications to existing buildings will be required to renew the legacy. This should be to a high quality, with very high quality expected within conservation areas.
- 34.3.15** ~~34.3.13~~ Definitions of good design are many and varied. Design is often interpreted to be about appearance. But good design must also take account of functionality. ~~This is as true in relation to design in the built environment as it is in relation to other types of design, such as product design.~~ The most commonly used set of objectives for good design in the built environment are those set out in 'By Design'<sup>18</sup>. But we believe the three criteria set by Vitruvius: functional, robust and attractive, provide a timeless assessment of good design, and can be applied at any scale, from the design of a chair, to a building, or part of a city<sup>19</sup>.
- 34.3.16** ~~34.3.14~~ ~~In the past, crime prevention, accessibility and inclusivity have not been aspects of initial design, such features are often added at a later date in a way which is not always sensitive to the existing building or the surrounding character. Architecture is about more than just aesthetics. and these f~~Functional issues such as crime prevention, accessibility and inclusivity must have to be integrated into the design at the outset. This holistic approach will ensure that the final architectural quality of any development is not compromised. ~~and the unique character of the Borough is therefore upheld.~~

<sup>18</sup> 'By Design': urban design in the planning system towards better practice. CABE, 1 May 2000.

<sup>19</sup> Vitruvius proposed that the creations of architecture should display three qualities: utilitas, firmitas and venustas. These were rendered into English in 1624 by Sir Henry Wotton as 'commodity, firmness and delight'. It is difficult to better this description, but we have used more conventional language for the 21st century.

- 34.3.17** ~~34.3.15~~ Sustainability is also essential in good design for the 21st century and has meanings at many applies to all levels of development, from the macro to the micro. †The philosophy of sustainability must be integrated into the architectural approach from the beginning of the design process. The plan as a whole is concerned with social, environmental and economic sustainability. In terms of architectural design the focus is on the use of resources use. Detailed policies in this regard are set out in Chapter 36 'Respecting Environmental Limits'. ~~But the philosophy of sustainability must be integrated into the architectural approach from the beginning of the design process.~~
- 34.3.18** ~~34.3.16~~ The distinctive townscapes of the Royal Borough vary from the ~~contrasting~~ grandeur of the terraces, squares and crescents to the relative modesty of the mews. Together with garden squares they give a unique character to the Borough, and as such a blanket design approach to new buildings and extensions would not be appropriate. In some cases replicating the design of adjacent buildings will be more appropriate, in others a more contemporary approach will work, depending on the variety or uniformity and quality of the surrounding context.
- 34.3.19** ~~34.3.17~~ Although the majority of the Borough's building stock is of high quality, ~~in the Council's view~~ there are currently only two buildings which are considered to be eyesores: the Forum Hotel in Gloucester Road and Newcombe House in Notting Hill Gate. Where the redevelopment of such buildings comes forth, a flexible approach will be taken in order to facilitate redevelopment. Eyesores will only be identified through Supplementary or Development Planning Documents.

## Policy CL2 Design Quality

### ~~New Buildings, Extensions and Modifications to Existing Buildings~~

The Council will require new buildings, extensions and modifications to existing buildings all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions.

To deliver this the Council will, ~~in relation to:~~

#### **Architectural Design**

- a.** require development to be:
  - i.** Functional - fit for purpose and legible;
  - ii.** Robust - well built, remain in good condition and adaptable to changes of use, lifestyle, demography and climate;
  - iii.** Attractive - pleasing in its composition, materials and craftsmanship;
  - iv.** Locally distinctive - responding well to its context;
  - v.** Sustainable - in the use of resources, construction and operation;
  - vi.** Inclusive - accessible to all;
  - vii.** Secure - designs out crime.
- b.** require an appropriate architectural style on a site- by-site basis, in response to:
  - i.** the context of the site;
  - ii.** the building's proposed design, form and use;
  - iii.** whether the townscape is of uniform or varied character.
- c.** facilitate the redevelopment of 'eyesores' by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable;

## Heritage Assets - Conservation Areas and Historic Spaces

- 34.3.20** ~~34.3.35~~ The historic environment is central to the character of the Borough and the Council has a duty<sup>20</sup> under the Listed Buildings and Conservation Areas Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. ~~The special character and appearance of the historic environment is the the most important factor of our high quality townscape.~~
- 34.3.21** ~~34.3.36~~ The Royal Borough has a reputation for championing the conservation of its high quality historic environment. Preserving and enhancing our conservation areas continues to be a high priority for the Council. ~~The Council considers that~~ **In** order fulfil its statutory duty and adequately assess planning applications within conservation areas, there is a need for proposals to provide full detail rather than outline applications.
- 34.3.22** ~~34.3.37~~ The character and appearance of a conservation area is not only provided by the high quality and appearance of individual buildings within the area and the inter relationship between them but it is also gained from views into and out of the area. Therefore development that impacts on setting, including the effect on views, gaps and vistas identified within **appraisals of** conservation areas ~~Proposal Statements~~, needs to be assessed to ensure that the character and appearance of the area is conserved.
- 34.3.23** ~~34.3.38~~ The Council takes **seriously** its statutory responsibility to improve or enhance the built environment within conservation areas ~~seriously~~. In situations where quality of the built environment has been eroded, a pro-active approach is needed to ensure the environment is continuously improved.
- 34.3.24** ~~34.3.39~~ The partial or full demolition of an heritage asset, whether it be a listed building or unlisted structure which has **of** architectural merit, can cause irreversible damage to the character and appearance of our high quality townscape.
- 34.3.25** ~~34.3.40~~ As the vast majority of the Borough is covered by **within a** conservation areas, there are limited opportunities for new development. Allowing a site to fall into disrepair, resulting in subsequent partial or full demolition may be an incentive for developers on sites where a different building design is sought. ~~The Council therefore considers that~~ **P**roposals for the partial or full demolition of structures requires careful consideration, particularly the **in assessing** ment of the appropriateness of the replacement structure.
- 34.3.26** ~~34.3.41~~ There have been instances of occasional building collapse in the Borough within conservation areas where Conservation Area Consent is required for substantial demolition. Such areas are designated to ensure that proposals preserve or enhance the character or appearance of the area. The collapse of a building should not therefore be viewed as an incentive to depart from the original design of the building.
- 34.3.27** **In addition, a building's use can contribute to the character of a conservation area and to a sense of place. The Borough contains a scatter of incidental mixed uses within its residential neighborhoods, which offer variety, surprise and delight. These punctuate the street scene and add to the vitality and character of a conservation**

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<sup>20</sup> s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

area. Their loss diminishes the character of the townscape, the cherished local scene and the vitality and diversity of the area.

**34.3.28** As the character and appearance of a conservation area can be dependent on the detail of developments, outline planning applications are insufficient within a conservation area; full detailed applications are needed.

**34.3.29** A building's use can contribute to the character of a conservation area and to a sense of place. The Borough contains a scatter of incidental mixed uses within its residential neighborhoods, which offer variety, surprise and delight. These punctuate the street scene and add to the vitality and character of a conservation area. Their loss diminishes the character of the townscape, the cherished local scene and the vitality and diversity of the area.

### Policy CL 3: Heritage Assets - Conservation Areas and Historic Spaces

The Council will require development to preserve and to take opportunities to enhance the cherished and familiar local scene. character or appearance of conservation areas, historic places, spaces and townscapes, and their settings.

To deliver this the Council will:

- a. require development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.
- b. resist the change of use of any building where the current use contributes to the character of the surrounding area and to its sense of place.
- c. ~~b.~~ resist substantial demolition in conservation areas unless it can be demonstrated that:
  - i. the building or part of the building or structure makes no positive contribution to the character or appearance of the area;
  - ii. a scheme for redevelopment has been approved;
- d. ~~c.~~ require a replacement replica in the event of a collapse or unauthorised demolition of a structure that made a positive contribution to the character or appearance of in a conservation area; a replacement replica of the structure where the original made a positive contribution to the character and appearance of that conservation area.
- e. ~~a.~~ require full planning applications in conservation areas;

### Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology

**34.3.30** ~~34.3.42~~ The Borough's historic assets play a significant role in the overall quality of the historic environment, not only in this Borough, but within the whole of London. The Council has a duty to pay special regard to the desirability of preserving listed buildings or scheduled ancient monuments and their settings or any features of special architectural or historic interest which they possess. ~~The Council also considers that~~ Local historic features such as memorials (particularly war memorials, including those on private land or within

buildings), plaques, coal plates, horse and cattle troughs and historic bollards are historic assets worthy of protection, whether listed or not.

**34.3.31** ~~34.3.43~~ Listed buildings and scheduled ancient monuments can be negatively affected not only by inappropriate additions, internal and external alterations, ~~subterranean-development,~~ and demolition, but also by inappropriate use and unsympathetic neighbouring development. Such changes can diminish the architectural and historic value and detract from their setting. **Listed buildings are best used for their original purpose.**

**34.3.32** ~~34.3.44~~ The Borough contains two Scheduled Ancient Monuments: the Brick Kiln in Walmer Road and Kensington Palace. Archaeological remains constitute the principal surviving evidence of the Borough's past, but are a finite and fragile resource. The destruction of such remains, by development, should be avoided to ensure the Borough's past is not lost forever.

#### **Policy CL 4: Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology**

The Council will require development to protect the significance of preserve or enhance the special architectural or historic interest of listed buildings, and scheduled ancient monuments and their settings, and the conservation and protection and of sites of archaeological interest.

To deliver this the Council will:

- a. require all development and any works for alterations and extensions related to listed buildings, scheduled ancient monuments and sites of archaeological interest, to preserve the significance of the building, monument or site or their setting or any features of special architectural or historic interest;**
- b. ~~a.~~ 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;**
- c. ~~e.~~ require the preservation of the original architectural features, and later features of interest, both internal and external, in particular the integrity, plan form, the original hierarchy of historic floor levels and structure of the building including the ground and first floor principal rooms, original staircases and such other areas of the building as may be identified as being of special interest;**
- d. ~~e.~~ require internal or external architectural features of listed buildings or scheduled ancient monuments, commensurate with the scale of the development, to be:
  - i.** reinstated where the missing features are considered important to their special interest;
  - ii.** removed where the additions to or modifications are considered inappropriate or detract from their special character;**
- e. ~~e.~~ resist the change of use of a listed building which that would materially harm its character;**
- f. ~~f.~~ strongly encourage any works to a listed building to be carried out in a correct, scholarly manner by appropriate specialists;**
- ~~g.~~ require development to protect the setting of listed buildings, scheduled ancient monuments or sites of archaeological interest;**
- ~~h.~~ resist development which would threaten the conservation, protection or setting of archaeological remains;**
- g. ~~i.~~ require desk based assessments and where necessary archaeological field evaluation before development proposals are determined, where development is proposed on sites of archaeological significance or potential.**

## Amenity Living Conditions

~~34.3.45 The densely developed nature of the Royal Borough is such that the protection of the levels of amenity enjoyed by users of its existing buildings and spaces, and the design of new development to provide for equally high levels of amenity, are critical factors to ensuring a good quality of life for all.~~

~~34.3.46 The Borough's dense historic pattern of development has resulted in buildings that are in close proximity to one another. It means that amenities such as light and privacy take on added significance. Current expectations are for better standards of light and privacy than in the past and the historic pattern of development has permitted. The Council considers that proposals for new residential and non-residential development should ensure a reasonable standard of visual privacy and provide good conditions for daylight and sunlight taking into account the amenity conditions of the surrounding area. In assessing the effect of new development on light conditions, the Council will, have regard to the guidelines in 'Site Layout for Daylight and Sunlight: a Guide to Good Practice' published by the Building Research Establishment. Light, including sunlight, is also important to the enjoyment of gardens and open spaces, and these will normally be included in the asse~~

~~34.3.47 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 of which 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 would 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 be otherwise appropriate to do so.~~

**34.3.33 The design and layout of buildings and spaces will impact on privacy, sunlighting, daylighting, overlooking, outlook and views. The Borough's dense historic pattern of development has resulted in buildings that are in close proximity to one another. Buildings in the Borough are frequently difficult to extend without offending the light, privacy and outlook of adjoining buildings. This means that these amenities such as light and privacy take on added significance. These factors are critical in ensuring a good quality of life for a building's occupants and neighbours.**

**34.3.34 When assessing impacts on living conditions, as well as taking into account our Borough's residents, this extends to include occupiers of non-domestic properties including offices. Externally, these considerations apply to all forms of external space, commonly referred to as gardens, terraces and balconies.**

**34.3.35 The historic character and dense nature of the Borough also means that the standards of privacy that might be expected elsewhere in modern developments are most unlikely to be achieved here. Particular attention needs to be paid to these**

matters to attempt to address rising public expectations in relation to living conditions.

**34.3.36** In assessing the effect of new development on light conditions, the Council will have regard to the guidelines in 'Site Layout for Daylight and Sunlight: a Guide to Good Practice' published by the Building Research Establishment. Light, including sunlight, is also important to the enjoyment of gardens and open spaces, and these will normally be included in the assessment.

**34.3.37** ~~34.3.49~~ With new developments, the Council will take into account the general levels 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 than in the past. When considering privacy, while a distance of about 18 meters between opposite habitable rooms may be regarded as reducing reduces inter-visibility to a degree acceptable to most people, but there are many instances in the historic fabric of the Borough of distances less than this. It is the overall design, taking all factors into account, including the area's character, that will be the determinant of whether a proposal is acceptable or not, rather than the application of specific distances or other set standards. ~~this distance may be reduced if windows are at an angle to each other. A lesser distance is normally acceptable where windows or face the public highway.~~

**34.3.38** ~~34.3.47~~ 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 can impose significant and unreasonable constraints on adjoining properties if standards ~~were~~ are rigidly applied.

**34.3.39** UDP 4.4.6 Where development is for extensions and roof terraces, this can have harmful effects on the light, privacy and outlook of adjoining buildings. 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.~~

~~34.3.48~~ With regard to privacy, the Council will not be seeking to ensure that development proposals 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 into account of the prevailing general standard of privacy in that local environment and the area that is affected. 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.~~

~~34.3.49~~ With new developments, the Council will take into account the general levels 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 than in the past. A distance of about 18 metres between opposite habitable rooms 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.

- 34.3.40** ~~34.3.50~~ Given ~~T~~he densely built up nature of the Borough, a certain degree of **provides a 'sense of enclosure', will often be experienced by occupants of a property. This can relate to both the public and private domain, and to buildings as well as gardens, balconies and terraces.** There may be a point where a **Proposals** for development would **can sometimes** result in an increase in enclosure so that it becomes an unacceptable burden on the occupiers of **neighbouring buildings.** adjacent property. **An extension on a site boundary, for example, could cause a cliff-like effect on a neighbouring property. It is necessary to balance the needs of occupants relating to their existing provision of outside space, against the effect this may have on neighbouring buildings and spaces.**
- 34.3.41** ~~34.3.50 cont.~~ This could occur where the amount of adjoining habitable accommodation is limited, or situated within the lower floors of buildings with openings on to lightwells. Mathematical calculation to assess daylighting and sunlighting may be an inappropriate measure in these situations; on site judgment will be the best starting point for assessment. **Likewise the impact on the sense of garden openness when viewed from properties around, is dependent on on-site judgment.**
- 34.3.42** **Many residents of the Borough live in flats with living space at upper levels. Assessing impacts on living conditions on upper floors can therefore be just as important in this Borough as ground level assessments.**
- 34.3.43** ~~34.3.51~~ The level and type of activity generated by the development can ~~impact on~~ **affect** the conditions of building users, such as **through** increased traffic, parking, noise, odours and vibrations in addition to impacts created by the development's physical structure which can have microclimatic effects. ~~Therefore, t~~he anticipated level of activity as well as the effects on the local microclimate should be ~~carefully~~ taken into consideration to ensure that a high level of amenity is maintained.

### Policy CL 5: Amenity Living Conditions

The Council will require **all development** new buildings, extensions and modifications and small-scale alterations and additions, to achieve standards of amenity. **ensure good living conditions for occupants of new, existing and neighbouring buildings.**

To deliver this the Council will:

- a. **require applicants to relate proposed living conditions to those in the immediate area, the character of the built form and spaces, and the expectation of higher standards in new developments.**
- b. a. —require good daylight and sunlight amenity for **new** buildings, gardens, **terraces and balconies** and amenity spaces, and that the conditions of existing adjoining buildings, **gardens, terraces** and amenity spaces **balconies** are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;

## Policy CL 5 Amenity Living Conditions cont.

- c. require that there is reasonable visual privacy for occupants of new development and, as the result of new development, no significant increase in overlooking of, or disturbance to, neighbouring properties, gardens, terraces or balconies; nearby buildings;
- d. ~~e.~~ require that there is no harmful increase in the sense of enclosure to existing buildings and spaces neighbouring gardens, balconies and terraces;
- e. require that development does not harm the prospect from the upper floors of nearby properties;
- f. require gardens, balconies or terraces to be of a size that is proportionate to the size of the house or flat;
- g. ~~d.~~ require that there is no significant impact on the use of buildings and spaces due to increases in traffic, servicing, parking, noise, disturbance, odours or vibration or local microclimatic effects.

### Small-scale Alterations and Additions

- 34.3.44** ~~Move from 34.3.54~~ There is great pressure for the adaptation of the buildings in the Borough stock. Each year the Borough Council receives, on average, over 2,100 planning applications and 600 applications for listed building consent, with 85% of applications for sites within our conservation areas<sup>21</sup>. The vast majority of planning applications are from householders seeking to alter or extend their properties.
- 34.3.45** ~~34.3.52~~ Small-scale alterations and additions are often necessary to modernise, adapt and extend the life of a building. Such works include removing physical barriers to access, balustrades, alarms, cameras, grilles, shutters and other security equipment; servicing, plant and telecommunications equipment; railings and forecourt parking; signs which that are not advertisements, flagpoles and balconies and terraces. Such works are often necessary to modernise, adapt and extend the life of a building.
- 34.3.46** ~~34.3.53~~ Small-scale alterations and additions are considered to comprise minor external changes to the appearance of a building or its curtilage, servicing equipment, plant and telecommunication apparatus. Although small alterations and additions may have a negligible impact, if unsympathetically carried out they may individually ~~spell~~ harm the appearance of a building or its curtilage, ~~being detrimental to the townscape or amenity of an area.~~ It is the cumulative effect of these small-scale alterations and additions which can negatively impact on the Borough's overall high quality townscape. ~~or amenity of an area.~~ Their control is, therefore, a matter of strategic importance.
- 34.3.47** ~~34.3.55~~ A high proportion of the Borough's dwellings are flats<sup>22</sup>. Whilst dwellinghouses have permitted development rights, buildings such as mansion blocks, which are often in multiple ownership, do not have such rights, and therefore the The Council receives a high number of planning applications affecting these types of properties. An inconsistent approach to alterations and additions across the building ~~must be avoided, especially as the residential units are in close proximity to each other.~~ can ensure that the visual coherence of the building is maintained.

<sup>21</sup> 2004/5 to 2008/9

<sup>22</sup> RBKC Housing Needs Assessment 2009

## Policy CL 6: Small-scale Alterations and Additions

The Council will require that alterations and additions do not harm the existing character and appearance of the building and its context.

To deliver this the Council will resist **small-scale development that:**

- a. harms the character or appearance of the existing building, its setting or townscape;
- b. results in a cumulative effect which would be detrimental to the character and appearance of the area;
- c. are **is** not of high quality form, detailed design and materials **or discreetly located**;
- d. do not remove physical barriers to access or improve the security of the building in a sensitive manner in relation to the character and appearance of the building and surrounding area;
- e. require telecommunication, plant, micro-generation and other mechanical equipment to be sited discretely so that visual amenity is not impaired.

### **Existing Buildings – Roof Alterations/Additional Storeys**

**34.3.48 UDP 4.4.2** Additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings. **They may change the character of the street, the skyline as seen from neighbouring houses and streets, and daylighting and sunlighting to neighbouring houses.** ~~en and 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 CD44 indicates those circumstances in which planning permission will be refused. CD45 gives the limited circumstances in which permission may be granted. Policies CD44 and CD45 should therefore be read as a pair.~~

**34.3.49 34.3.19** ~~As the majority of the Borough's built development is of modest height, extensions and modifications at roof level can alter the townscape character. **Proposals**, therefore, extensions and modifications need to **must** be assessed carefully and ensure they do not individually or cumulatively dominate the original building **or surrounding townscape.**~~

**34.3.50 UDP 4.4.3** 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.

## **Policy CL 8: Existing Buildings – Roof Alterations/Additional Storeys**

**The Council will require roof alterations and additional storeys to be architecturally sympathetic to the age and character of the building and group of buildings.**

To deliver this the Council will:

- a. ~~CD45~~ permit additional storeys and roof level alterations 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 reunite the group; ~~and b) the alterations are architecturally sympathetic to the age and character of the building and would not harm its appearance.~~
  
- b. ~~CD44~~ resist additional storeys, and roof level alterations on:
  - i. 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;
  - ii. b) buildings or terraces that already have an additional storey or mansard;
  - iii. c) buildings that include a roof structure or form of historic or architectural interest;
  - iv. d) buildings which are higher than surrounding neighbours;
  - v. 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;
  - vi. f) buildings which, by the nature of the roof construction and architectural style are unsuitable for roof additions, e.g. pitched roofs with eaves;
  - vii. g) mansion blocks of flats where an additional storey would add significantly to the bulk or unbalance the architectural composition;
  - viii. h) terraces which are already broken only by isolated roof additions.

~~CL2 f. require additional storeys and roof level alterations to be sympathetic to the architectural style and character of the building and to either assist in unifying a group of buildings or where there is a detached building to be no higher than the prevailing building height;~~

## **Existing Buildings – Extensions and Modifications**

**34.3.51** ~~34.3.18~~ The combination of the Borough's high land values, high residential densities, modest building heights and the expanse of the conservation areas, ~~have~~ **has** resulted in pressures for residential extensions **and modifications, including conservatories.**

**34.3.52** **It is important that extensions and conservatories extensions, including conservatories and modifications respect those aspects of character and integrity of the original building and group of buildings that contribute to local distinctiveness such as height, width, depth, building line, footprint, position, symmetry, rhythm, materials, finishes, detailed design, proportions or dimensions of fenestration, important gaps and a sense of garden openness.**

**34.3.53** ~~UDP 4.4.8~~ Buildings in the Borough are frequently difficult to extend without offending the light, privacy and outlook of adjoining buildings. The rear and sides 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 these elevations of buildings are generally subordinate to the front, they often have a simple dignity and harmony which makes them attractive.

**34.3.54** ~~UDP 4.4.11~~ 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 closing an unintentional or unintentional townscape gap, or in unbalancing an otherwise symmetrical elevation of a terrace, detached or semi-detached property. Appraisals of Conservation Areas 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.

~~**34.3.20** Over the last five years, there has been a 70% increase in applications for subterranean developments, with over 200 planning applications submitted in 2008. Subterranean developments involve more challenging planning, environmental, engineering and construction issues than other conventional extensions. Given the high concentration of historic environments and assets within the Borough, controlling the impact of proposals for subterranean development is considered to be of strategic importance. Subterranean development may have minimal structural impact on the existing or adjoining buildings as long as they are designed and constructed with great care. The Council requires Construction Method Statements, signed by a Chartered Engineer or a Chartered Structural Engineer, to be submitted with all planning applications for subterranean development. These statements must set out clearly the potential impact, including cumulative impact, of the development on the existing, neighbouring or surrounding buildings, and the measures taken to mitigate these impacts having specific regard to ground conditions. Apart from the structural considerations, there is a particular concern regarding the impact of subterranean development on the special architectural or historic interest of listed buildings. In addition, to ensure subterranean developments do not add to the impermeable surfacing of the Borough, Sustainable Urban Drainage Systems (SUDs) or other measures will be required. This also allows the green nature of the Borough to be maintained.~~

**34.3.55** ~~**34.3.21**~~ Conservatories are a popular form of residential extension within the Royal Borough. They are principally garden features and therefore they should be located with this principle in mind. It is important that they fit in with the historic character of the Borough and therefore their location in relation to the building and garden, their impact on neighbouring properties, their size and detailed design will be carefully considered.

**34.3.56** 34.3.22 Some modifications to buildings have the potential to cause harm, especially if they are not sensitive to the original character of the building or their cumulative impact detracts from the external appearance of the building. ~~However~~ **Conversely**, if handled in a careful and sympathetic manner they have the potential to result in an improvement to the quality and character of the building. Such details may include changes to windows or glazing patterns; projecting mouldings; chimneys and other architectural details; front walls; railings; the replacement of panelled entrance doors; the repair or replacement of stucco; the permanent removal of projected mouldings and the rendering or painting of a brick-faced building.

### **Policy CL 9: Extensions and modifications**

**The Council will require extensions and modifications to existing buildings to be visually subordinate to the original building, allow the form of the original building to be clearly seen, and to reinforce the architectural integrity of the original building, or group of buildings.**

To deliver this the Council will **resist proposals for extensions, including side extensions or conservatories if:**

- a. ~~CD47a~~ the extension would extend rearward beyond the existing general rear building line of any neighbouring extensions;  
~~CD47b~~ the extension would significantly reduce garden space of amenity value, or spoil the sense of garden openness when viewed from properties around;
- b. ~~CD47c~~ the extension would rise above the general height of neighbouring and nearby extensions, or rise to or above the original main eaves or parapet;  
~~CD47d~~ the extension would not be visually subordinate to the parent building;  
~~CD47e~~ on the site boundary, the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property;
- c. ~~CD47f~~ the extension would spoil or disrupt the even rhythm of rear additions. Full width extensions will not usually be allowed;  
~~CD47g~~ 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);  
~~CD47h~~ there would be a significant increase in overlooking of neighbouring properties or gardens;
- d. ~~CD47i~~ 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)~~
- e. ~~CD47j~~ the extension would breach the established front building line;
- f. ~~CD47k~~ an important or historic gap or view would be blocked or diminished;
- g. ~~CD47k~~ the architectural symmetry of a building, terrace or group of buildings would be impaired;
- h. ~~CD49b~~ the original architectural features on a formal flank elevation would be obscured;
- i. ~~CD49c~~ access to the rear of the property or of those adjoining would be lost or reduced.
- j. ~~CD48~~ **a conservatory is proposed to be** located at roof level, significantly above garden level **or on a corner site;**

## **Shopfronts**

- 34.3.57** 34.3.34 Shopfronts<sup>23</sup> within the Borough play a key part in establishing and defining the visual character of our high streets and shopping parades. The Borough has many fine examples of shopfront design ranging from the mid-19th Century through to today. While the careful restoration of some of these early examples is important for maintaining our highly valued built heritage, particular emphasis is placed on ensuring high standards of design for all shopfronts, be they of traditional, modern or contemporary style and to ensure they are inclusive for all.
- 34.3.58** ~~UDP 4.6.4~~ In old buildings, the original fascia and pilasters or columns which form the frame of the shopfront **can contribute to the character of the building**. ~~should be retained or reinstated as appropriate.~~
- 34.3.59** ~~UDP 4.6.5~~ 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.
- 34.3.60** ~~UDP 4.6.7~~ Open shopfronts can break up the continuity of a street frontage and leave an undesirable gaps in a shopping parade. The creation of an open shopfront affects the form of the space between the buildings. The facades present an envelope which defines the space and its character; the sudden appearance of a large opening within the envelope leaves a gap in the shopping parade, so that the space itself is altered. The facade above is also left visually unsupported, the vertical elements resting uncomfortably on a void.
- 34.3.61** ~~UDP 4.6.9~~ 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, **thus it is important** 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.~~
- 34.3.62** ~~UDP 4.6.14~~ ~~The Council considers that~~ It is important to control blinds **and** 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.

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<sup>23</sup> shopfronts refer to ground floor entrances of class A uses and other commercial and non-commercial uses typically found within town centres and shopping parades

## CL 10 Shopfronts

- a. ~~n.~~ require alterations to existing shopfronts to preserve those elements that contribute to their traditional character, such as corbels, part-glazed doors, fascia, glazing bars, pilasters, ~~and~~ stallrisers, **awnings and blinds**;
- b. ~~e.~~ require new, and alterations to existing shopfronts, to:
  - i. respect the building's original framework;
  - ii. have a positive visual impact on the appearance of the building or streetscene;
  - iii. respect the character of the building in relation to siting and design of awnings and blinds;
  - iv. be inclusive for all;
  - v. provide independent access to **existing** upper floor accommodation.
- c. ~~CD72~~ require, where shop units are combined, new shopfronts and signage to be installed within the original surrounds and not to obscure them.
- d. ~~CD74~~ 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.~~
- e. resist open shopfronts.
- f. **resist external security shutters that have a solid appearance.**

NOTE: Refer to Policy CE1 in relation to sustainability, refer to Policy CE6 in relation to noise and vibration and refer to Policy CR4 in relation to signage.

## Views

- 34.3.63** ~~34.3.10~~ The quality and character of an area is not only provided by the individual buildings but it is also gained from views into and out of the area. When considering development that will impacts on views, vistas and gaps, it is important to respect the local context. ~~The Borough has one designated strategic view which is that of St Paul's as seen from King Henry's mound in Richmond Park.~~
- 34.3.64** ~~UDP 4.5.9~~ The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This ~~environmental quality~~ is evident not only in the public realm, but also at the rear and sides of properties, particularly, around areas of private gardens. **The presence of mature rear gardens and 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.**
- 34.3.65** ~~UDP 4.5.9 cont.~~ Residents' appreciation and enjoyment of **the Borough as a whole and** the special character and appearance of conservation areas **in particular** derives from both public viewpoints and views from within their dwellings. ~~In applying these policies, the Council will consider~~ Not only the street scene, but views from other buildings and gardens, as these are also important to residents' **living conditions**. ~~amenities.~~ In particular, careful regard will be had to the ~~content~~ **appraisals** of conservation areas ~~Proposals Statements~~.

**34.3.66** As well as appraising proposals and how they will affect views generally within the townscape, including in and around conservation areas, the Borough has a number of specifically recognised views that are important to protect. These are set out in the Views and Building Heights SPD.

**34.3.67** ~~UDP 4.2.22~~ 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 Planning Authorities (RPG3), Annex A of Supplementary Guidance for London on the Protection of Strategic Views and the Secretary of State's Direction dated 22nd May 1992. (See also policy STRAT 12).

### **Policy CL 11: Views**

The Council will require all development to protect and enhance views, vistas gaps and the skyline that contribute to the character and quality of the area.

To deliver this the Council will:

- a. ~~CL1(e)~~ resist development which interrupts, disrupts or detracts from strategic and local vistas, views, and gaps and the skyline.
- b. require developments whose visual impacts extend beyond that of the immediate street, to demonstrate how views are protected and enhanced;
- c. require, within conservation areas, development to preserve or enhance views
  - i. identified in the Council's conservation area appraisals s-Statements,
  - ii. generally within, into, and out of conservation areas, including of the rear of properties;
  - iii. that affect their setting, including of and from development on sites adjacent to conservation areas.
- d. require development to respect the setting of a landmark, taking care not to create intrusive elements in its foreground, middle ground or background.

### **High Buildings Building Heights**

**34.3.68** ~~34.3.23~~ The relatively modest and consistent height of building within Kensington and Chelsea reflects the primarily residential character of the Borough. High residential densities are delivered within this townscape without recourse to tall buildings. and ~~†~~This pattern of development with its low to medium-rise, high-density residential areas, has produced a very attractive townscape, and is central to the Borough's charm. The Borough has comparatively few tall buildings, the tallest being Trellick Tower at 98m. Tall buildings are therefore very much the exception. Building height is thus a critical issue and a very sensitive feature of the townscape. It is important that the Council carefully manages the height of new development that may otherwise erode the Borough's distinctive townscape character.

- 34.3.69** ~~34.3.23 cont.~~ The Borough has comparatively few tall buildings, Tall buildings are very much the exception: the tallest being Trellick Tower is the tallest at 98m. ~~Tall buildings are therefore very much the exception.~~ Building height is thus a critical issue and a very sensitive feature of the townscape. It is important that the Council carefully manages the height of new development that may otherwise erode the Borough's distinctive townscape character.
- 34.3.70** New buildings can strengthen the traditional townscape, both through individual buildings carefully designed to respect their immediate context and through larger developments, which can seek to introduce new legible environments consistent with the Borough's character. (See Policy CR2 Three-dimensional Street Form).
- 34.3.71** Where new larger developments are proposed some variation in roofscape and height can provide visual interest to the streetscape and avoid overbearing and bulky building forms. This could mean differentiation in roof forms and roof lines within parameters based on the prevailing building height, to break up large blocks and reflect the predominantly domestic scale of the Borough.
- 34.3.72** ~~34.3.24~~ High Tall buildings have a greater impact on their environment than other building types, posing problems of microclimate, overshadowing and overlooking. This is especially harmful to residential environments and amenity spaces, and needs to be avoided through careful siting and design (see Policy CL5).
- 34.3.73** ~~34.3.25~~ High Tall buildings in the wrong location can be visually disruptive. For example, ~~They can harm the character and appearance of a conservation area, the setting of a listed building, or the visual amenity of important open space; or~~ and they can interrupt views, such as the strategic view from King Henry VIII's Mound (Richmond) to St. Paul's Cathedral, or those identified within the Council's Conservation Area Proposal Statements or other adopted documents. (see Policies CL1, CL3-4 and CR5). One approach to determining the appropriate location of high buildings would be to identify where they are inappropriate. However, such an approach risks inferring that they are therefore appropriate everywhere else, which is mistaken.
- 34.3.74** ~~34.3.26~~ It is not enough to ensure that their location avoids causing harm; tall buildings They should also make a positive intervention in the existing townscape. This is not just a matter of design quality, but also of contributing to townscape legibility. Buildings that rise above the prevailing building height are successful where, depending on their impact, they give meaning to the local or Borough townscape, highlighting locations or activities of public importance.
- 34.3.75** ~~34.3.27~~ Local landmarks are occasional features in the Borough which that define points of townscape interest or public functions ~~that are~~ relevant to those living or working within the immediate areas. A local landmark does not have to distinguish itself by its height ~~not necessarily rise above the prevailing building height~~, for example, the Michelin Building at Brompton Cross. ~~but w~~ Where they do, they will tend not to be more than 1½ one and a half times higher than the surrounding buildings in height above their context, and remain compatible with their context. Regardless of their location, they local landmarks

should always be of very high design quality and occasional features if they are to retain their meaning.

- 34.3.76** ~~34.3.28~~ District landmarks, on the other hand, are visible over a wider areas and tend to highlight major public functions. They can rise to up to four times higher than the surrounding buildings ~~their context in height~~. They are not characteristic of the Borough, being exceptionally rare ~~very occasional~~ in the Borough's townscape ~~features in a Borough of predominantly low to medium rise development~~. Because ~~district landmarks are visible over a much wider area~~ of their visibility, their location and use of district landmarks must be of significant ~~use~~ value to the Borough as a whole; ~~and~~ inevitably, they will remain very occasional features. Their location and relationship to the local townscape are of the utmost importance.
- 34.3.77** ~~34.3.29~~ Care is needed to ensure that ~~their~~ visibility is assessed contextually to ensure that they proposals that exceed the prevailing building height have a positive visual impact and do not appear incongruous within their surroundings. A computer generated zone of visual influence that includes an accurate model of the relevant context is an essential tool in assessing the visual impact of these landmarks.
- 34.3.78** ~~34.3.30~~ On sites where there may be scope for a ~~district landmark~~ taller building, a design-led approach is essential. In such cases the Council will promote close working with ~~the~~ stakeholders and, where appropriate, with strategic and neighbouring authorities in the production of an urban design framework that will guide the siting and appropriate height of ~~the buildings~~ (s), particularly in relation to existing views ~~and~~ to ensure a wholly positive benefit to the townscape.
- 34.3.79** ~~34.3.31~~ Height is not the only factor which is important when assessing ~~high~~ tall buildings. District landmarks should be of an exceptional quality of architecture, sustainability and urban design. Successful tall buildings possess an architecture that is convincing and highly attractive, especially when viewed in the round, and that makes for a distinguished landmark on the skyline. This requires the skilful handling of scale, height, massing, silhouette, crown and facing materials and the careful incorporation of building services and telecommunications equipment. The profile and proportion of the building, especially the part ~~which~~ that sits above the prevailing building height, is also a sensitive feature. Bulky tall buildings are not attractive to look at and disfigure the skyline; slender ones are more successful.
- 34.3.80** ~~34.3.32~~ Design quality applies equally ~~to the top, where the impact is on the skyline, as to~~ the base. At lower levels it is not only the impact on the streetscape and local views, but also how the building functionally relates to the street. Successful ~~high~~ tall buildings are those that create meaningful public realm, interacting positively with the surrounding buildings and spaces. ~~It~~ This includes contributions to permeability and connectivity, defining edges that reinforce existing building lines and give a coherent form to open space, and providing active ground floor frontages and a stimulating and inclusive public realm (see Policies CR1 and CR2).
- 34.3.81** ~~34.3.33~~ Very tall buildings, more than four times the height of their context, characterise central metropolitan areas and are thus inappropriate to this Borough.

## **Policy CL12: Building Heights**

**The Council will require new buildings to respect the setting of the Borough's valued townscapes and landscapes, through appropriate building heights.**

To deliver this the Council will:

- a. **require proposals to strengthen our traditional townscape in terms of building heights and roofscape by requiring developments to:**
  - i. **reflect the prevailing building heights within the context**
  - ii. **provide – within the prevailing building height – a varied roofscape in larger developments**
  - iii. **use height to express local landmarks seldom so the prevailing building height is maintained.**
- b. **to resist buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances, where the development has a wholly positive impact on the character and quality of the townscape.**
- c. **to require full planning applications for any building that exceeds the prevailing building height within the context**

## **34.4 CORPORATE AND PARTNER ACTIONS**

### **Introduction**

34.4.1 Delivering the strategic objective of Renewing the Legacy will take more than the planning policies above. A range of activities undertaken across the Council and by our partner organisations will also deliver this objective. This section sets out the main strategies and action plans that have been prepared to play a part in delivering this objective. It then sets out specific actions that will be undertaken

### **Corporate or Partnership Strategies that will contribute to the delivery of the Strategic Objective**

#### **English Heritage: National Buildings at Risk Strategy 1998**

34.4.2 The National Buildings at Risk Strategy arose from the success following the survey of all grades of listed buildings in London, when English Heritage first published the annual Register of Buildings at Risk in London in 1991. There is now a combined Heritage at Risk register that combines Grade I and II\* listed buildings at risk and structural scheduled monuments which are at risk and vulnerable.

#### **The Royal Borough of Kensington and Chelsea, Renewing the Legacy: 21 Projects for the 21st Century 2006**

This document outlines a series of Council and partner-led projects that will help keep Kensington and Chelsea to be one of the world's best places to live.

## Corporate or Partnership Actions for Renewing the Legacy

1. The Planning and Borough Development Directorate will continue to run the Architecture Appraisal Panel;
2. The Planning and Borough Development Directorate will work in partnership and consult with design and conservation bodies including English Heritage and CABI;
3. The Planning and Borough Development Directorate will review conservation areas and Article 4 directions as resources allow;
4. The Planning and Borough Development Directorate will continue to reduce the number of buildings and monuments at risk on 'English Heritages Risk Register' and the Borough's own 'Buildings at Risk Register';
5. The Planning and Borough Development Directorate will continue to use Article 4 Directions and Section 215 powers<sup>24</sup>;
6. The Planning and Borough Development Directorate will continue to produce additional and update existing design guides and Conservation Area Proposal Statements;
7. The Planning and Borough Development Directorate will work in partnership with the Council's Property Services and Housing Department to deliver housing renewal;
8. The Planning and Borough Development Directorate will work in partnership with Police Architectural Liaison to ensure that 'Secured by Design' is embedded in all design;
9. The Council will encourage architectural competitions to help select architects for developments on major sites, leading to better quality design;
10. The Planning and Borough Development Directorate will designate the Exhibition Road museums as a Strategic Cultural Area and, in partnership with the City of Westminster, will investigate designation of the area as a World Heritage Site.
11. The Planning and Borough Development Directorate will continue to run and up-date its Environment Awards Scheme.

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<sup>24</sup> An Article 4 Direction is made by the Council and confirmed by the Government. It serves to restrict Permitted Development rights