

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT

APP NO. PP/12/02952/Q21
PLANNING APPLICATIONS COMMITTEE 13/11/2012
AGENDA ITEM NO. C117

SITE ADDRESS

5 Wallgrave Road LONDON SW5 0RL	<u>APPLICATION DATED</u>	08/08/2012
	<u>APPLICATION COMPLETE</u>	14/08/2012
	<u>APPLICATION REVISED</u>	18/09/2012

APPLICANT/AGENT ADDRESS

Mr D Morehen
J D Architects
7 Cloisters House
8 Battersea Park Road
LONDON
SW8 4BG

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Earls Court Village	WARD	Earl's Court
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>	N/A	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
3	14	0	0	0

Applicant Investment Partners Limited

PROPOSAL: Construction of a subterranean extension beneath the footprint of the property and part of the front lightwell and rear garden, erection of a single storey glazed infill extension at rear lower ground floor level and elevational alterations.

RBK&C Drawing No(s):PP/12/02952 and PP/12/02952/A

Applicant's Drawing No(s): 01412-100; 350A; 300A; 225A; 200; 450A

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, 01412-100; 350A; 300A; 225A; 200; 450A (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
4. **All windows and doors hereby approved shall be timber framed, and so maintained. (C075)**
Reason - To preserve the character and appearance of the Conservation Area.(R072)
5. **The development hereby permitted shall not be implemented until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:**
 - **routeing of demolition, excavation and construction vehicles;**
 - **access arrangements to the site;**
 - **the estimated number of vehicles per day/week;**
 - **details of any vehicle holding area;**
 - **details of the vehicle call up procedure;**
 - **estimates for the number and type of parking suspensions that will be required;**
 - **details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works;**
 - **a strategy for coordinating the connection of services on site with any programmed work to utilities upon adjacent land;**
 - **work programme and/or timescale for each phase of the demolition, excavation and construction works; and**
 - **where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.**

The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.

Reason - In the interest of highway safety and to safeguard the amenity of the area and to comply with the Subterranean Development SPD and policy CT1 and CL5.

6. **The development hereby permitted shall not commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this Condition. (C106)**

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Subterranean Development SPD and policy CL2. (R106)

7. **The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved an EcoHomes rating of Very Good with 40% of the credits achieved under the Energy, Water and Materials sections and a post construction review Certificate for the dwelling has been issued certifying that a Very Good rating has been achieved. (C110)**

Reason – To secure mitigation for the environmental impact of the subterranean development and to comply with policy CE1 of the Core Strategy.

8. **No development shall be carried out until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works hereby approved.**

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Subterranean Development SPD and policy CL5.

9. **Prior to the works to implement the development hereby permitted commences, details of all external ventilation to the premises, including all pipes, ducts and vents, shall be submitted to and approved in writing by the Local Planning Authority**
Reason - To safeguard the character and appearance of the conservation area and to protect the amenity of neighbouring properties.

INFORMATIVES

- 1 I09 Variations due to Building Regs.
- 2 I10 Attention to Conditions
- 3 I11 Care - Conservation Area
- 4 I21 Building Regs. - Separate Approval
- 5 I71 Party Wall Act
- 6 I63 Subterranean Development
- 7 I67A Construction Management
- 8 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)

1.0 SITE

- 1.1 5 Wallgrave Road is a two storey plus basement mid terrace property located on the west side of Wallgrave Road. The property is in use as a single family dwelling.
- 1.2 The property is not listed although it is within the Earl's Court Village Conservation Area.

2.0 PROPOSAL

- 2.1 Planning Permission is sought for the construction of a subterranean extension beneath the footprint of the property and part of the front and rear gardens; the erection of a single storey glass infill extension at rear lower ground floor level; fenestration alterations at the rear of the property and the insertion of roof lights at main roof level.
- 2.2 The proposal has been amended since original submission to reflect Officer comments following the site visit at the property with regard to the extent of the rear extensions proposed, the proposed rooflight to the front lightwell/garden and the clarity of details within the Construction Method Statement.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for the site.

4.0 PLANNING CONSIDERATIONS

- 4.1 The planning considerations to be taken into account in determining this application are the impact of the proposal on the character and appearance of the building, the terrace and the conservation area. Consideration is also given to the impact that the proposal will have on the amenity of neighbouring properties and sustainability.
- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan July 2011, plus relevant 'saved' policies from the UDP. The contents of the Government's National Planning Policy Framework have also been taken into account.
- 4.3 Relevant Core Strategy Policies include:
- CL1 (context and character)
 - CL2 (extensions and modifications)
 - CL3 (historic environment)
 - CL5 (amenity)
 - CL6 (small alterations)
 - CE1 (climate change)
 - CT1 (alternatives to car use)

- 4.4 The London Plan 2011 has also been considered and no policies were directly relevant to this proposal.
- 4.5 Relevant 'saved' UDP policies that relate to this application include:
CD47 (extensions)
CD63 (views in Conservation Areas)
- 4.6 Weight has been given to Supplementary Planning Guidance, the Earl's Court Village Conservation Area Proposals Statement, the Subterranean Development Supplementary Planning Document, as well as Government guidance, in particular PPS5.

Subterranean Extension

- 4.7 Planning permission is sought for the excavation and construction of a single storey subterranean extension beneath the footprint of the original property and part of the front and rear gardens. This will provide additional ancillary accommodation to the dwellinghouse.
- 4.8 At the front of the property no changes are proposed to the existing front lightwell area. At the rear, a single external rooflight is proposed to supply light to the subterranean extension and the existing garden level will be lowered by 500mm. Given the rear garden is highly enclosed with an existing blank flank elevation to 11 Childs Street immediately at the rear and enclosing boundary walls and fences, the rooflight proposed would not be visible within the conservation area.
- 4.9 A small area beneath the existing hard surfaced front lightwell will be excavated to provide ancillary space for the dwellinghouse. Given the area is small (600mm from the front elevation) and is already hard standing a 1 metre soil depth is not necessary in this case.
- 4.10 The only external manifestation of the basement would only be through the single rooflight at the rear of the property ensuring the subterranean extension is not highly visible. Therefore, the location, size and design of the proposed rear rooflight would not result in harm to the appearance of the building or the terrace and the character and appearance of the conservation area would be preserved, in compliance with CS Policy CL3.
- 4.11 It should be noted the proposal also involves the insertion of a rooflight located internally, in the ground floor level front sitting room. As an internal alteration it cannot be controlled by the Council. Given its location it would have no effect on the appearance of the building or the surrounding area.
- 4.12 The application was submitted with a Construction Method Statement signed off by a qualified structural engineer at Alan Baxter Partnership LLP. This outlines that the proposal would not have an adverse impact on existing groundwater levels and would not have a detrimental effect on the structural stability of the existing and adjoining buildings. The site is not within a designated flood risk zone and the Environment Agency does not object to subterranean development of this nature in this location on flood risk grounds. Therefore, the proposal is acceptable and in compliance with CS Policy CL2 part (g) and with the Subterranean SPD.

- 4.13 Policy CE1 of the Core Strategy and the Subterranean SPD requires the entire dwellinghouse to meet EcoHomes "very good" with 40% of the available credits achieved under the Energy, Water and Materials sections. In this case the applicant has provided an EcoHomes Assessment by Metropolis, and this demonstrates that the proposed scheme has a potential to score a Very Good rating, with a current score of 58.24%. This demonstrates that the proposed scheme is capable of complying with the requirements of Policy CE1. Condition 7 will secure this is met.

Extensions

- 4.14 Core Strategy Policy CL1 requires 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. Policy CL2, requires that extensions to buildings should be of the highest urban design quality, with CL2 (a) requiring the architecture of new development to be functional, robust, attractive, locally distinctive, sustainable, inclusive, and secure. Parts (d)(i) and (e) require extensions to be visually subordinate to the parent building and to respect the character and integrity of the original building and group of buildings. UDP 'saved' Policy CD47 resists extensions if certain criteria are applicable.
- 4.15 At rear lower ground floor level, in the closet wing lightwell and set back 100mm from the rear elevation of the existing closet wing extension, it is proposed to erect a glazed, single storey contemporary style infill extension. This will feature a glass sloping roof and would not extend above the existing boundary wall with 4 Wallgrave Road. There would be no material increase in the boundary wall with 4 Wallgrave Road at the rear.
- 4.16 Given the proposed location, size and design of the extension, this element of the proposal is acceptable and will preserve the character and appearance of the building and terrace and is compliant with CS Policies CL1 and CL2 and saved UDP Policies CD47 and CD63.

Fenestration and Minor alterations

- 4.17 It is proposed to relocate and replace existing windows on the north side elevation of the existing closet wing with new windows to match the existing at the property, in style and scale. On the rear elevation of the closet wing at ground floor level it is proposed to install new timber framed sliding glazed doors and to minimally move an existing window at first floor level. The property is a single family dwelling house and these works would constitute permitted development not requiring planning permission.
- 4.18 Lastly, at main roof level, it is proposed to insert seven new conservation style rooflights. Four rooflights would be located on the southern butterfly roof slope of the main roof and three on the main roof of the existing closet wing. Given their location behind existing parapets the rooflights would not be highly visible and are therefore acceptable and compliant with CS Policy CL6.

- 4.19 Overall, the external alterations proposed are acceptable and preserve the character and appearance of the Earl's Court Village Conservation Area, in compliance with the aims of CS Policy CL3.

Transportation

- 4.20 To reduce the impact of the excavation of the basement on the highway it is recommended that a condition is imposed to the planning permission requiring the applicant to submit a Construction Traffic Management Plan. Condition 5 will secure this.

Amenity

- 4.21 Regarding the supply of natural light, the new basement storey would not be well lit throughout. However, the proposal maximises the supply of natural light from the internal rooflight and the rear external rooflight and the proposal is acceptable as the basement would provide secondary accommodation to an existing dwelling which enjoys good lighting conditions overall. Therefore, no objection is raised with reference to CS Policy CL5. Given the location of the proposed basement beneath property and part of the front and rear gardens it would not result in any increased sense of enclosure or loss of sunlight and daylight for occupiers of neighbouring properties. On this basis, the proposal complies with CS Policy CL5.
- 4.22 With regard to the rear infill extension, given the location and size of the rear lower ground floor level lightweight extension, it would not result in a loss of privacy, increase in sense of enclosure or loss of sunlight/daylight to neighbouring properties to warrant a refusal on these grounds.
- 4.23 The proposal complies with CS Policy CL5.

5.0 PUBLIC CONSULTATION

- 5.1 Three properties were notified of this application initially, at 4 and 6 Wallgrave Road and 11 Child's Street. Following receipt of revised drawings these addresses including the addresses of all objector's to the scheme plus 2 and 3 Wallgrave Road were consulted on 18th September 2012.
- 5.2 To date, fourteen letters of objection have been received by the Council.
- 5.3 The letters of objection raised the following concerns:
- 5.4 **The proposal will set a precedent in the Earl's Court Village area for subterranean extensions.**
All applications must be considered on their own merits. The proposed single storey basement will not manifest itself above ground apart from an enclosed rooflight at the rear, is compliant with all relevant policies and will preserve the character of the conservation area.
- 5.5 **The proposal will result in works on the party wall with neighbouring properties and the Party Wall Act is not sufficient in terms of protection for neighbouring residents properties.**
Planning legislation can only go so far in terms of impact upon

neighbouring properties and protection during construction works. The application was submitted with a construction method statement prepared by a qualified structural engineer. That statement is sufficient to comply with the Council's policies to demonstrate that the subterranean development can be carried out safely. The Party Wall Act 1996 contains relevant provisions in respect of damage to neighbouring property and adjoining owners' rights. A condition is recommended to ensure a suitably qualified structural engineer is appointed to supervise the works, and an Informative added to remind of the developer's duties under the Party Wall Act.

5.6 Impact on structural stability of adjacent buildings – requesting structural survey of adjacent buildings and compensation from the Council should damage occur during construction works.

The application was submitted with a construction method statement prepared by a qualified structural engineer. That statement is sufficient to comply with the Council's policies to demonstrate that the subterranean development can be carried out safely. The Party Wall Act 1996 contains relevant provisions in respect of damage to neighbouring property and adjoining owners' rights. Conditions 6 is recommended to ensure a suitably qualified structural engineer is appointed to supervise the works, and an Informative added to remind of the developer's duties under the Party Wall Act.

5.7 Will retrospective planning permission be granted if the proposed works are not built in accordance with the approved drawings?

Any future applications submitted for the site would be assessed on their own merits and in accordance with relevant Council policy.

5.8 The proposal would be insensitive to the site and conservation area.

As discussed above in Section 4.0 of this report, the proposal would preserve the character and appearance of the mews and the conservation area. The subterranean extension does not manifest itself above ground excessively and the above ground works are sympathetic to the building.

5.9 The proposal would result in increase in noise and disturbance for occupiers of neighbouring properties

Conditions are recommended to minimise as far as practicable the impact of the construction process on the amenities of local residents and local traffic and parking. Control of noise and dust during the construction phase are primarily dealt with under Environmental Health legislation. Appeal decisions in the Royal Borough and elsewhere confirm that, whilst some disturbance is inevitable during construction, especially in a dense urban location such as this, the impacts can be minimised by the imposition of conditions, if planning permission were to be granted.

5.10 The proposed rooflight at the front of the property would be harmful to the character and appearance of the conservation area.

The scheme no longer proposes a rooflight in the front lightwell/garden area of the property. A rooflight is proposed internally in the front sitting room but given this is an internal alteration it does not require planning permission and would have no impact on the external appearance of the property.

5.11 Works at the front of the property would be harmful to the character

and appearance of the building and conservation area.

No works or alterations are proposed to the front of the property other than the subterranean extension beneath a small area the front garden level. This will not manifest itself externally at the front of the property.

5.12 Excavation and construction resulting in loss of amenity to residents in terms of parking and waste disposal.

The impact of the construction process can be partially mitigated, where appropriate, through the use of planning conditions to supplement powers under other legislation such as the Environmental Protection Act and Highways Acts. Such conditions are recommended in this case, in order to minimise the impact of the construction process on the amenity of local residents, and function of local highways, as far as can reasonably be achieved under the Town and Country Planning Act. Details of vehicle movements will be requested as part of a construction traffic management plan secured through a planning condition. Government policy (Circular 11/95) is clear that planning permission should not be refused on the basis of a matter which can be resolved through the use of a condition.

5.13 The proposal includes the increase in height of the rear closet wing and the main roof of the building that would be detrimental to the amenity of neighbouring properties and the appearance of the building.

The scheme has been revised and the proposed increase in height of the existing closet wing extension has been omitted and is no longer proposed. No material increase in height or changes to the main roof of the building or the closet wing extension are proposed as part of this application.

5.14 The rear elevation of 4 Wallgrave Road is shown incorrectly on the drawings.

This error has been corrected by the applicants and the drawings are now a true depiction of the rear elevation of 4 Wallgrave Road.

5.15 The proposed rear rooflight will result in light pollution.

Only one single rooflight at the rear of the property in the existing rear garden would provide light to the basement storey. This is modest in design and discreetly located and would not cause significant light pollution to warrant a refusal on these grounds.

6.0 CONCLUSION

6.1 The proposed subterranean extension, rear lower ground floor level extension and other minor alterations would preserve the character and appearance of the surrounding Earl's Court Village Conservation Area. There would be no significant detrimental effect upon the amenity of neighbouring premises. Therefore the development complies with relevant Core Strategy and Unitary Development Plan policies.

7.0 RECOMMENDATION

7.1 Grant planning permission

JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

List of Background Papers:

The contents of file PP/12/02952 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By:	LB
Report Approved By:	ER/DT/JB
Date Report Approved:	30/10/2012

PSC/LB.REP

01/11/2012 20:11:50

Construction of a subterranean extension beneath the footprint of the property and part of the front lightwell and rear garden, erection of a single storey glazed infill extension at rear lower ground floor level and elevational alterations.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

Core Strategy adopted 8 December 2010

CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity
CL6	Small-scale Alterations and Additions
CE1	Climate Change
CT1	Improving alternatives to car use

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD47	Resist Proposals for Extensions
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Subterranean Development adopted 26 May 2009 (0903), Earls Court Village adopted 2 February 1988 (11A). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The proposed subterranean extension, rear lower ground floor level extension and other minor alterations would preserve the character and appearance of the surrounding Earl's Court Village Conservation Area. There would be no significant detrimental effect upon the amenity of neighbouring premises. Therefore the development complies with relevant Core Strategy and Unitary Development Plan policies.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.