



Appeal Decision

Hearing held 8 September 2020

Unaccompanied Site visit made on 9 September 2020

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 September 2020

Appeal Ref: APP/K5600/W/19/3239420

17 Cavaye Place, London, SW10 9PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning outline permission.
 - The appeal is made by Ms Elena Segal against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/19/01264 dated 14 February 2019 was refused by notice dated 17 April 2019.
 - The development proposed is demolition of the existing three storey dwelling and its replacement with a four storey (ground plus three upper floors) dwelling with a single storey basement level.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing three storey dwelling and its replacement with a four storey (ground plus three upper floors) dwelling with a single storey basement level at 17 Cavaye Place, London, SW10 9PT in accordance with the terms of the application, Ref PP/19/01264 dated 14 February 2019, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. The Council made its decision on the planning application with reference to Policies of the Consolidated Local Plan of the Royal Borough of Kensington and Chelsea (2015). However, the Council of The Royal Borough of Kensington & Chelsea Local Plan (2019) (RBKCLP) has now been adopted. Nevertheless, the titles and detailed wording of the Policies referred to in the decision notice and those relevant in RBKCLP are the same. I must make my decision on the development plan prevailing at the time of my determination. I am satisfied that no party has been prejudiced by my approach.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind it would be within the setting of the Boltons Conservation Area and No 4 Gilston Road a non-designated heritage asset.

Reasons

4. The appeal site is positioned in the corner of Cavaye Place next to No 4 Gilston Road (No 4), a tall traditional building. Cavaye Place is a narrow side road

which runs behind Fulham Road which is characterised by relatively tall buildings and commercial uses at street level. Opposite the appeal site extending over Cavaye Place is Cavaye House a tall modern building. To the north east of the appeal site beyond Cavaye House is a row of mews style traditional dwellings. The appeal site adjoins the Boltons Conservation Area (CA) and No 4 is a non-designated heritage asset identified as a significant building within the CA Appraisal¹.

5. The CA is characterised by mainly traditional dwellings with attractive detailing including decorative stucco and detailed brickwork frontages, an example of which is No 4, a former school which has attractive brick and stone detailing. The buildings in the CA are spaciouly arranged in a formal layout interspersed with mature trees and landscaping. In my view, the significance of the CA and the buildings within it, including No 4 is derived from the attractive architectural detailing and their spacious, verdant and formal layout.
6. I acknowledge the proposed dwelling would be taller than the existing dwelling. I accept the existing dwelling and the dwellings to the north east of the appeal site on Cavaye Place have an auxiliary appearance and are smaller in scale to many of the buildings that surround them.
7. However, the proposal would occupy the same footprint as the existing dwelling and the third above ground storey would be shallower and narrower than the first and second floors allowing space for planting at roof level which would soften its appearance. Even though the proposal would not appear auxiliary it's contemporary appearance, cascading fenestration, white painted brickwork and greenery would reflect positive aspects of its context such as the window arrangement of the rear elevation of No 4.
8. Furthermore, the proposed second floor parapet would follow the eaves of No 4 with the proposed terrace providing a clear visual break between the roof of No 4 and the proposed dwelling. Moreover, tucked into the south western corner of Cavaye Place it would be visually separated from the traditional dwellings to the north east on Cavaye Place by Cavaye House.
9. Due to the proposed terrace and planting, the proposal would not appear noticeably top heavy nor would it appear awkward alongside No 4. Furthermore, whilst there would be glimpsed views of the proposed dwelling from within the CA, including from Gilston Road, through the use of complimentary materials, its overall relatively modest scale compared to surrounding buildings and the proposed planting it would not appear out of scale, incongruous or even noticeable with views partly restricted by existing mature trees.
10. Overall, I find, the proposed dwelling when viewed alongside or from within the CA and next to No 4 would appear as a relatively modest contemporary dwelling which draws positive references from its varied surroundings. Therefore, it would not harm the character and appearance of the area or the setting or significance of the CA or No 4.
11. For these reasons the proposal would therefore accord with the development plan and the good design and historic environment conservation aims of the

¹ The Boltons Conservation Area Appraisal, The Royal Borough of Kensington and Chelsea 17 February 2015.

Framework and the development plan. It would specifically accord with Policies CL1, CL2, CL3, CL11, CL12, CR2 and CR4 of the RBKCLP.

Conditions

12. The conditions imposed are those which have been suggested by the Council. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition to ensure samples and details of the finishing materials are submitted for approval for additional certainty in the interests of safeguarding the character and appearance of the area. For the same reason and to safeguard trees, conditions which require tree protection measures to be agreed and put in place are also necessary and the details of the methods of protection are necessarily required pre-commencement.
13. In the interest of public health and safety conditions requiring contamination to be investigated and remediated and sewer flood risks mitigated are also necessary. For the same reason and to minimise disturbance during construction pre-commencement conditions requiring a construction management plan to be agreed, the appointment of a competent engineer and compliance with the Considerate Contractors Scheme and the Code of Construction Practice are also necessary.
14. Finally, in the interests of appropriate site drainage a pre-commencement condition which requires details of sustainable drainage to be submitted and agreed is also necessary.

Conclusion

15. For the reasons set out above, having had regard to all other matters raised, I therefore conclude that on balance the proposal would accord with the Framework and the development plan and the appeal should therefore be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall not be carried out except in complete accordance with the details shown on the submitted plans: Site location plan 0937.SLP, Existing Ground Floor Plan EX.001, Existing – First, Second & Roof Plan EX.002, Existing – Front & North East Side Elevation EX.011, Existing – Rear & South West Side Elevation EX.012, Existing – Neighbouring Elevation 1 EX.013, Existing – Neighbouring Elevation 2 EX.014, Existing – Section A EX.101, Existing – Section B EX.102, Proposed – Basement Floor Plan PL.000 Rev A, Proposed – Ground Floor Plan PL.001, Proposed – 1st, 2nd & 3rd Floor Plan PL.002, Proposed – Roof Plan PL.003, Proposed – Front & North East Side Elevation PL.011, Proposed – Rear & South West Side Elevation PL.012 and Proposed – Section BB PL.102.
- 3) Excluding demolition and prior to the construction of the above ground building, full particulars of the following (including detailed drawings or samples of materials as appropriate) shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:
 - (a) All materials to be used on the external faces of the building, including bricks, cladding, glazing, etc;
 - (b) Hard and soft landscaping and external lighting.
- 4) For the duration of works the tree(s) existing on the site/neighbouring site at the date of this permission shall be protected so as to prevent damage above and below ground, and no tree shall be lopped, topped, or felled, or root pruned, without the prior written approval of the local planning authority.
- 5) If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented in full.
- 6) The basement shall not be occupied until a suitable pumped device to protect the basement from sewer flooding has been installed and made available for use and shall be maintained as approved thereafter.
- 7) No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.
- 8) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) Routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) Access arrangements to the site;
- c) The estimated number and type of vehicles per day/week;
- d) Details of any vehicle holding area;
- e) Details of the vehicle call up procedure;
- f) Estimates for the number and type of parking suspensions that will be required;
- g) Details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) Work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) Details of measures to protect pedestrians and other highway users from construction activities on the highway; and
- j) 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, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved CTMP. A one-page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

- 9) No development shall commence until:

- (a) A Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and
- (b) The name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the local planning authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor 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 and supervisor are at that time currently appointed and their appointment has been notified to the local planning authority in accordance with this condition.

- 10) No development shall commence 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 forming the subject of this permission.

11) No development shall commence until:

- a) A Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been approved, in writing, by the Council's Construction Management Team, and then
- b) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

The Council's Construction Management Team work independently of the planning department. For further information regarding the Code and how the required details should be submitted to them, the Council's Construction Management Team can be contacted on email at: dehcmt@rbkc.gov.uk or tel: 020 7361 3002.

12) No development shall commence until a Sustainable Drainage System (SuDS) strategy with the following information is submitted to and approved in writing by the local planning authority:

- a) detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Policy CE2 (g), which is to achieve a reduction of 50% of existing rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater or other flows).
- b) Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
- c) Section/profile drawings of the SuDS if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc)
- d) Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved (SuDS) measures shall be fully implemented and maintained thereafter.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT

Simon Wallis	Savills
Elena Segal	Appellant
Peter Segal	Appellant's Father
Sinisa Rodic	Rodic Davidson
Liz Shannon	Savills

FOR THE COUNCIL

Fiona Rae	The Council of The Royal Borough of Kensington & Chelsea.
Greg McAlinney	The Council of The Royal Borough of Kensington & Chelsea.
Sara Buckingham	The Council of The Royal Borough of Kensington & Chelsea.
Caroline Ossowska	The Council of The Royal Borough of Kensington & Chelsea.