

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 07/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01737	Agenda Item:	N47	
Address:	53-100 Powis Square, LONDON, W11 2BN			
Proposal:	Replacement of timber and UPVC framed casement windows with new double glazed units to elevations of Nos. 53-100 Powis Square.			
Applicant:	RBKC,,			
Agent:	Mr. Lee Rider Levett Bucknall Ltd.			
Properties notified:	Objections:	Support:	Comments:	Petition:
1	0	0	0	0
Conservation area: Colville				

1. Summary

- 1.1 The proposed replacement windows would ensure the character and appearance of the individual group building and its conservation area location would be adequately preserved, with no undue impacts upon the living conditions of the occupiers of nearby properties. The proposed double-glazed units would also increase the thermal efficiency of these dwellings, therefore contributing to mitigating against the effects of climate change.
- 1.2 No objections or comments have been received in connection with this proposal. Where appropriate and necessary, conditions are recommended to address any potential concerns identified by officers.

It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.

2. Reason for committee consideration

- The Royal Borough of Kensington and Chelsea (the Council) is the applicant.

3. The site and its surroundings

- 3.1 Nos. 53-100 Powis Square is a 1970s four storey group terrace residential block, which is sited on the western side of the eastern spur of Powis Square.
- 3.2 The property is within the Colville Conservation Area.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the replacement of windows with double-glazed units.
- 4.2 The original description of the development which made an incorrect reference to existing and proposed timber framed sash windows was amended with the agreement of the applicants agent. This was necessary as it was noted during the site inspection that all existing windows are casement units instead (some timber made and some UPVC made).
- 4.3 Officers visited the site on 28th February 2024.
- 4.4 There is no relevant planning history.

5. Main policies and strategies relevant to the decision

The development plan

- 5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan
Conservation areas	CL3 and CL11
General townscape	CL1, CL2 and CL3
Living conditions	CL5
Climate Change	CE1

- 5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

- 5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council has received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications. The Main Modifications identified by the Inspector to make the NLPR sound is currently being consulted on by the Council for 6 weeks (30 January 2024 to 12 March 2024).
- 5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change. The emerging policies in the NLPR will be a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

Other local strategies or publications

- 5.5 The main relevant supplementary planning documents adopted by the Council are:
- Colville Conservation Area Appraisal

5.6 This document can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals: <https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

6. Evaluation

- 6.1 All proposed new glazed doors and windows would be inserted within already existing openings. The proposals would therefore ensure the occupiers of nearby buildings would not be experienced materially increased levels of overlooking meaning the development accords with Local Plan policy CL5.
- 6.2 The proposed double glazed units are welcome as they would increase the thermal efficiency of these dwellings. The proposals would thereby contribute to mitigate upon the impacts of climate change, which is in line with Local Plan policy CE1.
- 6.3 The decisive issue is:
- Whether the proposals would preserve the character and appearance of the individual block property and its conservation area location.

Character & Appearance

- 6.4 The property is of modern construction. Its elevations exhibit a mixture of seemingly original timber framed windows which are clearly in need of repair as well as some UPVC ones.
- 6.5 The proposals seek to replace all existing windows with new double glazed units. The submission indicates the replacement windows would be timber made however and as the property is of no heritage value, there would be no objection in this particular instance if these were alternatively made of another suitable material. Most importantly, the replacement of the current windows with upgraded windows in a coordinated and uniform manner, would greatly contribute to enhance the character and appearance of this individual block building as well as those of its Colville Conservation Area location.
- 6.6 In light of the above, the proposed replacement units are acceptable in terms of Local Plan policies CL1, CL2, CL3, CL6 and CL11 accordingly.

Issues and balancing

- 6.7 The proposals would improve the thermal efficiency of the existing dwellings and would enhance the character and appearance of the property and its conservation area location. In addition the proposals would ensure the living conditions of the occupiers of nearby properties would be safeguarded. The proposals comply with relevant policies and is/are acceptable in terms of relevant policies.
- 6.8 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Community Infrastructure Levy

7. If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

8. Consultations carried out

Comments from interested parties

- 8.1 1 nearby owners/occupiers were notified directly of the application.
The application was advertised in the Gazette on 22nd March 2024.
A statutory notice advertising the application was posted near the site on 22nd March 2024.
- 8.2 No letters were received in connection with this application.

9. Recommended conditions if the application is granted

1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
2. **Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans 01 Rev. T01 (Site Location Plan); 02 rev. T01 (Existing Site Plan); 05 rev. T01 (Proposed Front and Rear Elevations); 06 rev. T01 (Proposed North and Southern side elevations); 09 rev. T01 (Proposed Window Types); 10 rev. T01 (Proposed window types 2) and; 11 rev. T01 (Proposed Typical Window Section).

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
3. **Materials - To match existing**
All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

Reason - To preserve or enhance the appearance of the building and/or the character of the area in accordance with policies of the development plan in particular policies CL1, CL2, CL3 and CL6 of the Local Plan 2019.
4. **Windows in painted timber**
The windows hereby permitted shall be framed in painted timber, and be so maintained.

Reason - To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CL1, and CL2 of the Local Plan 2019.

INFORMATIVES

- 1 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.
- 2 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 4 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Place.
- 5 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities

such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/01737. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

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