

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 23/04/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/23/08277	<b>Agenda Item:</b>	S44	
<b>Address:</b>	299-305 & 309 Fulham Road, LONDON, SW10 9QH			
<b>Proposal:</b>	Refurbishment of existing residential accommodation and replanning of layouts to deliver 10 residential units, creation of roof terraces to the rear of the buildings, modification of the rear extension for a communal staircase and other associated works			
<b>Applicant:</b>	Sloane Stanley Properties Limited			
<b>Agent:</b>	Mr Mehdi Gerald Eve LLP			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
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## 1. Summary

- 1.1 The proposed development is considered to successfully increase the density of the site and would provide quality accommodation. The scheme would not harmfully impact upon neighbour amenity, whilst the external works would be visually acceptable.
- 1.2 Subject to conditions and a legal agreement, the proposals would comply with policies of the Development Plan. There are no material considerations to suggest a decision other than in accordance with the Development Plan.

**It is recommended the Planning Committee:**

- 1. Agrees the reason for approval set out in this report; and**
- 2. Delegates authority to the Director of Planning and Place to grant planning permission on the satisfactory completion of an undertaking or agreement to secure the matters in Section 8 of this report and with the conditions listed in Section 10 of this report; or**
- 3. To refuse planning permission if an undertaking or agreement to secure the matters in Section 8 of this report has not been satisfactorily completed by 31st May 2024 for the reason that the proposed development would not be accompanied by associated necessary infrastructure improvements.**

## 2. Reason for committee consideration

- The Director considers it appropriate that the Committee determines the application.

### 3. The site and its surroundings

- 3.1 The site is located on the southern side of Fulham Road between the street junctions with Callow Street and Beaufort Street. Built circa 1881, the properties form part of a 5-storey height brickwork building, constituted by storefront retail shops at ground floor level and residential units on the floors above.
- 3.2 299-305 & 309 Fulham Road are located outside of a conservation area, but opposite the Boltons Conservation Area to the front and the Chelsea Park/Carlyle Conservation Area to the rear. Although the terrace is not a formally recognised heritage asset, it contributes positively to the character and appearance of the area.
- 3.3 Currently the site provides 8 units of accommodation spread over four floors and five terrace properties. The current make-up of the site is as follows:

Unit number	Floor Level	Existing GIA SQM	Occupancy bed/ person
299 Flat 1	1 <sup>st</sup> floor	75.1	1b2p
299 Flat 2	2 <sup>nd</sup> - 4 <sup>th</sup> floor	194.7	4b5p
301 Flat 1	1 <sup>st</sup> – 2 <sup>nd</sup> floor	109.3	2b3p
301 Flat 2	3 <sup>rd</sup> – 4 <sup>th</sup> floor	82.1	3b4p
303 Single unit	1 <sup>st</sup> - 4 <sup>th</sup> floor	205.2	7b7p
305 Single unit	1 <sup>st</sup> – 4 <sup>th</sup> floor	207.5	8b8p
309 Flat 1	1 <sup>st</sup> – 2 <sup>nd</sup> floor	112.6	2b3p
309 Flat 2	3 <sup>rd</sup> – 4 <sup>th</sup> floor	82	3b4p

### 4. The proposal and any relevant planning history

- 4.1 This application forms part of a larger proposal for a ‘unit swap’ across the application site and site address 237-239 Kings Road; via a series of lateral and vertical conversions on these sites, there would no loss of residential units across both sites.
- 4.2 Planning applications have been submitted separately for each site, but if successful the two applications would be conjoined via a legal agreement to ensure that both developments are realised. Amended plans were received to reduce the number of units to ensure that the proposed units would comply with the space standard.
- 4.3 This planning application is for the complete internal reconfiguration of the existing residential units from 299-305 & 309 Fulham Road to create two additional units of accommodation. The proposal would create the following:

Unit No.	Build No	GIA SQM	Occupancy Bed/ Person
1	299/301	121.4	3b5p

2	299/301	112.7	3b5p
3	299	113	3b5p
4	301	78.5	2b3p
5	303	123.8	2b3p
6	303	82.4	2b3p
7	305	46	1b1p
8	305	43.5	1b1p
9	305	73.1	2b3p
10	309	207.9	4b6p

4.4 There would be 4 main entrance points to serve all units from numbers 299-305 and 309 Fulham Road.

- Units 1, 2, 3, 4 and 6 would be accessible via a communal entrance at the side elevation of the building facing Beaufort Street.
- Units 7, 8 and 9 would be served via the existing communal entrance at the front elevation of the building.
- Units 5 and 10 would be served via existing individual private entrances facing Fulham Road.

4.5 Permission is also sought for the following:

- Roof terraces and metal balustrade to 299, 303, 305 and 309 to be located on existing flat roof of ground floor extensions.
- Creation of four new openings on rear elevation to allow access onto terraces.
- Creation of two new windows on the rear elevation.
- Increase height of existing rear extension to 299 at third floor.
- Increase height of existing rear extension to 301 at first floor.
- Proposed Automatic Open Vent (AOV) x 2

4.6 Officers visited the site on 22/02/2024.

4.7 The relevant planning history is set out below:

Reference	Description	Decision
PP14/03894	Erection of lift shaft to rear of property, removal of residential entrances at 301-305 Fulham Road, extension to rear of 301 Fulham Road at ground floor level and installation of roof lights, amalgamation of residential units at first to fourth levels and associated alterations.	Granted, 21/08/2014
PP/17/04492	Planning permission is sought for the removal of the current dormer windows that located at the rear slopes of 301, 303, 305, 307, 309 and 311 Fulham Road, and the introduction of new inverted dormer balconies with French doors and metal railings.	Granted

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PP/23/08242	237-239 King's Road, LONDON, SW3 5EJ Refurbishment of existing residential accommodation and replanning of layouts to deliver 4 residential units	Still under consideration - also on the agenda for the 23 April Planning Applications Committee

## 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 2019	London Plan 2021
Principle	CH1 Increasing housing supply	GG4 Delivering the homes Londoners need  D1 London's form, character and capacity for growth  H1 Increasing housing supply  H2 Small Sites  H8 Loss of existing housing
General townscape	CL1 Context and Character CL2 Design Quality	Policy D3 Optimising site capacity through the design-led Approach
Living conditions	CL5 Living Conditions  CL6 Small-scale Alterations and Additions  CL11 Views  CE6 - Noise and Vibration	D4 Delivering good design  D5 Inclusive design  D6 Housing Quality and standards  D12 Fire Safety  D13 Agent of Change  D14 Noise

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>
- London Plan:  
<http://www.london.gov.uk/priorities/planning/london-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:

- Planning Contributions (S106)
- Noise
- Transport and Streets
- Greening

- 5.6 These documents 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>
- Other documents:  
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

## **6. Evaluation**

- 6.1 The proposed development is located in Flood Zone 1 and is not within a critical drainage area, therefore no issues have been raised regarding flooding and/or drainage. The development would not result in any ground works and would not be harmful to existing trees.
- 6.2 The decisive issues are:
- i Whether the proposed use would be acceptable
  - ii Whether the proposal would have an acceptable impact on the character of the property and the area
  - iii Whether the proposal would create a good quality of accommodation proposed
  - iv Whether the proposal would safeguard the amenity of the neighbouring properties

## **Principle of proposed development**

- 6.3 The proposal seeks permission for the reconfiguration of the application site to create two additional units of accommodation.
- 6.4 Chapter 5 of the NPPF identifies the need for additional housing. Table 4.1 of the London Plan sets out a 10-year target of 4,480 net additional housing completions for RBKC, equating to an increase of 480 per annum.
- 6.5 The proposal would result in an increase of two self-contained units of accommodation for this site, which would be negated when taking into consideration the 'land swap', which would provide the same number of units across both sites.
- 6.6 London Plan Policy H8 states that 'A Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace'. There will be no reduction in unit numbers across both sites.
- 6.7 The proposal does not seek to increase the overall floor space provided on site, instead creates a higher density development through reconfiguration only.
- 6.8 London Plan Policy D3 recommends that '*higher density development should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport.*' The application site is well connected town centre location, with the majority of the site falling within a PTAL rating of 6a (very good), and with many shops and amenities within a short walk.
- 6.9 This is echoed in the Local Plan, where development proposals should "optimise the number of residential units delivered in new developments" by resisting 'very large units' (Policy CH1).
- 6.10 With regards to unit mix, the proposal would provide two x one bedroom, four x two bedroom, three x three bedroom and one x four bedroom, which would be generally in line with the Council's unit mix target within the Local Housing Needs Assessment and would therefore be acceptable.
- 6.11 The principle to increase the density of residential development would be acceptable, subject to further assessment of the scheme below.

## **Impact on the character of the property and the street scene.**

- 6.12 299-305 and 309 Fulham Road is a terrace with retail units at ground floor and residential units above. It is located outside of a conservation area, but opposite The Boltons Conservation Area to the front and the Chelsea Park/Carlyle Conservation Area to the rear. Although the terrace is not in a conservation area, it contributes positively to the character and appearance of the locality.
- 6.13 Whilst most of the development work would be internal, the application does include some external alterations.
- 6.14 The application seeks permission to increase the height of two existing rear extensions. The first would increase the height of an existing store at the rear of No 301 to provide extra head height to make it a usable bedroom at first floor level. The character and design of the addition would remain; the mono pitch roof would be reinstated whilst materials would match existing. The second extension would be to increase the height of the existing staircase at the rear of No 299, rising from second to third floor. Again, the existing design would be reinstated, in this occasion a flat roof structure, with materials to match existing.
- 6.15 The proposed extensions would be subordinate to the original building, allow the form of the original building to be clearly understood, and to reinforce the character and integrity of the original group of buildings, and is therefore visually acceptable.

- 6.16 The repositioning and replacement of two existing windows in the rear elevation would accord with the existing sash style and therefore be an appropriate change.
- 6.17 It is proposed to create private terraces to the rear at first floor level. These would be located on the existing roofs and would have metal railings. This proposal would have a minor impact on the appearance of the rear of the buildings and would be acceptable. The use of black metal railings would be appropriate to the character of the building.

### **Design considerations**

- 6.18 The application site is in a town centre location, characterised with commercial at ground floor and residential above. The use of the upper floors would remain as residential, and would continue to be accessed via existing entrances. The proposal would not result in character changes to the development.
- 6.19 London Plan Policy D5 requires that all development should achieve the highest standards of accessible and inclusive design, ensuring that accommodation is of high quality, convenient and welcoming with no disabling barriers, can be entered and exited safely, and allow safe and dignified evacuation. The applicant has confirmed in their submission there are currently no provisions for disabled access, and states that there are existing steps to the front and side entrance. Due to the constraints of the existing site, no retrofit provisions are possible, thus this proposal makes no change to the disabled access provisions into the buildings or any of the dwellings. Notwithstanding this, as this is a proposed reconfiguration of an existing residential development, the current situation on site will remain existing, and therefore raises no objections.

### **Quality of accommodation created**

- 6.20 Policy D6 of the London Plan prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height as well as private amenity space.
- 6.21 Local Plan Policy CL5 requires all development ensures good living conditions for occupants of new, existing and neighbouring buildings.
- 6.22 The applicant has provided a breakdown of the existing and proposed unit sizes as listed above. As part of the reconfiguration all units would meet with the prescribed internal space standards. It is noted that the units in the roof would fail to meet the minimum head heights as prescribed in the London Plan, yet as these are already in residential use, no objections are raised.
- 6.23 All units would be dual aspect, would benefit from decent outlook and good levels of daylight.
- 6.24 Currently none of the units have access to private outdoor amenity space. This application seeks to provide balcony areas for four of the units. Whilst the London Plan specifically requires that all new development has a provision, it is acknowledged the equivalent of all the new units, and two further units, would satisfy this stipulation and is therefore acceptable in this circumstance.
- 6.25 Over all the units would constitute quality accommodation and are therefore considered acceptable.
- 6.26 The applicant has confirmed that waste and recycling would be placed in bags on street and collected twice a week (Mondays and Thursdays) from the curb side; each kitchen would have integrated waste and recycling bins with a large enough capacity for the 4 days. The Local Planning Authority is satisfied with the information provided as it is standard practice in this area where there are no existing eurobin facilities.

### **Impact on neighbouring properties**

- 6.27 The proposed external alterations to 299-305 and 309 Fulham Road and the proposed unit reconfiguration of both properties would not have a notable impact upon the living conditions of neighbouring properties; windows would remain in situ, whilst the proposed extensions are modest and set within the site. The proposed terraces are to be located within the depth of the building, enveloped by the existing outriggers of the original building, thereby preventing harmful overlooking into neighbouring properties. The proposed development therefore complies with Local Plan Policy CL5.

### **Other issues**

- 6.28 The proposals would result in an increase of two residential unit. Therefore, to satisfy Local Plan Policy CT1(c), two units would need to be made permit free, by legal agreement. To appropriately mitigate the potential for an impact on local parking demand, the flat identified as permit free, should be a typical flat. Accordingly, one of the two bedroom units should be identified within the legal agreement.
- 6.29 The applicant has confirmed that all current cycle storage is located within the units themselves. The Applicant has investigated various options to place cycle storage to the exterior of the building but there is no suitable space available. The previous units were able to accommodate secure/covered cycle parking within the units itself, which is what the Applicant intends to continue to do when working within the existing constraints of the site. Given the constraints of the site, when weighing the benefits of this development to create additional units of accommodation, the cycle storage provision is considered acceptable in this circumstance.
- 6.30 The Highway Authority has assessed the development scheme and has raised concern regarding the nature of the work proposed in a busy location such as this. It is recommended that a condition is added requiring the application to submit a CTMP prior to the commencement of development.

### **Issues and balancing**

- 6.31 The proposed development is considered to successfully increase the density of the site and will provide quality accommodation. The scheme would not harmfully impact upon neighbour amenity, whilst the external works would be visually acceptable. The proposed 'land swap' will be secured by legal agreement. 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 setting of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## **7. Community Infrastructure Levy**

- 7.1 If permitted and built, the proposal would 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. Legal Agreement**

- 8.1 If permitted and built, the proposal would require a legal agreement with the following heads of terms:

1	Two units, including one of the two bedroom units, would be made parking permit free.
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## **9. Consultations carried out**



## Comments from interested parties

- 9.1 11 nearby owners/occupiers were notified directly of the application.  
The application was advertised in the Gazette on 1/3/2024  
A statutory notice advertising the application was posted near the site on 1/03/2023
- 9.2 1 letter was received objecting to the application, summarised as:

Comment	Response
The proposed terraces will create noise and overlooking.	The proposed terraces for domestic use would not create an unacceptable level of harm given their location within the site. There would be sufficient separation to prevent any harmful overlooking.

- 9.3 0 letters were received supporting the application.

## Consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	The development is suitable for car free which would require legal agreement. Condition requiring CTMP.	Para 6.28-6.30
Air quality	Environmental Health have assessed the scheme in relation to construction traffic, non-road mobile machinery, road traffic and combustion. Officers are satisfied that due to the size and nature of the works on site that no planning conditions are required in this circumstance.	N/A

## 10. Recommended conditions if the application is granted

- 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.*
- Compliance with approved drawings**  
The development shall not be carried out except in complete accordance with the details shown on submitted plans 622\_GA\_134 P4, 622\_GA\_220 P4,

622\_GA\_221 P5, 622\_GA\_135 P4, 622\_GA\_132 P4, 622\_GA\_133 P4,  
622\_GA\_130 P3, 622\_GA\_131 P3, 622\_GA\_140 P3, 622\_GA\_141 P3,  
622\_GA\_142 P3, 622\_GA\_143 P3, 622\_E 220 P4, 622\_E 221 P5, 622\_E 230 P3,  
622\_E 231 P3, 622\_E 232 P3

*Reason* - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Construction Traffic Management Plan (CTMP)**

No development shall commence until a Construction Traffic Management Plan 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 Construction Traffic Management Plan. 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.

*Reason* - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Local Plan 2019. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

4. **Code of Construction Practice**

No development shall commence until:

- A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and 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 development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

**Note** - 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](mailto:dehcmt@rbkc.gov.uk) or tel: 020 7361 3002

*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 Basements and Transport and Streets SPDs and policies CL5, CT1, CE5 and CE6 of the Local Plan 2019. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Local Plan 2019.

**5. 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.

## INFORMATIVES

- 1 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.
- 2 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](#)

- 3 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.
- 4 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.

- 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](http://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).

**Background papers:**

**Documents associated with the application (except exempt or confidential information) may be viewed at [www.rbkc.gov.uk/PP/23/08277](http://www.rbkc.gov.uk/PP/23/08277). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

Ms. C. Collins

**Telephone:** 07739-313-836