

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 07/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

|  |   |                     |                  |                  |  |
|--|---|---------------------|------------------|------------------|--|
| <b>Application:</b>                    | PP/24/00814   | <b>Agenda Item:</b> | N51              |                  |  |
| <b>Address:</b>                        | 149 Oakwood Court, LONDON, W14 8JT  |                     |                  |                  |  |
| <b>Proposal:</b>                       | Replacement of 1no. window with double glazed painted timber framed door to access terrace. |                     |                  |                  |  |
| <b>Applicant:</b>                      | Mrs.A Vazquez   |                     |                  |                  |  |
| <b>Agent:</b>                          | Mrs A Vazquez   |                     |                  |                  |  |
| <b>Properties notified:</b>            | <b>Objections:</b>  | <b>Support:</b>     | <b>Comments:</b> | <b>Petition:</b> |  |
| 55                                     | 5   | 0                   | 0                | 0                |  |
| <b>Conservation area: Holland Park</b> |   |                     |                  |                  |  |

## 1. Summary

- 1.1 The proposed replacement door to access the front terrace would continue to preserve the character and appearance of the property, building and wider Holland Park Conservation Area and would continue to ensure good living conditions for all neighbouring occupiers. Therefore, the proposals would be in accordance with policies CL1, CL2, CL3, CL5, CL6 and CL11 of the Local Plan 2019.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 8. Where appropriate and necessary, conditions are recommended to address the concerns raised.

**It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.**

## 2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

## 3. The site and its surroundings

- 3.1 The site is located within a group of mansion blocks on the south of Oakwood Court. The building has been divided into flats and the application property is located on the lower ground floor level. The property is constructed of red brick with white-painted timber windows and doors.

3.2 As noted in the Holland Park Conservation Area Appraisal, the site positively contributes to the conservation area

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

4.1 Planning permission is sought for the replacement of one (1) window at the front elevation with a double-glazed painted timber framed door. The proposal would allow access to the terrace at the front of the property.

4.2 There are three windows positioned in a row at the front elevation of the property, the proposal relates to the middle window. Having reviewed the planning history at Oakwood Court, and having made a site visit, it is recognised that there are a number of other properties at lower ground floor level fronting the highway, which have already replaced one of the windows with a door providing access to the front lightwell.

4.3 The relevant planning history is set out below:

| Reference                               | Description   | Decision                  |
|---|---|---------------------------|
| PP/11/01146<br><b>150 Oakwood Court</b> | Insertion of new hardwood glazed doors to front lightwell common area.  | Granted<br>(03.05.2011)   |
| PP/16/03446<br><b>2 Oakwood Court</b>   | Removal of window to convert into double glazed door on front elevation at basement level.  | Granted<br>(31.05.2016)   |
| PP/18/08175<br><b>15 Oakwood Court</b>  | Converting an existing lower ground floor window into glazed door on the front elevation, enlarging the opening at the bottom only. | Granted<br>(13.12.2018)   |
| PP/23/05781                             | Replacement of a reception window with a door to the terrace.   | Withdrawn<br>(02.11.2023) |

#### 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                 |
| General townscape  | CL1, CL2, CL6, CL11 |
| Living conditions  | CL5                 |

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:

- Holland Park Conservation Area Proposal 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 The decisive issues are:

- i Whether the proposal would preserve or enhance the character or appearance of the conservation area; and
- ii Whether the proposals would continue to ensure good living conditions for all neighbouring occupiers.

### **Character and Appearance**

- 6.2 The proposed door would be timber framed and painted white and would incorporate a glazing pattern which reflects the fenestration evident within the rest of the building. The width of the existing opening would not be altered and as such the uniform scale of the opening would be retained. Given the drawings do not state timber framing and white-painted, it is recommended that a condition be added to secure these details. It is concluded that the alterations would be sympathetic to the character and appearance of the building and would preserve the character and appearance of the conservation area in accordance with policies CL1, CL2, CL3, CL6 and CL11 of the Local Plan 2019.

### **Living Conditions**

- 6.3 It is acknowledged that objectors concerns have been raised regarding the potential increase in noise and disturbance resulting from the proposal and associated direct access provided to the front terrace area. The proposal would not result in a change of use of the front terrace area and the inclusion of a door would not have a material impact on

neighbouring living conditions. Whilst there may be some additional comings and goings from the new opening, given others in the group and the use of the property for residential purposes, this would not result in a level of harm which would justify a refusal of permission. Overall, the proposal would not materially harm the residential amenity of neighbouring properties beyond existing site circumstances and would be therefore in compliance with policy CL5 of the Local Plan 2019.

- 6.4 The proposal would not have a harmful impact on the living conditions of neighbouring occupiers as the proposal would not result in a loss of sunlight/daylight, loss of privacy or a sense of enclosure. The proposal is therefore in compliance with policy CL5 of the Local Plan 2019.

### Issues and balancing

- 6.5 Overall, the proposals would continue to preserve the character and appearance of the property, group and the wider Holland Park Conservation Area and would continue to ensure good living conditions for all neighbouring occupiers. Therefore, subject to conditions the proposals would be in accordance with policies CL1, CL2, CL3, CL5, CL6 and CL11 of the Local Plan 2019.
- 6.6 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. Consultations carried out

### Comments from interested parties

- 7.1 55 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 01/03/2024. A statutory notice advertising the application was posted near the site on 01/03/2024.
- 7.2 No letters were received supporting the application, summarised as:
- 7.3 5 letters were received objecting to the application, summarised as:

|   | Comment   | Response  |
|---|---|---|
| 1 | <p><b>Character and appearance</b></p> <p>Concerns were raised that the proposed changes would disrupt the unique façade of the group of terrace buildings.</p> <p>Concerns were raised that the proposal would impact the character and appearance of block façade .</p> <p>Concerns were raised that there are no other examples of doors at this level within the group.</p> | <p>The proposal would be in keeping with the broader mansion block and would be consistent with the general fenestration pattern of the building. The proposal would be compatible with the scale, proportion, rhythm and materials of the existing conditions.</p> |
| 2 | <p><b>Ownership</b></p> <p>Concerns were raised that the</p>  | <p>Concerns relating to ownership are a civil matter and not a material planning consideration.</p>   |

|   |   |   |
|---|---|---|
|   | applicant does not own the terrace and access should not be provided to this space.   |   |
| 3 | <p><b>Noise and disturbance</b></p> <p>Concerns were raised outlining the flats above would be disproportionately impacted by noise and potential odours resulting from the usage of the front patio area.</p>                                | <p>Concerns regarding the potential increase in noise and disturbance resulting from the proposal have been taken into consideration in the above assessment.</p> <p>There would be no material change to the use of the front lightwell. Therefore, the officer does not conclude that the degree of noise and disturbance would have a material impact on residential amenity to justify a refusal.</p> |
| 4 | <p><b>Safety and access</b></p> <p>Concerns were raised about potential health and safety issues resulting from the proposal, particularly when other flats within the building were relocating or conducting other major building works.</p> | <p>Given the nature of the proposal and the location, there would be no health and safety implications to neighbouring occupiers.</p>   |

## 8. 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 *Location Plan; Existing and Proposed Plans and Elevations; Oakwood Court Lower Ground Floor Plan***

*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 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 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. Door in painted timber

**The external door hereby permitted shall be timber framed and painted, and so maintained.**

*Reason - To preserve or enhance the appearance of the building and 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 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](#)

- 2 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.
- 3 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>
- 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 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).
- 6 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](mailto:dehcmt@rbkc.gov.uk)

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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/24/00814](http://www.rbkc.gov.uk/PP/24/00814). Access to computers is also available in the Customer Service Centre at the Town Hall.**

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