

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/00048	Agenda Item:	N54		
Address:	22 McGregor Road, LONDON				
Proposal:	Replacement of existing single glazed timber windows with like for like slimline double glazed timber windows to front and rear elevations.				
Applicant:	RBKC				
Agent:	Miss Ahmed Rider Levett Bucknall				
Properties notified:	Objections:	Support:	Comments:	Petition:	
14	0	0	0	0	
Conservation area:	Colville				

1. Summary

- 1.1 The replacement of the existing single glazed timber windows with like for like slimline double glazed timber windows to the front and rear elevations of the existing building would preserve both the character and appearance of the Pembridge Conservation Area, in accordance with statutory requirements. The appearance of the property would not be harmed, and the proposed alterations would have an acceptable impact on neighbouring living conditions.
- 1.2 No objections were received.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 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 No. 22 McGregor Road is a three storey, residential mid terrace property divided into two flats. The site is located near the intersection of McGregor Road and All Saints Road.
- 3.2 The site forms part of the Colville Conservation Area.

4. The proposal and any relevant planning history

- 4.1 The proposals seek to replace the existing single glazed timber windows with like for like slimline double glazed timber windows to the front and rear of the subject property.
- 4.2 The case officer used the submitted information, photographs, Google, and Bing Maps to assess the application.
- 4.3 There is no relevant planning history on the site.

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
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 received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications and the public consultation on these ended on 12 March 2024. The representations received are being considered by the Inspector. The final stage of the examination is for the Council to receive the Inspector’s report but there is no published date for this. 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.
- 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 are 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 Proposal Statement/Appraisal

- 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>

6. Evaluation

6.1 The decisive issues are:

- i Whether the proposals would continue to preserve or take opportunities to enhance the character and appearance of the building and wider Pembridge Conservation Area; and
- ii Whether the proposals would continue to ensure good living conditions for all neighbouring occupiers.

Impact on the Conservation Area

6.2 The existing building comprises single glazed timber sash windows on the front and rear elevations and the proposals seek to replace all of these windows with slim-line double glazed timber sash windows. The replacement windows would be like for like with regard to colour, finish, opening configuration and ironmongery. It is however noted that some proposed windows include very minor differences in dimensions to allow for stripping out works where existing windows are damaged however these minor alterations would continue to preserve the character of the existing building and wider conservation area. A condition has been imposed to ensure that the new windows are timber sash windows painted white to match the existing. The proposals are acceptable with regard to policies CL1, CL2, CL3 and CL6 of the Local Plan 2019.

Living Conditions

6.3 The proposals are for replacement windows only and no new openings are sought. As such, the proposals would not result in any additional acoustic or visual privacy impacts to surrounding neighbours more than the current condition. The proposals are acceptable with regard to Policy CL5 of the Local Plan.

Issues and balancing

6.4 The intent of the proposals is to replace old and damaged windows and to improve the thermal efficiency of the building. The proposals provide a private benefit to the occupiers and the works would not harm the existing building and would preserve the character and appearance of the wider conservation area in accordance with Policies CL1, CL2, CL3 and CL6 of the Local Plan 2019.

6.5 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

7.1 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 14 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 22/03/2024. A statutory notice advertising the application was posted near the site on 22/03/2024.
- 8.2 No letters were received.

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 *P-005886-K_22 McGregor Road_01_Site Location Plan, P-005886-K_22 McGregor Road_02_Site Plan, P-005886-K_22 McGregor Road_05_Proposed Front Elevation, P-005886-K_22 McGregor Road_06_Proposed Rear and Side Elevations, P-005886-K_22 McGregor Road_10_Proposed Window Types, P-005886-K_22 McGregor Road_11_Proposed Window Types 2, P-005886-K_22 McGregor Road_12_Proposed Window Types 3, P-005886-K_22 McGregor Road_13_Existing and Proposed Typical Window Section*
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
3. **Sash windows in painted timber**
The window/windows hereby permitted shall be timber framed, white painted, double hung, sliding sashes, and 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 and CL3 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. 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/24/00048. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. M. Quigg

Telephone: 07977-756-268