

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/06534	Agenda Item:	N006		
Address:	Flat C, 17 Hewer Street, LONDON, W10 6DX				
Proposal:	Installation of a canopy on the ground floor courtyard				
Applicant:	RBKC				
Agent:	Ms H Alanizy RBKC				
Properties notified:	Objections:	Support:	Comments:	Petition:	
19	0	0	0	0	
Conservation area:	Oxford Gardens				

1. Summary

- 1.1 Planning permission is sought for the installation of a canopy. Given the proposed design, scale, materials and location within the building the proposed development would have an acceptable impact on the living conditions of neighbouring properties and would preserve the character and appearance of the building and wider conservation area. Overall, the proposal would comply with the relevant policies in the development plan, as well as complying with the statutory requirements for development within a conservation area.

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 The application site is a three-storey building located within the Oxford Gardens Conservation Area. St Charles' Hospital, which is a Grade II building, is located in close proximity to the site. However, given the location and scope of the development the proposal would have no impact on the significance or setting of the listed building.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the installation of a canopy on the ground floor on an elevation facing the courtyard.
- 4.3 Officers visited the site on 16 December 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	CD3, CD4, CD15
General townscape	CD1, CD2, CD10
Living conditions	CD9
Fire Safety	CD16

- 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>

Other local strategies or publications

- 5.3 The main relevant supplementary planning documents adopted by the Council are:

- Oxford Gardens Conservation Area Appraisal

- 5.4 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 Local Plan 2024 policy CD16 (Fire Safety) sets out that all development proposals must demonstrate they will achieve the highest standards of fire safety. Minor or 'other' planning applications can submit a Reasonable Exception Statement (RES). The applicant has submitted RES and therefore the proposal is acceptable for the purposes of demonstrating the development accords with policy CD16 of the Local Plan 2024.
- 6.2 The proposed canopy given its location within the building, size and materials would have no impact on the living conditions of the neighbouring properties and therefore the proposal would comply with the requirements as set out within policy CD9 of the Local Plan 2024.
- 6.3 The decisive issue is:

- i **Whether the proposal would preserve or enhance the character, appearance or significance of the building, streetscape and wider conservation area**

Impact on the Conservation Area

- 6.4 The proposed canopy would be located within the ground floor of the building. Its size and scale would be minor and would sit comfortably with the host building. It would also have limited views from outside of the site. The proposed materials would be metal and glass which would be acceptable in this location. Overall, the proposed development given the design, materials, modest size and location would ensure that the proposal would preserve the appearance and character of the building, the wider group and the conservation area.

Issues and balancing

- 6.5 Given the proposed design, modest size, materials and location within the building the proposed development would have an acceptable impact on the living conditions of the neighbouring properties and would preserve the character and appearance of the building and wider conservation area. Overall, the proposal would comply with the relevant policies in the development plan, as well as complying with the statutory requirements for development within a conservation area.
- 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. 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 19 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 18/10/2024. A statutory notice advertising the application was posted near the site on 04/12/2024.
- 8.2 No comments were received from the 19 neighbouring properties notified.

9. 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 *Location Plan (dated 30-Sep-2024)*
DW002 - Proposed

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

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>
- 6 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).
- 7 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

- 8 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/24/06534. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

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