

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/06332	Agenda Item:	S013		
Address:	Flat 6, 38 Cranley Gardens, LONDON, SW7 3DD				
Proposal:	Internal reconfiguration and addition of access roof-light at roof level to roof terrace				
Applicant:	MrK Kruglov				
Agent:	Mr T Cary B.A.D Studios				
Properties notified:	Objections:	Support:	Comments:	Petition:	
17	7	0	0	0	
Listed building:	Grade II				
Conservation area:	Thurloe and Smith's Charity				

1. Summary

- 1.1 Planning permission and listed building consent is sought for the internal reconfiguration of the fifth floor to continue the staircase up to roof level, addition of an access roof light and decorative internal alterations. The principle of a roof terrace is established at the application property; however, this proposal will improve access and ultimately make this space more usable. Subject to conditions, the proposed scheme would protect the significance of this Statutory Listed property, whilst preserving the character, appearance and significance of the conservation area. The proposals would also preserve good living conditions for the neighbouring occupiers. The proposal is therefore in accordance with policies CD1, CD2, CD3, CD4, CD5, CD9, CD10, CD12, CD15 and CD16.
- 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 8 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 application site is located on the western side of Cranley Gardens, with a primarily residential area. The site falls in the Thurloe/Smith's Charity Conservation Area.
- 3.2 The site contains a five storey mid-terrace property, with additional living accommodation within the mansard roof. The property is Grade II Statutory Listed as part of the 2-52 Cranley Gardens Listing.
- 3.3 The significance of no.38 derives from its original and historic architectural design, features, planform, elevational hierarchy that is reflected in the internal arrangement, its contribution to The Thurloe/Smith's Conservation Area, and any remaining historic fabric.
- 3.4 The attic storey dates to the 1980s. Of the 29 houses in the group, around 25% have some form of roof terrace. No.38 sits between a run of houses with terraces, providing contextual justification.
- 3.5 The application property already has access to the roof for use as a terrace through a hatch in the roof. Several other properties along the row also have roof terraces, including attached neighbour at No 36 that has a formalised amenity area on the roof.

4. The proposal and any relevant planning history

- 4.1 Permission is sought for the following development:
 - Internal reconfiguration of 5th floor, most notably the continuation of the staircase up to roof level.
 - Internal decorative alterations
 - Installation of access roof light to roof terrace.
- 4.2 Officers visited the site on 7/1/2024.
- 4.3 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
Listed Building	CD5
General townscape	CD1, CD2, CD15, CD12
Fire safety	CD16
Living conditions	CD9, CD16, GB5

- 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:

- Thurloe/Smith's Charity Conservation Area Proposal Appraisal
- Noise

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 Policy CD16 sets out that all development proposals must demonstrate that they achieve the highest standards of fire safety. Policy CD16 requires the submission of a Planning Fire Safety Strategy (PFSS) for “minor” or “other” planning applications, or a Reasonable Exception Statement (RES), as considered relevant by the applicant. The application is supported by a RES in accordance with CD16 of the Local Plan.

6.2 The site is located within Flood Zone 1 and is not located in a designated Critical Drainage Area. Therefore, a flood risk assessment is not required in accordance with Local Plan policy GB11. Policy GB12 requires all minor developments to achieve a reduction in existing surface water run-off rates, ensuring that surface water run-off is managed as close to its source as possible. However, given the nature, scale and location of the proposal, there would be no material increase in surface runoff as a result of the proposal. Therefore, further details of Sustainable Urban Drainage Systems are not required.

6.3 The decisive issues are:

- Whether the proposals would safeguard the special architectural and historic interest of the Grade II Listed Building, and preserve or enhance the character, appearance and significance of the surrounding conservation area; and
- Whether the proposals would safeguard the living conditions of neighbouring properties

Heritage

External alterations

6.4 Local Plan policy CD5 requires development to protect the heritage significance of listed buildings. For alterations to listed buildings criterion B of policy CD5 requires that the works preserve both the significance of the building as well as features of special architectural or historic interests it possesses.

6.5 The existing mansard addition dates to the 1980s. Whilst this addition is generally appropriate in its form, it is of neutral heritage value, thereby only contributing to the special interest through its lack of impact upon the original building and due to its materiality and subservient design. The external alterations would be confined to the extended part of the dwellinghouse, and whilst this would have a minor impact upon character, this would be balanced by the internal alterations outlined below.

6.6 Policy CD4 of the Local Plan is the most relevant for assessing development proposals within conservation areas and states that the Council will require development to preserve

or enhance the character, appearance or significance of the conservation area and thereby protect the special architectural or historic interest of the area and its setting. Policy CD12 of the Local Plan 2024 specifically relates to additional storeys and roof alterations and requires roof alterations to be architecturally sympathetic to the form and character of the building or group of buildings

- 6.7 Aerial photographs and planning history of the surrounding area confirm that there are numerous roof alterations without the group, with well-established roof terraces in the immediate context at Nos 36 and 40. Whilst the roof alterations would be susceptible to limited public and private views, given the context of the site, this type of development would not be out of character in this part of the conservation area.
- 6.8 On balance, the proposal would protect the heritage significance of the listed building whilst preserving the character of the wider conservation area and would be in accordance with Local Plan Policies CD4, CD5 and CD12.

Internal alterations

- 6.9 Alterations to planform are maintained within the 5th floor mansard. As this is a modern addition to the Statutory Listed property, there would be a negligible impact upon the special interest.
- 6.10 The proposal includes a revised decorative scheme. The existing internal scheme is poor quality and inappropriate for the period and hierarchy of these floors. Whilst the proposals are not improvements, the applicant has agreed to a set of conditions that would see revised details provided within specific constraints that would confer a benefit to character of the property.
- 6.11 Wall paneling is proposed, as indicated on details drawing titled 'Typical Wall Paneling Detail'. This paneling is inappropriate and would be an atypical addition for the upper storeys of a terraced house, subverting the accepted hierarchy through creating an overt sense of grandiosity, which in turn erodes the legibility and negatively impacts upon the character of the listed building. As such, a condition has been recommended (condition 7 of LB/24/06327) to remove this element from the consent.

Neighbour amenity

- 6.12 The proposals would ensure good living conditions for neighbouring occupants. Whilst the roof terrace is an existing feature of the property, the proposal to provide a staircase and hatch would improve access and consequently would likely increase the utilisation of this space. Notwithstanding this, the roof terrace is located within the existing roofscape, sat between the oversized parapets that mark both side boundaries, ensuring there would be no loss of light or sense of enclosure.
- 6.13 The terrace sits well above street level and would be located well within the roof due to the positioning of planters; thus, preventing direct overlooking into rear gardens below. Further details of the planters have been required by planning condition.
- 6.14 The roof terrace is for domestic use only, ancillary to the living accommodation below. The intensity of a garden area such as this is unlikely to result in undue harm on neighbouring occupiers in terms of noise and disturbances and is therefore in accordance with Local Plan Policy CD9.

Issues and balancing

- 6.15 The proposed alterations to this Statutory Listed property, due to their scale and nature, would not result in undue harm on the significance of the building. Internal alterations, subject to condition, would result in a benefit to the property and would justify the external alterations to the roof and balance any modest harm caused through its appearance. The

positioning of the roof terrace would prevent any harmful overlooking, whilst given its domestic use it is unlikely to result in noise and disturbances. The proposal is therefore in accordance with Local Plan Policies CD1, CD2, CD4, CD5, CD9, CD12.

- 6.16 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 and to the need for special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Consultations carried out

Comments from interested parties

- 7.1 17 nearby owners/occupiers were notified directly of the application.
The application was advertised in the Gazette on 11/10/2024
A statutory notice advertising the application was posted near the site on 11/10/2024
- 7.2 0 letters were received supporting the application.
- 7.3 7 letters were received objecting to the application, summarised as:

	Comment	Response
1	Noise and odours created by roof terrace use	The roof terrace would be ancillary to the residential dwelling. The terrace is located on the roof of the main dwellinghouse and is not in proximity to neighbouring windows. It is unlikely that the use of a domestic terrace would result in undue harm on the living conditions of neighbouring properties in terms of noise and smells from BBQs.
2	Will harm the character and appearance of the property	Whilst the roof terrace is an existing feature of this property, the alterations would make this space more usable. Notwithstanding this, there are several examples of roof terraces along this row. Furthermore, the terrace would be located on a non-original mansard roof.
3	Fire risk of using a bbq.	A roof terrace is a common form of development and BBQs are used in all types of residential outdoor amenity space. Whilst there is always a risk of fire when using a BBQ there is no reason that the location of this garden space would be more susceptible or vulnerable to fire.
4	Inappropriate form of development	The roof terrace is an existing feature of this property.
5	3D visuals are not accurate	The 3D visualisations that have been provided will not form part of the approved plan package.

6	Planters on drawings are not consistent	Details of the planters will be obtained by planning condition.
7	<p>Lack of detail provided:</p> <ul style="list-style-type: none"> • Will the roof finish be changed • Does the roof need strengthening • Will the planters be fixed or freestanding 	The applicant is not proposing to change the roof finish. The applicant has confirmed that the existing roof does not need strengthening. A condition has been recommended to require further details of the planters prior to first use.

Statutory consultees N/A

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation and Design Officer	No objections were raised with the proposed development, subject to the recommended conditions.	Para 6.4-6.10

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 A-201-DD1, A-202-DD1, A-301-DD2, A-302-DD2, A-303-DD2, A-304-DD2, D-101-DD1, D-111-DD2, D-121-DD1, D-131-DD1, A-101-DD1, A-102-DD1, A-106-DD1, A-101-DD2, A-112-DD2, A-106-DD2, A-121-DD1, A-122-DD1, A-126-DD1, A-131-DD1, A-132-DD1, A-136-DD1.

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

3. Submission of details (Full PP)

No development shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

(a) Position and material of roof planters

Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected. 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.

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 Conditions no 3 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 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 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](#)
- 6 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2018 (as amended), and the grant of planning permission does not imply that such approval will be given. The District Surveyor, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
- 7 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).
- 8 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

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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/24/06332. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. C. Collins

Telephone: 07739-313-836