

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/06476	Agenda Item:	S015		
Address:	9 The Little Boltons, LONDON				
Proposal:	Erection of full width rear lower ground floor extension with associated terrace above, basement excavation, rear infill extension at ground and first floor levels, fenestration changes, insertion of a roof dormer and two roof lights, extend ground floor bay window to first floor level				
Applicant:	MLAD Design & Build				
Agent:	Mr Parekh Savills				
Properties notified:	Objections:	Support:	Comments:	Petition:	
25	10	3	0	0	
Conservation area:	Boltons				

1. Summary

- 1.1 The proposals would satisfy the relevant policies in the Local Plan 2024 and would be in accordance with the Basements SPD. The proposals would continue to preserve the character, appearance and significance of the Boltons Conservation Area and would continue to ensure good living conditions for neighbouring occupiers. Disturbance from building works would be minimised through the recommended conditions and the Code of Construction Practice for the Borough.
- 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 9 The Little Boltons is a four-storeyed semi-detached villa with roof accommodation

located to the south-west of the street and subdivided into two residential units. The property benefits from a large rear garden enclosed within tall boundary walls on all sides. The existing residential units are arranged with one unit at LG, G and first floor levels and one at second floor level. This application relates to the entire building and the drawings show the two residential units in the layout as per the recently approved certificate of proposed development (one at front LG level and one at rear LG and all upper floor levels).

- 3.2 Given that the proposed works relate to the entire building, the address was clarified during the course of the assessment of the application, to refer to "9 The Little Boltons" only rather than "ground/first floor flat". The submitted site location plan, description of works and all submitted information clearly indicates where the application site is and what was being proposed. Therefore, no one would be prejudiced by this minor clarification on the address and a re-consultation was not required for this clarification.
- 3.3 The property is not a listed building but is situated within the Boltons Conservation Area. It forms a pair with the neighbouring property at no.11. The wider area typically contains semi-detached properties of three storeys over a half basement, with some houses having modern dormers to the front roof slope. Canted bays are a feature of both sides of the street. The stuccoed houses also have The Boltons type balustraded boundary treatments whereas the brick houses have railings.

4. The proposal and any relevant planning history

4.1 Planning permission is sought for the following works:

- Excavation of a new basement level to create a swimming pool and ancillary areas;
- Construction of rear extensions at lower ground floor, upper ground floor and first floor levels;
- Creation of a rear patio at lower ground floor level and a rear roof terrace at upper ground floor level;
- Extension of the existing bay window at ground floor to first floor level;
- Alterations to the existing windows on front and rear elevations; and
- Installation of a dormer window and three rooflights at the main roof level.

4.2 Officers visited the site on 04/11/2024.

4.3 The relevant planning history is set out below:

Reference	Description	Decision
TP54315/SR.51/841	Alterations to No.9 The Little Boltons, Kensington, and conversion into one self-contained flat and one self-contained maisonette with staff quarters in the basement.	Granted on 27/02/1951
ARB/22/04618 (9 The Little Boltons)	Application to modify tree replacement duty in a Conservation Area (Tree Replacement Notice)	Refused 22/11/2022 Appeal allowed 10/04/2024
CL/23/07666 (ground/first floor flat including ancillary basement accommodation and second floor flat, 9 The Little Boltons)	Internal re-arrangement of two residential units; relocation of second floor flat to lower ground level and relocation of maisonette to upper floor of building (Certificate of Proposed Development/Use)	Granted on 09/02/2024

ENF/24/06013	Amalgamation of three separate dwellings into two thereby exceeding the RBKC policy of no amalgamation is to exceed 170 square feet.	Closed on 17/12/2024
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4.4 It is noted that an enforcement case ref: ENF/24/06013 was registered during the course of this application which sought to challenge the previously granted Certificate of Lawfulness of proposed use/development (ref: CL/23/076660) for the reconfiguration of two residential units within the property. The complainants noted that there were three residential units on this site i.e. a lower ground floor flat, a top floor flat, and a maisonette occupying part of the lower ground floor plus the entire ground floor. However, the Council's Enforcement Officers have conducted a thorough investigation and have concluded on the balance of probability that there have always been two residential units in situ at this address. Therefore, this enforcement case is now closed and works approved under app ref: CL/23/076660 would be considered lawful when carried out.

4.5 The applicant sought pre-application advice (ref: AR/24/03474) for the following proposed works:

'Refurbishment of larger apartment, including insertion of a passenger lift. Basement excavation, with one lightwell in the rear garden, full width rear lower ground floor extension with associated terrace, small rear infill extension at ground and first floor levels. Fenestration changes to the front and rear including 3 x roof dormers to create space.'

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
General townscape	CD1, CD2, CD10
Conservation areas	CD3, CD4, CD15
Living conditions	CD9, GB10
Basements	CD11
Fire safety	CD16
Construction Impacts	GB7
Noise	GB8
Overheating	GB5
Flood risk and SuDS	GB11, GB12

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:

- The Boltons Conservation Area Appraisal
- Trees and Development
- Basements
- Noise
- Transport and Streets

- Greening
- 5.4 These documents can be read online at:
- The Boltons Conservation Area Appraisal:
<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 It is noted that revised drawings were received during the course of the live application that removed a door connecting the lower ground floor area of the maisonette with the lower ground floor flat as this would amount to the amalgamation of the two properties which is not in accordance with Policy HO1. Other amendments included introduction of a new metal grille over the proposed rear lightwell and removal of a large walk-on rooflight proposed at the ground floor level. These amendments addressed the concerns raised by the Planning Officer regarding the negative impact of the oversized lightwell and rooflight on the conservation area and neighbouring amenity.
- 6.2 Additionally, the Council's Environmental Health Officer raised concerns regarding the lack of information on an existing constant noise source observed within the Noise Impact Assessment report (ref: QF11436/PF7617/RP1 dated 18/07/2024 prepared by Emtec Ltd.). The officers were unable to confirm whether the proposed air condenser units would operate within the criteria set out in the borough's Noise SPD as per Local Plan policy GB7. Therefore, a final set of revised drawings were received removing the AC units, the enclosures, and the proposed side extension on the lower ground floor level from the proposal and these no longer form part of the works to be approved as part of this application.
- 6.3 The site is situated within Flood Zone 1 and is not within a Critical Drainage Area. The applicant has submitted a supporting Flood Risk Assessment (FRA), Sustainable Urban Drainage Strategy (SuDS), and associated documents. The Council's Flooding Officers have reviewed the submitted material and are satisfied that level of flood risk has been identified and suitable SuDS measures have been considered. The proposals would have an acceptable impact on flooding in the Borough in accordance with Local Plan Policies GB11 and GB12. In the event of a recommendation for approval, compliance with the approved details would be conditioned.
- 6.4 In terms of land contamination, no objection has been raised by the Council's Environmental Health team. Conditions are recommended to ensure any risks from ground gas and vapours are minimised, to comply with the NPPF and development plan policies and in particular contaminated land policy GB18 of the Local Plan.
- 6.5 In terms of air quality, no objection was raised by the Council's Environmental Health team. In the event of a recommendation for approval, informatives would be recommended to outline the control of dust and emissions, plant service combustion and emissions, to comply with the NPPF and development plan policies and in particular contaminated land policy GB6 of the Local Plan.
- 6.6 This application is supported by a Reasonable Exemption Statement (RES) which demonstrates that the proposals would not impact existing fire safety measures. Therefore, a Planning Fire Safety Strategy (PFSS) would not be required in this instance and the proposals would be in accordance with Local Plan Policy CD16.

- 6.7 There are no proposals that would alter the access or that would affect the operation of the highway post-completion, therefore the principle of the development would be acceptable subject to other details in terms of Local Plan Policy TR5.
- 6.8 The decisive issues are:
- i Whether the proposal complies with the Council's policies and guidance for basement development;
 - ii Whether the proposed development would preserve or enhance the character, appearance or significance of the host and pair property and the wider conservation area; and
 - iii Whether the proposal would ensure that good living conditions continue for the neighbouring occupiers.

Basement Development

- 6.9 The proposed basement would not exceed 50% of the garden/open part of the site, with the retained part of the garden/open space. The proposed basement does occupy space where the two original trees grew (a False Acacia and a Eucalyptus). However, two replacement trees, a False Acacia (T6) and a Pride of India (T5) that were planted on the western boundary are sufficiently far from the proposed basement which would not be damaged. The Arboricultural Method Statement and Tree Protection Plan describe how these trees will be protected during construction. However, as the report notes the False Acacia (T6) has died and it is stated that it is the intention to replace it this month (October 24). The Council's Tree Officer has raised no objection to the proposed subject to details of replacement and new trees, along with landscaping details to be secured by condition.
- 6.10 The application includes a Construction Method Statement (CMS) that shows that basement excavation can be achieved without harm to the structural stability of the host property or its neighbours. The CMS shows how construction impacts, such as noise, dust and vibration, would be mitigated against and how the basement would be protected from ground water and sewer flooding.
- 6.11 This application is supported by a draft Construction Traffic Management Plan (CTMP) ref: KB_CTMP_9 The Little Boltons_DG_Rev00 dated 23/07/2024 prepared by Knight Build Ltd. The Council's Transport and Highways officers have reviewed the supporting documents and concluded that the draft CTMP is well considered and sets out an acceptable methodology for the safe management of construction traffic for the project.
- 6.12 The proposed development would be a single-storeyed structure beneath the lower ground floor level with a maximum depth of 5m at the swimming pool area (including 1m of top soil above the basement) and 3.5m in other parts (noting that the finished floor to ceiling height at the pool area would be 4.4m to the bottom of the pool). A sustainable drainage system has been proposed and a metre of topsoil would be retained. These elements are therefore appropriate against the criteria set out in Local Plan Policy CD11.
- 6.13 Several comments were received during the statutory consultation period mainly objecting to the proposed ingress and egress routes and lack of information in the CTMP. Due consideration has been given to these comments and the additional conditions have been recommended in order to minimise disturbance during the construction phase and to protect neighbours as far as practicable under the planning legislation:
- A final CTMP would be secured through pre-commencement condition (recommended Condition 3), wherein the applicant would be required to address the following items of good practice:
 - Routing should be in accordance with good practice as identified by the Boltons Association;
 - Ingress should be via Redcliffe Gardens, left into Tregunter Road and left into The Little Boltons;
 - Egress from The Little Boltons, left into Redcliffe Square and thence into

Redcliffe Gardens (either left into Redcliffe Gardens, for a southerly route or, alternatively, across Redcliffe Gardens into the westerly part of Redcliffe Square and then right into Finborough Road for a northerly route);

- It is recommended a 'skinny gantry' be used in conjunction with a 'slim' hoarding to the carriageway (with large 'windows' cut into such front hoarding – to aid safety when using the 'pedestrian tunnel' at night);
- No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority (recommended Condition 4);
- No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (recommended Condition 6); and
- No development shall commence until 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 (recommended Condition 7).

Impact on the Character and appearance of the Conservation Area

Rear extensions

- 6.14 The property is identified as a positive contributor to the character and appearance of The Boltons Conservation Area within The Boltons Conservation Area Appraisal with the gap between nos.7 and 9 indicated as an important gap.
- 6.15 It is also noted that the properties along this side of The Little Boltons feature several rear extensions of varying depths and form. Additionally, the paired property at no.11 has undergone significant changes to the rear that have resulted in many of its original features being removed or obscured.
- 6.16 The proposed development would demolish the existing features such as the closet wing and bay window on the rear façade to construct rear extensions at lower ground floor, upper ground floor, and first floor levels. Given the rear context is already compromised, the proposed removal of these features would be acceptable.
- 6.17 The proposed extensions would be no higher or deeper than the neighbouring extensions at no.11 and would introduce an architectural symmetry within this rear context while appearing to be subordinate to the host property. It would continue to maintain the appearance and views through the identified historic gap. Therefore, the proposed extensions would comply with Local Plan Policies CD1, CD2, CD10 and CD13.

Fenestrations

- 6.18 The proposals would introduce a new dormer window and a new rooflight on the rear roofslope as well as one rooflight each on the front and side roofslope of the property to match those at no.11 in terms of size while mirroring the positioning on the neighbouring property. The dormer would be a lead clad traditional dormer with timber sash windows and the rooflights would be conservation-style rooflights that would be appropriate within the wider conservation area. Appropriate materials would be secured and maintained through recommended Conditions 10 and 11.
- 6.19 The upper ground floor extension would feature a new bay window and traditional timber French doors with fanlights similar to the neighbouring property. New traditional timber sash windows are proposed at the first floor level in keeping with the character of the conservation area. While a modern metal sliding door with six glazed panels is proposed, it would be sited discreetly at the lower ground floor level and would be acceptable.
- 6.20 The proposed replacement of the existing single-glazed timber windows on the front and rear elevations of the property with double-glazed timber windows would be acceptable in

principle as the existing design, materials, and openings would be maintained. Appropriate materials would be secured through recommended Condition 12.

- 6.21 A new traditional bay window is proposed on the front façade of the property at the first floor level to match the existing bay window at the upper ground floor level. Several objections were received during the consultation period in relation to this window on the grounds that there is no precedent for such windows along the street except at no.11 for which planning records could not be located.
- 6.22 However, this element is clearly indicated on photographs of the front elevation that form a part of the case file for planning application ref: TP/85/1927 and also on the existing plans submitted as a part of planning permission ref: PP/99/01631 available on Council's microfiche records. Therefore, the first-floor bay window at no.11 is an approved feature. Given the existing context, the proposed bay windows at no.9 would improve the existing architectural symmetry along the street and would be acceptable.

Other Alterations and additions

- 6.23 Given the rear light well would be modest in scale, would be enclosed with a metal grille, and would be sited close to the shared boundary wall with the neighbouring property at no.11., it would be appropriate for the area. Other alterations including replacement roof to match the existing and installation of railings and enclosures would also be appropriate for the area.
- 6.24 Overall, the proposed development would not have a detrimental impact on public or private views and would continue to preserve the character and appearance of the host building, the pair property, and the wider Conservation Area in accordance with Local Plan policies CD1, CD2, CD3, CD4, CD10, CD12, CD13, and CD15.

Living Conditions

- 6.25 The proposed extension would not unduly project beyond the rear building line of the neighbouring properties (No. 7 and 11) above ground level. As such, the proposal would not result in undue loss of light or overbearing impact on the neighbouring occupiers. Furthermore, the existing boundary treatments would partly screen the proposed rear lightwell.
- 6.26 The proposal would introduce new windows and doors on the rear and front elevation which could offer views into the neighbouring properties. However, these would have a similar relationship with the neighbouring properties as the existing and would not unduly detract from their privacy.
- 6.27 The proposed terrace at the first floor level would be set in from the edges of the flat roof above the lower ground floor extension and would cover a small area of the roof, while the rest of the roof area would feature a green roof. The design of this terrace would successfully prevent overlooking and raises no amenity concerns.
- 6.28 The details provided with the application indicate that the extended building would continue to be used as two residential units. The continued use as residential would not result in undue noise and disturbance impact on the neighbouring occupiers.
- 6.29 Given the existing context, the proposals would not lead to an unacceptable increase in light glare and light spill on the neighbouring properties and biodiversity in line with Local Plan Policy GB10.
- 6.30 Consequently, the proposed development would not result in overbearing impact or visual intrusion, undue loss of privacy or light. The proposal would thereby comply with policies CD9, GB7, GB8 and GB10 the Local Plan.

Issues and balancing

6.31 Subject to compliance with conditions, the proposal would preserve the character and appearance of the group of buildings and the Boltons Conservation Area, ensure that good living conditions continue for neighbouring occupants, protect trees on and near the site and shows a compliance with the Council's requirements surrounding basement development and flooding concerns. Therefore, the proposal would be in accordance with policies CD1, CD2, CD3, CD4, CD9, CD10, CD12, CD13, CD15, CD16, GB7, GB11, GB12 and GB16 of Local Plan 2024.

6.32 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

8.1 25 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 04/10/2024. A statutory notice advertising the application was posted near the site on 22/11/2024.

8.2 3 letters were received supporting the application, summarised as:

	Comment	Response
1.	<p><u>Character and Appearance</u></p> <p>The house has been visibly dilapidated for a number of years and would benefit the streetscape by being refurbished.</p> <p>The proposal is focussed on matching the pair of semidetached houses which should be encouraged and adopted as a planning approach generally.</p>	<p>Noted. The recommendation is to approve planning permission.</p>
2.	<p><u>Construction Impacts</u></p> <p>Causing a protracted time period for multiple projects is not logical. Projects should be given a finite time scale.</p>	<p>The planning legislation does not provide any mechanism through which the time period of completion of works can be controlled.</p>

8.3 10 letters were received objecting to the application, summarised as:

	Comment	Response
1.	<p><u>Basement</u></p> <p>This application involves digging in excess of 8m below rear garden level, in order to accommodate a swimming</p>	<p>The Council's Environmental HealthTeam have reviewed the supporting documents including the</p>

	<p>pool. This is an excessive volume of soil to be excavated which will negatively affect the health and wellbeing of residents and lengthen the duration of the construction, all of which clause 6.96 of RBKC Local Plan Policy seeks to avoid.</p>	<p>proposed Construction Method Statement which demonstrates how construction impacts, such as noise, dust and vibration, would be mitigated against. Furthermore, informative would be recommended to outline the control of dust and emissions, plant service combustion and emissions.</p>
<p>2.</p>	<p><u>Character and appearance</u></p> <p>The proposed 'bay window' on the front elevation is highly objectionable. First-floor 'bay windows' on front elevations are not a common feature among the paired Victorian villas along the western street except at no.11, which does not benefit from a Planning consent. While the proposed window would not be as unattractive as the one at no. 11, it would disrupt the even rhythm of the streetscape and the historic symmetry.</p>	<p>The bay window at no.11 has been in-situ for more than 40 years. This can be evidenced through the photographs found in the case file for planning application ref: TP/85/1927 and the existing plans submitted as a part of planning permission ref: PP/99/01631 as available on Council's records. As such, this window can be considered to be a part of the established historic character of the area. Given this context, addition of a bay window at no.9 would improve the existing architectural symmetry along the street.</p>
<p>3.</p>	<p><u>Construction Impacts</u></p> <p>There are concerns regarding the applicant's CTMP proposals. The 'ingress' and 'egress' routes are unacceptable. It would make far more sense for 'ingress' to be via Redcliffe Gardens, left into Tregunter Road and left into TLB to arrive at the premises, and 'egress' from TLB then left into Redcliffe Square and thence into Redcliffe Gardens (either left into Redcliffe Gardens, for a southerly route or, alternatively, across Redcliffe Gardens into the westerly part of Redcliffe Square and then right into Finborough Road for a northerly route). We have always maintained that 'egress' from TLB via its northern, really narrow, part into Old Brompton Road is not practicable (and goes straight past the rear entrance to Bousfield School's back gate into South Boltons Gardens).</p> <p>Additionally, the CTMP document does not confirm whether a 'skinny gantry' will be used in conjunction with a 'slim' hoarding to the carriageway (with large 'windows' cut into such front hoarding - all for pedestrians' perception of safety when using the 'pedestrian tunnel' at night).</p> <p>The applicant has failed to acknowledge</p>	<p>The following additional conditions have been recommended in order to minimise disturbance during the construction phase and to protect neighbours as far as practicable under the planning legislation:</p> <ul style="list-style-type: none"> - No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority. (Condition 4); - A final CTMP would be secured through a pre-commencement condition (Condition 5); - No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme. (Condition 6); and - No development shall commence until an Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in

	<p>the large number of basement digs happening in this street and has made no attempt to calculate or mitigate their cumulative impact on traffic, parking suspensions or noise. The combined quantity of construction traffic on the street now exceeds that of a major commercial development. The proliferation of basement excavations has caused the street to become one large drive-through building site and the quality of the local environment for residents has been systematically destroyed by these relentless developments.</p> <p>Over-intensification of simultaneous major construction works in The Little Boltons and elsewhere in the Boltons conservation area, is interfering with the quality of life for existing residents. Thus, another major works at number 9 would be a further breach of residents' human rights. Should RBKC approve some aspects of the application to refurbish 9 The Little Boltons, it should do so only by sequencing the works once the neighbourhood has the capacity to sustain the construction traffic and noise, and the contractor can minimise interference with family life.</p>	<p>writing, by the Council's Construction Management Team. (Condition 7).</p>
<p>4.</p>	<p><u>Daylight And Sunlight</u></p> <p>Insufficient technical information has been submitted on how the proposals would impact the neighbouring properties.</p>	<p>Given the proposed extension would not extend farther than the rear building line of the neighbouring properties</p>
<p>5.</p>	<p><u>Amalgamation</u></p> <p>There is an ongoing enforcement enquiry (ref: ENF/24/06013) in relation to a potentially false declaration in respect of Planning Application CL/23/07666 which sought to amalgamate the ground, first and second floors of the property into one dwelling and to create a separate flat into the basement whilst still retaining the property as two homes.</p> <p>However, RBKC Council Tax and Central Government records clearly show that the property is in fact three separate dwellings- Basement flat, Ground and First Floor maisonette, and Second Floor flat. An elderly neighbour lived in the Basement until their demise, and they were most definitely not `staff</p>	<p>The Council's Planning Officers have previously investigated the evidence provided as a part of the application for a Certificate of Lawfulness of proposed use/development (ref: CL/23/076660) and found the applicant's evidence to be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The Council's Enforcement Officers have conducted further investigation as part of the enforcement enquiry (ref: ENF/24/06013) and have concluded that the statements and documents presented to the Council are accurate and no information was withheld. As such, the proposed reconfiguration of the property to provide a maisonette and a basement unit would be</p>

	<p>to the residents in the upper two flats. Thus, the Basement is not 'staff quarters' but a separate home, albeit the original 1890 stairs between the Basement and Ground Floor flats remained.</p> <p>The latest application proposes to shrink the basement dwelling by 50%. That surely cannot be what RBKC Planning considers a fair outcome from moving the Second-Floor accommodation into the Basement; not least because the comparative floor spaces this creates are completely out of proportion with an equal swap. Based on this new information, and the enforcement file, RBKC should not permit the application to proceed.</p> <p>RBKC has a duty to protect and preserve accommodation that permits multiple families to live in the same property. Residents of other multi-occupancy houses in the same street, also on the western side: 17, 19, 21, 23 and 25, are understandably concerned by the unwelcome precedent today of reducing number 9 from three into two dwellings. This further reinforces why RBKC Planning should not permit this to happen.</p>	<p>considered to be lawful when carried out.</p> <p>The current application would retain the basement dwelling which would meet the national space standards for a 1b1p dwelling. Therefore, the proposals would not involve any amalgamation or loss of dwelling units.</p>
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	No objection subject to Conditions.	6.7, 6.11-13
Director of Environmental Health	<p>Objections have been raised on the proposed AC units. However, the proposals have been amended to remove the AC units from this application.</p> <p>No objections in terms of air quality or contamination, subject to conditions.</p>	6.4, 6.5
Arboricultural Officer	No objection subject to conditions.	6.9, 6.31, 6.32

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 C-105e; D-105e; C-201e; C-202e; B-098p; B-099p-RevB; B-100p-RevB; B-101p; B-102p; B-103p; B-104p; B-201p; B-202p; B-301p; B-302p-Rev A; *Vibration and Dust Management Plan Report ref: 28962.NVDMP.01 RevB dated 12/09/2024 prepared by KP Acoustics; Arboricultural Impact Assessment Report ref: SHA 1533 dated July 2024 prepared by Sharon Hosegood Associates; Construction Traffic Management Plan (CTMP) ref: KB_CTMP_9 The Little Boltons_DG_Rev00 dated 23/07/2024 prepared by Knight Build Ltd.; Structural Engineer's Construction Method Statement Issue P3 dated 23/09/24; Drainage Survey Report dated 12/07/24 prepared by The Drainage Lab Ltd.; Flood risk assessment ref: 3516/RE/07-24/01 Rev A dated September 2024 prepared by Evans Rivers and Coastal Ltd; Drainage Strategy dated August 2024 prepared by HJH Civil Engineering Report; Construction Management Statement report dated September 2024 prepared by MBP Consulting Engineers; Site Investigation Report, Basement Impact Assessment Report and Ground Movement Analysis Report dated August 2024 prepared by Soil Consultants; and Hydrogeological Basement Impact Assessment report dated September 2024 prepared by Stephen Buss Environmental Consulting Ltd (as appendix to Site Investigation Report).*

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 CD9, CD11 and GB7 of the Local Plan 2024. 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. Professional management of engineering works

No development shall commence until

(A) A Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and

(B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CD11 of the Local Plan 2024. 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.

6. Considerate Constructors Scheme (CCS)

No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

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 SPD and policy CD9 of the Local Plan 2024. 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.

7. 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 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 CD9, TR5, and GB7 of the Local Plan 2024. 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 2024.

8. Sewer flooding

Prior to the first use of the basement level once the development is complete, the basement shall be fitted with a positively pumped device designed to remove sewer water from the building, which shall be maintained and functional at all times.

Reason - To protect the building from sewer flooding, in accordance with policies GB11 and CD11 of the Local Plan 2024.

9. 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 or as specified, 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 CD1, CD2, CD3, CD4, CD10 and CD15 of the Local Plan 2024.

10. Dormer windows

The cheeks of the dormer windows shall be clad in lead and 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 CD1, CD2, CD3, CD4, CD12 and CD15 of the Local Plan 2024.

11. Conservation rooflights

The rooflight(s) shall be of a traditional conservation type, flush with the

roof and slim framed, 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 CD1, CD2 and CD4 of the Local Plan 2024.

12. Windows and doors in painted timber

The windows and doors hereby permitted with the exception of the metal sliding door on the lower ground floor level shall be timber framed and white painted with integral glazing bars (overall thickness of no more than 14mm) 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 CD1, CD2, CD3, CD4, CD10 and CD15 of the Local Plan 2024.

13. Trees and landscaping – Details required

No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees shrubs and paths and their surfacing materials, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy GB16 of the Local Plan 2024. 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 3, 4, 5, 6, 7 and 13 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 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](#)
- 4 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.
- 5 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.

- 6 You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining property freeholders and leaseholders and anyone who has had an interest of 12 months or greater, where the building owner intends to carry out work which involves:
1. Work involving an existing shared wall with another property;
 2. Building on the boundary with another property;
 3. Excavating near a neighbouring building, and that work falls within the scope of the Act

Notice should be served on neighbours at least one month before commencement of building works. Section 12(1) of the Act provides for the developer to provide security for neighbours through insurance or a security bond.

Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: [Party Wall Act 1996](#)

7 Combustion plant

If combustion plant to service, the developments heating requirements is proposed a further application will be necessary. Any combustion plant is required to meet the boroughs emission standard of 40 mg/KWh NO_x (@ 0% O₂) or less.

- 8 Due to the small-scale nature of the works, under best practice guidance MoL SPG '*The Control of Dust and Emissions from Construction & Demolition Sites*' and the IAQM's '*Assessment of dust from demolition and construction*' the site would be determined as 'Low Risk' with regards to dust impacts. Any Environmental Management Plans, Construction Management Plans or Construction Traffic Management Plans should reference these guidance documents and include a list of the appropriate mitigation measures to be utilised on site where necessary. The physical onsite inspection for the generation of dust and soiling effects will be sufficient in this case when utilised alongside other mitigation measures.

- 9 All NRMM operation on this site will have to meet, as a minimum, Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments (unless it can be demonstrated that Stage IIIB equipment is not available and therefore will need to be retrofitted). To prevent emissions from NRMM the applicant should ensure that onsite electrical power is maintained and where appropriate ensure that zero emission equipment is used on site.

- 10 The UK Health Security Agency and HSE policy and guidance recommends and, in some cases, requires, that the owner and/or occupier of buildings undertake radon monitoring in all occupied and used basement areas. Radon monitoring should therefore be undertaken in line with these requirements. If monitoring identifies radon levels above the target level of 100Bq/m³ within a dwelling or above the relevant action level for occupational exposure, actions are recommended and for workplaces, may be required by the HSE. If radon is identified above 100Bq/m³ during future monitoring, please inform the Council at EH-Pollution@rbkc.gov.uk.

- 11 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. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

12 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).

13 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

14 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/24/06476. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. P. Mundhra

Telephone: 07971-982-052