

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 25/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/24/07747	<b>Agenda Item:</b>	N012		
<b>Address:</b>	59A Palace Gardens Terrace, LONDON, W8 4RU				
<b>Proposal:</b>	Rebuilding two-storey rear extension; construction of single storey rear extension within enclosed courtyard; rebuilding north wing; construction of mansard roof with dormer windows on south wing; elevational alterations including replacement windows; installation of new windows and rooflights; replacement entrance gates.				
<b>Applicant:</b>	Cara (Cayman) PTC Ltd				
<b>Agent:</b>	Ms Rust TJR Planning				
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>	
23	4	0	0	0	
<b>Conservation area: Kensington Palace</b>					

## 1. Summary

- 1.1 The proposed external alterations and additions would preserve the character, appearance and significance of the conservation area and the development would have an acceptable impact on neighbouring living conditions. The development would comply with policies of the Development Plan as well as complying with the statutory requirements for development within a conservation area.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 7. 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 No. 59A Palace Gardens Terrace (also known as “Courtlands “), is located on the western side of Palace Gardens Terrace, some 50m to the south from its junction with Kensington Mall. The property is set back behind nos. 59 and 61 and its access is through a vehicular gate in between 59 and 61 Palace Gardens Terrace.
- 3.2 Courtlands contains three self-contained homes in total. These are the main dwelling which occupies the entire main building (at the back of the site), Unit 2 which is a small flat at first floor level and onto the existing southern wing plus Unit 1 which is the home occupying the northern side wing. The two garages at ground floor level on the south wing are used as ancillary residential accommodation.
- 3.3 The buildings are within the Kensington Palace Conservation Area and proximate to Grade II Listed ‘Second Church of Christ Scientist’. However, it is not considered that the buildings are within its setting.

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

- 4.1 Planning permission is sought for the rebuilding of a two-storey rear extension; construction of single storey rear extension within enclosed courtyard; rebuilding north wing; construction of mansard roof with dormer windows on south wing; elevational alterations including replacement windows; installation of new windows and rooflights; replacement entrance gates.
- 4.2 The original development description also made reference to the installation of air conditioning units above the rear roof of the main dwelling to the rear end of this gated courtyard location. This description has however now been amended to exclude any reference to air conditioning units as these are now proposed to be excluded from the permission (with the agreement of the applicant and in the event of it being granted), by recommended condition No. 10.
- 4.3 Officers visited the application site on the 2nd December 2024.
- 4.4 The relevant planning history is set out below:

Reference	Description	Decision
PP/17/00301	Reconfiguration of roof as traditional mansard with flat roof towards central courtyard and conversion of one garage to create a one-bedroom annex.	Refused 23 March 2017.
CL/18/02742	Confirmation that the use of three former garages are in lawful use as ancillary residential storage (Certificate of Existing Use)	Certificate Granted 17 July 2018.
P/18/07102	Create two one-bedroom apartments at ground and first floor levels (at Flat 2) involving reconfiguration of roof, replacement fenestration, provision of roof-light windows and other associated alterations.	Approved Subject to Legal Agreement dated 21 December 2018.

#### 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 2024
Conservation areas	CD4 and CD15
General townscape	CD1, CD2, CD10, CD12 and CD13
Living conditions	CD9
Construction Management	GB7
Fire Safety	GB16

5.2 These policies can be read online at:

- Local Plan 2024:  
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

## Other local strategies or publications

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

- Kensington Palace Conservation Area Proposal Statement
- Noise
- Transport and Streets

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>
- 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 must have a Planning Fire Safety Strategy (PFSS) submitted. The applicants have submitted a Fire Strategy for the property that confirms existing routes would be available for future occupiers to evacuate the premises, identifies a meeting point outside and confirms fire alarms are installed in the building. This document is therefore acceptable for the purposes of demonstrating the development accords with Local Plan policy CD16.

6.2 The proposals would increase the amount of built development on site through the construction of an infill rear extension. Whilst this is the case, this area is already paved over and bearing in mind the site is outside a designated critical drainage area coupled to the fact that the front courtyard of this building already features some planters plus permeable paving (traditional cobble stones with gaps in between), the proposals are considered to be acceptable in terms of policy GB12 of the Local Plan 2024.

- 6.3 The decisive issues are:
- i Whether the proposals would preserve or enhance the character and appearance of the individual building as well as those of the Kensington Palace Conservation Area.
  - ii Whether the proposals would safeguard the living conditions of the occupiers of nearby properties.

#### **Character & Appearance.**

- 6.4 The proposals provide for the demolition of existing non-historic 'North wing' and its reconstruction to a similar height, form and massing. The existing low key wing is typical of mews locations whereas the reconstructed one would be more formalised and provided with enlarged glazed fenestration. Whilst this somewhat grander treatment is generally discouraged for mews like locations such as this, the main elevation of this wing is however set away to the northern side of the mews where it would be subject to limited private views only. As such and bearing in mind it would be reconstructed with traditional materials to reflect those in use at this conservation area location, the proposed reconstructed wing that is associated with the upgrading of the residential unit currently provided here, is visually acceptable. This aspect of the proposals would therefore preserve the character and appearance of the conservation area.
- 6.5 To the 'South wing' the proposals consist of alterations to its main front elevation including the removal of the existing garage doors and their replacement with a single set of garage doors in line with the arched window directly above that would also be slightly enlarged to provide better natural light conditions to the existing flat in here. The pitched roof profile of this wing (to the east) and that is closer to the rear parts of No. 59 would be retained in terms of its form, general and massing. Two new roof lights would however be provided.
- 6.6 To the western side of this same wing, the proposals seek to enlarge the massing of the front roof slope (facing Courtlands own shared yard) so that it would look more like a mansard addition with a new replacement traditionally detailed front dormer window. To the rear, the sloping roof form of this eastern half of this wing would be retained largely as existing however a new dormer traditionally detailed dormer window would be provided here. These works have been designed to a satisfactory visual standard and form and as they would be implemented in materials that are compatible with the property and its conservation area location, they would also ensure the character and appearance would be maintained.
- 6.7 To the main dwelling at the rearmost parts of this development, the proposals seek to replace the existing casement doors and windows with more traditional detailed doors and windows of improved proportions. To the rear, the proposals seek to reconstruct the double storey stairs wing as well as to infill the existing southern end rear light well area, with a new single storey extension featuring raised roof lanterns. At the back end of this same location, the proposals seek to install replacement trellising and whilst shown on the submitted drawings, the air conditioning units above the replacement double storey stairs wing are no longer forming part of these proposals (refer to recommended condition No. 10). To the front of this development, the proposals seek to replace the existing flat topped metal gates with a new black painted and curved topped metal gates of adequate design standard.
- 6.8 Overall, the proposals including the replacement of the north wing with a more formalised wing featuring enlarged openings, is on balance acceptable. The proposals would ensure the character and appearance of the individual Courtlands enclave as well as those of its Kensington Palace Conservation Area would be preserved and/or enhanced, in line with statutory requirements. The proposals are thereby acceptable in terms of Local Plan 2024 policies CD1, CD2, CD4, CD10, CD12, CD13 and CD15.

#### **Living Conditions**

- 6.9 The reconstructed north wing would closely match the existing wing in terms of its height, form and massing. As such, this aspect of the proposals would ensure good living conditions to the occupiers of nearby properties in sunlight and daylight and sense of enclosure terms and this includes the occupiers of No. 61 Palace Gardens Terrace to the east and that have expressed concerns. All new roof lights given their location (at the main roof) and angle (facing up), would not give rise to undue overlooking and given their presence is somewhat normal in urban settings such as this, coupled to the fact they would cover a small proportion of the overall roof areas, they would not result in undue light spillage as such.
- 6.10 The eastern side dual pitched roof profile of the southern wing and that is close to the rear parts of No. 59 Palace Gardens Terrace would remain largely unchanged which means the occupiers of this adjacent building in particular would not experience materially increased levels of sense of enclosure and or reduced levels of sunlight and daylight. The additional roof light to be provided within the eastern side sloping roof of this dual pitched roof form garage location would once again not result in undue overlooking nor in materially increased levels of light spillage (bearing in mind their location at the main roof and angle where they face up as opposed to facing directly across neighbouring windows, reasonably small coverage when compared to the overall roof surfaces area and also given roof lights are somewhat characteristic features in rear locations such as this , within similar densely built up urban settings.
- 6.11 The western half of this southern side wing would be enlarged but to the front only where it would result in no material undue harms to the living conditions of the occupiers of nearby properties and this includes those of the other two homes forming part of Courtlands. To the rear of this part of the southern wing, the proposals provide for a new rear facing roof dormer however its proportions would be limited hence once again leading to no undue harms to the living conditions of the occupiers to the south of the site along Strathmore Gardens. It is also important to mention that the new rear facing dormer window is subject to recommended condition No. 9 which ensures its glazing would be obscured and permanently fixed shut so that it would not give rise to overlooking either.
- 6.12 The proposed single storey rear infill extension to the rearmost home would be erected within tall solid walls and the new rear first floor level trellising would replace existing and similar in height trellising, thus both elements resulting in no sunlight and daylight and/or sense of enclosure when compared to currently existing conditions. The existing first floor level rear roof terrace would be retained as per the existing dimensions and location.
- 6.13 The replacement rear double storey stairs wing or extension would now feature two side raised sloping walls originally intended to conceal the two air conditioning units that no longer form part of the proposals. Whilst this is the case and given their slightly recessed form where they would slope away from the boundary at the back, they would ensure no materially increased levels of sunlight and daylight to the occupiers of the buildings to the rear of the site and along Lucerne Mews.
- 6.14 In conclusion, the proposals as a whole would comply with Local Plan 2024 policy CD9 in particular and is acceptable in this regard. In terms of construction impacts, recommended condition No. 8 is recommended to ensure the applicant adheres to the Council's Code of Construction Practise, in line with Local Plan 2024 policy GB7.

### **Issues and balancing**

- 6.15 The proposals would preserve the character or appearance of the property and conservation area, and would have an acceptable impact on neighbouring living conditions, drainage and fire safety. The proposals are overall compliant with the relevant policies in the Local Plan 2024 and satisfy the statutory requirements for a conservation area.

- 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 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## 7. Consultations carried out

### Comments from interested parties

- 7.1 23 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 29<sup>th</sup> November 2024. A statutory notice advertising the application was posted near the site on 29<sup>th</sup> November 2024.
- 7.2 4 letters were received objecting the application, summarised as:

	Comment	Response
1	The proposed elevations should not be any higher than the elevations of the existing property as if this were to be the case this could result in loss of sunlight and daylight to the occupiers of 61 Palace Gardens Terrace.	The proposed elevations would be similar in height when compared to currently existing conditions and for this reason they are not expected to result in undue amenity impacts to local residents including those at 61 Palace Gardens Terrace.
2	There are concerns over the installation of air conditioning units a mere 3m away from neighbouring properties as these can result in noise and vibration to the detriment of local residents. The submitted noise survey disregards the Council's Noise SPD. The planning officer should ask the applicant to explore other options in that they may install their equipment.	This aspect of the original proposals has now been omitted from the scheme. Recommended condition No. 10 achieves this.
3	Applicant will be required to remedy any damage caused to adjacent properties during construction.	This comprises a private matter that should be addressed by concerned parties only and/or through any potentially required party wall agreements. An informative has been included as part of the recommendation.
4	In respect of the replacement of the entrance gates and clients will need to be given a copy of the keys to facilitate continued access.	This comprises a private matter that should be discussed between affected parties only.
5	Concerns raised regarding any potential structural changes that may affect adjoining buildings including properties adjoining 59a Palace Gardens Terrace and also 12 Strathmore Gardens.	In addition to planning permission the proposals would also require Building Regulations approval as well as party wall agreements. Concerned residents will therefore have the possibility of discussing/obtaining additional safeguards as part of such party wall agreement(s).
6	The current proposals should maintain the current ridge line (southern side wing) so that it does	Whilst the front parts of the westernmost side of the southern side wing will be increased in mass to its front, this will be set away from

	not result in harm to the occupiers of No 59 Palace Gardens Terrace. Submitted information is not clear. To ensure the building mass is not increased I request that the current ridge level be added to both existing and proposed elevations.	the rear parts of No. 59 Palace Gardens Terrace. Most importantly, the roof ridge of the dual pitched roof form featured at the eastern side of the southern wing will remain as existing in terms of its overall height, form and massing. The proposals will not subject the occupiers of No. 59 Palace Gardens Terrace to undue sense of enclosure and/or sunlight and daylight and is acceptable. Currently submitted information and drawings are adequate in terms of demonstrating this.
7	There is currently one velux window on the roof facing 59 Palace Gardens Terrace which serves a garage. The proposal aims to significantly enlarge this window and add another roof light over the living space and kitchen. These changes will result in undue overlooking to my property at 59 Palace Gardens Terrace and unacceptable loss of privacy. Additionally there is the potential for light pollution.	This has been addressed within paragraph 6.10. The proposed additional roof light to this roof where one roof light already exists would have no materially increased impacts as such and is thus acceptable.
8	It is disappointing that the applicants have not carried out pre consultation with neighbours.	Whilst not a policy requirement, applicants are indeed encouraged to engage with local residents prior to making a formal application.

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Environmental Health – Noise & Nuisance	Objection raised to air conditioning units as they would not comply with the Council's Noise SPD.	This aspect of the original proposals has since been omitted from the scheme and recommended condition No. 10 achieves this.

## 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

**As per conditions 9 and 10, the development shall not be carried out except**

in complete accordance with the details shown on submitted plans L-100 Rev. P1 (Site Location Map); L-101 Rev. P1 (Proposed Site Plan); A-101 Rev. P4 (Proposed Ground Floor Plan); A-102 Rev. P5 (Proposed First Floor Plan); A-104 Rev. P3 (Proposed Roof Plan); A-200 Rev. P3 (Proposed External East Elevation); A-201 Rev. P3 (Proposed Courtyard West Elevation); A-202 Rev. P4 (Proposed North Wing South Elevation); A-203 Rev. P4 (Proposed South Wing North Elevation); A-204 Rev. P5 (Proposed East Elevation); A-205 Rev. P4 (Proposed West Elevation); A-206 Rev. P3 (Proposed Section B); A-207 Rev. P2 (Proposed Section CC); A-210 Rev. P2 (Proposed Parapet Wall and Trellis); D-101 Rev. P2 (Demolition Ground Floor Plan); D-102 Rev. P2 (Demolition First Floor Plan); D-104 Rev. P2 (Demolition Roof Plan).

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

**3. Sash windows and doors in painted timber**

External windows and doors hereby permitted shall be timber framed and painted, with the windows being double hung, white painted, 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 CD1, and CD2 of the Local Plan 2024.

**4. Roof Material - Natural slates**

The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, 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, and CD2 of the Local Plan 2024.

**5. 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, and CD2 of the Local Plan 2024.

**6. 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, and CD2 of the Local Plan 2024.

**7. Railings and Gates**

All new metal railings and replacement gate(s) shall be black painted 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, and CD2 of the Local Plan 2024.

**8. 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](mailto: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 CL5, CT1, CE5 and CE6 of the Local Plan 2019. 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 2019.

**9. Privacy (Obscured glazing, fixed shut)**

Notwithstanding any details shown on drawings hereby permitted and as listed within Condition No. 2, the new rear/southern facing dormer window to southern side wing that is associated with unit 1, shall be obscurely glazed, fixed shut, and so maintained.

*Reason* - To safeguard the privacy of neighbouring property, and so accord with policy CD9 of the Local Plan 2024.

**10. Air Conditioning Units Excluded**

Notwithstanding any details shown on drawings hereby permitted and as listed within Condition No. 2, planning permission is excluded for the installation of air conditioning units as part of this permission.

*Reason* - To safeguard the living conditions of the occupiers of nearby properties and in order to comply with LP 2024 policy GB8 plus the Council's Noise SPD.

## INFORMATIVES

- 1 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.

- 2 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.
- 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 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](#)

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

[www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx](http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx). From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

**Monday to Friday 8am – 6pm**

**Saturday, Sunday and public holidays – none permitted**

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at [dehcmt@rbkc.gov.uk](mailto:dehcmt@rbkc.gov.uk)

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/24/07747](http://www.rbkc.gov.uk/PP/24/07747). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

Mr. R. Colalillo

**Telephone:** 07739-313-846