

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 25/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/24/07500	<b>Agenda Item:</b>	S016	
<b>Address:</b>	139 Old Brompton Road, LONDON, SW5 0LF			
<b>Proposal:</b>	Replacement rear dormer windows, roof lights, roof coverings; adjustments to closet wing parapet, two storey bay extension at ground and lower ground to closet wing; glazed infill extension to ground and lower ground, extension of courtyard to lower ground; replacement windows; renovation of front façade; replacement lower ground front door and associated internal refurbishment; reinstatement of period features			
<b>Applicant:</b>	London Richmond Construction Ltd			
<b>Agent:</b>	Mr N Newland Peek Architecture Ltd			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
8	3	0	0	0
<b>Listed building:</b>	<b>Grade II</b>			
<b>Conservation area:</b>	<b>Boltons</b>			

## 1. Summary

- 1.1 Subject to conditions, the proposed scheme would protect the significance of this Grade II listed property, whilst preserving the character of the conservation area. The proposed alterations to the property offer heritage benefits which outweigh any harm identified. The proposals would also safeguard the existing living conditions of neighbouring occupiers. The external extensions and modifications are modest and policy compliant.
- 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 The application site is located on the southern side of Old Brompton Road, within a terrace row sat between Drayton Gardens and Thistle Grove. The surrounding area is characterised as predominately residential, with commercial opposite at ground floor. The site is within the Boltons Conservation Area.
- 3.2 The site contains a three storey plus basement, mid-terrace, currently split into several flats. No. 139 Old Brompton Road is a Grade II listed terraced house circa 1846, listed as part of the wider row 'Drayton Terrace'.
- 3.3 The property is protected by an Article 4 restricting minor alterations including works to windows.
- 3.4 Enforcement cases were opened on site following unlawful internal works that included a part strip out of the upper floors. The assessment takes into consideration the requirement for reinstatement of this unlawful work.

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

- 4.1 This application seeks planning permission and listed building consent for the following external and internal works:

- renovate the façade with removal of paint to bricks, infill of missing parapet, and renovation of stucco
- replace the roof coverings, remove roof top plant, bulky roof lights and roof top water tanks
- new low profile horizontal roof lights
- replace rear dormers and reface existing dormers with lead
- build up closet wing parapet with new felt roof covering
- replace windows with new painted timber framed six over six slimlite glazed sash windows
- new side windows and refurbished casement windows to first floor closet wing
- new bay extension to closet wing at ground and lower ground
- new infill glazed extension to ground and lower ground
- new front door to lower ground
- re-surfacing of front garden to match no.137
- internal reconfiguration to the four flats
- reinstatement of skirting, architraves, doors, fire surrounds, chimney breasts, floor boards, ceilings and finishes
- refurbishment of existing historic architectural elements including stairs, doors, window panelling, architraves, skirting, balustrade and other finishes

- 4.2 The relevant planning history is set out below:

Reference	Summary description	Decision and date
PP/24/06149 LB/24/06150  /PP/24/07500: 2	Replacement rear dormer windows, roof lights, roof coverings, adjustments to closet wing parapet, two storey bay extension at ground and lower ground to closet wing, glazed infill extension to ground and lower ground, extension of	Withdrawn 6 Nov 2024

	courtyard to lower ground, replacement windows, renovation of front façade, replacement lower ground front door and associated internal refurbishment and reinstatement of period features.	
PP/24/00841 & LB/24/00842	Replacement of windows at front and rear elevations to match neighbouring properties	Withdrawn 11 Mar 2024
PP/24/01187	Internal alterations on first, second and third floors	Withdrawn 13 Mar 2024

## 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	CD4
Listed Building	CD5
General townscape	CD1, CD2, CD10, CD12, CD13, CD15,
Living conditions	CD9, CD16, GB5, GB10

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 Proposal Statement/Appraisal
- Noise
- Transport and Streets

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). The applicant has confirmed in their application that they have been in contact with the RBKC Building Control team to discuss fire safety options and to go through the proposed layouts. The applicant has confirmed that they would be seeking to introduce a sprinkler/ mist system, as well as a fire detection system and fire doors. Due to the nature of this application the level of detail provided, this is considered acceptable to comply with CD16. A condition has been recommended requiring further information on the sprinkler system as part of the listed building consent.
- 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 In relation to trees, a site visit confirmed that there is one tree located on the site, a magnolia in the rear garden. This tree would be adequately protected, in accordance with Policy GB16, subject to the recommended condition relating to lopping and topping.
- 6.4 The decisive issues are:
- i Whether the proposals would preserve or enhance the character or appearance of the conservation area and safeguard the significance of the listed building; and
  - ii Whether the proposals would safeguard the living conditions of neighbouring properties

### Heritage

- 6.5 The significance of No. 139 derives from its original and historic architectural design, features, planform, elevational hierarchy that is reflected in the internal arrangement, its contribution to The Boltons Conservation Area, and any remaining historic fabric.
- 6.6 The main consideration is whether the proposals would conserve the heritage significance or special architectural or historic interest of the listed building. The NPPF requires harm to significance to be avoided or minimised and our policy CL4 also requires applicants to require any work to a listed building to sustain the significance of the heritage asset.
- 6.7 The house dates to 1846 by architect J Blore in an early Victorian Regency style. The house has simple but muscular classical detailing to the front and is typified by a more delicate less decorative arrangement to the rear. The rear closet wing is likely, at least in part, late Victorian or Edwardian due to the decorative fenestration referencing the aesthetic movement. There is also an undated miniature bay at lower ground and first that predates the listing but has not been dated. The mansard too, appears to be either Victorian or early C20, with the original staircase being moved from second to third to the rear of the property when the mansard was introduced.
- 6.8 Despite its conversion to flats, the planform is well retained, particularly at lower ground and first, although a staircase and fireplaces have been lost throughout. The upper storey flat on the second, third, and fourth floors has been stripped without consent, losing almost all decorative and historic fabric, structural changes have been made to partitions and the chimney breast has been removed. This negatively impacts nearing substantially on the

special interest of these floors.

### **External Alterations**

- 6.9 The Edwardian closet wing has a mid-century bay like porch to its rear elevation. The proposal to double the extent of this is acceptable and would be policy compliant by not extending beyond the rear building line, whilst maintaining a modest scale and utilising the existing form sensitively. Furthermore, any minor impact upon character and hierarchy is adequately balanced by heritage benefits.
- 6.10 Internally, the original rear building line of the closet wing is retained, preserving a memory of the planform. Further details of new materials would be obtained by condition.
- 6.11 The proposed infill extension has been designed to be a lightweight glazed structure, allowing the historic arrangement to be read and interpreted as a contrasting and later introduction, whilst preserving the accepted hierarchical relationship between the main house, the closet wing, and the infill. In design terms it is an ideal solution for this context. It is appreciated that new additions such as this will often have some degree of harm, even if minor, however the Local planning Authority is satisfied that this would be balanced by improvements elsewhere in this instance.
- 6.12 The scheme also includes a proposal to remove the steps in this location. Whilst this might impact the legibility of the original arrangement, this would be balanced by improvements elsewhere.
- 6.13 As part of the development works, drawings illustrate that the parapet would be raised, bringing it in line with the surrounding closet wings. This amendment would reinstate continuity to the terrace row, and subject to a condition requiring details of materials used, this amendment would be acceptable and a positive element within the wider conservation area.
- 6.14 Other improvements to the property include the proposal to remove paint from the façade. This would be a welcome improvement on character, subject to the provision of a method statement via condition.
- 6.15 The replacement of non-original windows is welcome, the six over six arrangement is in keeping with the original arrangement reuniting the house with the prevailing character of the group.

### **Internal**

- 6.16 The proposed new fireplaces throughout are welcome and would confer a benefit to hierarchy and character, helping to balance the loss of fabric caused by the unconsented works, and the changes elsewhere. The details provided are acceptable, reflecting the period and hierarchy of each space.
- 6.17 Historic plasterwork at the second and third level has been lost due to the unconsented strip. Whilst this would be acceptable in principle, a condition details are secured via condition.
- 6.18 Historic skirtings have been lost due to the unconsented strip. A schedule of retention and reinstatement, alongside new profiles to be requested via condition.
- 6.19 The staircase between second and third has been damaged during the strip out, its restoration is secured by the heritage benefit condition.
- 6.20 The replacement steps to the front lightwell is acceptable in principle.
- 6.21 The application includes fire protection systems. Further information would be required by condition, proposing to support a mist system rather than a sprinkler system that could be

harmful to this Statutory Listed property.

- 6.22 A replacement of the non-original door, as well as plan form alterations would be welcomed and would be a benefit of the scheme.

### **Neighbour amenity**

- 6.23 The proposed development would retain a good standard of living conditions for the neighbouring occupiers. The closet wing bay extension would be located at a distance away from 141 Old Brompton Road and would be partly screened by the existing boundary treatment. The proposed lower ground and ground floor rear infill extensions would not be excessive in height and depth. There would also be no significant increase to the loss of light to the lower ground floor rear conservatory at No. 137.
- 6.24 The extensions and dormer windows would also not face directly towards the neighbouring rear gardens at Old Brompton Road and would preserve the privacy of the neighbours.
- 6.25 Local Plan Policy GB10 seeks to prevent harmful light spill and glare on local residential amenity. Whilst the infill extension would be predominately glazed, due to its modest size and location, it is unlikely that any light spill would create undue harm on neighbours, therefore no objections are raised in this instance.
- 6.26 A window has been introduced on the flank of the closet bay projection at lower ground floor and retained in the same position at ground floor. Existing boundary treatments would prevent any harmful overlooking from these windows into neighbouring properties. However, a larger window is to be inserted into the flank wall of the closet wing at first floor. Whilst the applicant notes that this would be the reinstatement of such a window, in order to preserve existing levels of privacy it is recommended that a condition is added to ensure that this is obscure glazed and non-opening.

### **Issues and balancing**

- 6.27 The proposals would preserve the special interest of the listed building. The proposed development seeks to reverse and balance harm caused through an unconsented strip of the second and third floors of the buildings, whilst introducing new elements to the rear. Care has been taken to balance the harm caused by the unconsented works, inclusive of the reinstatement of the planform throughout the building, the reintroduction of appropriate fireplaces at most opportunities conferring a substantial benefit to character and the hierarchy, the reintroduction of six over six sashes to both elevations, along with other improvements to character.
- 6.28 To the rear, the applicant seeks to introduce a lightweight infill, an accepted and standard approach across the borough, which preserves the integrity and hierarchy to the rear. A modest doubling of the bay porch to the rear, has some minor impact, that is balanced by improvements elsewhere.
- 6.29 Overall, this is a well-balanced scheme that seeks to better reveal the significance of the building, mitigating the harm caused through unconsented works, and improve the condition of the existing flats. The recommendation is to grant.
- 6.30 Internal alterations, subject to conditions, 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.
- 6.31 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 8 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 22nd November 2024. A statutory notice advertising the application was posted near the site on 22nd November 2024.
- 7.2 0 letters were received supporting the application.
- 8.3 3 letters were received objecting to the application, summarised as:

	Comment	Response
1	Would increase the footprint of the property and set a precedent.	The proposal to increase footprint would be policy compliant by not extending beyond the rear building line, whilst maintaining a modest scale and utilising the existing form sensitively and ensuring the structure's subservience to the other elements to the rear.
2	The new window on second floor would result in overlooking	It is recommended that a condition is added to ensure that this window is obscure glazed and non-opening.
3	The application form is inaccurate as various works have commenced on site. Work commenced is of poor quality.	The quality of the works proposed has been fully assessed. Heritage officers have assessed the scheme and are satisfied that the proposed development on site has been well balanced by including many benefits. The LPA are satisfied that the development would be policy compliant and overall a welcomed scheme.
4	The application form states that there would be no loss in garden.	Noted. Notwithstanding this, the amount of garden lost by the proposed development does not raise objection.
5	It is noted that one of the flats is occupied by a tenant on a regulated tenancy subject to registration of rent	This is not a planning consideration. The Local Planning Authority is satisfied that the correct certificates have been completed.
6	Would negatively harm the significance of the building	Heritage officers have assessed the scheme and are satisfied that the proposed development on site has been well balance by including many benefits. The LPA are satisfied that the development would be policy compliant and overall a welcomed scheme.
7	Concerns related to the structural integrity of the building	This would be a Building Control matter.

## Statutory consultees

N/A

## Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation and Design Officer	Detailed comments provided. No objections, subject to recommended conditions.	6.5-6.22

## 8. Recommended conditions if the application is granted

### 1. Time limit (Full PP)

The development hereby approved 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 hereby approved shall be carried out in complete accordance with drawing/document title number(s) ..... PL601N - Proposed Lower Ground Floor Plan

PL602K- Proposed Ground Floor Plan

PL603E - Proposed First Floor Plan

PL604E - Proposed Second Floor Plan

PL605G - Proposed Third Floor Plan

PL601-1M - Proposed Lower Ground Floor Plan Demolition

PL602-1J - Proposed Ground Floor Plan Demolition

PL603-1E - Proposed First Floor Plan Demolition

PL604-1E - Proposed Second Floor Plan Demolition

PL605-1G - Proposed Third Floor Plan Demolition

PL611-1 - Proposed Roof Plan Demolition

PL606C - Proposed Front Elevation

PL607D - Proposed Rear Elevation

PL608E - Proposed Section AA

PL610B - Proposed Section CC

PL611 - Proposed Roof Plan

PL620-1A, PL620-2, PL620-3, PL620-4A - New Chimney Pieces

PL621 - Kitchen First and Second Floor

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

### 3. C.013 Trees - lopping and topping

For the duration of works the tree(s) existing on the site at the date of this permission shall be protected so as to prevent damage above and below



ground, and no tree shall be lopped, topped, or felled, or root pruned, without the prior written approval of the local planning authority.

*Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy GB16 of the Local Plan 2024.*

**4. Contamination – Unexpected**

If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented in full.

*Reason – To ensure any risks from land contamination are both minimised and managed and comply with the National Planning Policy Framework and policy GB18 of the Local Plan 2024.*

**5. 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 CD10 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.*

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

The first floor flank window in the closet wing hereby approved 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.*

- 1 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](#)

- 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 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 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](#)

- 5 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.

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/24/07500](http://www.rbkc.gov.uk/PP/24/07500). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

Ms. C. Collins

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