

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 25/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/24/06678	<b>Agenda Item:</b>	ST02	
<b>Address:</b>	Kensal House, Ladbroke Grove, LONDON, W10 5BQ			
<b>Proposal:</b>	Addition of ventilation ductwork fixed to ceiling of all outdoor pantry areas belonging to flats within the buildings, providing extract fans connected to external ductwork			
<b>Applicant:</b>	Royal Borough of Kensington and Chelsea			
<b>Agent:</b>	Mr Lee Rider Levett Bucknall			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
72	0	0	0	0
<b>Listed building:</b>	<b>Grade II*</b>			

## 1. Summary

- 1.1 The proposed development would see the installation of a new mechanical ventilation system, consisting of slimline ductwork and centralised extract fans to both the kitchen and bathroom of each dwelling, to replace the existing extract fans. The proposals would safeguard the special architectural and historic interest of the Grade II\* listed building, preserve the character of the wider streetscene and townscape, and would preserve the living conditions of neighbouring occupiers.
- 1.2 The development would comply with the Local Plan 2024 development plan policies CD1, CD2, CD3, CD5, CD9, CD10, CD16, and GB8.

**It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.**

## 2. Reason for committee consideration

- The Royal Borough of Kensington and Chelsea (the Council) is the applicant.

## 3. The site and its surroundings

- 3.1 The application site is comprised of Kensal House which is a grade II\* listed building which houses residential flats (C3) and is formed of two buildings. The buildings are located to the north of the borough to the west of Ladbroke Grove and north of the overground lines. The buildings sit on the junction to the Kensal Canal Side opportunity area which extends

to the west.

- 3.2 Kensal House sits at a varied level from the adjacent Labroke Grove pedestrian footpath. Various steps and overpasses provide residential access to the various entrances. The buildings are arranged over five to six storeys due to the land level variations.
- 3.3 Kensal House was constructed circa 1937 by renowned modernist architect Maxwell Fry. The buildings were constructed by the Gas and Light and Coke Company (GLCC). The buildings were constructed to provide moderns housing and the building is an example of early modernism and experimental modelling for housing schemes.

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

- 4.1 The proposed development would see the installation of a new mechanical ventilation system, consisting of slimline ductwork and centralised extract fans to both the kitchen and bathroom of each dwelling, to replace the existing extract fans.
- 4.2 The relevant planning history is set out below:

Reference	Description	Decision
TP/91/0523	Security improvements to the building and change of use of estate annexe from nursery to estate office with caretakers facilities. (replacement windows).	Granted.
LB/01/00424	Replacement of cold-water service installation and the provision of extract ventilation to bathrooms and kitchens. (Listed Building Consent).	Granted. 26/11/2001.
PP/01/01791	Erection of a memorial sculpture and associated landscaping. (Council's Own Development).	Granted. 10/09/2001.
PP/12/01421 and LB/12/01470	Installation of new satellite dish and aerial, including cabinets on both roofs of property, with fibre optic cable run from roof to each flat, utilising existing external trunking runs. Existing trunking conduit to be replaced with larger profile 40 x 40mm, to accommodate existing coaxial and new fibre optic cables.	Granted. 12/06/2012.
PP/12/02467 and LB/12/02468	External & internal works to windows and doors.	Granted. 03/09/2012.
LB/13/07647	External repairs, external redecorations, and internal redecorations to common parts.	Granted. 28/02/2014.
LB/17/02681	Removal of interior wall to widen doorway for wheelchair access to lavatory.	Granted. 10/07/2017.
LB/18/06004	Repair of: thermal movement/cracking to boundary wall, damage to entrance lobby and adjacent section of boundary wall, collapsed undercroft soffit over car park entrance road.	Granted. 17/12/2018.
PP/19/04704 and LB/19/04705	Refurbishment of the Kensal House lower ground floor community rooms; extension to provide additional community room; and formation of corridor to the East elevation to provide independent access to all rooms.	Granted. 19/09/2019.
PP/20/04581	Repair, refurbishment and alteration of the Kensal	Granted.
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and LB/20/04581	House lower ground floor community rooms; improvement of existing access to the estate via street level by installing a new stair and lift; and relocation and reconfiguration of bin store entrance.	9/10/2020.
PP/24/02304 and LB/24/02305	Stripping up tapered insulated mineral felt roof system, replace with two-layered tapered mineral felt Bauder total roof system. Strip out double glazed crittall windows, and replace with slimline glazed windows. Replace defective cast iron downpipes serving balconies.	Granted. 13/09/2024
LB/24/05615	Replacement of all flat entrance doorsets and associated alterations to meet existing fire regulations in Flats 1-68 Kensal House.	Granted. 29/11/2024

## 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
Listed Building	CD3, CD5
General townscape and design, including fire safety	CD1, CD2, CD10, CD16
Living conditions and noise	CD9, GB8

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>

## 6. Evaluation

6.1 The proposal is accompanied by an appropriate Reasonable Exception Statement, demonstrating consideration of fire safety, as required by policy CD16 of the Local Plan 2024.

6.2 The decisive issues are:

- i Whether the proposal would safeguard the special historic or architectural interest of the designated heritage asset;
- ii Whether the proposed development would preserve or enhance the character and appearance of the building and wider townscape.
- iii Whether the proposals would ensure good living conditions for neighbouring occupiers.

### Listed building

6.3 Local Plan 2024 CD5 requires that development preserve the heritage significance of the listed buildings, and any features of special architectural or historic interest. Local Plan policy CD3 is broadly similar to the requirements of the NPPF insofar as it requires great weight to be given to conservation of heritage assets; and that any harm should be weighed against the public benefits.

- 6.4 Kensal House comprises two Grade II\* listed buildings circa 1937 by renowned modernist architect Maxwell Fry. The buildings were constructed by the Gas Light and Coke Company (GLCC) to provide modern housing for working class families. Kensal house is an example of early modernism and of experimental modelling for housing schemes.
- 6.5 The proposed mechanical ventilation system is acceptable as the location of these systems, behind the grate and largely above the down stand, minimises their visual impact upon the listed building. The ducting is to be colour matched to the soffit in order to minimise their visual impact, and the restriction of these elements to the secondary rear elevation further limits their impact upon the listed building.
- 6.6 The proposed internal changes, which includes introducing circulating cooker hoods, adding heated bathroom rails, and connecting to the new external ducting, are acceptable. These are minor changes that are reversible, that would have negligible impact upon the special interest of the listed building.
- 6.7 The proposed development would preserve the special architectural and historic interest and significance of listed buildings in accordance with Local Plan 2024 policy CD5, and the requirements of Local Plan Policy CD3.

### **Character and appearance**

- 6.8 Local Plan 2024 policy CD1 requires development respects the existing context, character and appearance, including historic characteristics. Local Plan 2024 policy CD2 requires all development to meet the highest standards of urban design and architectural quality. Policy CD10 requires small scale alterations to not harm the existing character and appearance of buildings in their context.
- 6.9 Kensal House stands out as an early modernist building along Ladbrooke Grove. The buildings simple form and pared back design reflects the original design intention. The architecture of the surrounding context is varied with modern construction and pockets of 18<sup>th</sup> and 19<sup>th</sup> century-built form. There is no consistency of architectural treatment, form, or mass in this location.
- 6.10 The proposed ventilation systems would only be visible from limited views, on the partially enclosed balcony/pantry area of each flat. The ventilation would be slimline and in character with the appearance of the building and surrounding area.
- 6.11 The proposed development would respect the existing context, character and appearance of the host building and wider townscape. The development would comply with policies CD1, CD2 and CD10.

### **Living Conditions**

- 6.12 The proposals would introduce no new sightlines and would not affect the living conditions of neighbouring occupiers through sense of enclosure or daylight/sunlight.
- 6.13 The application is accompanied by an amended acoustic report. The Council's Environmental Health Officer has scrutinised the report and do not have concerns that the predicted noise levels would give rise to a loss of amenity. They have also recommended two conditions to protect the living conditions of neighbouring occupiers: to ensure that the noise level does not exceed the Council's noise limits, and to ensure that the proposed equipment is placed on anti-vibration mounds.
- 6.14 The proposals are therefore compliant with policy CD9 and GB8 of the Local Plan 2024.

### **Issues and balancing**

- 6.15 Considerable importance and weight has been attached to and special attention has been paid 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.
- 6.16 No material considerations exist which would prevent a decision other than in accordance with the development plan. The development would comply with Local Plan 2024 policies CD1, CD2, CD3, CD5, CD9, CD10, CD16 and GB8.

## 7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

## 8. Consultations carried out

### Comments from interested parties

- 8.1 72 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 08/11/2024. A statutory notice advertising the application was posted near the site on 08/11/2024.
- 8.2 No responses were received.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	No comment	N/A

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation and Design Officer	The proposals are acceptable, subject to LB conditions.	Paragraphs 6.4 – 6.6
Environmental Health Officer	1 <sup>st</sup> response: The proposals look reasonable, but discussions of mitigation and intermittency must be had in an amended noise report.  2 <sup>nd</sup> response: The revised noise report has addressed the concerns previously highlighted, and the scheme is acceptable, subject to conditions.	Paragraph 6.13

## 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 001; 003; 007; 008; 009.  
*Reason* - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
3. **Noise from building services plant and vents**  
Noise emitted by the building services plant hereby permitted shall not exceed the predicted operational noise levels as detailed in Table 6.2 of the Cundall acoustic report, ref KEH-CDL-XX-XX-T-AS-45201, Revision P02, dated 15 January 2025 at 1.0m from the nearest residential window and/or at a height of 1.2m above any adjacent residential garden, terrace, balcony, or patio at any time when the plant is operating. The plant and associated mitigation shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, they shall be switched off and not used again until it is able to comply.  
*Reason* - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CD9 of the Local Plan 2024.
4. **Anti-vibration mounts for extraction equipment**  
All plant and equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.  
*Reason* - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CD9 of the Local Plan 2024.

## INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to

see how advice can be obtained: [Planning Advice Service](#)

- 3 You are reminded that no work should commence on implementing this Listed Building Consent until all matters, samples, and details reserved by condition have been submitted to, and approved by, this local planning authority. It is an offence to carry out work to a Listed Building unless all such conditions have been complied with. Any proposed departure from the works specified in the approved drawings should be brought to the attention of the planning department for further consideration before the work is carried out. The Council will use its enforcement powers, including use of Breach of Condition Notices or Prosecution, to ensure compliance with conditions and prevent harm to the special historic character and historic interest of Listed Buildings. You are advised that there is currently a maximum fine of £20,000 if the offence is dealt with summarily, and if the offence is dealt with by indictment the fine is unlimited.
- 4 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>
- 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, although not used in this instance.

On first submission the proposals did not comply with guidance, but improvements suggested by the planning authority were adopted by the applicant.

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/24/06678](http://www.rbkc.gov.uk/PP/24/06678). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

Mr. G. Weir

**Telephone:** 07739-314-890