



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 31st October, 2017**

Time:

**6.30 pm**

Venue:

**Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members:

**Councillors:**

Melvyn Caplan (Chairman)  
Ruth Bush  
Paul Church  
Gotz Mohindra



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |  |                        |
|--|------------------------|
| <b>1. THE LODGE, LEICESTER SQUARE, LONDON, WC2H 7DE</b>                      | <b>(Pages 3 - 22)</b>  |
| <b>2. 101 EASTBOURNE MEWS, LONDON, W2 6LQ</b>                                | <b>(Pages 23 - 42)</b> |
| <b>3. 103 EASTBOURNE MEWS, LONDON, W2 6LQ</b>                                | <b>(Pages 43 - 62)</b> |
| <b>4. FLAT 24, GARRICK HOUSE, 63 - 66 ST MARTIN'S LANE, LONDON, WC2N 4JS</b> | <b>(Pages 63 - 82)</b> |
| <b>5. 1 BALFOUR PLACE, LONDON, W1K 2AR</b>                                   | <b>(Pages 83 - 98)</b> |

**Charlie Parker**  
**Chief Executive**  
**23 October 2017**

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 31st October 2017  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 17/04586/COFUL  St James's	The Lodge Leicester Square London WC2H 7DE	Demolition of existing two-storey building on the south side of Leicester Square and erection of new two-storey structure with terrace above to provide replacement ticket office (Class A1) and cafe (Class A3).	Westminster City Council
3.	RN(s) : 17/06664/FULL  Hyde Park	101 Eastbourne Mews London W2 6LQ	Excavation to create single storey basement level, erection of three roof lights in the rear roof slope and alterations to the rear elevation.	Mrs Lesley Chen
4.	RN(s) : 17/03716/FULL  Hyde Park	103 Eastbourne Mews London W2 6LQ	Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over ground, first and second floor.	Caroline Beecham and John Lydon
5.	RN(s) : 17/04855/FULL  St James's	Flat 24 Garrick House 63 - 66 St Martin's Lane London WC2N 4JS	Erection of a roof extension to create a glazed sunroom with associated roof terrace.	Mr Piers Smerin
6.	RN(s) :	1 Balfour Place	External alterations to existing single dwelling house (Class C3) including roof level alterations, new half-	Mr Peter Cruddas

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 31st October 2017  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	17/06598/FULL  West End	London W1K 2AR	height plant/access enclosures, , adjustment of existing means of escape, relocation of chimney, installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level, replacement of existing metal staircases linking basement to street level and creation of roof terrace with railings and screen.	
<p><b>Recommendation</b> Grant conditional permission</p>				

# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The Lodge , Leicester Square, London, WC2H 7DE</b>		
<b>Proposal</b>	Demolition of existing two-storey building on the south side of Leicester Square and erection of new two-storey structure with terrace above to provide replacement ticket office (Class A1) and cafe (Class A3).		
<b>Agent</b>	Tim Murray		
<b>On behalf of</b>	Mr Roger Austin		
<b>Registered Number</b>	17/04586/COFUL	<b>Date amended/ completed</b>	13 July 2017
<b>Date Application Received</b>	24 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
2. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
3. That officers be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

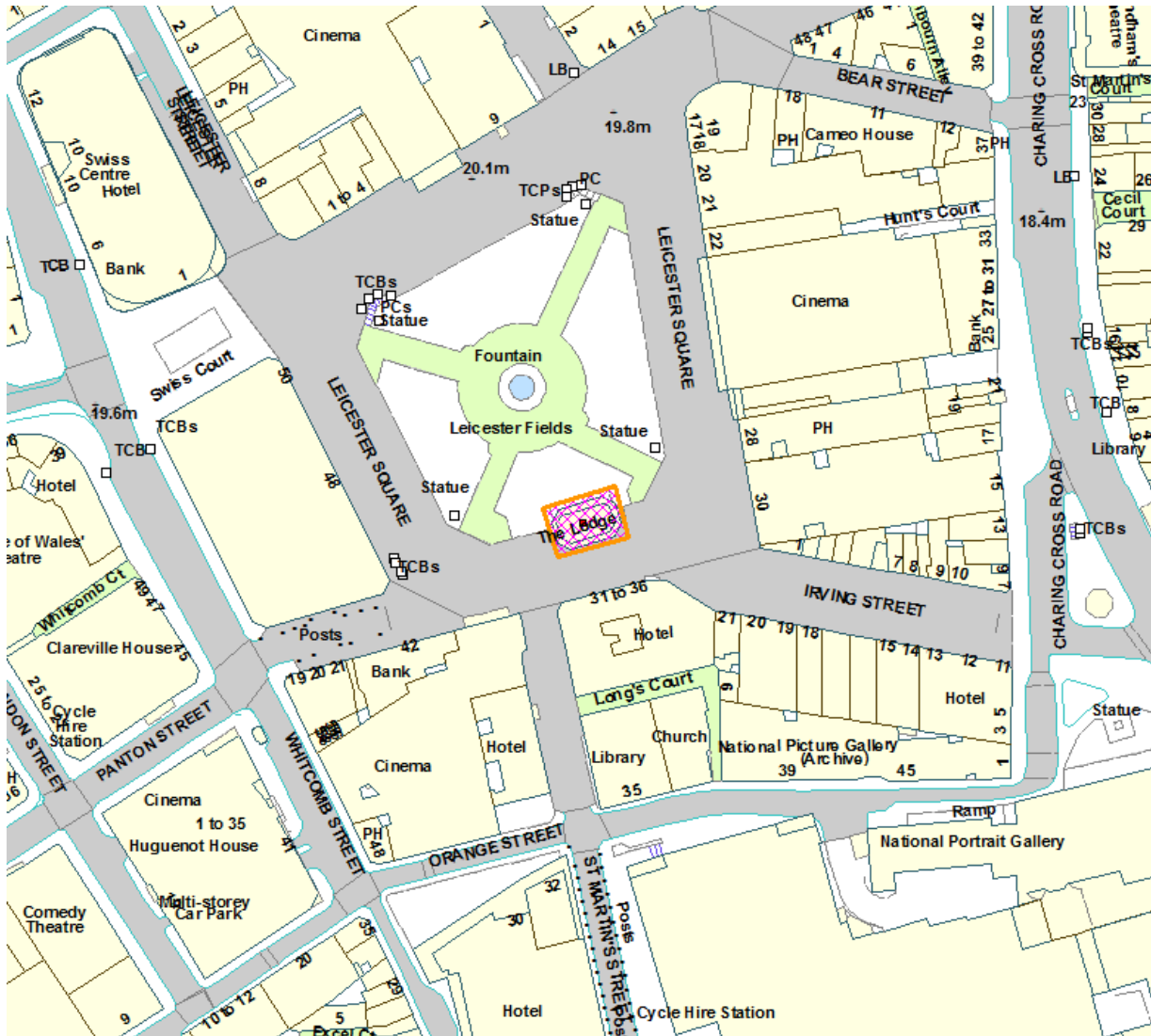
Planning permission is sought for the demolition of the existing ticket office building on the south side of Leicester Square and the erection of a new two-storey structure to provide a replacement ticket office (Class A1) at ground floor level and a cafe (Class A3) at first floor level with terrace above.

The key issues for consideration are:

- \* The impact of the proposals on the character and appearance of the Leicester Square Conservation Area; and
- \* The land use and highways implications of the proposal.

The proposals are considered to comply with the Council's policies in relation to design, conservation landuse and highways as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection. Query over what happens to existing ticket facility during construction.

### SOHO SOCIETY

No objection.

### HIGHWAYS PLANNING

Servicing hours and waste storage conditions required. Stopping up of the public highway will be required.

### ENVIRONMENTAL HEALTH

No objection, subject to conditions. As no extraction details are provided, a condition is recommended requiring no primary cooking on site.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The Lodge is located in a prominent location to the south side of Leicester Square. It falls within the West End Stress Area, the Core Central Activities Zone (CAZ) and lies within the Leicester Square Conservation Area.

### 6.2 Recent Relevant History

There is no recent relevant planning history.

## 7 THE PROPOSAL

Planning permission is sought for the demolition of the existing lodge and the erection of a new two-storey structure to provide a replacement ticket office (Class A1) at ground floor level and a cafe (Class A3) at first floor level with terrace above.

There is an existing electricity substation beneath the lodge which will remain unchanged. The proposed new building includes access and the ventilation requirements to serve to substation.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Ticket Office (Class A1)	75.1	58	-17.1

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Café (Class A3)	0	63.7	63.7
Total	75.1	121.7	46.6

**7. DETAILED CONSIDERATIONS**

**7.1 Land Use**

The ground floor and first floor will be operated as two distinct planning units, that being for the retail sale of tickets (Class A1) at ground floor, and as a café (Class A3) at first floor. Proposals include a dedicated staff entrance to the ticket office on the west side of the building, with a secondary entrance providing access to the first floor space and terrace located on the east elevation.

In land use terms, the re-provision of the ticket office facility is welcomed. Policy S6 and S24 of the City Plan consider entertainment activities within the Central Activities Zone and West End Stress Area. TACE 8 of the UDP considers the introduction of new café (Class A3) accommodation under 150 sq m in the CAZ and West End Stress Area. These policies require that new entertainment uses must be appropriate in type, size, scale and the relationship to existing entertainment uses. These policies also detail that new entertainment uses should not adversely impact residential amenity, health and safety, local environmental quality or the character and function of the area.

Given the limited size of the proposed café (class A3) at 63sq, it is not considered that it will compromise environmental quality or the character and function of the area. Conditions are recommended requiring no primary cooking on the site, given the proposals do not include extraction details for the café. A condition is also recommended restricting the hours of opening to between 7am and midnight daily.

**7.2 Townscape and Design**

The existing building on the site dates from the early 1990s and is a generally undistinguished design. There are no townscape or design concerns about the demolition of the existing structure.

The replacement structure has a slightly larger footprint, with an increase in height and bulk compared to existing. However, given the open nature of the Square and the distance from adjoining buildings, it is considered that a building of this size could be accommodated on this site without undue impact on the visual balance of the Square and surrounding buildings.

The proposed building has a more simplified form and integrated design than existing and it sits very much as a free-standing “object” within the wider setting of the Square. It makes no real design reference to the surrounding buildings, but remains within the spirit of the newly designed Leicester Square gardens with their free-flowing organic forms and contemporary street furniture. The structure is contained within a wrap-around form of modelled bronze columns, which vary in width and depth to provide openings for the various uses behind. The design cleverly integrates the various uses behind the facade while maintaining a consistent and integrated expression to the exterior.

The proposals are therefore considered acceptable in design terms compliant with DES5 and DES9 of the UDP, subject to conditions including the submission of samples of all facing materials.

### **7.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, noise and disturbance and encourage development which enhances the residential environment of surrounding properties.

Given its Leicester Square location, the nearest residential properties are located on Irving Street, and it is considered that the new building will materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure or noise and disturbance.

Plant is proposed at roof level and an acoustic report has been submitted in support of the application which has been assessed by Environmental Health who has raised no objection subject to standard conditions.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

### **7.4 Transportation/Parking**

Servicing will be carried out on street within the limited times vehicles are allowed into this part of Leicester Square. Hours of servicing are recommended to be secured by condition to between 6am and 10am daily.

The proposed new structure will extend beyond the building line of the existing structure at ground level. This area of public highway will need to be stopped up pursuant to s247 of the Town and Country Planning Act 1990 to allow the proposed development to be implemented. The Highways Planning Manager raises no objection to this element of the scheme.

### **7.5 Economic Considerations**

This development does not generate a Mayor CIL or WCC CIL payment.

### **7.6 Access**

The proposed scheme will provide level access to the ticket booth and includes a four person lift providing level access to the first floor where an accessible WC is provided.

### **7.7 Other UDP/Westminster Policy Considerations**

#### **Trees**

The new structure will utilise the existing reinforced concrete foundations. There are two trees on the south side of Leicester Square adjacent to the existing ticket booth that are in

tree pits owing to a UKPN substation below ground and their root capacity is accordingly limited by these tree pits.

Although there will be an increase in footprint given the design, no excavation will be required and there will be no incursion into any root protection areas. Some limited pruning of the tree canopies may be required given the increased height of the proposed building. A tree protection method statement is recommended to be secured by condition in order to ensure that the trees are protected during construction.

The applicant has confirmed that the existing adjacent hard landscaping and level alignment will not be affected by the proposal. However, the existing intake vents to the north and south are proposed to be reconfigured and incorporated within a new building plinth, in order to improve the visual integration with the proposed building and existing landscaping scheme. A condition is recommended to secure further details in this regard.

### **7.8 London Plan**

This application raises no strategic issues.

### **7.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **7.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **7.11 Environmental Impact Assessment**

The proposals are of an insufficient scale to require an environmental impact assessment.

### **7.12 Other Issues**

None.

## **8. BACKGROUND PAPERS**

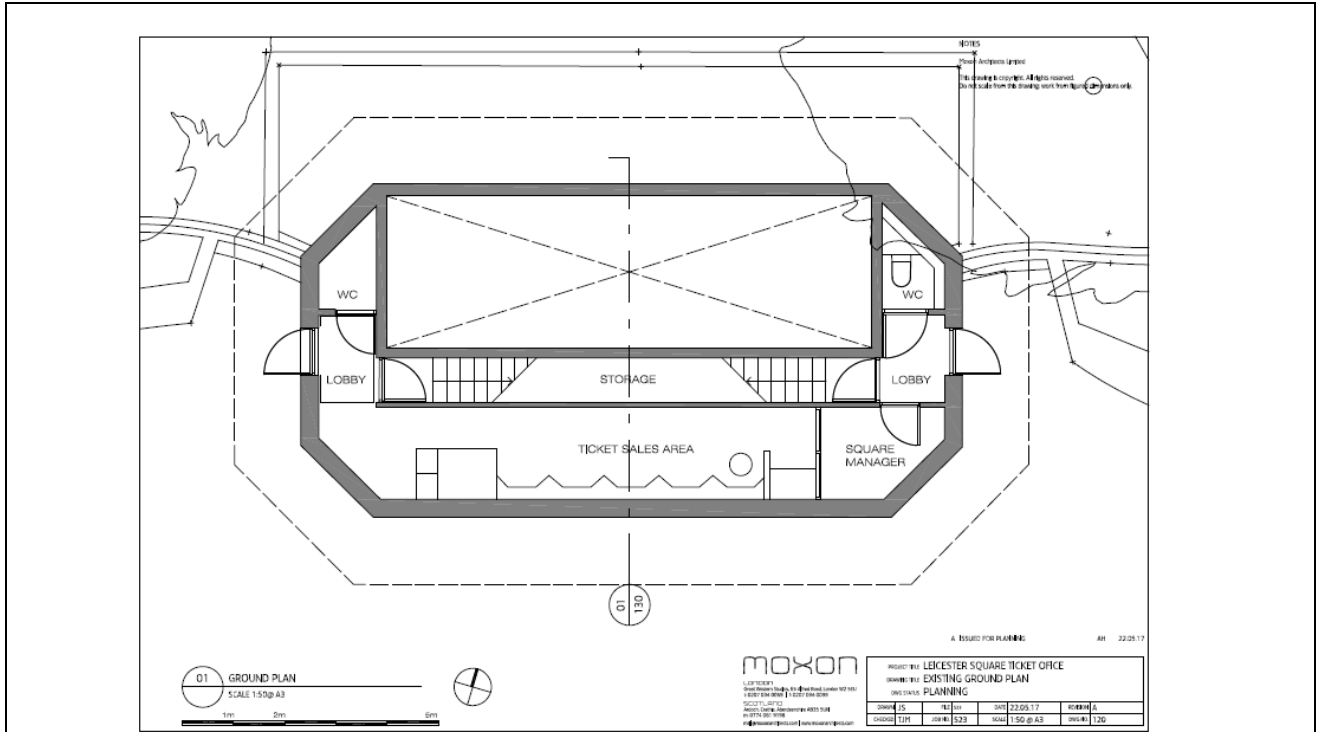
1. Application form
2. Response from Westminster Society, dated 3 August 2017
3. Response from Environmental Health, dated 11 August 2017
4. Letter from Soho Society, dated 10 August 2017
5. Response from Highways Planning, dated 22 August 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

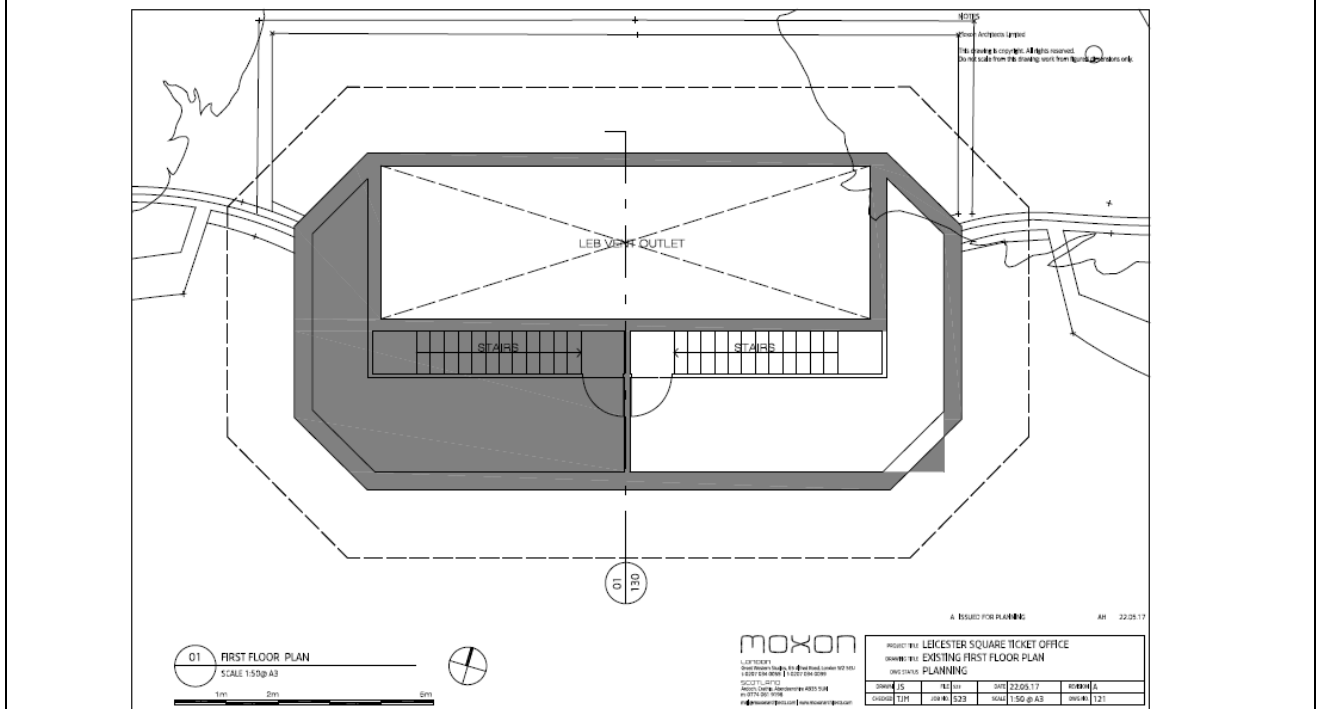
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk).

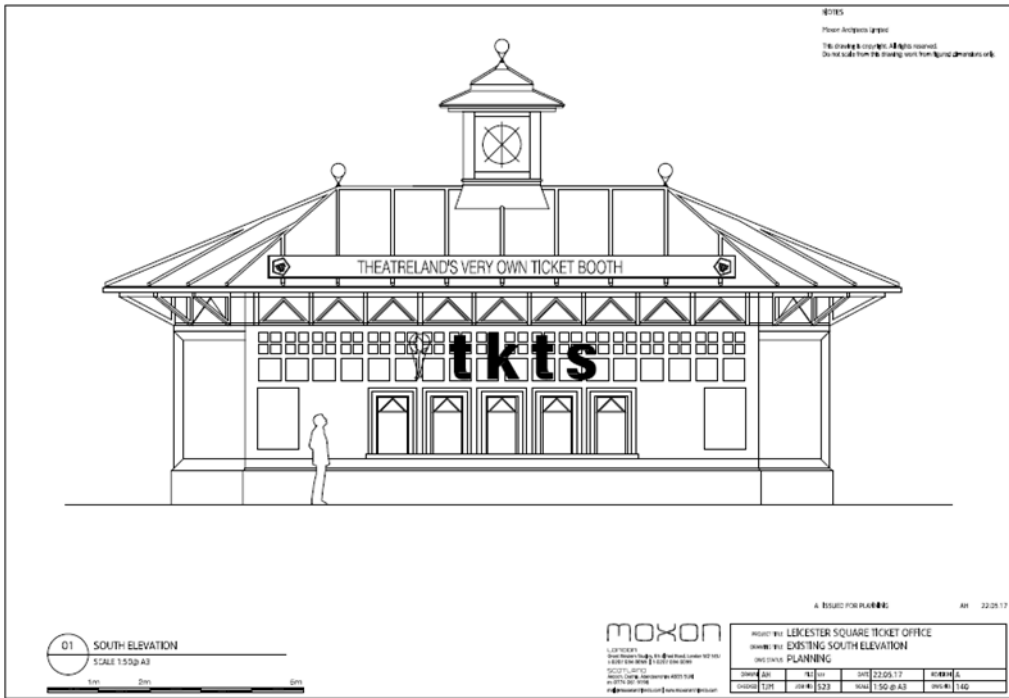
9. KEY DRAWINGS



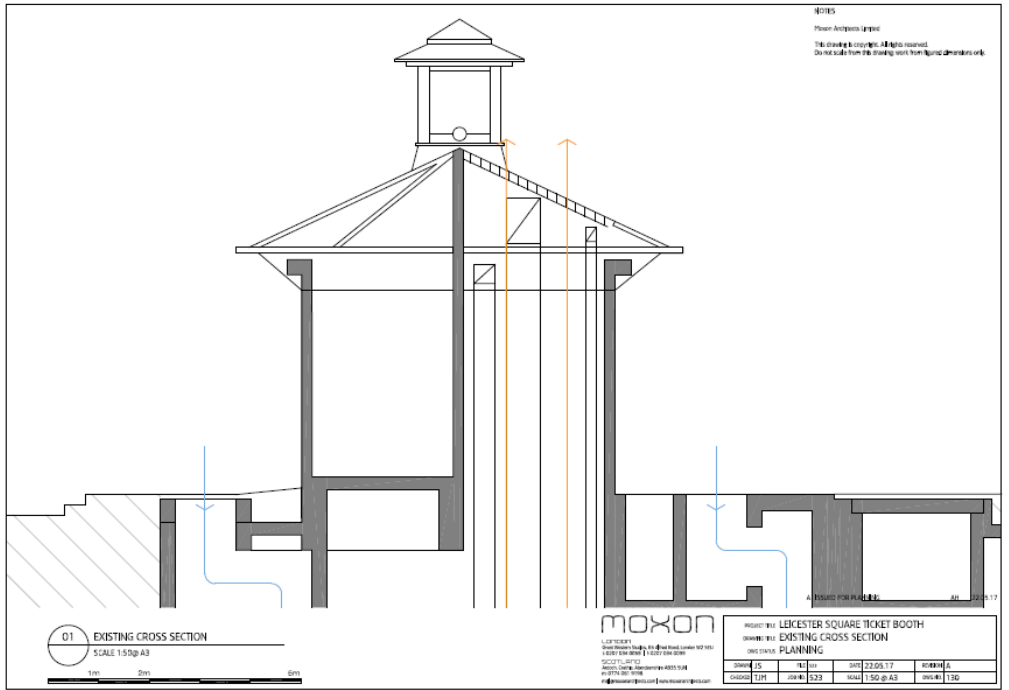
Existing Ground Floor



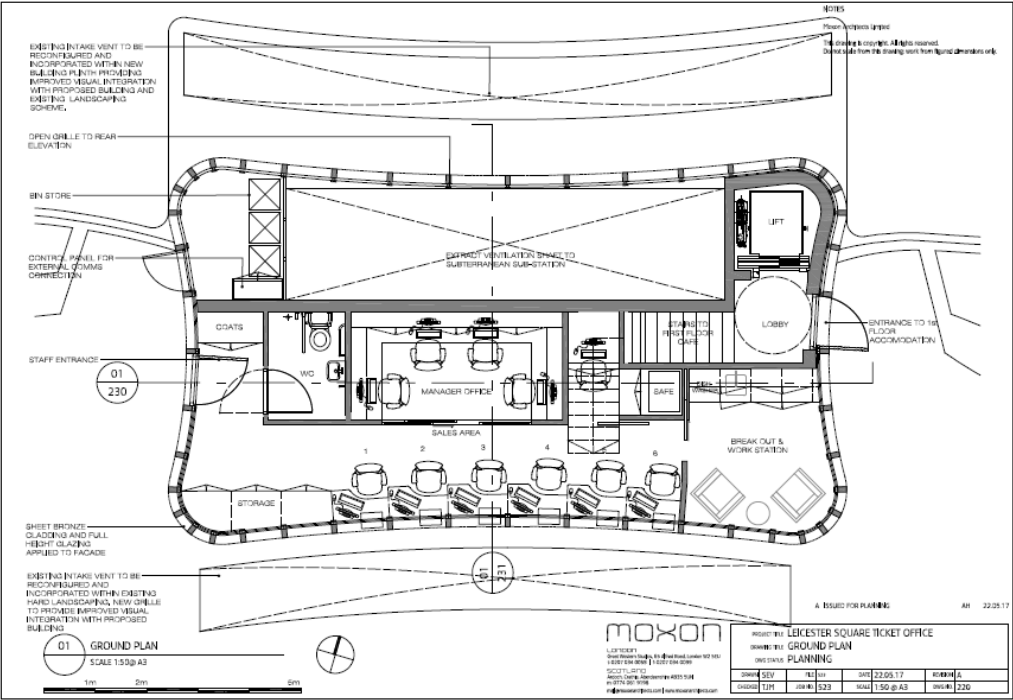
Proposed First Floor



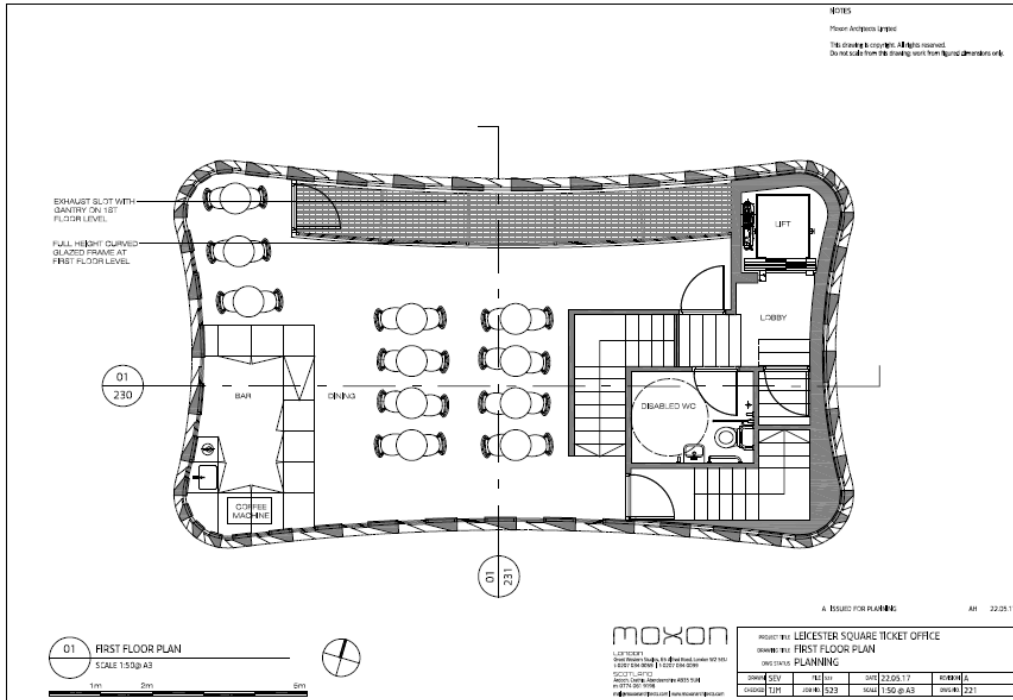
Existing South Elevation



Existing Cross Section

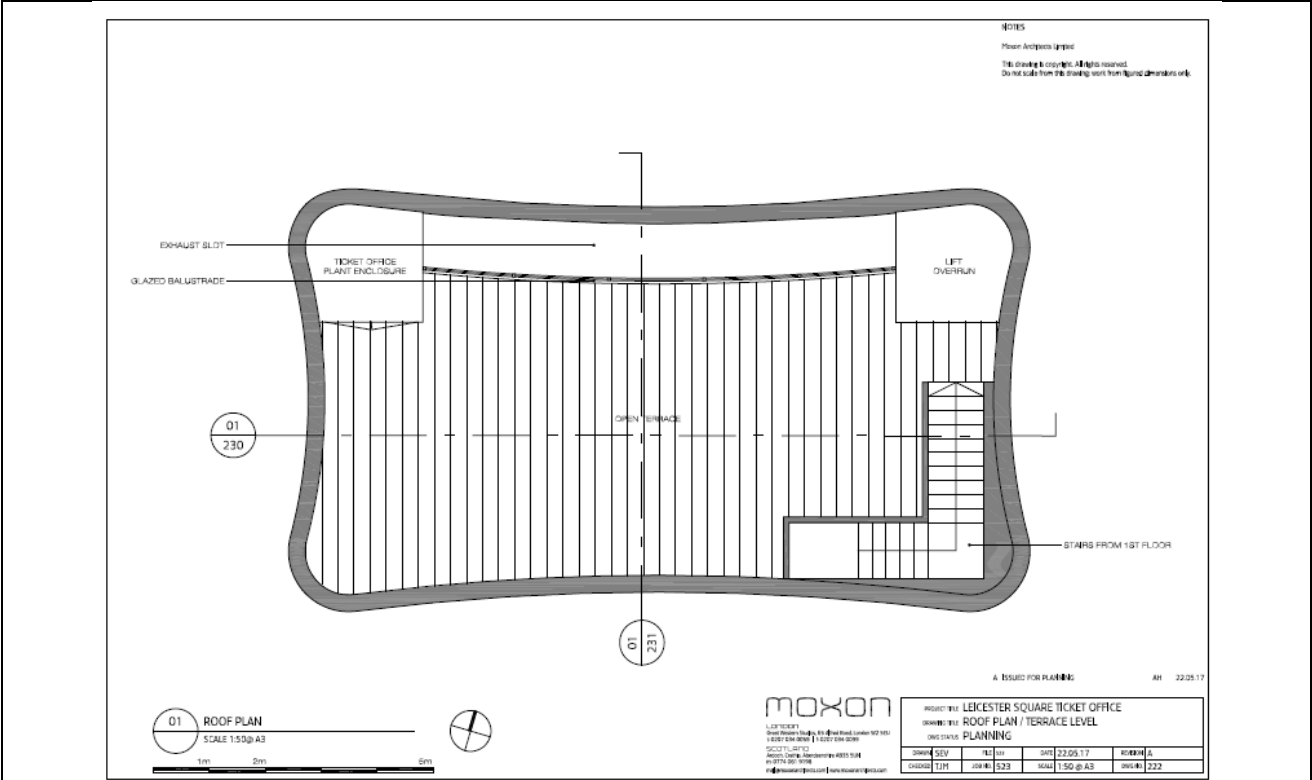


**Proposed Ground Floor**

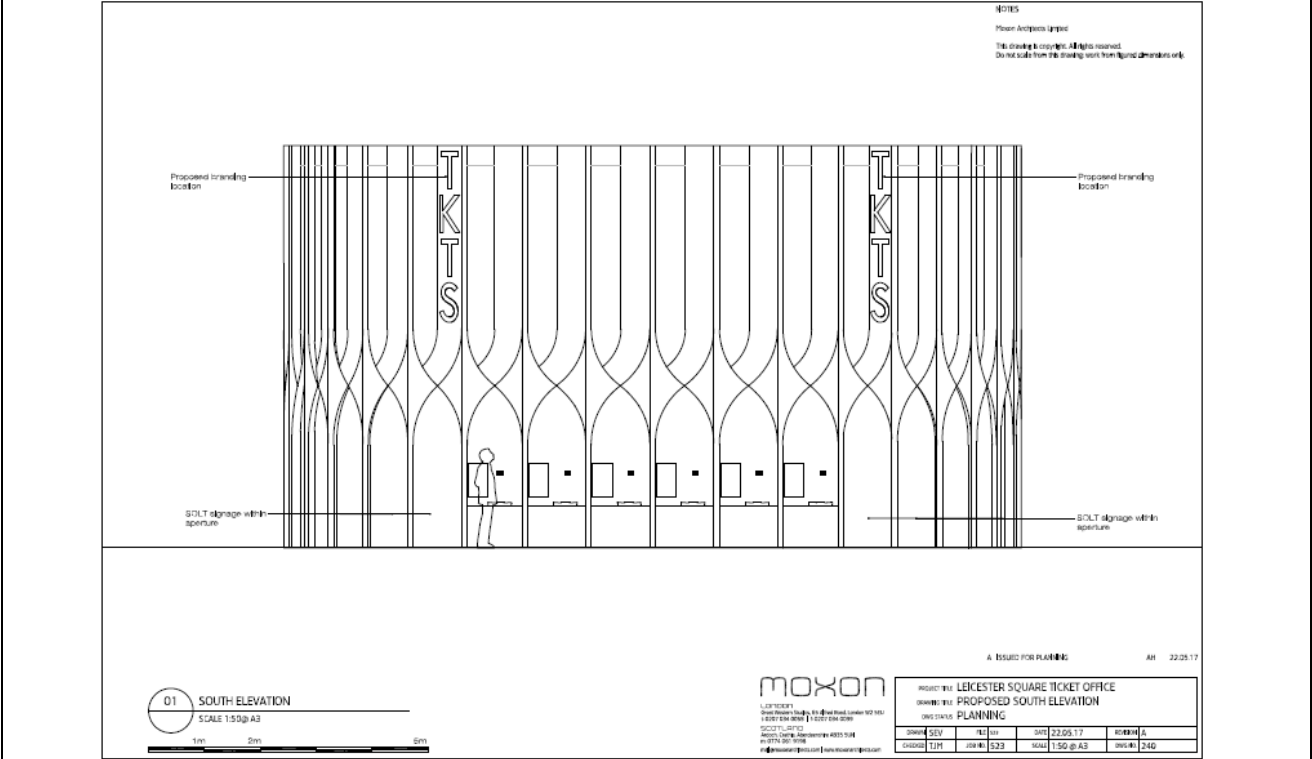


**Proposed First Floor**

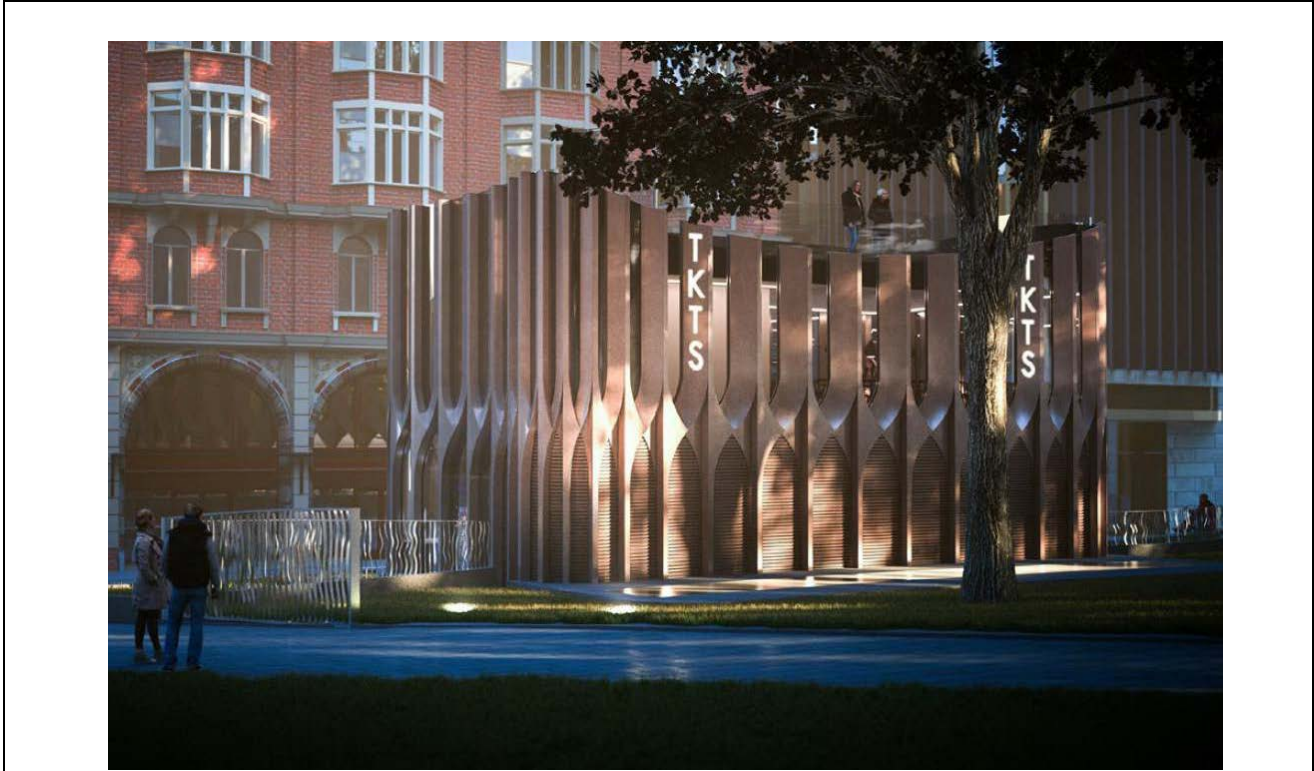




**Proposed Roof Terrace**



**Proposed South Elevation**



**Proposed North Elevation Visual**



**Proposed South Elevation Visual**

**DRAFT DECISION LETTER**

**Address:** The Lodge , Leicester Square, London, WC2H 7DE

**Proposal:** Demolition of existing two-storey building on the south side of Leicester Square and erection of new two-storey structure with terrace above to provide replacement ticket office (Class A1) and cafe (Class A3).

**Plan Nos:** 110 Rev. A; 120 Rev. A; 121 Rev. A; 130 Rev. A; 140 Rev. A; 141 Rev. A; 142 Rev. A; 143 Rev. A; 144 Rev. A; 145 Rev. A; 147 Rev. A; 122 Rev. A; 123 Rev. A; 131 Rev. A; 150 Rev. A; 151 Rev. A; 152 Rev. A; 153 Rev. A; 210 Rev. A; 220 Rev. A; 221 Rev. A; 222 Rev. A; 230 Rev. A; 231 Rev. A; 240 Rev. A; 241 Rev. A; 242 Rev. A; 243 Rev. A; 244 Rev. A; 245 Rev. A; 247 Rev. A; Plant Noise Assessment dated 11 July 2017, prepared by Bickerdike Allen Partners.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not put structures such as canopies, umbrellas, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 220 Rev. A. You must clearly mark them and make them available at all times to everyone using the Class A1 units. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 6 Servicing of the Class A1 and Class A3 units must take place between 06:00 and 10:00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3)

is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 11 Customers shall not be permitted within the cafe (Class A3) premises before 07:00 or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 13 You must apply to us for approval of detailed drawings of the new building plinth incorporating the reconfigured existing intake vents, including how this will relate to the surrounding landscaping. You must not start work on the relevant part of the development until we have approved what you have sent us.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 3 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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Item No.
3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31st October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>101 Eastbourne Mews, London, W2 6LQ,</b>		
<b>Proposal</b>	Excavation to create single storey basement level, erection of three roof lights in the rear roof slope and alterations to the rear elevation.		
<b>Agent</b>	Mr Bruce Davison		
<b>On behalf of</b>	Mrs Lesley Chen		
<b>Registered Number</b>	17/06664/FULL	<b>Date amended/ completed</b>	9 August 2017
<b>Date Application Received</b>	27 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the excavation of a basement beneath the footprint of the dwelling, installation of three roof lights in the rear roof slope and alterations to the rear fenestration including the creating of new window openings at ground and first floor levels.

The proposal was revised during the course of the application. The scheme as originally proposed included the installation of 3No. dormer windows in the rear roofslope, these has been amended to be roof lights.

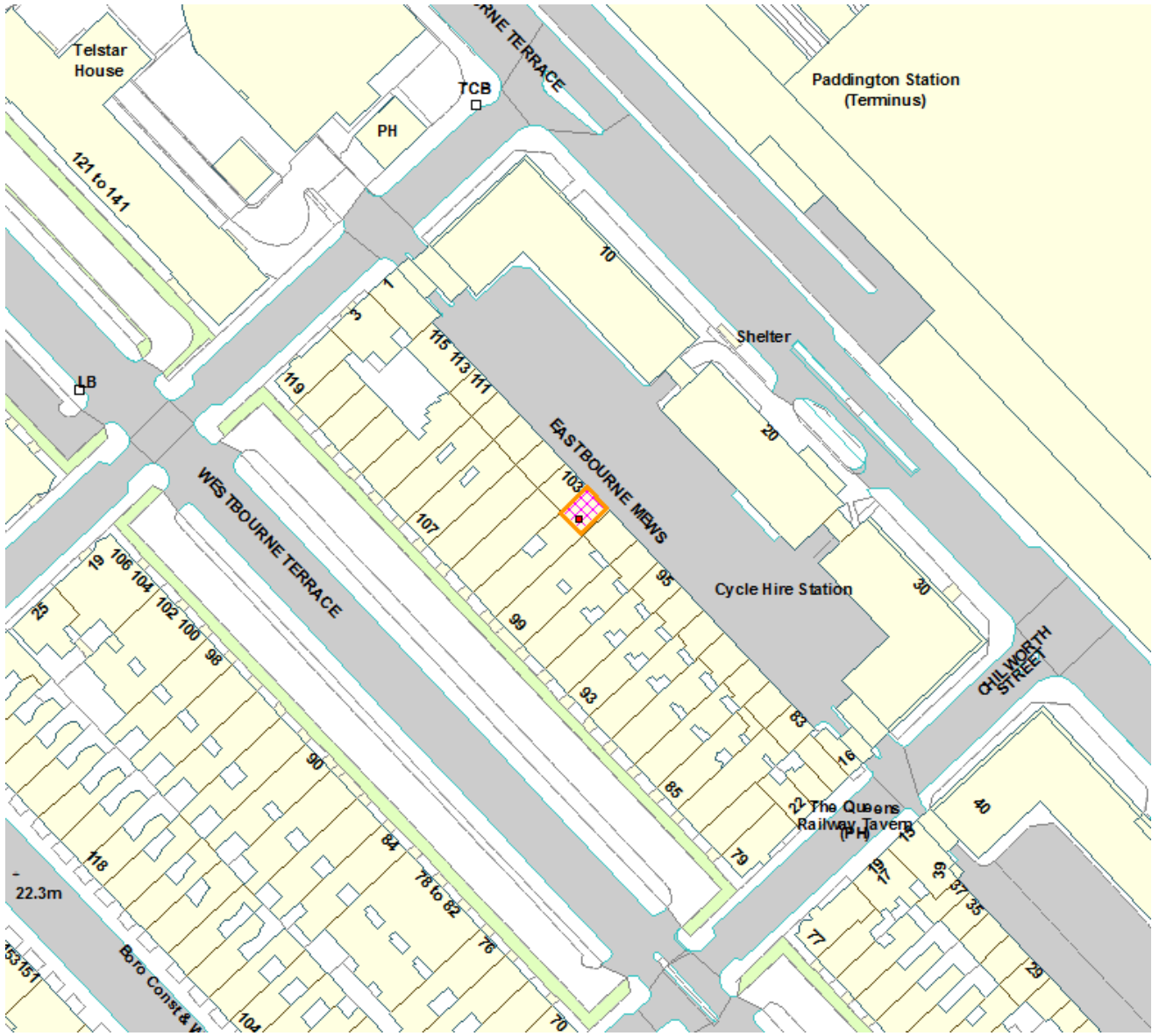
Objections have been received from local residents on the grounds of the impact of the proposed additional windows on residential amenity and the potential for disruption and damage during the course of the basement construction.

The key issues are:

- Impact on the character and appearance of the building and conservation area.
- Impact on the amenity of neighbouring residents.

The proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out on the draft decision letter.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS

Application site, 101 Eastbourne Mews, front elevation.





**VIEW FROM FIRST FLOOR LEVEL OF 101 EASTBOURNE MEWS LOOKING OUT TO 101 WESTBOURNE TERRACE.**



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Request informative relating to the Council's policy on basements and the requirement to submit approval for a construction management plan. Neighbours views should be taken into consideration.

### BUILDING CONTROL

No objection to structural methodology. Noted that basement may not comply with requirements for means of escape.

### HIGHWAYS PLANNING

No objection.

### CROSS LONDON RAIL LINKS LTD

No comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58

The proposal was revised during the course of the application. The consultation responses to the original and revised proposals are summarised as follows:

#### ORIGINAL CONSULTATION:

Total No. of replies: 9

No. of objections: 9

In summary, the following issues were raised:

#### *Amenity*

- Loss of privacy
- Overlooking.
- Light spill from windows.

#### *Construction*

- Risk of subsidence to neighbouring properties.
- Damage to property during construction.
- Noise disturbance during construction.
- Traffic increase during construction.
- Building hours should be reduced.
- Impact on the water table.

#### *Other*

- Conflict within the adjacent building works.

#### RECONSULTATION:

Total No. of replies: 6

No. of objections: 6

In summary, the following issues were raised:

- Inaccurate description of revised proposal.
- Overlooking, loss of privacy, light pollution, and noise disturbance.
- Inconsistencies on drawings.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

101 Eastbourne Mews is a 3 storey property located in the Bayswater Conservation Area. The site is not listed nor subject to any other designations, however the properties to the rear on Westbourne Terrace are Grade II Listed.

### 6.2 Recent Relevant History

#### 03/02356/FULL

Erection of 2nd floor mansard roof extension providing additional floorspace to an existing house.

Application Permitted                      31 July 2003

#### 16/06418/FULL

Variation of Condition 4 of planning permission dated 23 July 2003 (RN: 03/02356/FULL) for the erection of 2nd floor mansard roof extension providing additional floorspace to an existing house. Namely, to allow the windows on the rear elevation to be openable to 5cm to ventilation.

Application Permitted                      25 August 2016

## 7. THE PROPOSAL

Permission is sought for the excavation of a basement, installation of 3No. roof lights in rear roof slope and alterations to the rear elevation namely the enlargement of an existing window and introduction of an additional window at ground floor level. The proposal has been amended during the course of the application to include rooflights in the rear roof slope rather than dormers.

Table 1: Floorspace figures (GIA sqm)

	Existing	Proposed	Increase
Single Family Dwelling (Class C3)	145	191	+46

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application will result in an increase in residential floorspace of 46sqm (GIA) as a result of the proposed basement. The increase in residential floorspace to extend the existing

residential property is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase residential floorspace within Westminster.

## 8.2 Townscape and Design

101 Eastbourne Mews is an unlisted building location within the Bayswater Conservation Area. The building is a traditional mews building and like a number of other properties within the mews benefits from a mansard roof extension to create a second floor.

The relevant design policies are DES 1, DES 5, DES 6 and DES 9 of Westminster's Unitary Development Plan and S28 of Westminster's City Plan.

The proposal has been revised during the course of the application, to amend the previously proposed dormers windows in the rear roofslope to rooflights.

The windows proposed to the main rear elevation will be constructed of timber and be double glazed. It is also proposed to replace the existing windows at rear first floor level with double glazed timber units. These alterations are considered acceptable in design terms subject to a condition that the windows are painted white and maintained as such. A further condition is recommended to ensure that the proposed rooflights are conservation style units.

The proposed recessed window at rear ground floor level, whilst not a common feature within the terrace, is considered acceptable given its discreet location to the rear of the site preventing it from being visible in any public views.

Given its subterranean nature, the proposed basement does not raise concerns in terms of design, as once completed it will not be visible from the public realm.

Subject to the above conditions, the application is considered acceptable in design and conservation terms.

## 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

### *Rooflights*

The proposal originally included the erection of three dormer windows in the rear of the existing mansard roof. This was amended to three rooflights in response to a number of objections that were received on the grounds that the dormers would result in overlooking and loss of privacy to the properties rear. The revised drawings were consulted on and subsequently further objections were received maintaining objections on the grounds of overlooking, light pollution and noise.

An objection has noted that permission was recently refused for similar rooflights at No 103 Eastbourne Mews, due to loss of amenity to neighbouring residents. This application was

subsequently appealed and the Inspector did not agree with the reason for refusal. The inspector commented as follows:

*"It appears to me that the proposed arrangement of high level windows would not result in a substantially greater overall area of glazing, or significantly increase the number of windows that could be opened. That being the case, I find that the potential levels of light spill, noise or disturbance experienced by neighbouring occupants at 103 and 105 Westbourne Terrace would not be so materially increased as to warrant the withholding of planning permission."*

The application at No 103 included a different arrangement for the rear rooflights, but is still a consideration. Nevertheless each application must be assessed on its individual merits.

Rooflights are common features in the rear roof slope of mansard roofs, with many of the adjacent properties also having windows at this level. During the course of the application, the applicant has agreed for these windows to be opaque glazed, which will ensure that overlooking is minimised. While it is granted there would be some increase in light spill due to the addition of the three new windows at second floor level, it is not considered that the impact would be so significant as to warrant a reason for refusal in this instance, particularly given the opaque nature of the windows which will help to defuse light.

*Ground/First Floor rear windows:*

With regards to the windows at first floor level they will be replaced like for like, they are at present obscure glazed and restricted by a condition relating to planning permission granted August 2016 so that they cannot be opened further than 5cm. In order to prevent these windows being fully openable, a condition to secure details of the window restrictors to be installed to prevent full opening of these windows is recommended.

The window openings to be created at ground floor level will be subject to a condition to require that they are obscure glazed and fixed shut to prevent any overlooking or loss of privacy to the property to the rear.

*Conclusion:*

An objection has been raised on the grounds of inconsistencies with the applicants supporting documents in relation to the openable/opacity of rear windows. Subject to the conditions, it is not considered that the objections on the grounds of amenity can be sustained. The proposals are therefore considered to be in accordance with policies ENV 13 and S 29.

#### **8.4 Transportation/Parking**

The proposal does not represent an increase in residential units or an unacceptable loss of parking as such the proposal is not contrary to TRANS 23. Furthermore, there is no requirement for the provision of additional cycle parking.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**



Access arrangements will remain unchanged.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Refuse /Recycling:**

The proposal does not represent any increase in residential units, it is not considered necessary to require details of waste storage to be submitted.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

Not applicable to a development of this scale.

### **8.12 Other Issues**

#### **Basement:**

The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). The policy requires the basement developments to residential buildings not to extend beneath more than 50% of the garden land of the original. As the basement sits under the footprint of the existing building this does not apply. As a result, the associated parts of the policy (soil depth, landscaping etc.) are not considered relevant to this application.

Objections have been received from adjoining occupiers on the basis of the potential for subsidence as a result of the basement development and the potential for damage to adjoining properties during construction.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring site and confirmed that these are acceptable. They have confirmed that the proposal to safeguard adjacent properties during construction is considered to be acceptable and that the proposal would not increase the likelihood of flooding in the local area and it should not have significant effects on the structural stability of neighbouring building.

The Building Control Officer has raised concern regarding means of escape from the basement, however, it is not considered a planning issue and is dealt with under Building Regulations. An informative is recommended alerting the applicant to this potential issue.

Objections have also been received with regards to noise disturbance during the construction works. The City Council's standard condition with regards to hours of works is recommended and considered reasonable to control any potential disruption to neighbours during works.

The applicants have submitted the required Appendix A to indicate their compliance with the Code of Construction Practice which is to be disturbed by condition. The proposed basement is compliant with all other relevant elements of the policy and considered acceptable.

**Other:**

An objection has been received from the resident located to the rear of the site on the grounds that the works will conflict with their approved extension, which they are currently implementing. The applicant has updated the drawings to show the approved development and to confirmed that the works do not obstruct what is being built. Any issues in relation to party walls are a private matter.

In terms of the requested reduction to working hours by an adjoining occupier, the City Council imposes conditions that restrict hours of work that are consistent with usual practice in the borough and Environmental Health legislation. It would not be considered reasonable to impose greater restrictions which would also likely prolong construction times and subsequent disturbances to residents.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning – Development Planning, dated 4<sup>th</sup> October 2017.
3. Response from Crossrail Limited dated 21<sup>st</sup> August 2017.
4. Response from South East Bayswater Residents Association, dated 30 August 2017
5. Letter from occupier of Flat 7, 103-105 Westbourne Terrace, dated 31 August 2017
6. Letter from occupier of 101E Westbourne Terrace, London, dated 3 September 2017
7. Letter from occupier of 101E Westbourne Terrace, London, dated 3 September 2017
8. Letter from occupier of 105 Eastbourne Mews, London, dated 31 August 2017
9. Letter from occupier of 16A Chilworth St, London, dated 24 August 2017
10. Letter from occupier of Flat B, 101 Westbourne Terrace, dated 28 August 2017
11. Letter from occupier of Flat 3, 105 Westbourne Terrace, dated 24 August 2017
12. Letter from occupier of Flat 5, 105 Westbourne Terrace, dated 28 September 2017
13. Letter from occupier of Flat 7, 105 Westbourne Terrace, dated 17 August 2017

### NEIGHBOUR RESPONSES TO REVISED CONSULTATION

14. Letter from occupier of 101E Westbourne Terrace, London, dated 29 September 2017
15. Letter from occupier of Flat B, 101 Westbourne Terrace, dated 30 September 2017
16. Letter from occupier of Flat 7, 103-105 Westbourne Terrace, dated 25 September 2017
17. Letter from occupier of Flat 3, 105 Westbourne Terrace, dated 26 September 2017
18. Letter from occupier of Flat 7, 105 Westbourne Terrace, dated 25 September 2017
19. Letter from occupier of Flat 7, 103 Westbourne Terrace, dated 2 October 2017

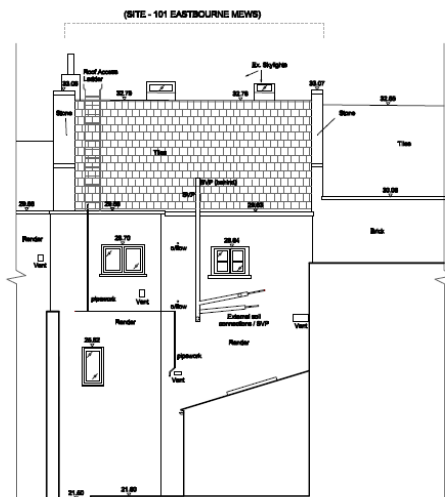
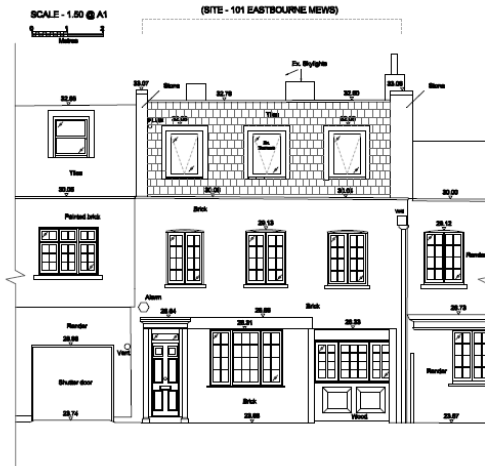
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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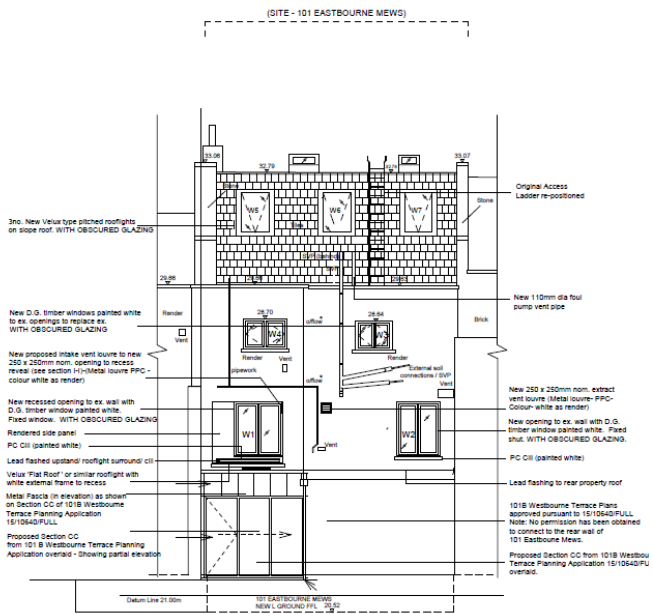
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

10. KEY DRAWINGS

Existing (Top) and Proposed (Bottom) Front and Rear Elevations

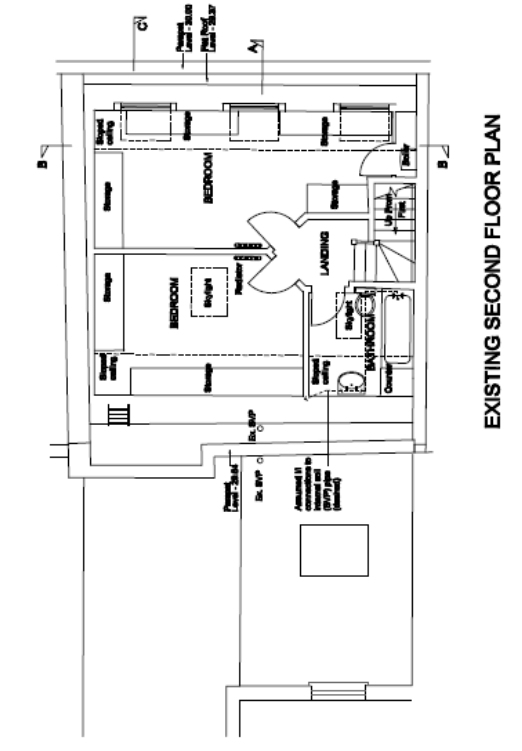


PROPOSED NORTH ELEVATION (EASTBOURNE MEWS)

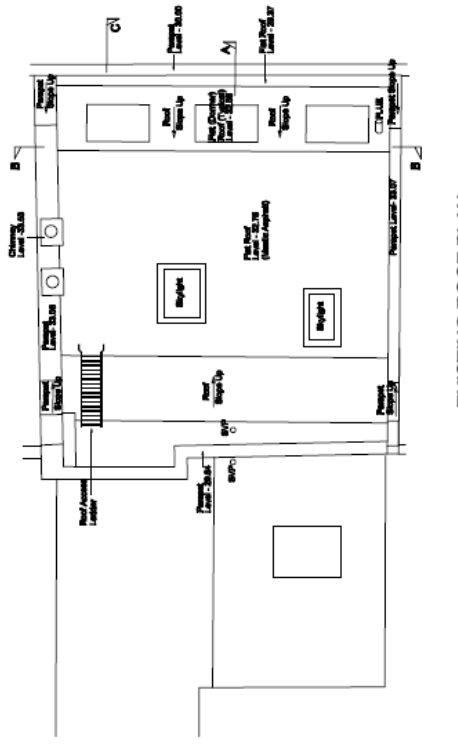


PROPOSED SOUTH ELEVATION

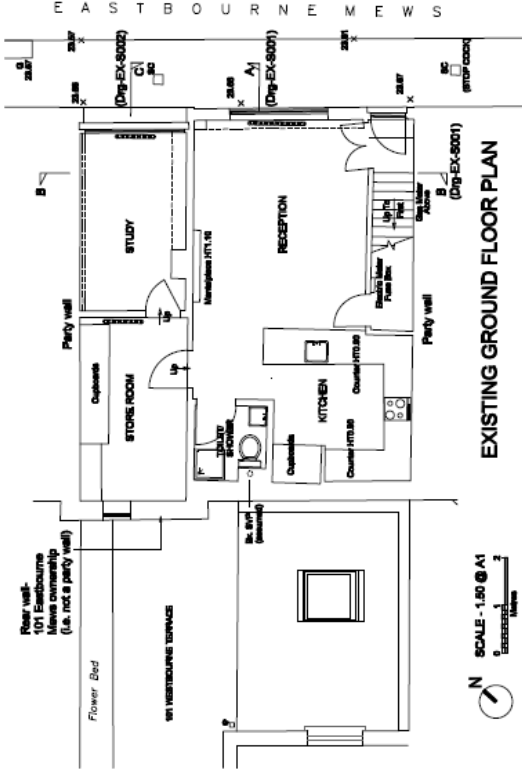
Existing Floor Plans



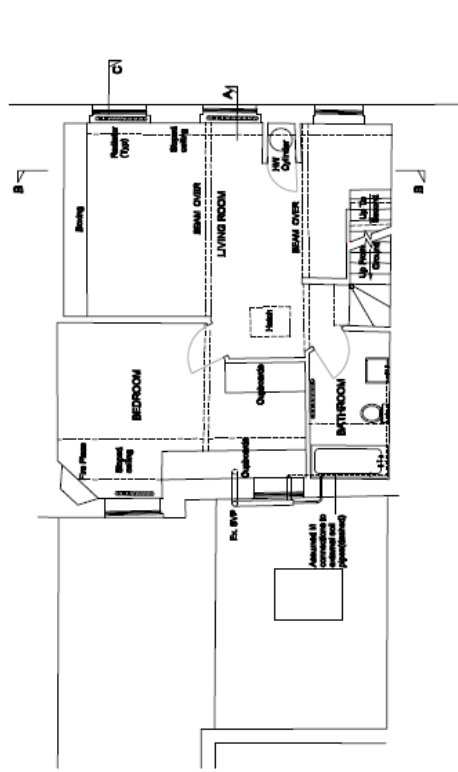
EXISTING SECOND FLOOR PLAN



EXISTING ROOF PLAN



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

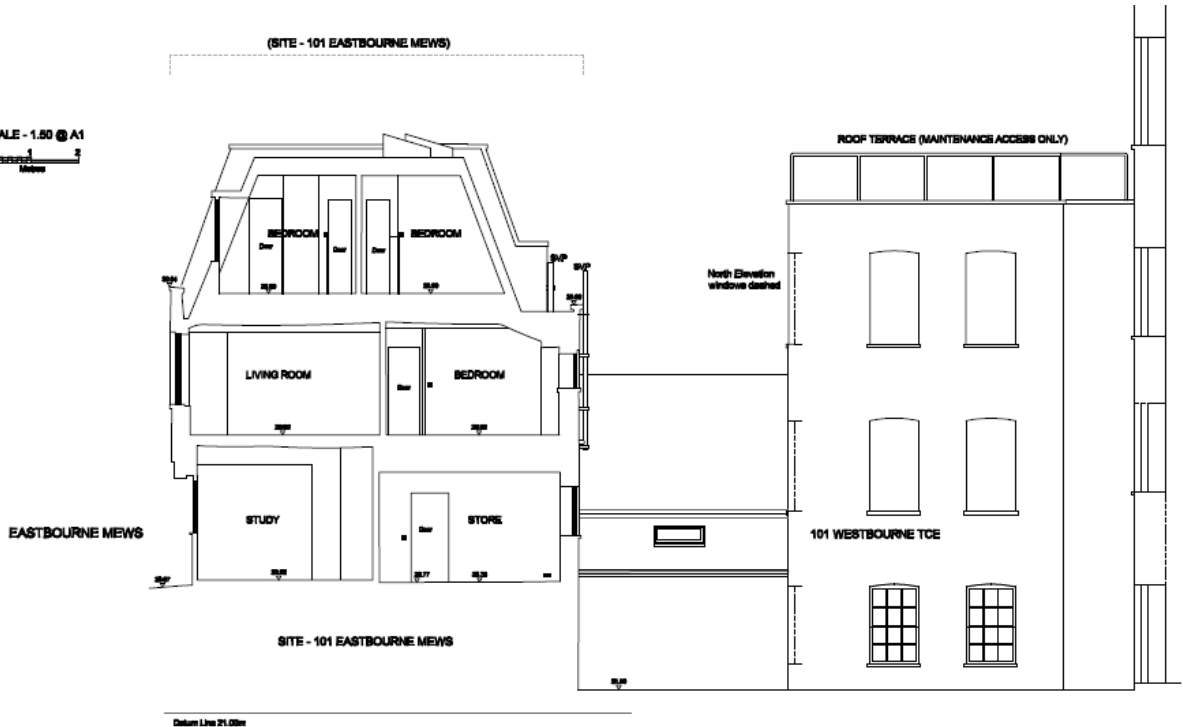
EASTBOURNE MEWS





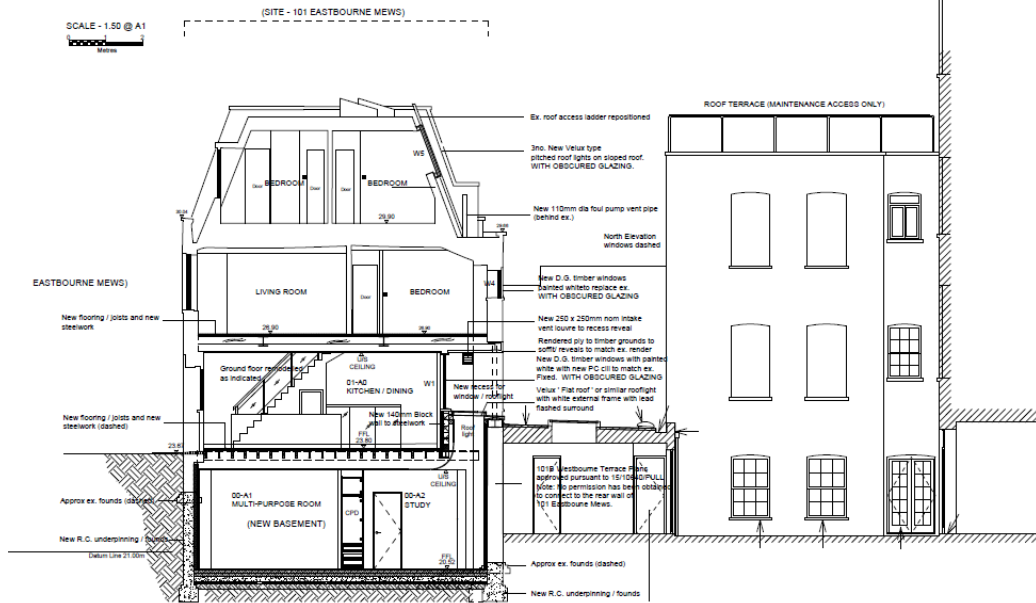
Existing (Top) and Proposed (Bottom) Section

SCALE - 1:50 @ A1  

Datum Line 21.01m

SCALE - 1:50 @ A1  

Refer to Structural Engineers report for new perimeter underpinning and slab and structural steelwork beams / joists

PROPOSED SECTION C (SHOWING SITE CONTEXT)

**DRAFT DECISION LETTER**

**Address:** 101 Eastbourne Mews, London, W2 6LQ,

**Proposal:** Excavation to create single storey basement level, installation of three rooflights in the rear roof slope and alterations to the rear elevation.

**Plan Nos:** DP-1011-EX-PL000; DP-1011-EX-PL001; DP-1011-EX-PL001A;  
DP-1011-EX-PL002; DP-1011-EX-S001; DP-1011-EX-S002; DP-1011-EX-EL001;  
DP-1011-PR-PL001; DP-1011-PR-PL001A rev B; DP-1011-PR-PL001B rev C;  
DP-1011-PR-PL002 rev D; DP-1011-PR-S001 rev D; DP-1011-PR-S002 rev D;  
DP-1011-PR-EL001 rev D.

For information only: Structural Calculation - Martin Redston Associates; Sequence of Underpinning - Martin Redston Associates; Foundation Plan - Martin Redston Associates.

**Case Officer:** Victoria Coelho

**Direct Tel. No.** 020 7641 6204

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we



adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application. (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 The glass that you put in the windows at rear first and second floor level must not be clear glass, and must only be openable by 5cm. You must apply to us for approval of the following:

- 1) A sample of the glass (at least 300mm square).
- 2) Detailed drawings showing the window restrictors to a maximum opening of 5cm.

You must not start work on the relevant part of the development until we have approved the details. You must then fit the type of glass and window restrictors we have approved and must not change them without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 The glass that you put in the windows at ground floor level in the rear elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 The rooflights in the rear roofslope must be conservation style units.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 All new windows (except the rooflights) must be constructed of timber, painted white and maintained that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 2 The means of escape from the basement may not meet Building Control regulations. You should seek formal advice from a Building Control officer regarding this.
  
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>103 Eastbourne Mews, London, W2 6LQ</b>		
<b>Proposal</b>	Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over ground, first and second floor.		
<b>Agent</b>	Mr Matt Hedges		
<b>On behalf of</b>	Caroline Beecham and John lydon		
<b>Registered Number</b>	17/03716/FULL	<b>Date amended/ completed</b>	5 June 2017
<b>Date Application Received</b>	30 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application relates to the demolition of the single mews building behind the retained front facade, and reconstruction of a single mews property incorporating a mansard roof level to be used as a single dwellinghouse. The building is not listed but is located in the Bayswater Conservation Area.

The key considerations are:

- Impact upon the character and appearance of the conservation area.
- Impact upon the amenity of neighbours.
- Impact upon the highway network.

Objections have been received from neighbours on grounds of construction management, loss of amenity to the rear and loss of garage. However, notwithstanding the comments received, for the reasons set out in detail in this report and subject to the recommended conditions, the proposed development is acceptable and would comply with the relevant policies in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP). It is therefore recommended that planning permission is granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Application site, 103 Eastbourne Mews, front elevation



**View of existing garage and ground floor rear openable sash window**



**Existing first floor glazing to rear bedroom**





## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- Mansard roof would fill sole existing break in roof line.
- Loss of garage justified in this instance given certificate of lawfulness for conversion.
- Provision of openable windows justified in this instance given existing openable windows.
- Request condition withdrawing permitted development rights.

### HIGHWAYS PLANNING MANAGER

Loss of existing garage parking contrary to policy TRANS23 of UDP. However given that the conversion of the existing garage to habitable accommodation appears to have been deemed lawful under application 16/12248/CLOPUD it is not clear if the “loss” of the garage can now be resist.

### CLEANSING MANAGER

No objections subject to details of refuse and recycling provisions.

### ADJOINING OWNER/OCCUPIERS

No consulted: 61 No of replies to date: 4 (3 objections, 1 comment)

#### *Amenity*

- Light disturbance from artificial light from rooflights.
- Replacement first floor sash window to rear un-neighbourly.
- Loss of light and enclosure as a result of redeveloped building.

#### *Highways*

- Loss of garage will result in increased pressure to on-street parking.

#### *Other*

- Rear wall poorly maintained.
- Demolition details relating to rear wall unclear with regards to required access from private land to rear.
- Disturbance upon neighbours arising during construction period.

### SITE/PRESS NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a two storey mews single family dwellinghouse on Eastbourne Mews. It is located within the Bayswater Conservation Area. The buildings to the rear on Westbourne Terrace are Grade II listed.

### 6.2 Recent Relevant History

15/02750/FULL

Extension and remodelling of mews property, including demolition of existing property, retention of front facade and Party Walls, and reconstruction with new storey at second floor level.

Application Refused                      8 October 2015

This application was refused on grounds of; loss of existing garage, and loss of amenity upon residents at the rear as a result replacement high level windows. The decision was appealed against and dismissed on grounds of loss garage only. The Inspectors decision did not consider there to be a material loss of amenity upon occupiers to the rear given the presence of existing windows in predominantly the same location and of a similar size to those proposed. A partial award of costs was awarded to the Appellant against the Council's second reason for refusal on amenity grounds.

16/12248/CLOPUD

Conversion of integral garage into habitable space in connection with existing dwellinghouse and associated internal alterations.

Application Permitted                      13 February 2017

The above certificate of lawfulness was sought to confirm that there were no historic conditions relating to the protection of the existing garage. The Councils records did not indicate any such conditions and the certificate was issued.

**7. The PROPOSAL**

Demolition of existing mews building behind retained front facade and party walls, and reconstruction of mews building providing a single dwellinghouse over ground, first and second floor, incorporating mansard roof.

	<b>Existing GIA (m2)</b>	<b>Proposed GIA (m2)</b>	<b>+/-</b>
Dwelling house (Class C3)	111	147	+36m2

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

The development would provide a replacement dwellinghouse of increased residential floor area, which is acceptable in land use terms pursuant to S14 of the adopted City Plan and H3 of the adopted Unitary Development Plan.

**8.2 Townscape and Design**

*Principle of demolition*

Policy DES 9 of the Councils adopted Unitary Development Plan states;

- 1) Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.

- 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted
- a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or
  - b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building

Eastbourne Mews is described as being essential to the character of the area within the Bayswater Conservation Area Audit and the building is considered to have a positive impact on the character and appearance of the area. The main contribution is made by the form and appearance of the building, principally the front elevation and change in scale between the listed terrace behind and the mews. The front facade is to be retained with some alterations to the windows and ground floor fenestration taking place. Given the facade retention, and reconstruction of the building of similar scale, the special interest of this building is considered to be retained. Furthermore, the proposed dormer window ties in with others constructed either side. As such the part demolition is not objected to in townscape terms.

#### *Massing, elevation design treatment*

Alterations to the front facade consist of the installation of replacement windows and alterations to the ground floor fenestration, including the installation of a false garage door. These alterations are considered acceptable.

A mansard roof form is proposed to tie in with others built either side. The front facade is of a sympathetic design and in keeping with the proportions of the building in terms of the roof pitch and positioning of dormers, and is less substantial than the dormer constructed next door at No. 101. Its scale is therefore not objectionable. In terms of detailed design, the mansard will be constructed with a lead clad finish and timber sash sliding windows for the front dormers.

At the rear, a series of rooflights are proposed at first floor. It is a departure from the standard mansard design but brings benefits of allowing light into the internal accommodation, which is an existing feature of the site. Given its siting behind the proposed rear parapet it is considered to be an acceptable design choice that is not considered to cause harm to the character of the locality and conservation area or setting of the listed buildings on Westbourne Terrace.

As such given that the resulting development will closely resemble the existing building, and as the proposed mansard extension is of a sympathetic design and size, the development is not considered to result in harm upon the character of the conservation area and setting of adjoining listed buildings at the rear, and is considered acceptable.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause

unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

No 103 Westbourne Terrace is located directly behind No. 103 Eastbourne Mews, with No. 105 Westbourne Terrace the next building along. Officers visited the split level maisonette at No. 103 Westbourne Terrace. Objections from occupiers of these properties to the rear have been received on grounds of; loss of light as a result of the mansard roof, overlooking from openable first floor rear window, light disturbances from the row of new windows behind the proposed rear parapet. These will be addressed in turn.

With regards to an increased sense of enclosure and losses of light upon neighbours at 103 Westbourne Terrace, the roof of the mansard would be approximately 1m higher than the ridge of the existing roof and set back from the rear parapet wall, with the height the parapet wall increasing in height by only 600mm. Given this relationship, the massing is not considered to be such that it would unduly affect neighbours with respect to enclosure.

In terms of losses of sunlight, given the rear windows at 103 Westbourne Terrace to the rear are not orientated within 90 degrees of due south, and the site is located to the north east of Westbourne Terrace, it would not obstruct the trajectory of the sun from the south. Therefore in accordance with the BRE Guidance (Site Layout Planning for Daylight and Sunlight), a sunlight assessment would not be required.

In terms of daylight, the existing lower ground floor level at 103 Westbourne Terrace, which is comprised of a rear garden and rear facing windows, adjoins the three storey back wall of 103 Eastbourne Mews. As a result, daylight deficiencies are likely to be experienced at lower ground level presently. Given the overall height of the rear wall, the additional 600mm is relatively marginal and is unlikely to result in significant further daylight reductions as to justify refusal.

In terms of the impact of the proposed strip of rear rooflights causing light emissions, this issue has already been considered by the Planning Inspectorate and this current scheme is unchanged. Paragraph 13 of the decision set out the following;

*"It appears to me that the proposed arrangement of high level windows would not result in a substantially greater overall area of glazing, or significantly increase the number of windows that could be opened. That being the case, I find that the potential levels of light spill, noise or disturbance experienced by neighbouring occupants at 103 and 105 Westbourne Terrace would not be so materially increased as to warrant the withholding of planning permission."*

As such the proposed new rooflights would not be considered to unduly impact the amenity of neighbours to the rear with respect to the dispersion of artificial light, and privacy.

With regards to the proposed ground floor window facing No. 103 Westbourne Terrace, it would replace the existing window in the same location which is an openable sliding sash with obscure glazing. The agent has confirmed in writing that the window will be obscure glazed. Given the existing situation this is considered to be sufficient and would have materially no greater impact than the current situation.

The proposals would not therefore be contrary to the objectives of policies S29 of the City Plan and Policy ENV13 of the UDP.

#### 8.4 Transportation/Parking

The existing building has an integrated garage as is commonly found on Eastbourne Mews properties. The proposed dwellinghouse does not re provide the existing off street parking space. The loss of off street parking is contrary to TRANS23 which states that:

*"The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances."*

The previous Inspectors decision agreed with the City Council's reasoning for retaining the off-street residential car parking space, namely that it helped alleviate pressure upon on-street parking in an area of identified parking deficiency and high levels of car ownership. On the issue of whether the garage was of sufficient size to accommodate a parked vehicle, the Inspector identified that a smaller car would be able to use the space, despite its limited dimensions. In this current application, the applicants have prepared additional supporting documentation showing a 'Smart Four two' car drawn to scale parked inside the garaging space, maintaining the space is not practical even for a small smart car, which would require the wing mirrors to be folded in to fit. Whilst these constraints are acknowledged, it should be noted that that the Inspector did not accept the arguments in terms of limited car door opening space, given that this could be resolved internally as part of a redevelopment of the site which the City Council do not object to.

On the matter of the conversion of the existing garage into habitable space under permitted development, the Inspector stated that she was unable to reach a conclusion of this point in the absence of a Certificate of Lawfulness. Since the appeal decision a certificate of lawfulness has been obtained from the Council to confirm that the conversion of the garage to habitable space could be undertaken without the need to obtain planning permission, given Councils records did not uncover any historic conditions that restricted such a conversion. In the Councils decision, it is remarked that such works would not therefore constitute development as defined by Section 55a of the Town and Country Planning Act 1990. Officers site visit August 2017 as part of this current application confirmed the garage was in use for habitable purposes, although the works shown on the permitted development plans, namely the removal of the internal garage partition had not been implemented.

In light of this decision which is a material consideration, as the garage has not been used for parking of vehicles for a long period of time, its removal would not result in the immediate decant of a parked vehicle onto surrounding on street parking spaces. Consideration should also be had for the existing situation whereby the applicants tenants are lawfully using the garage for habitable room purposes, and also the real prospect of the applicant implementing the certificate of lawfulness floor plans to fully integrate it with the ground floor living accommodation.

In light of the above, it is not considered sustainable to withhold planning permission on grounds of loss of off-street parking and is considered to justify a departure from the objectives policy TRANS23 of the UDP in this instance.

## 8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

## 8.6 Other UDP/Westminster Policy Considerations

### *Refuse /Recycling*

The loss of the garage also results in a loss of cycle parking and refuse storage facility. Details of refuse store are to be sought through planning condition.

### *Construction Management*

Access to the site during construction works, including demolition of the rear facade, has been queried. The site however is accessed from its frontage on Eastbourne Mews. Any access requirement across land that falls outside the site is a private matter.

In terms of construction management and requested reduction to working hours by an adjoining occupier, the City Council imposes conditions that restrict hours of work that are consistent with usual practice in the borough and Environmental Health legislation. It would not be considered reasonable to impose greater restrictions which would also likely prolong construction times and subsequent disturbances to residents.

### *Sustainability*

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement, with the intention on achieving KgCO<sub>2</sub> savings on 2013 Building Regulations Part L levels. The submitted sustainability statement itemises the features of the development, including building fabric improvements and energy efficient fittings and also states that greater efficiency savings can be achieved through the redevelopment rather than retention and refurbishment of the existing building. The statement does not provide a breakdown on KgCO<sub>2</sub> savings on 2013 Building Regulations Part L levels as a result of measures incorporated, however within the context of the scheme, this level of detail is considered acceptable and meets the objectives of policy S28 of the City Plan.

## 8.7 London Plan

This application raises no strategic issues.

## 8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## 8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £14,400 for Westminster's CIL (£400 per square metre in the Residential Core area), and £1,800 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted

though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## 9. BACKGROUND PAPERS

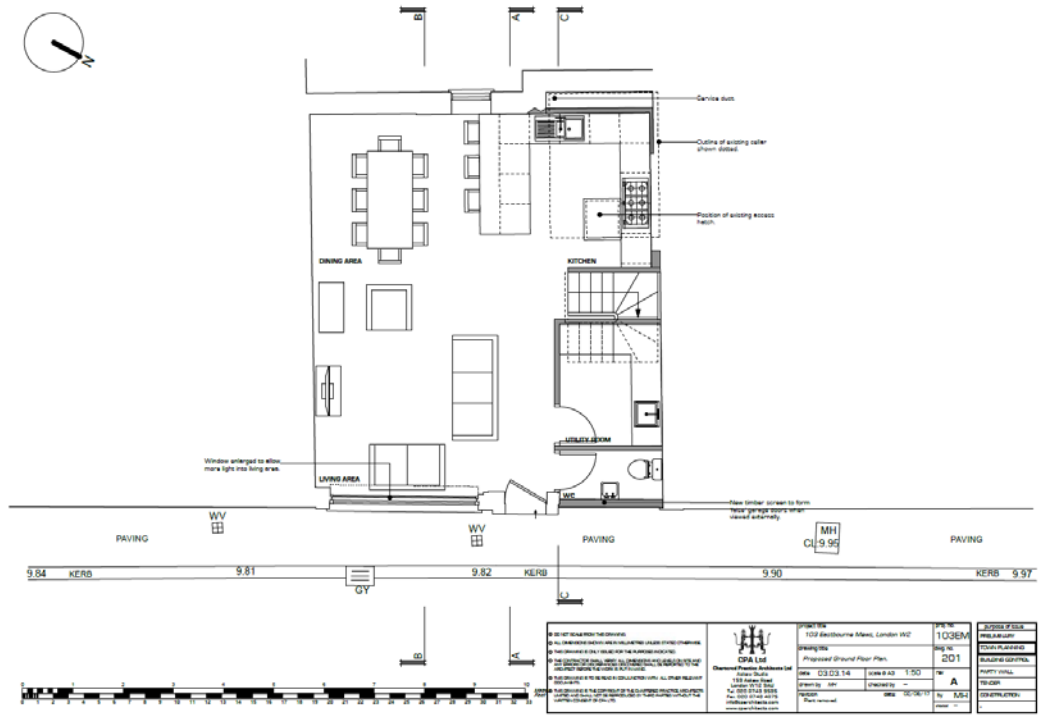
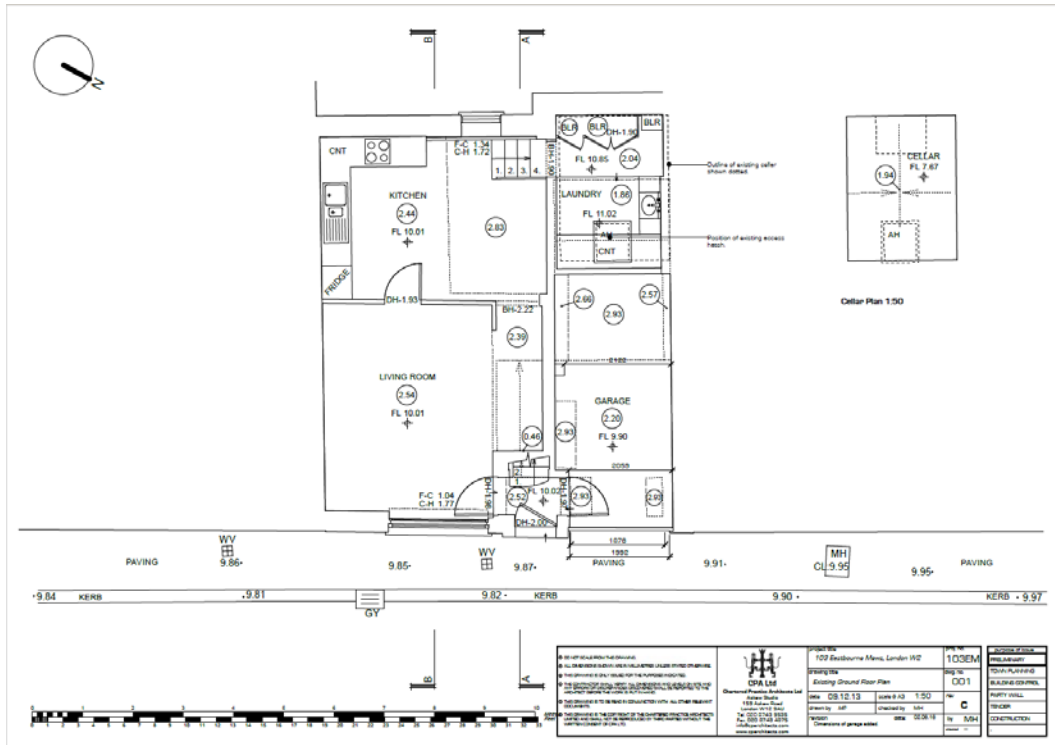
1. Application form
2. Letter from occupier of South East Bayswater Residents Association, dated 28 June 2017.
3. Memo from Highways Planning Manager, dated 14 June 2017.
4. Memo from Highways (waste), dated 15 June 2017.
5. Letter from occupier of Flat 3, 105 Westbourne Terrace, dated 26 June 2017.
6. Letter from occupiers of Flat 1, 103 Westbourne Terrace, dated 28 June 2017.
7. Letter from occupier of 105 Eastbourne Mews, dated 28 June 2017.
8. Letter from occupier of 105 Eastbourne Mews, dated 21 July 2017.
9. Email from Planning Agent, dated 6 August 2017.
10. Email from Architect, dated 9 August 2017.
11. Email from applicant, dated 23 August 2017.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk) .

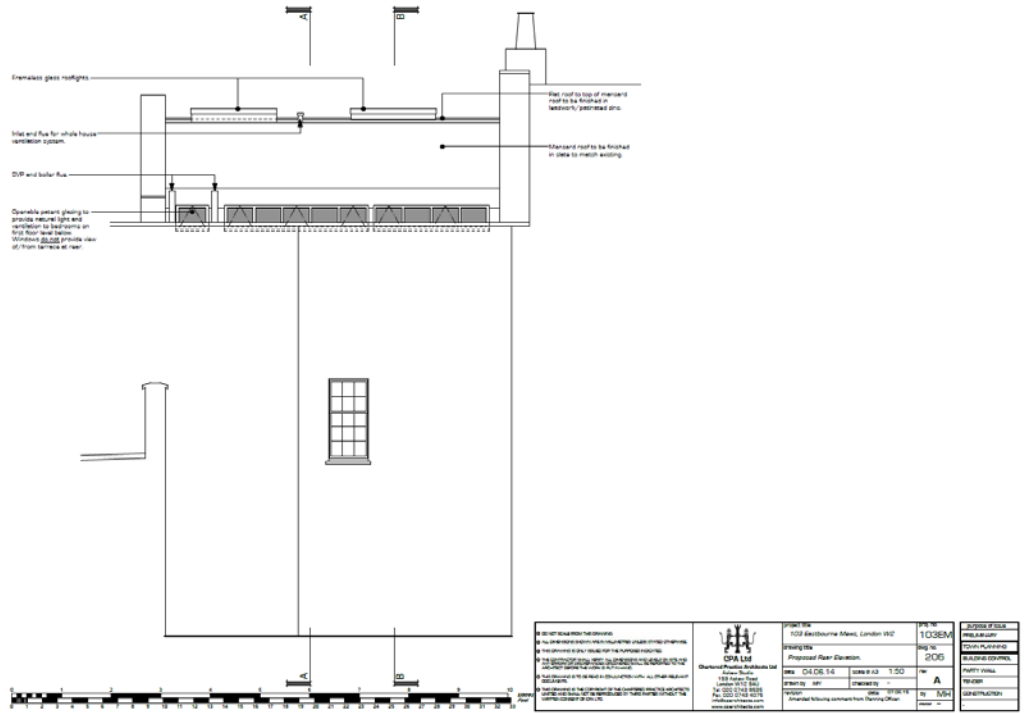
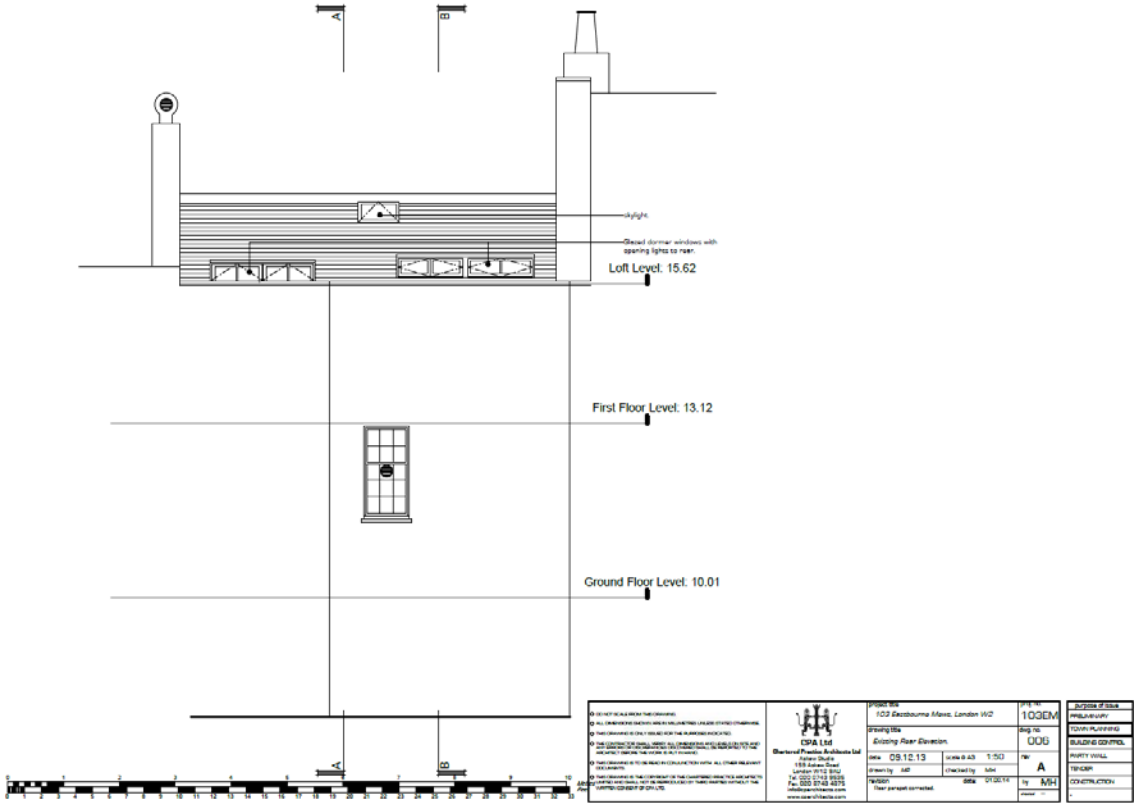
10. KEY DRAWINGS  
11.

Existing and Proposed ground floor plan

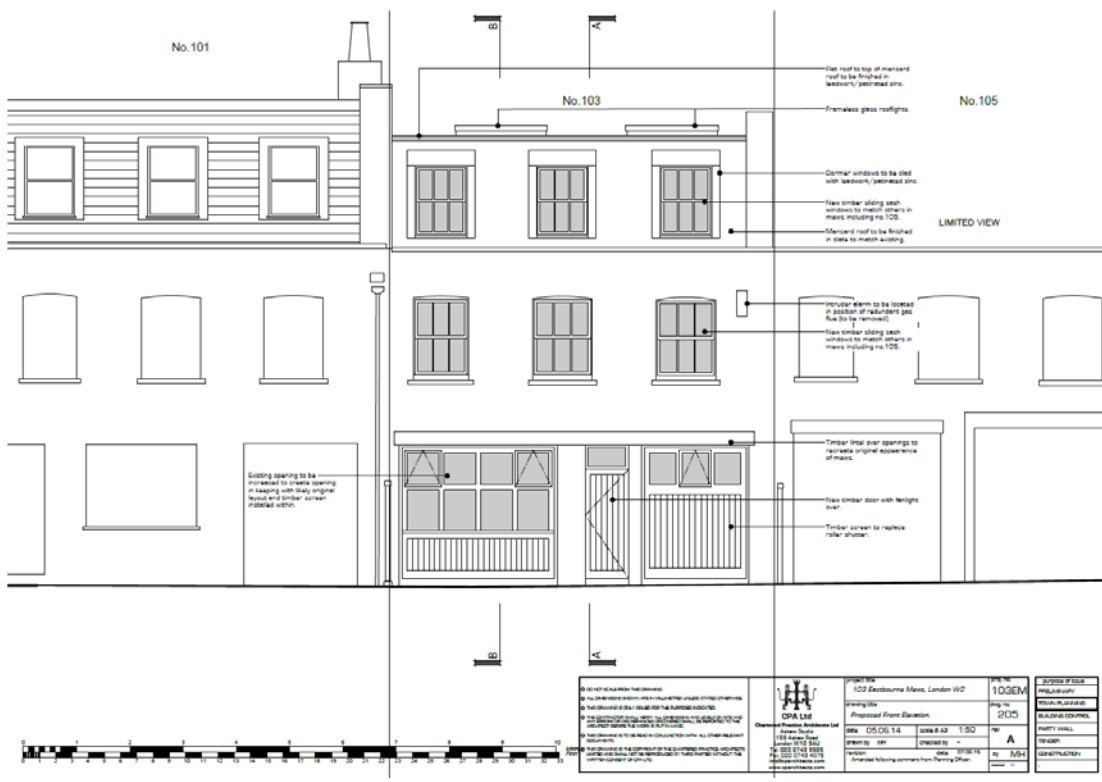
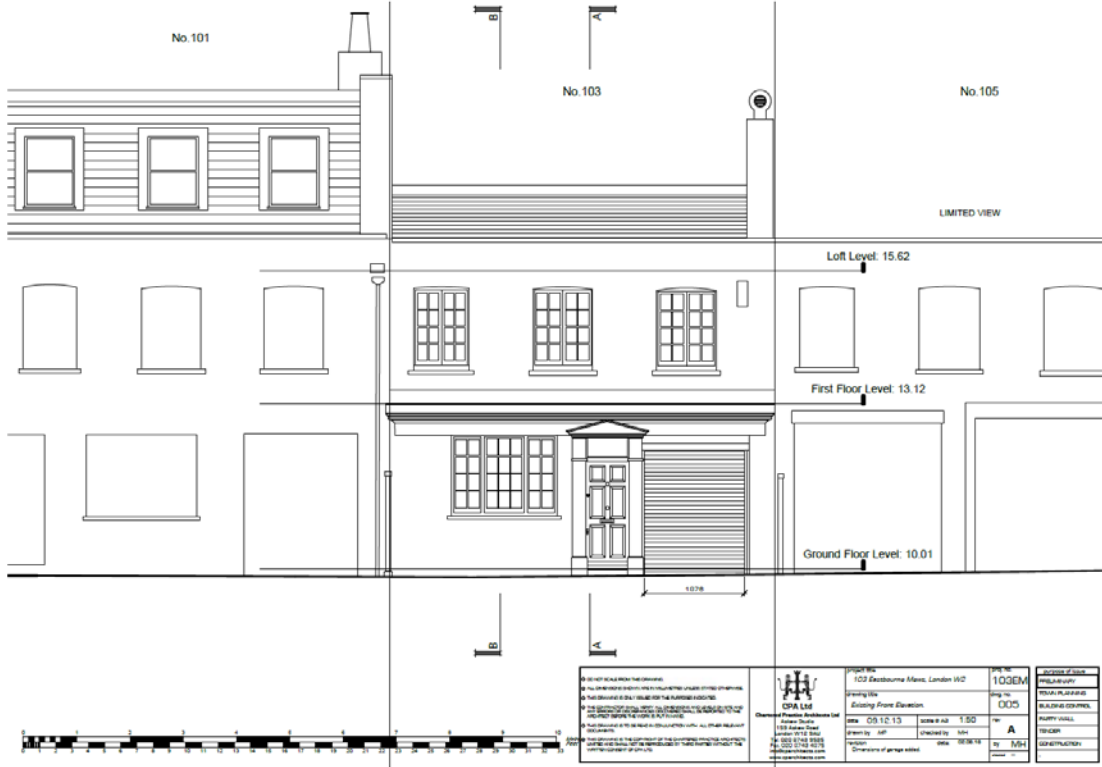




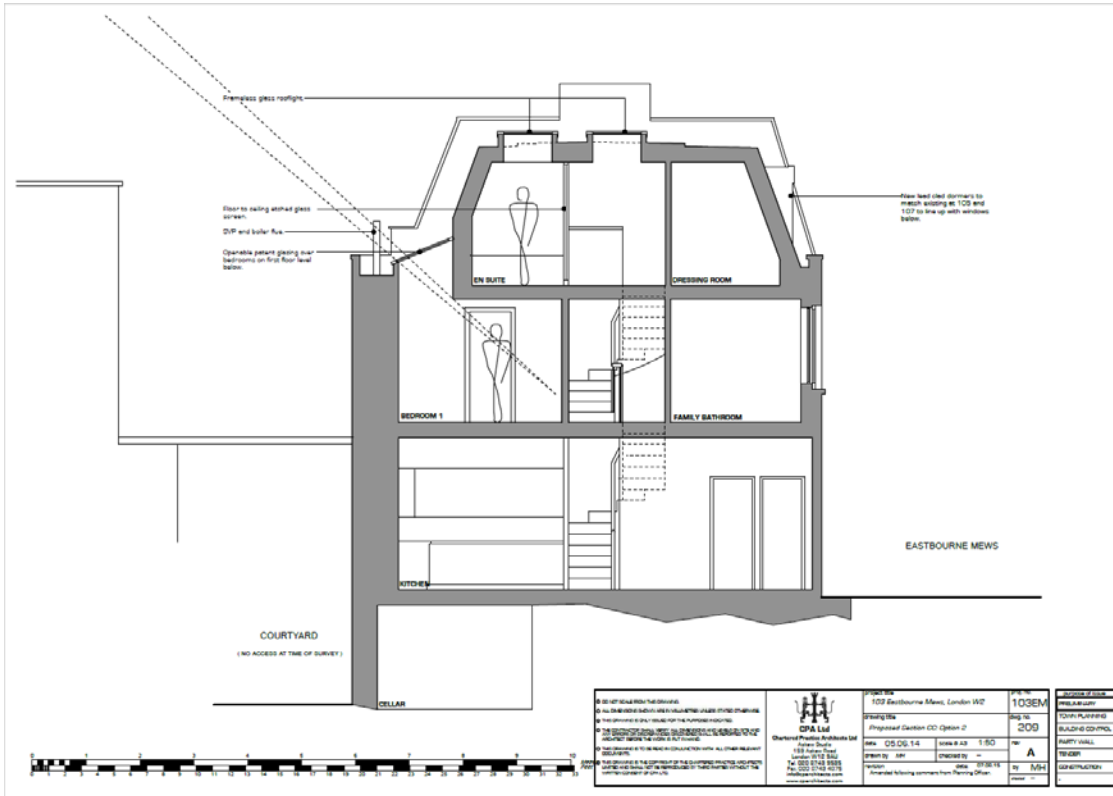
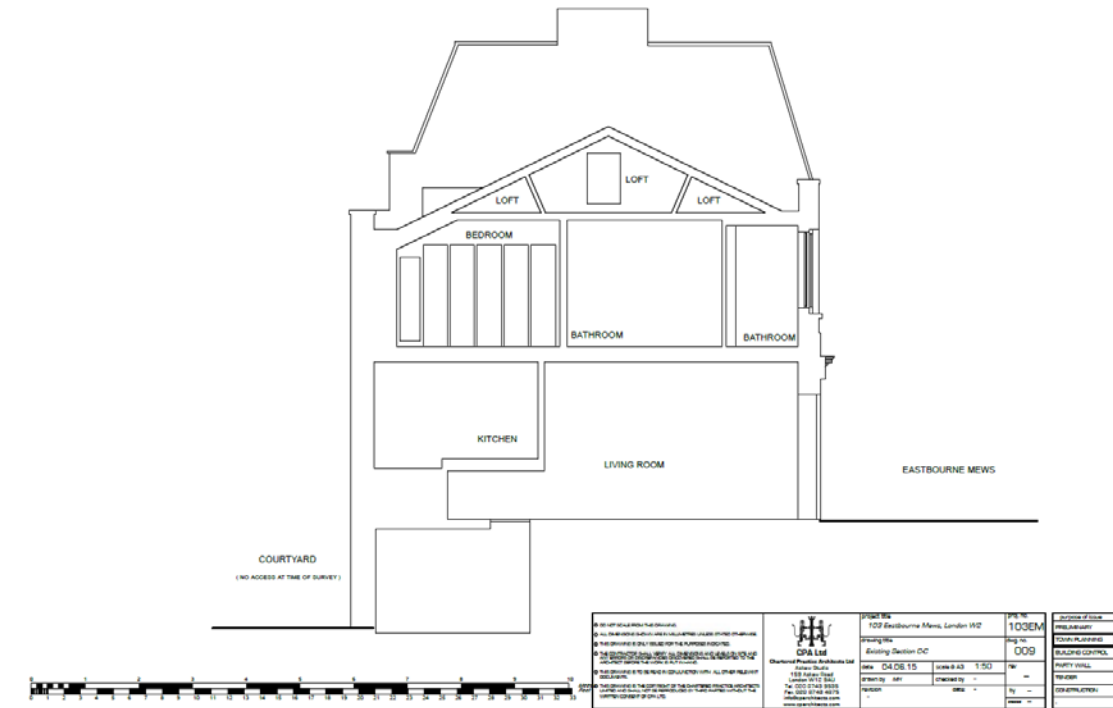
Existing and proposed rear elevation



Existing and proposed front elevation



Existing and proposed section CC



**DRAFT DECISION LETTER**

- Address:** 103 Eastbourne Mews, London, W2 6LQ,
- Proposal:** Demolition of existing mews building behind retained front facade and party walls and reconstruction of mews building over ground, first and second floor.
- Plan Nos:** 001 C, 002 A, 003, 004 B, 005 A, 006 A, 007 A, 008 A, 009, 021, 022, 024, 025, 026, 027, 028, 200, 201, 202, 203 A, 204 A, 205 A, 206 A, 209 A, 210, Design and Access Statement

*For information only*

Memo from M. Hedges dated 9 August 2017, Existing ground floor plan (001 rev D),  
Memo from R Shrimplin dated 6 August 2017, Note to third party representations dated 6 August 2017

**Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

**You must carry out piling, excavation and demolition work only:**

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)
- 4 The windows in the dormers hereby approved must be vertically sliding timber sash windows and formed of painted timber to match the colour of existing windows in the building and maintained that colour.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 5 The mansard roof must be clad in natural slates and dormers (roof and cheeks) clad in lead.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)
- Reason:  
To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)
- 7 You must paint all new outside rainwater and soil pipes, including any guttering to roof level, black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The ground floor rear window shall be a timber framed sliding sash window and shall be installed and maintained with obscure glazing. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the dwellinghouse. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Bayswater Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Flat 24, Garrick House, 63 - 66 St Martin's Lane, London, WC2N 4JS,</b>		
<b>Proposal</b>	Erection of a roof extension to create a glazed sunroom with associated roof terrace.		
<b>Agent</b>	Piers Smerin		
<b>On behalf of</b>	Mr Piers Smerin		
<b>Registered Number</b>	17/04855/FULL	<b>Date amended/ completed</b>	2 June 2017
<b>Date Application Received</b>	2 June 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Covent Garden		

**1. RECOMMENDATION**

Refuse planning permission – design and amenity (overlooking/loss of privacy).

**2. SUMMARY**

63 - 66 St Martins Lane is an unlisted, post-war building, which lies within the Covent Garden Conservation Area. The application relates to the top floor flat (Flat 24).

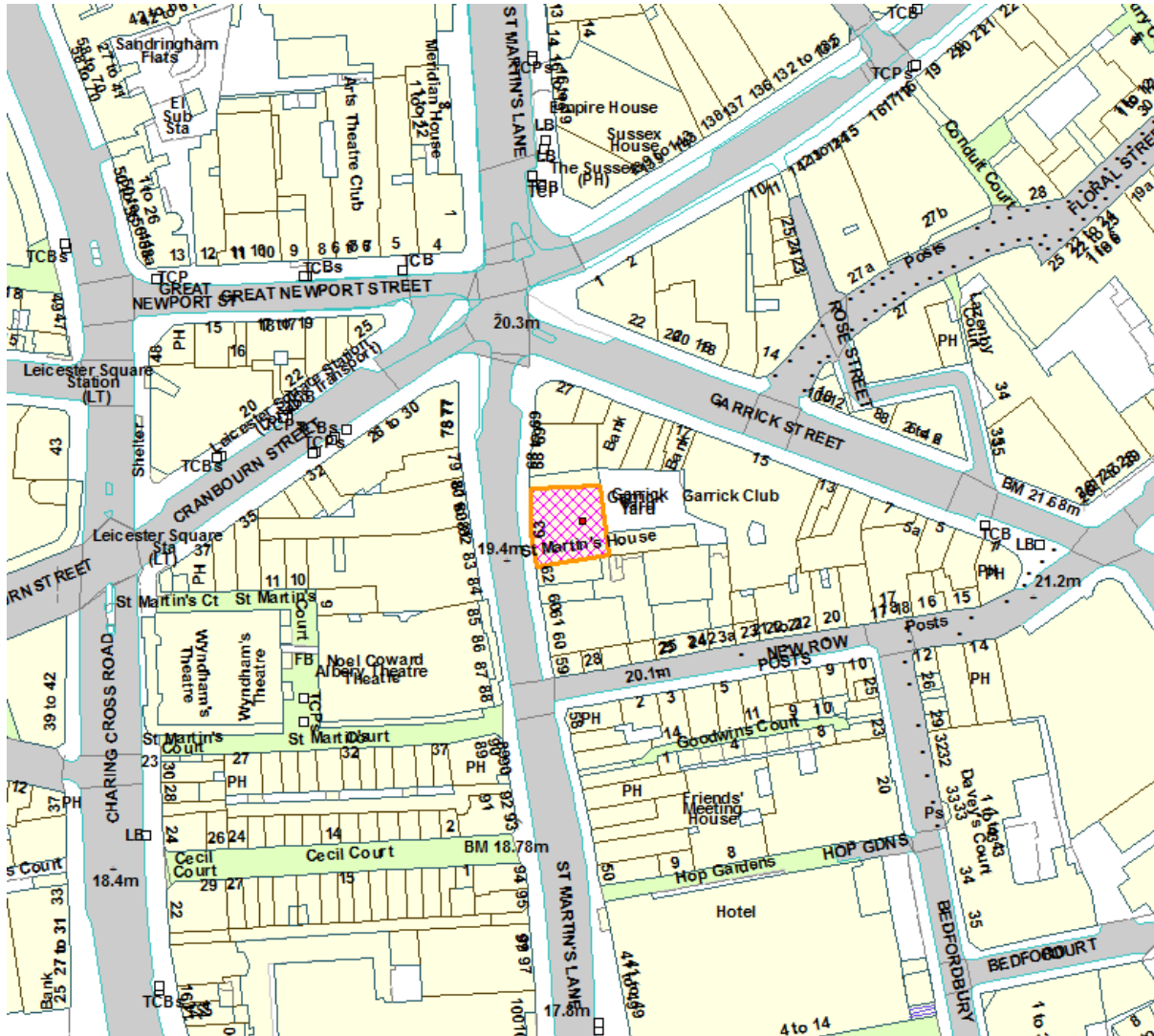
Permission is sought for a glazed sunroom extension at main roof level with terrace. The erection of a staircase, glass balustrading and a raised roof light/access hatch together with use of the roof as a terrace was granted consent in July 2010. This consent has been partially implemented.

The key issues are:

- \*The Impact on the appearance of the building and upon the character and appearance of the Covent Garden Conservation Area; and
- \*Impact on neighbouring resident's amenity.

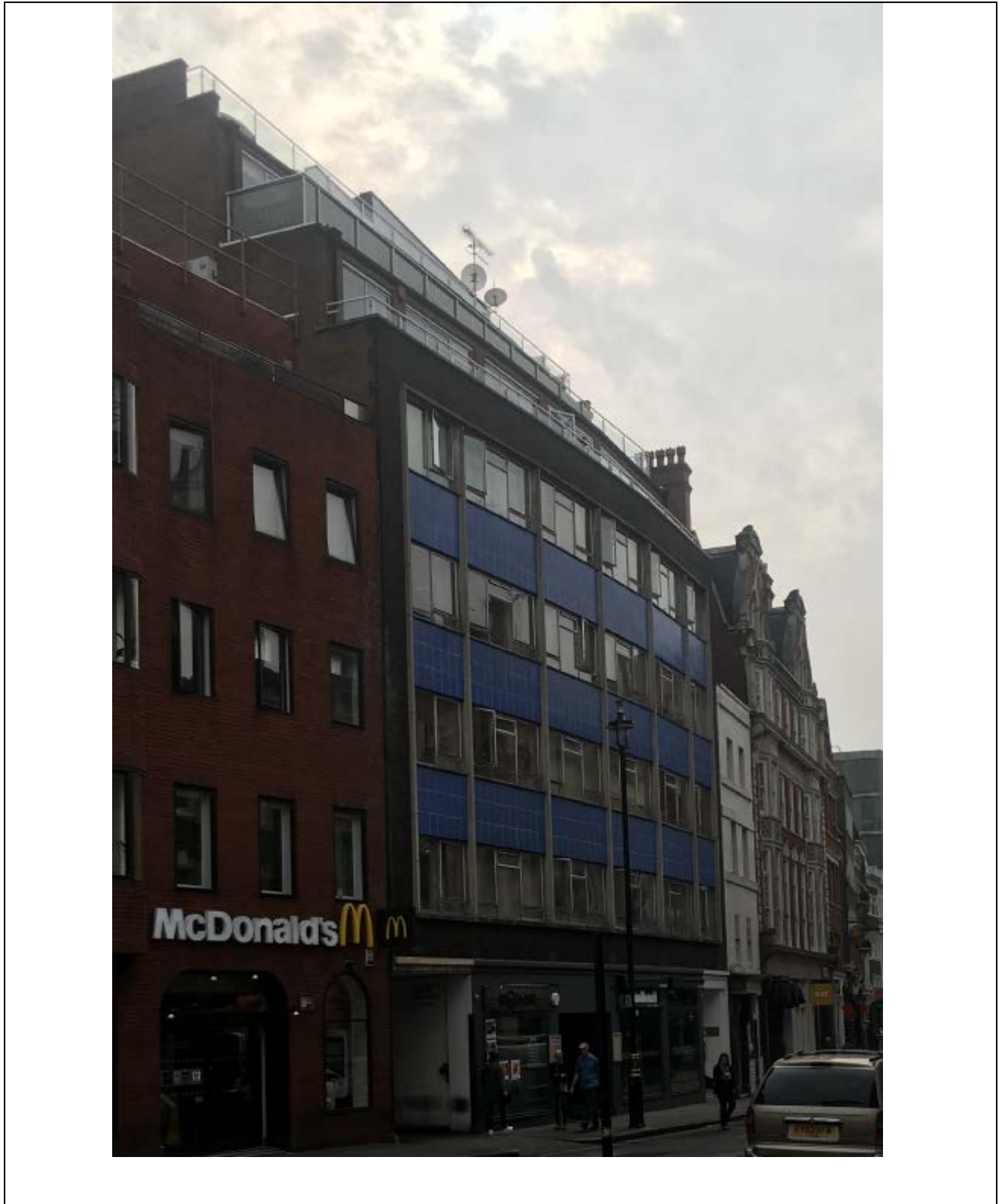
The proposed development is considered to be unacceptable in design and residential amenity terms and does not accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, the application is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

CLLR TIM MITCHELL

Requests that the application be referred to Planning Committee for determination.

COVENT GARDEN AREA TRUST

No objections.

COVENT GARDEN COMMUNITY ASSOCIATION

The proposed roof terrace would cause significant nuisance and harm to the amenity of neighbours. This includes overlooking and loss of privacy, noise, light spillage and security. If permission is granted, conditions should be included to limit the hours of use of the terrace to 08:00 – 23:00 and to prohibit music during these hours, which should also be included in residents leases.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93; Total No. of replies: 1; No. of objections: 1; No. in support: 0

Objection received from a neighbouring resident within 61 St. Martin's Lane on the following grounds:

Amenity:

- The proposed works will block sunshine to their rear terrace.
- The proposed works would impinge on privacy by constituting a new elevated viewpoint onto the terrace and into their bedroom windows.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

63 - 66 St Martins Lane is an unlisted, post-war building, which lies within the Covent Garden Conservation Area. It comprises ground plus seven upper storeys, with commercial units at ground floor level and residential flats on the upper floors. The fifth and sixth floors are set back from the St Martin's Lane elevation and the seventh floor is substantially set back with a large terrace. The application relates to the top floor flat.

### 6.2 Recent Relevant History

Planning permission was granted in July 2010 for the erection of a small infill extension at seventh floor level; alterations to fenestration at sixth and seventh floor level; installation of glass balustrading, access hatch and air conditioning unit at seventh floor roof level in connection with use as a roof terrace (10/02612/FULL).

## 7. THE PROPOSAL

Planning permission is sought for the erection of a roof extension to create a fully glazed sunroom with green roof above and associated roof terrace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	139	170	+31
Total	139	170	+31

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The extension would enlarge the existing top floor flat (Flat 24), creating additional residential floorspace. In land use terms the creation of additional residential floorspace is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

### 8.2 Townscape and Design

Policy DES6 of the UDP relates to roof level alterations and extensions and states that permission may be refused for roof extensions to existing buildings (which may include the installation of conservatories and roof terraces) in the following circumstances:

- 1) where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings
- 2) where buildings are completed compositions or include mansard or other existing forms of roof extension
- 3) where the existing building's form or profile makes a contribution to the local skyline or was originally designed to be seen in silhouette
- 4) where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels
- 5) where unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost by such extensions.'

Westminster's 'Development and Demolition in Conservation Areas' SPG states that roof extensions, should always complement the appearance of the existing building and, where appropriate its neighbours; and that they will not be acceptable in principle, if they have an adverse impact on the architectural integrity of a building and its setting, or upon the character and appearance of the area.

The proposed extension would further increase the height of the existing building, which is already equal or taller than neighbouring buildings. The previously consented roof terrace with access hatch and balustrade added substantially less bulk/ massing to the roof level

than the massing proposed under this application (the access hatch being only 920mm in height).

The seventh floor is shown on drawings from 1955, and was clearly designed to house plant and as such is separate to the architectural composition of the building below. The seventh floor has been converted into living space, but appears as an 'extension'. The proposed glazed extension would create a third design style alien to the seventh floor and the original composition of the rest of the building, effectively representing an extension on an extension. The location of the proposal, at the southern end of the building would also exaggerate the current unbalanced appearance of what was originally a symmetrical composition.

In terms of detailed design, the use of large areas of glazing and other modern materials are considered incongruous to the character of the building and the conservation area. The current main building incorporates subdivided windows with clear bands of solid brickwork between. The proposed frameless glass extension includes no subdivision or solid areas and has not been aligned with any part of the existing original fenestration or that of the alternatively designed seventh floor. The proposal has an entirely modern appearance that bears no resemblance to the host building.

The extension would be visible from ground level and would also be clearly visible from the upper storeys of the surrounding buildings. These views highlight the presence of the proposed extension, where reflections from the all glass façade would cause further harm.

Due to its location, scale, massing, design and materials the proposed glazed sun room is therefore considered to harm the appearance of the building and fail to maintain or improve the character and appearance of the Covent Garden Conservation Area, contrary to policies S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6 and DES 9 of the UDP. Accordingly the proposals are recommended for refusal on design grounds.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment.

An objection has been received from a neighbouring residential occupier within 61 St. Martin's Lane (Flat 2) on the grounds that the proposed extension would block sunshine to their rear terrace. And result in increased overlooking/ loss of privacy.

Given the orientation of the property and the scale and massing of the proposed extension it is not considered that it will result in any significant loss of light to surrounding residential properties.

The approved roof terrace on the property measures approx. 43.7 m<sup>2</sup> and is set back from the parapet on the eastern boundary of the roof by approx. 0.8m. The proposed sun room would not be set back from this parapet and would measure approx. 35.5 m<sup>2</sup> with an associated terrace measuring 7.2sqm.

Whilst it is considered that the approved terrace is sufficiently distant from windows in adjacent buildings to prevent an unacceptable loss of privacy. The fully glazed sun room would allow the roof to be used more intensively than the terrace and would be positioned closer to the residential properties to the rear, affording increased overlooking down onto the terrace and two bedroom windows at 61 St Martin's Lane (Flat 2). Although there is already a degree of overlooking from the windows below at seventh floor level, the sun room glazing would be considerably larger than any of the windows found on this elevation of the building and it is considered that the proposals would lead to an unacceptable loss of privacy over the existing situation.

Overall, it is considered that the proposals would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. The proposals are therefore recommended for refusal on residential amenity grounds.

#### **8.4 Transportation/Parking**

The proposals would not have a material impact on traffic generation or on-street parking pressure in this area.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The application does not propose any alteration to the existing means of access to this private residential dwelling.

#### **8.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

This development does not generate a Mayor CIL or WCC CIL payment.

### 8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

### 8.12 Other Issues

None.

## 9. BACKGROUND PAPERS

1. Application form
2. E-mail from Cllr Tim Mitchell, dated 27 September 2017
3. Response from Covent Garden Area Trust, dated 28 June 2017
4. Response from Covent Garden Community Association, dated 2 July 2017
5. Letter from occupier of Flat 2, 61, St. Martin's Lane, dated 4 August 2017

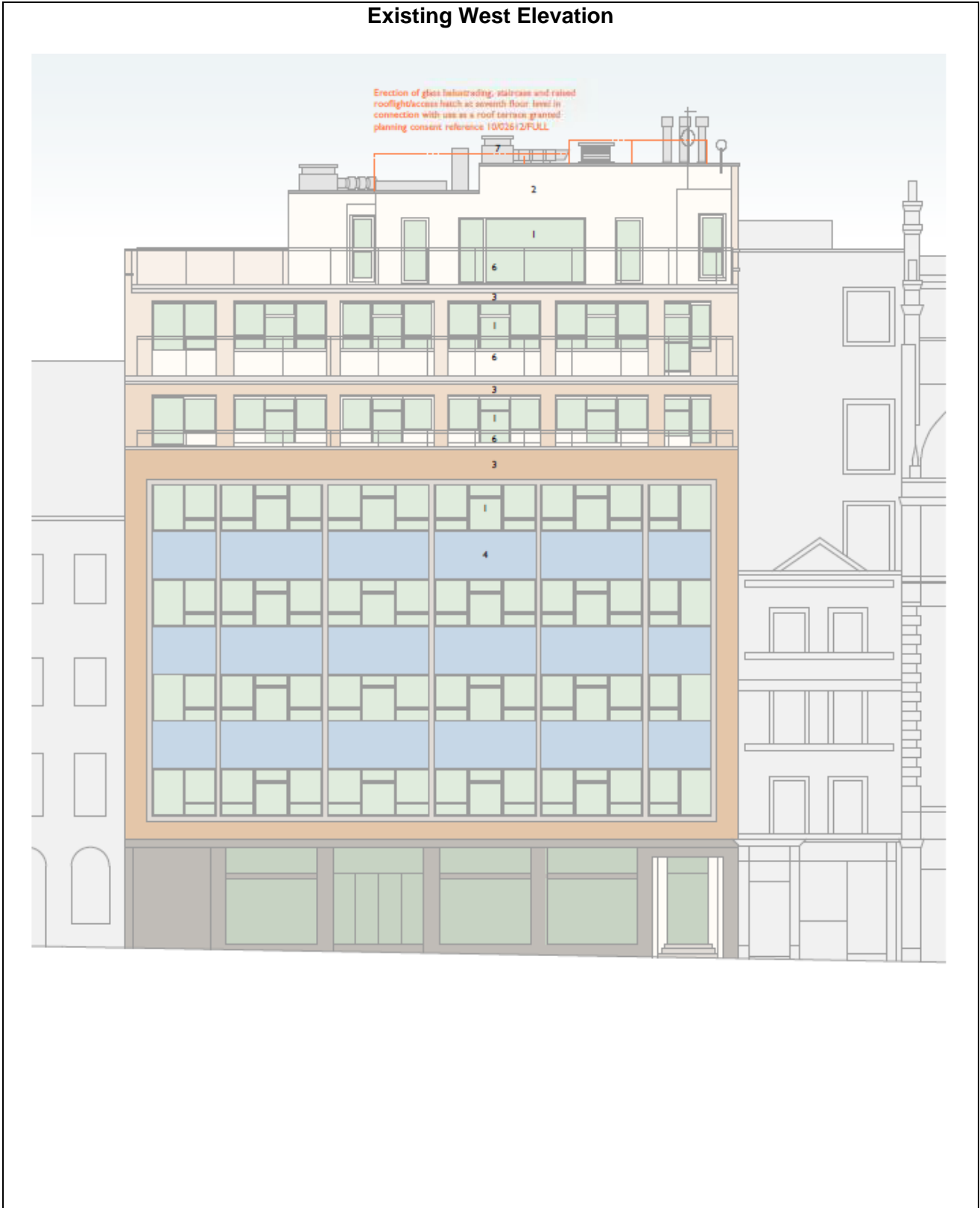
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGAR** BY EMAIL AT [jasgar@westminster.gov.uk](mailto:jasgar@westminster.gov.uk)

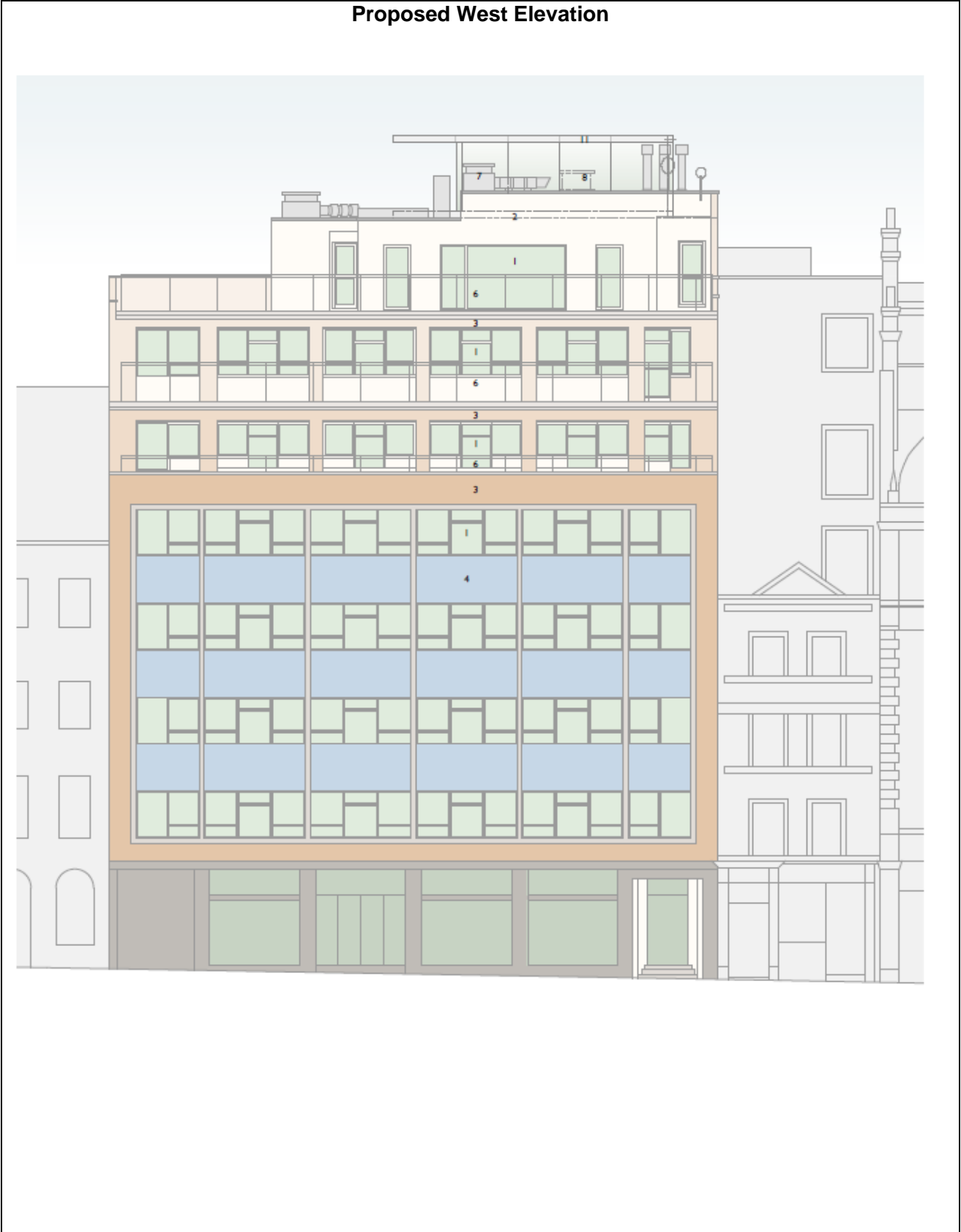


10. KEY DRAWINGS

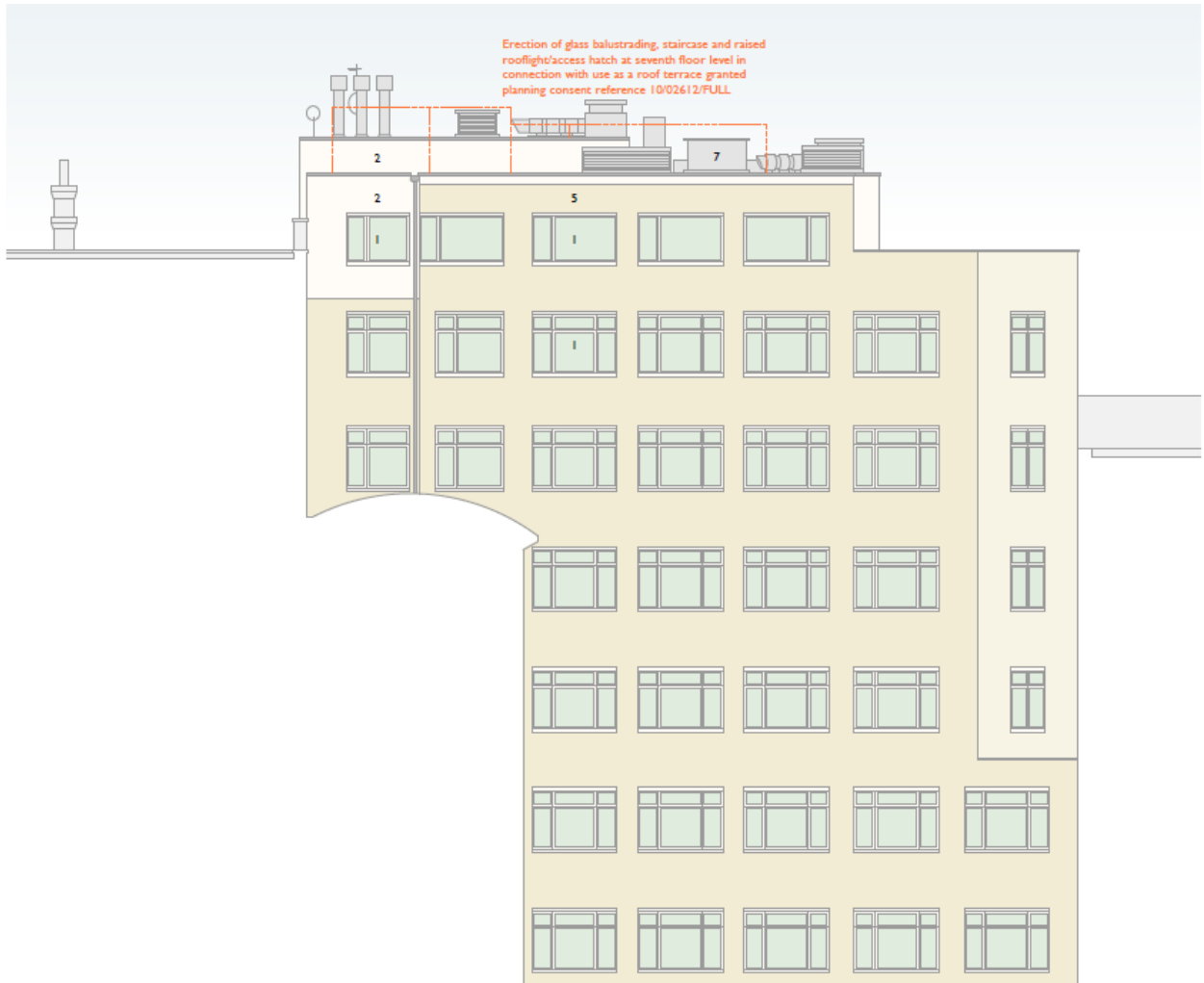
Existing West Elevation



Proposed West Elevation



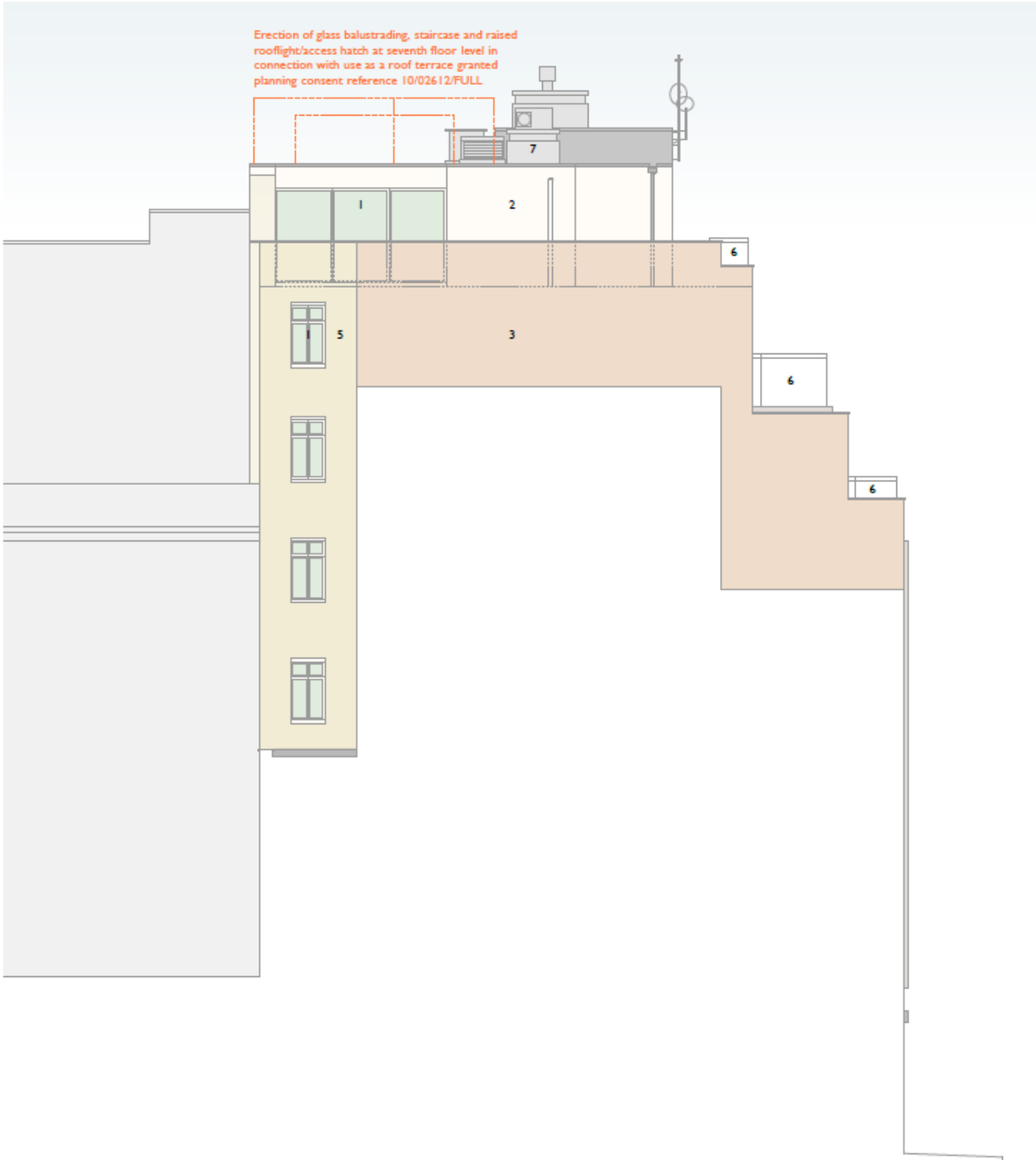
### Existing East Elevation



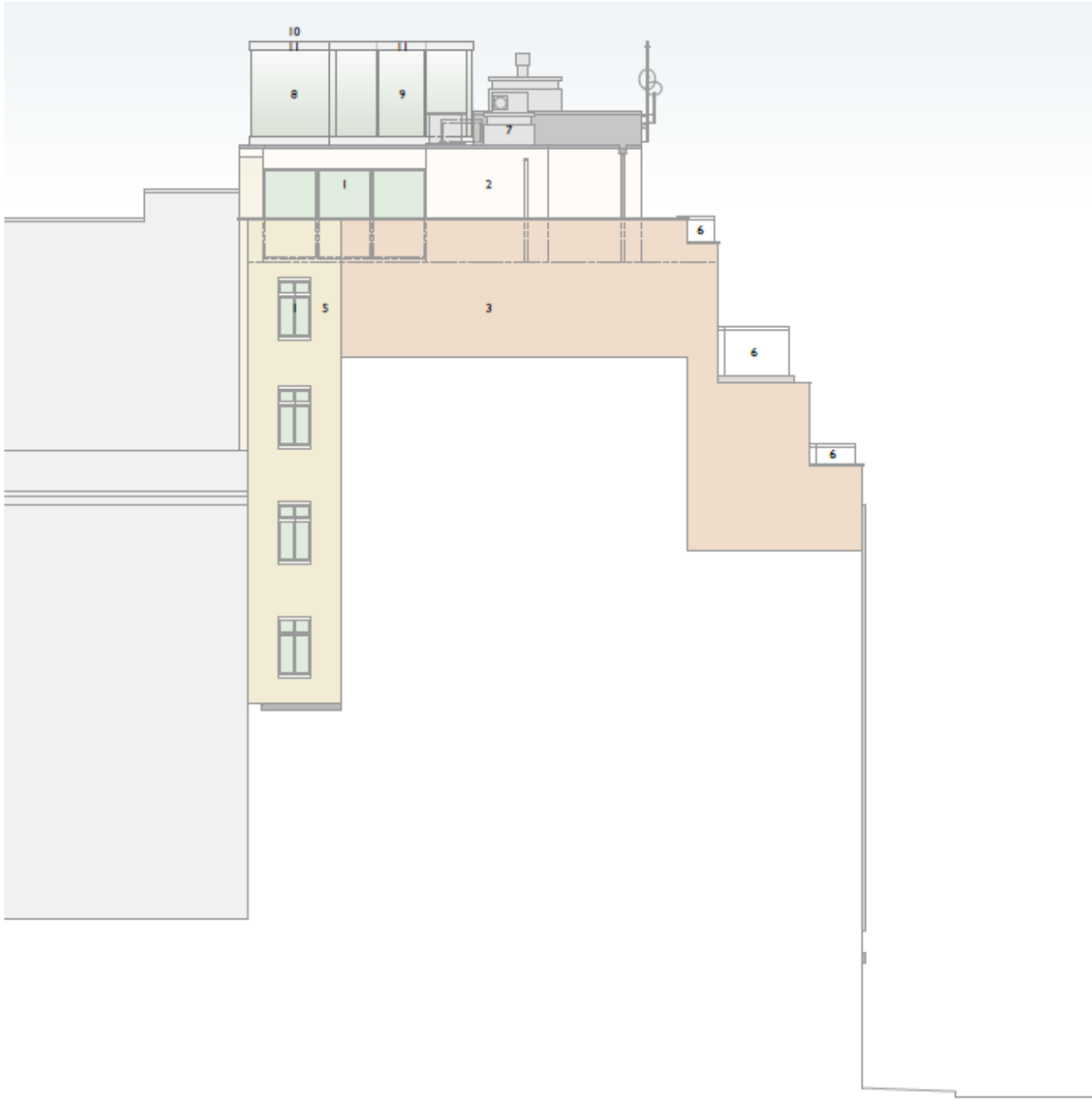
**Proposed East Elevation**



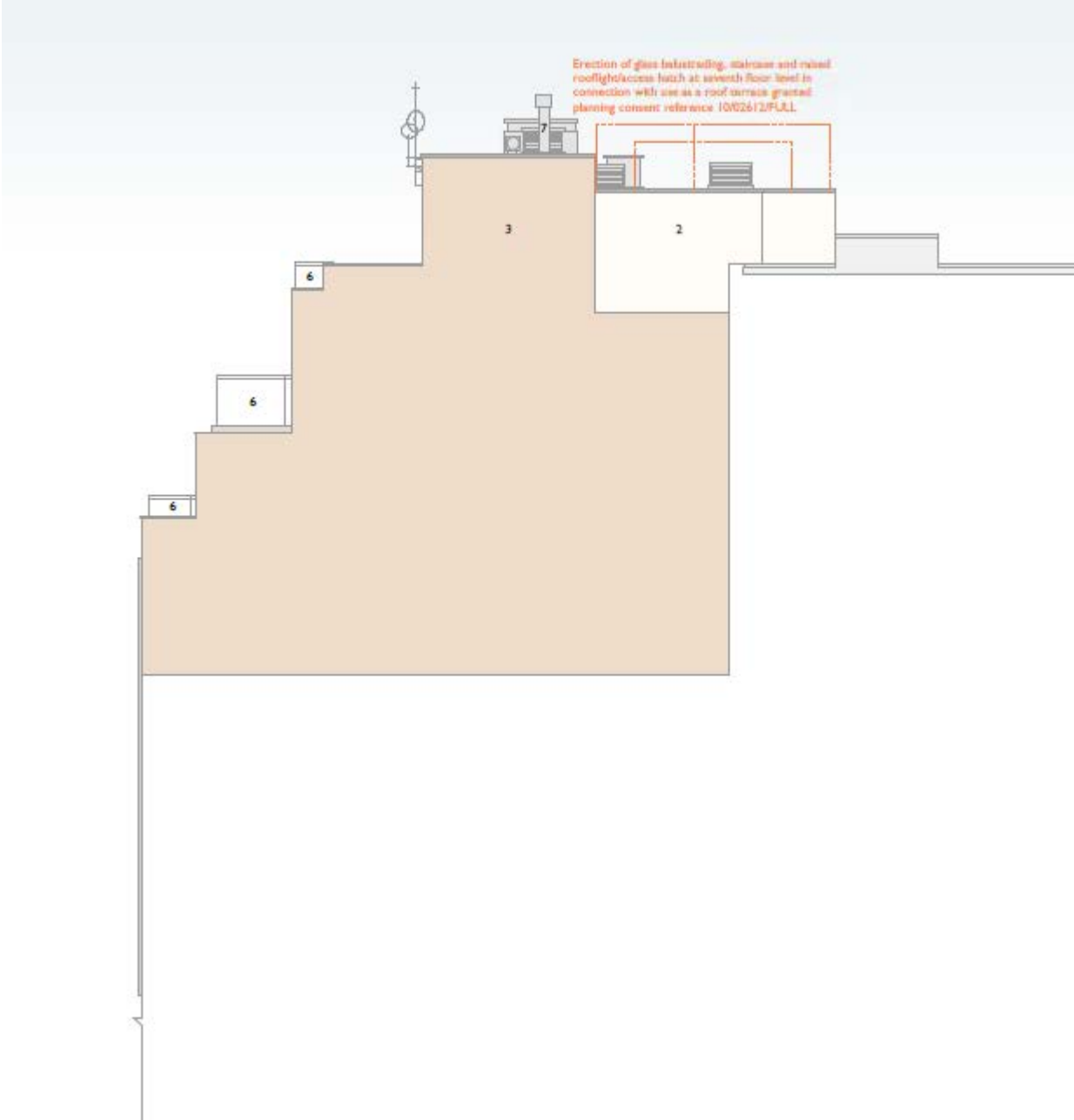
Existing North Elevation

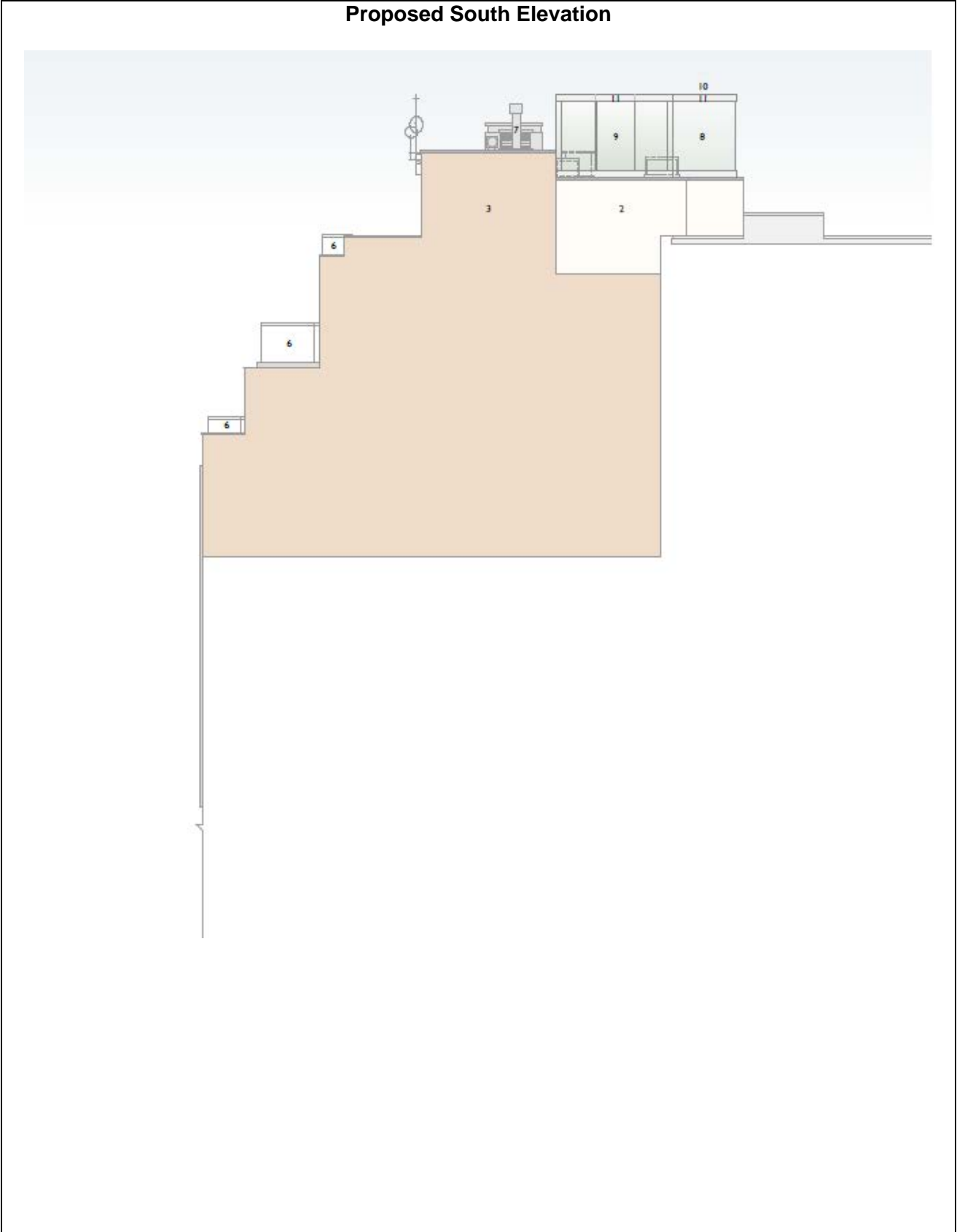


Proposed North Elevation



**Existing South Elevation**







**Existing Eighth Floor Plan**



### Proposed Eighth Floor Plan



### Proposed Roof Plan



**DRAFT DECISION LETTER**

**Address:** Flat 24, Garrick House, 63 - 66 St Martin's Lane, London, WC2N 4JS,

**Proposal:** Erection of a roof extension to create a glazed sunroom with associated roof terrace.

**Reference:** 17/04855/FULL

**Plan Nos:** PL 001; PL 009; PL 010; PL011; PL 012; PL 013; PL 014; PL 015; External Materials/Finishes Data Sheet; East/West Elevations - History; Sixth Floor/Seventh Floor Plans - History; High Level Views; Street Level Views; Surrounding Building Heights; Design and Access Statement and Heritage Assessment dated 24 May 2017; Planning Statement dated 24 May 2017.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

- Reason:
- 1 Because of its location, scale, massing, design and materials the proposed glazed sun room would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)
- Reason:
- 2 The glazed sun room would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AC)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>1 Balfour Place, London, W1K 2AR,</b>		
<b>Proposal</b>	External alterations to existing single dwelling house (Class C3) including roof level alterations, new half-height plant/access enclosures, , adjustment of existing means of escape, relocation of chimney, installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level, replacement of existing metal staircases linking basement to street level and creation of roof terrace with railings and screen.		
<b>Agent</b>	Alistair Grills Associates		
<b>On behalf of</b>	Mr Peter Cruddas		
<b>Registered Number</b>	17/06598/FULL	<b>Date amended/ completed</b>	25 July 2017
<b>Date Application Received</b>	25 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission
------------------------------

## 2. SUMMARY

The application site is an unlisted building on the eastern side of Balfour Place at its junction with Aldford Street, within the Mayfair Conservation Area. The building comprises basement, ground and five upper floors and is in lawful use as a single family dwelling house.

Permission was granted on 19 July 2017 for alterations to the building and works are progressing on site. This application seeks permission for the same works but also proposes the creation of a roof level terrace, with a safety railing and a 1.8m high screen

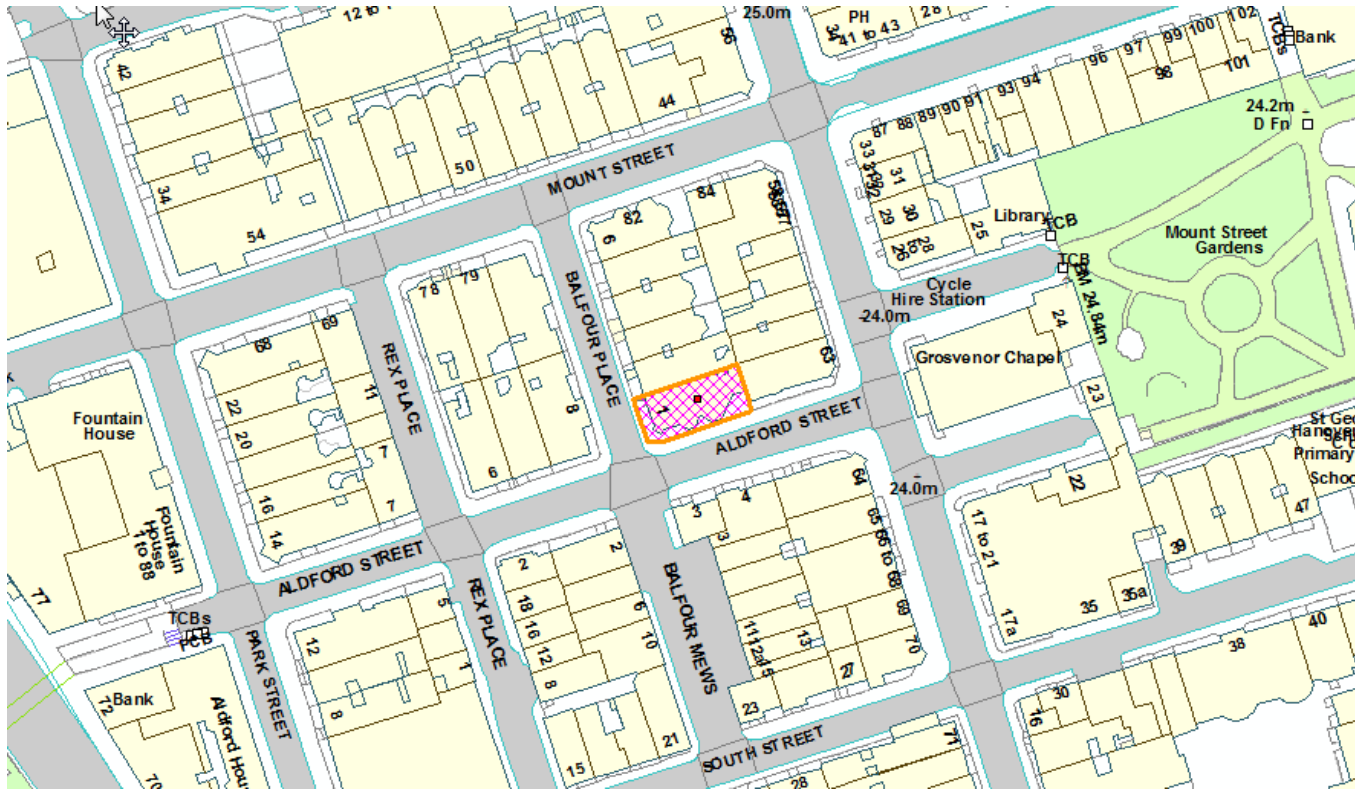
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents and

- The impact of the alterations upon the character and appearance of the Mayfair Conservation Area.

Objections have been received from neighbouring occupiers on amenity and design grounds. However, subject to conditions, the proposals are considered to comply with relevant Unitary Development Plan and City Plan policies and the application is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS







## 5. CONSULTATIONS

### RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 letters of objection raising some or all of the following issues:

#### Amenity

- potential noise disturbance and light pollution resulting from the use of the terrace, particularly at night
- proposals contrary to previous restrictive condition to prevent the use of the roof for sitting out

#### Design/townscape

- adverse impact on the character and appearance of the conservation area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No. 1 Balfour Place is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The lawful use of the property, which comprises basement, ground and five upper floors, is as a single family dwelling house.

The surrounding area is mixed use in character comprising commercial offices, retail and residential uses. The nearest residential properties are adjacent at 2 and 3-4 Balfour Place, opposite on the upper floors of 7 and 8 Balfour Place and 3 and 4 Aldford Street and to the rear, on the upper floors of commercial premises in South Audley Street.

### 6.2 Recent Relevant History

#### 1 Balfour Place

19 July 2017: Permission was granted for "Alterations including roof level alterations comprising of stair enclosure, relocation of water tank, means of escape and chimney, installation of new and replacement of existing windows and doors to southern (front) and eastern (side) elevations, lowering the level of the existing patio at ground floor level on the eastern side and planting of green/living wall to the eastern party wall and replacement of existing metal staircase from basement level to street level"

The original application included proposals for the creation of a roof level terrace. These works were subsequently omitted from the scheme following an objection from the occupiers of 2 Balfour Place and a condition was imposed to prevent access to the roof other than for maintenance or means of escape purposes. The reason for this condition was to safeguard neighbour's privacy and environment.

The scheme also proposed the installation of a living wall in the rear courtyard, in place of existing planters and trellis. A condition was imposed requiring the submission of details (construction and planting) of the new living wall.

A further condition (condition 6) required the submission of detailed drawings to show work to a stained glass window. An application to discharge this condition was approved on 31 July 2017.

## **2 Balfour Place**

Permission was granted in 2014, renewed in September 2017, for the erection of a fifth floor roof extension to existing dwelling house incorporating rear terrace, new rooflight, tank enclosure, roof level railings, relocation of plant to main roof and reconfiguration of the means of escape. Not implemented.

## **7. THE PROPOSAL**

Planning permission is sought for the external alterations to building including roof level alterations, new half-height plant/access enclosures, reconfiguration of existing means of escape, and relocation of chimney; installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level and replacement of existing metal staircases linking basement to street levels. These are the same works as previously approved. In addition the applicants also propose to create a roof level terrace with a balustrade railing and a 1.8m high screen (which is described as an acoustic and privacy screen) on the boundary with 2 Balfour Place.

The previous scheme proposed the erection of a living wall to the rear courtyard. The applicants have now confirmed their intention retain the existing planting and trellis in this area..

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues.

### **8.2 Townscape and Design**

The existing building of six storeys plus basement is considered to make a positive contribution to the character and appearance of the conservation area. It dates from 1895-7 and is by Eustace Balfour and H. Thackeray Turner. It forms part of the terrace of buildings (1-6 Balfour Place and 82 Mount Street) and is in a free Anglo-Dutch style in red brick with stone dressings.

The roof level is partially hidden by shaped gables. Public views of the roof are limited to long views from South Street. There are few private views of the roof from other buildings due to the relative height of the application building to its neighbours.

An objection has been received on the grounds that the proposed roof level alterations including the railings and the zinc clad wall, timber panels and water tanks extending above the existing roof level are visually intrusive and would fail to preserve or enhance the character and appearance of the conservation area.

The proposed alterations are largely as previously approved, including the zinc clad wall to the roof level stair enclosure. The new roof level railings are traditional in terms of their materials and detailed design and will, in any event, not be visible in the majority of views.

The top edge of the metal privacy screen will be visible in the South Street view. But it is not considered that this would detract from the appearance of the building or the character and appearance of the conservation area. It is noted that 2 Balfour Place has permission for the erection of a roof extension. If this is constructed, both the privacy screen and railing will appear against the backdrop of the flank wall of the new mansard storey.

The attractive wrought iron railings to the basement light well are in a style which is entirely appropriate to the age and detailing of 1 Balfour Place. It is noted that the drawings, while annotated to show their retention, depict a different set of railings. For the avoidance of doubt, an amending condition is proposed which requires retention of the existing railings. The proposed simple railings to the raised garden terrace are acceptable.

The scheme is considered acceptable in the context of adopted design and townscape policies and it is not considered that the objection could be supported.

### **8.3 Residential Amenity**

Objections have been received from the occupants of three flats at 3-4 Balfour Place on the grounds that use of the proposed roof terrace would result in unacceptable noise disturbance and light pollution to neighbouring residents, particularly late at night. One objector considers that the proposed 1.8M high screen, which is referred to as a privacy and acoustic screen, would be unlikely to provide effective noise attenuation.

One neighbouring resident has also referred to a condition on the original permission which prevents the use of the roof for sitting out in order to safeguard the privacy and environment of neighbouring occupiers, referring to adopted policies ENV 13 and ENV6.

There are two bathroom windows in the flank wall to the existing roof extension at 3-4 Balfour Place. These windows overlook the roof of 2 Balfour Place towards the roof of the application premises. Records indicate that secondary windows on the floors beneath which look out onto a lightwell between 3-4 Balfour Place and 2 Balfour Place serve

bathrooms and a kitchen. The roof level extension to no. 3-4 Balfour Place benefits from a small integral terrace to the rear and a similar arrangement was approved as part of the recent permission for the roof extension to no. 2.

Although the occupiers of 2 Balfour Place objected to the previous application for alterations to the application premises, including the roof terrace originally proposed, this objection was conditional, depending on whether they commenced the construction of their roof extension. They have not objected to the current application.

### **Noise/Light pollution**

The proposed roof terrace is smaller than that which was originally proposed as part of the approved scheme and measures approximately 26 m<sup>2</sup>. It is set towards the centre of the roof, back from the roof edges. There is potential for the 1.8m high boundary screen to provide some noise attenuation. However, even without an acoustic screen, given the relationship between the proposed terrace and neighbouring residential windows it is not considered that the use of this domestic terrace would result in significant noise disturbance to neighbouring occupiers. It is noted that both of the neighbouring properties in Balfour Place have, or have permission to create, external terraces, albeit smaller than the one proposed.

In addition it is not considered that any lighting associated with the night time use of the terrace, which is set away from neighbouring windows, or screened from bathroom windows at 3-4 Balfour Place, would result in significant light pollution to the detriment of neighbours' amenities.

Consequently, it is not considered that the proposals could justifiably be recommended for refusal on noise or light pollution grounds.

### **Overlooking**

A condition was imposed to prevent the use of the roof of the building for sitting out. One of the reasons for the condition was to protect neighbours' privacy. However, this condition was imposed, on the basis that proposals to create a roof terrace had been withdrawn. The decision to omit the roof terrace was made by the applicant to address the objection from the occupiers of 2 Balfour Place. There is no suggestion, in imposing this condition, that some form of roof terrace would not be acceptable in principle.

Given the relationship of the proposed terrace with neighbouring residential windows and in particular in view of proposals to erect a privacy screen, it is not considered that the scheme would result in any loss of privacy to flats at 3-4 Balfour Place or to residential windows in other neighbouring properties.

### **Daylight/sense of enclosure**

Given the relationship of the proposed privacy screen to neighbouring windows, including bathroom windows at 3-4 Balfour Place, it is not considered that erection of a 1.8m high screen on the boundary between 1 and 2 Balfour Place would result in a material loss of light or increased sense of enclosure to neighbouring windows.

In view of the above, notwithstanding the previous restrictive condition the proposals are considered to comply with policies ENV 13 of the UDP and S29 of Westminster's City Plan and the objections cannot be supported.

#### **8.4 Transportation/Parking**

Transport and parking arrangements remain unchanged.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The access arrangements to the dwelling will remain unchanged.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Biodiversity**

The original permission proposed the replacement of existing planters/trellis in the rear courtyard with a living wall. A condition was imposed on the original permission requiring the submission of construction details and a management and planting regimes for the planted wall. However, the applicants now intend to retain the existing courtyard planters and trellis. There is no objection to this amendment.

##### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.9 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The proposal is not CIL-liable.

#### **8.10 Environmental Impact Assessment**

The scheme is of insufficient scale to require an Environmental Impact Assessment.

#### **8.11 Other Issues**

None

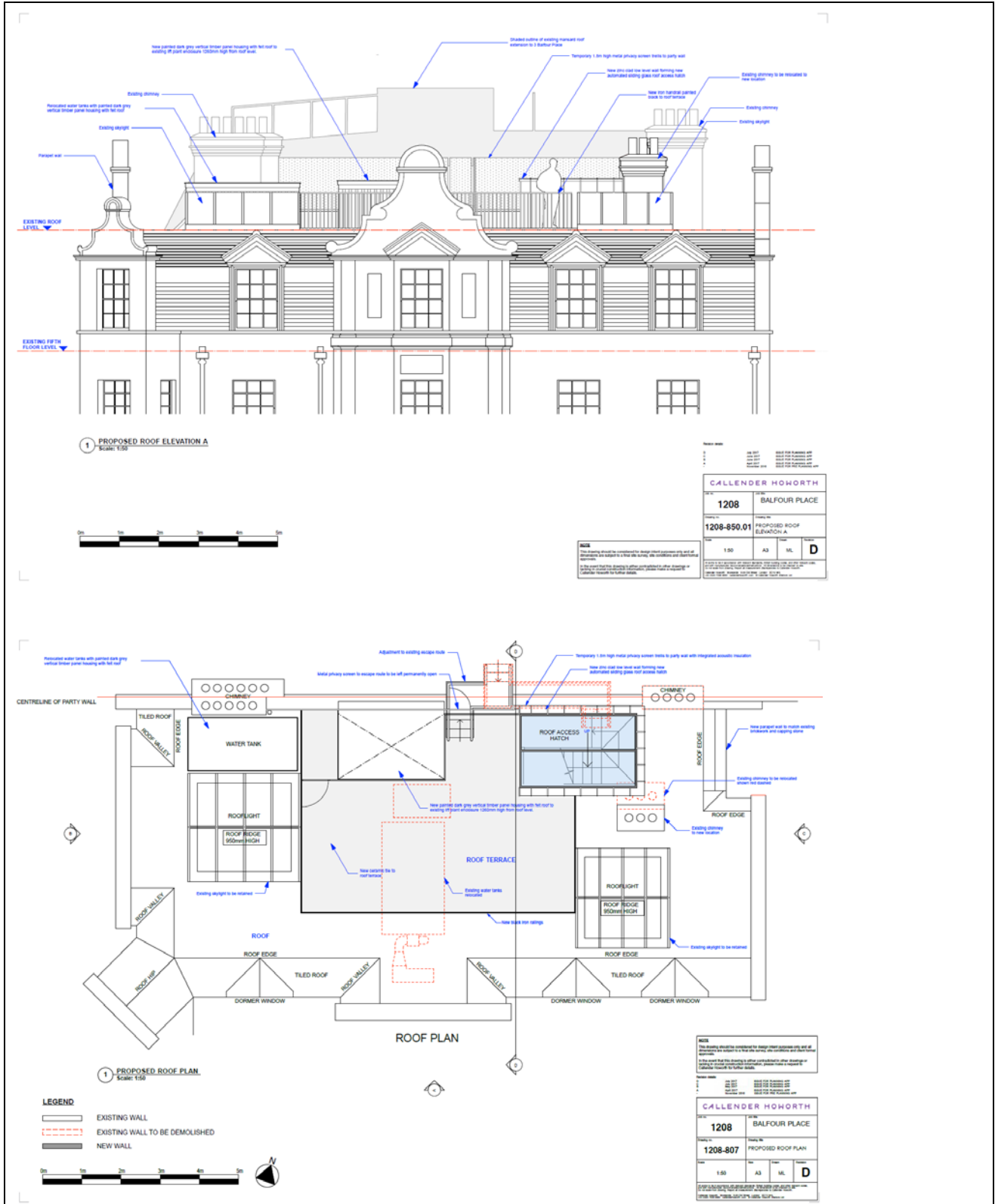
### **9. BACKGROUND PAPERS**

1. Application form
2. Letter from occupier of Flat C, 3-4 Balfour Place, dated 1 September 2017
3. Letter from occupier of Flat F, 3 - 4 Balfour Place, dated 11 September 2017
4. Letter from occupier of Flat A, 3-4 Balfour Place, dated 5 September 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

# 10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 1 Balfour Place, London, W1K 2AR,

**Proposal:** External alterations to existing single dwellinghouse (Class C3) including roof level alterations, new half-height plant/access enclosures, , adjustment of existing means of escape, relocation of chimney, installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level, replacement of existing metal staircases linking basement to street level and creation of roof terrace with railings and screen.

**Reference:** 17/06598/FULL

**Plan Nos:** 1208-800 REV A, 1208-801 REV A, 1208-802 REV A, 1208-803 REV A, 1208-806 REV A, 1208-807 REV D, 1208-850.01 REV D, 1208-850.02 REV A, 1208-850.03 REV B, 1208-851.01 REV C, 1208-851.02 REV C, 1208-851.03 REV C, 1208-852.01 REV A, 1208-852.02 REV A

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.  
(C26AA)
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 5 Notwithstanding the railings shown in drawings 1208-851.01 REV C, 1208-851.02 REV C and 1208-851.03 REV C the existing railings at street level must be retained.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 6 You must carry out works to the stained glass window in accordance with the details approved by the City Council on 31 July 2017 (17/06609/ADFULL), unless otherwise approved by the City Council.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 7 The privacy screen must be erected prior to the use of the roof terrace and permanently retained

thereafter.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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