

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

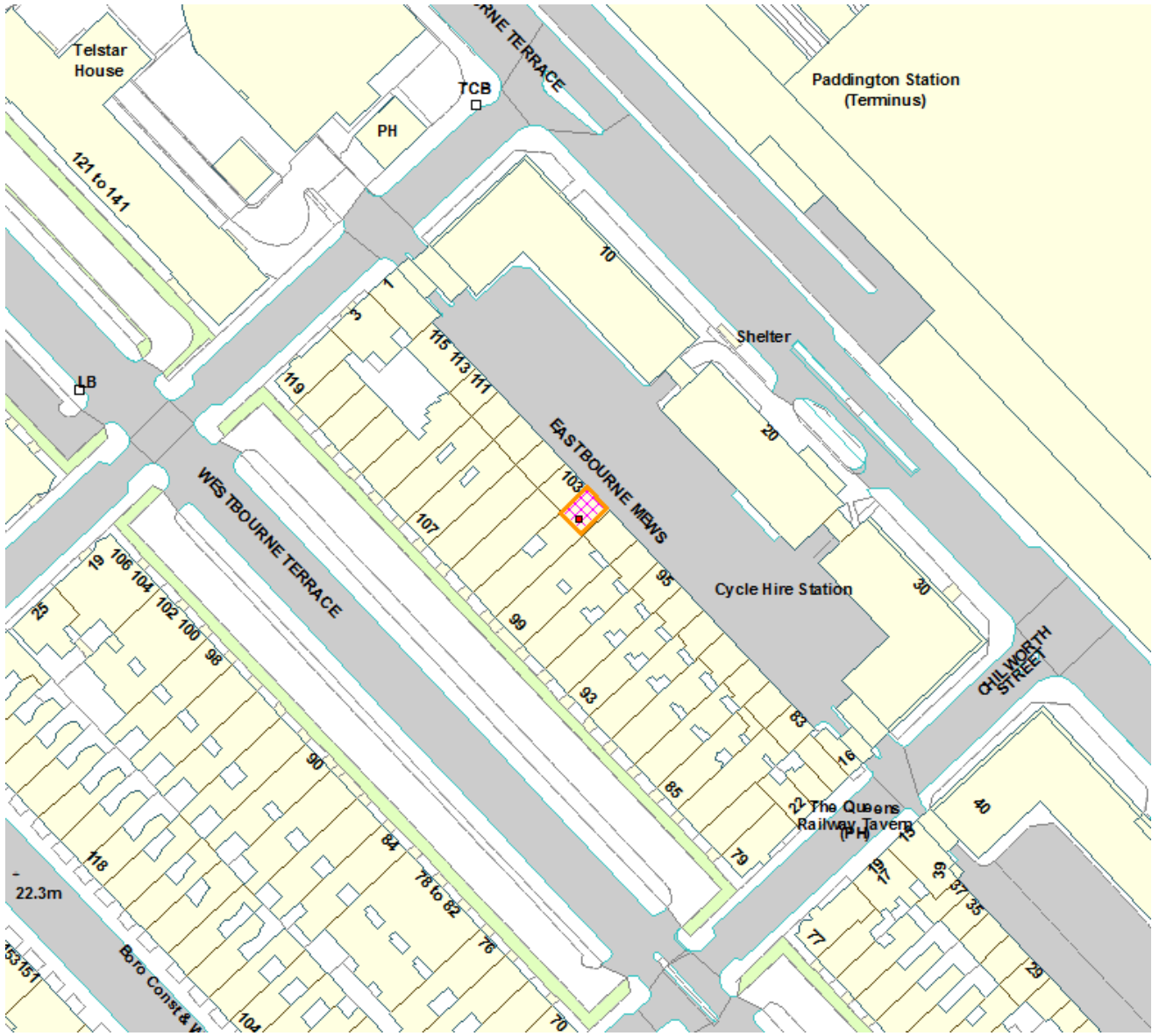
Objections have been received from local residents on the grounds of the impact of the proposed additional windows on residential amenity and the potential for disruption and damage during the course of the basement construction.

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 4th October 2017.
3. Response from Crossrail Limited dated 21st 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)

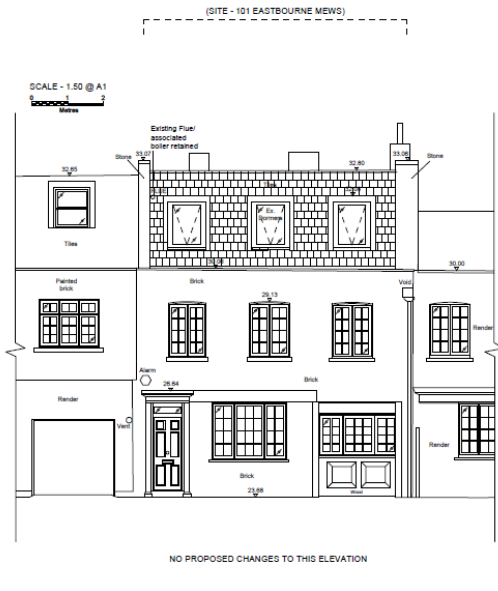
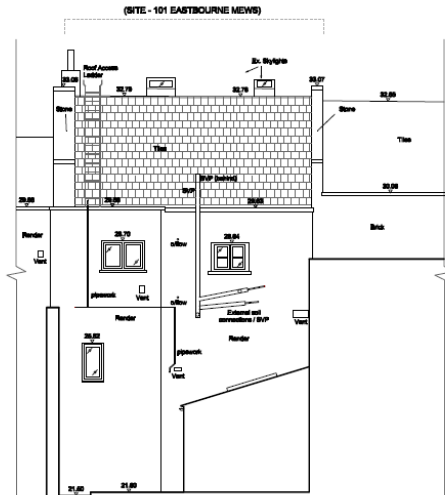
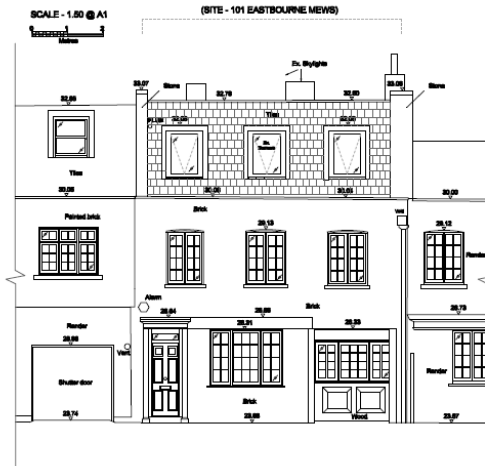
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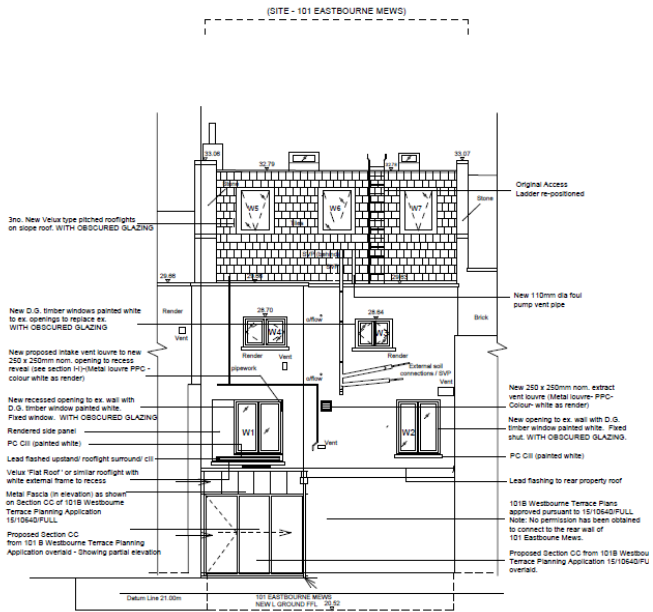
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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10. KEY DRAWINGS

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

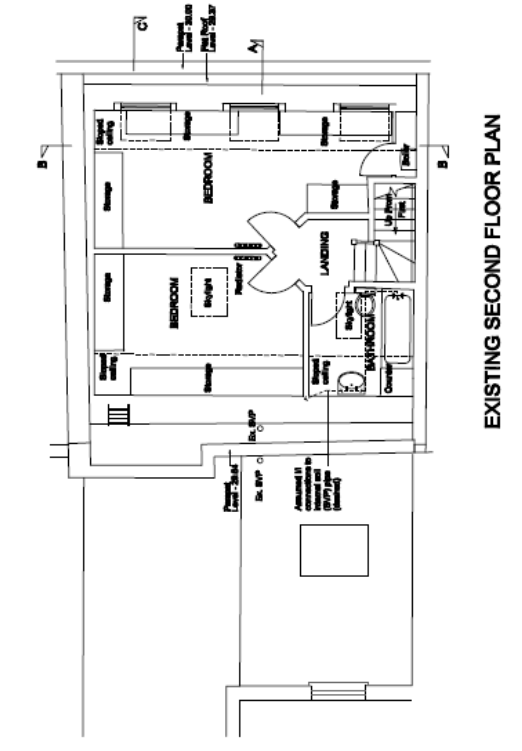


PROPOSED NORTH ELEVATION (EASTBOURNE MEWS)

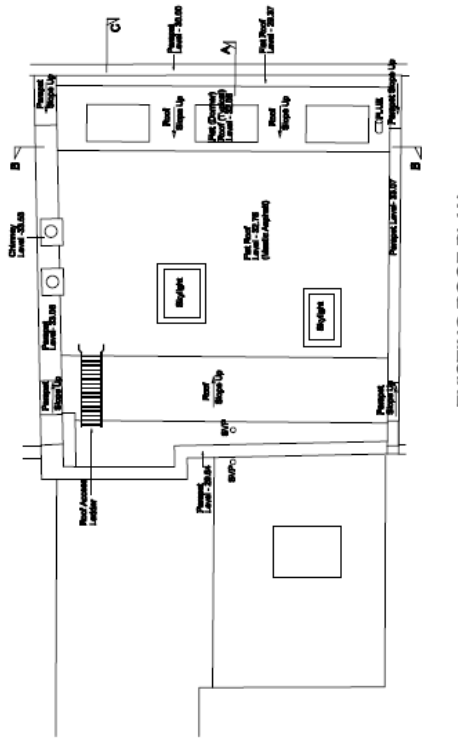


PROPOSED SOUTH ELEVATION

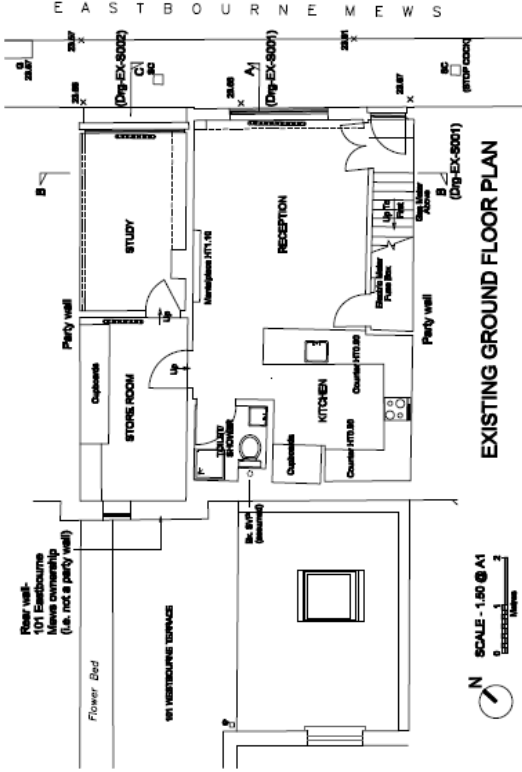
Existing Floor Plans



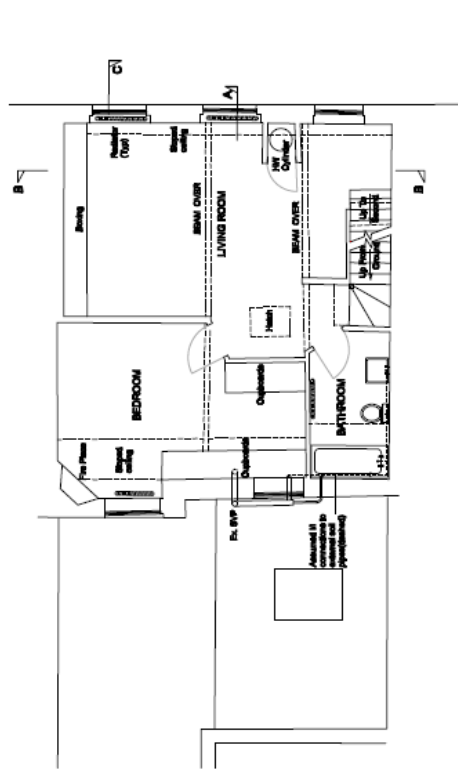
EXISTING SECOND FLOOR PLAN



EXISTING ROOF PLAN

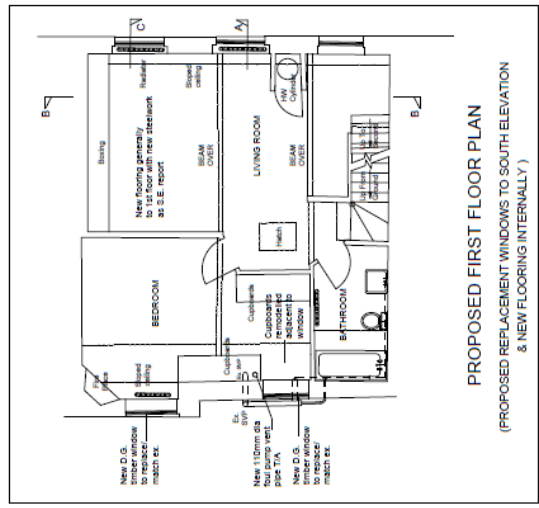
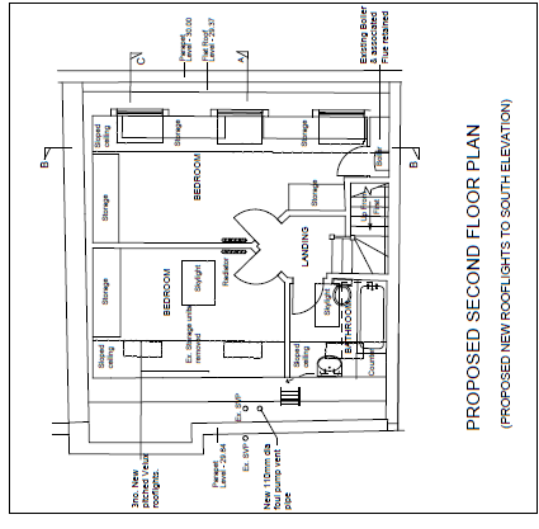
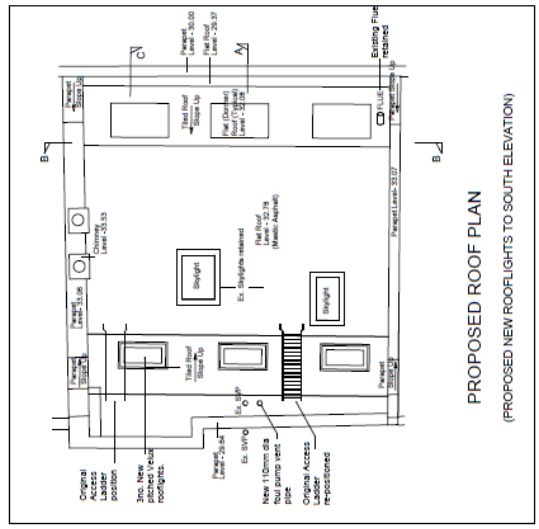
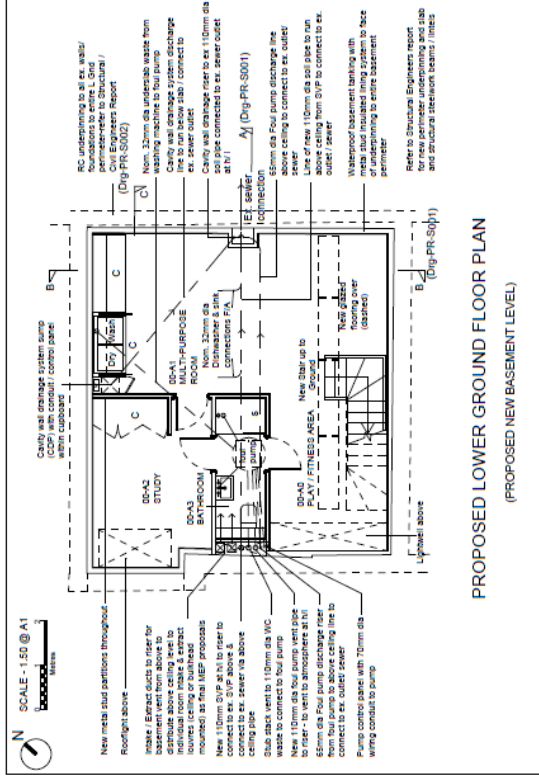
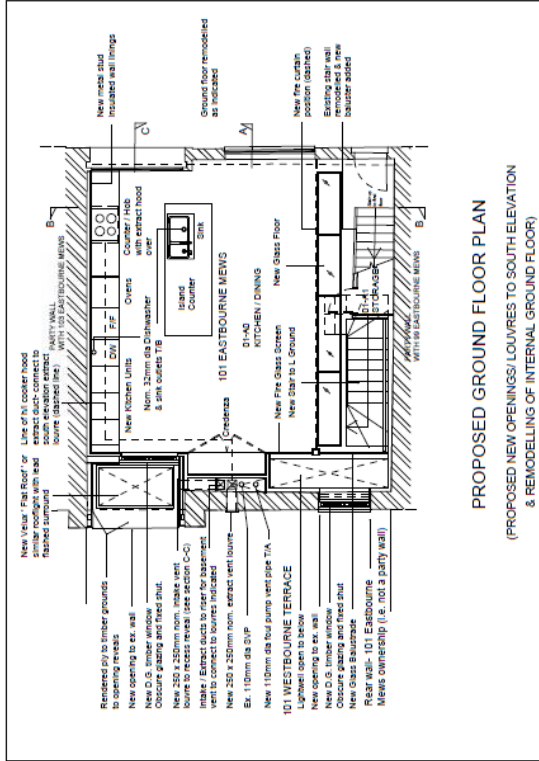


EXISTING GROUND FLOOR PLAN

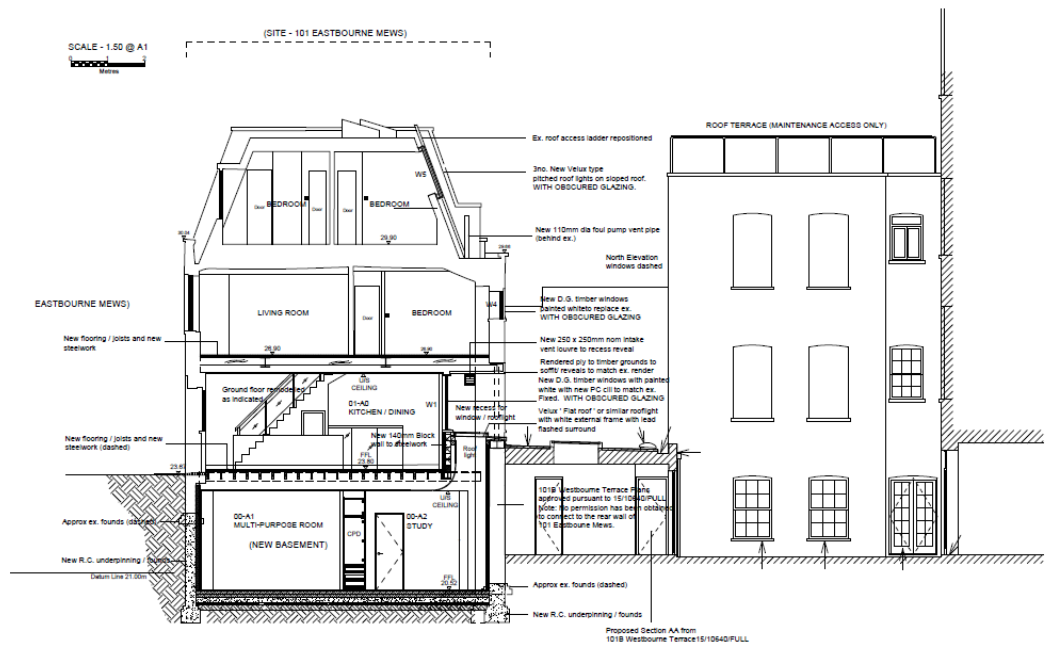
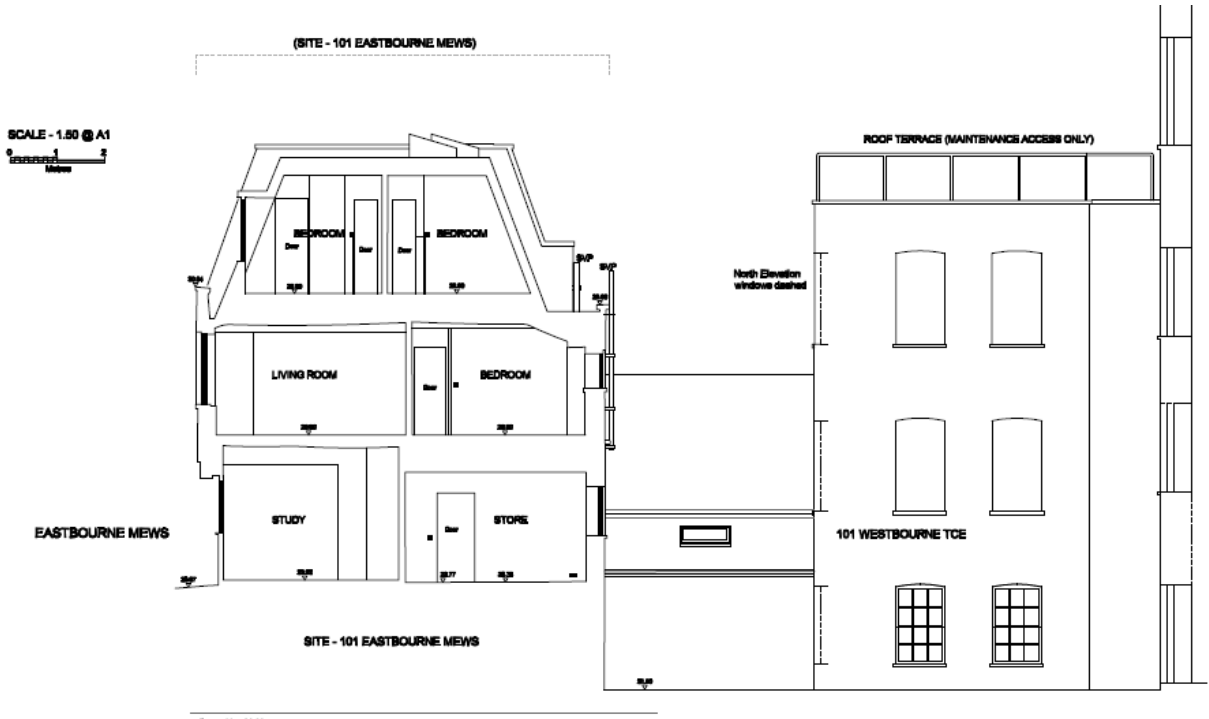


EXISTING FIRST FLOOR PLAN

Proposed floorplans



Existing (Top) and Proposed (Bottom) Section



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

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.

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 or visit 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.