

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 28 November 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>1 Regents Mews, London, NW8 0LB</b>		
<b>Proposal</b>	Removal of Condition 11 of planning permission dated 4 January 2017 (RN: 16/10749/FULL) for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised and reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors. NAMELY, to allow the French doors to the front elevation at second floor level to be clear glazed.		
<b>Agent</b>	Robinson Leigh Architects		
<b>On behalf of</b>	Mr Peter Vogel		
<b>Registered Number</b>	17/03567/FULL	<b>Date amended/ completed</b>	26 April 2017
<b>Date Application Received</b>	26 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application seeks permission for the removal of Condition 11 of the planning permission dated 4 January 2017, which itself permitted the variation of Condition 11 of the earlier planning permission for the erection of a mansard roof extension with pitched end elevations and dormer windows to enlarge the existing dwellinghouse. The permission granted on 4 January 2017 allowed the second floor dormer doors to be partially, rather than fully obscure glazed, so as to prevent overlooking to

neighbouring properties, principally the neighbouring property at No.5 Langford Place. The current application seeks removal of Condition 11 to allow the dormer doors to be entirely clear glazed.

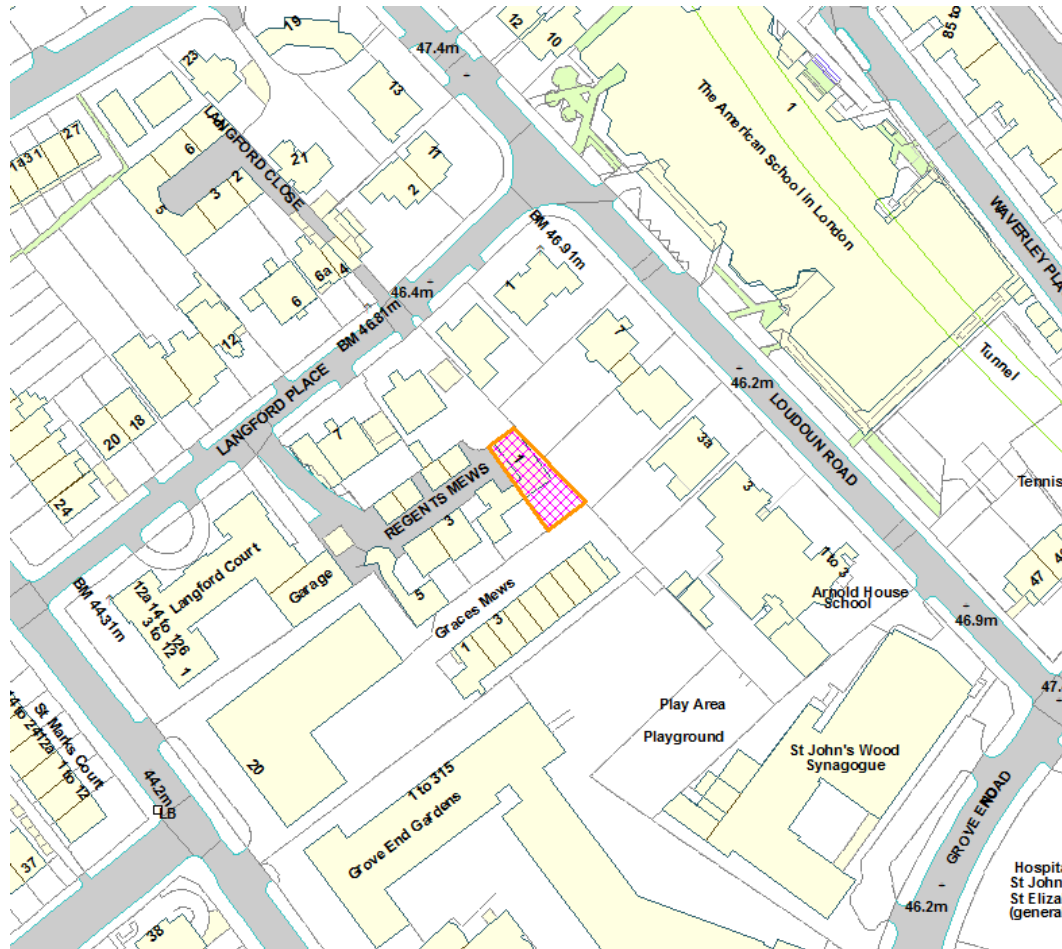
The building is not listed, but is located within the St. John's Wood Conservation Area.

The key issues in this case are:

- The impact on the amenity of neighbouring residents in terms of overlooking/ loss of privacy.

Following on site assessment of the views that can be obtained from the dormer French doors towards neighbouring residential windows and gardens, it is not considered that Condition 11 is necessary to safeguard the amenity of neighbouring residents and the degree of overlooking that would be caused, were the dormer French doors be clear glazed, would not be so significant so as to warrant withholding permission. For this reason it is considered that the proposal to remove Condition 11 of the 14 October 2014 permission is acceptable and would accord with Policy ENV13 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policy S29 in Westminster's City Plan adopted in November 2016.

## 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front elevation (top) and view from within bedroom with obscured doors shut (bottom).



View from within centre of bedroom (top) and view towards rear of No.5 Langford Place when standing at the glazed balustrade (bottom).

## 5. CONSULTATIONS

### ST. JOHN'S WOOD SOCIETY

No objection, subject to the comments of neighbours.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 10; No. of Responses: 2.

Two letters received raising objection on all or some of the following grounds:

#### Amenity

- Loss of privacy and increase in overlooking to garden and rear windows of Nos.5 and 7 Langford Place.
- Proposal would fail to accord with Policy ENV13(C) and (F) and Policy S29.

### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is an unlisted building located within the St. John's Wood Conservation Area. The dwellinghouse forms part of a group of five properties that form Regent's Mews, a development from the early 1980's located to the rear of Nos.5 and 7 Langford Place and Nos.5 and 7 Loudoun Road.

Following implementation of the planning permission granted by the Planning Applications Committee on 14 October 2014, as subsequently amended by the permission granted in October 2016 and January 2017, the building has been extended to form a three storey dwellinghouse, comprising two sheer storeys and a mansard top storey at second floor level.

### 6.2 Recent Relevant History

21 July 1980 – Planning permission was granted for the erection of the dwellings that comprise Regent's Mews to the rear of Nos.5 and 7 Langford Place.

14 October 2014 – Planning permission granted for the erection of a mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse. Condition 11, which is the subject of this application, was imposed to seek to ensure the dormer French doors closest to the boundary with No.5 Langford Place would not cause a material increase in overlooking (14/08005/FULL).

26 October 2016 – Planning permission granted for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing

dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised (16/08788/FULL).

4 January 2017 – Planning permission granted for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised. NAMELY, to reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors (16/10749/FULL).

The permission granted on 4 January 2017 has been implemented and a strip of obscure glazing to the centre of the dormer doors has been installed within the sealed double glazed unit.

## 7. THE PROPOSAL

The application proposes the removal of Condition 11 of the planning permission dated 4 January 2017 (RN: 16/10749/FULL), which itself permitted variation of Condition 11 of the earlier permission for the erection of the mansard roof extension, to allow the dormer doors to be partially obscure glazed (with clear glazing to the top and bottom), rather than wholly obscure glazed. Currently Condition 11 is worded as follows:

*'The dormer French doors in the front elevation adjacent to the boundary with No.5 Langford Place at second floor level must be partially obscure glazed as shown in drawing (PL)401 hereby approved, using the obscure glass we approved on 20 October 2016 (RN: 16/09439/ADFULL), unless we approve an alternative sample of obscure glass in writing. You must fit the dormer doors with the obscure glass we have approved, as shown in drawing (PL)401, prior to occupation of the second floor level roof extension and thereafter you must not remove it.'*

Following the completion of the roof extension and its occupation in the first half of 2017 it is now sought to remove Condition 11 to allow the removal of the obscure glazing from the centre of the window and its replacement with clear glazing to the whole of the dormer doors. The dormer doors that are the subject of the application are located on the front elevation at second floor level adjacent to the boundary with the rear garden of No.5 Langford Place.

Since the determination of the previous S73 application on 4 January 2017, which this application seeks to vary, there have been no material changes in development plan policy or guidance which would alter the acceptability of the previously approved development. Furthermore the development has now been completed on site. In this context, the considerations in this report are limited to the effect of removing the obscure glazing from the second floor dormer doors.

## 8. DETAILED CONSIDERATIONS



### **8.1 Land Use**

The proposal does not raise any significant land use considerations.

### **8.2 Townscape and Design**

The removal of the obscure glazing from the second floor level dormer doors would have not have an adverse impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area. As such, the proposal accords with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

The key consideration in this case is the impact of the proposal on the amenity of neighbouring residents, particularly the occupants of the nearest neighbouring property at No.5 Langford Place. Objection on overlooking grounds has been received from the occupiers of this property and the occupiers of No. 7 Langford Place.

Condition 11 was originally imposed to address concerns that the dormer doors would materially increase overlooking to the rear windows and gardens of the neighbouring properties, principally the property at No.5 Langford Place. The condition does not prevent the dormer doors from being opened, but does require them to be predominantly obscure glazed. The rationale for this approach was to allow natural ventilation of the bedroom, whilst ensuring that for the majority of the time, when the doors are shut, the perception of overlooking for neighbours would be minimised.

Following completion of the roof extension, it has been possible to assess more accurately the degree to which views from the dormer doors allow overlooking of neighbouring properties and also to assess the extent to which neighbours would appreciate the general use of the bedroom (the appreciation of activity behind a window can contribute to a perception of being overlooked, even if the activity within the room served by the window or door does not itself consist of a person or persons looking directly towards a neighbouring property).

Following on-site assessment during the course of the application, it is apparent that given the depth of the dormer within which the doors are located and the dimensions of the bedroom the doors serve, general activity within the main body of the bedroom would not normally be appreciable to the occupiers of neighbouring properties in Langford Place. Activity within the room would only be appreciated where a person is standing directly at the window, which is likely to be an infrequent occurrence. Even in such circumstances it would be necessary for the person standing at the inside face of the doors to look 45 to 90 degrees to the right in order to view the rear windows and garden of No.5 Langford Place and No.7 Langford Place beyond. Furthermore, as noted earlier in this section, Condition 11 does not prevent the opening of the doors and therefore in better weather occupants of the application property can already stand at the Juliet balcony balustrade with the doors open.

In the context of the preceding paragraph, it is not considered that the removal of the obscure glazing from the dormer doors would result in a significant increase in overlooking



from the second floor bedroom towards neighbouring windows and gardens. As such, the condition is not considered to be necessary to make the roof extension acceptable and therefore, despite the objections raised by neighbours, its removal would accord with Policy ENV13 in the UDP and S29 in the City Plan.

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

The proposal does not raise any transportation or parking considerations.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Not applicable.

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

None relevant.

#### **8.8 London Plan**

The application does not raise any 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**

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

#### **8.12 Other Issues**

None relevant.

### **9. BACKGROUND PAPERS**

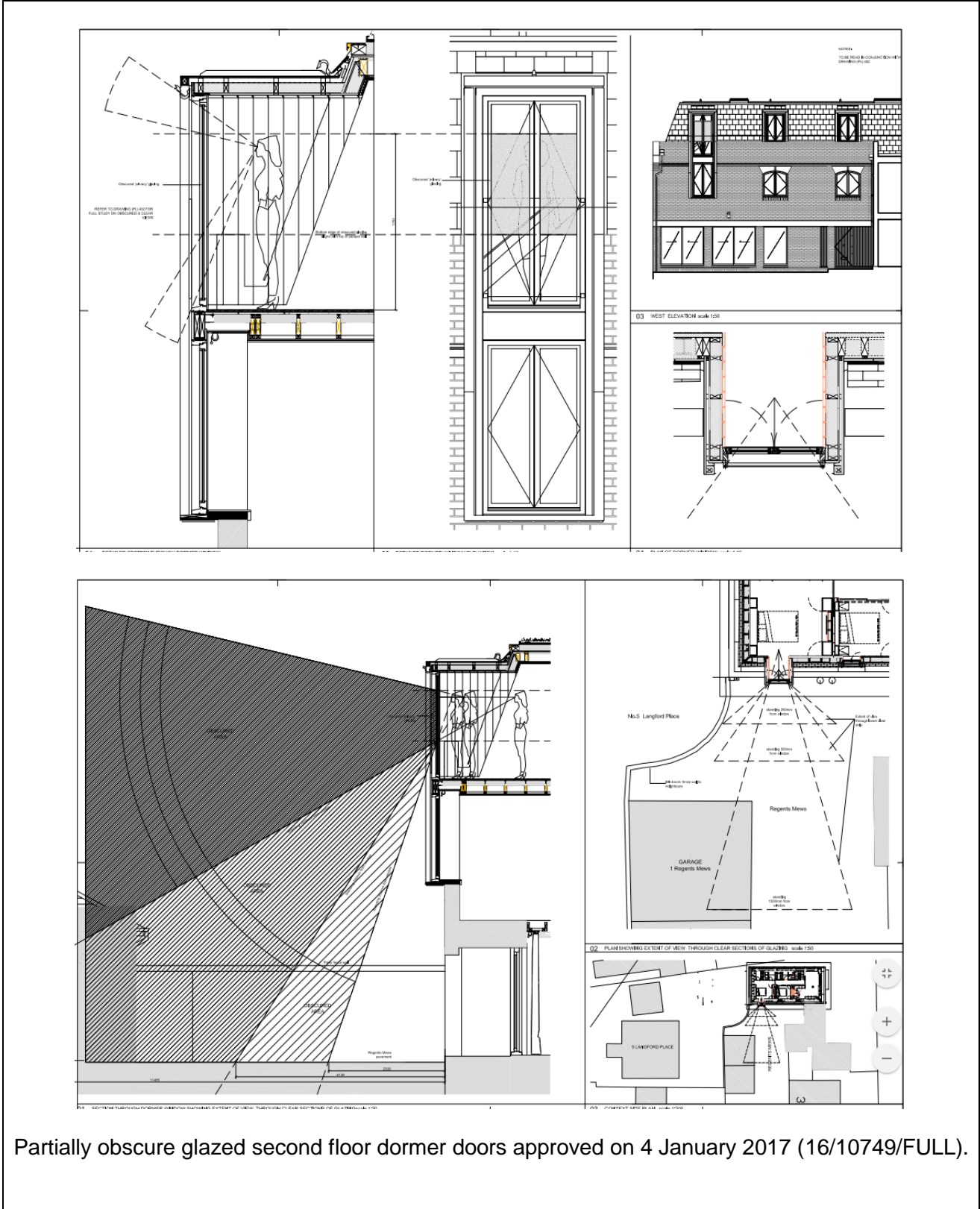
1. Application form.
2. Email from the St. John's Wood Society dated 15 May 2017.
3. Letter from occupier of 7 Langford Place dated 15 May 2017.
4. Letter from Brecher Solicitors on behalf of the occupiers of 5 Langford Place dated 16

May 2017.

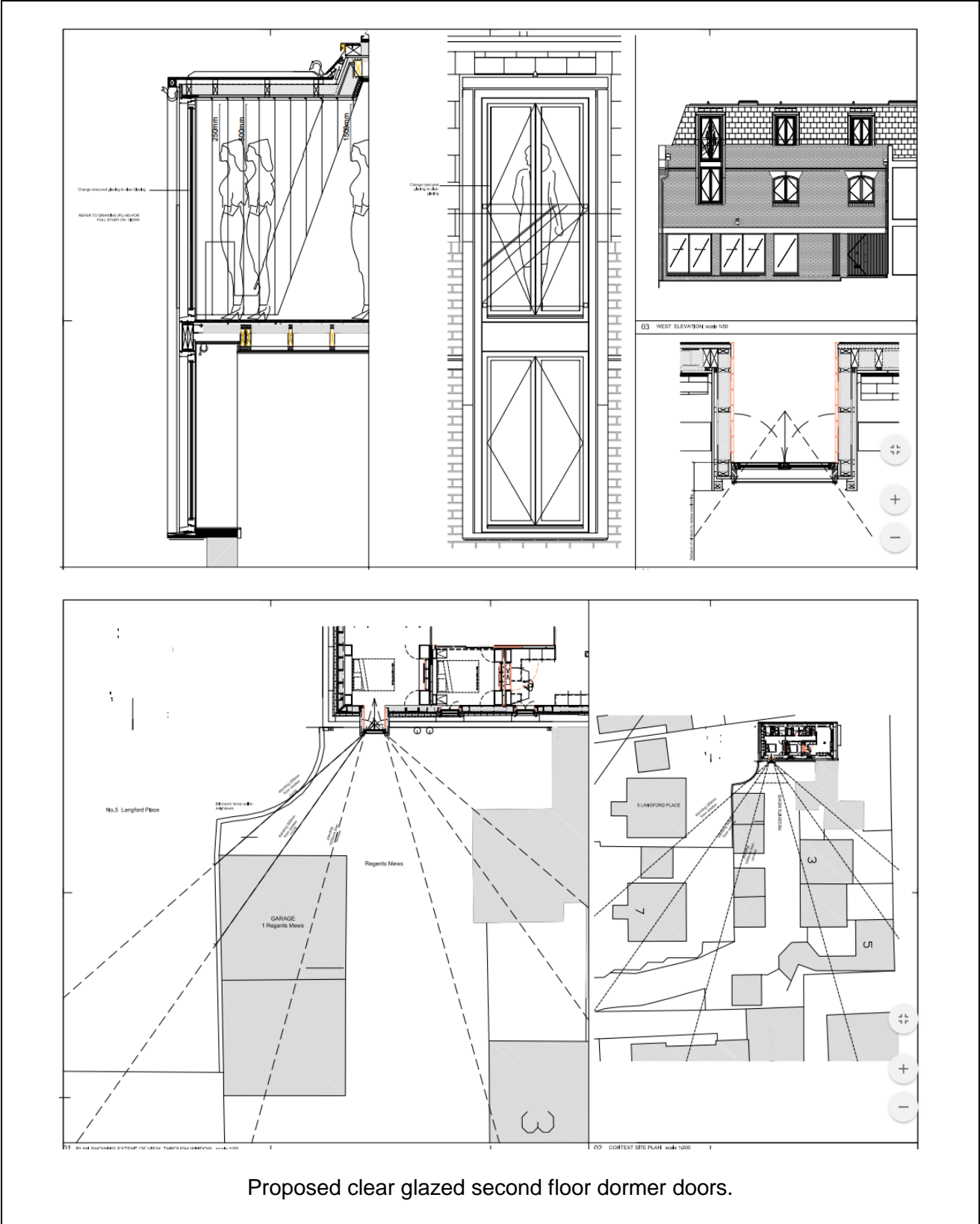
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a> .
---

10. KEY DRAWINGS



Partially obscure glazed second floor dormer doors approved on 4 January 2017 (16/10749/FULL).



Proposed clear glazed second floor dormer doors.

**DRAFT DECISION LETTER**

**Address:** 1 Regents Mews, London, NW8 0LB,

**Proposal:** Removal of Condition 11 of planning permission dated 4 January 2017 (RN: 16/10749/FULL) for variation of Condition 11 of planning permission dated 26 October 2016 (RN: 16/08788/FULL) for variation of Conditions 1 and 8 of planning permission dated 14 October 2014 (RN: 14/08005/FULL) for erection of mansard roof extension with pitched end elevations and dormer windows to front (south west) elevation and dormer doors with Juliet balcony to (south east) elevation to enlarge existing dwellinghouse; namely, to allow the sill levels of windows and doors to the south west and south east elevations to be raised and reduce the extent of the obscured glazing to the French doors at second floor level to a strip across the middle and upper parts of the doors. NAMELY, to allow the French doors to the front elevation at second floor level to be clear glazed.

**Plan Nos:** **Drawings and Documents Previously Approved Under RN: 14/08005/FULL:**  
S\_100\_01, E\_000\_01, E\_100\_02, E\_100\_03, E\_100\_04, E\_100\_05, E\_100\_06, E\_100\_07, E\_100\_10, E\_100\_11, E\_100\_12, E\_100\_20, E\_100\_21, P\_100\_10, P\_100\_12, P\_100\_13, P\_100\_14, P\_100\_20, P\_100\_21, P\_100\_22, P\_100\_23, P\_100\_25, P\_100\_26, P\_100\_27, P\_100\_28, Heritage Statement dated July 2014, Planning Statement dated June 2014 and Daylight and Sunlight Report dated 27 May 2014.

**As Amended by the Drawings Previously Approved under RN: 16/08788/FULL:**  
P\_100\_20 Rev.B, P\_100\_21 Rev.B and P\_100\_23.

**As Amended by the Drawings Previously Approved under RN: 16/10749/FULL:**  
(PL)401 and (PL)402.

**As Amended by the Drawings Hereby Approved:** (PL)401 Rev.C, (PL)403 Rev.B and Condition 11 Report dated April 2017.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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 You must carry out any building work which can be heard at the boundary of the site only:

\* between 08.00 and 18.00 Monday to Friday;

\* between 08.00 and 13.00 on Saturday; and

\* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

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 St. John's Wood 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 carry out the development in accordance with the details of the amended rooflight and green roof at main roof level that we approved on 1 July 2016 under RN: 16/05862/ADFULL.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan that we adopted 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 annotations on the drawings hereby approved, the cheeks and roofs of the dormer windows hereby approved shall be clad in rolled lead and thereafter maintained in that material.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan that we adopted 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 The mansard roof slopes of the roof extension hereby approved shall be clad in natural slate and thereafter maintained in that material.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan that we adopted 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 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the second floor extension hereby approved without our permission. This is despite the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order that may replace it). (C21EA)

Reason:

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

- 8 You must install the fixed metal balustrade outside the sliding doors to the south eastern elevation at second floor level in accordance with the drawings hereby approved prior to occupation of the second floor roof extension and thereafter you must not remove the balustrade from the approved position.

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)

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- The sedum green roof on the roof of the roof extension.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 10 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at second floor level.

You must not remove any of these features. (C44AA)

Reason:



To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

**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.