

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	5 Albion Close, London, W2 2AT		
Proposal	Use of the garage as habitable accommodation, alterations to front and rear elevation windows and doors, extension of second floor to enclose internal courtyard, installation of a rooflight and installation of an air conditioning unit at roof level.		
Agent	Mr David Appleton		
On behalf of	Mr Richard Staite		
Registered Number	17/08257/FULL	Date amended/ completed	20 October 2017
Date Application Received	14 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

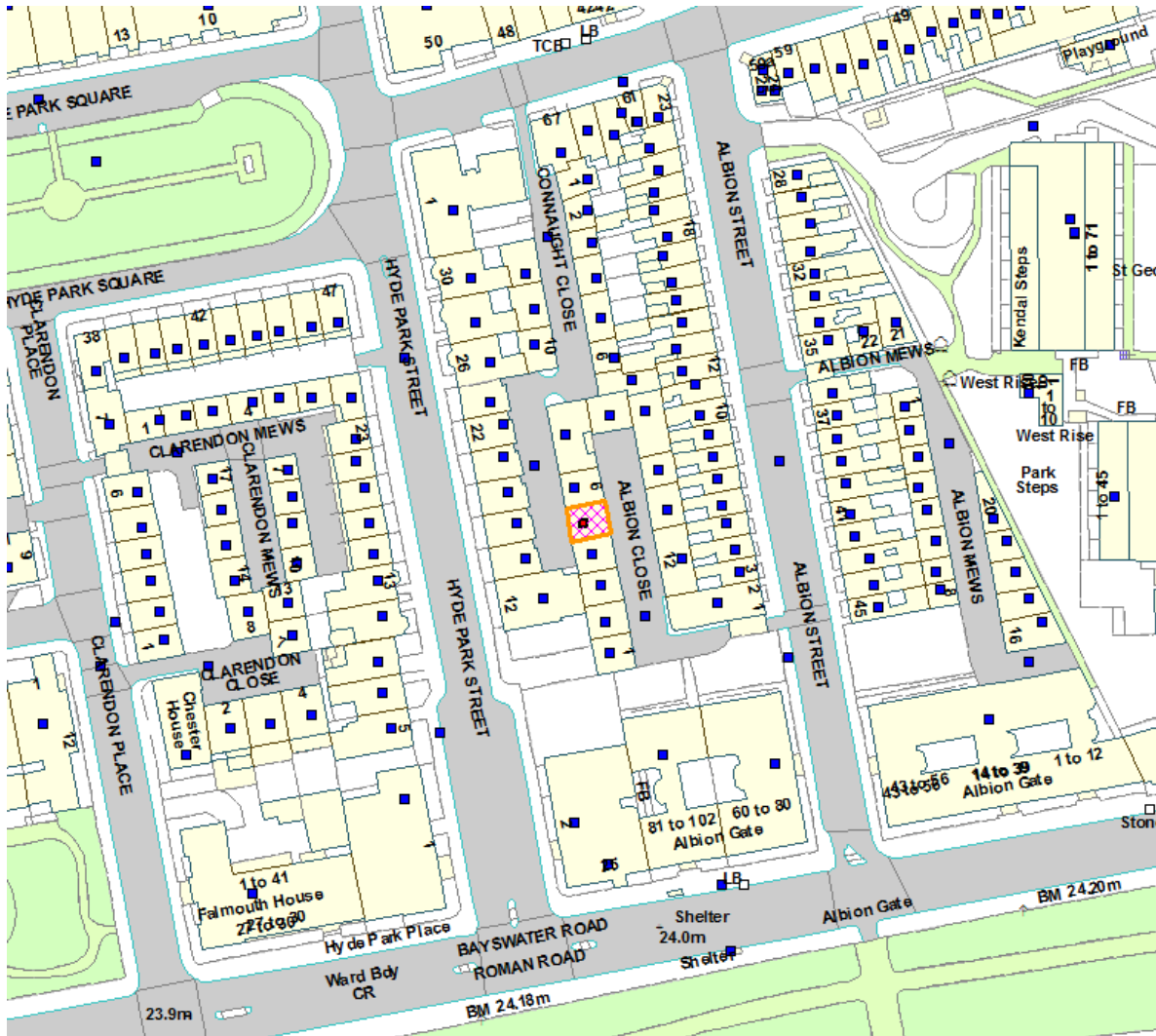
Permission is sought for the use of the garage as habitable accommodation, alterations to fenestration, installation of air conditioning and the enclosure of the courtyard at second floor level. Objections have been received regarding the impacts of construction, the design of the garage door and the installation of air conditioning.

The key issues in this case are:

- * The impact of the proposal in Highway terms
- * The impact of the proposal on the appearance of this house and on the character and appearance of this part of the Bayswater Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design, amenity and land use and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation of 5 Albion Close



Number 12. Front Elevation



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION:

No response to date

ENVIRONMENTAL HEALTH:

No Objection on environmental noise or nuisance grounds

HIGHWAYS PLANNING:

Objection. Proposal is contrary to TRANS 23(A)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15

No. Responses: 7 (3 objections and 4 neutral comments)

Objection - 3

- No explanation of how the works will be managed with regards to access and waste removal. Request a construction management plan is provided
- The removal of the garage door will result in the loss of the character of the mews
- The air conditioning unit should be located internally
- Request a condition to restrict working hours between 12 and 2pm and a condition requiring the mews to be cleaned.

Neutral - 4

- Loss of the garage door would set a precedent which would alter the traditional character of Albion Close
- Formal CMP should be submitted - application does not contain details of how the development will be managed
- Design and Access statement should be stronger
- Noise assessment for the air conditioning units at roof level
- Air conditioning unit should be located so that it is not visible or heard by neighbours

ADVERTISEMENT/SITE NOTICE: Yes

BACKGROUND INFORMATION

5.1 The Application Site

The application site is an unlisted building situated within the Bayswater Conservation Area. The property is situated on the west side of the mews and is in use as a single family dwelling house.

5.2 Recent Relevant History

85/04213/FULL

DEMOLITION OF EXISTING BUILDING AND REBUILDING AS DWELLING HOUSE AND GARAGE
RETROSPECTIVE APPLICATION

Grant PP with Conditions HIST

17 March 1986

6. THE PROPOSAL

Permission is sought for the conversion of the existing garage into a habitable room and associated replacement of the garage door, alterations to the front and rear windows, an extension at second floor level to enclose an existing courtyard and the installation of a rooflight and air conditioning unit at roof level.

Initially the use of the garage for habitable accommodation did not form part of the application and due to the restrictive condition from 1985 the description of development was amended and the application was reconsulted upon. No amended drawings were received as this alteration was shown on the proposed plans originally submitted.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Permission is sought for the conversion of the existing garage into habitable accommodation. In 1986 permission was granted retrospectively for the demolition of existing building and rebuilding as dwelling house and garage (RN:85/04213/FULL). Condition 2 of the permission restricted the use of the garage to only the garaging or storage of a motor vehicle and prevented the use of the garage for living accommodation. The Highways Officer has objected to this proposal as the loss of off-street residential parking is contrary to UDP policy TRANS 23(A). Furthermore, they state that as there is a restrictive condition in place the garage should be retained.

As part of the application the owner has provided details of a legal agreement dated 2003 on behalf of Albion Close Limited, which is a consortium of the different mews property owners on Albion Close. The agreement relates to No. 5 Albion close and secures the applicants entitlement to a numbered parking space outside the property. Parking spaces are shown outside of each respective properties and it is understood they all have respective entitlements through the same legal agreements to allocated parking spaces. Therefore, whilst the off-street car parking space will be lost as a result of the conversion of the garage, occupiers will continue to have access to a parking space on-street. Additionally, none of the comments received raised the loss of the off-street parking space as a reason to object.

Permission has been granted at 3, 7, 10 and 12 Albion Close for the conversion of their garages into habitable accommodation (in 2007, 2002, 2009 and 2004 respectively) either through a planning application or via variation or removal of a condition application. Albion Close is a private road and without the current garage the applicant would have one car parking space outside the house as well as one of the communal visitor's parking spaces within the close. It is not considered therefore that the loss of the garage would have a detrimental impact on the parking pressure in the area.

7.2 Townscape and Design

In association with converting the garage into habitable use, it is proposed to remove the roller door and install 3no hardwood sash windows with a fixed timber panel below. Objections to the detailed design of the replacement fenestration have been received arguing that the loss of the garage door will harm the appearance of the mews and set an unacceptable precedent for future changes. The replacement fenestration does have a more domestic appearance than a typical mews garage door, however the scale of the opening is being retained as is a degree of solidity with the solid timber panel beneath the windows. Furthermore, it is recognised that the detailed design has been taken from the scheme approved at no3 Albion Close (RN: 16/00356/FULL) where sash windows with clear glazing beneath was granted. In this context the detailed design of the replacement garage door is considered to be acceptable, preserving the character and appearance of the conservation area.

The other alterations proposed include the roofing over the existing courtyard at second floor level with a rooflight, the removal of a water tank on the roof and the introduction of an air condenser unit in the same location and the installation of an additional dormer on the front elevation and replacement of the fenestration, with some enlargement to existing openings.

The insertion of an additional dormer and the alterations to the fenestration area considered to be acceptable in design terms. Three dormers are not uncharacteristic on the buildings within the mews and the detailed design matches the existing. The rear elevation of the mews has a very modern character and therefore the insertion of metal windows is considered to be acceptable in this instance. To the rear of the site is an access road for a block of flats and therefore the alteration to the scale and introduction of clear glazing is not considered to raise amenity concerns. The insertion of a rooflight on the roof is also not contentious in design and amenity concerns.

UDP policy DES 5 does state that plant should be located within the external envelope of the building where possible. Objections to the application have been received on the grounds that the condenser unit should be supported by an acoustic report and be located so as to be visually discreet and not cause disturbance to neighbours. The air condenser unit is proposed against an existing chimney breast, behind an existing parapet and therefore it will be screened from public viewpoints. The roof may be visible in private views from the block of flats to the rear but the appearance of the condenser unit is only considered to be in oblique views and therefore not highly prominent. The application has been supported by an acoustic report and our Environmental Health Officer has raised no objection to the application on noise and nuisance grounds. The proposal is therefore considered to be acceptable.

7.3 Residential Amenity

The proposals are not considered to raise amenity concerns and is in accordance with UDP policy ENV13.

Environmental Health have raised no objection on noise and nuisance grounds to the introduction of an air condenser unit in the proposed location.

7.4 Transportation/Parking

As discussed in the Land Use section, The City Council's Highways Manager has objected to the loss of the off-street parking which is contrary to policy TRANS 23 of the UDP. However, in the context of Albion Close being a private road, and the on street parking space that is secured through the established legal agreement, there is sufficient mitigation to ensure the loss of the garage will not unduly affect the locality with regards to parking pressure.

7.5 Economic Considerations

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

7.6 Access

7.7 Other UDP/Westminster Policy Considerations

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

7.12 Other Issues

A number of objections to the application have been received regarding the extent of the works and the impacts of construction both in terms of traffic and noise. The application does include a number of internal works including works to infill the existing small swimming pool and ground floor level. However by virtue of these works being internal, they do not require planning permission and therefore the construction operations cannot be controlled. In relation to requests for a construction management plan to be submitted, construction impacts are now controlled through the City Council's adopted Code of Construction Practice and the scope of the works would not trigger this requirement. The hours of works can be controlled by condition and this should be sufficient to limit the disruption caused by the construction.

8. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning, dated 2 November 2017
3. Response from Plant and Equipment, dated 22 October 2017
4. Letter from occupier of 12 Albion Close, London, dated 4 October 2017
5. Letter from occupier of 8 Albion Close, London, dated 4 October 2017
6. Letter from occupier of 6 Albion Close, London, dated 7 October 2017
7. Letter from occupier of 9 Albion Close, London, dated 9 October 2017
8. Letter from occupier of 2 Albion Close, London, dated 11 October 2017
9. Letter from occupier of 11 Albion Close, London, dated 13 October 2017
10. Letter from occupier of 7 Albion Close, London, dated 16 October 2017
11. Legal Agreement regarding parking submitted by the Agent by email on 17 October 2017

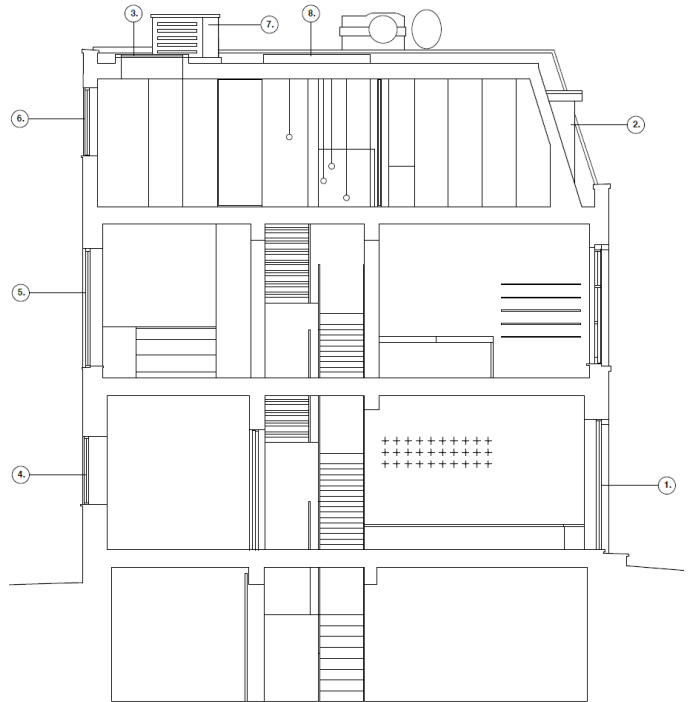
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SAM GERSTEIN
BY EMAIL AT sgerstein@westminster.gov.uk

9. KEY DRAWINGS



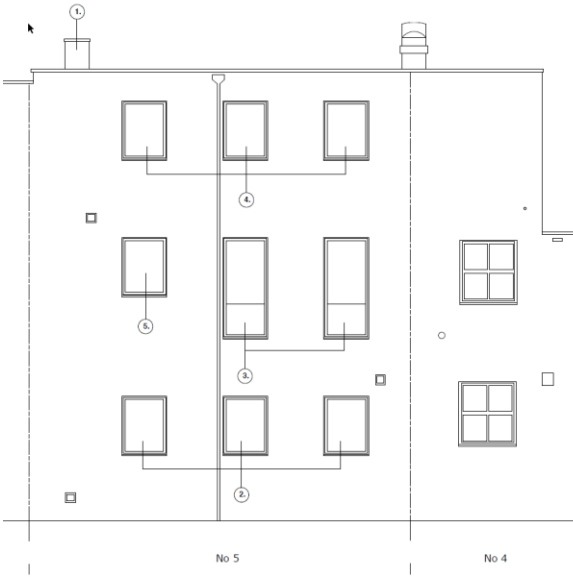
Proposed Section BB



Existing Section BB



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 5 Albion Close, London, W2 2AT

Proposal: Use of the garage as habitable accommodation, alterations to front and rear elevation windows and doors, extension of second floor to enclose internal courtyard, installation of a rooflight and installation of an air conditioning unit at roof level.

Reference: 17/08257/FULL

Plan Nos: ALB 100; ALB 101; ALB 102; ALB 103; ALB 104; ALB 105; ALB 106; ALB 107; ALB 108; ALB 109; ALB 110; ALB 111; ALB 112; ALB 113; ALB 114; ALB 200; ALB 201; ALB 202; ALB 203; ALB 204; ALB 205; ALB 206; ALB 207; ALB 208; ALB 209; Noise Impact Assessment by Sound Planning dated 15 November 2017.

Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

Recommended Conditions and Reason(s)

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

Reason:
For the avoidance of doubt in the interests of proper planning.

2 Except for piling, excavation and demolition work only, 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 Saturdays; 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 (S32)

Reason:
To protect the environment of neighbouring occupiers. This is as set out in S32 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 (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 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., (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 15 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.

Item No.
5

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.

- 5 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.

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 or visit www.ccscheme.org.uk.

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.