

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 February 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	11, 13 And 15 Bryanston Mews West, London, W1H 2BW		
<b>Proposal</b>	Alterations to the front roofslopes of the existing dwellinghouses to form roof terraces and erection of rear stair access enclosures to the rear.		
<b>Agent</b>	Boyer		
<b>On behalf of</b>	Mr & Mrs Isaacs, Bennett and Mallender		
<b>Registered Number</b>	17/05908/FULL	<b>Date amended/ completed</b>	5 July 2017
<b>Date Application Received</b>	5 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Refuse permission – impact on the appearance of the building and character and appearance of the conservation area; overlooking

## 2. SUMMARY

The application relates to three neighbouring dwelling houses, forming part of a 1960s development on the east side of Bryanston Mews West. Permission is sought for alterations to the roof of each property comprising the formation of an integral terrace to the front roof slope and the erection of a glazed stair access enclosure at the rear. Similar proposals for rear mansard roof extensions providing additional floorspace, with terraces to the front (involving buildings at 11 15 and 19 to 23 Bryanston Mews West), have previously been refused on design and amenity grounds.

Proposals have been received to the current application on design and amenity grounds. The key issues in this case are:

\*The impact of the alterations upon the appearance of the existing buildings and upon the character and appearance of this part of the conservation area

\*The impact of the development upon the amenities of neighbouring residential properties with regard to overlooking, loss of light and an increased sense of enclosure to neighbouring windows.

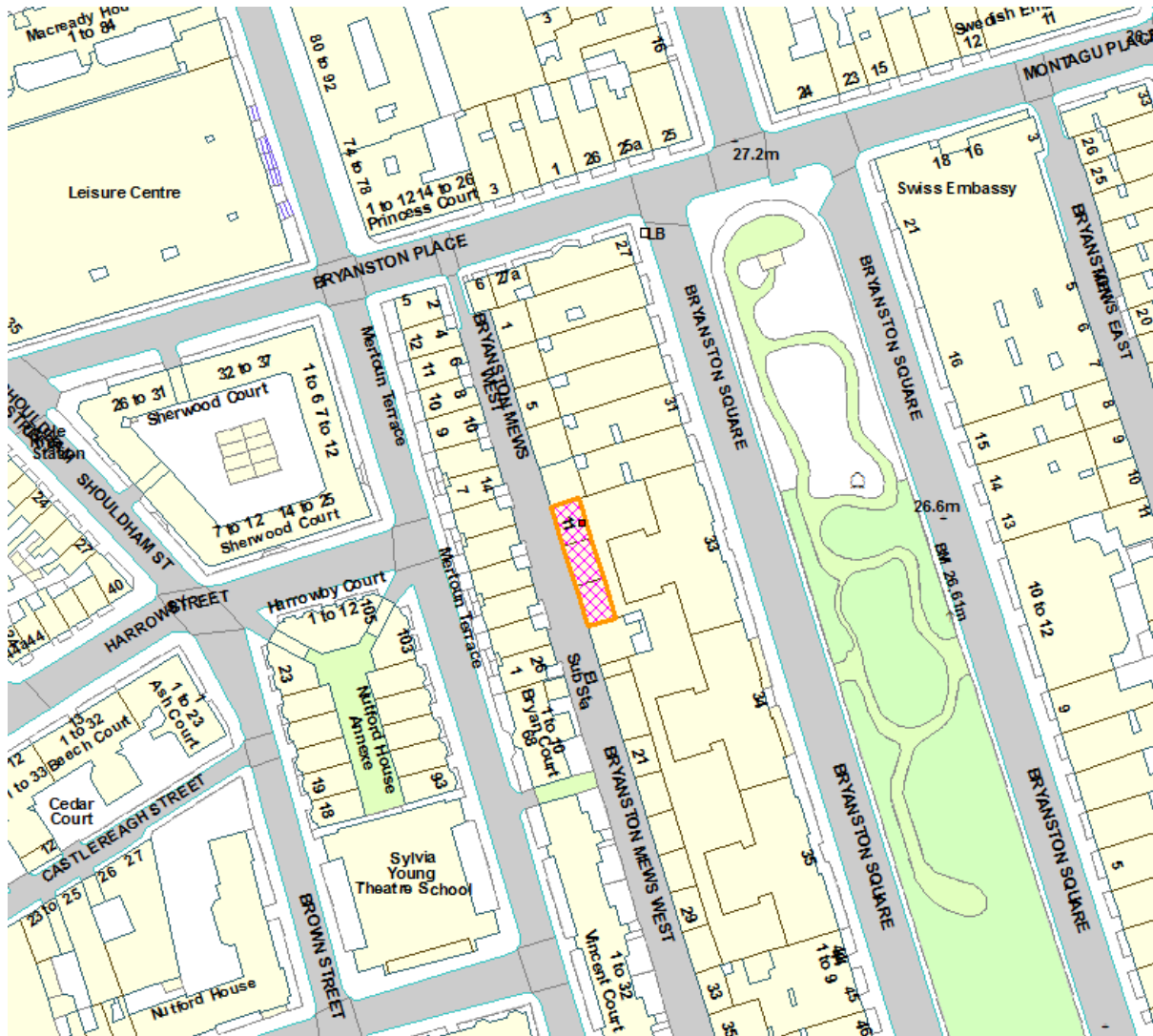
Although the proposed roof alterations are less extensive than those proposed under previous applications, it is considered that the development would have an adverse impact upon the appearance of the buildings, the terrace of which they form part, and on the character and

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appearance of this part of the conservation area. In addition, it is considered that the development would result in an unacceptable loss of privacy to the second floor flat at 33 Bryanston Square given the relationship of the proposed terrace, and rear access stairs, to neighbouring windows. The application is therefore considered to be contrary to relevant UDP and City Plan policies and is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58

Total No. of replies: 3, No. of objections: 2 No objection subject to certain criteria: 1

Amenity

Adverse impact on adjoining flats due to:

- loss of light
- overlooking to neighbouring flats and terraces
- increased sense of enclosure

No objection providing no overlooking to neighbouring roof terrace

Design

Out of keeping with mews and character of conservation area

No objection providing alterations in keeping with character and appearance of conservation area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises, Nos. 11,13 and 15 Bryanston Mews West comprise three individual single family dwelling houses. The buildings, which are not listed, form part of 1960s residential development of three substantial blocks of flats on the west side of Bryanston Square (Nos. 33, 34 and 35) and 10 three storey townhouses, with integral garages to the rear, nos. 11-15 and 19-31 Bryanston Mews West, on the east side of the mews. The building at No. 19, which incorporates three window bays, is wider than its two-bay neighbours. No. 17 Bryanston Mews West, a single dwellinghouse, which does not form part of the 1960s development.

The site lies within the Portman Estate Conservation Area.

The east side of Bryanston Mews West comprises nine of the original two storey mews houses in two groups at the northern and southern ends (Nos. 1-9 and 33-39). These groups of the original houses are separated by the 1960s town houses and No.17 Bryanston Mews West, which has been rebuilt and benefits from an additional storey which is set well back from the front of the building, with a terrace to the front.

The west side of the mews comprises the rear of two blocks of flats on Seymour Street, Vincent Court, and Bryan Court (ground and five floors). The rear of Mertoun Terrace

on Seymour Place (2-26 Bryanston Mews West) currently comprises ground and three upper storeys. The rear parapet is of a similar height to that at Bryan Court. Permissions have been granted for the erection of a roof extension to Mertoun Terrace but these permissions have since expired.

In 1983 the City Council determined that proposals to undertake alterations to the roof of 27 Bryanston Mews West, to create a terrace, constituted permitted development and did not require planning permission. However, it appears that the works undertaken did not accord with those shown on the submitted plan. Due to the period of time which has elapsed, this development, which is the only visible alteration to the roof of the 1960s buildings, is now lawful.

## **6.2 Relevant History**

24 September 2009; Permission refused for erection of roof extensions with integral terraces at Nos. 11 to 23 Bryanston Mews West (excluding no. 17) to provide additional residential accommodation to existing dwellings (Class C3) (08/10153/FULL) - principle and detailed design of extensions and impact on character and appearance of conservation area; loss of amenity to neighbouring residents - loss of daylight, sunlight and increased sense of enclosure.

3 February 2010: Permission refused for erection of roof extensions with integral terraces at Nos. 11 to 23 Bryanston Mews West (excluding No. 17) to provide additional residential accommodation to existing dwellings (C3) (09/09844/FULL) - principle and detailed design of roof extension, loss of light and increased sense of enclosure to adjoining flats.

(It is noted that the officer's report refers to a material loss of light to first floors windows at 33 and 34 Bryanston Square while the reason for refusal incorrectly refers to both ground and first floor windows).

19 July 2017: Lawful Development Certificate issued in relation to proposed replacement of existing first floor rear window at 11 Bryanston Mews West with openable doors and balustrade to form a Juliet balcony in association with the use of the property as a single family dwellinghouse (Class C3) (17/04975/CLOPUD)

28 September 2017: Lawful Development Certificate issued for proposed installation of Juliet balconies to the first floor rear windows of Nos. 11, 13 and 15 and installation of glazing into the garage door and fire escape door at front ground floor level of No. 11 (17/07056/CLOPUD).

## **7. THE PROPOSAL**

Permission is sought for alterations to the roofs of the adjoining houses to create terraces within the front roof slopes and for the erection of associated stair access enclosures to the roof of each property.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

The proposal results in a modest increase in floorspace to each of the existing dwelling houses. This accords with policies H3 of the UDP and S14 of the City Plan and is acceptable in principle in land use terms.

The nearest publicly accessible open or play space within this part of Westminster is sufficiently limited and distant from the application site that the area has been identified as deficient in both public open space and play space within the Council's published Open Space Strategy (2007). The scheme provides outdoor amenity space for each of the houses, where none currently exists. Improvements to the amenity of the existing houses accords with policy S29, which seeks to improve the residential environment.

#### 6.2 Townscape and Design

The roofs of the buildings, and the neighbouring houses forming part of the same development, are an important part of the original design of these attractive buildings. They are identified in the Portman Estate Conservation Area Audit as buildings of merit and where roof extensions are unlikely to be considered acceptable.

Whilst there are roof terraces on the west side of the mews, these buildings are of a different architectural style. As stated above, the terrace at no 27 was constructed under permitted development rights but does not appear to have been constructed in accordance with drawings submitted to the Council and is now a longstanding, and lawful, development.

Previous applications for alterations to a greater part of the terrace (Nos 11, 13, 15, 19, 21 and 23) have been refused:

- 2009 - a full additional storey with an integral terrace set behind the front roofslope
- 2010 - a rear roof extension leading to a terrace set within the front roofslope

These were considered to be unacceptable in principle on the grounds that that they would disrupt the scale of the eastern side of Bryanston Mews West and would exaggerate the difference in height between the traditional two storey mews buildings and the application buildings. The proposals were also considered unacceptable in terms of their detailed design.

The current application differs from previous proposals in that the development is restricted to the three properties (11, 13 and 15) which are separated from the other houses within the remainder of the 1960's development of the development by 17 Bryanston Mews West.

The proposed terraces would be set within the front roof slope, and enclosed by a glass balustrade projecting 400 mm above the roof, to create a barrier 1100 mm high (internally). The terraces would be accessed by new glazed stair enclosures to each property, each approximately 2 m wide. These enclosures would be set adjacent to the party walls serving the application premises (rather than on the boundary with the neighbouring properties to the north and south).

The drawings show that the stair enclosures would not project above the existing roof ridge. The submitted drawings suggest that this would leave a clearance of approximately 1.5 m between the stair landing and the highest part of the ceiling to the stair extension. This clearance would not comply with the Building Regulations which requires a minimum clearance of 2 m. Any increase in the height of the stair enclosure above the height of the roof ridge would be unacceptable in design terms. The submitted Design and Access Statement includes examples of glazed stair enclosures with openable sliding roofs. The applicant has advised that the proposed stair enclosures would be of a similar design. Despite advising that the application drawings would be revised to include the open roof detail, to date, the drawings have not been amended.

One objection has been received on the grounds that the proposals are out of keeping with the character of the mews. An adjoining resident has raised no objection to the proposals in design terms providing that the development is in keeping with the appearance of the other buildings within the mews which are of similar construction.

It is considered the roofscape of these buildings is an important part of their architectural style and there is a strong presumption to retain that. It makes a positive contribution to the character and appearance of this part of the conservation area and the proposed alterations would harm the appearance of the buildings and diminish their contribution to the conservation area. The proposal causes harm to heritage asset and, with respect to the NPPF, there are no public benefits which outweigh that harm. The proposals are contrary to the City Council's policies, especially Unitary Development Plan DES 6, regarding roof extensions. Accordingly, it is recommended that planning permission be refused on design grounds.

## **8.2 Residential Amenity**

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Similarly, under City Plan policy S29, the council will resist proposals that result in an unacceptable material loss of residential amenity. All development should aim to improve the residential environment.

The application premises back onto the rear of flats at 33 Bryanston Square.



## Daylight

The current application is not supported by a Daylight/ Sunlight report although the previous applications (refused in 2009 and 2010), both included detailed Daylight/Sunlight Reports based on the Building Research Establishment (BRE) guidelines.

The occupant of the second floor flat (Flat 7) at 32 Bryanston Square has objected to current application on the grounds that the proposal would adversely affect the level of light received to the rear bedroom. Officers have previously visited the first floor flat within the same property where, at that time, there were kitchen and two living room windows facing towards the mews. In assessing previous applications, given the relationship between 32 Bryanston Square and the proposed extensions at 11-15 Bryanston Mews West, it was considered that there would be no material loss of light to rear rooms within 32 Bryanston Square. As the proposed rear additions now of a significantly reduced height and bulk, this remains that case.

The property with the greatest potential to be affected by the proposed extensions is 33 Bryanston Square. This building has a rear projecting wing containing several windows in its rear (western) façade which is only 3m from the rear of 13-15 Bryanston Mews West.

No. 11 Bryanston Mews West faces the principal rear elevation of 33 Bryanston Square, and is separated by a large communal garden, approximately 10m deep. Given this separation, it is not considered that proposed stair enclosure would have a material impact on levels of light received to the windows in the main rear elevation.

The western facade of the rear wing to 33 Bryanston Square contains a single window on the ground and first floors. Previous site visits confirmed that the ground floor room was occupied as a study and the first floor room as a study/bedroom. At second floor level, there are three windows. The southernmost window is a secondary window to a dual aspect living room, which is principally lit by large windows in the flank (southern) facade of the rear wing. The central window serves a small bedroom and the northernmost window serves a larger, dual aspect, bedroom which also has larger windows in the return, northern, façade of the rear wing. The proposed rear stair enclosures to nos. 13 and 15 Bryanston Mews West would be centred on this rear wing.

In assessing previous schemes, it was considered that there would be a material loss of light to the first floor window rear study/bedroom to 33 Bryanston Square. Given that the scale and bulk of the proposed rear extensions is limited to a dormer-type extension, based on previous daylight assessments, it is not considered that there would be a material loss of light to this first floor window. Previous daylight reports also showed that there would be no material loss of light to rear ground and second floor windows at 33 Bryanston Square and, in view of the revisions to the scheme, this remains the case.

(The previous schemes also resulted in a material impact on the level of daylight received to rear windows at 34 Bryanston Square. However, as the current proposal only relates to the three application properties, and given their relationship with 34 Bryanston Square, this building would not be affected by the proposals).

## Sunlight

As the proposed rear stair enclosures do not project above the height of the existing roof ridge, it is not considered that the scheme would affect level of sunlight received to neighbouring windows.

## Sense of enclosure

Previous applications were refused on the grounds that the proposed rear roof extensions would have a material impact on the sense of enclosure to first and second floor windows within the western façade of the rear wing at 33 Bryanston Square. The applicant contends that, as the stair enclosures would be of a lightweight glazed construction, their impact on the sense of enclosure to these adjacent rear windows would not be significant. While the stair enclosures would be formed in glass, it is considered that the glazing would need to be obscured in order to protect the privacy of occupants of the rear flats, which would increase their apparent solidity. However, the stair enclosures would read as dormer-like extensions, set within the existing roof slope rather than as the full mansard-type rear additions previously proposed. In these circumstances, and as two of the adjacent windows are secondary windows to dual aspect living rooms and bedrooms, it is not considered that the proposals could justifiably be recommended for refusal on the grounds that a material impact on the sense of enclosure to neighbouring windows.

## Overlooking

An objection has been received on the grounds that the creation of the proposed terraces would result in overlooking to bedrooms and terraces on the opposite side of the mews. As these neighbouring properties benefit from terraces to the front, there would be a degree of mutual overlooking. Furthermore, the buildings are separated by a mews width and therefore it is not considered that the impact on these properties would be significant. It is noted that the previous applications for roof terraces to the application buildings were considered acceptable in terms of their impact on the buildings opposite and this objection could not be supported.

The occupier of the second floor flat at 32 Bryanston Square has objected on the grounds of overlooking from the proposed terraces but, at a subsequent site visit, confirmed that this was on the basis that they believed the terraces to be rearward facing. The occupiers of 17 Bryanston Mews West, immediately to the south of the site, have also expressed concern about potential overlooking to the terrace at the front of their property. However, the proposed terrace to no. 15 would be located a floor above the neighbouring terrace and would be screened by a party wall rising to 1.6m tall towards the centre of the roof. The submitted plans also show planters on the outer edges of the terraces, which would prevent people standing close to shared boundaries with nos. 9 and 17 Bryanston Mews West. Should the scheme otherwise be considered acceptable, a condition could be imposed require details of measures to prevent access the outer parts of the terraces to nos. 11 and 15 – either fixed planters or barriers. Additionally, the most “natural” views from the terrace would be directly across the mews, rather than looking downwards to the roofs of the neighbouring site. Similarly, given the that the terrace would be screened by the roof ridge, and subject to a condition

requiring the installation of terrace barriers, or similar, it is not considered that the proposals would result in a loss of privacy to windows in the main rear and flank elevations at 32 or 33 Bryanston Square or to the raised garden level terrace at the rear of 17 Bryanston Mews West.

Previous applications were considered acceptable in relation to any potential overlooking to windows at the rear of 33 Bryanston Square because the proposed terraces were set in front of, and screened by, full height mansard roof extension at the rear of the buildings. In the current proposals, the existing ridge height would be retained, shown at 1.7m above terrace level. This is less than the usual 1.8m height normally required for privacy screens and, notwithstanding the fact that “natural” views would be across the mews, there is potential for taller people standing on the terrace to look over the roof ridge back towards the rear windows at 33 Bryanston Square from a distance of approximately 6.4m. Additionally, if the application drawings were revised to provide openable roofs to the stair enclosures, necessary to address the requirements of the Building Regulations, the scheme would provide an opportunity to look towards these neighbouring windows from the stair landing, at a distance of approximately 4.9m from the rear facade. In these circumstances, the proposals would result in a material loss of privacy to the second floor flat at 33 Bryanston Square contrary to UDP policy ENV13 and S29 of the City Plan.

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

The scheme does not raise any parking/transportation issues.

#### **8.5 Economic Considerations**

Any economic benefits that would arise from the scheme are welcomed.

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

Not applicable

#### **8.7 London Plan**

The proposal does not raise any strategic issues

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

##### **Access**

Access to the existing dwelling houses is unchanged. The new terraces would be accessed by dormer-type stair extensions set within the rear roofslopes. However, as shown on the application drawings, the clearance above the new stair landing is inadequate and would not comply with the requirements of the Building Regulations.

## **Bio-diversity**

The proposal would provide some, limited, opportunity for planting on the roof terrace. This would make some increased contribution to the biodiversity of the area, which is welcomed.

## **8.9 London Plan**

This application raises no strategic issues.

## **8.10 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.

## **8.11 Planning Obligations**

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

## **8.12 Environmental Impact Assessment**

Environmental Impact issues have been covered elsewhere in the report.

## **8.13 Construction impact**

Should the scheme otherwise be considered acceptable, the hours of building work could be controlled by condition in order to safeguard the amenity of neighbouring residents.

## **9 BACKGROUND PAPERS**

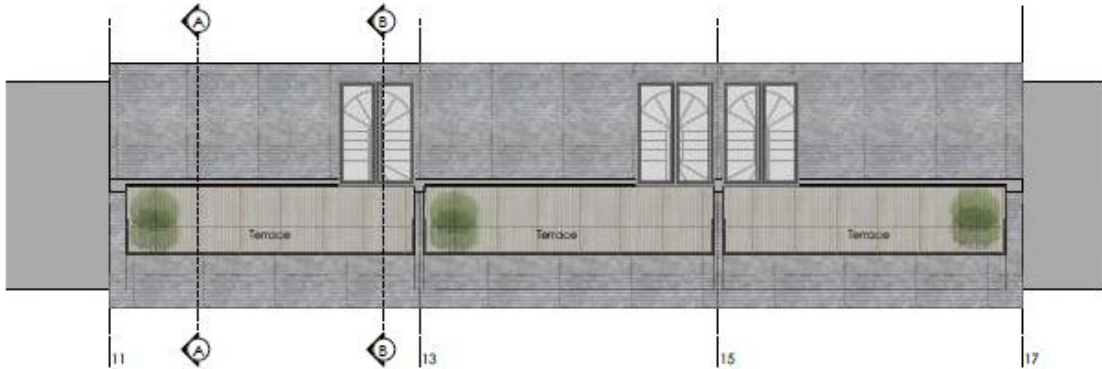
1. Application form
2. Response from Marylebone Association, dated 11 July 2017
3. Letter from occupier of 17 Bryanston Mews West, London, dated 13 July 2017
4. Letter from occupier of Flat 7, 32 Bryanston Square, dated 1 August 2017
5. Letter from occupier of 19 Riding House Street, London, dated 2 August 2017

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

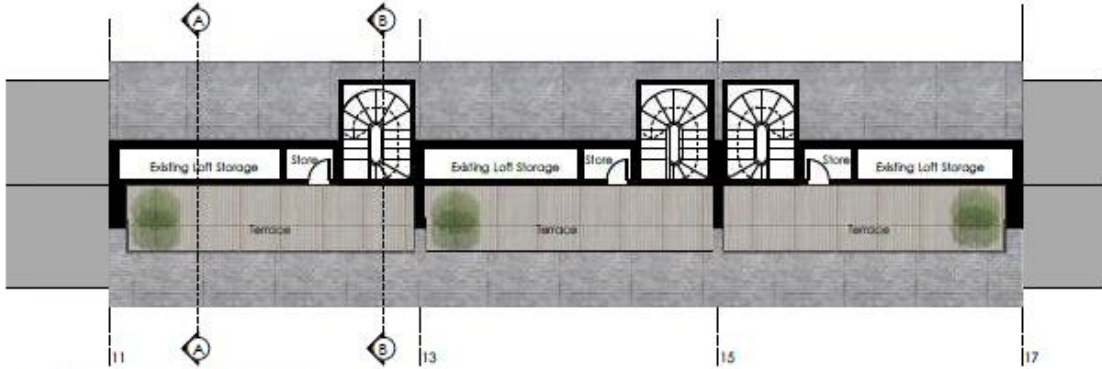
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

KEY DRAWINGS

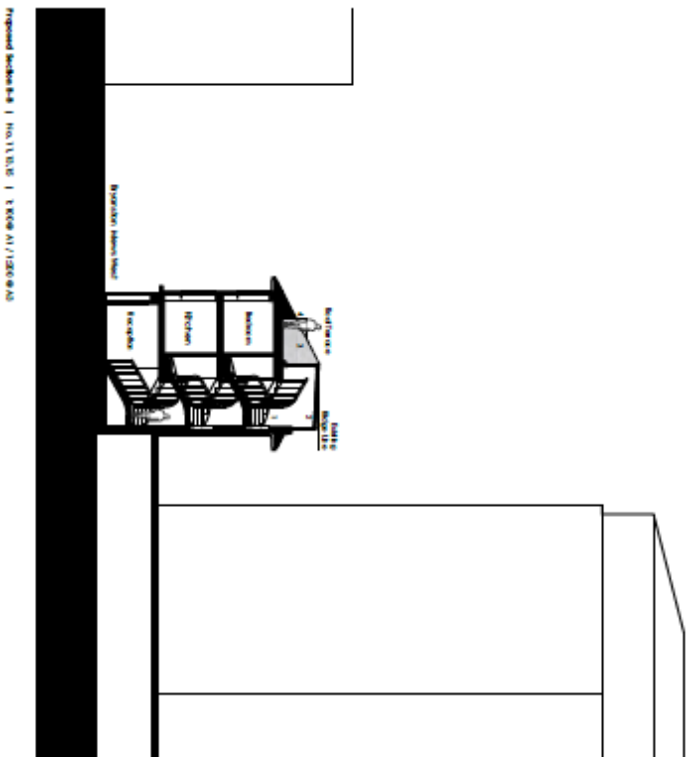
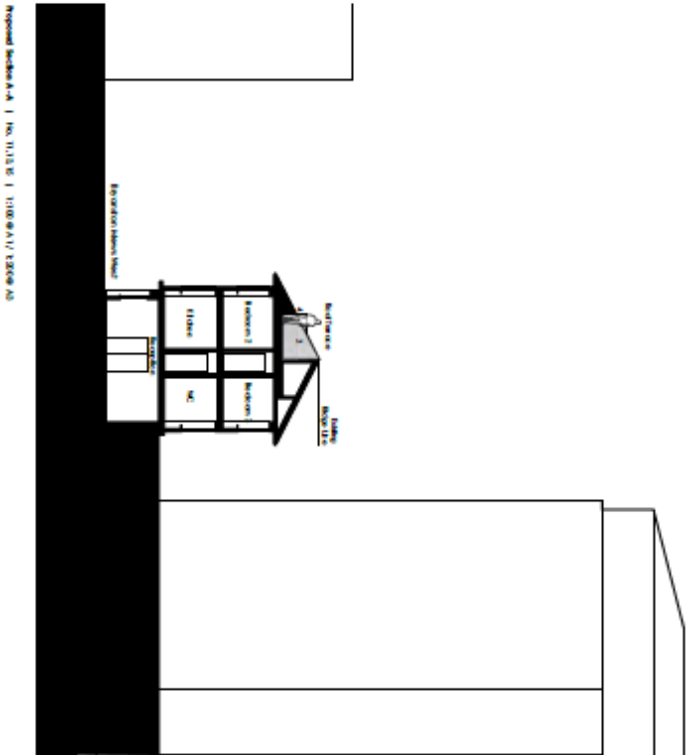
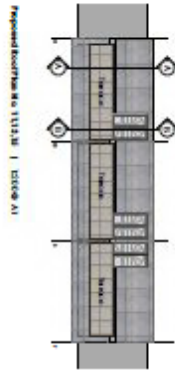
Proposed plans (extract)

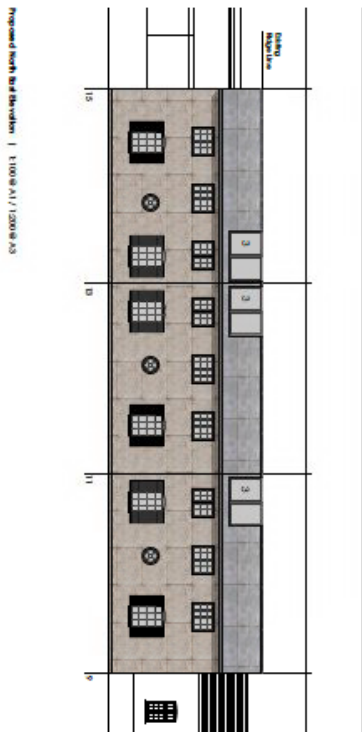
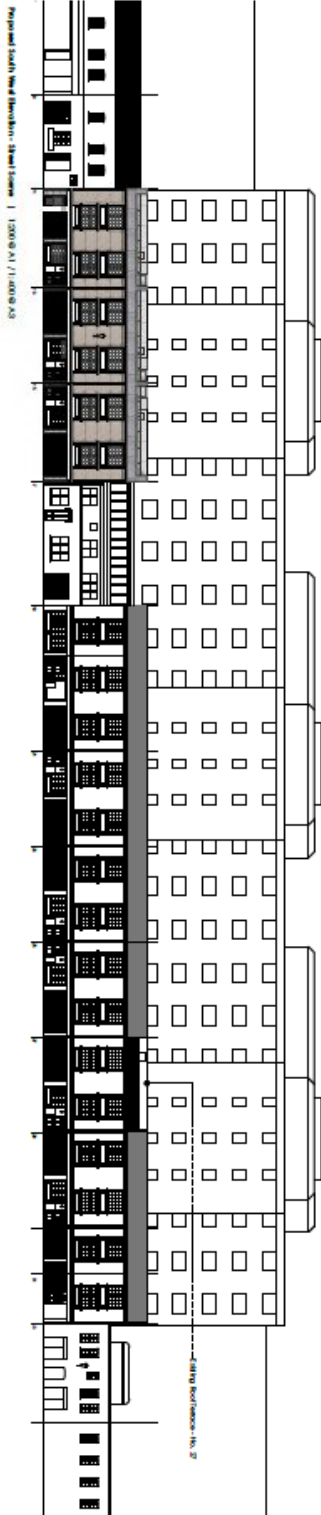


Proposed Roof Plan No. 11,13,15 | 1:100 @ A1 / 1:200 @ A3



Proposed Terrace Plan No. 11,13,15 | 1:100 @ A1 / 1:200 @ A3





**DRAFT DECISION LETTER**

**Address:** 11, 13 And 15 Bryanston Mews West, London, W1H 2BW,

**Proposal:** Alterations to the front roofslopes to form roof terraces and erection of rear stair enclosures to each property in association with the continued use of No's 11, 13 and 15 Bryanston Mews West as single family dwellinghouses (Class C3) (Site includes 13 and 15 Bryanston Mews West)

**Reference:** 17/05908/FULL

**Plan Nos:** A\_PR\_101\_2 Rev A, A\_PR\_102\_2 Rev A, A\_PR\_103\_2 Rev A,

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

1 Reason:  
Because of its design, location and architectural relationship to the buildings, the roof level terrace would harm the appearance of the buildings, the terrace of which they are part, and fail to maintain or improve (or preserve or enhance) the character and appearance of the Portman Estate Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted in November 2013 and DES 1, DES 6, DES 9, and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

2 Reason:  
The proposals would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet EN12 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AC)

**Informative(s):**

1 In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available our pre application advice in the form of our statutory policies in Westminster's City Plan (November 2016) and Unitary Development Plan, Supplementary Planning documents, planning guidance and other informal written guidance, as well as offering a full pre application advice service. However we have been unable to seek solutions to problems as the principle of the proposal is contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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