

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	120 Westbourne Terrace Mews, London, W2 6QG		
Proposal	Installation of window at second floor level in side elevation facing rear lightwell (retrospective).		
Agent	Fraher Architects Ltd		
On behalf of	Ms Allyson Ke		
Registered Number	17/08054/FULL	Date amended/ completed	7 September 2017
Date Application Received	7 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to a mews property, situated within a row of nine mews properties that have all recently been extended with a mansard roof to form a new second floor level.

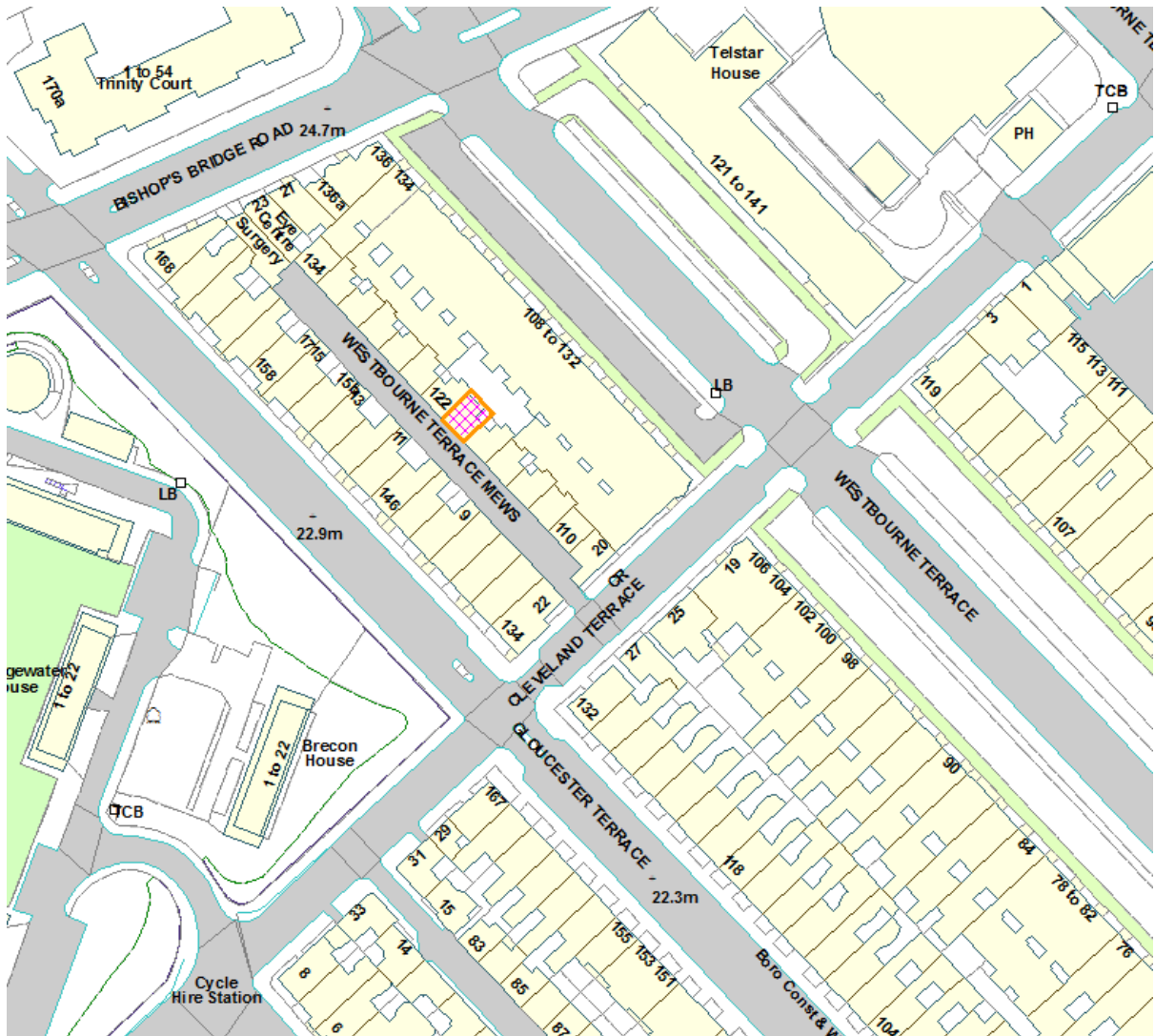
A window opening has been created in the side elevation of the rear projection of the mansard roof facing the rear lightwell without the benefit of planning permission and its retention is sought. The application has been submitted as a result of enforcement investigations. Objections from residents within the properties to the rear in Westbourne Terrace have been received primarily on the grounds of the overlooking and that permission should not be granted for unauthorised works.

The key issue in the determination of this application are:

- The impact of the window upon the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The impact of the window upon the amenity of residents to the rear of the application site in Westbourne Terrace.

Subject to the recommended conditions, the proposal is considered to be acceptable in design, conservation and amenity terms and would accord with Policies DES1, DES5, DES9 and ENV13 in the Unitary Development Plan (UDP) adopted in January 2007 and Policies S28 and S29 in the City Plan adopted in November 2016. Therefore, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos.110-126 Westbourne Mews Terrace (top) and proposed window at No.120 (currently blocked up) (bottom).

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on overlooking grounds, could be overcome by conditioning obscure glazing and non-openable.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 110

No. of Objections: 7 responses received from 4 respondents.

Objections raised on all or some of the following grounds:

AMENITY:

- Overlooking.
- The arguments that an additional window is required as more light is needed is not sufficient enough, given the number of existing windows and skylights.
- The issue could be overcome by obscure glazing, but how is this enforceable.

OTHER:

- A retrospective application should not be allowed.
- Noisy works and disruption.
- Untidy behaviour from the contractor.
- Damage to neighbouring private properties.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted 1950's mews dwellinghouse located within a run of nine two storey properties between Nos.110 and 124 Westbourne Terrace Mews that have each have recent constructed mansard roofs at second floor level. The site is located within the Bayswater Conservation Area and the terraces to the north east and south west facing Westbourne Terrace and Gloucester Terrace respectively are grade II listed.

6.2 Recent Relevant History

15/01694/FULL

Erection of extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses.

Application Permitted 14 July 2015

16/11026/ADFULL

Details of a sample of obscure glazing and dormer windows pursuant to Conditions 3 and 9 of planning permission dated 14 July 2015 (15/01694/FULL).

Application Permitted 19 January 2017

16/06583/ADFULL

Details of appropriate arrangements to ensure that the roof extensions are completed as a single construction contract and the works are carried out in their entirety pursuant to Condition 6 of planning permission dated 14 July 2015 (RN: 15/01694).

Application Permitted 22 September 2016

17/10172/FULL

Variation of Condition 3 of planning permission dated 14 July 2015 (RN: 15/01694) for erection of extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses; NAMELY to apply obscure film and restrict the opening panes of 7 rear casement windows to the rear at second floor level.

Above application to be presented to 6 February Planning Applications Sub-Committee and recommended for approval.

7. THE PROPOSAL

Permission is sought to retain a currently unauthorised window opening in the side elevation at second floor level, facing the rear lightwell. The window opening has been created but no window has yet been installed. The submitted Design and Access Statement states that the additional window is to allow additional light to the mansard floor accommodation and the applicant has further argued that the south facing side elevation window will provide additional sunlight to the second floor accommodation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed window does not raise any land use issues.

8.2 Townscape and Design

Whilst fenestration at roof level is typically found in the front and rear elevations, the existing form does deviate from a typical mansard with the inclusion of an exposed side return. Given the limited views of the rear elevation of this mansard roof, from only the rear of properties in Westbourne Terrace, it is not considered that the window would be alien to the architectural style of the building. The proposals do not impact on the appreciation of the building's hierarchy and the relationship between buildings and therefore it is considered that the new window would preserve and enhance the character and appearance of the building and consequently the wider Bayswater Conservation Area. The window would not adversely affect the setting of the neighbouring listed buildings.

In design terms, the proposals are considered to comply with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES9 in the UDP.

8.3 Residential Amenity

Policy S29 in the City Plan and Policy ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received to the proposals on overlooking grounds.

The installation of a window in the side elevation of the projecting part of the mansard roof with clear glazing would result in additional overlooking to the courtyard of the adjacent neighbouring property and to properties to the rear of the application site in Westbourne Terrace. Given the approach to overlooking taken to the two existing windows in the rear elevation of the mansard roof, both of which are to be required to be obscure glazed and fixed shut, it is recommended that a condition is imposed to ensure the additional window now proposed is also obscure glazed and fixed shut. Such a condition would prevent overlooking from the proposed window.

Despite the requirement to obscure glaze the window it would still allow further daylight and sunlight into the recently created accommodation at second floor level and it should be noted that in addition to the front and rear dormer windows, the recently constructed second floor level accommodation at the application site also benefits from a rooflight.

8.4 Transportation/Parking

Not applicable.

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

Not applicable

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.

8.12 Other Issues

Objections have been received on the grounds that this work has already been partially carried out and the application is therefore partially retrospective. Whilst this is acknowledged, this is not a ground on which permission could reasonably be withheld.

Objections have been received on the grounds of noise and disruption and messy behaviour from the building contractors. Again, whilst this is regrettable, this is not a valid ground for withholding permission. A condition is recommended to limit the hours of construction works to the City Council's standard hours for building works.

9. BACKGROUND PAPERS

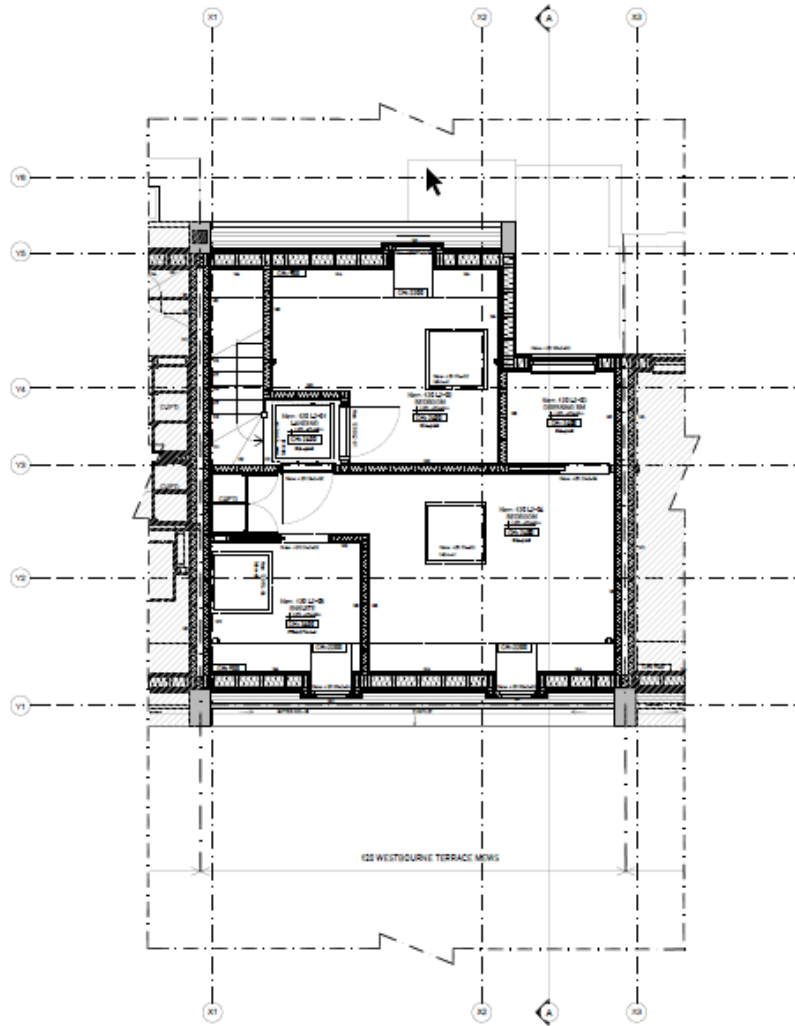
1. Application form.
2. Email from the South East Bayswater Residents Association dated 5 October 2017.
3. Email from the occupier of 112a Westbourne Terrace dated 16 October 2017.
4. Email from the occupier of 120A Westbourne Terrace dated 21 October 2017.
5. Emails from the occupiers of 118A Westbourne Terrace dated 22 October 2017.
6. Email from the occupier of 116a Westbourne Terrace dated 27 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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

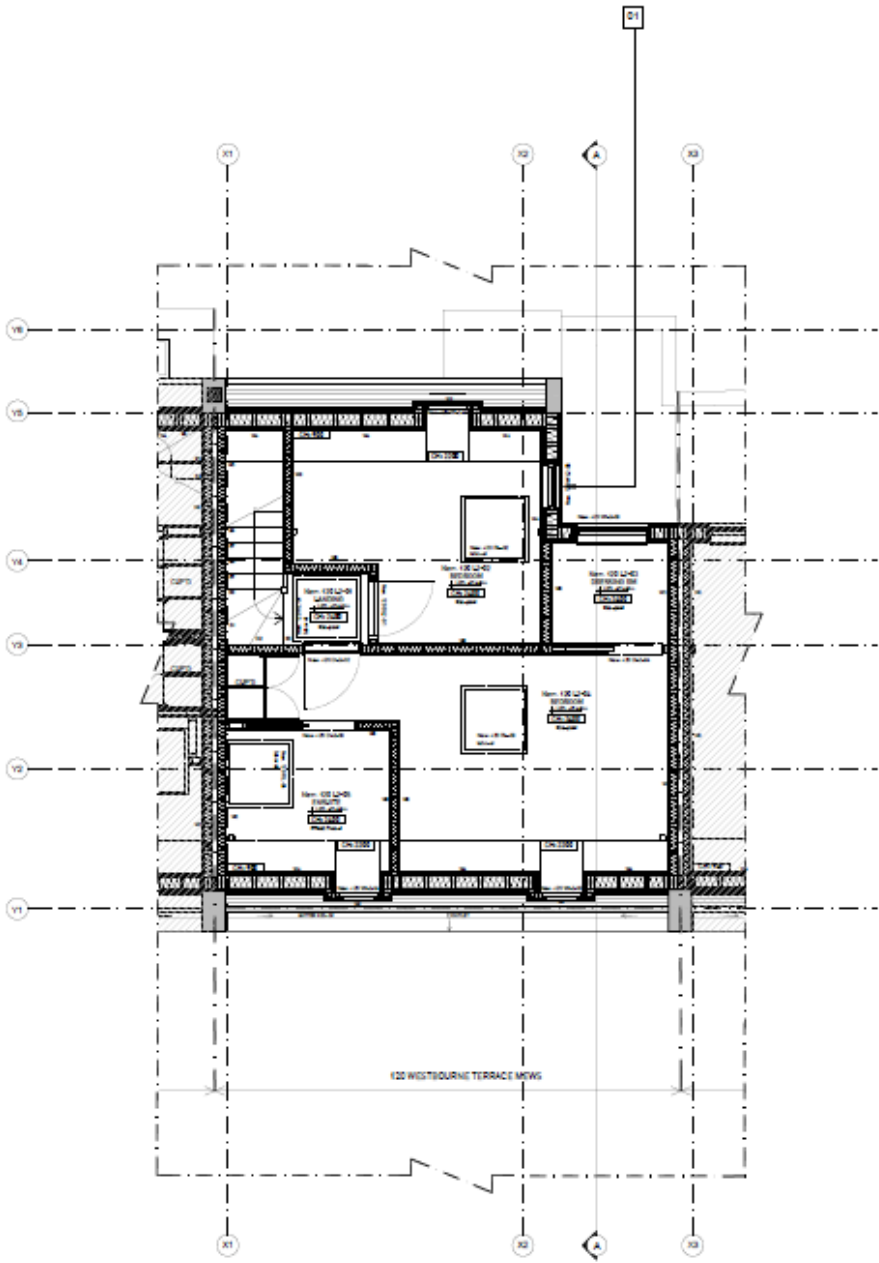
10. KEY DRAWINGS

Existing Mansard Level



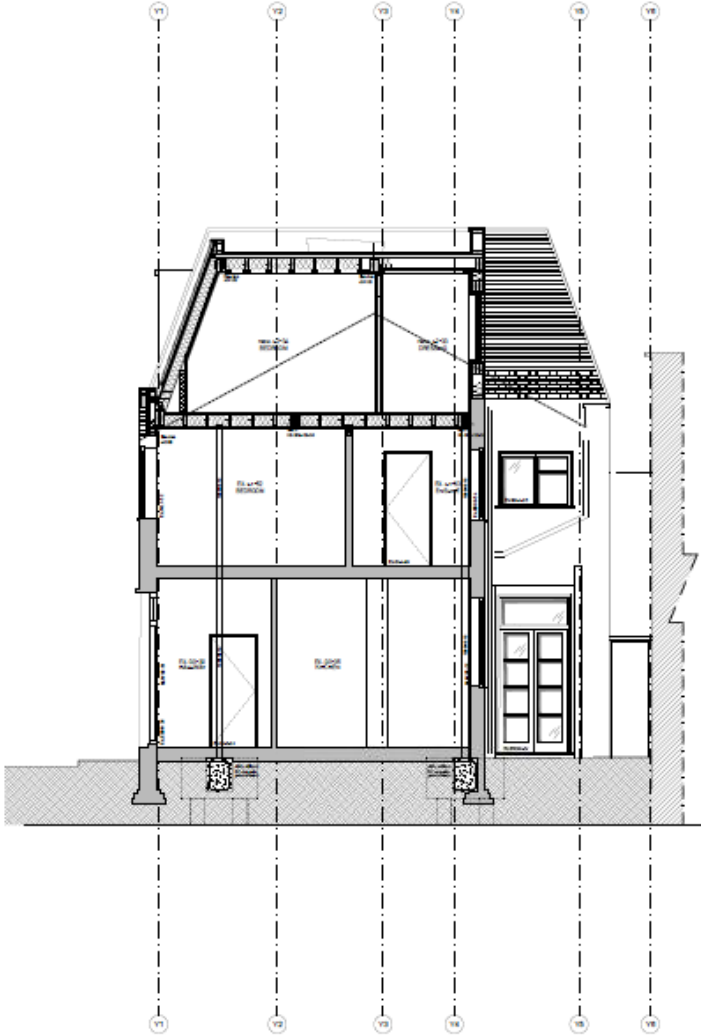
EXISTING LOFT FLOOR PLAN 1:50 B A1 / 1:100 B A3

Proposed Mansard Level



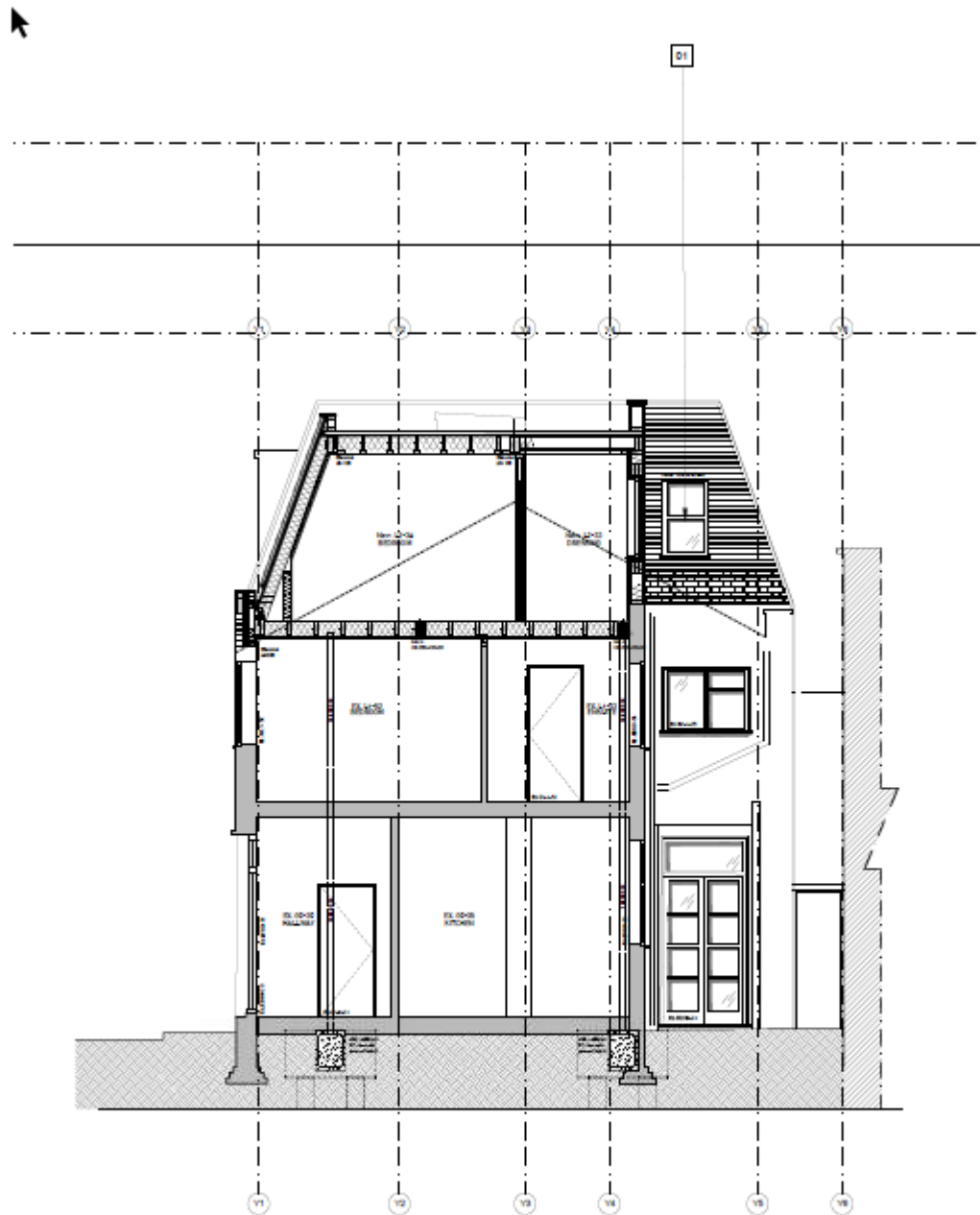
PROPOSED LOFT FLOOR PLAN 1:50 @ A1 / 1:100 @ A3

Existing Mansard Level Elevation



EXISTING SECTION A-A 1:50 @ A1 / 1:100 @ A3

Proposed Mansard Level Elevation



PROPOSED SECTION A-A 1:50 @ A1 / 1:100 @ A3

DRAFT DECISION LETTER

Address: 120 Westbourne Terrace Mews, London, W2 6QG,

Proposal: Installation of window at second floor level in side elevation of facing rear lightwell (retrospective).

Plan Nos: 1625PL0101 P1; 1625PL011 P01; 1625 PL012 P01; 1625PL013 P01; 1625PL014 P01; 1625PL015 P01; Design and Access Statement.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 Within 2 months of the date of this decision letter you must apply to us for approval of a sample of the obscure glass (at least 300mm square) to be fitted in the window in the side elevation of the rear projection of the second floor mansard roof extension. You must not install the window within the window opening until we have approved the sample. You must then install the window and fit the type of glass we have approved within one month of the date on which we approve the details of obscure glazing. Thereafter you must permanently retain the window with the whole of the glazed area fitted with the obscure glazing we approve and you must fix the window permanently shut.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.