

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 February 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>73 ECCLESTON SQUARE MEWS, LONDON, SW1V 1QN</b>		
<b>Proposal</b>	Erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades.		
<b>Agent</b>	Mr & Mrs Quintin and Sarah Hinxman		
<b>On behalf of</b>	Mr & Mrs Quintin and Sarah Hinxman		
<b>Registered Number</b>	17/05530/FULL	<b>Date amended/ completed</b>	6 December 2017
<b>Date Application Received</b>	22 June 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Refuse permission – impact on neighbour’s amenity.

## 2. SUMMARY

73 Eccleston Square Mews is an unlisted mews building located within the Pimlico Conservation Area. Permission is sought for the erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades.

The main issues for consideration are:

- the impact of the proposed development on the character and appearance of the building and the Pimlico Conservation Area; and
- the impact on the amenity of neighbouring residents.

Because of its proximity to a neighbouring residential window, the proposed roof extension would be an unneighbourly form of development harmful to residential amenity. As such the proposal fails to meet with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is recommended for refusal for the reason set in the draft decision notice.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Front Elevation from Mews



View of Front and Roofscape Showing Adjoining Mansard Extensions

## 5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of objections: 3 (from one neighbour)

Objection from a neighbouring resident on the following summarised grounds:

- Harm to residential amenity given the proximity of the proposed extension to their window, particularly in terms of loss of light, and the revisions made the applicant do not overcome these concerns; and
- Impact on the maintenance of gutters and walls.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

73 Eccleston Square Mews is an unlisted mews building located within the Pimlico Conservation Area. It makes a positive contribution to the character and appearance of the conservation area, and is identified in the Pimlico Conservation Area Audit as an 'unlisted building of merit'.

The application site is unusual, the side elevation adjoins two buildings on Belgrave Road, both of which have mansard roof extensions with windows looking over the roof of 73 Eccleston Square Mews. These windows are to 26C and 26D Belgrave Road.

### 6.2 Relevant History

On 25 July 2016 a Certificate of Lawful Development was issued for the excavation of a new single-storey basement extension entirely within the footprint of the original house; installation of a new relocated front door and two new windows into the front facade.

On 17 December 1992 planning permission was granted for the erection of a mansard roof extension with a smaller footprint than that currently sought. This was not implemented.

## 7. THE PROPOSAL

Permission is sought for the erection of a mansard roof extension to provide additional residential accommodation, and alterations to the existing facades. The proposed roof form is a mansard to front and rear, with a sheer section facing the gap to Belgrave Road. The mansard is set back from the Belgrave Road properties and during the course of the

application, the applicant revised the proposal to further set back the mansard from 26D Belgrave Road. The alterations to the front façade include the replacement of the front door and garage doors with a relocated front door and a new window at ground floor and two replacement windows at first floor. The alterations to the rear façade include the replacement of two ground floor windows.

The proposal would increase residential floorspace and this is summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residential)	138	189	51

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application property is a single family dwellinghouse and the additional residential floorspace created would enlarge it. This would raise no land use implications.

### 8.2 Townscape and Design

#### Roof Extension

The Pimlico Conservation Area Audit suggests 73 Eccleston Square Mews may be a building suitable for a roof extension. The majority of the buildings on this mews exhibit a roof extension and a roof extension was previously approved to this building in 1992.

The proposed roof form is a mansard to front and rear, with a sheer section facing the gap to Belgrave Road. This is an unconventional roof form, but one which will not be apparent except in views from the upper storeys of the Eccleston Square buildings. The roof will read as a conventional one in all street level views.

Viewed from Belgrave Road, the additional sheer section of the roof extension will fill the gap between the buildings on Belgrave Road, albeit set back to the depth of those buildings. The sheer storey will not harm the character of the conservation area. The gap is not considered to be a 'Pimlico gap' as described in the Pimlico Design Guide and Audit. Its infilling is therefore considered to be acceptable.

Viewed from Eccleston Square Mews the appearance of the mansard from the front will be conventional; all the other buildings on the north side of this part of the mews have similar roof extensions.

The roof extension would be most apparent from views from the rear, where it will increase the apparent height of the building. However, as it is comparable to other roof extensions and of a mansard design, it is considered that the increase is within an acceptable range.

For these reasons, the proposals are considered to comply with policies S25 and S28 of the City Plan and DES 1, DES 6 and DES 9 of the UDP. Had the application been acceptable, conditions would be attached to ensure acceptable materials, finishes and detailed design of the extension and alterations.

## **Façade Alterations**

The changes to the door and windows on the front elevation are undesirable. The Council's 'Mews – A Guide to Alterations' states the simplicity of mews houses is one of their great attractions, and alterations to mimic small-scale town houses will often be opposed. The proposed door surround is considerably grander than one would expect in a mews building. In addition, the existing modest garage doors and sash window with apron make a positive contribution to the appearance of the building and the area.

However, the changes to the doors and window would be permitted development, and would not therefore require planning permission to implement. A Certificate of Lawful Development has recently been issued which confirms similar alterations are permitted development. It would therefore be unreasonable to refuse permission for the façade changes in the current application on design grounds.

### **8.3 Residential Amenity**

Numerous residential properties are located in close proximity to the application site, most notably 26C and 26D Belgrave Road adjoin to the north-east and are orientated perpendicularly to the application site. Two of their roof level rear windows look over the roof of 73 Eccleston Square Mews. Immediately to the rear is 73 Eccleston Square, which is split into residential flats, and to the front across the mews is the rear of 26B Belgrave Road.

Objections have been received from an adjoining residential occupier at 26D Belgrave Road on the grounds of harm to their amenity. They consider the proximity of the proposed extension to their window would worsen the enjoyment of their property, particularly in terms of loss of light.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

#### **Sunlight and Daylight**

The applicant has carried out an assessment of adjoining properties based on the methodologies laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. The BRE guide does not require the assessment of non-habitable rooms, such as bathrooms.

The applicant's assessment relates to 26C and 26D Belgrave Road and 73 Eccleston Square (the property to the front, on the opposing side of the mews, has no windows which face the site).

### *26D Belgrave Road*

From the objector's window at 26D Belgrave Road which looks over the application site, the opposing part of the proposed roof extension would be below the 25 degree line (a line below which the BRE guide suggests a development would have no implications in terms of light). This is because the extension would be set back and would slope away from the window. It should be noted that part of the proposed extension would also be immediately adjacent to this window, but it is not considered that this would result in a harmful loss of sunlight or daylight. This is because the room affected also enjoys three other windows and benefits from a rooflight. It is an open plan living and dining room, in a triple aspect arrangement. This room would remain well lit.

### *26C Belgrave Road*

26C Belgrave Road also has a window which looks over the roof of the application site. This window serves a bathroom, and the extension would be in front of this window but set back and sloped away. As this window serves a non-habitable room, the BRE guide's methodologies would not apply - the loss of light to a bathroom would not be a sustainable reason to refuse planning permission.

### *73 Eccleston Square*

With regards to 73 Eccleston Square, the applicant has identified two sets of glazed doors at garden level, and a window at first floor, where the BRE guide suggests further analysis is required as the development would be within the 25 degree line from these window and doors. The assessment the applicant conducted for daylight values is the 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The applicant's analysis confirms the development would not breach this criteria, there would be no noticeable loss of daylight therefore. The rear windows to this building are not within 90 degrees of due south and so would not suffer from a noticeable loss of sunlight.

## **Sense of Enclosure**

### *26D Belgrave Road*

Given the unusual site layout, the main implication of the proposal is considered to be the impact on a sense of enclosure for residents living at 26D Belgrave Road. This is because the proposed extension would be in close proximity to one of its windows which serves the principle living area of that dwelling.

On 17 December 1992 planning permission was granted for a roof extension. Originally that application had proposed an extension that would have occupied the entire roof of the mews. The situation with the Belgrave Road properties window's looking over the roof was extant at this time, and objections were received from the occupiers of 26D Belgrave Road on the grounds it would obstruct their window. The applicant at that time revised the design of the roof extension to address this - the extension was set back 2.4 metres from



the rear elevation to avoid being directly in front of the window at 26D Belgrave Road and was set back and sloped away from the affected window at 26C Belgrave Road. In this form, the extension was considered acceptable and permission was granted.

During the course of the current application, officers gave the applicant the opportunity to revise the extension to be in line with the set back from the rear elevation that was previously permitted in 1992. Instead, the applicant revised the extension to be set back further from the side elevation. This larger set back has increased the distance between the mansard roof extension and the window at 26D Belgrave Road, although the extension will still be in front of the affected window.

The applicant has conducted an impact assessment to support their contention that this revised design will not unduly impact on 26D Belgrave Road. It notes whilst there are no methodologies to measure a sense of enclosure, the set back, combined with the slope of the mansard, would mean a large portion of visible sky would be retained - diagrams have been provided which show this would be the case.

The applicant notes that the room affected is well served by other windows which would be unobstructed, or largely unobstructed, by the development and has also provided analysis demonstrating this. Whilst the extension would be close to one window, the applicant argues the occupiers of this multi window room could not reasonably be considered to be unduly enclosed by the extension impacting one of these. Furthermore, the applicant notes that the planning permission for the mansard at 26D Belgrave Road was granted subject to a condition that the rear dormers windows are obscure, and so the clear windows apparent today may have been installed in breach of planning control. Had this development been built in accordance with its permission, there would be no outlook over this roof.

The objector has been notified of the revision to the scheme, and whilst they agree it would reduce the impact on them, they do not consider it sufficient to overcome their original objection.

An increased sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing residents. Extensions in front of neighbouring windows will often have this effect and are often resisted for this reason.

The applicant's revision partly mitigates this effect by setting back and sloping away the mansard extension. However, the extension would still be directly in front of the window and in close proximity, it would leave a gap of approximately 2.1 metres between the window face and the slope of the mansard extension. This is considered to be unneighbourly. It would have an overbearing effect on the residents who lives there and would be unduly oppressive, worsening the enjoyment of the room, particularly the dining area which currently enjoys a good sense of openness. It is appreciated that the room enjoys other windows which would remain unobstructed, but the affected window contributes to the room's sense of openness, and obstructing it is considered unneighbourly and unjustifiably harmful.

The applicant's argument regarding the original permission for the mansard at 26D Belgrave Road is understood, however the affected rear window has evidently been clear

for many years and so would be lawful by virtue of its length of existence. It was considered necessary to prevent development directly in front of this window in 1992 and officers do not consider there is a justification to depart from this position.

#### *26C Belgrave Road*

As the window affected at 26C Belgrave Road is to a non-habitable bathroom, the living areas of this property would not be harmed in terms of enclosure. Further, the mansard extension has been set back and sloped in the same manner as was granted permission in 1992.

#### *73 Eccleston Square*

The roof extension would increase the height of the and bulk of the building which would be apparent from the rear windows and garden of 73 Eccleston Square. Given the relative distance to the affected windows, that the height and bulk of the extension is comparable to the other mansard roof extensions on the mews and because the it would be set behind the existing parapet and sloped - the impact is not considered unduly harmful.

### **Privacy**

The roof extension would contain new front and rear windows. The front windows are proposed to be clear and the windows to the rear would be part clear part obscure. To the front, there would be no direct views into neighbouring buildings. To the rear, harmful overlooking would be prevented by the obscure glazing which would be applied to the lower half of each rear roof level window. The applicant has provided analysis which demonstrates this would be sufficient to prevent harmful overlooking. Had the application been acceptable, a condition would be attached to ensure this would be the case.

At ground floor level, the rear windows are proposed to be replaced with larger windows. The existing windows are clear, but are high level. It is proposed to replace this with larger windows but they would continue to be high level which would prevent harmful overlooking and therefore this alteration is not opposed.

### **8.4 Transportation/Parking**

Whilst there are garage doors to this property currently, the off-street car parking space that it is assumed once existed has been converted in to habitable space. There were no conditions to prevent this. In these circumstances, the proposals would have no highway implications.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Whilst the front door would be relocated, and the new access arrangement would be similar to the existing.

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

None relevant.

### **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.

The development is not CIL liable, less than 100 square metres of floorspace would be created.

### **8.11 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement of an EIA.

### **8.12 Other Issues**

Concern has been raised regarding the ability to maintain the building/ adjoining buildings. Maintenance, including keeping the properties gutters clean, would be the responsibility of the building's owner and it is not considered that the proposals would render this unfeasible.

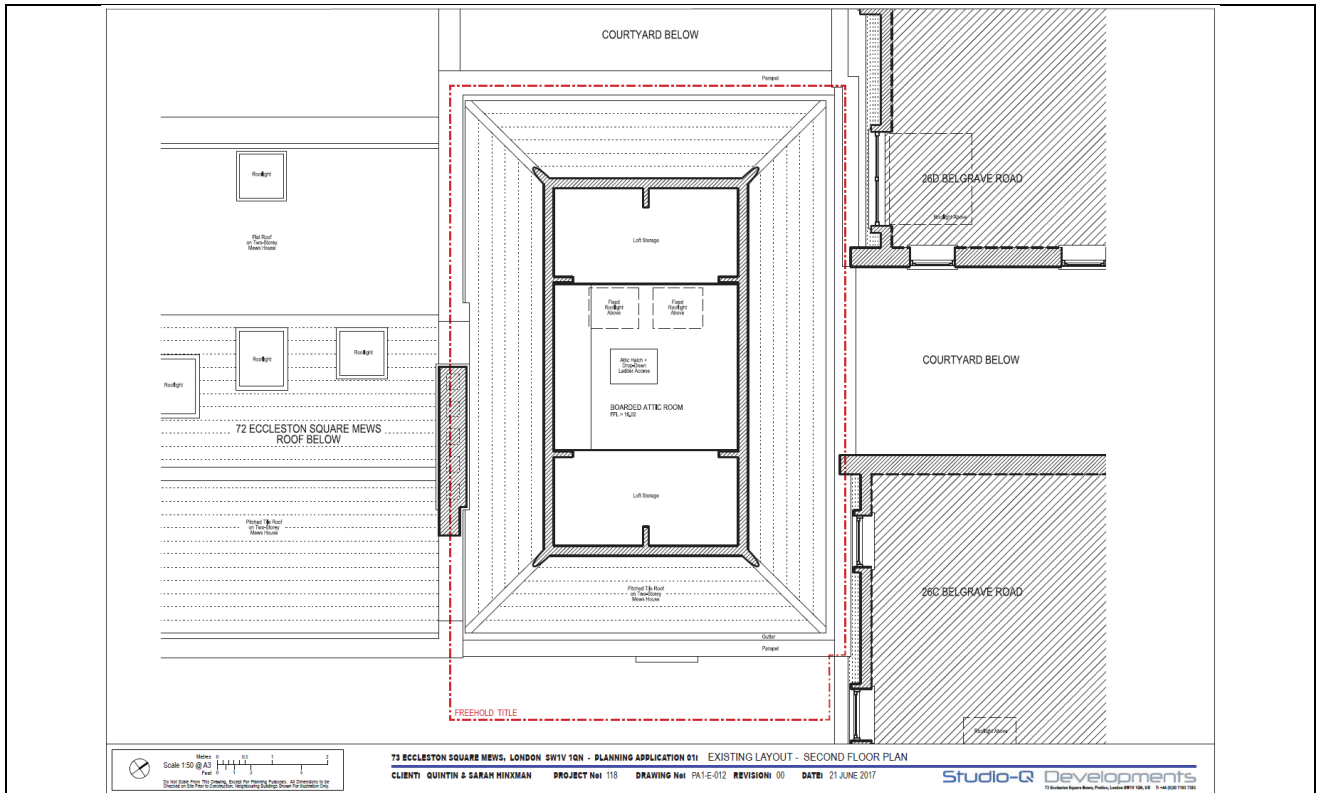
## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Westminster Society, dated 29 June 2017
3. Emails (x3) from occupier of 26D Belgrave Road, dated 28 December, 25 October and 12 October 2017
4. Decision notice, officer report summary and approved drawings relating to planning permission dated 17 December 1992

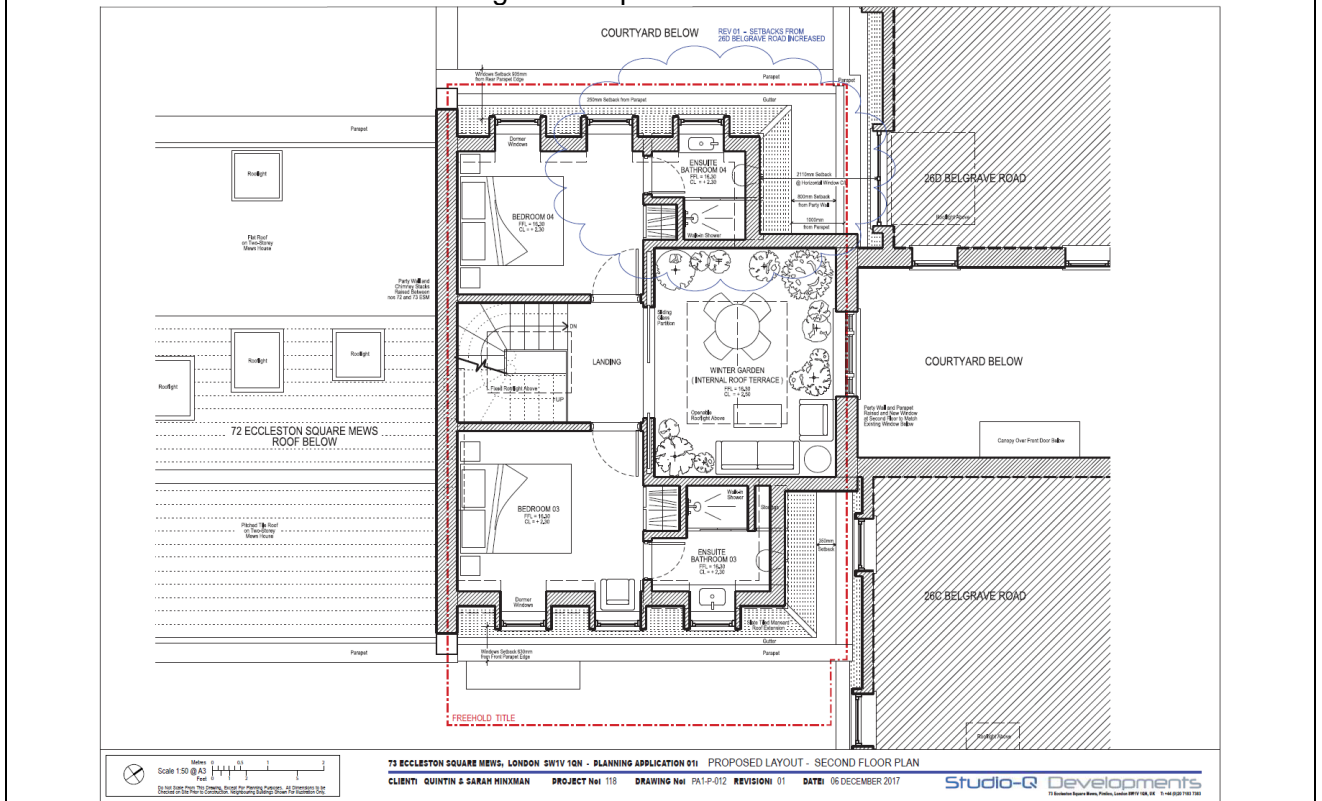
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

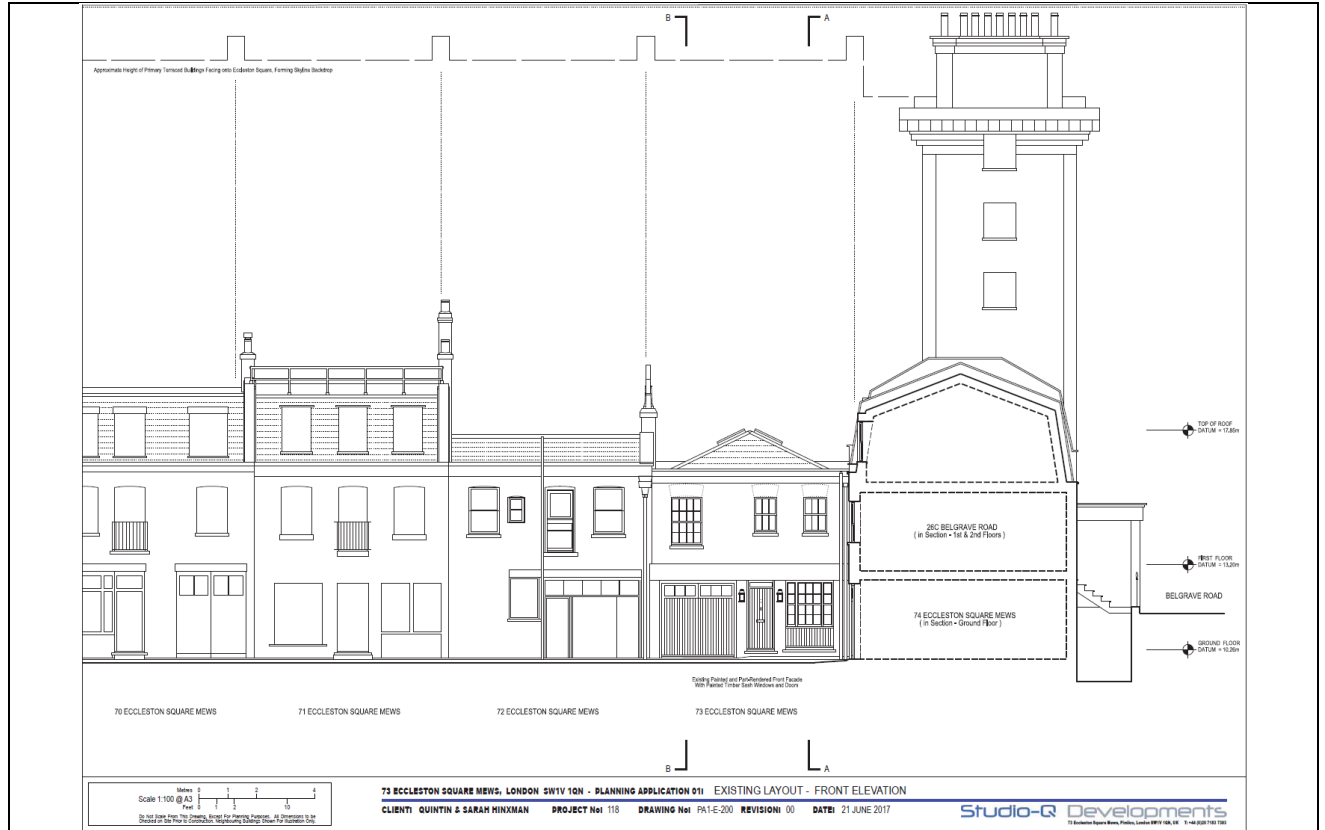
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

### 10. KEY DRAWINGS

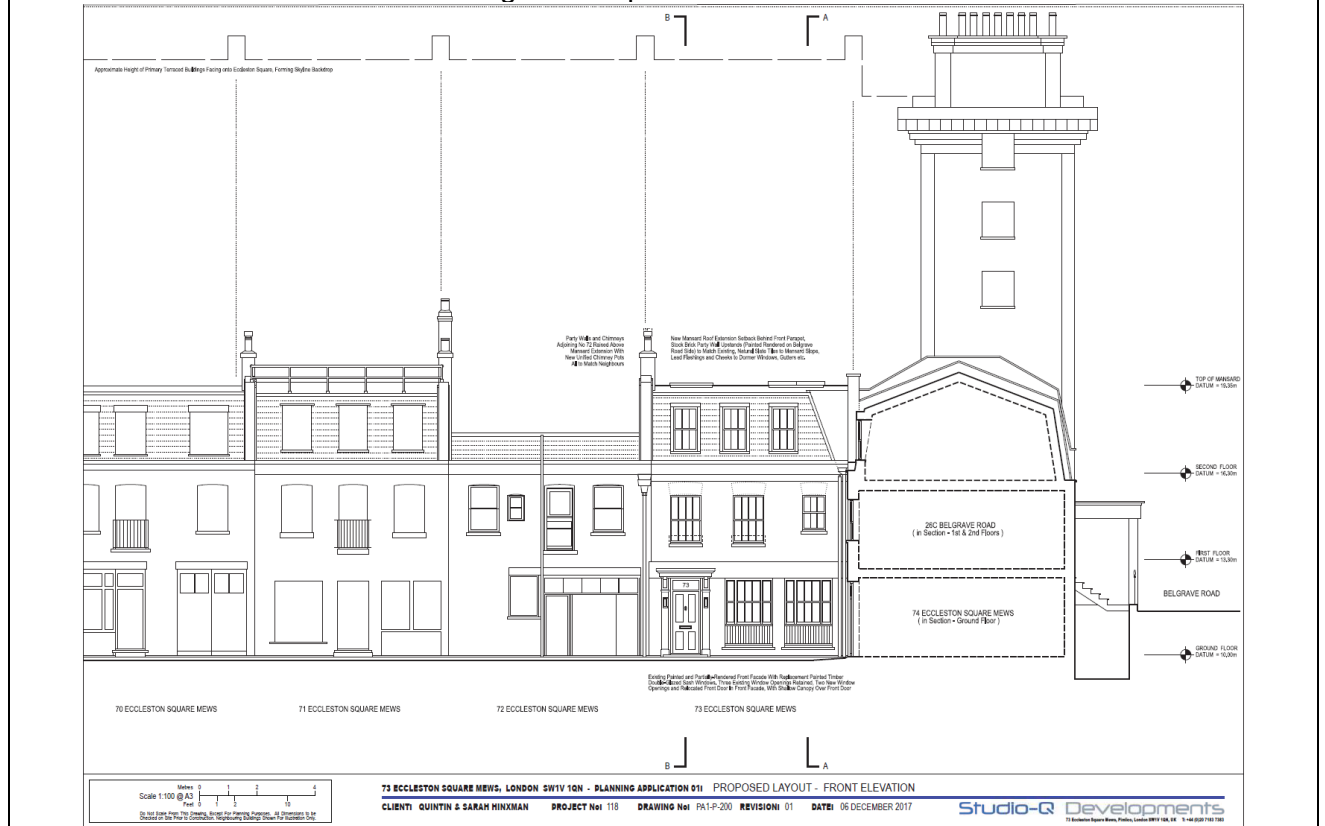


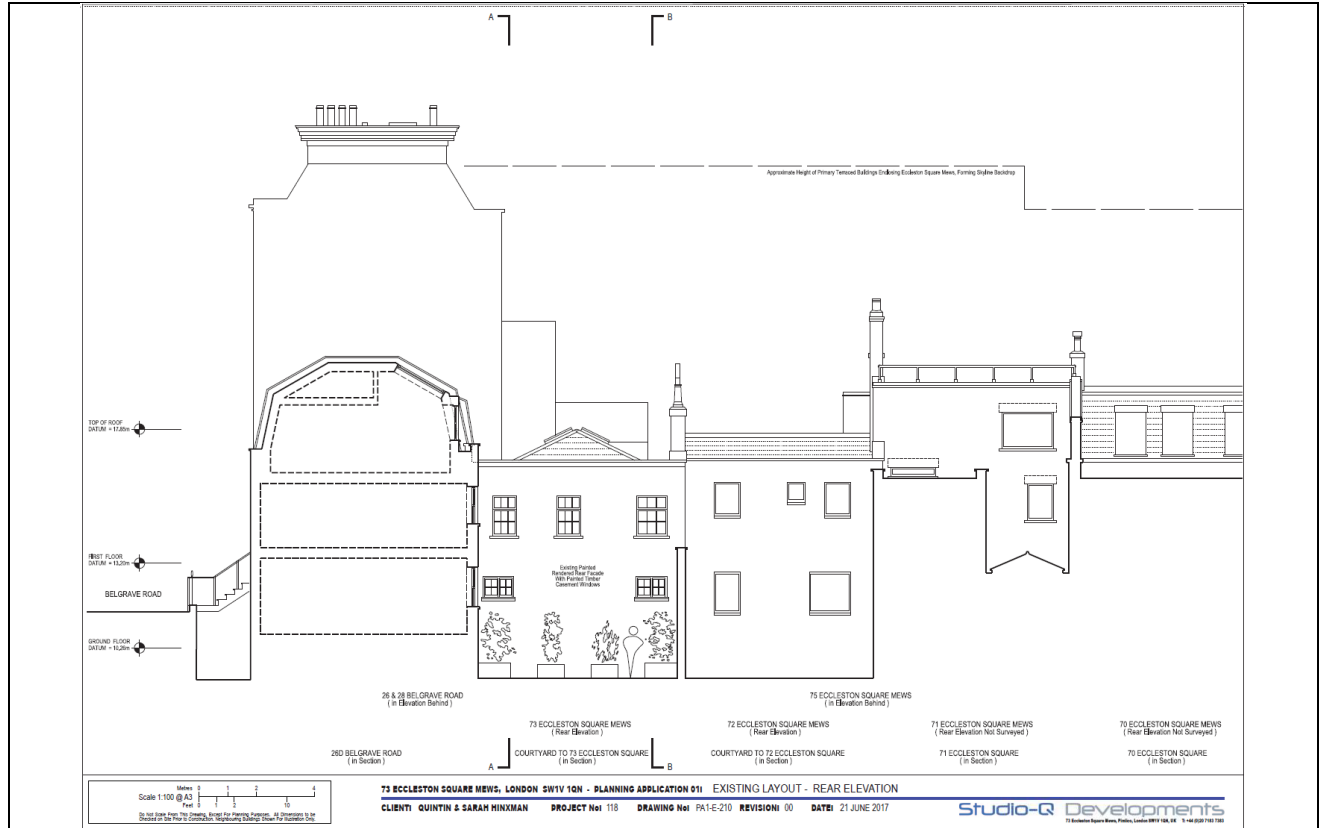
### Existing and Proposed Roof Level Plan



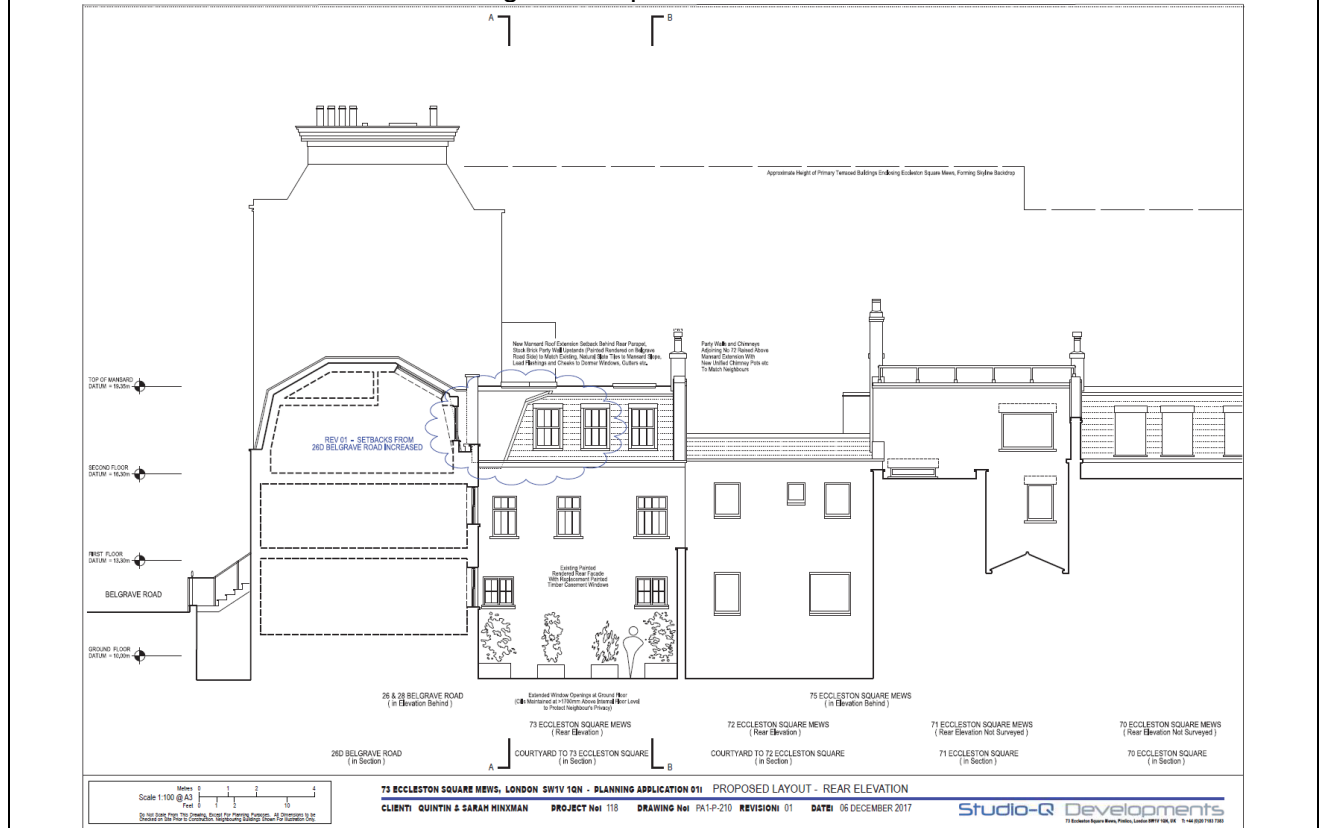


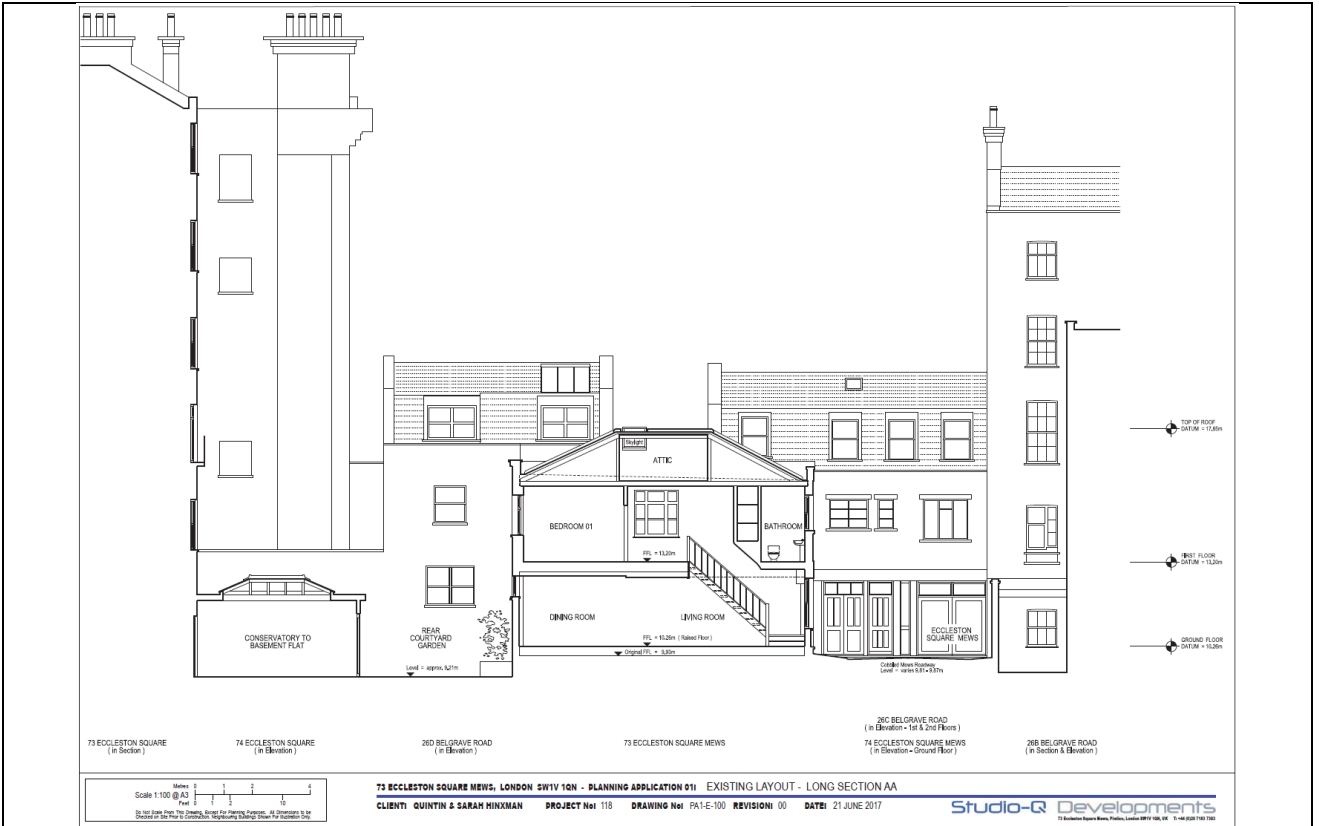
### Existing and Proposed Front Elevation



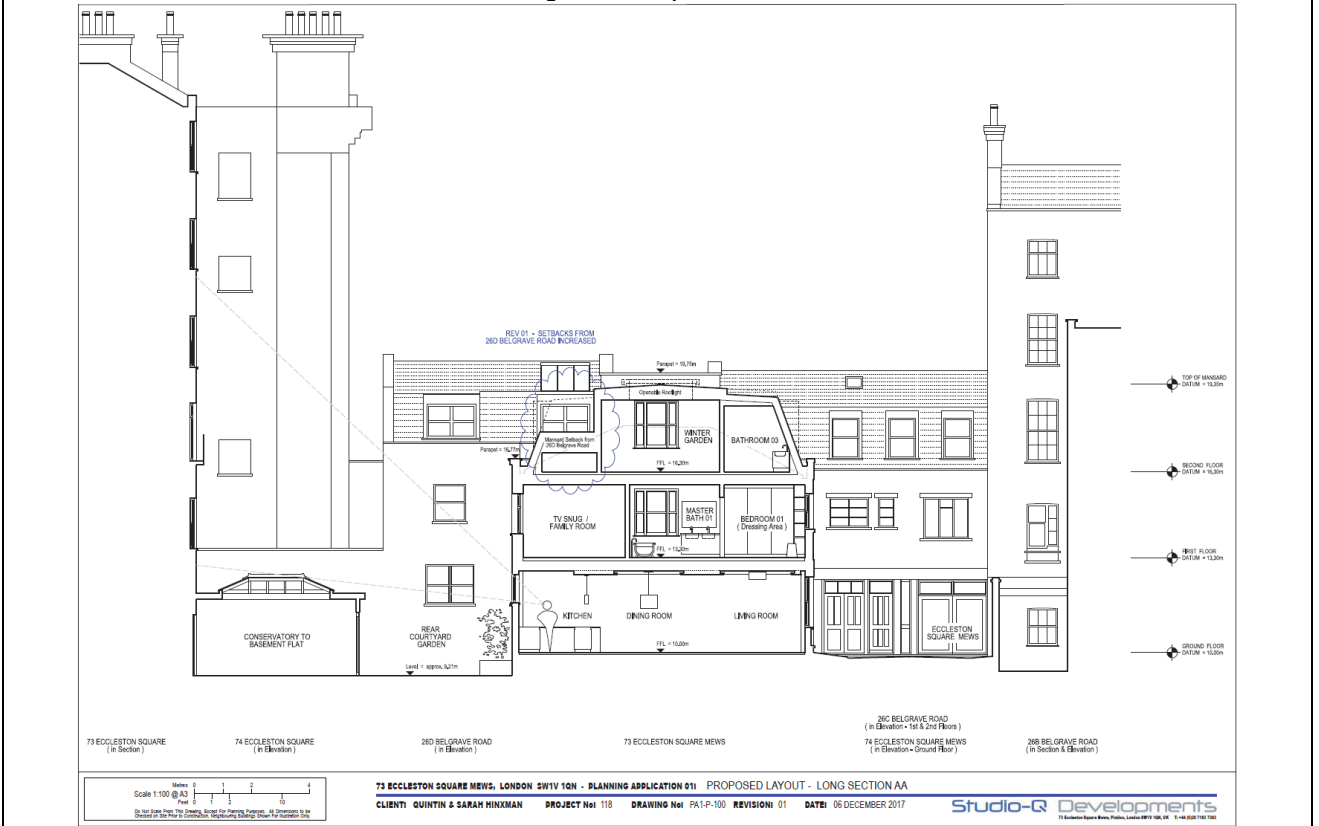


### Existing and Proposed Rear Elevation





Existing and Proposed Section



**DRAFT DECISION LETTER****Address:** 73 Eccleston Square Mews, London, SW1V 1QN**Proposal:** Erection of a mansard roof extension to provide additional residential accommodation, and alterations to existing facades.**Reference:** 17/05530/FULL**Plan Nos:** PA1-E-001; PA1-E-002; PA1-E-010; PA1-E-011; PA1-E-012; PA1-E-100; PA1-E-110; PA1-E-200; PA1-E-210; PA1-E-220; PA1-P-010 rev 01; PA1-P-011 rev 01; PA1-P-012 rev 01; PA1-P-013 rev 01; PA1-P-100 rev 01; PA1-P-110 rev 01; PA1-P-200 rev 01; PA1-P-210 rev 01; PA1-P-220 rev 01; Design and Access Statement dated 6 December 2017; Impact Assessment dated 6 December 2017; Letter Regarding Revision (DREW Planning and Development) dated 5 December 2017.**Case Officer:** Joshua Howitt**Direct Tel. No.** 020 7641 2069**Recommended Condition(s) and Reason(s)****Reason:**

The mansard roof extension would be an unneighbourly form of development. This is because of its bulk and how close it is to a neighbouring window at 26D Belgrave Road. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BC)

**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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendment:



Item No.
<b>6</b>

- Set back the roof extension from the rear elevation in line with the previously approved extension.

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.