

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	49B Westbourne Terrace, London, W2 3UY,		
Proposal	Erection of conservatory at rear first floor level.		
Agent	Area Design		
On behalf of	Area Design		
Registered Number	18/02170/FULL and 18/02175/LBC	Date amended/ completed	13 March 2018
Date Application Received	13 March 2018		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent; and
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

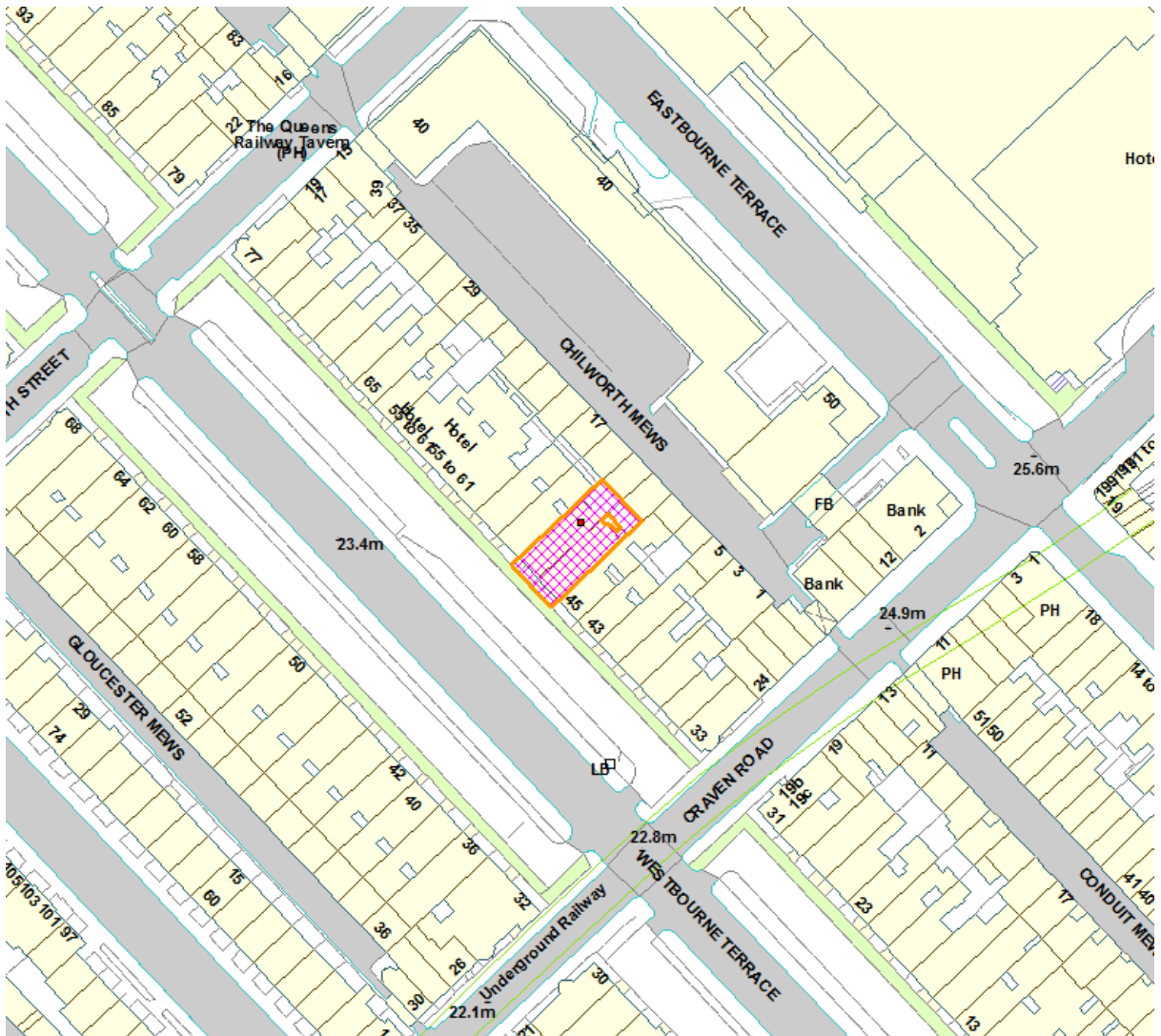
Planning permission and listed building consent are sought to erect a conservatory on the rear flat roof at first floor level. Objections have been received from three properties on design, amenity and land ownership grounds. The local amenity society has raised no objection.

The key issues in this case are:

- The impact on the special interest of the Grade II listed buildings
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of the neighbouring residents.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The applications are therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Rear Elevation



Other structures on the rear of the terrace

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION: No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 26

No. Responses: 3

In summary, the objector raises the following issues:

- Objection to the granting of application 16/09656/FULL on procedural grounds;
- Conservatory is out of keeping with the neighbouring buildings and this listed;
- Conservatory would result in loss of historic fabric;
- The flat roof on which the conservatory would be constructed belongs to another property within the building;
- Loss of light to neighbouring property;
- Lack of sound insulation;
- Use of flat roof as a terrace;
- Structural stability of the flat roof and constrains of construction; and
- Design is not in keeping with neighbouring buildings

ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site forms part of a grand terrace of four storey houses, Grade II listed and located within the Bayswater Conservation Area. Flat 49b is a laterally converted flat over the first floor level of 47 and 49 Westbourne Terrace.

A revised Certificate B has been received during the course of the application confirming notice had been served on all those with an interest in the building.

6.2 Recent Relevant History

15/11513/FULL and 15/11514/LBC

Construction of single storey pavilion and link on rear elevation on existing flat roof at first floor level.

Application Refused 11 April 2016

16/09656/FULL and 16/09116/LBC

Replace existing double casement window with timber single glazed french door.

Application Permitted 7 December 2016

7. THE PROPOSAL

Permission and consent is sought for the erection of a conservatory on the roof of the closet wing, at first floor level. The conservatory comprises of a single storey timber

frame with a lead roof. During the course of the application the drawings have been amended to show the side windows and vertical glazing being obscured glazed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP), provided the alterations have no adverse amenity effect and are in keeping with the character of the building and area.

8.2 Townscape and Design

Objections to the design of the extension and its relationship with this listed building have been received.

The application site forms part of a terrace which has been altered to the rear and contains a couple of domed conservatories at both upper ground and first floor levels. The proposed conservatory will project as far as the neighbouring domed conservatory and will maintain the rear built line at this level. Additionally the conservatory is single storey and considered to be of a height which sits proportionately on the elevation. Therefore, in response to the objection raised, the scale of the extension is considered to be acceptable. The detailed design of the proposed conservatory is reflective of that on the neighbouring property and therefore is not considered to be wholly out of keeping with the character and appearance of the area.

The rear elevation where the conservatory will adjoin the historic core, has been altered previously through the insertion of modern windows which are not considered to be in keeping with the age and architectural style of the building. Therefore the principle of the conservatory sitting against the compromised elevation is considered to have a limited impact on the special interest of the listed building.

The insertion of a door to replace a window on the rear elevation of the building has already been considered acceptable in an application consented on 7 December 2016 (RN: 16/09656/FULL and 16/09116/LBC) and there has been no change in policy to warrant a different view.

The proposed works are considered to be acceptable and would preserve the special interest of this listed buildings and the character and appearance of the conservation area. The proposals therefore comply with the NPPF, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 1, DES 5, DES, DES 9 and DES 10 of Westminster's Unitary Development Plan (adopted January 2007) and SPG 'Repairs and Alterations to Listed Buildings' (adopted April 1996).

8.3 Residential Amenity

Policy ENV13 of the adopted UDP and policy S29 of the adopted City Plan seek to protect residential amenity. Policy ENV13 specifically states that proposals resulting in either a material loss of daylight/sunlight to existing dwellings or a significant increase in

the sense of enclosure, overlooking or overshadowing to existing dwellings will normally be resisted.

In amenity terms it is considered that the proposed pavilion, with obscure glazing to the side elevations will not result in increased overlooking to the mews property directly behind in Chilworth Mews or to the bedroom windows at 1st floor. Due to its scale and positioning, the extension will not result in an unacceptable increase in the sense of enclosure or loss of light to any neighbouring property.

Whilst the flat roof surrounding the conservatory has not been shown as being used as a terrace, there are openable doors within the proposed conservatory and the objections received raised concerns with the use of the flat roof as external amenity space. As the use of the flat roof surrounding the conservatory would overlook the properties in Chilworth Mews, the neighbours within the ground floor flat of 49 Westbourne Terrace and the neighbours in the ground floor of 47 Westbourne Terrace a condition is recommended to ensure that the flat roof is not used as a terrace. Subject to that condition, the proposals are considered to be in accordance with ENV13 of the UDP and S29 of the City Plan.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size

8.5 Access

Not relevant to consideration of this application.

8.6 Other UDP/Westminster Policy Considerations

None.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable.

8.11 Other Issues

The objectors concerns are largely addressed above. The following is also noted.

An objector has questioned whether the applicant has the rights to access the flat roof and to construct on it. They have also questioned the structural integrity of the flat roof and the building below and whether it would be capable of supporting the proposed development. These matters do not form material planning considerations and would not be reasons to withhold planning permission or listed building consent.

The objection to the granting of application 16/09656/FULL has been raised following the incorrect serving of Certificate B. Following an investigation the Agent has been made aware that they cannot rely upon that permission and they have confirmed by email that they do not intend to implement that permission in any event. With regards to this application, the applicant has also provided the City Council with a revised application form confirming that they have served notice on all parties with an interest in the application site.

The objectors concerns with the potential lack of sound insulation between the floor of the proposed extension and the property below is understood. A condition is recommended to secure appropriate sound insulation details.

The potential difficulties of cleaning this extension are also understood. However, it is anticipated that any cleaning or maintenance would be infrequent and therefore does not justify refusal of permission or listed building consent.

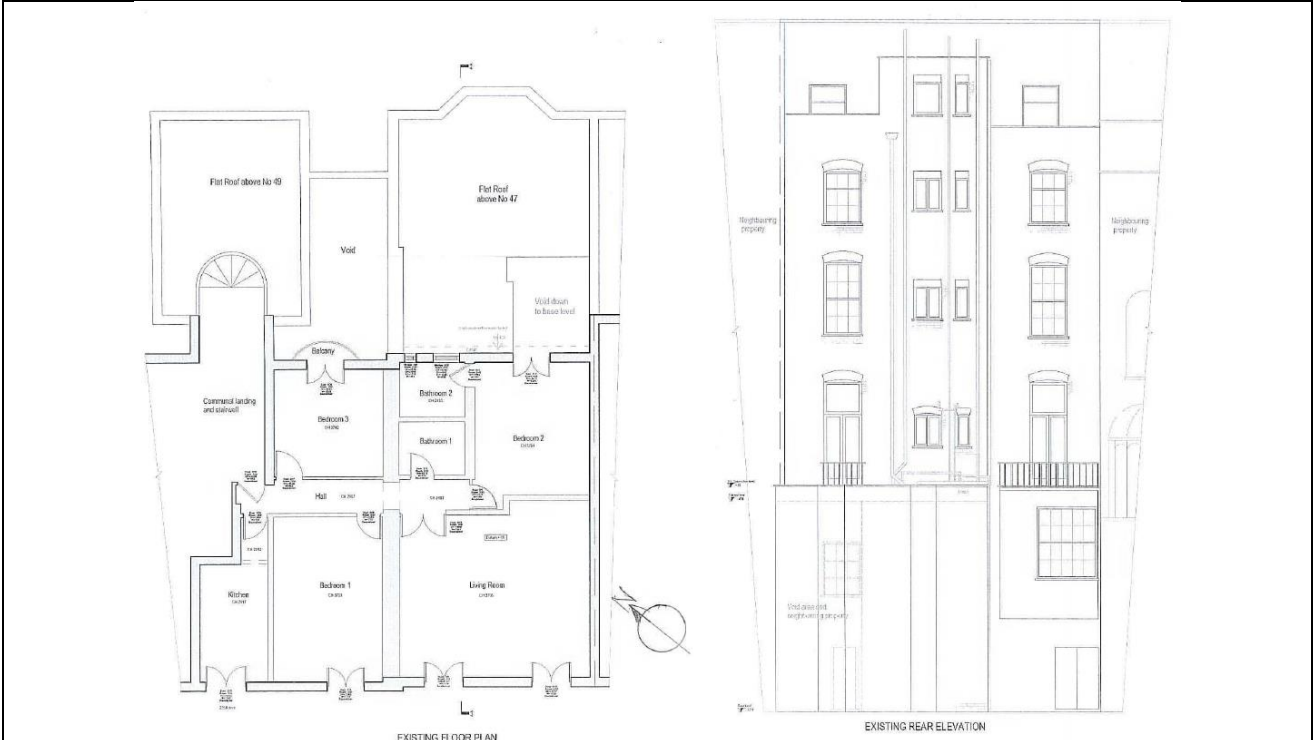
9. BACKGROUND PAPERS

1. Application form
2. Response from South East Bayswater Residents Association, dated 28 March 2018
3. Letter from occupier at 45 Westbourne Terrace, dated 23 March 2018
4. Letters from the occupiers at 47 Westbourne Terrace, London, dated 29 March 2018, 3 April 2018
5. Letter from the occupier at 47 Westbourne Terrace, London, dated 10 April 2018.

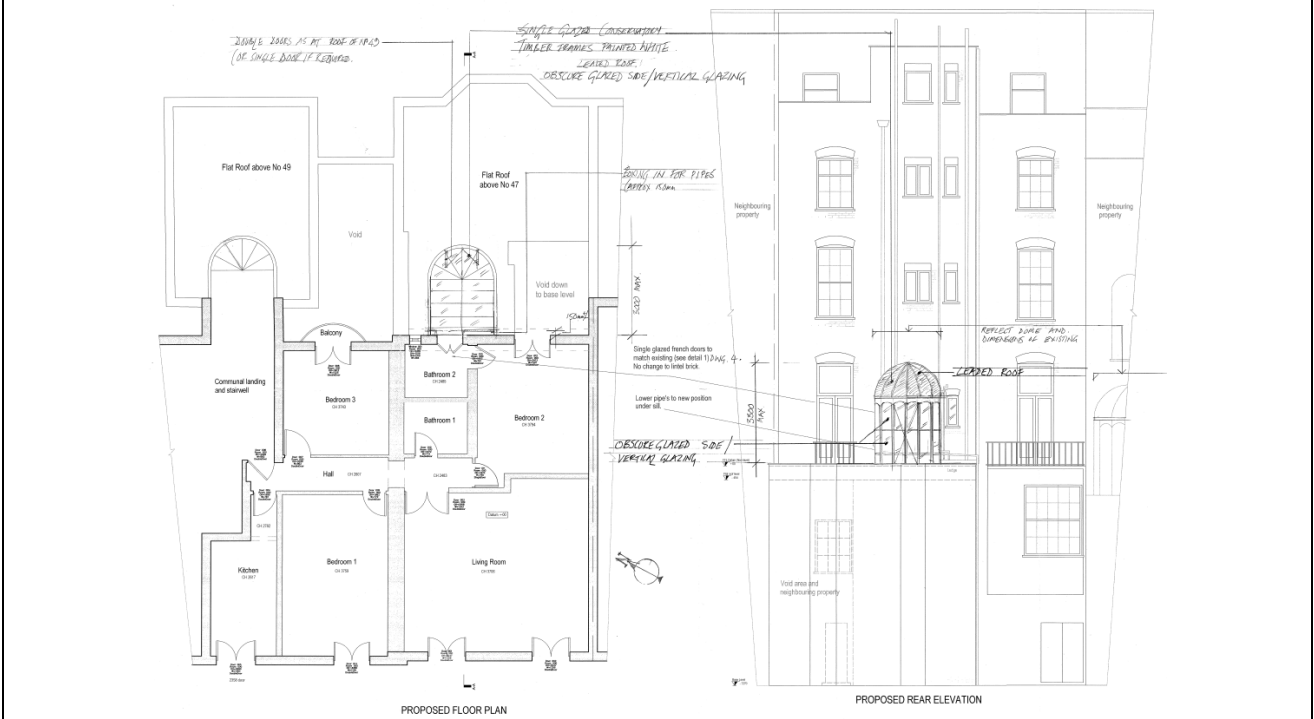
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS



Existing Drawings



Proposed Drawings

DRAFT DECISION LETTER

Address: 49B Westbourne Terrace, London, W2 3UY,
Proposal: Erection of conservatory at rear first floor level (Linked to 18/02175/LBC).
Reference: 18/02170/FULL
Plan Nos: Drawing no1; Drawing no2; Drawing no3 Rev 1; Drawing no4; SK(A); SK(B).
Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

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 protect the special architectural or historic interest of this listed building and to make sure the

development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Notwithstanding details shown on the approved drawings the vertical glazing and windows on the side elevation shall be obscure glazed and maintained as such hereafter.

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)

- 5 You must not use the flat roof at first floor level, outside of the conservatory, for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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)

- 6 The design and structure of the conservatory floor shall be of such a standard that it will protect residents in the residential unit below from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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 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

Item No.
6

information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

DRAFT DECISION LETTER

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Proposal: Erection of conservatory at rear first floor level (Linked to 18/02170/FULL).
Reference: 18/02175/LBC
Plan Nos: Drawing no1; Drawing no2; Drawing no3 Rev 1; Drawing no4; SK(A); SK(B).
Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.