

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 18 <sup>th</sup> April 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>10 Upbrook Mews, London, W2 3HG</b>		
<b>Proposal</b>	Erection of roof extension with associated terrace; Conversion of garage to habitable space; Formation of new windows and doors; and associated external alterations.		
<b>Agent</b>	Sand Architects		
<b>On behalf of</b>	Mr John Gulian		
<b>Registered Number</b>	22/07278/FULL	<b>Date amended/ completed</b>	1 February 2023
<b>Date Application Received</b>	27 October 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

The application site forms part of an unlisted mews terrace located within the Bayswater Conservation Area.

Permission is sought for the construction of a flat-topped mansard roof extension, conversion of the garage to living accommodation with associated elevation changes. The application has been revised to overcome design concerns and re-consultation took place as a result of these changes.

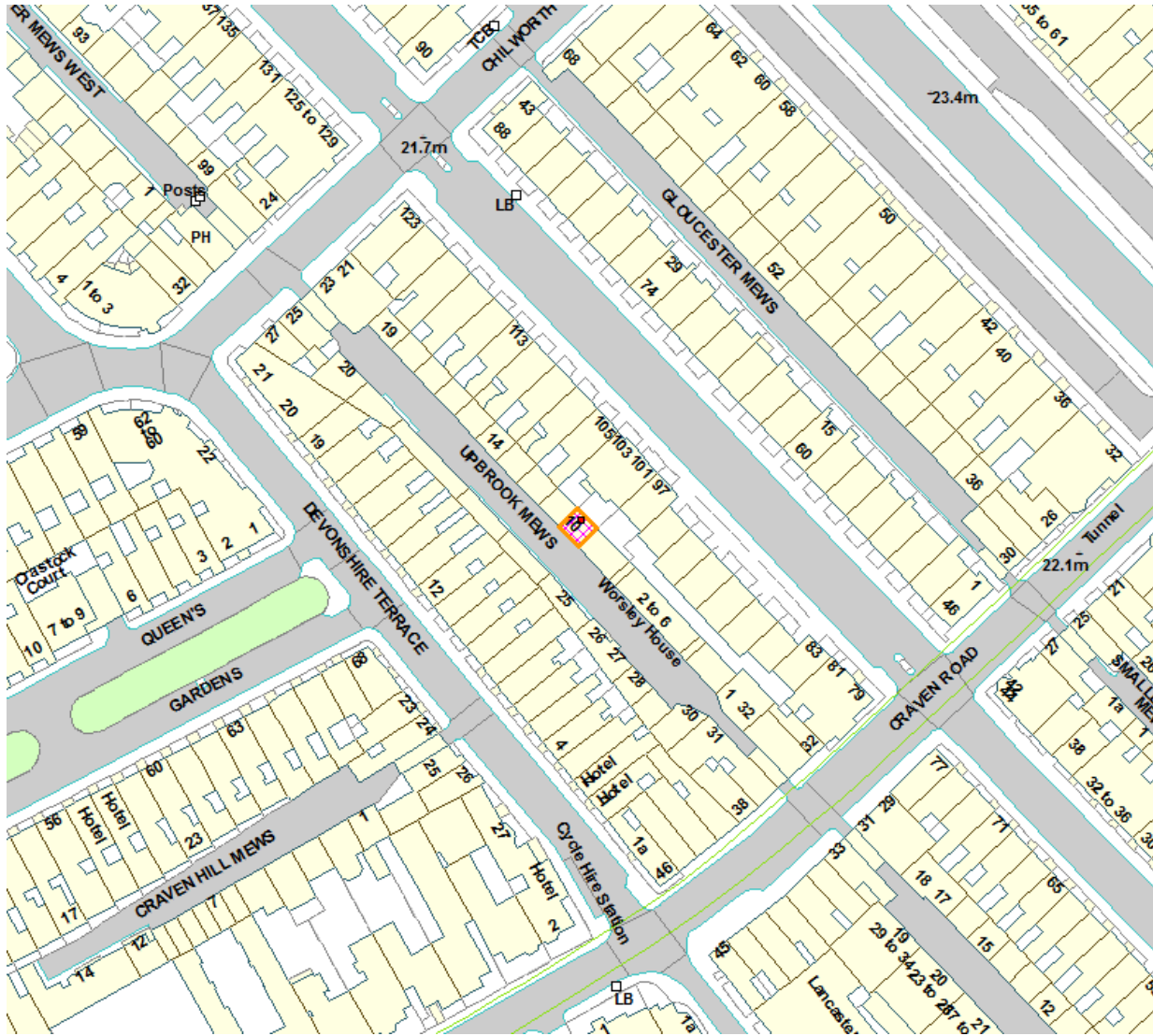
Objections have been received from the South East Bayswater Resident's Association and neighbouring properties on the grounds of the loss of garage and the impact of the roof extension and terrace on amenity.

The key issues in the determination of this application are:

- The impact of the works on the character and appearance of the Bayswater Conservation Area;
- The impact of the mansard roof on the amenity of neighbouring properties;
- The impact of the loss of the integral garage for parking of a car.

For the reasons as discussed in the report, the proposals are considered in accordance with City Council policies as set out in the City Plan 2019-2040 with respect to land use, design and highways and is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



**Rear Elevation (taken from Flat A Devonshire Court)**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### ORIGINAL CONSULTATION

##### WARD COUNCILLORS FOR LANCASTER GATE:

Any response to be reported verbally.

##### SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION:

Objection.

- Insufficient information provided regarding the consideration of the neighbouring context – the impact of the proposed higher roof at the rear upon daylight and sunlight reaching low level flat behind at 101 – 103 Gloucester Terrace. Without this information, our conclusion can only be that the proposal causes harm through loss of light and also creates a sense of enclosure; and potentially also through reflections from large areas of glazing at the rear of the proposed mansard roof.
- A similar application (84/04289/FULL) was refused in 1984 or 1985 on amenity and parking grounds, including a condition that the garage should be used only for the storage of a motor vehicle. (NB- This application was approved with conditions)
- Loss of daylight and sunlight
- Increase in sense of enclosure.
- No daylight report has been submitted.
- Light pollution from four skylights
- Lack of consistency between the fenestration on the front elevation which will harm the conservation area.
- Four skylights are excessive in size.
- Loss of garage will increase pressure in on street parking.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 6

No. of objections: 6

Six objections received from several flats within Devonshire Court, at 101 – 103 Gloucester Terrace and from Swinton House, 85 – 97 Gloucester Terrace on some or all of the following grounds:

Amenity:

- Loss of light from roof extension
- Loss of privacy
- Noise pollution and disturbance from terrace

Highways:

- Loss of garage will create more on-street parking.

It is noted that several letters of objection submitted include points stating no objection raised to the replacement of the windows to the front and the garage conversion.

PRESS NOTICE/ SITE NOTICE:

Yes

**RE-CONSULTATION (following amendments made to the mansard roof design and fenestration changes to front elevation):**

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 1

No. of objections: 1

One objection received from those that have already made an objection, reiterating their original objection.

**5.2 Applicant's Pre-Application Community Engagement**

No engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application.

**6. WESTMINSTER'S DEVELOPMENT PLAN**

**6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

10 Upbrook Mews is an unlisted mid-19th century two storey painted brick fronted mews house in use as dwellinghouse that is located in the Bayswater Conservation Area. To the rear the residential block of flats 101 – 103 Gloucester Terrace is unlisted however from No 105 Gloucester Terrace onwards are Grade II listed.

### **7.2 Recent Relevant History**

84/04289/FULL

ALTERATION AND CONVERSION TO DWELLING WITH PRIVATE GARAGE

Approved 18 February 1985

Condition 2 states:- The garage shall not be used for any purpose (including use as living accommodation) other than the garaging or storage of a private motor vehicle and no trade or business shall be carried on therefrom.

Reason:- In order to safeguard the amenities of the residential building and of the area generally.

## **8. THE PROPOSAL**

Permission is sought for the conversion of the garage to living accommodation with associated elevational fenestration alterations, replacement windows, construction of a roof extension with associated terrace to the front.

The proposal has been amended during the course of the application to omit the Juliet balconies from the front elevation, alter the window design, lower the height of the roof extension and reduce the rooflights to the rear.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The enlargement of the existing dwellinghouse is acceptable in principle in land use terms in accordance with policy 8 of the City Plan 2019-2040.

### **9.2 Environment & Sustainability**

#### **Sustainable Design & Energy Performance**

The proposal would provide high quality additional residential floorspace to the existing property. The roof extension will have good insulation and the windows will have sound thermal energy performance. The proposal includes three solar panels at roof level which is welcomed. The proposals are therefore considered to comply with Policy 36 (Energy Performance) and 38D (Design Principles) of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the



Environmental Supplementary Planning Document.

### **Flood Risk & Sustainable Drainage**

The application site is within a Surface Water Flood Risk Hotspot and therefore a site specific Flood Risk Assessment has been submitted as required by Policy 35 of the City Plan 2019 – 2040. The flood risk assessment concludes that the proposals to extend this dwelling and the risk of flooding and surface water flooding is very low. The development will be renewed with a new damp proof membrane throughout, and the existing drainage channels will remain.

### **Light Pollution**

There is unlikely to be any detrimental light pollution arising from the windows within the mansard roof. These replicate the window positionings of other mansards in the mews.

## **9.3 Biodiversity & Greening**

The proposal does not include any proposals for greening of the building or site. A green roof has not been proposed, as any upstand to support a green roof would increase the height of the mansard roof which would not be supported in design and townscape terms. Given the site and the nature of the proposal, there is little alternative scope to include greening in this particular case. As such whilst regrettable, is not considered a reason to justify withholding permission.

## **9.4 Townscape, Design & Heritage Impact**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In turn, Policies 38, 39 and 40 of the City Plan are of particular relevance when considering the proposed works.

The mansard roof, as amended, is a flat topped hipped mansard roof. A dormer window and a small terrace with French doors are proposed to the front elevation and three rooflights are proposed in the rear roof slope. The mansard has been designed to replicate the neighbouring mansard at 11 Upbrook Mews with a slightly lower height.

The applicant notes that within the mews, several properties benefit from mansard roof extensions namely 15 and 19 Upbrook Mews. It should also be noted that changes to an existing roof extension to a traditional mansard roof was approved at 29 Upbrook Mews in 2018.

Mansard roofs are commonplace within this mews with almost half the properties on the eastern side and almost all of the properties on the western side having one. It is therefore considered that the principle of a mansard roof extension would be difficult to resist and that an appropriately designed mansard would help unify the character of the mews.

The proposed mansard is appropriately designed, including 75 degree primary pitches, a traditionally detailed zinc clad dormer, aluminium windows and slate tiles and relates well to the terrace as a whole, noting the variety of mansard and roof extensions.

The alterations to the garage door on the front elevation also raise no design concerns. There is a variety of treatments at ground floor level within the mews, from garage doors, garage doors with windows above (serving rooms behind), windows across the whole elevation and car ports. The detailed design of the garage door with glazing above is acceptable and does not detract from the character and appearance of the mews.

Whilst the windows are aluminium framed, there are many different types of materials present along the mews and it is not considered that the proposed would cause concern. Furthermore, the green glazed tiles forming a band at ground floor level on the front elevation do not raise any design concerns.

The proposals are considered to accord with the aims of the identified policies and will preserve the character and appearance of the Bayswater Conservation Area and the setting of the nearby listed buildings.

As such, the proposal is considered acceptable, mindful of policies 38, 39, 40 and 45 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory

duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers is protected.

A number of objections have been received on grounds of loss of light, loss of privacy and noise disturbance from the proposed roof extension and the proposed terrace to the residential flats to the rear at 101 – 103 Gloucester Terrace particularly at lower levels.

As viewed on site by the case officer, the application site already benefits from a built up rear party wall for over half the rear wall, the remainder will be built up to match the existing height, with the pitch of the rear roof slope approximately 45 degrees with three rooflights. The height of the mansard roof will be set 20cm lower than the existing mansard at the adjacent property, 11 Upbrook Mews. The distance to the nearest residential windows at lower level to the rear is 5.7m. Whilst it is recognised that there will be an increase in height (1.8m) and bulk of the building, given the pitch of the roof slope and the distance of 5.7m to the rear elevation of the residential flats within Devonshire Court it is not considered that the change would be substantial enough to result in any significant increase of enclosure or loss of daylight.

As there are already windows at first floor level to the front of the building the introduction of a dormer window to the second floor mansard is not considered to result in any significant increase in overlooking to neighbours on the opposite side of the mews. The introduction of an external terrace to the front at second floor level will mirror the existing arrangement at the adjacent property, 11 Upbrook Mews. As such, given the existing arrangement, size of terrace and distance to neighbours opposite, it is not considered to give rise to any significant overlooking to neighbours on the opposite side of the mews. Furthermore, given the small domestic size (3.5sqm) of the terrace, it is not considered to result in any significant noise disturbance to neighbours. It is noted that objections to the terrace on loss of privacy and noise grounds have been received from the properties to the rear. However, due to the application site and the location of the proposed terrace to the front of the property, the terrace is not considered to result in significant overlooking or noise disturbance to these neighbours.

To the rear, the proposed roof slope will be clad in tiles with three sloped rooflights. It is proposed that two of these are to contain obscured glazing, the remaining one will serve the stairwell and therefore given their height and proximity to neighbouring windows it is considered that they preserve the privacy of Gloucester Terrace residents. In order to ensure this, a condition is recommended that these rooflights must contain obscured glazing and that this obscured glazing must remain in situ.

Given the above, and subject to conditions, the proposal would be consistent with policy 7 and 33 of the City Plan 2019-2040.

## **9.6 Transportation, Accessibility & Servicing**

Objections have been received from residents with respect to the loss of the integral garage for the parking of a car and the increase in pressure on on-street parking in the area.

Whilst it is acknowledged that the loss of the garage may result in a marginal increase in local parking demand for on street parking, the loss of the existing garage is in accordance with policy 27 of the City Plan 2019 - 2040. As the proposal is supported in policy terms the minor increase in parking demand is not sufficient grounds to refuse permission.

Policy 27 of the City Plan 2019 – 2040 states that our approach to residential car parking confirms to the London Plan principles in which car parking free developments are now welcomed with the encouragement of sustainable travel modes such as walking and cycling, therefore whilst it is noted that within the original planning permission decision notice dated 18 February 1985 a condition was attached preventing the use of the garage for any use apart from the garaging or storage of a private motor vehicle, the recent change in policy now results in the proposed change of use of the garage to living accommodation complying with policy 27.

## **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

## **9.8 Other Considerations**

None.

## **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.10 Planning Obligations & Pre-Commencement Conditions**

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

## **10. Conclusion**

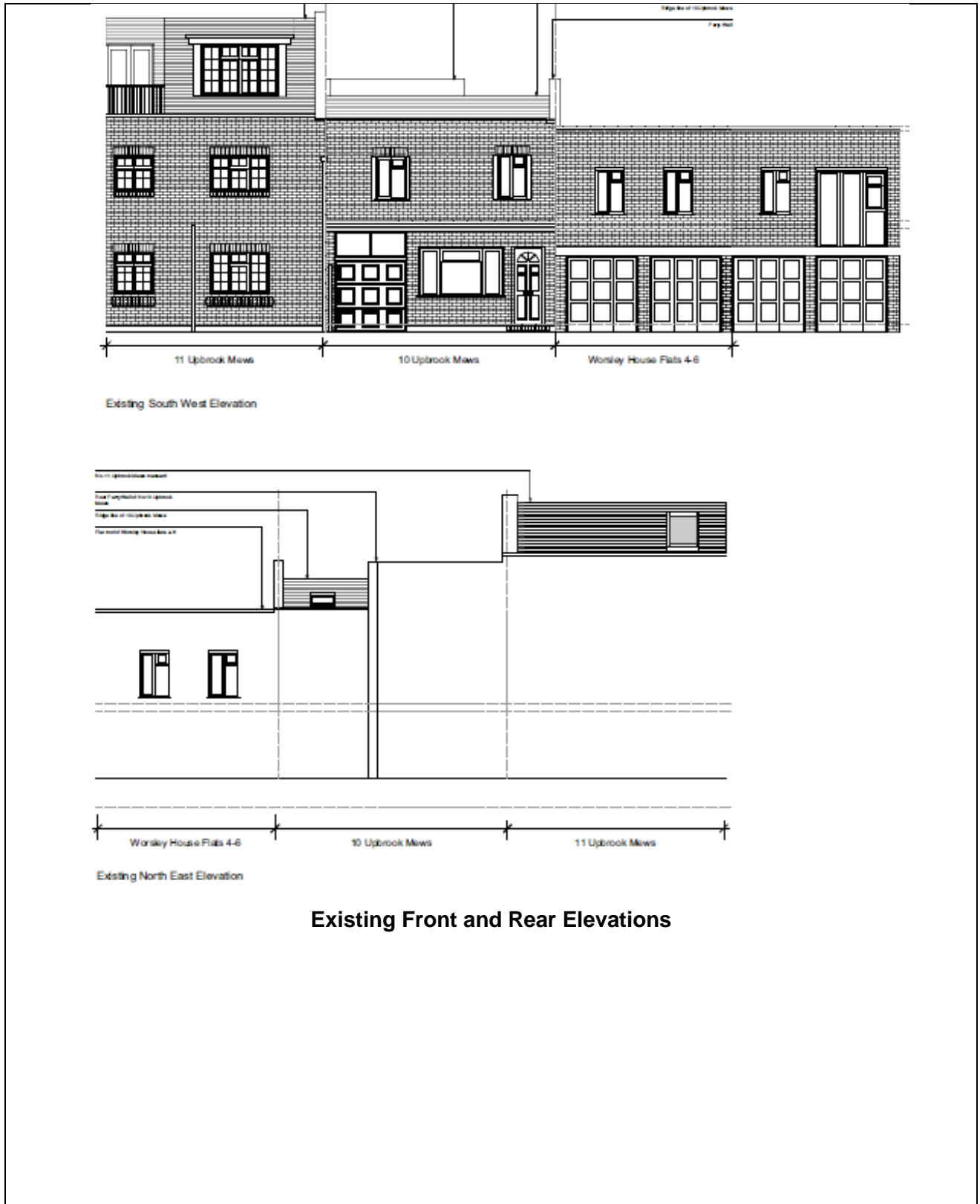
The proposals for additional residential accommodation are acceptable and the works to facilitate this are acceptable in conservation and design terms and are not considered to harm surrounding residential amenity. As such, notwithstanding the objections raised, the proposal is considered acceptable, mindful of policies 7, 8, 33, 34, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory

duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

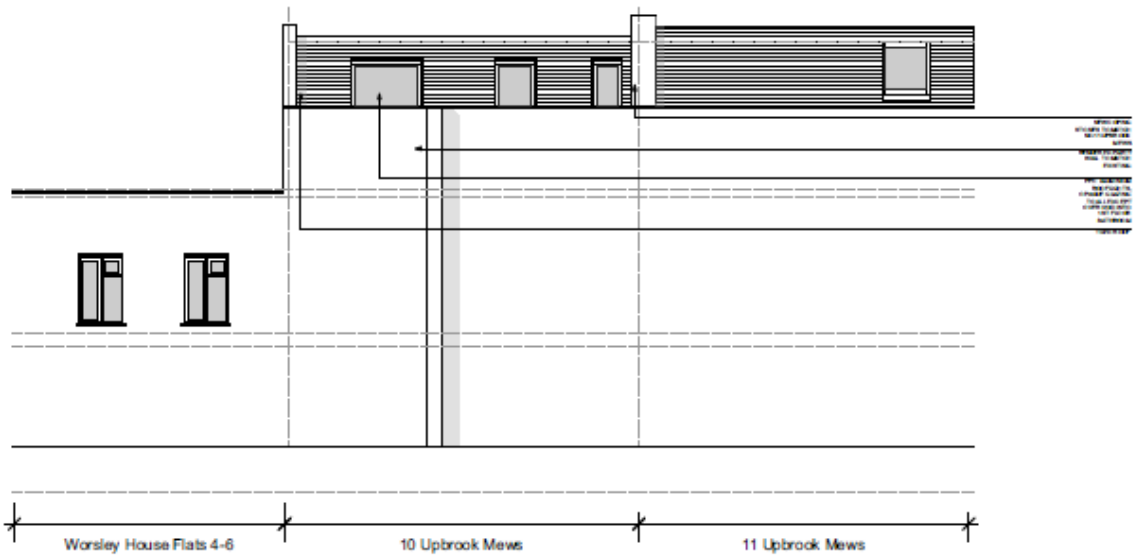
11. KEY DRAWINGS



Existing Front and Rear Elevations

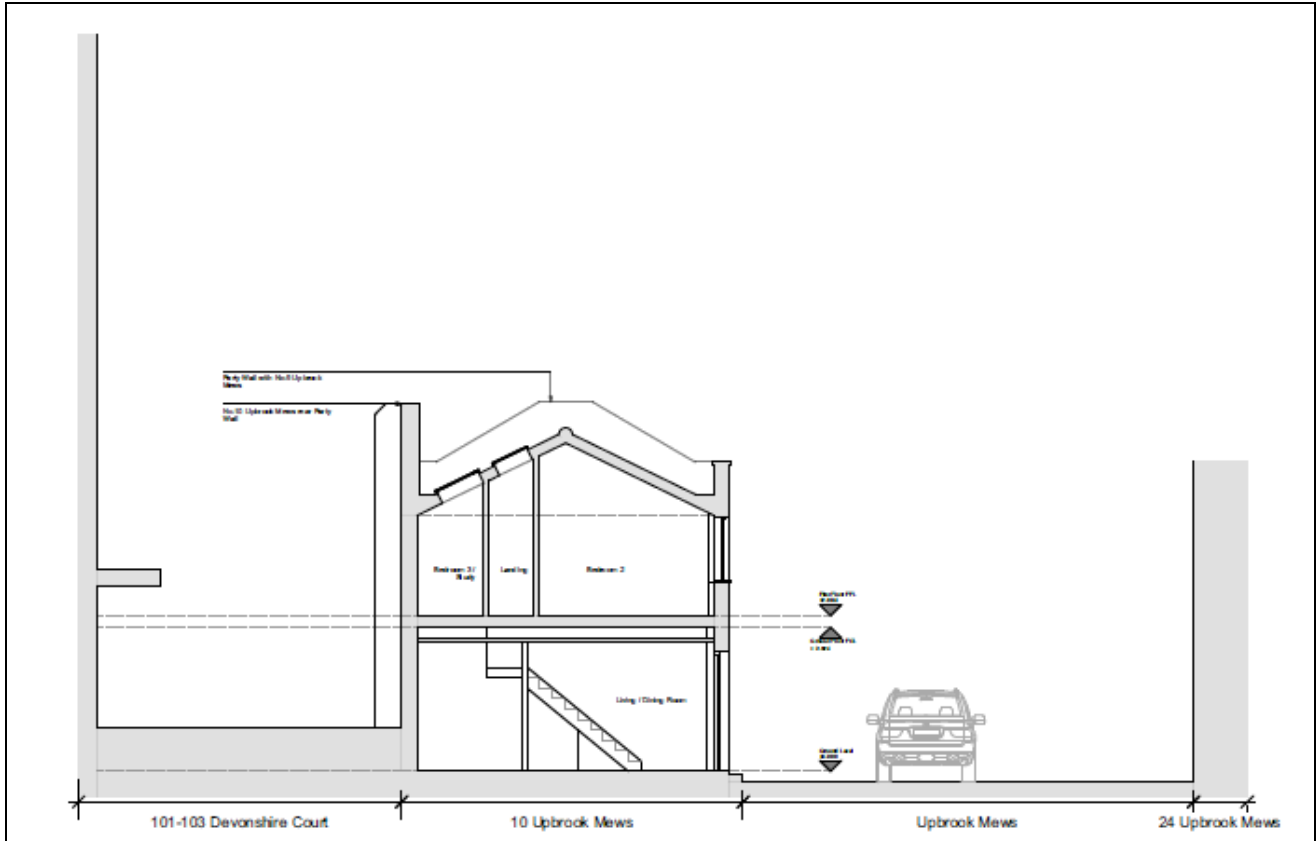


Proposed South West Elevation

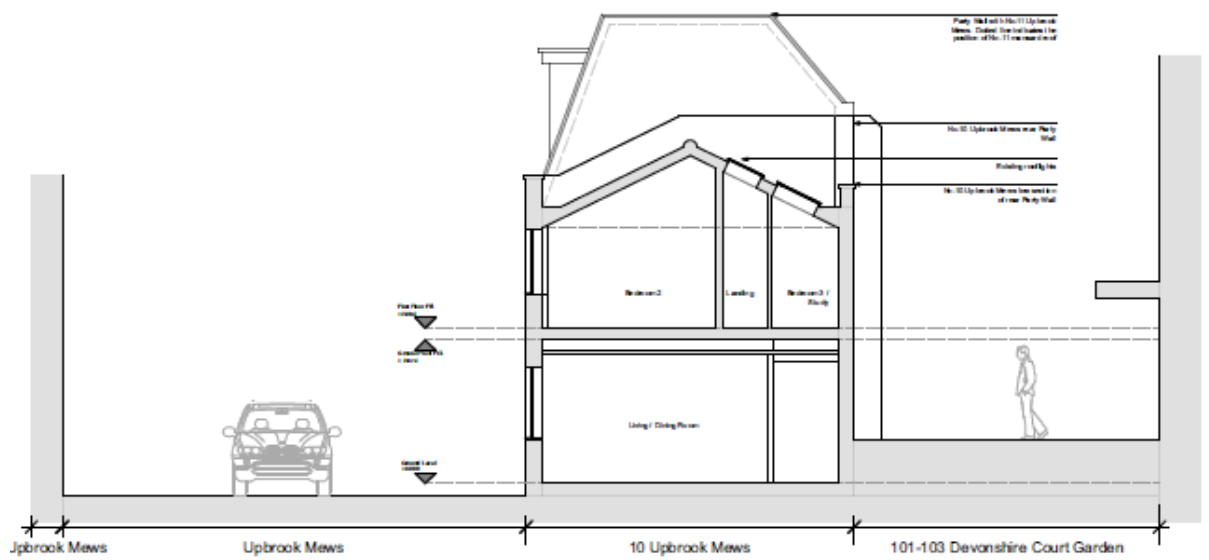


Proposed North East Elevation

**Proposed Front and Rear Elevations**

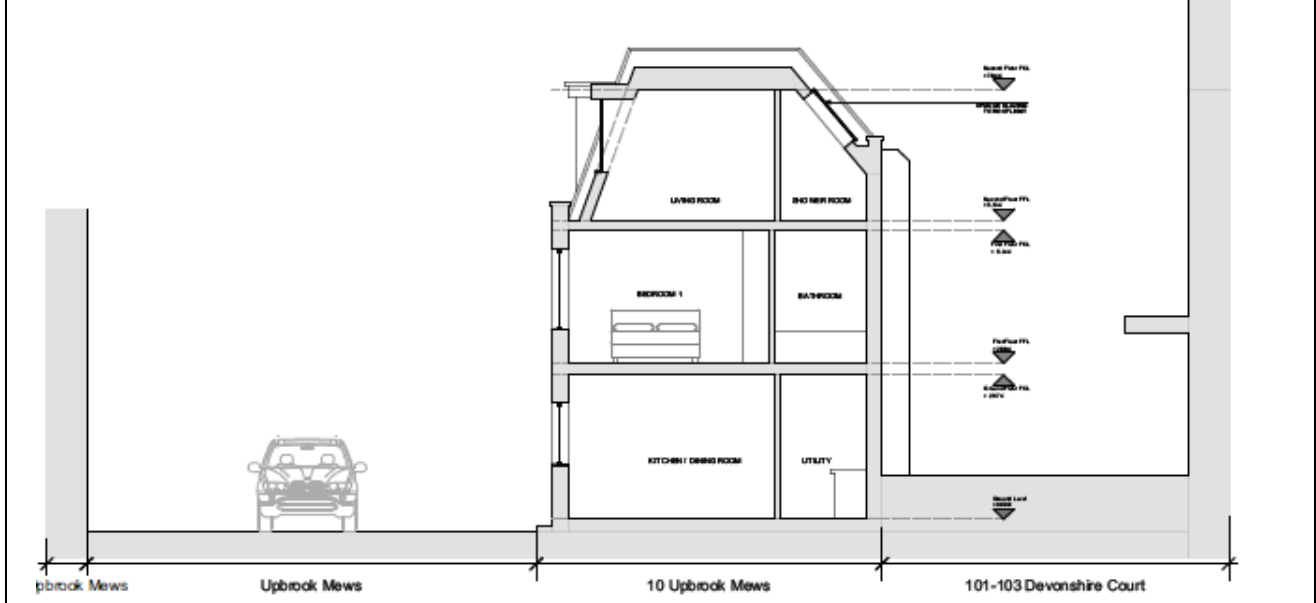
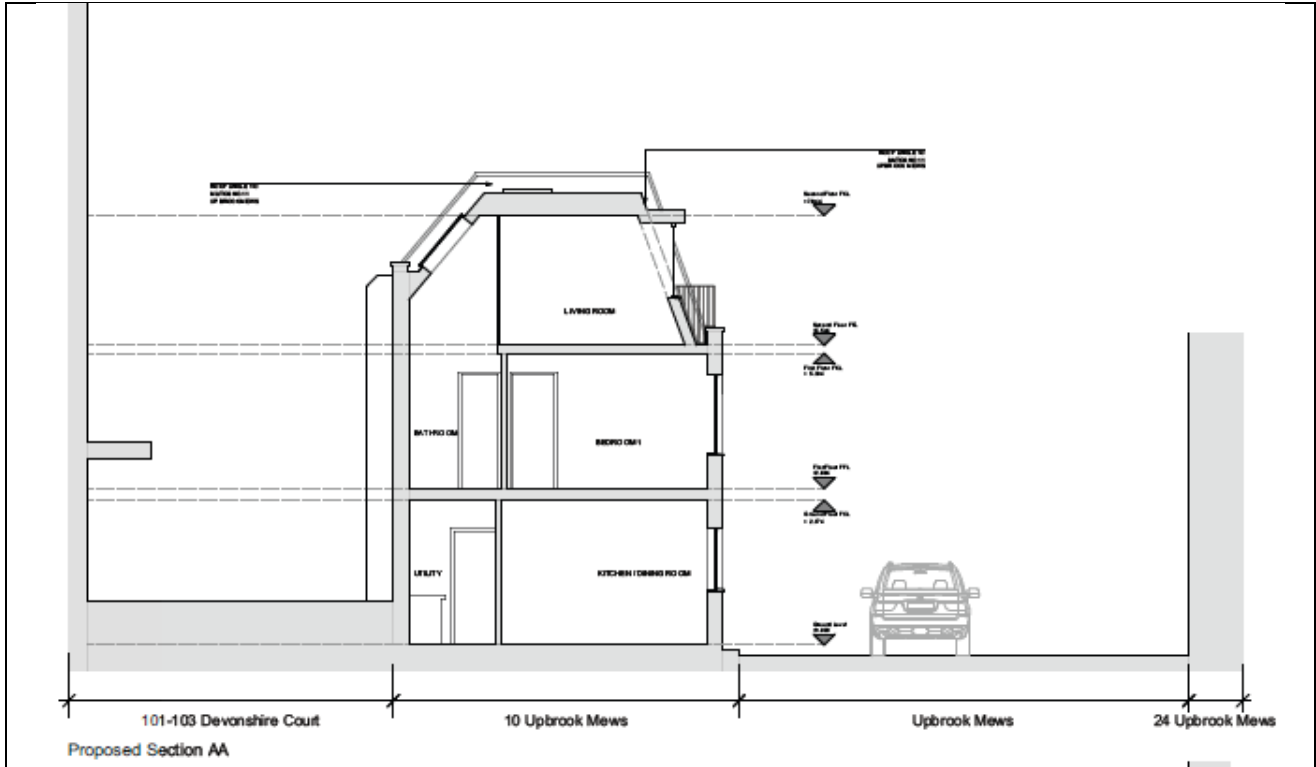


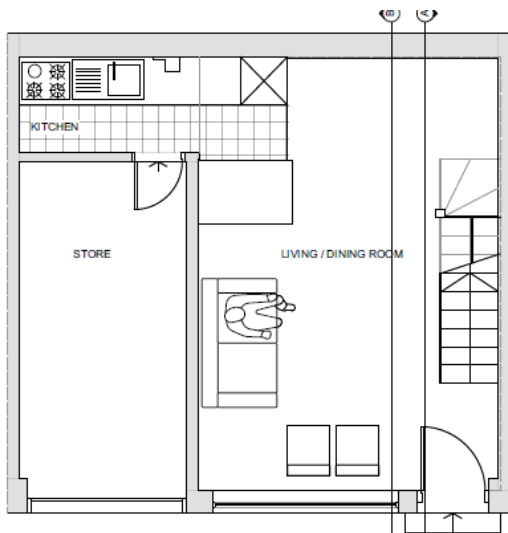
Existing Section AA



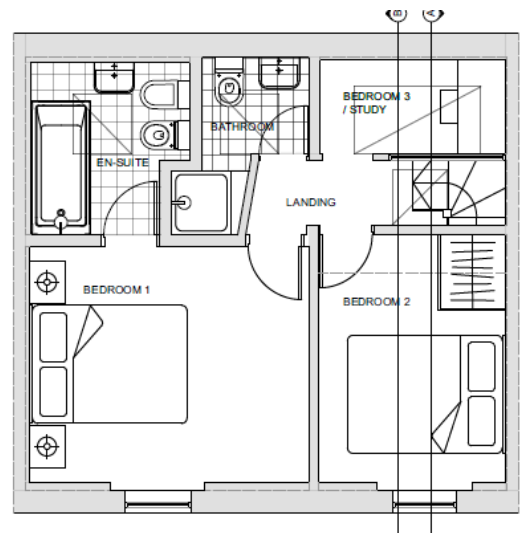
Existing Section AA and Section BB



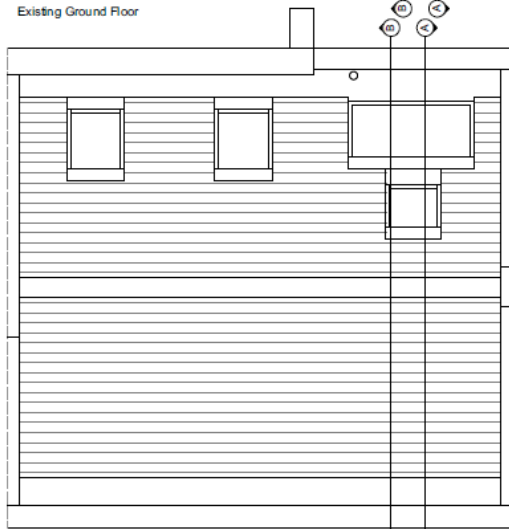




Existing Ground Floor

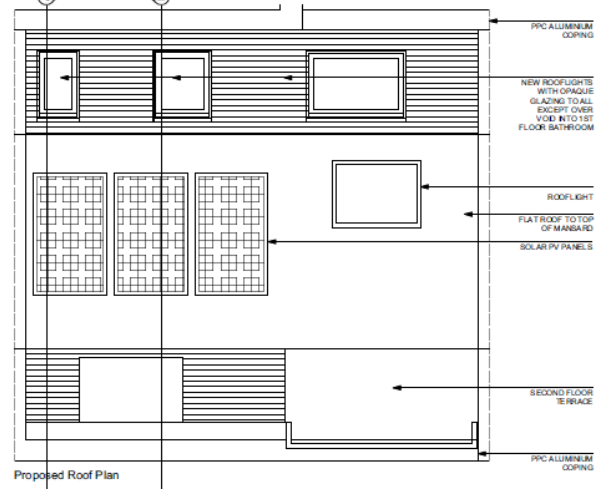
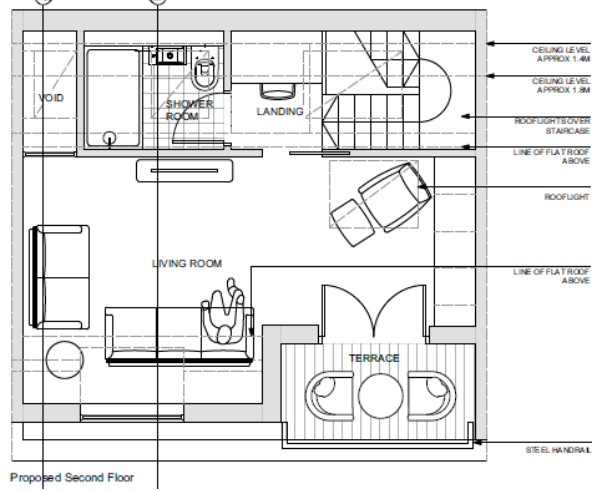
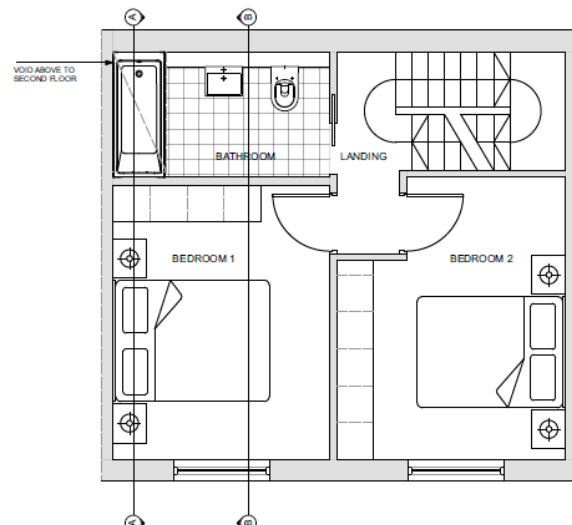
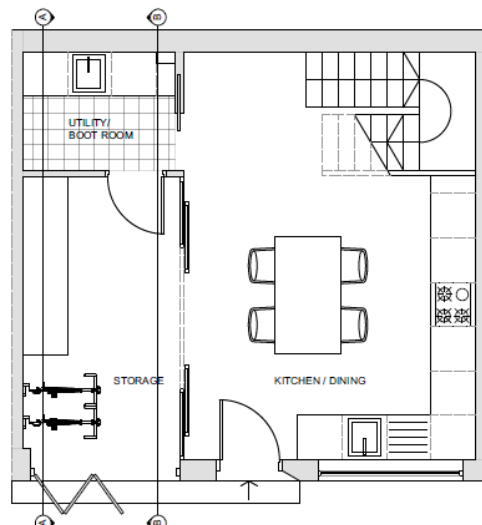


Existing First Floor



Existing Roof Plan

**Existing Ground, First and Roof Plan**



**Proposed Ground, First, Second and Roof Plans**

**DRAFT DECISION LETTER**

**Address:** 10 Upbrook Mews, London, W2 3HG

**Proposal:** Erection of roof extension with associated terrace; Conversion of garage to habitable space; Formation of new windows and doors; and associated external alterations.

**Reference:** 22/07278/FULL

**Plan Nos:** Site Location Plan, P22-001-SAND-XX-ZZ-DR-A-05101-P1, P22-001-SAND-XX-ZZ-DR-A-05102-P3, P22-001-SAND-XX-ZZ-DR-A-05103-P2, P22-001-SAND-XX-ZZ-DR-A-05106-P2, P22-001-SAND-XX-ZZ-DR-A-05105-P2, P22-001-SAND-XX-ZZ-DR-A-05107-P2, Flood Risk Assessment dated 01 November 2022 and Design and Access Statement dated 04 October 2022.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641  
07866037206

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

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The metal railings at roof level must be finished in black and maintained in this colour thereafter.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The two rear roof lights at Second Floor level situated in the mansard roof must contain obscured glazing. A sample of the obscure glazing shall be submitted to and approved to the City Council as local planning authority before works start on this part of the development.

The development shall be carried out in accordance with the approved sample and you shall not remove the obscure glazing unless agreed in writing by the City Council as local planning authority.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 6 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 **HIGHWAYS LICENSING:**

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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

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.