

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 July 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	10 Montagu Mews North, London, W1H 2JY		
Proposal	Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3).		
Agent	dRAW Architecture		
On behalf of	Mr and Mrs Haley		
Registered Number	22/06785/FULL	Date amended/ completed	24 October 2022
Date Application Received	7 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		
Neighbourhood Plan	None		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes enlarging the existing dwelling house (Class C3) by excavating to provide a new basement floor (this excavation is limited to the rear yard and the rear half of the building footprint) and erecting a mansard roof extension. Changes to the doors and windows are also proposed.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The acceptability of the proposed basement.
- The impact of the proposed buildings on the character and appearance of the Portman Estate Conservation Area and the setting of other nearby designated heritage assets.

- The impact on the amenity of neighbouring residential properties.

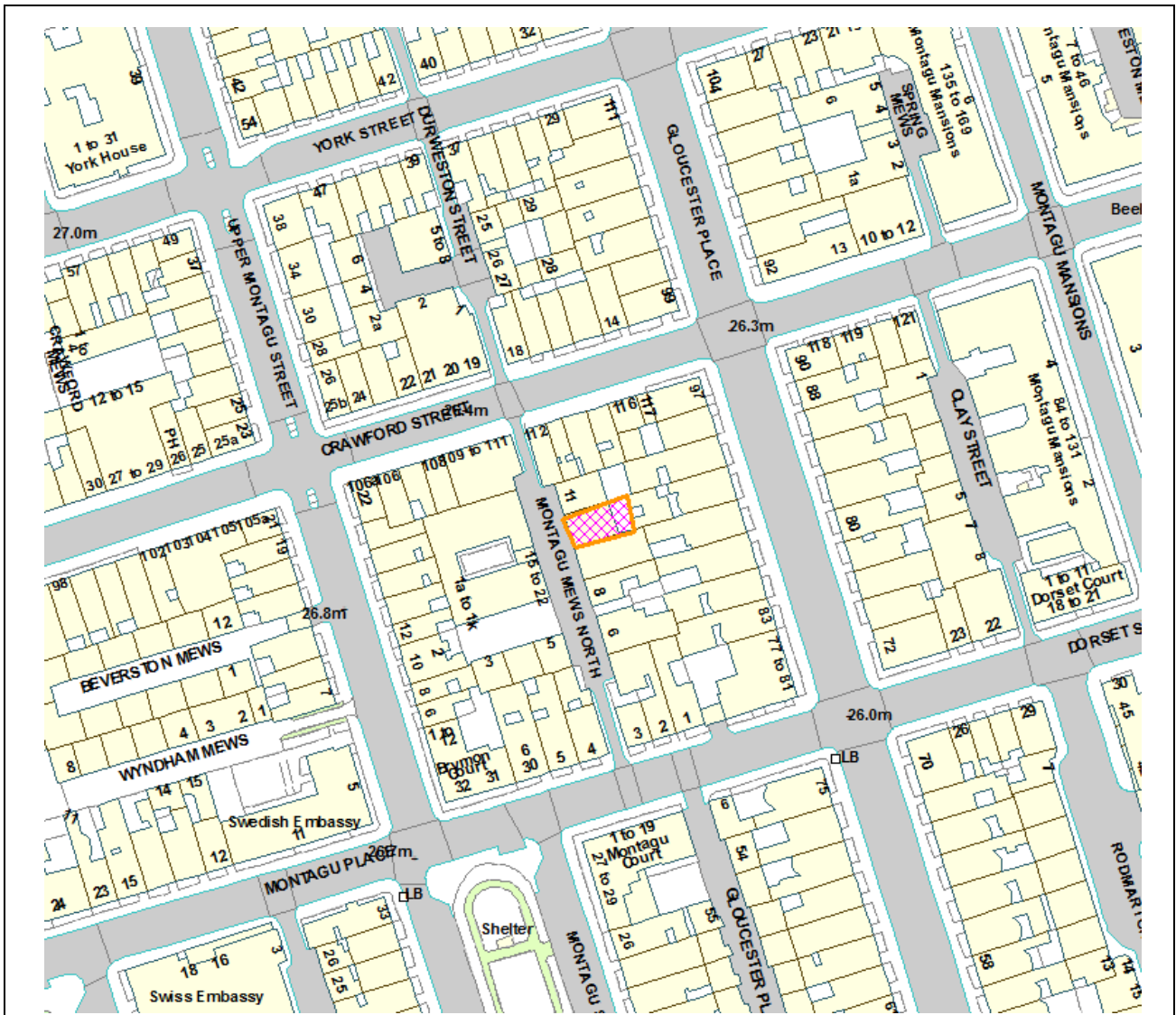
The proposed alterations, extension and basement excavation are acceptable and suitable interventions in design terms. The works are not considered to be harmful to the character and appearance of the Portman Estate Conservation Area and are not harmful to the special interest or character of the neighbouring listed building.

The applicant has demonstrated that the proposed works will not cause a detrimental loss of daylight and sunlight to surrounding properties, including to those of objectors. The nature of the site and extent of the extensions mean that there is no material increase in overlooking to surrounding properties beyond the existing mutual overlooking that exists. The continued use of an existing rear terrace is not considered to raise any concerns on amenity grounds.

The proposed basement is considered acceptable. The construction impact of the proposed basement works on both the site and the surrounding buildings/area will be managed by the Environmental Inspectorate by way of the Code of Construction Practice (CoCP), which shall be secured by condition, and this is considered to address objectors' concerns about disruption during building works.

Subject to the above conditions, the proposals are acceptable and recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING TEAM

No objection subject to conditions and doors not opening over the highway (overcome by revision).

BUILDING CONTROL

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96

Total No. of replies: 3

No. of objections: 3

3 Objections received on some or all of the following grounds:

Amenity:

- Rear terrace will result in loss of light, overshadowing and loss of privacy,
- Loss of sunlight to courtyard at opposite building,
- Overlooking, loss of privacy to courtyard to a building opposite

Design and Conservation:

- Design and proposals are out of character with the area and not likely to fit the 'local aesthetics',
- Basements are not appropriate in a Mews and out of character,
- Unacceptable precedent will be set for mews houses

- Basement:
- Concerns over structural stability issues for surrounding buildings related to basement,

Construction Impacts:

- Damage to cobblestones on Mews as a result of the works,
- Impact of construction traffic and works on the ability of vehicles to use the mews,
- Loss of access to garages on Mews due to the nature of the works,

Other:

- Property currently used as a commercial letting for short-term renters who have disregard for area,
- Building left in disrepair for a long time prior to the submission of this application,
- Removal of a current terrace will be contrary to biodiversity guidance, and

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that 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.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

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

This application is a two-floor mews building, across ground and first floors, that is in residential use (Class C3), located on the east side of Montagu Mews North. The site is located within the Portman Estate Conservation Area and the Central Activities Zone (CAZ).

7.2 Recent Relevant History

There is no planning history at this site.

8. THE PROPOSAL

Planning permission is sought to allow alterations to enlarge the existing dwelling house (Class C3) which include excavation to provide new basement floor, this excavation is limited to the rear yard and the rear half of the building footprint. A mansard roof extension is also proposed. There is an existing rear flat roof at first floor which is informally used as a terrace, the proposals will create a terrace here which will be the same size as the existing area. Changes to the doors and windows are also proposed.

The floorspace figures for the proposals are set out below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	135	230	+95
Total	135	230	+95

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals will result in an increase in residential floorspace which is acceptable in principle and in accordance with the overall aims of Policy 8 of the City Plan, which seeks to increase the residential floorspace within Westminster. City Plan Policy 8B restricts the size of new residential units to below 200sqm GIA. Given that this application is not creating a new unit, the unit size created here (230sqm) is not seen to be in breach of the policy.

9.2 Environment & Sustainability

Energy Performance

Eleven solar panels are proposed to be installed on the roof of the new mansard extension. This is welcomed in principle and in accordance with Policy 36 of the City Plan. They shall be installation and retention of these shall be secured by condition.

9.3 Biodiversity & Greening

An objector states that the removal of the current terrace at the site “*goes against all the conservation and biodiversity for Westminster as per...*” and refers to the July 2015 document titled “*Basement Revision Publication Draft (Regulation 19) Revision to Westminster’s City Plan: Strategic Policies*”. This document is no longer adopted and has been superseded by the Westminster City Plan 2019-2040 (April 2021).

The existing first floor terrace at the site is not being removed as part of the development. The existing rear ground floor yard area, will be excavated to create the basement. There will be no loss of outdoor amenity space at the rear of the mews house.

Townscape, Design & Heritage Impact

10 Montagu Mews North is an unlisted building in the Portman Estate Conservation Area. It is located on the east side of the street and has a white painted brick facade to Montagu Mews North with timber sash windows and a flat roof. The buildings to the rear are grade II listed and front on to Gloucester Place.

The key legislative requirements of relevance to this application in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the LBCA 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.”*

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.”*

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.

This mews is generally characterised by two storey buildings with shallow pitched roofs. The proposal site has a flat roof which is significantly lower in height than its neighbours to both sides. However, the adjacent site immediately to the south at no. 9 and 9a has a mansard roof form and permission was granted in 2022 for the demolition and rebuild of 8 Montagu Mews North behind a retained façade, incorporating an additional mansard roof storey (21/07915/FULL). There is therefore an established precedent for mansard roof forms in this part of the mews. The existing flat roof at no. 10 is not a typical treatment in the mews and does not relate well to the appearance of the surrounding roofscape. Given the specific context of the site therefore, the construction of a mansard roof storey on this building would not appear out of character with this group on the north- east side of the mews and if the approved scheme were to be built at no. 8, it would form one of three adjacent mansard storeys which would enhance the uniformity of the roofscape in this part of the mews. The overall height of the proposed roof extension will exceed that of the adjacent site to no. 9 and 9a given the differential parapet heights, but is similar in height to the approved development at no. 8. It will not appear disproportionately tall to the scale of the building and is considered compliant

with the City Council's supplementary planning guidance. It will cause no harm to the setting of the listed buildings to the rear, which remain significantly greater in scale. The mansard roof extension is therefore acceptable in principle in design terms and compliant with Policies 38, 39 and 40(A) and (E). Objections received on the grounds that the proposed mansard roof storey will appear out of keeping and will create an unsuitable precedent are not therefore considered sustainable in design or heritage asset terms.

The design of the mansard roof extension has been extensively negotiated with officers. The proposed design shows a 70 degree pitch to the front and rear set behind the existing parapets with a flat roof. The most recent revision shows three dormer window openings to the front elevation and another three to the rear, the proportions of which are now equal in size and have been reduced in scale to relate better to that of existing fenestration on the front and rear facades. The roof storey is to be clad in a natural slate to the front and rear roof pitches and in lead to the flat roof above, which is considered appropriate to the historic palette of the mews. Samples can be secured via condition. A large rooflight and solar panels are proposed above the roof storey, details of which can be secured via condition. The solar panels are restricted to the rear side of the roof to ensure they do not harm the appearance of the building from street level at the front. The revised roof design will relate sensitively to the historic character of the mews, in compliance with Policies 38, 39 and 40 of the City Plan 2019- 2040, and is considered acceptable.

One objection has been received on the grounds that having two front doors and two basement windows makes the property appear out of keeping with the mews. The proposed drawings show that one of the two existing doors (which is currently fixed shut) is to be made openable with a like for like replacement. The 'basement windows' referred to are not windows to the basement area (which does not come to the front of the site) but are existing low level timber hatch features in the front elevation. Details of new windows and external doors can be secured via condition. Given that all fenestration is to be replaced on a like for like basis and any changes in external appearance would be negligible, this objection cannot be supported.

Permission is also sought to excavate a single storey basement beneath the rear part of the site, incorporating a large open lightwell to the rear. There are no external manifestations associated with the basement proposed to the front of the site. The rear lightwell is located adjacent to the building and, whilst large, is at low level and will be largely obscured from private vantage points. Half of the existing ground floor garden area is maintained above the excavated basement. Large (almost full width) glazed openings are proposed at basement and ground floor levels to the rear and are contemporary in their design. The existing rear ground floor wall is to be rebuilt in decorative brickwork. The original design also incorporated contemporary style glazing to the first and roof levels which, following negotiations with officers, has been amended to show timber framed doors at first floor level with glazing bars. The contemporary glazing is now restricted to the lower levels of the building, which will largely be concealed behind existing boundary treatments. The more visible upper storeys, when viewed from gardens of neighbouring sites, retain a traditional character that is in keeping with the palette of this part of the conservation area and is more in keeping with that of the listed buildings to the rear. The proposed contemporary fenestration and decorative brickwork at the lower levels is not considered harmful to the character and

appearance of this part of the conservation area or the setting of nearby listed buildings. The imposition of conditions to secure further details of new windows, doors and brickwork is recommended. The objection raised on the grounds that the proposed development will not 'fit the local aesthetics' is therefore not considered sustainable. The proposed basement development and alterations to fenestration at the rear are therefore compliant with Policies 38, 39, 40 and 45A (3) and (4) of the City Plan 2019- 2040.

Objections have been raised to the proposed development on the grounds that the basement construction works could cause damage to the cobbles on Montagu Mews North. This is not however a planning issue and would be a civil matter for the respective landowners.

The installation of railings to the rear first floor terrace is proposed. This is not considered harmful to the appearance of the building or its contribution to the conservation area subject to the imposition of a condition to restrict the installation of associated structures. The proposed terrace railings are compliant with Policies 38, 39 and 40 of the City Plan 2019- 2040.

One objection is made on the grounds that mews houses should not be changed and that the proposed development is out of character with the area. With regards to the proposed basement, there are no external manifestations associated with the basement proposed at the front of the site and it will not be perceptible from the public realm. The proposed lightwell will not be visible from any public vantage points. Whilst the lightwell will be visible from some private high level views to the rear, it is not considered harmful to the wider character and appearance of the conservation area for the reasons set out above. Likewise, the proposed mansard roof extension follows a recent precedent for mansard roof development in this part of the mews and will not appear out of scale with the group given the surrounding roofscape. Alterations proposed to fenestration are sensitive in more visible locations. The more contemporary fenestration is restricted to the rear and low level, where visibility is very limited. Overall, the proposed development will not cause harm to the character and appearance of this part of the conservation area. It is therefore considered that these grounds of objection cannot be supported.

As such, the proposal is considered acceptable, mindful of Policies 38, 39, 40, 43(A) and 45A (3) and (4) 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.

9.4 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Objections have been received on a range of amenity grounds, addressed in the relevant sections below.

Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2022). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 15-22 Montagu Mews North, 91 and 93-95 Gloucester Place.

Objection has been received raising concern about the impact on daylight and sunlight as a result of the proposals.

Daylight

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable

The report shows that there would be no breach in BRE guidelines related to VSC for the 31 windows tested, so all comply with the guidelines, including the objector's property. Any losses identified do not exceed 6%, and nearly half of the losses are 1-2%.

Daylight Distribution No skyline (NSL)

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all of the 20 of the rooms assessed comply with BRE guidelines for NSL, including the objector's property, with only 6 experiencing any losses (which range from 2%-18%).

It is considered that the results of the study show that the development would have a minimal impact of the daylight levels for surrounding properties, including at the objectors building.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment has identified that 20 rooms require assessment. Of the rooms tested across the properties assessed, none experience losses above BRE guidelines (losses range from 2-4% for APSH and between 5-10% in winter but all windows retaining above the minimum stated in the guidelines), including at the objector's property.

The study shows that there will be no impact on surrounding properties assessed in terms of sunlight.

The submitted daylight and sunlight report has satisfactorily demonstrated the proposal is acceptable in terms of any likely impact on daylight and sunlight. It is not considered that the objections received concerning impacts of the proposal on surrounding daylight and sunlight can be upheld on the basis of the information provided.

An objection has been received stating that the proposed terrace will result in a loss of light and increase overshadowing for the neighbouring building to the north. The blank party wall of the neighbouring building in question extends to same extent to the greatest extent of the terrace, and as such the terrace at the site is set behind the rear elevation of the neighbouring site. There is no significant increase in the height of the building as a result of the more formal design of the terrace (with the only real change being the introduction of a balustrade at a safe height) and the relationship of the site and the objectors building would mean there is no scope for the works to the terrace to have an impact on light or result in overshadowing. This objection cannot be upheld.

Objection has also been received stating that the proposal would result in the loss of sunlight to courtyard at the opposite building (15-22 Montagu Mews North). As stated the scheme complies with BRE guidelines with regards to both daylight and sunlight.

Privacy

Objection has been made on the grounds that residents in the development site will be afforded direct overlooking into the internal courtyard of the building opposite the site when in the new mansard rooms. The proposed mansard floor will not afford views over the ridgeline of the roof of the building opposite. There will be no overlooking into the rear courtyard of No 15- 22 Montagu Mews.

An objection has also been made that the rear terrace will result in a loss of privacy to the neighbouring building to the north of the site. The blank party wall of the neighbouring building in question extends to same extent to the greatest extent of the terrace, and as such the terrace at the site is set behind the rear elevation of the neighbouring site. The terrace will not create any overlooking issues.

9.5 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has assessed the application and provided comment on the following aspects.

Servicing and Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Highways Planning Manager notes that no waste storage area is shown on the proposed plans and have requested details of waste storage should be secured via condition. However, given that there is no new use being created at the site and that the increase in residential floorspace is modest, it is considered that the development will be able to contain suitable waste storage areas without the need for such a condition.

Cycling & Cycle Storage

Policy 25(C) & (D) of the City Plan and London plan Policy T5 seek to secure cycle parking in new developments. Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weather proof.

The London Plan Policy T5 requires 1 space per 1 bedroom dwelling and 2 spaces per 2+ bedroom dwellings. A minimum of 2 cycle spaces are therefore required for the proposed enlarged dwelling. The application has proposed 3 spaces which complies with the requirements and shall be secured by condition.

Parking

Policy 27 supports residential development without car parking provision. On-street bays (including Residents Bays) on surrounding streets are controlled 8:30am to 6:30pm (Monday to Saturday). Therefore, resident bays should not be adversely affected by anyone who does drive to the site from outside the zone.

Doors Over Highway

The Highways Planning Manager notes that the proposed drawings show that the door to the new cycle area at ground floor opens outwards over the highway. They note that this is contrary to s153 of the Highways Act 1980 and City Plan Policy 25 and the design should be amended. The applicant has amended the layout of the cycle storage area to

allow the door in question to open inwards, while still retaining the proposed cycle storage. This has overcome the highways objection.

9.6 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. The larger residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.7 Other Considerations

Basement Excavation

The proposals include the excavation of a basement beneath the rear part of the Mews building and the existing courtyard.

Policy 45 part A of the City Plan seeks to ensure that basement development are designed and constructed in such a way so as to ensure they are structurally sound for both the site and surrounding buildings as well as taking into account relevant ground and flooding conditions for the site and protecting heritage assets. It also requires that developments be carried out in a way to minimise construction impacts on the surrounding area.

The site is not located within an Area of Special Archaeological Priority.

Building Control have been consulted and have confirmed that the submitted information complies with Supplementary Planning Document "Basement Development in Westminster". They note that the Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible (the site is not located in a surface water flooding hotspot area). The basement is to be constructed using RC concrete underpinning which is considered to be appropriate for this site. Basement floor will be RC ground bearing slab on well compacted hardcore. The proposals to safeguard adjacent properties during construction by using RC underpinning are considered to be acceptable. The basement works are therefore considered to comply with Policy 45 part A.

Objections have been received stating that there are concerns over structural stability issues for surrounding buildings as a result of the basement. As set out above, the impacts of the basement have been identified as being acceptable at this stage. Further assessment and assurance of structural stability of neighbouring buildings is undertaken at a later stage and under Building Control regulations. It is therefore not possible to withhold permission on the grounds of these objection points.

Policy 45 part B sets out a range of criteria controlling the extent and depth of basement,

such as not extending more than 4m from the original building line, leaving a margin of undeveloped land, proportionate to the site, to only comprise one additional storey below the original building, to provide a minimum soil depth, and to not encroach more than 1.8m under the highway.

The proposed basement comprises of one additional storey below the original building. The new basement extends the full depth of the courtyard from the rear building line, which is 4.03m, 0.03m (3cm) In excess of the policy stipulation for a small site such as this. Given this minimal additional space and the small amount that would remain if the basement were only 4m in depth, it is considered that this small amount of additional basement is acceptable. There is no basement development under the forward part of the footprint of the building, and therefore not under the highway and leaving a large margin of undeveloped land at this part of the site. The basement at the rear part of the site and below the existing courtyard is not set in from the boundary by any significant amount, however given the small context of this site it is considered proportionate to the scale of the development and the site.

No soil depth is provided above the basement however, given that the existing site is currently fully paved and provides no soil depth, it is not considered necessary to provide it in this instance. It would also avoid creating a change in levels at basement level. The applicant has also advised that they are happy to have details of some permeable pavement at the lower courtyard level along with having details of planters secured by way of condition so as to provide better drainage at the site (which would have been provided by soil depth etc.). These details are welcomed and it is recommended are secured by condition.

The scheme is required to operate under the Councils Code of Construction Practice (CoCP), which will be secured by condition. The applicant has submitted a signed Appendix A document for the CoCP confirming that they will be undertaking the development in line with the CoCP.

The proposed basement is considered acceptable in the context of this site.

Impact During Construction

Objections have been received in relation to the impact on the Mews and surrounding properties during the course of construction of any development permitted, specifically raising the impact of construction traffic and works on the ability of vehicles to use the mews, and that hoarding for the site would result in the loss of access to garages on Mews due to the nature of the works.

While these concerns are noted, it would be unreasonable for the Council to withhold permission due to the impact of construction works. Hours of noisy building work are controlled by condition, as is standard practice, and as the proposals include basement excavation, the CoCP applies as set out above. This includes managing construction traffic. These objections therefore cannot be upheld.

Other Points of Objection

Objections have been received stating that the property is currently used as a

commercial letting for short-term renters who have disregard for area, and that the building has been left in disrepair for a long time prior to the submission of this application. While these points are noted, the application is for the use of the premises as a residential dwelling (Class C3) in accordance with City Plan policies.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

Sufficient information has been submitted to demonstrate that the proposals are acceptable in amenity terms. Subject to conditions securing compliance with the Council's CoCP, the proposed basement and the associated works related to the construction are considered acceptable.

In design and conservation terms, the proposal is considered acceptable, mindful of Policies 38, 39, 40, 43(A) and 45A (3) and (4) 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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

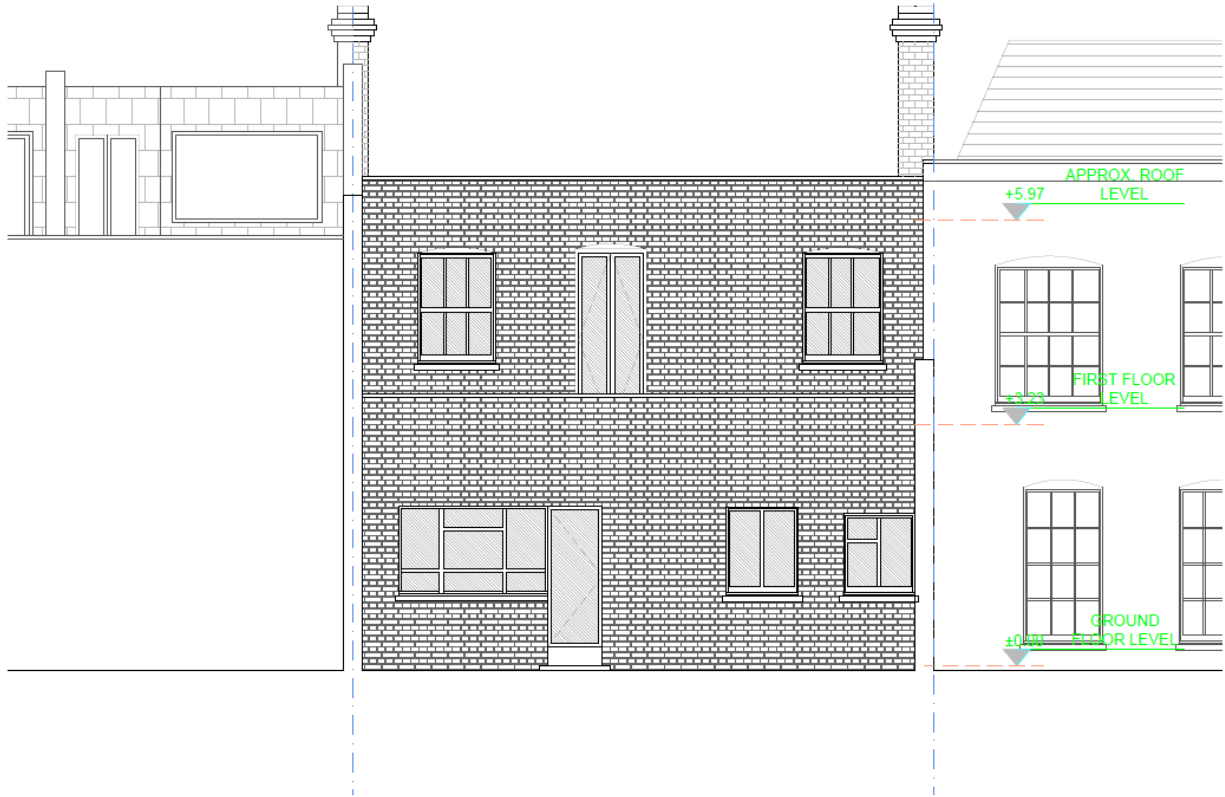
Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation

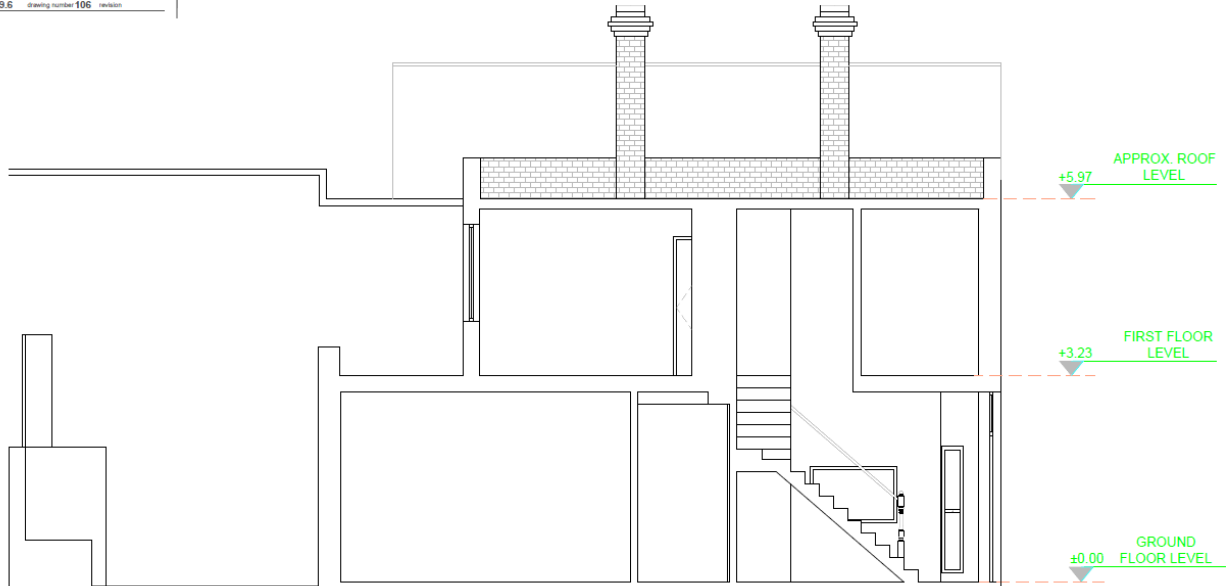


Proposed Rear Elevation



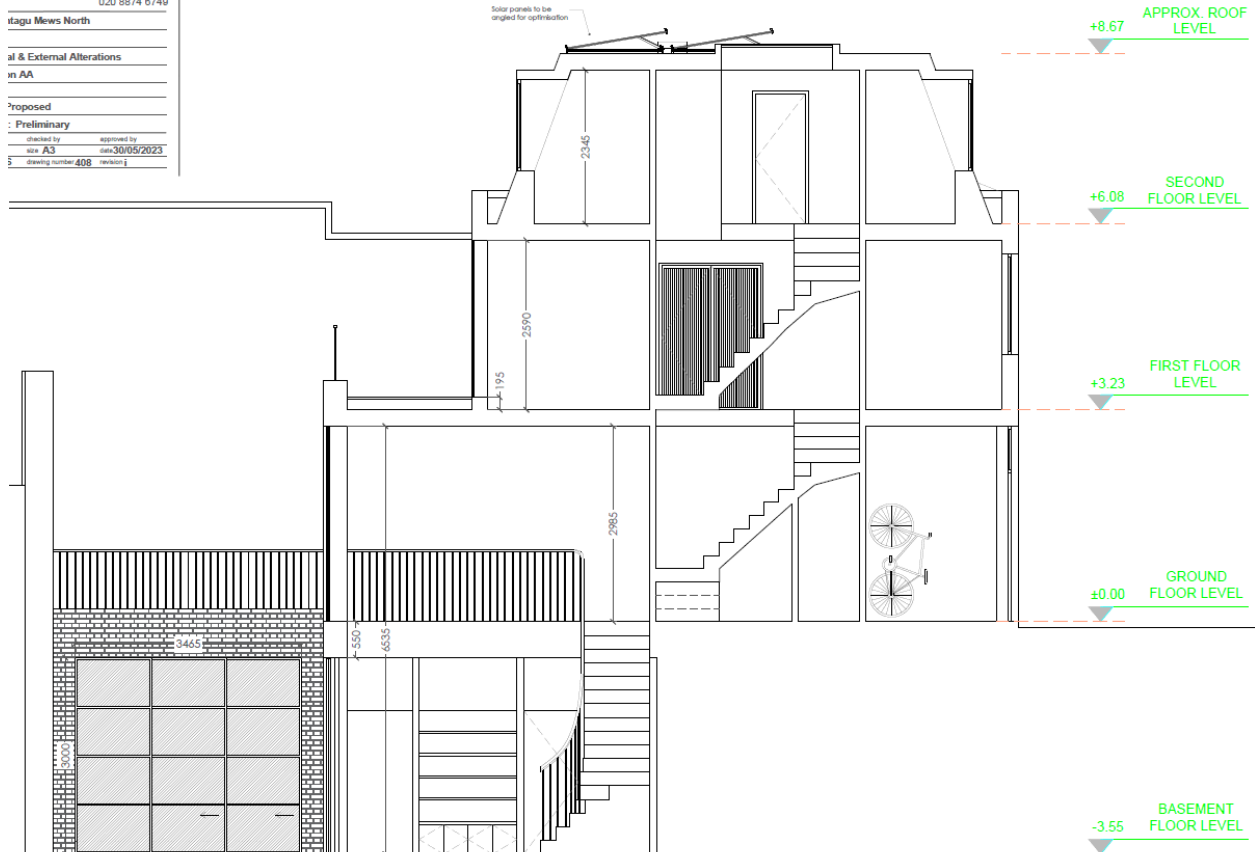
Existing Section AA

159.6 drawing number 106 revision



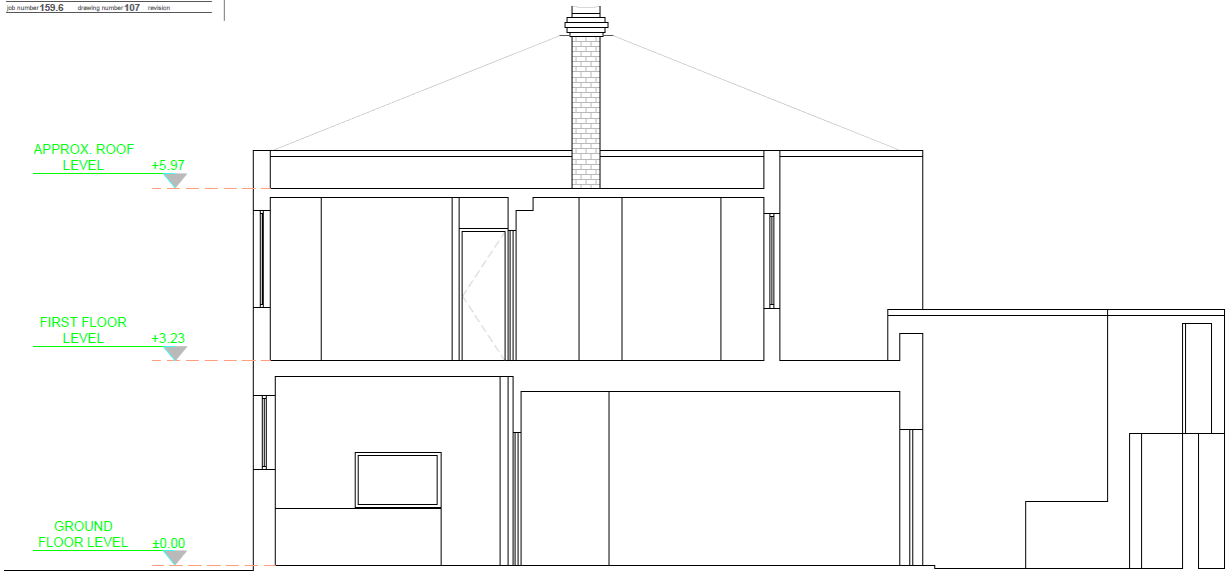
Proposed Section AA

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 itagu Mews North
 Internal & External Alterations
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 size A3 date 30/05/2023
 drawing number 408 revision 1



Existing Section BB

job number 159.6 drawing number 107 revision



Proposed Section BB

job number 159.6 drawing number 107 revision



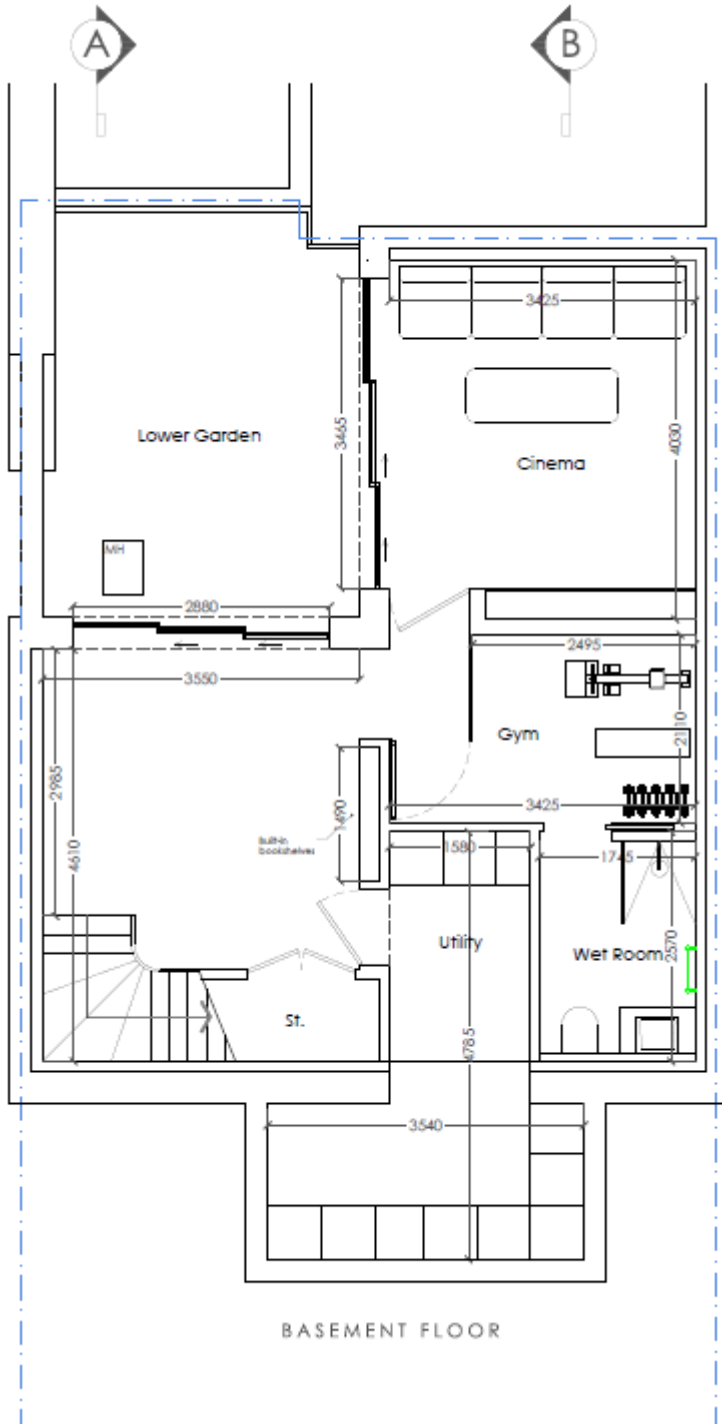
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 responsibility is taken for their accuracy.

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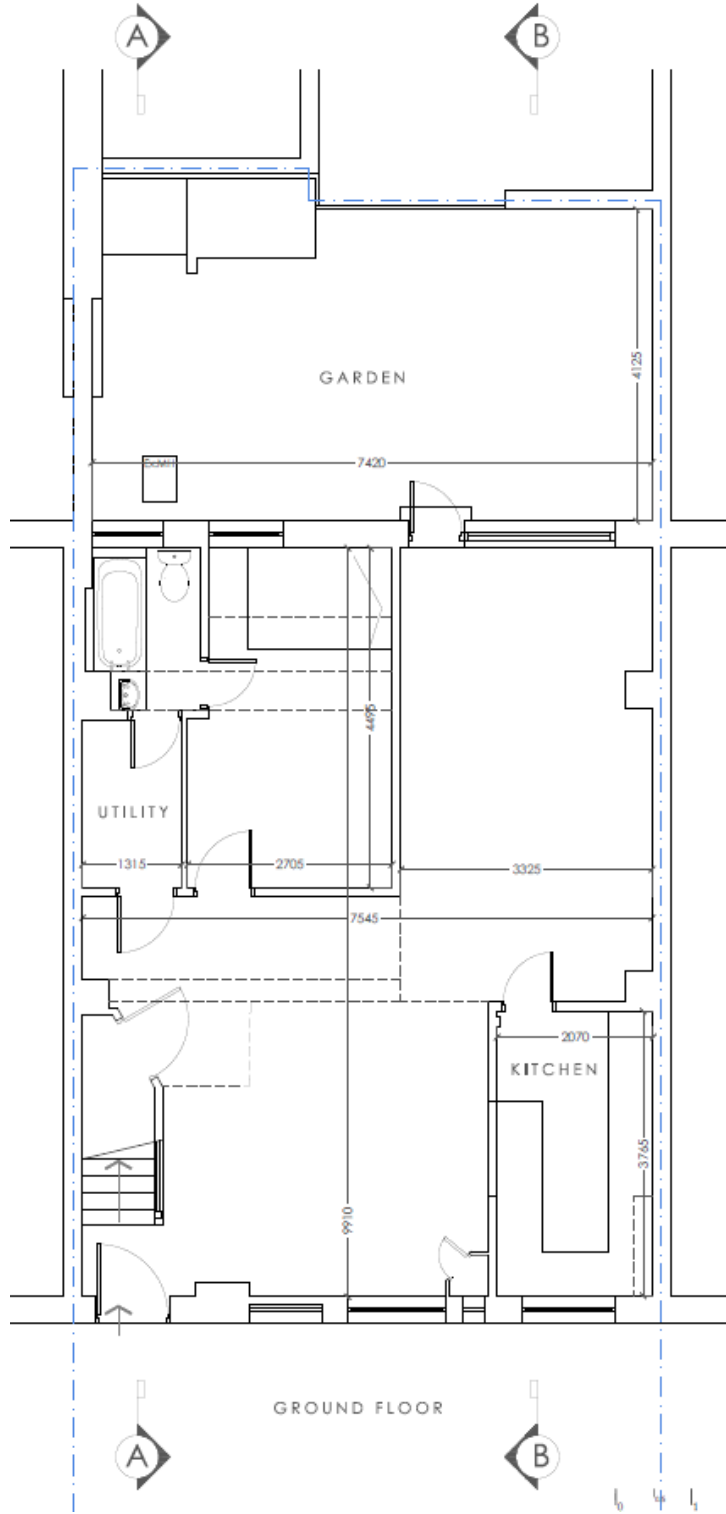
Existing Basement Plan

(N/A)

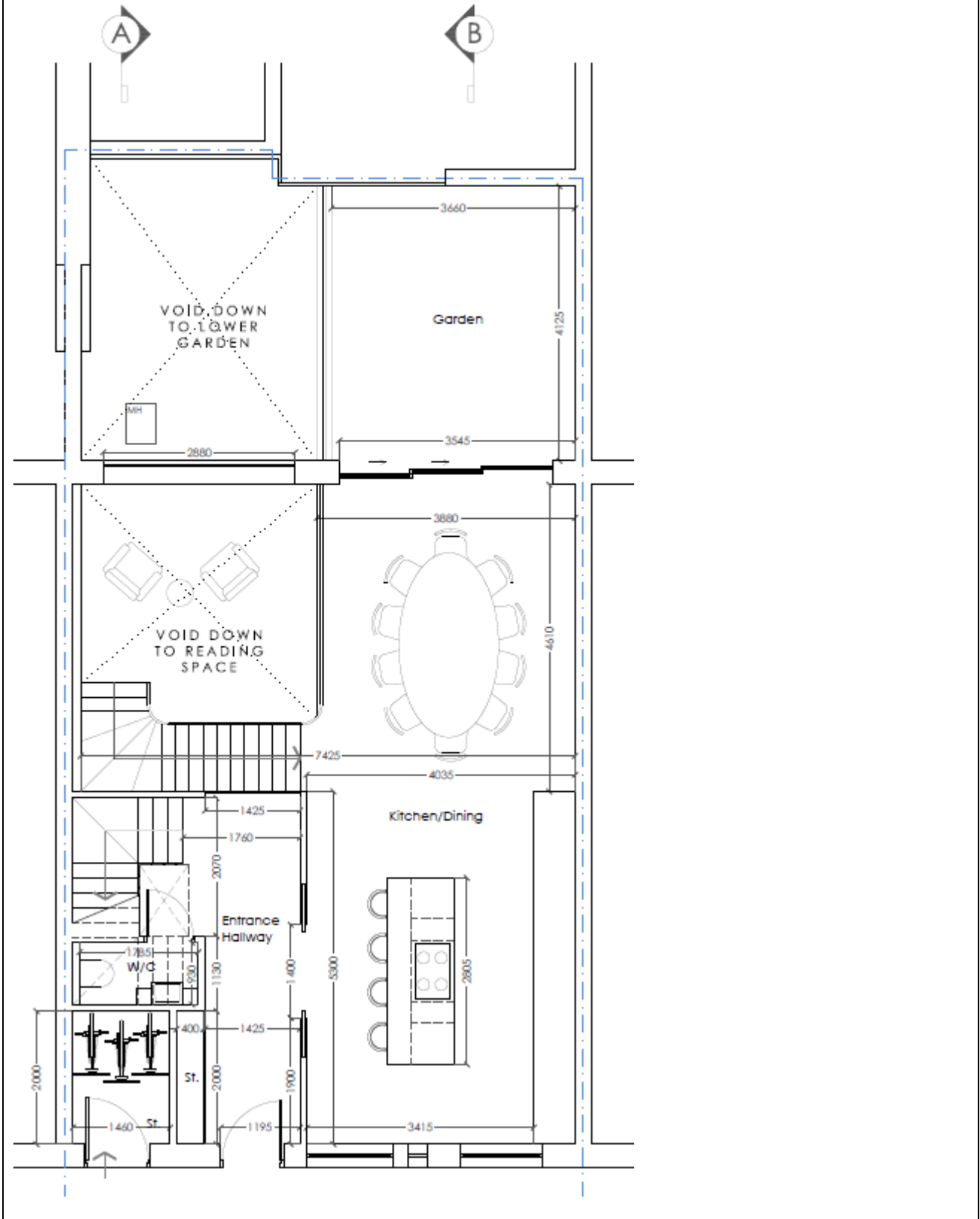
Proposed Basement Plan



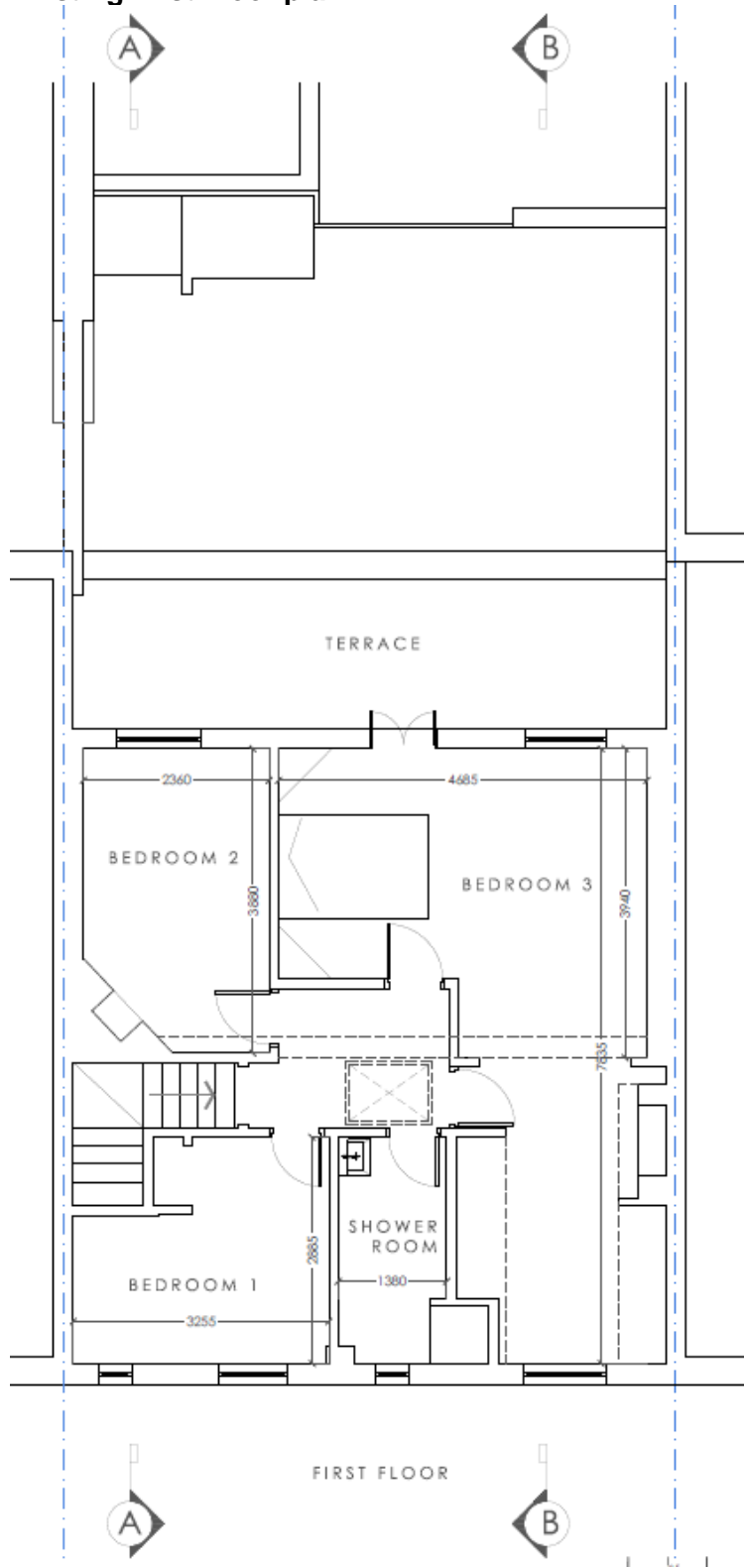
Existing Ground Floor Plan



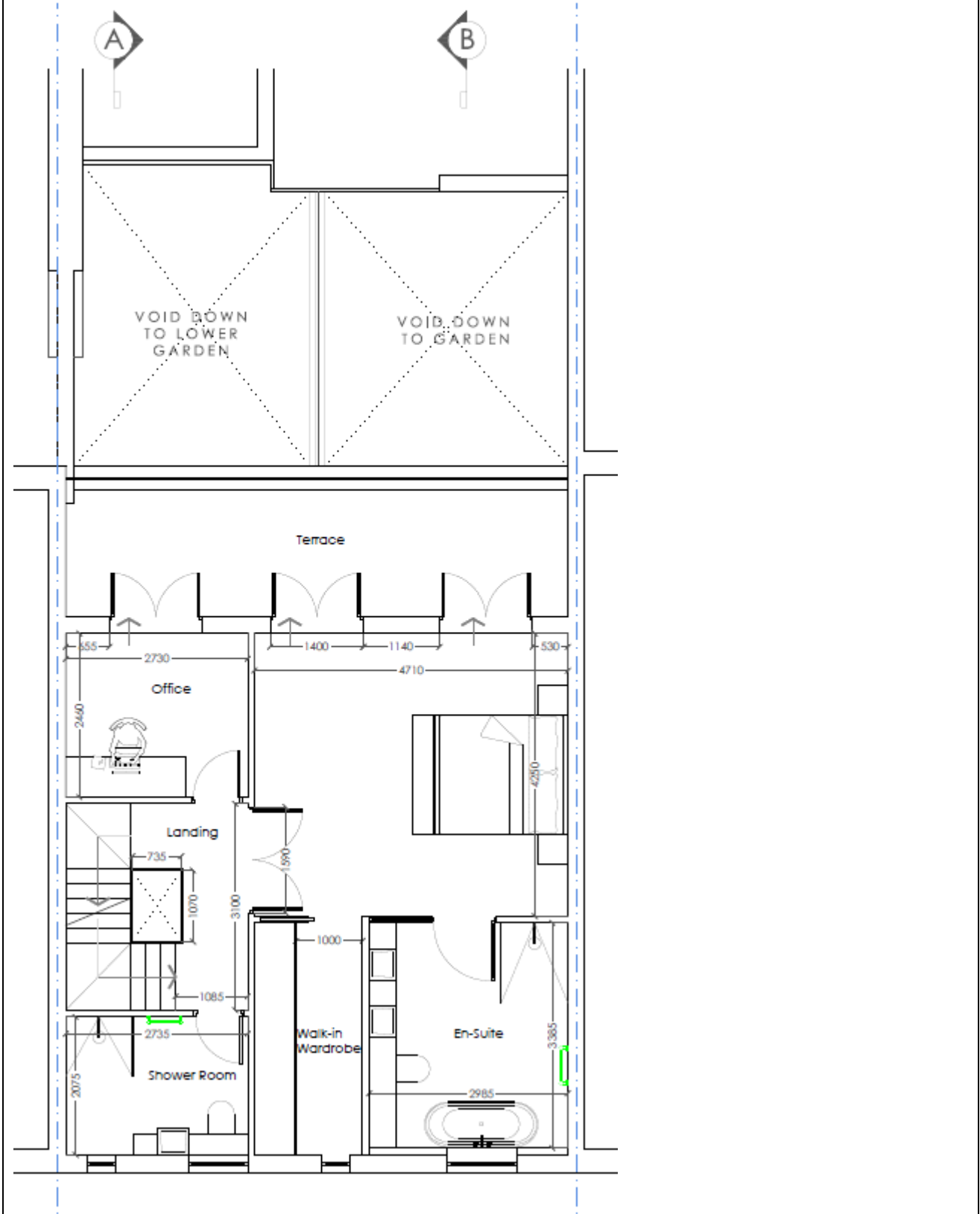
Proposed Ground Floor Plan



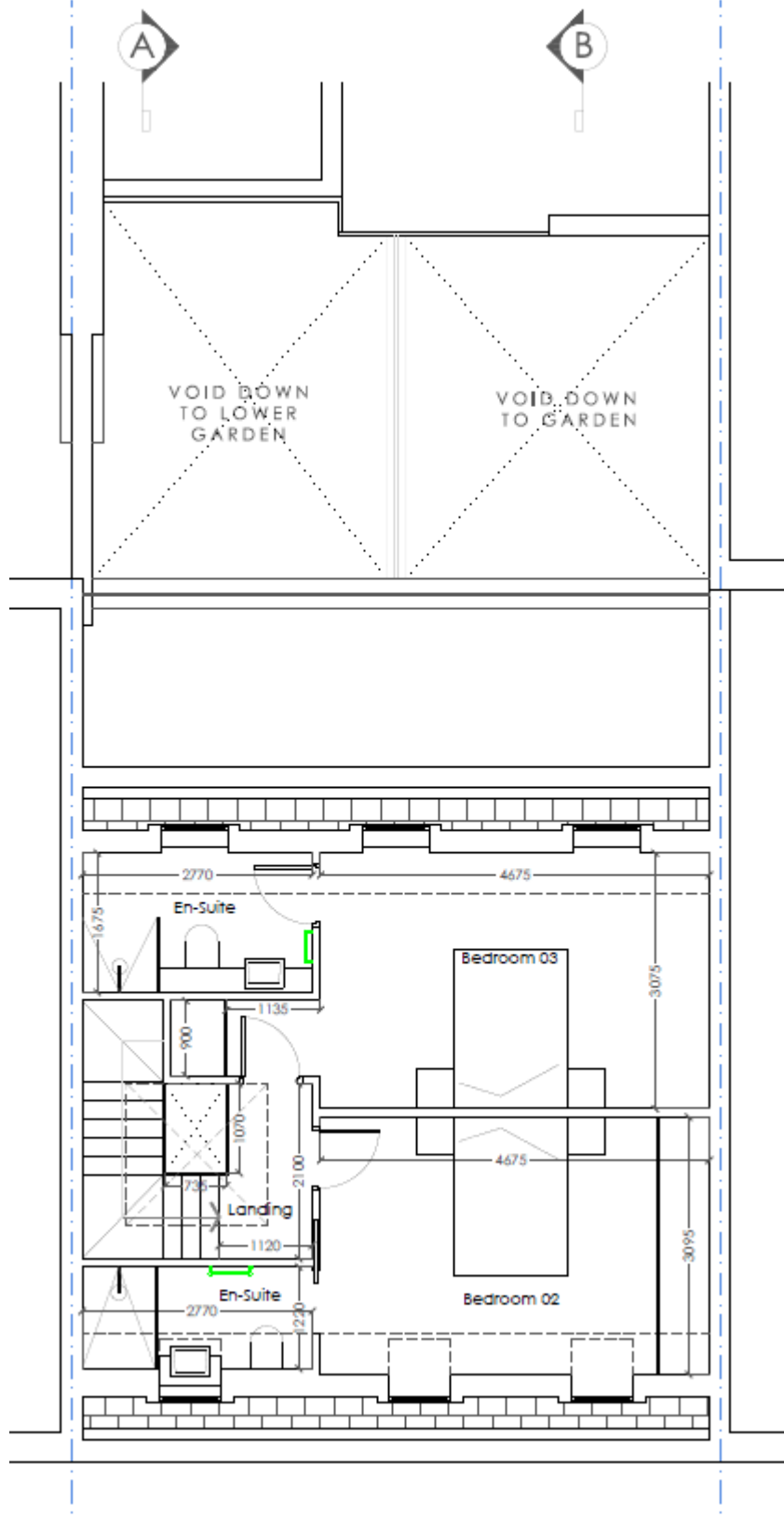
Existing First Floor plan



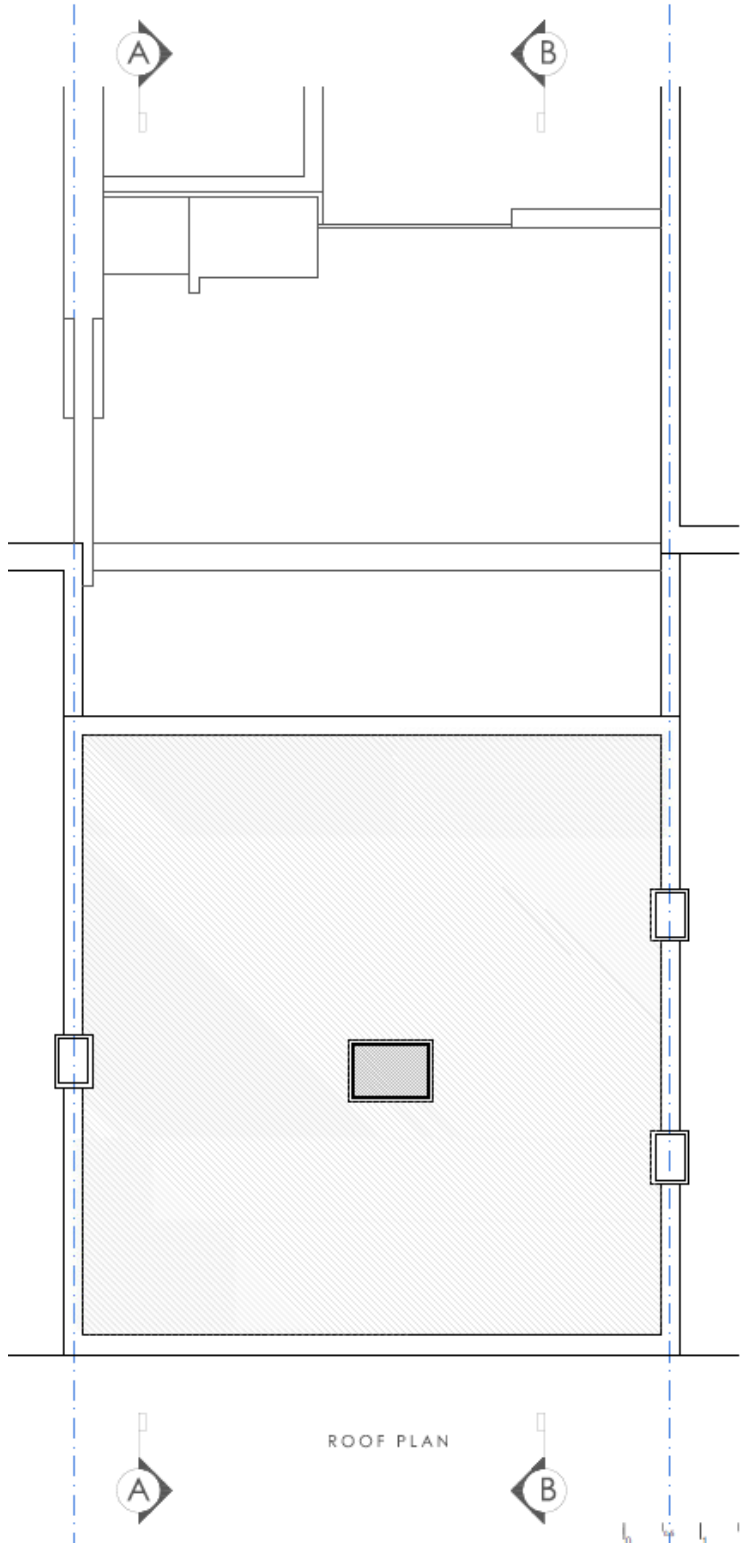
Proposed First Floor Plan



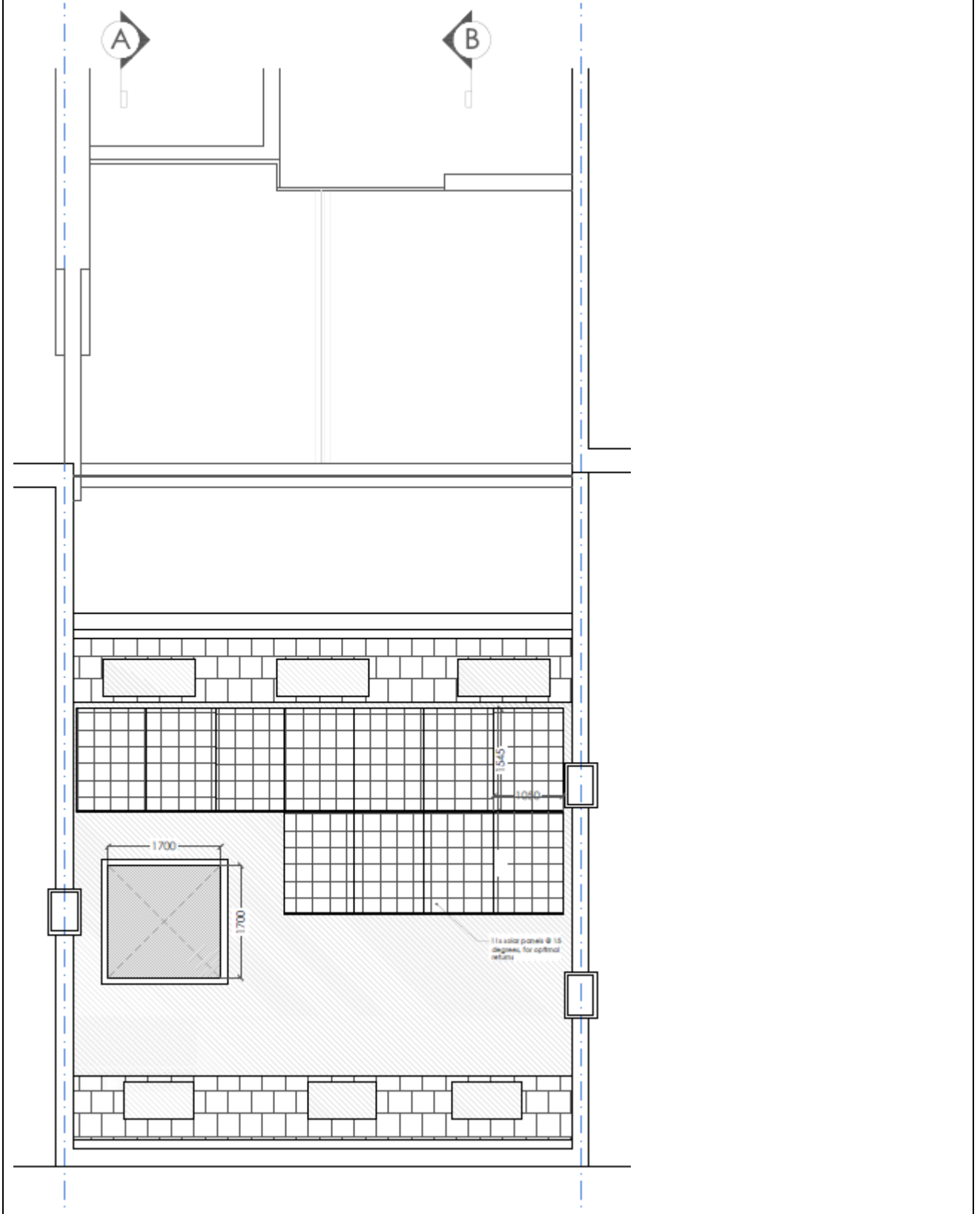
Proposed Second Floor Plan



Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: 10 Montagu Mews North, London, W1H 2JY

Proposal: Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3).

Reference: 22/06785/FULL

Plan Nos: Demolition drawings numbered: D1 ; D2 all dated 01/06/2023.

Proposed drawings numbered: 401 rev. i ; 402 rev. i ; 403 rev. i ; 404 rev. i ; 405 rev. i ; 406 rev. i ; 407 rev. i ; 408 rev. i ; 409 rev. i, all dated 13/03/2023.

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 5 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 6 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 7 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- solar panels.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Dormer windows (1:10) including detailed section and elevation drawings.
2. Windows and external doors (1:10)
3. Solar panels including section drawing showing relationship to finished roof level (1:20)
4. Rooflight including section drawing showing relationship to finished roof level (1:20)
5. Railings (1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terrace. (C26NA)

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 The external terrace railings hereby approved shall be painted black and maintained that colour.

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 You must apply to us for approval of detailed drawings of the following parts of the development:

- the inclusion of permeable paving in the basement courtyard.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 14 You must apply to us for approval of detailed drawings and approval of a biodiversity management plan in relation to the following features:

- Planting/planters to be located on the basement and ground floor terraces.

You must not start any work on this part of the development until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 3 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 5 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the

relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 5 Should works be undertaken that impact the party wall between the site and No. 91 Gloucester Place, you may required Listed Building Consent (as No. 91 is Grade II Listed). This permission does not act as listed building consent. You will need to apply for this separately (at the address of the listed building) for any works that affect the special architectural or historic character of the neighbouring listed building. It is a criminal offence to carry out work on a listed building without listed building consent.

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.