

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 5 December 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>68 Westbourne Park Villas, London, W2 5EB</b>		
<b>Proposal</b>	Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.		
<b>Agent</b>	Mr Riony Miranda Garcia		
<b>On behalf of</b>	Mrs Carmen Madalina Chevalier-Firescu		
<b>Registered Number</b>	23/05645/FULL	<b>Date amended/ completed</b>	15 August 2023
<b>Date Application Received</b>	15 August 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Refuse permission - on the grounds of inappropriate design and harm to the character and appearance of the surrounding Westbourne Conservation Area.

## 2. SUMMARY & KEY CONSIDERATIONS

This application site is a residential dwelling comprising of lower ground, ground plus two upper storeys. The site is not listed but is located within the Westbourne Conservation Area.

The application relates to the replacement of the existing roof structure and the erection of a new roof with new side and a larger sheer rear dormer with replaced a smaller glass dormer. The rear dormer has a Juliet balcony and this has involved works to remove part of the rear wall of the house.

Replacement windows are also proposed to the front and rear elevations and new doors .

The proposals also seek to install two external air conditioning units within the existing enclosure at roof level with a 1m high louvred acoustic enclosure.

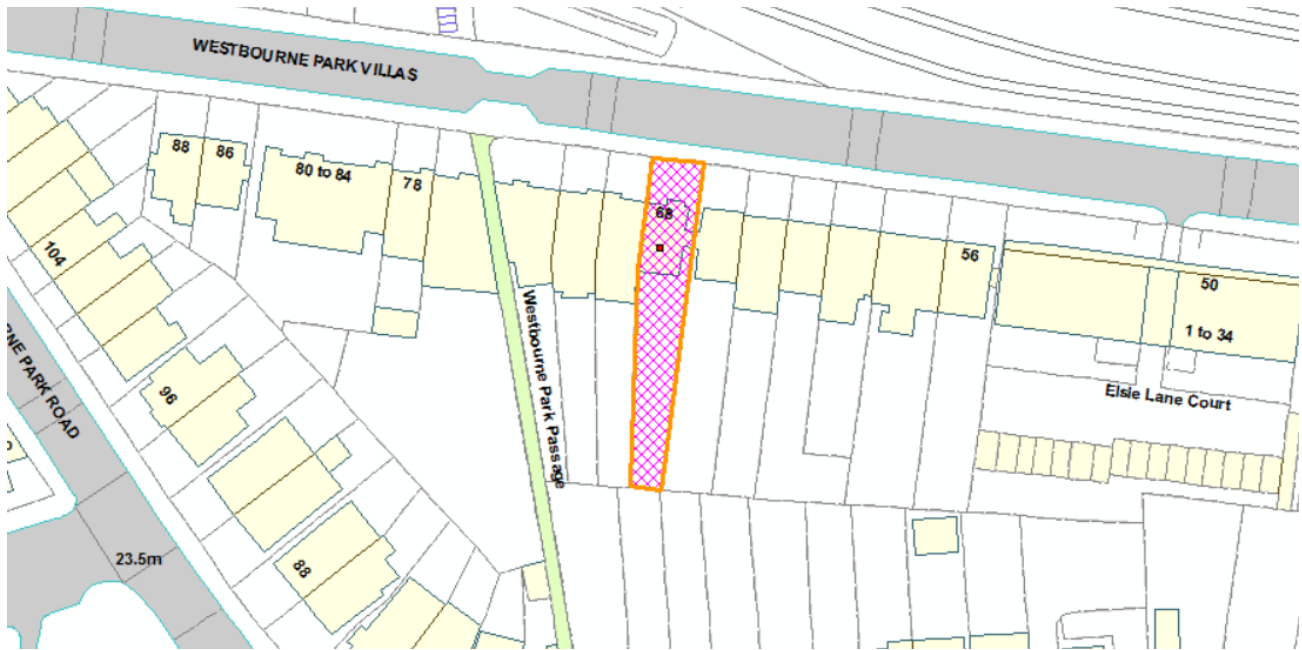
Photographs from Planning Enforcement's site visit on 20 July 2023, show the pre-existing roof structure replaced with new timber rafters to facilitate the dormers proposed under the current application (please see photographs section). A further visit to neighbouring properties on 16 November 2023 confirmed the extent of retrospective works carried out without permission ~~consent~~ (see photographs section below).

The key considerations in this case are:

- The acceptability of the proposed roof alterations and dormers in design terms.
- The impact of the proposed roof works on the roofscape and character and appearance of the Westbourne Conservation Area.
- The impact on the amenity of neighbouring residential properties.

A balancing exercise has been undertaken against the relevant Design and Conservation policies as set out in the City Plan 2019-2040 (Adopted April 2021) and conclude that the proposed development would result in less than substantial harm and this is not outweighed by public benefits. The proposed development would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area and fail to comply with policies 38, 39 and 40.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS

Photo of pre-existing front elevation



Photo of dormer to west side dated 16 November 2023



Pre-existing Rear elevation (left) dated 05 January 2023 and rear elevation dated October 2023 showing proposed rear 'dormer' and new doors (right)



Photo looking northeast at roof level and photo looking east towards no.66 at roof level



Photo of new double doors to front lightwell during officer's visit in September 2023



Photo of rear doors replacement during officer's visited in September 2023





## 5. CONSULTATIONS

### 5.1 Application Consultations

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

No response to date

#### PLANNING ENFORCEMENT TEAM:

There is an open enforcement case for the works underway at main roof level under: 23/78771/M following complaints from a member of the public that works were taking place without lawful consent. The owners of number 68 advised the Planning Enforcement inspector that this was not the case and that work had commenced out of necessity, to deal with an ingress of water from the old dormer. Following a site inspection the owners were advised in a warning letter that work to the roof dormer was unauthorised, and was unlikely to receive approval should it be applied for. The letter advised they should therefore cease works and restore the roof to its previous profile. The owners subsequently advised that they had submitted an application to retain the modified dormer as part of the scheme for 23/05645/FULL. The enforcement case is held in abeyance pending determination of this application. The owners have stated that ongoing work at the property relates to cleaning and repointing of brickwork.

#### ENVIRONMENTAL HEALTH:

No objection subject to conditions

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

No. Consulted: 10

Total No. of replies: 13

No. of objections: 7 objections from 6 properties including 1 on behalf of Westbourne Park Road East Resident's Association

No. in support: 6

#### Supporting representations

Six letters of support have been received from neighbouring residential occupiers on some or all of the following grounds:

- Works have been carefully designed to keep the style and spirit of the street and the neighbourhood
- The proposed plans are minor and in line with Victorian style and in keeping with the architecture of the area
- the roof is at the exact same height as before
- the roof renovations/ emergency works could be considered as permitted development
- will improve the previously dire condition of the house to the expected standard in a conservation area and if left unattended, the house could have even collapsed
- Roof works were carried out due to emergency as it was dangerously bent, leaking water, and the front façade was cracked and in disrepair
- using high quality materials e.g. natural slate will enhance the aspect of the neighbourhood and conservation area
- the front patio has not been excavated and has been in place for 40 years and

- no change is sought as per the plans
- objections raised unjustified to the size works
- glad it is occupied by a family with young children supplying original materials and design rather than an aggressive developer

### Objections Received-Design

Seven letters of objections relating to design matters have been received from neighbouring residential occupiers on some or all of the following:

- The proposed dormer at No. 68 is poised to be significantly bulkier, positioned closer to the street by one foot, and elevated by an additional two feet compared to No. 74, highly visible and visually unappealing
- obtrusive structure, disrupting the harmony and unity of the streetscape, altering the historic rooflines drastically and negatively impacting the existing views
- an eye sore, not in keeping with the historic architectonic style of the area, disrupts the cohesive visual flow of the entire row of houses and rear elevation is unaesthetically pleasing
- front-facing dormer significantly alters the building's original facade, creating a bulky, out-of-place structure that destabilizes the harmonious roofline symmetry observed among the 68, 70, 72, and 74 terrace houses
- the new top floor dormer at the front of the house is an eyesore and highly visible from the street and destroys the symmetry of houses 74-72-70-68
- Removal of rear windows to accommodate full size windows overlooks the importance of retaining the heritage features of the building
- the new window design does not compliment the adjacent structures, affect the cohesive appearance of the neighbourhood;
- French doors on the lower ground level starkly deviates from the historic architectural narrative of the c1850s Notting Hill terraced houses disrupts the existing symphony of styles, detracting from the heritage value of the area
- disregard for the regulatory framework but also undermines the concerted efforts to preserve the historic integrity of the neighbourhood
- air conditioning units are proposed at roof level must have an ambient noise survey and must have acoustic screening to be shown on elevations to show visual impact

### Other

Letters of objections relating to other matters have been received from neighbouring residential occupiers on some or all of the following grounds:

- Drawing comparison with no.74 is flawed and misleading and fails to adhere to the policy commitments outlined in the application
- poor justification for changes, masking the violations that have already occurred
- unclear as to whether the lower ground floor been excavated further than existing to create the very large front patio
- Alternatives must be considered that respect the area's historical character and the established regulations
- significant alterations without prior consultation
- fails to mention the original sash window replacement by modern french doors
- extensive scale of the already completed works (without planning permission) go

- beyond the scope of the current application
- sets a concerning precedent for future alterations in the Westbourne and Bayswater neighbourhood
- - carrying out of unauthorised works is not acceptable and also sets a precedent to other residents that they can begin works without the necessary permissions.

Concerns were raised by the agent that the Council has failed to properly investigate inappropriate use of the comments planning system as the comments were generated by the same people which in their opinion raise this as 'abuse' which the council is supposed to make sure should not happen. In response to this, the Council does not consider any of the comments objecting to this application to fall outside of the rules set out in the Council's planning comments protocol. Moreover, the Council is not in receipt of any requests from the reporting function made available on the website for any comments that have not already been moderated.

The agent has provided rebuttal points in response to some earlier objections in September 2023 (please refer to background papers no.16)

An email from the applicant dated 15<sup>th</sup> November 2023 explains that they were 'forced' to withdraw their previous scheme and requests that the earlier scheme (now withdrawn) is reinstated for consideration. Evidence in the form of written correspondence demonstrated that the relevant Officer who dealt with the previous withdrawn scheme had informed the agent of the design concerns raised and allowed the applicant to make a decision to either withdraw or proceed with a recommended refusal due to design and trees concerns raised. The same agent agreed to withdraw the previous scheme. Therefore, as the previous scheme has been formally withdrawn, this application cannot be reinstated as per the applicant's request.

PRESS NOTICE/ SITE NOTICE:

Yes

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

The Early Community Engagement Guidance encourages householders carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, householders are not formally required to undertake engagement with their neighbours or provide evidence of this engagement.

## **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) (September 2023) 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 (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

This application site is an unlisted residential dwelling comprising of lower ground, ground plus two upper storeys. The site is north facing perpendicular to the railway lines and located within the Westbourne Conservation Area.

The site a distinctive group designed in the mid-19th century and as part of the original development of the area comprising of four buildings (68, 70, 72 and 74) that are unified together into a coherent architectural composition.

### **7.2 Recent Relevant History**

22/04804/FULL

Erection of single storey rear and side extension at ground floor level; roof demolition and altered/extended with parapet to rear and side elevations and side extension; replacement of windows throughout; alterations and enlargement to the existing fenestration within the upper floor rear elevation; installation of fenestration within the new parapet rear and flank elevations; installation of openable-walk-on glass floor to front lightwell; erection of boundary planter, railings, side stair adjusted, and bins enclosure; and installation of air condition units within acoustic screens at rear roof level.  
Application Withdrawn 12 July 2023

The proposed roof extension was considered unacceptable in design terms and the proposed rear extension raised arboricultural concerns. The applicant was advised of these concerns, informed that the application was to be recommended for refusal and advised to withdraw.

22/04812/CLOPUD

Certificate of Lawfulness issued on 25 August 2023 for the erection of an outbuilding at rear of garden.

**ENFORCEMENT INVESTIGATION - 23/78771/M**

Enforcement investigation opened July 2023 relating to unauthorised roof works.

**8. THE PROPOSAL**

This current application seeks to overcome officer's design concerns with regards to the roof extension, raised under the previously withdrawn application. A rear extension no longer forms part of this current application.

Permission is now sought for the roof alterations which include the following:

- Side dormers on either side of the main pitched roof clad in natural slate to serve a new bathroom to the west and a new staircase including landing to the east
- Replacement of pre-existing glazed dormer to the rear with a new part sheer storey at rear second floor extension, a Juliette balcony serving a new bedroom and the removal of part of the existing rear wall
- Installation of air condenser units at roof level within existing tank enclosure and 1m high acoustic louvre
- One new rooflight to the side dormer to the west serving a bathroom

In addition, a replacement of window at lower ground floor level towards the front to a set of doors leading out into the front lightwell is proposed. To the rear replacement doors to the garden are also proposed.

Works have already started on site as the existing roof structure has been removed, a new roof structure has been erected with the side and rear dormers and new windows and doors. These works are substantially complete.

**9. DETAILED CONSIDERATIONS****9.1 Land Use**

Policies 8 and 12 of Westminster's City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally. The proposed development will create an additional 51 sqm of internal floor space to this existing single dwelling and there are no objections to the principle of this in land use terms.

**9.2 Environment & Sustainability**

Policy 38D of the City Plan 2019-2040 states that 'Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including:

1. use of high-quality durable materials and detail;
2. providing flexible, high quality floorspace;
3. optimising resource and water efficiency;
4. enabling the incorporation of, or connection to, future services or facilities; and
5. minimising the need for plant and machinery'

Timber is used for the replacement windows to the front and rear at lower ground and

ground floor levels. This sustainable material is welcomed to help meet the Council's Climate Change Agenda and the Retrofitting and Sustainable Design section of the Environmental SPD. The proposed Natural Slate roofing material is also welcomed. This complies with policy 38D which welcomes use of durable materials.

The Sustainable Design Statement submitted also outlines that the proposed development will maximise use of low carbon energy sources, such as through the connection to a new A-rated combi boiler and hot water tank. Whilst the use of combi boiler and a hot water tank is appreciated to minimise energy use, the installation of air conditioning units, however, are not considered as a sustainable element of the proposals. However, given the scale of the proposed works to serve a residential dwelling and not at a commercial scale, it is not considered to be harmful in sustainability terms so as to withhold permission on these grounds.

### **Energy Performance**

Policy 36A states that 'The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change'.

The proposals also involve double glazing to the replacement windows to the front and rear which would help to reduce thermal losses. Double glazing will overall improve the thermal efficiency of the building, reducing energy consumption, therefore positively contributes to the Council's Climate Change Agenda and the Energy section of the Environmental SPD. This is in compliance with policy 36 of the City Plan 2019-2040.

### **Circular Economy**

Given this is a householder application, there is no policy requirement to provide a Circular Economy Statement.

### **Air Quality**

The site is not located within an Air Quality Focus Area.

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

Policy 35B states that 'A site-specific Flood Risk Assessment (FRA) must be submitted for:

1. developments of 1 hectare or greater;
2. all developments in Flood Zones 2 and 3; and
3. all developments within a Surface Water Flood Risk Hotspot'.

The Environmental SPD under the Flood Risk section states that 'both elements of the Exception Test should be satisfied, where applicable, for development to be allocated or permitted. For the Exception Test to be passed:

- A. The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- B. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'

The site forms part of the Westbourne Grove Surface Water Flood Risk Hotspot and the

applicant has submitted a site-specific Flood Risk Assessment (FRA) which outlines there is limited capacity to include Sustainable Drainage System measures given the nature of the proposals relating to roof works only. The FRA also confirms that the proposed development will not additional run off, or increased permeability and therefore on-site attenuation is not deemed necessary. As such, the proposed development will not increase the risk of flooding elsewhere from surface water sources.

The Council is considers that the proposals comply with policy 35 and Flood Risk section of the Environmental SPD.

### **Light Pollution**

In response to the objections of increased light from the roof lights, these are small in nature, very typical of a householder property and therefore there is unlikely to be any detrimental light pollution arising from the new windows within the new roof.

### **Environment & Sustainability Summary**

Overall, the proposed works include double glazing to maximise energy, natural slate and timber as high quality sustainable materials and additional 'hedgerow' greening to the front lightwell which positively contribute to meet the Council's Climate Change Agenda and relevant sections of the Environmental SPD.

## **9.3 Biodiversity & Greening**

Given that the scheme is for a replacement roof structure, with only one small area of flat roof, there is limited feasibility of incorporating biodiversity and greening infrastructure to the proposals and it not considered reasonable to request a green for the proposed scheme.

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

### **Legislative & Policy Context**

The key legislative requirements in respect to designated heritage assets is section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 of the Westminster City Plan 2019-2040(April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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.

The relevant policies for consideration of the proposal area 38, 39 and 40 in the adopted City Plan April 2021.

WCC Supplementary Planning Guidance -Development and Demolition in Conservation Areas (1996), the guidance was agreed for public consultation and reported to committee on 12th September 1995 and again on 11th January 1996. The committee authorised publication following consultation in April 1996. Whilst some parts of this document have been superseded by advice contained in the NPPF 2023 and revised Historic England documents, the following identified paragraphs are still relevant and pertinent to the current City Plan (April 2021) and policies 38, 39, 40 and Section 72 (Listed Building and Conservation Areas) Act 1990, whereby special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The nature of the proposal seeks alteration to the roof involving the partial demolition and erection of a new rear elevation and new dormers to either side of the pitch roof. Paragraphs I.8, J.1 and J.4 relate to extensions and are pertinent to this case.

Paragraph I.8 states: "...not all extensions or alterations, which may be many years old, should be regarded as setting a precedent for future change. May works carried out in the past have not been sensitive to the architectural integrity of the buildings and terraces."

Paragraph J.4 advises; "In some instances roof extensions will not be acceptable in principle, if they have an adverse impact on the architectural integrity of the building, the unity of a terrace or group or character and appearance of a conservation area."

WCC Supplementary Planning Guidance - Roof, A Guide to Alterations and Extensions on Domestic Buildings (1995) was subject to public consultation, reported to committee on 9 February 1995; it was formally adopted in March 1995. This document provides advice on the suitable detailed design, siting, form and materials for roof extensions on terraces and historic domestic buildings. Section 5 provides detailed advice on mansard roof and dormer designs and states: "The guidance is general because it cannot deal with every circumstance that exists across the City but it sets out the fundamental rules which need to be followed. "Dormer windows should normally be modest in size and of simple construction and design.....The total window width, including cheeks, should be no greater than window openings on the façade below. It is important to ensure that the cheeks are not too wide as this can give the dormer a very heavy appearance....Window proportions should have an emphasis, normally vertical, consistent with existing window on the facades below. Care should be taken to choose a historically appropriate style of window, with special attention paid to the thickness and profile of the frames and glazing bars."

WCC Supplementary Planning Guidance - The Westbourne Conservation Area Audit (2002). The SPG was adopted on 20th February 2002, there are reference to the UDP policies however the aims and advise are relevant to current policies in the adopted City Plan 2019-2040 (April 2021). The audit provides a background history and character appraisal on pages 1-9. The stages and development of the area found on page 1 and Westbourne Park Villas was one of the first phases of development in the early 1840's



by many individual builders. Westbourne Park Villas is located in the north of the area and consist of villa developments set within front and rear gardens and later taller imposing terraces.

The architectural character of Westbourne Park Villas and surrounding streets is mentioned on page 1, where these streets with villa developments are similar in character to the slightly earlier houses found in St John's Wood. On page 7 the architectural and historic characteristics and asserts semi-detached villas have high hipped roofs, prominent party walls, stacks and projecting eaves...and were the first houses to be built in the area.

Page 12 contains information and a map where roof extension will be unacceptable, and 68 Westbourne Park Villas is identified where roof extensions is not acceptable.

Historic England Guidance - Managing significance in Decision-Taking in the Historic Environment (2015). This document provides information on how to assess the significance of heritage assets and the implementation of the historic environment policy in the National Planning Policy Framework (NPPF). Paragraph 28 is relevant to this case and states: "The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form.."

Historic England Guidance - The Setting of Heritage Assets (2017), this document provides guidance and amplification of the NPPF, on page 4 it sets out relevant advice and states: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and it original setting."

#### **Site and Surroundings expanded upon**

68 Westbourne Park Villas and 70, 72 and 74 are a distinctive group designed in the mid 19th century and as part of the original development of the area. The group comprising of four buildings are unified together into a coherent architectural composition. They are designed with nos. 68 and 74 representing 'end bays' to the composition and which incorporate grander pedimented second floor levels to their front elevations, and with the two buildings between (nos. 70 and 72) given a more recessive and lower height bottle balustrade to the front parapet with shallow pitched roof form to second floor level behind. The overall visual effect from the front is of a unified 'palace fronted' composition which was a common form of development in the surrounding area in the mid 19th century and which sought to group individual terraced properties together into wider and grander architectural compositions.

The area (and parts of Kensington adjacent) was laid out and developed mostly around 1850-1855 following the earlier rapid urbanisation of Bayswater and Paddington to the

south and east. Westbourne Grove itself still crossed open fields as late as 1840. The conservation area was first designated in 1973; extended in 1978 to include properties north and south of Westbourne Grove and an area to the northwest centred on St Stephen's Gardens; extended also in 1998 to include Westbourne Grove Terrace, Hatherley Grove and Burdett Mews as well as the north side of Westbourne Park Villas.

The architectural form and townscape are recognisably coherent comprising both terrace and villa developments mainly arranged either side of streets running north-south between Westbourne Grove and Talbot Road, giving the area a rigid grid pattern, except for the terraces and villas around St. Stephen's church, Westbourne Park Road. Generally a more modest scale, three or four storeys, than nearby Bayswater but employing a similar combination of brick and stucco facades, many in compositions emphasising the end and centre group of houses as in Chepstow Road. In land use terms the area is predominantly residential, the main exceptions being the Victorian shopping street of Westbourne Grove and the informal workspaces found in rear mews.

### **Assessment**

The proposal seeks the erection of a side dormer to the east elevation, a new dormer to western roof slope adjacent to the front pediment, removal of the rear hipped roof and glazed dormer and erection of a new part sheer storey at rear second floor with a Juliet balcony.

The site was subject of a previous submitted planning application that was withdrawn on 12 July 2023 following officers fundamental design objection to the principle of the roof alteration and extension.

The current application has been submitted following enforcement investigations of unauthorised works to the roof (RN: 23/78771/M). The building works are advanced as the existing roof structure has been removed and there new timber rafters installed. In the absence of demolition drawings, the agent has confirmed in an email dated 15.11.2023 that the roof is not a replacement structure, but the implemented works are only temporary works. Prior to current building works the previously existing pitch roof had been altered with a small centrally located infill of the western roof slope against the party wall with 70 Westbourne Park Villas. Also, the rear hipped roof pitch was punctuated by a small modern glazed dormer. For the purposes of this application, officers consider that a new roof structure has been constructed with the new dormers.

The application has attracted a number of supporters and objections as set out in Section 5.1

The application site is an attractive 1840's pitch roof, pedimented, gable end property. The pediment and pitched roof is a distinctive feature of the building, group and townscape that positively contribute to the character and appearance of the Westbourne Conservation Area. The roofs at 70, 72 and 74 Westbourne Park Villas have been altered with well set back dormers to the front and a variety of large bulky roof extension at the rear. No. 74 is the opposing end building in this attractive group, that has been heavily altered at roof level to the detriment of the pedimented elevation and loss of the historic pitched roof. These works appear to have been in place for many years and there is no recent planning history for roof works except at 74 Westbourne Park Villas

where permission was granted for rebuilding of the rear elevation including alterations to the roof in 1996.

The proposed dormers would appear intrusively in the roofscape, harming the silhouette of the pitched roof and pediment. The dormer to the western roof slope would further infill the gap between this roof pitch and party wall at 70 Westbourne Park Villas. The side dormer to the western roof slope would be clearly visible in the townscape, add excessive bulk, encroach and potentially crown the pediment, thus undermining this important architectural feature of the building and detrimentally impacting on the roofline of the 'palace fronted' group. It is noted that 60, 62, 64 and 66 form part of a unified group with hipped pitched roof unimpeded by dormers to the front and side. In addition 56 and 58 Westbourne Park Villas are a semi detached Italianate villas that have also unimpeded roofline and have retained their hipped pitched roofs.

The rear enlarged dormer with its glazed doors and Juliet balcony is unacceptable in design grounds. The bulk, scale and form of the extension would infill and substantially removed the rear hipped roof, the part sheer elevation and small section of the retained hipped roof is a striking discordant roof addition when seen against the rear roofscape. The unconventional asymmetrical form is exacerbated by the poor design and relationship with the building, where the rear elevation of the building and group can be viewed from surrounding neighbouring gardens/buildings and Westbourne Park Passage in the conservation area. The associated lowering of the rear wall to accommodate the balcony is also unacceptable in design terms.

There are no design objections to the new windows and doors which would be 'permitted development'.

The proposals fail to accord with policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021), and is considered to result in less than substantial harm, and this is not considered to be outweighed by public benefits. Whilst the applicant need to provide improved residential accommodation is recognised, this does not outweigh the design objections to the works at roof level. Therefore, the recommendation to refuse permission is 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**

Policies 7 and 33 of the City Plan 2019-2040 seek to protect residential amenity and environmental quality from development. Policy 7 (A) (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, and Policy 33 (A) aims to protect local environmental quality.

No objections to the proposals have been received on loss of amenity grounds.

### **Daylight & Sunlight/Sense of Enclosure**

Given this is a householder application, it is not considered that the works at roof level and the new side dormers and the larger rear dormer will result in any material loss of daylight/sunlight or increase sense of enclosure to neighbouring residents.

**Privacy**

The proposed side dormer to the east has a window opening to increase natural light and ventilation to the new staircase leading up to third floor level. The outlook from the side dormer to the east would provide roof level views towards no.66 and no direct views into neighbouring windows. The western side dormer has a rooflight which serves a new bathroom, therefore views would be solely skywards.

The rear dormer proposes a set of doors with a Juliette balcony which provides views of the rear garden of the site and the neighbouring properties and long distance views of the rear of properties along Westbourne Park Road which would not be dissimilar to the existing rear elevation window/door openings.

The replacement windows to the front and rear elevations at lower levels raise no privacy concerns. To the front elevation at lower ground floor level, the existing two over two sash window has been replaced without consent to a set of timber doors which lead out into the front lightwell. Given there is no change to the location of the opening, the new door opening is not considered to be contentious in terms of overlooking as it is located at lower ground floor level and provides views solely into the front lightwell.

**Noise & Vibration**

The proposed scheme seeks to install two external air conditioning units at roof level with a 1m high acoustic enclosure. Environmental Health have been consulted and raise no objections to this plant equipment, subject to standard noise conditions and the installation of an acoustic enclosure, as set out as a mitigation measure within the submitted acoustic report.

**Conclusion**

The proposals are considered acceptable in terms amenity terms and are therefore compliant with policies 7A and 33A of the City Plan 2019-2040.

**9.6 Transportation, Accessibility & Servicing**

Given the nature of the proposals and that they relate to a single family dwelling, the proposals do not result in any transportation, accessibility or servicing issues, including waste and storage provisions.

**9.7 Economy including Employment & Skills**

Not relevant for a householder application.

**9.8 Other Considerations**

The agent has submitted a Structural Report to demonstrate the existing roof structure was in a poor condition. The report recommends that the roof shape is changed and strengthen 2nd floor level by introducing new steel beams in the floor, some new internal walls and to reduce the load on the front elevation wall, caused by the support of the existing valley beam and the flat roof will be slightly extended towards the front. Whilst this is relevant information in support of the application, it does not justify the alterations and dormer extensions which have been carried out in advance of obtaining planning

approval.

The agent advised on 15<sup>th</sup> November 2023 stating that the roof is not a replacement structure and that the only work done was temporary, however recent visit on 16<sup>th</sup> October and 16<sup>th</sup> November 2023 demonstrate otherwise, along with this, the agent has attached several 'recent' photographs of the site internally to demonstrate water leaks through the roof.

### **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.

### **Conclusion**

As set out in this report, the proposals are unacceptable in design and conservation area terms and accordingly, the proposed development would fail to accord with policies 38, 39 and 40 of the City Plan 2019-2040 and would not meet the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that the less than substantial harm to designated heritage assets is outweighed by public benefits, and the application is recommended for refusal.

(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: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS



### Proposed Front Elevation and section






**FRONT ELEVATION**  
Scale 1:100



**SECTION 203**  
Scale 1:100

**KEY**

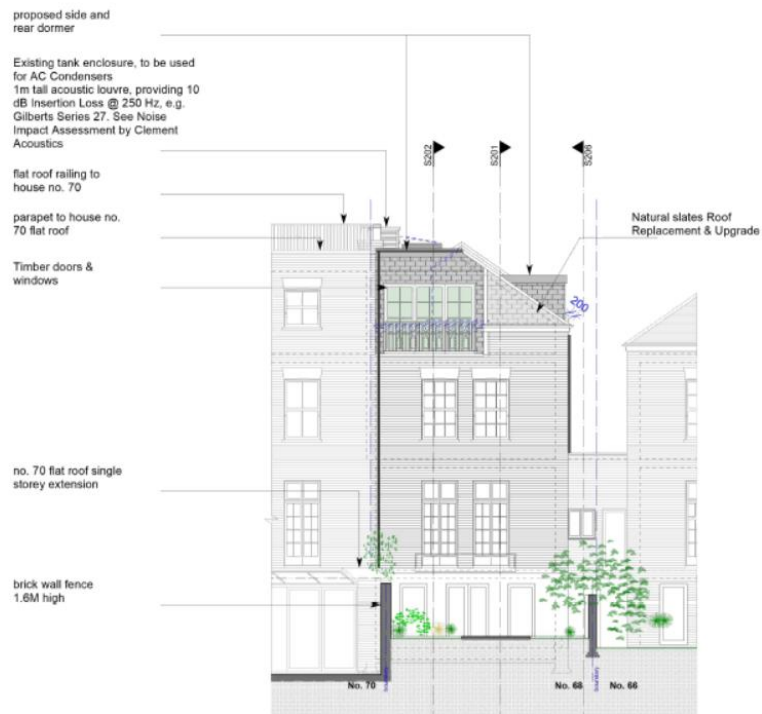
-  DENOTES WALL / STRUCTURE DEMOLISHED
-  DENOTES EXISTING WALL / STRUCTURE
-  DENOTES NEW WALL / STRUCTURE

**Existing Rear Elevation**





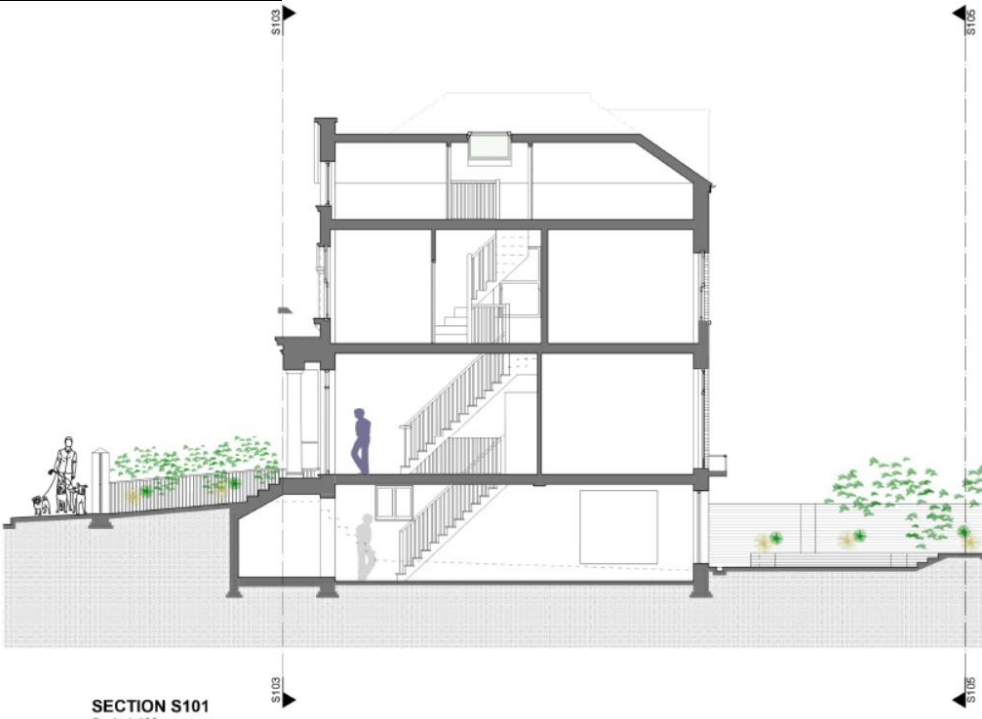
## Proposed Rear Elevation



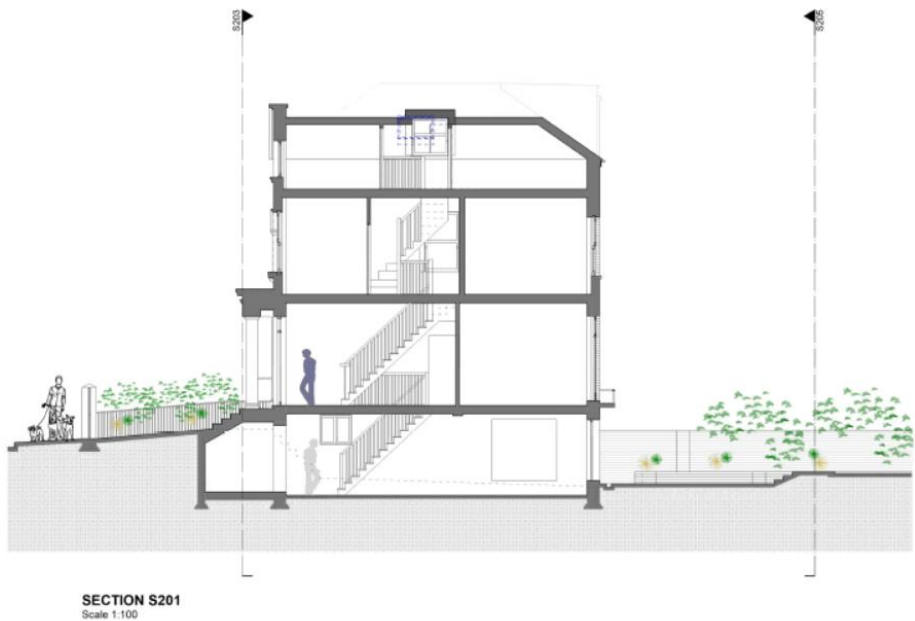
REAR ELEVATION / SECTION 205  
Scale 1:100

KEY	
	DENOTES WALL / STRUCTURE DEMOLISHED
	DENOTES EXISTING WALL / STRUCTURE
	DENOTES NEW WALL / STRUCTURE

**Existing Section 101**



**Proposed Section 201**



**KEY**

- DENOTES WALL / STRUCTURE DEMOLISHED
- DENOTES EXISTING WALL / STRUCTURE
- DENOTES NEW WALL / STRUCTURE






### Existing Section 106



### Proposed Section 206

Existing tank enclosure, to be used for AC Condensers  
 1m tall acoustic louvre, providing 10 dB Insertion Loss @ 250 Hz, e.g. Gilberts Series 27. See Noise Impact Assessment by Clement Acoustics



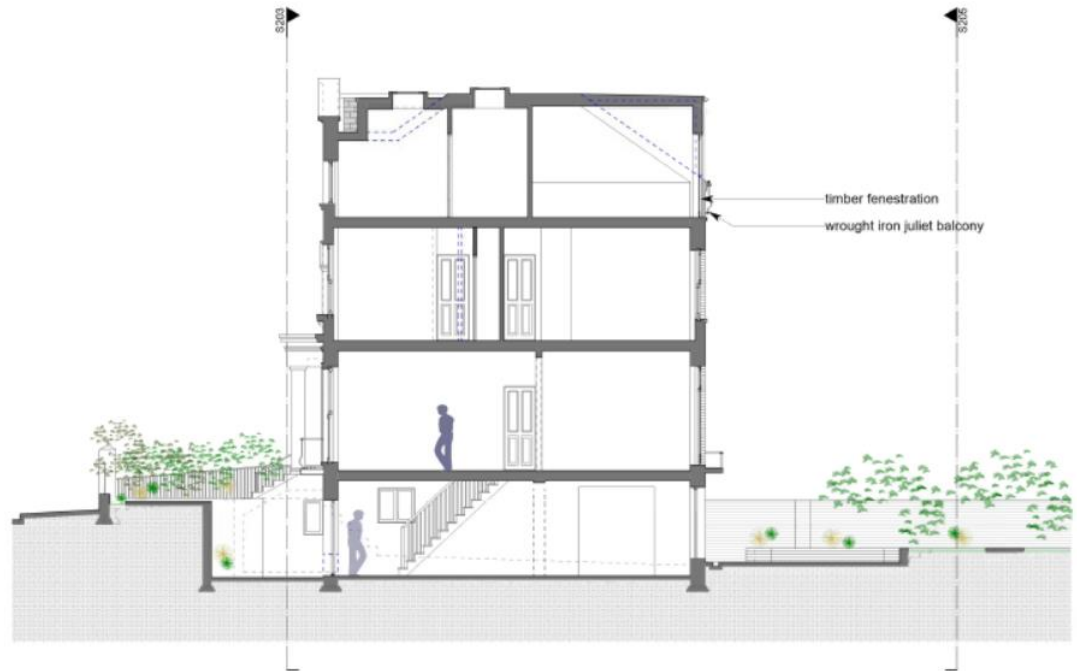
- KEY**
-  DENOTES WALL / STRUCTURE DEMOLISHED
  -  DENOTES EXISTING WALL / STRUCTURE
  -  DENOTES NEW WALL / STRUCTURE

**Existing Section 102**






**SECTION S102**  
Scale 1:100

**Proposed Section 202**



**SECTION S202**  
Scale 1:100

- KEY**
-  DENOTES WALL / STRUCTURE DEMOLISHED
  -  DENOTES EXISTING WALL / STRUCTURE
  -  DENOTES NEW WALL / STRUCTURE



**Existing and Proposed roof plan**



**ROOF PLAN AS EXISTING**

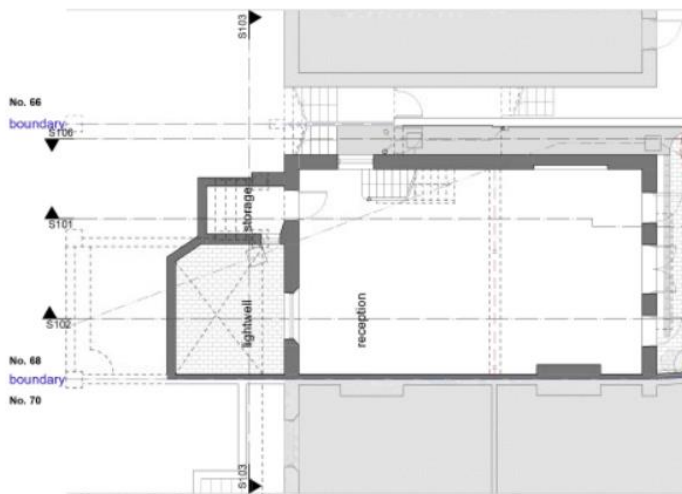
Scale 1:200



**ROOF PLAN AS PROPOSED**

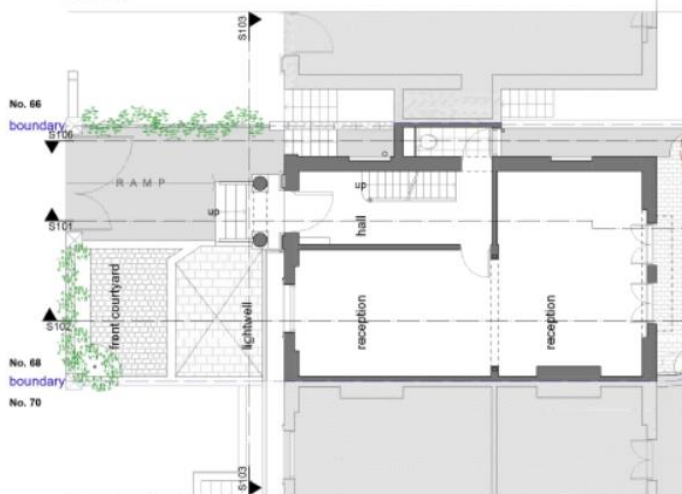
Scale 1:200

**Existing lower ground and upper ground floor level plans**



**LOWER GROUND FLOOR**

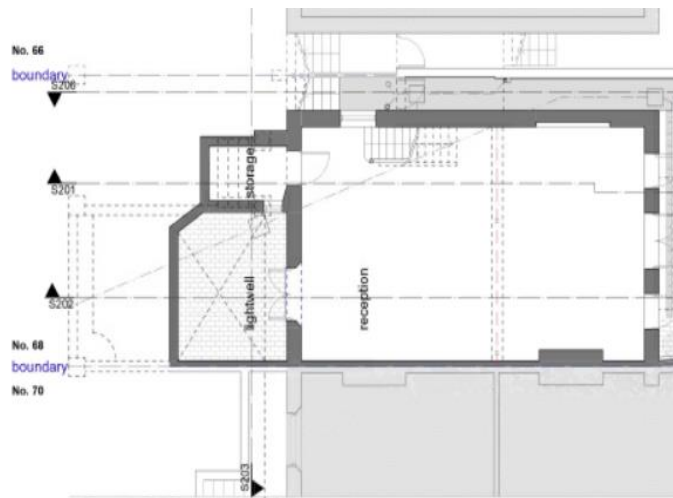
Scale 1:100



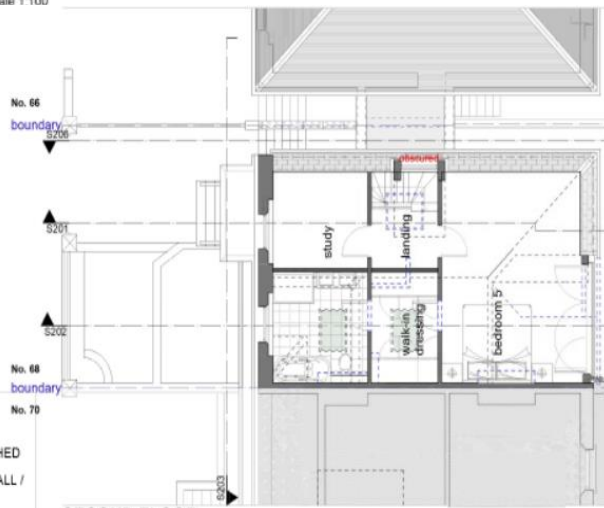
**UPPER GROUND FLOOR**

Scale 1:100

**Proposed lower ground and second floor level**






**LOWER GROUND FLOOR**  
Scale 1:100



**SECOND FLOOR**  
Scale 1:100

**KEY**

-  DENOTES WALL / STRUCTURE DEMOLISHED
-  DENOTES EXISTING WALL / STRUCTURE
-  DENOTES NEW WALL / STRUCTURE

**DRAFT DECISION LETTER**

**Address:** 68 Westbourne Park Villas, London, W2 5EB

**Proposal:** Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.

**Reference:** 23/05645/FULL

**Plan Nos:** RB 0342 01-G; RB 0342 03-G; RB 0342 04-G; RB 0342 05-G; RB 0342 06-H; RB 0342 07-H; RB 0342 08-H; RB0322-02C; RB0322-03C; RB0322-04C; RB0322-05C; RB0322 06-D; RB0322 07-D; RB0322 08-D; Design and Access Statement REV B dated August 2023; Flood Risk Assessment REV B; Sustainable Design Statement REV B dated September 2022; Structural Report dated August 2023; Noise Impact Assessment dated 11 October 2022.

**Case Officer:** Christina Sriramula

**Direct Tel. No.** 07866033879

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

Because of the location, scale, bulk, form and detailed design the alteration and extension to the roof including side dormers and new part sheer storey to the rear elevation would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

**Informative**

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.



Item No.
<b>5</b>

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.