

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	Templar Court, 43 St John's Wood Road, London, NW8 8QJ		
Proposal	Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.		
Agent			
On behalf of	WTB Development Co. Ltd		
Registered Number	23/05600/FULL	Date amended/ completed	11 August 2023
Date Application Received	11 August 2023		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

This application relates to a block of flats, named Templar Court, on the north side of St John's Wood Road, and comprises ground floor plus 7 upper storeys with the top storey set back. The building is not located in a conservation area and is unlisted.

The application proposes a variation to an earlier approved scheme for a roof extension which provided a new residential flat. The scheme allowed a terrace to the front elevation and this terrace is sought to be enlarged under this application. The glazing balustrade proposed around the

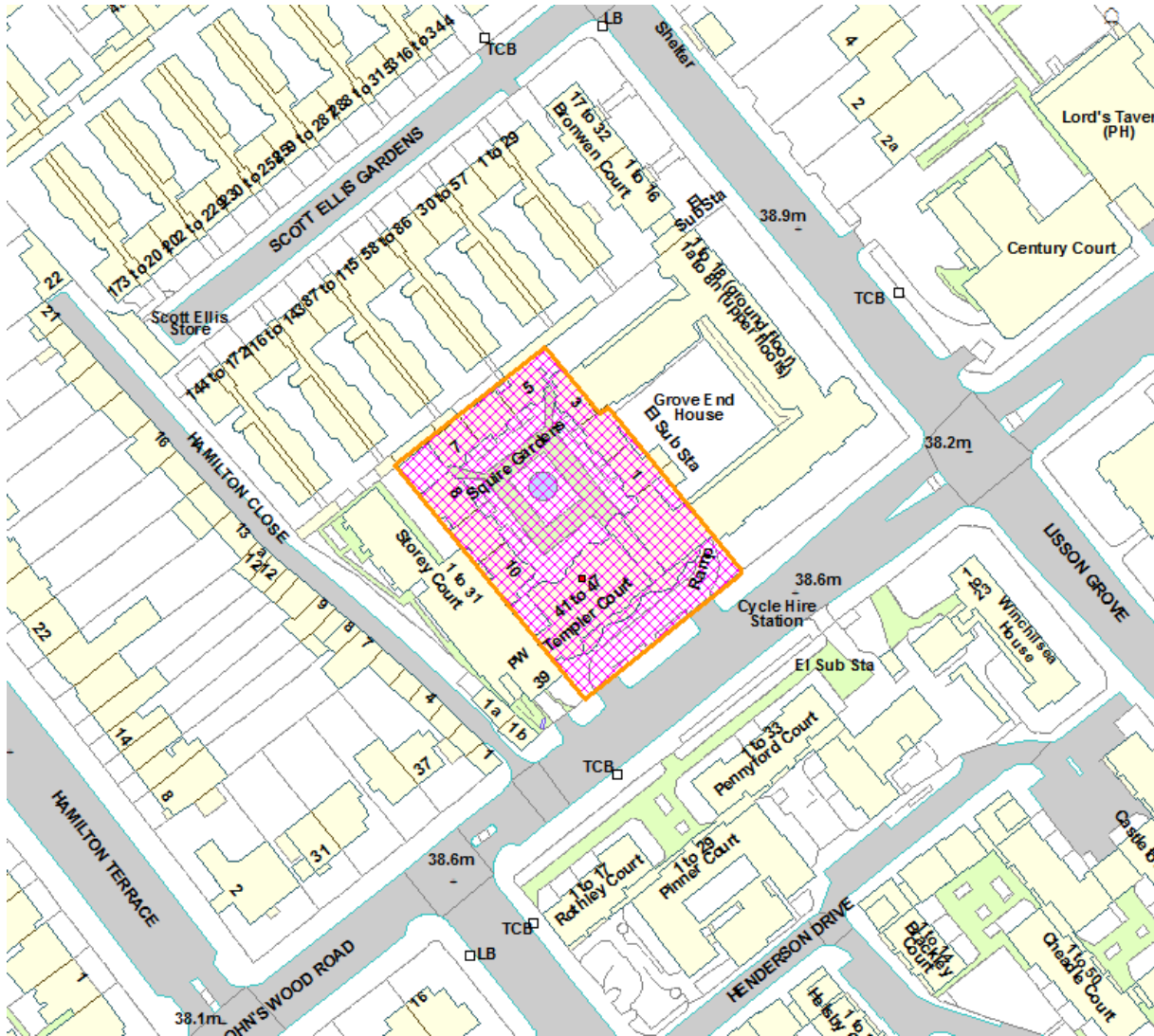
extended terrace is the same as originally approved.

The key considerations in this case are:

- The acceptability of the proposed extended terrace and glass balustrade in design terms.
- The impact on the amenity of neighbouring residential properties.

The application is considered to accord with policies in the City Plan 2019-2040 adopted April 2021 with respect to design and amenity and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation – roof extension as approved under 21/03579/FULL partially built.



Front Elevation – photo taken from west of St John's Wood Road



Aerial Views – front and rear



5 CONSULTATIONS

5.1 Application Consultations

ST JOHN'S WOOD SOCIETY

The Society notes that residents in Grove End House have not been consulted and that affected neighbours should be consulted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 200

Total No. of replies: 9

No. of objections: 9 (on behalf of 8 properties)

No. in support: 0

Nine objections received on behalf of eight properties received on some or all of the following grounds:

Design:

- The application fails to adhere to planning policy 40 (Townscape and Architecture) of the City Plan

Amenity:

- Loss of privacy from the roof terraces to residents in Grove End House and Storey Court;
- Loss of light

Other:

- Disruption from works and construction
- Right to Light

Procedure:

- Residents of Grove End House were not consulted on the original application.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Given the extant consent and the nature of the proposed amendments sought under this variation, no further engagement has been carried out by the applicant with the local community. Whilst regrettable, this is not a formal requirement for a scheme of this nature.

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

The application site comprises a 1990's block of flats, named Templar Court, on the north side of St John's Wood Road sited between Lisson Grove and Hamilton Terrace, and comprises a ground floor plus 7 upper storeys with the top storey set back

7.2 Recent Relevant History

21/03579/FULL

Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace.

Application Permitted 21 December 2021

Works to implement this permission are substantially underway.

23/04375/NMA

Amendments to planning permission dated 21st December 2021 (RN: 21/03579/FULL) erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace NAMELY, to extend the front terraces on both sides of the consented extension to the front of the building.

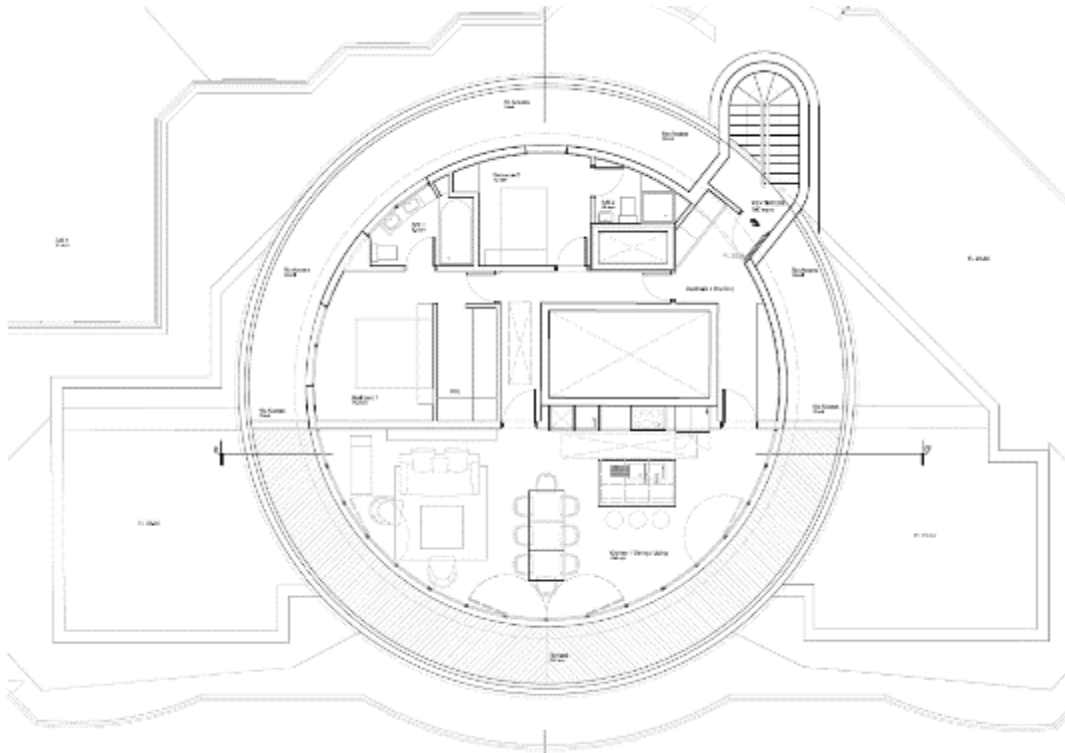
Application Refused 11 July 2023

It was not considered that the extension of terraces was a non-material amendment to the original approval, and the extension to these terraces required planning permission.

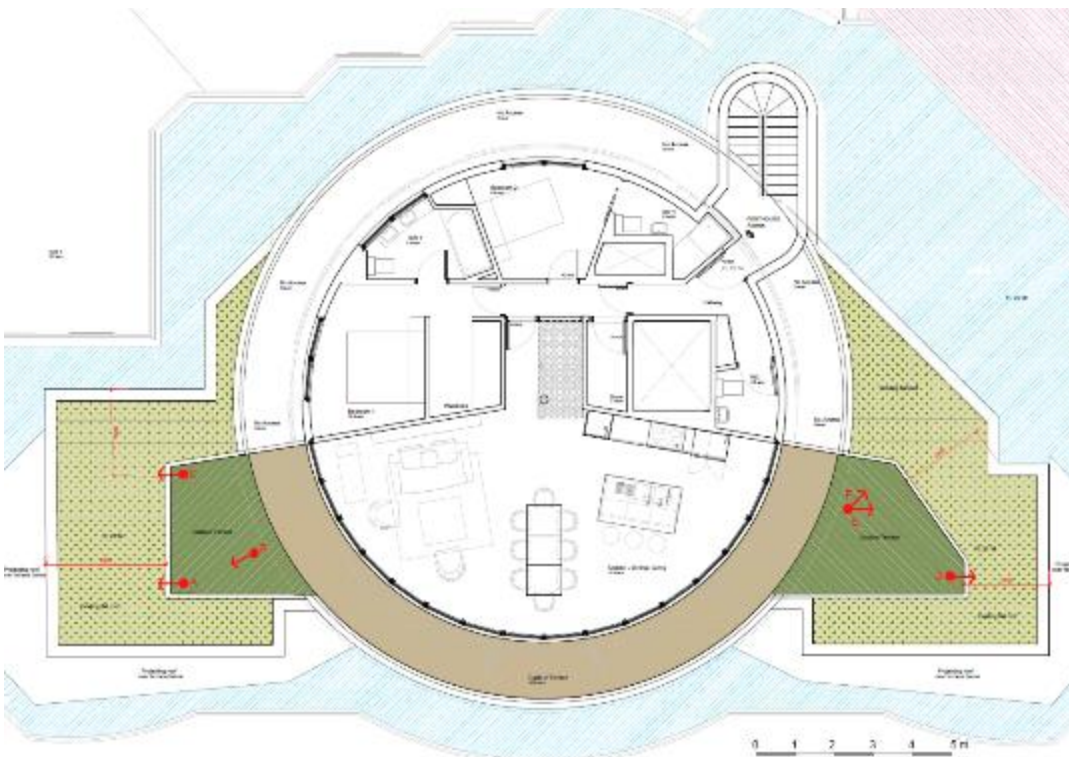
8 THE PROPOSAL

Permission is sought to make amendments to the previously approved roof extension and terraces by extending these eastwards and westwards as shown in dark green below.

As approved:



As proposed (darker green shows the extended terrace area):



The terrace as approved wrapped around the front elevation (St John's Wood Road elevation) of the roof extension and provided a semi-circular terrace and provided direct access from the living area of the new flat. This terrace measured 29m².

The two new 'wings' to the east and west of the existing terrace will increase the floor area of outside space by a total of 20m². The glass balustrade and brick plinth will be as per the original permission.

9 DETAILED CONSIDERATIONS

9.1 Land Use

The proposals do not alter the as approved residential dwelling.

9.2 Environment & Sustainability

The proposals make no changes to the environmental and sustainability credentials. The green roof atop the extension is not being altered.

9.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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."

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Objections have been received on the grounds that the design of the roof extension, terrace and extended terraces as sought under this application are unacceptable in

design terms and do not comply with Policy 40 (Townscape and Architecture) of the City Plan.

Permission has already been granted for the roof extension and the semi-circular terrace to the front of the extension and is not for consideration under this application. The following assessment will therefore concentrate on the design implications of the enlarged terraces.

The bulk and massing of the upper floors of the application building has a staggered form with upper floors considerably set back from the parapet. As originally considered, the semi-circular terrace to the front of the new extension, sited above the then penthouse flat was not considered objectionable too given its set back from the level below, and in turn from the main front elevation of the building and it's siting behind a 1.1m high brick and glass parapet, reflective of the materials found elsewhere on the building.

The extension of the terraces in two new 'wings' to the east, by 5m and to the west, by 4m, again set back substantially from the level below and the main elevations of the building and designed in the same materials as approved are considered acceptable. It is not considered that the extended terraces would increase the visibility of the approved extension detrimentally, nor would it be harmful to host property, the setting of or to the heritage assets of the St John's Wood Conservation Area.

9.4 Residential Amenity

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

Objections have been received to the proposals on the grounds that the roof extension and terraces result in loss of daylight and sunlight and overlooking to the residents of Grove End House. As noted above, the originally approved development is not for consideration under this application. The following assessment will therefore concentrate on the amenity implications of the enlarged terraces.

Daylight & Sunlight

The extension of the terraces, surrounded by 1.1m high glazed balustrade will not result in any loss of daylight and sunlight to neighbouring properties

Privacy

The terraces as proposed will extend eastwards and westwards by a further 4m and 5m compared to the approved terrace.

Given the height of the building, substantially taller than the buildings directly to the west or across the road on St John's Wood Road; the siting of the terraces set back from the building edge and main front elevation and taking into consideration that there are numerous terraces to the front elevation of the host building and at former penthouse

level; the proposals result in no additional or harmful overlooking to these neighbouring properties.

With regards to overlooking and therefore loss of privacy to residents within Grove End Road, directly eastward of the proposed eastern terrace is a flank wall and therefore there will be no overlooking from the extended terraces. Whilst there would be some overlooking from the extended terraces to the rear wing/bulk of Grove End House, these views would be oblique, and into windows more than 35m away and would therefore result in no further loss of privacy say than from the existing rear/ side terraces of Templar Court.

Noise & Vibration

It is not considered that the proposed terrace increase of 20m² would generate such harmful noise levels over what has originally been approved and when considering the existing terraces at Templar Court.

Conclusion

The proposed extended terrace areas are not considered to result in any loss of daylight or sunlight or result in any harmful levels of overlooking or noise. The proposals are therefore considered acceptable in amenity terms compliant with Policies 7 and 33 of the City Plan.

9.5 Transportation, Accessibility & Servicing

There are no transportation or servicing implications from the proposed changes to the terrace.

9.6 Economy including Employment & Skills

There are no further economic implications as a result of the proposed changes to the terraces.

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

9.7 Other Considerations

Consultation of Application 21/03579/FULL

The majority of the objections received are from residents of Grove End House raise the issue that they were not consulted on the original application and are therefore aggrieved by this. The case officer has sought to explain to a number of residents why this decision was taken. As has been explained, given the relationship of the proposed extension and that it was proposed to be set back from the side elevation of Grove End House quite significantly and at a substantial distance from the rear part of Grove End House, as noted above of a distance more than 35m, it was not considered that neighbour consultation letters were necessary. The City Council did however display a site notice outside of the application site so as to capture the wider audience and the attention of those walking past and an advert placed in the local press, again to capture

the wider audience.

The objectors have been made aware that the original application was presented to the Planning Committee where their concerns, such as loss of daylight/ sunlight; overlooking and noise and disruption during works, were addressed as a matter of course of by the case officer.

Notwithstanding the above, the residents of Grove End House have been consulted on this current application on request from residents, a councillor and the local amenity society.

Disruption from works and construction

Objections have been received on the grounds of noise and disruption during the course of construction. As noted above, under consideration of this application is the extension to the terraces rather than the as approved, and partially built roof extension. As set out in the committee report for the original application, whilst objections of noise and disruption during works are noted, it is not itself a reason to withhold permission.

A condition was recommended on the earlier permission to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition stated that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. This condition is to be repeated to ensure that the construction works associated with the terraces are carried out in a similar manner. Through the use of the above condition, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

Right to Light

An objection has been received on the ground of right of light. Right to light matters are not the same as 'loss of daylight/ sunlight'; are considered a civil matter and not a material planning consideration.

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. There are no pre-commencement conditions recommended.

10 Conclusion

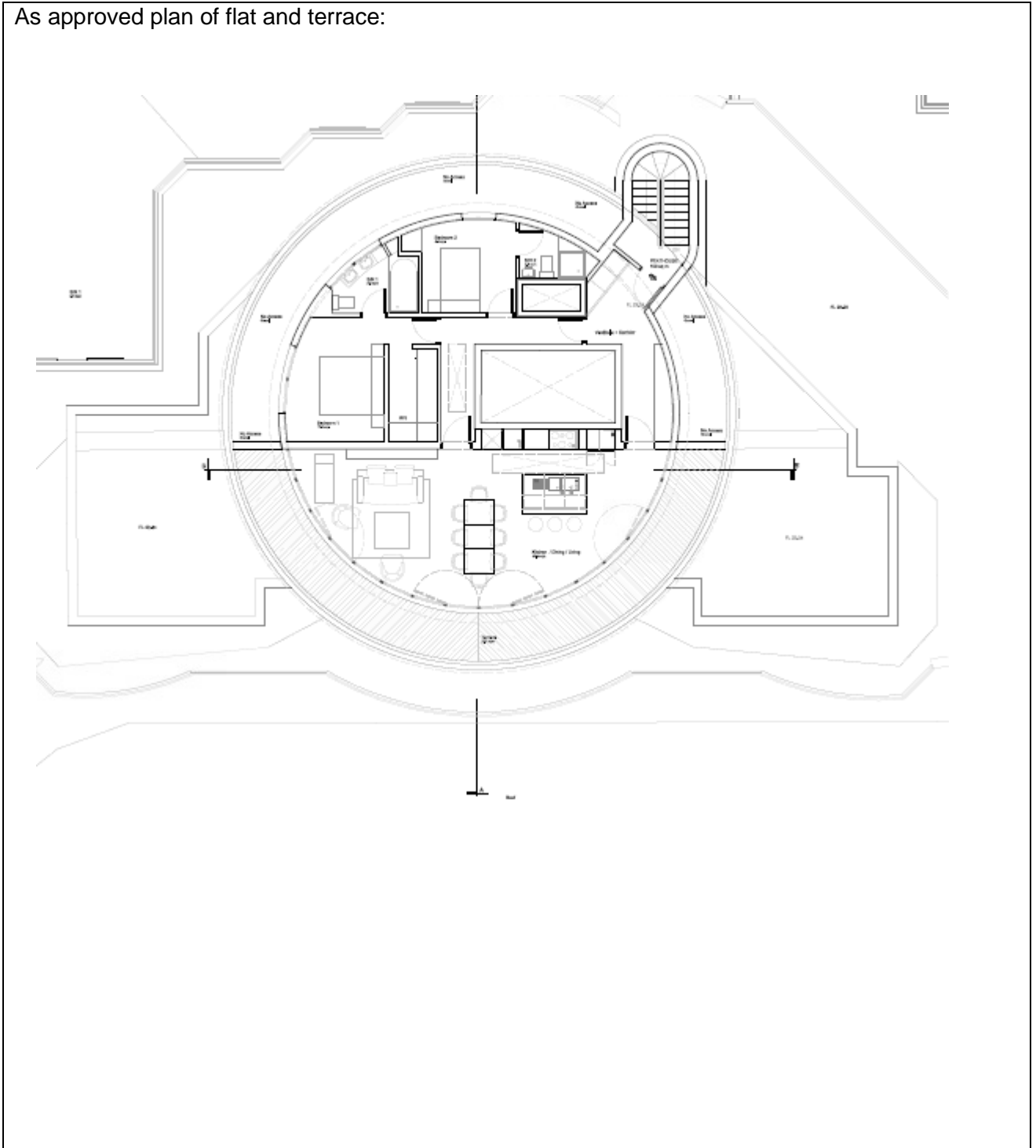
The proposals are considered acceptable in design and amenity terms and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

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

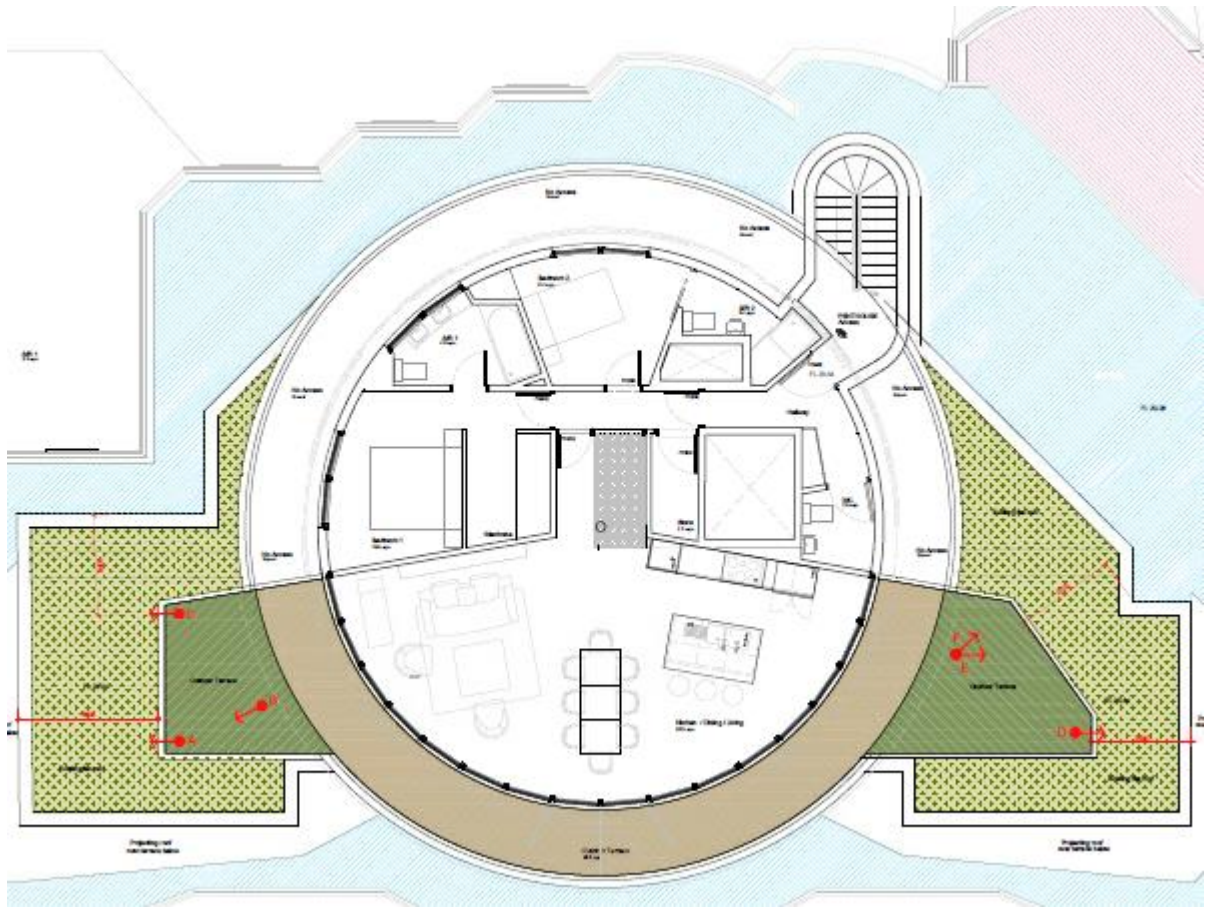
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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11 KEY DRAWINGS

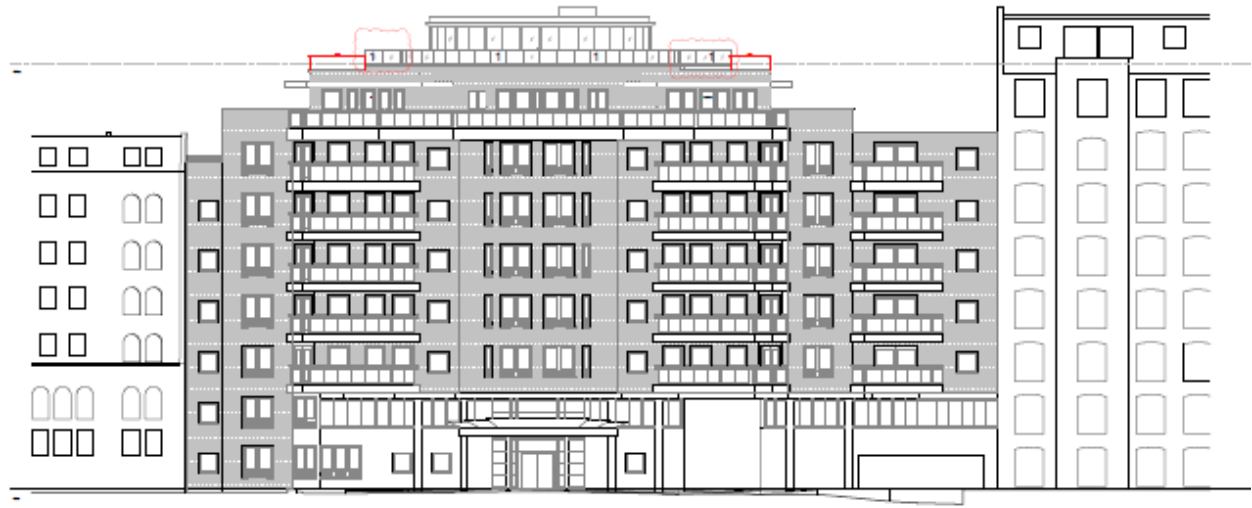
As approved plan of flat and terrace:



As proposed plan of flat and terrace:



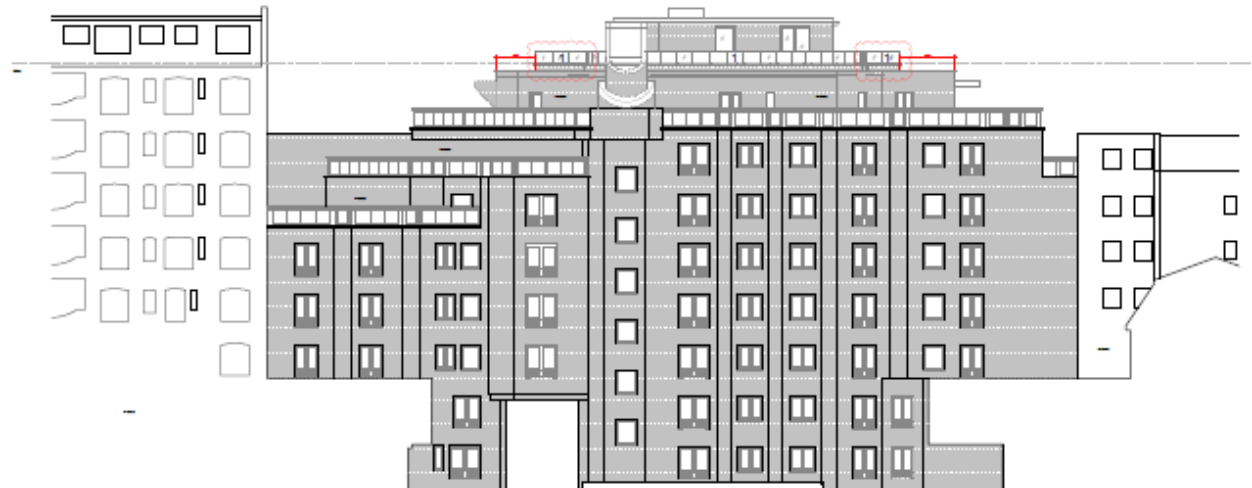
Front and Rear Proposed Elevations (red bubbled up line is the proposed extended areas of terraces):



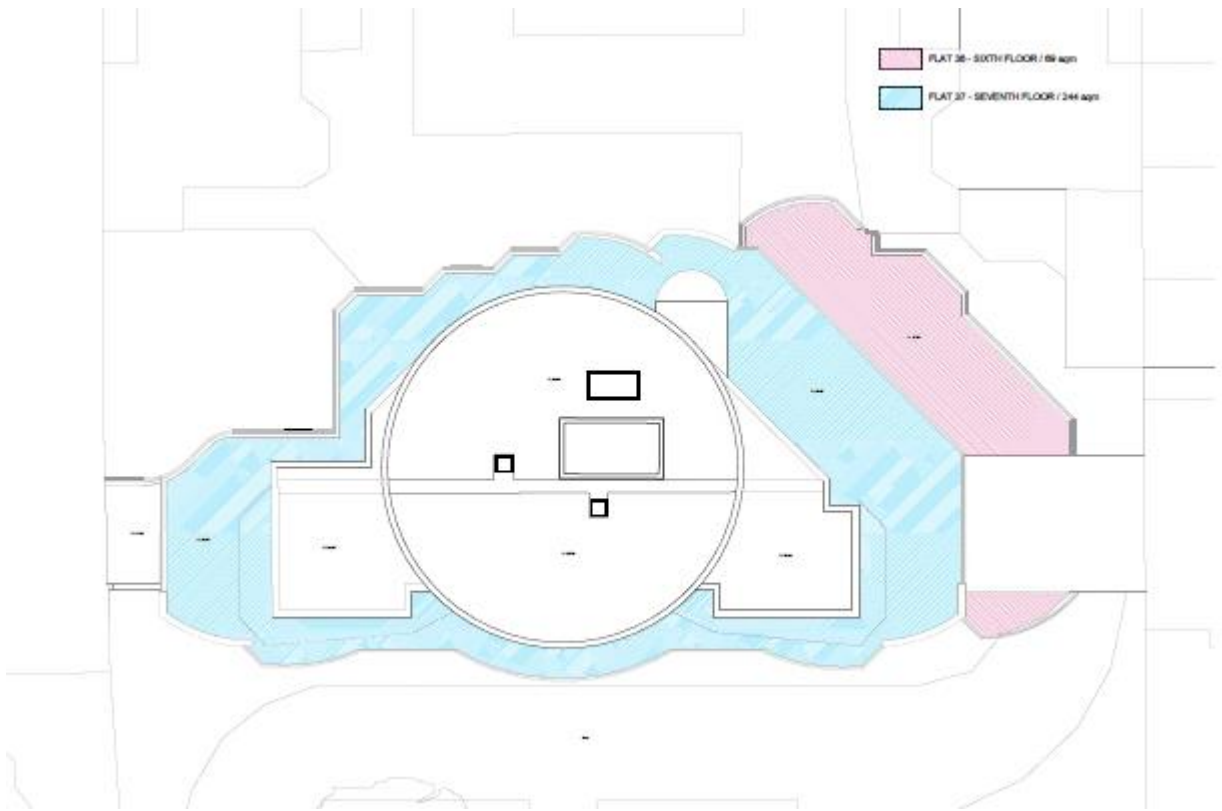
FRONT (SOUTH) ELEVATION

PLANNING NOTES / PROPOSED

- 1. Proposed clear laminated and toughened glass balustrade
- Note: All existing fenestration in white uPVC glazed panels
Note: All proposed fenestration in aluminum, finish to match existing



Plan to show existing terraces at sixth and seventh floors of Templar Court:



DRAFT DECISION LETTER

Address: Templar Court, 43 St John's Wood Road, London, NW8 8QJ

Proposal: Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.

Reference: 23/05600/FULL

Plan Nos: 23/05600/FULL:
TCT_PL: 105C; 201C; 210C; 230C; 231C; 232C; Site location plan; Planning Statement Rev A

21/03579/FULL:
TCT_PL: 100A; 101A; 104A; 105A; 106A; 110A; 120A; 200A; 201A; 201A; 206A; 210A; 211A; 220A; 230A; 231A; 300A; 310A; 301A; 311A.

For information only:, Photos and Photo Plan; Planning Statement; Design and Access Statement dated 22 October 2021 (revised 9 December); Daylight and Sunlight Report dated 20 October 2021; Letter from Harrison Shortt Structural Engineers Ltd dated 20 October 2021.,

22/08588/ADFULL:
Planning Statement; TCT_PL_206 REV A; TCT_PL_201 REV B; TCT_PL_410; Site Location Plan.

23/00304/ADFULL:
TCT_SK_430 rev A, Document titled: "Application Number: 21/03579/FULL Templar Court, 43 St John's Wood Road, London, NW8 8QJ Pre-commencement planning Condition: CONDITION 3 - External Facing Materials", Invisio product data sheet.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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 , onot 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 You must carry out the development according the materials as approved under application 23/00304/ADFULL, dated 16 March 2023 or in accordance with any other material details as submitted and as approved by the Local Planning Authority. You must then carry out the work using the approved materials

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 The cycle storage for the flat hereby approved must be provided in accordance with the details as approved under application 22/08588/ADFULL dated 13 January 2023 or in accordance with any future cycle storage details as submitted to and approved by the Local Planning Authority. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the flat. You must not use the cycle storage for any other purpose.

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)

- 7 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 8 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.
- Green roof and PV panels
You must not remove any of these features. (C43FA)

Reason:

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

- 9 You must apply to us for approval of detailed drawings of a barrier to prevent access to the roof area surrounding the as approved extended terrace as shown on drawing number TCT_PL_201 rev C. 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 detailed drawings. You must not use the roof area to the north of the approved barrier for sitting out or for any other purpose.

Reason:

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

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.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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.