



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (3)**

Meeting Date: **Tuesday 4th October, 2022**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Nafsika Butler-Thalassis (Chair)
Ryan Jude
Amanda Langford
Cara Sanquest



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

(Pages 5 - 12)

- | | |
|--|-----------------------------|
| 1. 16 DORSET SQUARE, LONDON, NW1 6QB | (Pages 15 - 56) |
| 2. THE OLD DAIRY FLATS, CHAPEL SIDE, LONDON, W2
4LG | (Pages 57 - 96) |
| 3. ARVON COURT, 3 TITCHBORNE ROW, LONDON, W2
2PZ | (Pages 97 -
122) |

**Stuart Love
Chief Executive
23 September 2022**

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** held on **Tuesday 12th July, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Ruth Bush, Paul Fisher and Amanda Langford

Also Present: Councillor Barbara Arzymanow (Item 4)

1 APPOINTMENT OF CHAIR

- 1.1 A Councillor was required to Chair the evening's meeting and therefore the Sub-Committee

RESOLVED:

That Councillor Jason Williams be elected Chair of Planning Applications Sub-Committee (3) for that evening's meeting.

2 MEMBERSHIP

- 2.1 It was noted that Councillors Jason Williams, Ruth Bush and Paul Fisher were substituting for Councillors Nafsika Butler-Thalassis, Ryan Jude and Cara Sanquest.

3 DECLARATIONS OF INTEREST

- 3.1 Councillor Paul Fisher declared that in respect of Item 2 the application site was located within his ward, and he knew many of the objectors including The Soho Society, but he had offered no opinion on the application to any parties.
- 3.2 Councillor Amanda Langford declared that in respect of Item 5, the site was located within her ward, but she had held no discussions regarding the application with any parties.

- 3.3 Councillor Jason Williams declared that some members of the majority party had submitted responses to the applications, but he had held no discussions regarding any of the applications with them.

4 MINUTES

4.1 RESOLVED:

That the minutes of the meeting held on 19 April 2022 be signed by the Chair as a correct record of proceedings.

5 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 268-282 VAUXHALL BRIDGE ROAD, LONDON

Variation of condition 1 of planning permission dated 3 May 2022 (RN: 21/05606/FULL) which itself varied an earlier permission dated 17 November 2020 (RN: 19/05099/FULL) for the Demolition of existing buildings and erection of a new building comprising basement, ground and 7 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including restaurant/bar and gym (Class C1), 1 x 2 and 1 x 3 bedroom apartments (Class C3), plant, cycle parking and other associated works. NAMELY, to allow reduction in the number of guestrooms from 137 to 114; amendments to internal layout arrangements; redesigned facades; modification of the massing of the 7th & 8th floors; alterations to the roof level plant and servicing equipment and enclosures; and other associated alterations.

A late representation was received from Councillors David Harvey and Selina Short (12.07.22).

Jamie Dempster addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted, subject to a deed of variation to the original S.106 legal agreement dated 17 November 2020 to secure the following additional obligations:
 - a) Ensure the agreement relates to the proposed development;
 - b) To increase the financial contribution towards the City Council's Carbon Off Set fund to £371,355 (index linked) (payable prior to the commencement of the development);
 - c) To include the 'be seen' requirements of monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; and
 - d) Provision of highway works to accommodate two cycle stands on Vauxhall Bridge Road.

- 2) That if the deed of variation had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 50 DEAN STREET AND 20 ROMILLY STREET, LONDON, W1D 5BQ

Use of basement and ground floor as a drinking establishment with expanded food provision (Sui Generis).

An additional representation was received from Inception (26.04.22).

Late representations were received from The Soho Society (08.07.22) and Councillor Patrick Lilley (11.07.22).

Duncan Stirling addressed the Sub-Committee in support of the application.

Julia Lee addressed the Sub-Committee in objection to the application.

Andrew Murray, representing The Soho Society, addressed the Sub-Committee in objection to the application.

RESOLVED: Councillors Bush, Langford and Williams – Grant, Councillor Fisher - Refuse

That conditional permission be granted.

3 50 EASTBOURNE TERRACE, LONDON, W2 6LG

Application 1:- Variation of conditions 1 (approved plans) and 5 (notake-away) of planning permission dated 08 June 2021 (RN: 21/00264/FULL) for the: Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Class E. NAMELY,

Reconfiguration of the approved floor plans, and to allow for an ancillary quantity of takeaway from the restaurant unit.

Application 2:- Amendments to planning permission dated 05 February 2020 (RN:19/07378) for the: Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the addition of a door on the Craven Road elevation to the approved restaurant unit along Craven Road.

Late representations were received from Environmental Health (08.07.22), Councillors Ryan Jude and Ellie Ormsby (12.07.22) and SEBRA (12.07.22).

The planning officer tabled the following proposed changes to the draft decision notice for Application 1 (22/00672/FULL):

1. Condition 4B – Revised wording- To replace “motorised vehicles” with “by foot, by bicycle or by electrically powered bicycle”.

B. Prior to the use of the retail/restaurant and ancillary take-away and delivery service, you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings and to minimise any impact in environmental, highways and amenity terms.

The Operational Management Plan must include:-

- o Details of staff and capacity, arrival and departure processes, hours of operation.*
- o Delivery & Click and Collect to remain ancillary to the sit down restaurant*
- o Delivery drivers must only attend the site ~~by way of nonmotorized transport~~, by way of foot, by bicycle or by electrically-powered bicycle*
- o Delivery drivers must park lawfully*
- o No obstruction of the pedestrian or vehicular highway within the vicinity of the site.*
- o No use of Chilworth Mews at any time*
- o Litter patrols*
- o Dedicated restaurant employee to monitor delivery driver compliance with OMP*
- o Policy to exclude drivers who fail to comply with OMP*
- o Contact for complaints*
- o Log of complaints/issues over 12 months from date of first*

- o *occupation of the restaurant.*
- o *Resubmission of OMP with any necessary refinements/ revisions*

You must not start the retail/restaurant and ancillary take away or delivery use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

2. Condition 5 – Additional wording to reflect restriction of deliveries/takeaways after 23.00.

“You must only take-away food or drink on the premises and provide a delivery service, as an ancillary part of the primary restaurant/ café use. The delivery and take away use must not be operated unless fully in accordance with the management measures set out in the Operational Management Plan agreed under Condition 4B of this permission and only operated during the following times:07.00-23.00 Monday to Saturday and 08.00-22.30 on Sundays and Bank Holidays”.

3. Draft Decision letter for Application 2 (22/00674/NMA) – tabled.

Mark Younger addressed the Sub-Committee in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

RESOLVED: Councillors Fisher, Langford and Williams – Grant, Councillor Bush - Refuse

- 1) Application 1 – That conditional permission, as amended, be granted.
- 2) Application 2 - That the Non-Material Amendment be agreed.

4 129-137 MARYLEBONE ROAD, LONDON, NW1 5QD

Variation of conditions 1 (approved plans), 14 (Operational management plan for terraces),28 (plant screen design) and 30 (Mews design details) pursuant to planning permission dated 13 July 2021 (RN. 20/06929/FULL) for Demolition and redevelopment of the mews building, partial demolition of the 1960s building and roof extension, facade alterations to the 1930s building all in connection with continued Class E use, associated cycle parking, landscaping, servicing area, external terraces, rooftop plant enclosure and associated external works. NAMELY external alterations including changes to the rooftop plant enclosure, mansard roof pitches, access to the mews building and other external changes.

Jonathan Chenery addressed the Sub-Committee in support of the application.

Councillor Barbara Arzymanow addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted, subject to a deed of variation to the original S.106 legal agreement dated 13 July 2021.
- 2) That if the legal agreement had not been completed within 6 weeks from the date of the Committee's resolution, then:
 - a) the Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not:-
 - b) the Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

5 31 GROVE END ROAD, LONDON, NW8 9LY

Excavation of basement and new landscaping to front and rear gardens. Refurbishment of existing house, demolition of the north side wing and its rebuilding as a 3 storey addition, raising of the height of the flat roof to the side south wing, rear extension at lower ground floor, rear and side dormers and other external alterations.

An additional representation was received from the St. John's Wood Society (undated).

Late representations were received from Rendall and Rittner (12.07.22) and Quod (08.07.22).

The planning officer tabled the following proposed changes to the draft decision notice:

1. Additional Condition (No.29)-
The front curtilage of the site shall not be used for the parking of cars.
Reason: To prevent an over-provision of car parking on the site and to secure the landscaping and biodiversity improvements on the site, in accordance with policies 27 & 34 of our City Plan 2019 - 2040 (April 2021)

Tiziana Giannico addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

6 19 UPBROOK MEWS, LONDON, W2 3HG

Excavation of single storey basement beneath footprint of original dwelling, conversion of garage into habitable space and erection of a mansard roof extension with raising the height of the party wall with 18 Upbrook Mews.

Additional representations were received from a local resident (06.07.22).

A late representation was received from a local resident (11.07.22).

James Black addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That the application be deferred in order for further information to be provided on flood risk and the proposed construction methodology with regard to the mitigation of any risk.

The Meeting ended at 10.17 pm

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4 October 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/08859/FULL 21/08860/LBC Regent's Park	16 Dorset Square London NW1 6QB	Demolition of the existing closet wing and rear infill extensions; Erection of rear infill extensions at lower ground and ground floor levels; erection of closet wing extension up to first floor level; use of rear flat roofs at ground and first floor levels as terraces, with associated railings and alterations; alterations to windows and doors; installation of plant equipment and enclosures within rear lightwell at lower ground floor level and to rear terrace at ground floor level; alterations to lower ground floor flat. Internal alterations including the removal and addition of partitions.	Fitzpatrick
Recommendation 1. Grant Conditional Permission 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 22/00448/FULL Bayswater	The Old Dairy Flats Chapel Side London W2 4LG	Demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). Replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.	Black Treacle Holdings Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4 October 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Recommendation Grant conditional permission, subject to a Grampian condition to secure the following:</p> <ol style="list-style-type: none"> 1. Reinstatement of the footway on Chapel Side adjacent to the site 2. Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers 			
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s) : 21/00619/FULL 21/00620/LBC Hyde Park</p>	<p>Arvon Court, 3 Titchborne Row London W2 2PZ</p>	<p>Erection of a roof extension to add two, 1 bedroom flats with associated internal alterations. Alterations to windows and doors including the installation of secondary glazing. Internal refurbishment including the removal and addition of partitions</p>	<p>First Buyers Limited</p>
	<p>Recommendation</p> <ol style="list-style-type: none"> 1: Grant conditional permission. 2: Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 October 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	16 Dorset Square, London, NW1 6QB		
Proposal	Demolition of the existing closet wing and rear infill extensions; Erection of rear infill extensions at lower ground and ground floor levels; erection of closet wing extension up to first floor level; use of rear flat roofs at ground and first floor levels as terraces, with associated railings and alterations; alterations to windows and doors; installation of plant equipment and enclosures within rear lightwell at lower ground floor level and to rear terrace at ground floor level; alterations to lower ground floor flat. Internal alterations including the removal and addition of partitions.		
Agent	Mr Matthew Woodthorpe		
On behalf of	Fitzpatrick		
Registered Number	21/08859/FULL & 21/08860/LBC	Date amended/ completed	25 December 2021
Date Application Received	25 December 2021		
Historic Building Grade	II		
Conservation Area	Dorset Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Grant Conditional Permission
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

This application relates to a Grade II listed five storey residential terraced building located within the

Dorset Square Conservation Area. 16 Dorset Square currently has a flat at lower ground level with the upper levels used as a separate unit. 7 Taunton Mews has also been separated off from the main house and is under separate ownership.

Planning permission and listed building consent are sought for the demolition of the existing closet wing and rear infill extensions; Erection of rear infill extensions at lower ground and ground floor levels; erection of closet wing extension up to first floor level; use of rear flat roofs at ground and first floor levels as terraces, with associated railings and alterations; alterations to windows and doors; installation of plant equipment and enclosures within rear lightwell at lower ground floor level and to rear terrace at ground floor level; alterations to lower ground floor flat. Internal alterations including the removal and addition of partitions is also proposed.

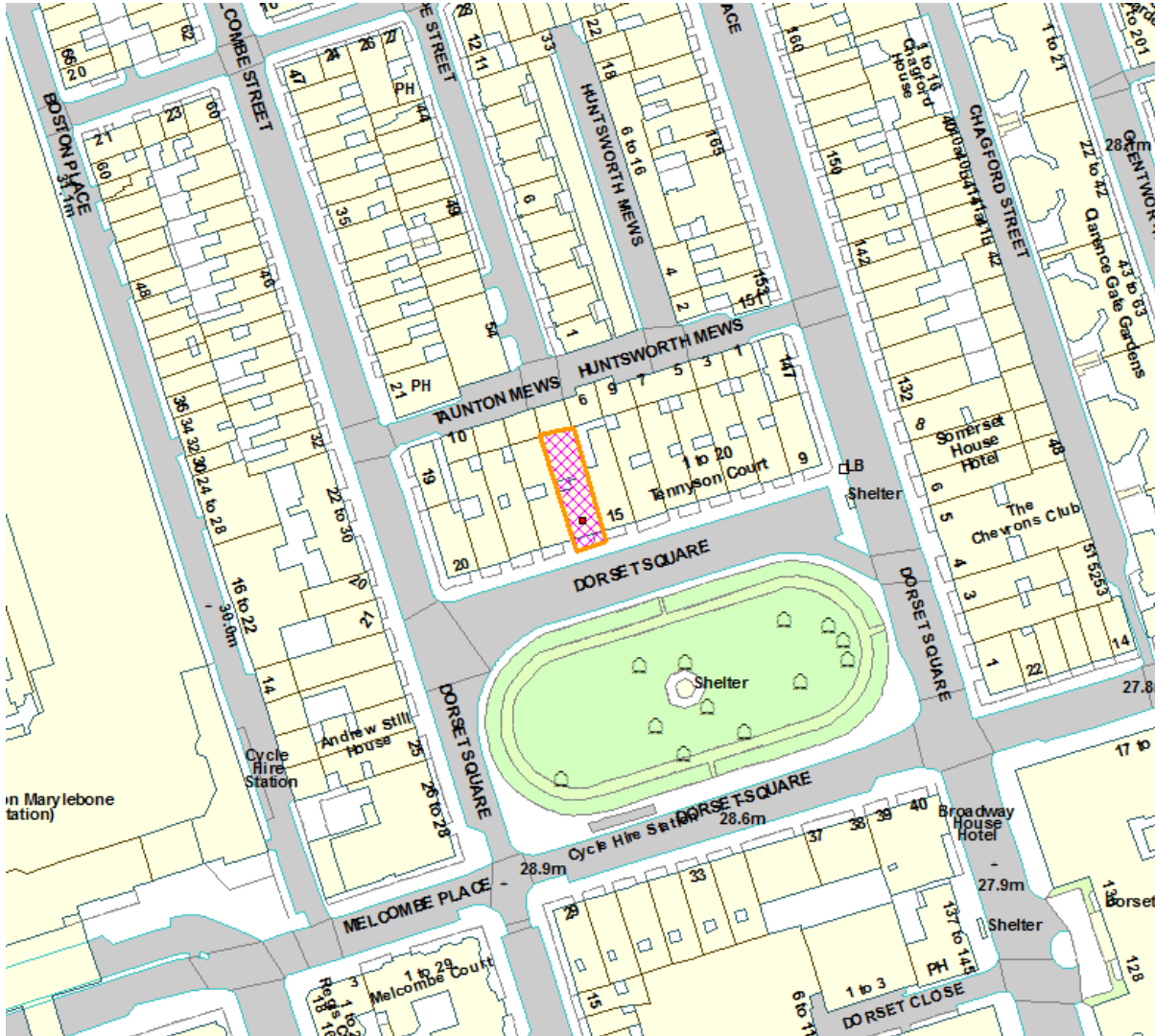
Objections have been received from neighbouring residents on a number of grounds including the impact of the air conditioning units.

The key issues in the determination of this application are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the Bayswater Conservation Area and the setting of the grade II listed building.
- The impact on the amenity of neighbouring residential properties.

Subject to appropriate conditions as set out in the draft decision letters appended to this report, the proposed development is considered to comply with the relevant land use, design, conservation and amenity policies in the City Plan 2019 – 2040 adopted in April 2021. As such, the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation at Ground Floor Level

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION:

THE ST MARYLEBONE SOCIETY:

- Noted that some very minor internal works throughout the main house
- Welcomed removal of lift shaft.
- No objection raised to the proposed rebuilding of the closet wing if it can be argued that the overall effect can be rationalised from a long term energy efficiency perspective; the rear façade would be tidied up, use of traditional rainwater materials; London Stock brick in the rebuild and use brick not render to the rear.
- The Applicant seeks to significantly increase the thermal performance of the fenestration and (it is assumed) the rebuilt structure. Queries the appropriateness of the appearance (in design terms) of the large-scale metal windows (triple glazed fenestration units); the introduction of light into these levels is welcomed and the proposals, in general, are thoroughly sensible and the slightly industrial look of the fenestration could be slightly 'jarring'.
- Concerns are raised with the air conditioning units: the size of the units vs the size of the Acoustic enclosures appear 'optimistic' at best i.e the acoustic enclosures as shown in the proposal, might not be large enough for adequately doing their job, maintaining and containing sound break-out; they are sited right next to the Mews building behind; this is a serious concern for neighbours; the submission appears not to contain sufficient detail on this; the Westminster yardstick requirement is that such equipment should perform at no greater than 10dBa below ambient background noise levels; if this is met in the design, then fair enough. However, we feel that insufficient detail has been provided and what purpose do the three Condenser Units serve? This was unclear.
- Welcome proposals that successfully use well-designed and sensitively specified double glazing to windows in listed houses such as this. Use of Histoglas is a very sensible proposal.

HISTORIC ENGLAND (consulted on 21/08860/LBC):

Authorised to determine the application for listed building consent as the council think fit.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to recommended conditions. Following a response to the objectors being submitted from RBA Acoustics on 06 July 2022, an additional condition was added requiring the submission of a post commissioning noise survey.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 27

Total No. of replies: 10 (8 from one address)

No. of objections: 10

No. in support: 0

In summary, the objectors raise the following issues:

Design

- Harm to the heritage asset and historic fabric
- Reference to previously refused scheme
-

Amenity

- Noise and disturbance from construction works
- Noise and vibration from the air conditioning units
- A supplementary report has been undertaken by neighbours, who does not agree with the recommendations of Westminster's Environmental Science officers
-
- Issues with the submitted noise report
- Overlooking from new window within the rear closet wing

Other

- Deadline for comments is unreasonable due to 31 documents and structural and non-structural alterations to a Grade II listed dwelling
- Location where the measurements taken within the Acoustic Report are not appropriate or correct
- Lack of neighbour consultation, and letters have not been received.
- Lack of community involvement
- Submitted Heritage Statement is marked as draft
- No proof of English Heritage or Historic England being consulted
- 7 Dorset Square Trust has not been consulted of the application
- Unclear what the proposed use of 16 Dorset Square will be
- Previous refused applications omitted from submission
- No documentation of 16 Dorset Square and 7 Taunton Mews being split
- No clarity as to demand on water pressure
- No mention of excavation, lack of structural plan and construction management plan and Appendix A
- Design and Access Statement does not include a section on Access; lack of traffic management plan; potential damage to neighbours
- Lack of timeframe of works submitted
- According to the title plan for 16 Dorset Square, there is a right of way for 17 Dorset Square in case of an emergency.
- Not clear if fireplaces are operational or cosmetic.

PRESS ADVERTISEMENT (LBC) / SITE NOTICE:

Yes

RE-CONSULTATION sent 19 August 2022 (following a revised proposed description of development and drawings)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 27

Total No. of replies: 2

No. of objections: 2

No. in support: 0

In summary, the objectors raise the following issues:

Amenity

- Noise and vibration from the air conditioning units

Other

- Information should be provided before it can be determined whether a condition can be achieved in this location for the air conditioning units
- Not clear what changes are made due to all information being re-submitted each time
- Drawings do not provide dimensions
- Do not agree with the noise and suitability of the AC units
- Reports do not highlight the depth of foundation works or a schedule of works or timings.

5.2 Applicant's Pre-Application Community Engagement

An objector has raised significant concerns that engagement has not been undertaken by the applicant with adjacent occupiers prior to making the application. They also comment that pre-application advice provided to the applicant is not publicly visible. This is because pre-application advice is confidential. In relation to 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 required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

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 an adopted 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

The application site forms part of a terrace of Grade II listed town houses on the north side of Dorset Square (16 Dorset Square). The terrace dates from 1815-20 and forms part of the Portman Estate Development. The building is of 4 storeys plus basement. The front part of the lower ground floor, directly under the terraced house is used as a separate dwelling. The site lies within the Dorset Square Conservation Area. Permission was granted in 2021 that included internal and external alterations which resulted in the separation of the application site (16 Dorset Square) and the mews house (7 Taunton Mews) to the rear.

7.2 Recent Relevant History

21/04518/FULL Permitted 23 August 2021

External alterations to mews house, including render, new doors, windows and rooflights and conversion of one internal garage bay into bedroom accommodation.

17/03869/FULL and 17/03870/LBC Permitted 06 July 2017

Demolition of rear extensions and erection of replacement extensions at basement, ground and part first floor levels with roof terrace at rear first floor level. Reconfiguration of the existing mews house (7 Taunton Mews) and alterations and replacement of windows and doors to all elevations. Associated internal alterations and external alterations to both properties.

16/07923/FULL and 16/07924/LBC refused on 03 November 2016

Demolition of rear extensions and erection of replacement extensions at basement, ground and part first floor levels with roof terrace at rear first floor level. Associated internal and external alterations.

8. THE PROPOSAL

The applicant proposes the demolition of the existing closet wing and rear infill extensions and the erection of replacement closet wing and extensions at lower ground and ground levels with terraces above, the replacement of front and rear elevation windows, installation of air conditioning units at lower ground floor level in the central lightwell and rear ground floor level on proposed terrace adjacent to the mews. Associated internal and external alterations are also proposed, including alterations to, but retention of the lower ground floor flat (16a), which will be accessible via the front basement lightwell.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The principle of providing additional floorspace to enlarge an existing residential dwelling house is acceptable in land use terms and accords with Policy 8 of the City Plan 2019-2040 (April 2021).

At lower ground floor level, currently it is use as a two bedroom unit, internal alterations are proposed which will reduce the size of the unit, so that it sits to the front of the property. While the unit is to be reduced in size, it will be in excess of 37sqm and therefore meets the minimum size standards for a studio as outlined within the Housing technical standards (March 2015). Given that there is no change to the number of units, the proposals accord with Policy 8 of the City Plan 2019-2040 (April 2021).

Concerns have been raised by an objector in relation to the separation of the mews at 7 Taunton Mews from the main house. Drawings on the recent August 2021 planning permission and listed building consent indicate that access points from the mews through to the main house were being blocked as part of the application. On-site inspection indicates that the mews has been blocked off. It is also understood that 16 Dorset Square and the Mews are now under separate ownership.

9.2 Environment & Sustainability

Sustainable Design & Energy Performance

Policies 36 and 38 in the City Plan address issues of sustainability and retrofitting, and consideration is also given to the City Council's Environmental SPD. A range of measures are proposed in sustainability terms, comprising the internal insulation to certain areas of the building, the new double glazing and secondary glazing to certain windows, and the air source heat pump to the rear courtyard area. The new rear extensions would also allow for an upgrading of the insulation and thermal efficiency of those building elements. A heat pump is also proposed, which will provide an efficient form of heating and cooling.

While concerns have been raised regarding the energy efficiency of the proposed works, the retrofitting works proposed for the building are welcomed, and it is noted that listed buildings also add challenges due to the requirement to retain historic features. The proposals are considered to be in line with the policies quoted above. The development is not of a scale to require further measures.

Circular Economy

Due to the proposals being minor in terms of demolition and therefore are not required to submit a Circular Economy Statement.

Flood Risk & Sustainable Drainage

The site does not lie within a flood zone or within a surface water hotspot. Given the existing rear is built over, there is no scope for any sustainable drainage measures. As discussed below, an area of greening is to be secured to the closet which will aid to

reduce surface water run off.

Environment & Sustainability Summary

The proposals are considered to comply with the Council environmental and sustainability policies.

9.3 Biodiversity & Greening

Policies 7 and 34 in the City Plan seek to increase the greening of Westminster and to promote bio-diversity net gain. A green roof is to be secured to the roof of the rear closet wing. Whilst recognising that this is a relatively small area in footprint, nonetheless it allows for a greater greening and bio-diversity potential than currently exists on site, and given the sensitive listed building context and that in many respects the application proposals follow previous approvals in terms of their extensions, it is not considered that the scheme is unacceptable in terms of its provision of greening and bio-diversity measures.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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

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

Section 72 of the 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.*"

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

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme,

taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The building incorporates a lower ground, ground and three upper floors, and with extensions to the rear. The building has undergone alterations in the past, including the infilling of the original rear lightwell to lower ground floor level, the erection of a lift extension to the rear elevation, and other external and internal changes, however it also retains a considerable degree of its original fabric and character.

To the rear of the site, the existing rear closet wing and also the existing rear two storey wing at the rear of the site are both proposed to be demolished and rebuilt in differing form. The demolition and rebuilding of these were included in the separate scheme previously approved on 2017. The closet wing may appear to date from the early 20th century and is supported on a steel frame at half landing level between ground and first floor levels and is accessed through an inappropriate opening into the rear room at first floor level. It is not original, nor considered attractive both externally and harmful to the interior of first floor level, and as such its removal and replacement is considered acceptable. Similarly, the 20th century lift to the rear elevation adjoining the closet wing is of poor quality and its removal is welcomed. The rear two storey wing at lower ground and ground floor levels is similarly not considered of any notable quality or significance, and its demolition is also considered acceptable as part of a scheme for an appropriate rebuilding.

The new closet wing is in brick to match the main rear elevation, and with traditional doors and windows, it is lower height and less wide, and will integrate appropriately with the main building and represents a considerable improvement in terms of appearance over and above the existing rear closet wing and lift. The new rear wing opens a lightwell adjoining the main rear elevation thus revealing the elevation to its full height as originally intended which is welcomed. To ground floor level it spans the full width of the site, as did the approval in 2017, and it is noted that a considerable number of the buildings in the terrace have similarly been infilled at ground floor level. Whilst it represents greater bulk to ground floor level in proximity to the building, this is balanced by the opening of the lightwell and overall these works are supported in terms of their impact on the building and townscape. The extension sets back at ground floor from the mews to the rear giving outdoor amenity space to this single dwelling house, and creates a clear townscape distinction between it and the mews building. The railings to the terrace above will not be unduly cluttering, mindful of those existing already to the rear, and an appropriate appearance for the paving to the terrace will be secured by condition. Overall, the proposals for the rebuilding of the rear extensions are considered acceptable.

To the front of the building, works are proposed to the staircase within the lightwell. The staircase has an evidently concrete facing, though it is not certain whether it is a fully modern staircase or whether instead the concrete is a thinner screed over an original staircase. Mindful of the desire to carry out works to the staircase, and the uncertainty over its fabric, a condition is imposed requiring a sample removal of a thin surface layer to be carried out first, to allow for a better understanding of the most sensitive approach to its wider restoration which would be secured under the condition.

The windows to be fully replaced are more modern additions to the building, and the designs shown are of more appropriate arrangement, with an acceptable detailed design to be secured by condition. Further windows are proposed to have their timber framing retained and to be upgraded with double glazed inserts into those frames, which is considered acceptable on grounds of the minimal removal of fabric anticipated to be required, however full details will again be secured by condition. The areas of internal secondary glazing will not harm the character of the interior, and a condition is imposed to require a meeting rail which would align with that of the sashes to ensure that they did not clutter the impression of the building from inside or outside.

The removal of the existing and apparently more long standing air conditioning unit to main roof level is welcomed in design terms.

Internally, the works to separate the front of lower ground floor level from the remainder are considered acceptable given the altered nature of this space and that it retains the important elements of what remains of the original floorplan and fabric. The new and more appropriate handrail proposed to the stone staircase rising to ground floor level is welcomed in principle, subject to details to be secured by condition regarding how it would integrate with the existing staircase.

Reference is made to the cleaning of the stone flags to the ground floor hallway. These appear to be original to the building, and whilst their cleaning is supported, the method of this is to be secured by condition to ensure it does not damage this important internal fabric.

To the main rear room to second floor level, the room is referred to on the proposed drawings as containing a 'dressing room' and an 'en-suite', with an annotation stating that a 'non structural pod-like frame inserted within the room and set away from the existing walls and ceiling. Layout to allow for perimeter lightweight partitions to conceal service runs'. This would suggest a box-like internal lining to the room, which would not be acceptable. Nonetheless, the installation of a dressing room as a piece of furniture within the otherwise retained room could be considered acceptable, and an amending condition is included requiring approval of any works to the room and with an informative advising of what would be considered acceptable.

The works to the front of the plan of third floor level restore the building back to closer to its more anticipated original layout, as noted by the St Marylebone Society, and as such are considered acceptable. To the rear of third floor level, a room is proposed to be subdivided, however in this case the room has in the past lost its original ceiling which is now open to the roof pitch, and is fitted out as a modern bathroom, and in this context the new partition proposed and the door to the adjoining main rear room are considered acceptable.

Aerogel insulation panels are proposed to several rooms internally to assist in the greater thermal efficiency of the building. These are to rooms already altered and/or without historic cornicing or skirting to be affected by the work. The use of a breathable material is supported, as is the greater sustainability it will allow for, and in the areas used it does not unacceptably harm the significance of the listed building.

Whilst the application states that the existing service routes are to be used where

possible for internal service runs, nonetheless it leaves open a consideration that further new works may be proposed to allow for internal pipework. In the absence of further clarity on this subject the application includes a condition stating that notwithstanding any submitted information, any new internal service routes will need to be applied for. This is to ensure that any new routes do not inappropriately affect the character or fabric of the building. Subject to that, the internal servicing is considered acceptable.

The remainder of the works internally have been assessed and are considered acceptable subject to conditions and to the further comments below, and not to harm the significance of the listed building.

CONSULTATION RESPONSES ON DESIGN AND LISTED BUILDING GROUNDS:

A local resident has responded to the application commenting that they are unaware of Historic England having been consulted, however a consultation was undertaken to Historic England and did not state any concerns in their response letter.

The local resident has expressed concern about the use of double glazing. Several windows are proposed for replacement with new double glazing, however these are more modern windows and the new replacements, even allowing for the double glazing, are considered of improved design and appropriateness. Other windows are having the framing retained and with new double glazed inserts incorporated, however this involves a minimum removal of historic fabric and with the appearance, as secured by condition, closely replicating the original notwithstanding the change to double glazing. It is also recognised that the double glazing will improve the thermal efficiency of the building. As such, the objection on this ground is not supported.

The local resident also expresses concern regarding the extent of demolition, and queries a perceived lack of evidence of professional guidance being sought. The demolition is highlighted on the application drawings and is considered acceptable for the reasons set out above. The application has been prepared by qualified architects, supported by a Historic Building Report from the applicants heritage consultants, and thus the concerns on this ground are not supported.

The local resident also states that previous modifications should not set a precedent, however any application must be considered on its planning merits and in the context of the character, appearance and significance of the existing building on site.

The reference in the objection to the balustrading being set in from the party wall is noted, however this is not considered to give rise to an unacceptable impact on the listed building or conservation area.

The local resident makes further comments regarding concerns about the upgrading of the building to reduce energy loss, however for the reasons set out above these proposals are considered acceptable in these terms, and the retrofitting of the building is welcomed in sustainability terms. The resident also comments on the plant equipment to the rear, however this is considered discreetly sited and conditions will secure an appropriate appearance for the enclosure. They also question the air source heat pump not serving the whole house, however its incorporation will support a less carbon intensive source of heating/cooling and is welcomed on that basis to the extent of its proposed use to the property.

The St Marylebone Society state that they do not object to the proposed rebuilding of the existing rear closet wing extension if it can be argued that the overall effect can be justified on a long term energy efficiency perspective, that the rear façade would be tidied up, and that traditional rainwater materials and brickwork would be used. It is considered that all of these are features of the application proposals, as secured by condition, and these comments are considered to have been addressed by the submission.

The St Marylebone Society also state that they do not support the use of render to the rear. Whilst recognising that this will differ from the exposed brickwork more generally found to the main building, nonetheless the render is used in lightwell and enclosed terrace areas on a modern rear wing. Lightwells are not uncommonly faced in render to 19th century buildings and given this and the relative lack of visibility of these areas in more generally views from surrounding buildings it is not considered that these concerns could be supported.

The Society also advise that to third floor level they wish to see historically appropriate architraves and doors matching the originals. The submitted drawings show an appropriate approach in line with this stated desire, and a condition will secure appropriate detailing.

The St Marylebone Society stated that they would wish to see natural Welsh slate used for the roof material, however whilst noting this desire, there are no proposals for the removal and replacement of the existing slates in the application to allow for the securing of the details of any new slates.

The St Marylebone Society advised that they questioned the design of the large metal windows to the rear of the rear closet wing extension, and considered the appearance jarring. This appears a reference to the doors and windows at the rear of the ground floor rear wing, which contains a wide expanse of metal framed glazing. Whilst noting that these are not in a 19th century style, these elevations are set into relatively discreet lightwell areas and are not anticipated to be readily visible from many vantage points, and are on a modern extension somewhat visually separated from the main original building. As such, the design and materials proposed are not considered unacceptable in this case.

The St Marylebone Society state that the size of the acoustic enclosure to the rear appears 'optimistic', however in design and listed building terms the application is proposed with drawings and as set out elsewhere in the report is supported by an acoustic assessment, and is accepted on that basis. Any proposed enlargement of the enclosure would likely require further applications, which would be considered on their merits. Full details of the design and materials of the enclosure will be secured by condition to ensure a discreet finish.

The support of the St Marylebone Society for the incorporation of double glazing in certain locations in association with the retention of existing framing is noted.

CONCLUSION ON DESIGN, CONSERVATION AND SUSTAINABILITY

Given the above, the proposals are considered in line with relevant policy and guidance

and are considered acceptable subject to the conditions attached to the draft decision letter. The recommendations are considered in line with s. 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan. 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.

The rear infill extension at ground floor level would be between existing party walls and would have no significant detrimental impact on neighbouring properties in terms of loss of daylight/sunlight or sense of enclosure. The infill of a small section of the closet wing which is currently open with the brick structure above supported by metal columns would have no significant amenity impact. The extension of the closet wing largely involves the replacement of an existing external dumb waiter shaft and would similarly have no significant impact in terms of loss of daylight/sunlight and sense of enclosure on neighbouring properties.

The proposal involves the creation of a roof terrace on the roof of the proposed infill extension at first floor level. There already exists a roof top walkway at this level along the boundary with number 15 Dorset square which could be used as a terrace, therefore there would be no substantial increase in the level of overlooking to windows within 15 Dorset Square. A terrace was granted permission in this location and the same size within the 2017 permission (RN: 17/03869/FULL).

The extension of the terrace nearer to the boundary with 17 Dorset Square would result in increased overlooking into rear windows of No 17 and rear windows of 8 Taunton Mews. The terrace will however be 2.4m set away from the main rear elevation of the host and adjacent buildings. The existing boundary wall which separates No 16 & 17 also rises towards the rear elevation of the properties, which will help to some extent to reduce views of the most effected window of No.17 adjacent to the boundary. It is also noted that this window does not serve a habitable room and provides light to a staircase. The terrace is set away slightly from the boundary, but it may be possible to view down and back to lower windows within no 17, but given the angle it is unlikely that this overlooking would be significant.

The nearest rear windows of No 8 Taunton Mews is obscure glazed and according to planning records serves a bathroom and is therefore not a habitable rooms. The window adjacent appears to be a study, but is set further away from the boundary. No 7 Taunton Mews was previously under the same ownership as the application site, however as part of a recently granted permission the windows to the rear include some obscure glazing. They experience overlooking from the existing terrace which runs the full length of the plot.

While the proposed terrace will increase overlooking, particularly given it will now be full

width, but of a shorter length, the existing terrace at the same level, and the relationship and use of adjacent windows, it is not considered that the loss of amenity would be so significant as to be unacceptable.

A terrace is also proposed at rear ground floor level. Located at the same level as the existing much larger terrace, this will be enclosed by existing boundary walls on all sides (including the rear wall of the Mews), and is not considered to result in any significant impact on the amenity of adjacent occupiers.

The proposal involves the installation of a timber sash window to the rear closet wing extension at first floor level to serve the WC. The window will have an aspect down to the rear of the site, with oblique views into the neighbouring outdoor amenity spaces. It is noted that objections have been received from a local neighbour stating the placement of this window will result in overlooking, however there are many rear facing windows in the terrace, and it is not considered that this window would result in any significant increase in overlooking.

Overall and given the above, the proposed development would meet policies 7 and 33 of the City Plan.

9.6 Transportation, Accessibility & Servicing

As the proposed development involves extensions to an existing dwellinghouse, and no change to parking levels on the application site, there are no relevant transportation and parking considerations. The construction impact of the proposed development on the highways network is considered further below.

9.7 Economy including Employment & Skills

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

9.8 Other Considerations

The proposed plant comprises of two condensers which are to be located within the rear lightwell at lower ground floor level within an acoustic enclosure; and one condenser and an air source heat pump housed within an acoustic enclosure on the proposed terrace at ground floor level on the boundary shared with No 15 Dorset Square.

Objections have been received from a resident with significant concerns in relation to noise and vibration from the proposed units. They have also had their own independent acoustic report undertaken to review both the acoustic report submitted in support of the application and the comments to the report by the council. The Environmental Sciences Officer did not raise objection to the proposals subject to conditions. Following a review of these further documents they retain the view that the proposals can be considered acceptable, subject to suitable conditions in relation to noise (including night time 'super quiet mode'), and the provision of a post commissioning survey to ensure that the equipment meets the councils noise standard requirements.

Objectors are also concerned that the proposed development will result in noise and disturbance from construction works. Whilst this is noted the standard Westminster construction hours of work condition is recommended in order to limit the working times of construction on the site. An informative is also recommended to advise the applicant to join the considerate construction scheme, to help ensure that the works are undertaken in a neighbourly fashion.

Objections have been received on lack of insufficient information being submitted e.g. water pressure, structural plan, construction management plan, Appendix A from Code of Construction Practice, timeframe of works and traffic management plan. The development is of insufficient scale to require the applicant to enter into a CoCP. If granted, the permissions would be subject to a 3 year implementation condition. If implemented, it is not possible under planning legislation to limit the time taken for works to be completed. Similarly it is not possible to consider matters such as water pressure under the planning process. This will however be considered by Thames Water. Officers consider the submitted information meets the validation requirements and sufficient information has been provided in order to assess the proposal and draft a recommendation.

Objection was also received in relation to the time available to respond to consultation. The applicant has now been in for a significant length of time, providing ample time for consultation responses.

Other concerns also state that the title plan for 16 Dorset Square indicates a right of way for 17 Dorset Square in case of an emergency. This is a private matter between the respective owners. They have also queried if fireplaces are operational or cosmetic. The proposals have been considered by the councils conservation officer and found to be acceptable. It is not a planning matter if the fireplaces are used for combustion or not, however this is likely to be considered by building regulations.

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.

No CIL will be required from the development.

No pre-commencement conditions are recommended.

10. Conclusion

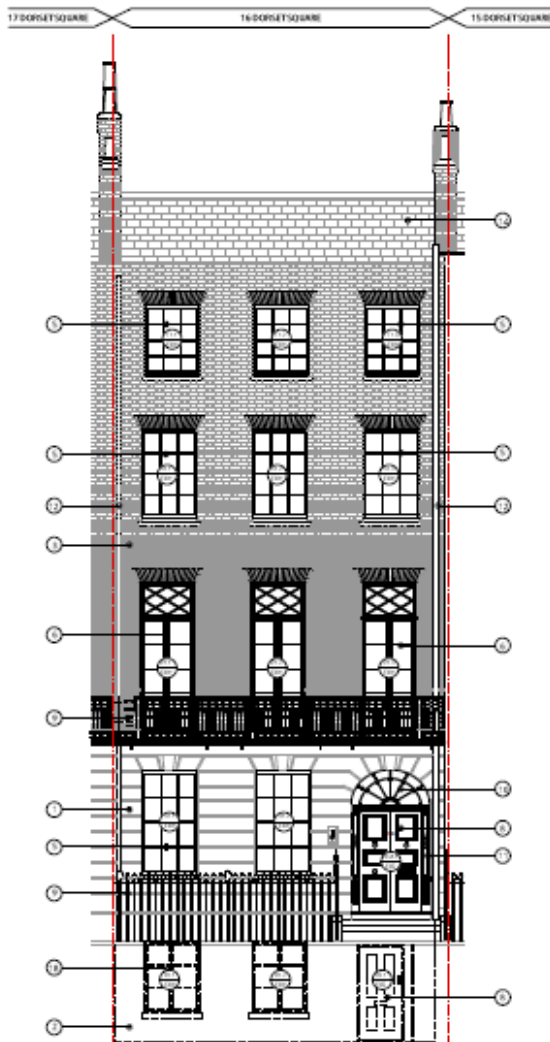
The proposals for additional residential accommodation are acceptable and the works to facilitate this are acceptable in conservation and design terms and are not considered to harm surrounding residential amenity. As such, the proposal is considered acceptable,

mindful of policies 7, 8, 33, 34, 38, 39, 40, and 45 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

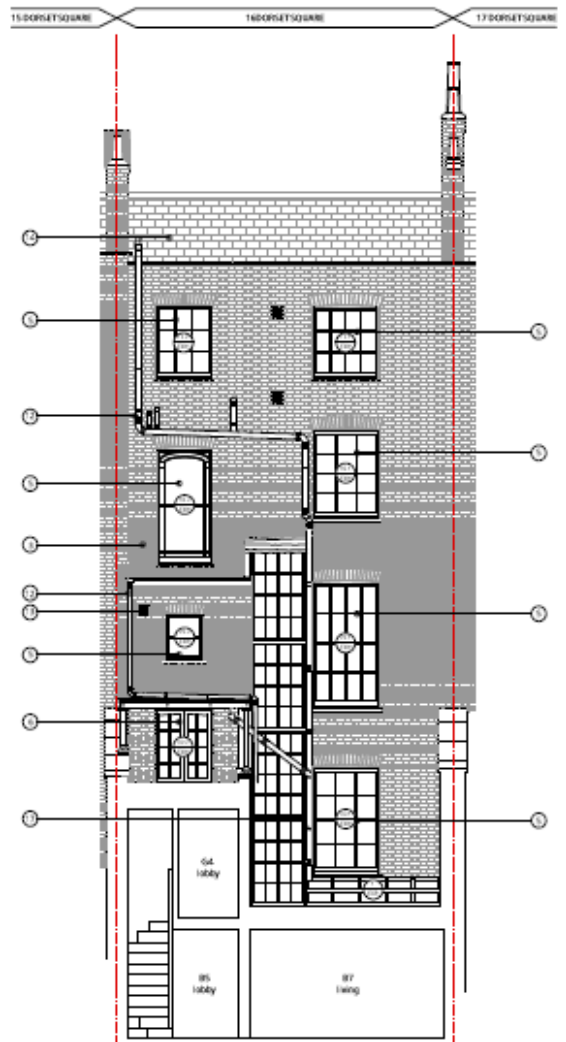
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

11. KEY DRAWINGS

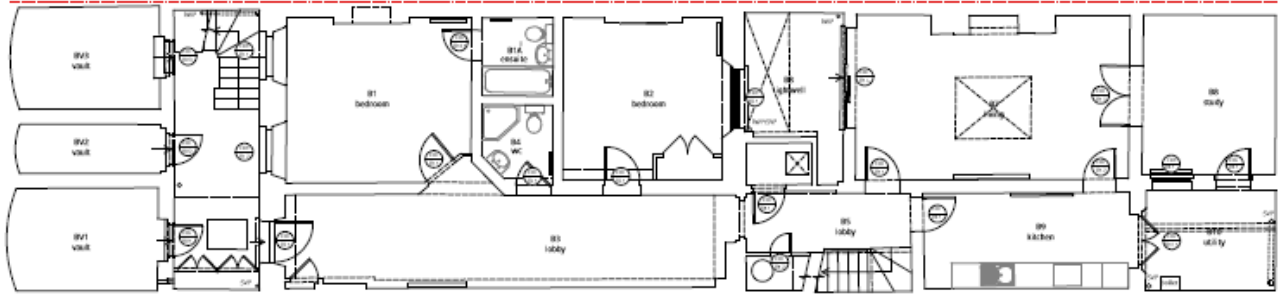


1. EXISTING FRONT ELEVATION

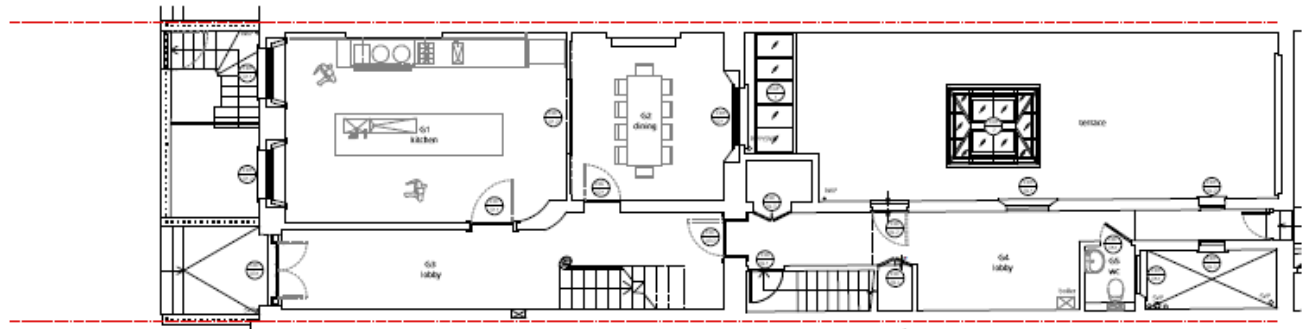


2. EXISTING REAR ELEVATION

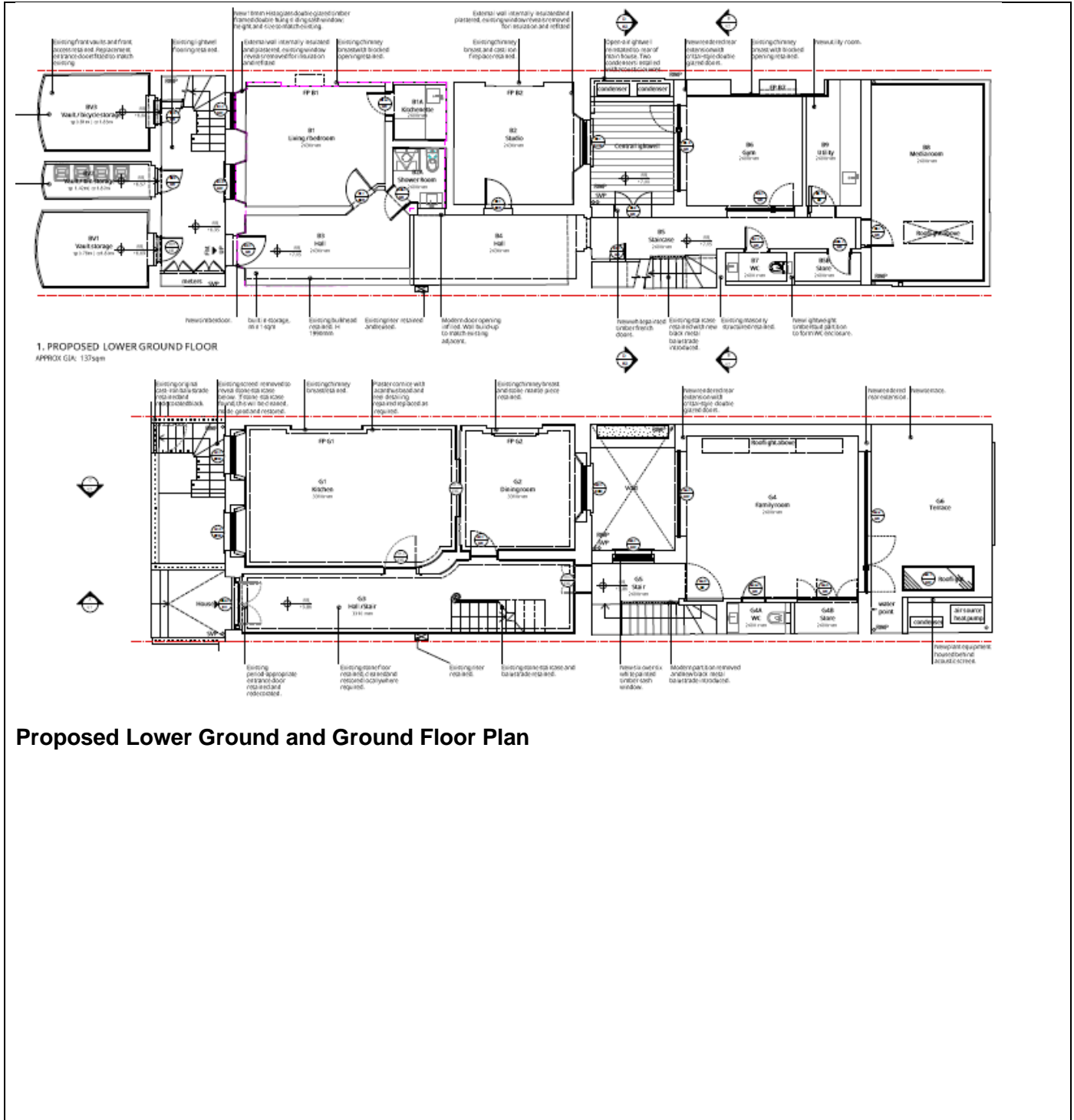
Existing Front and Rear Elevation

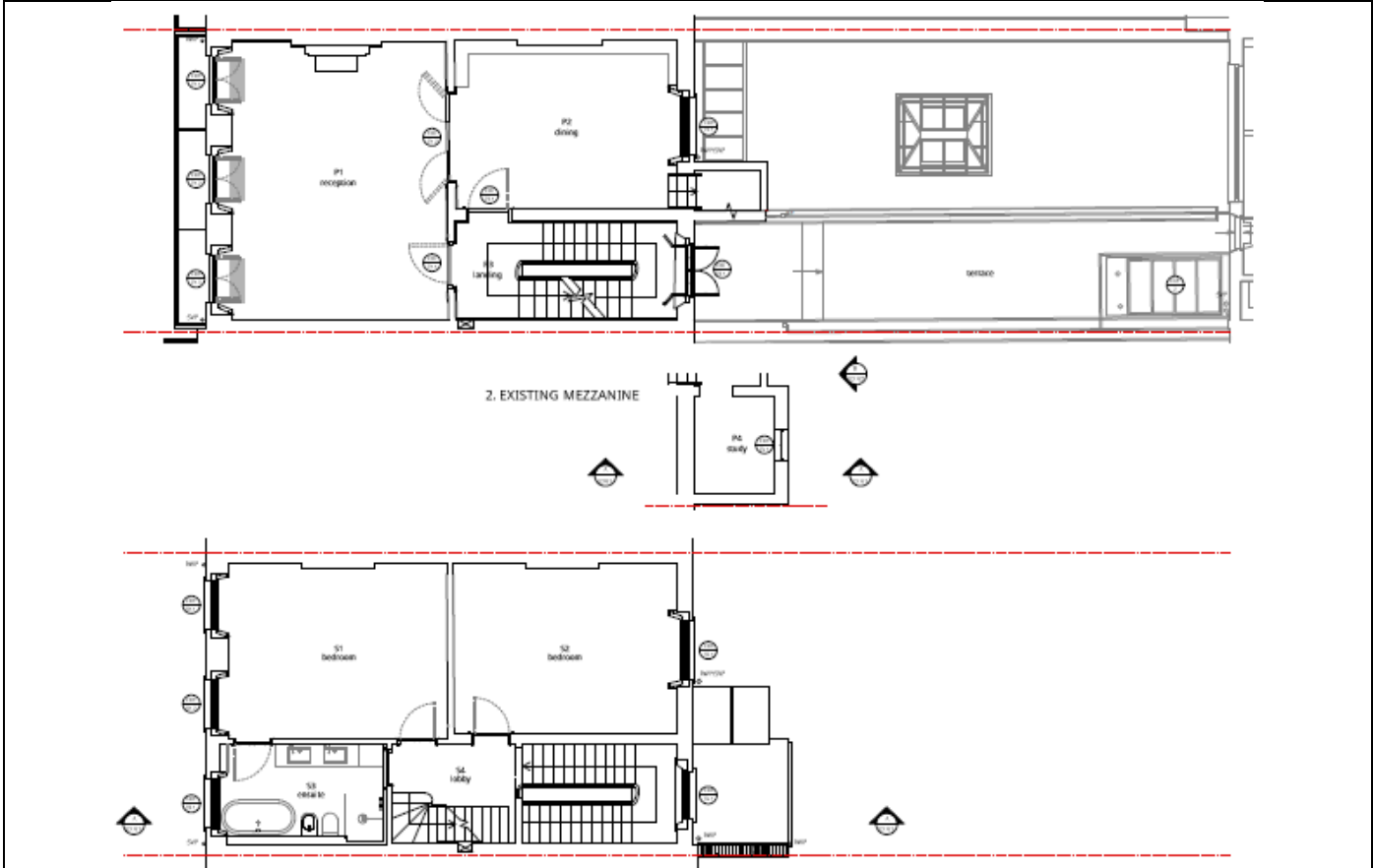


1. EXISTING LOWER GROUND FLOOR
APPROX GFA: 146sqm

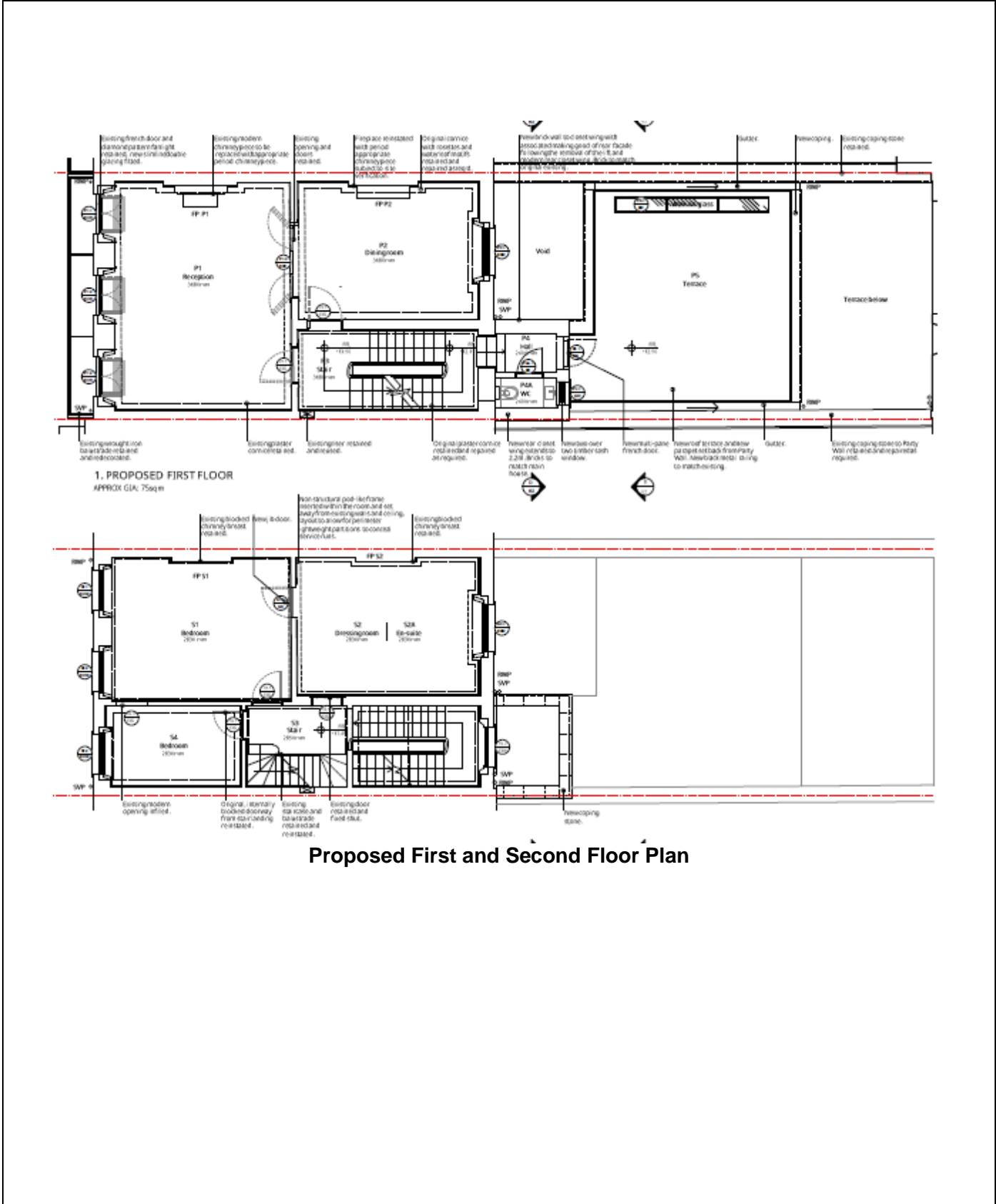


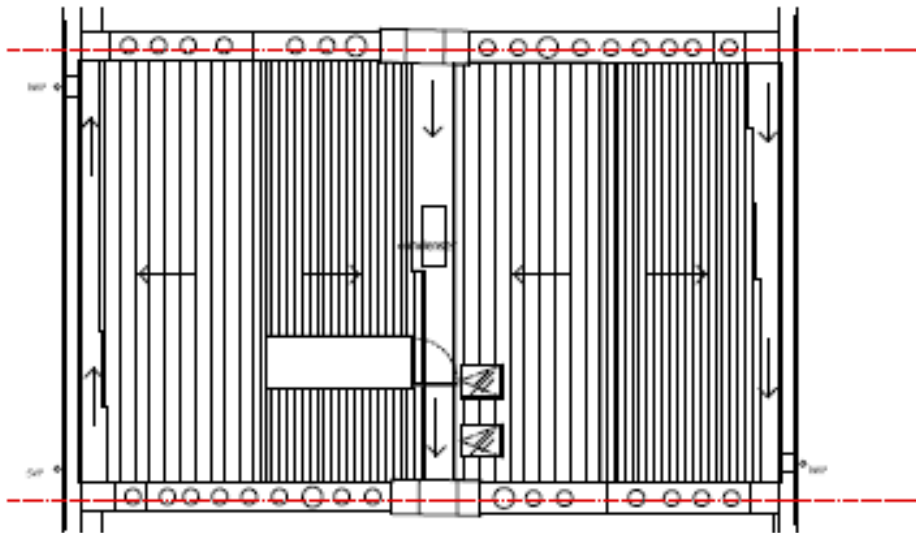
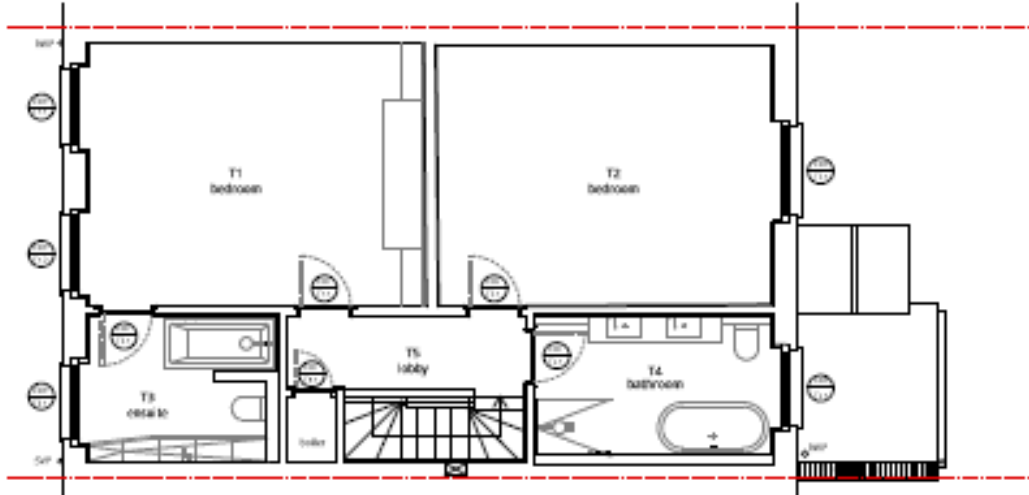
Existing Lower Ground and Ground Floor Plan





Existing First and Second Floor Plan





Existing Third Floor and Roof Plan

DRAFT DECISION LETTER

Address: 16 Dorset Square, London, NW1 6QB,

Proposal: Demolition of the existing closet wing and rear infill extensions and the erection of replacement closet wing and extensions at lower ground and ground levels with roof terrace above; replacement of front and rear facade windows; installation of air conditioning units at lower ground floor level in the central lightwell; and associated internal and external alterations. (Linked with 21/08860/LBC)

Reference: 21/08859/FULL

Plan Nos: Site Location Plan, EX 11 Rev A, EX 12, EX 13, EX 51, EX 61, EX62, DEM 11, DEM 12, DEM 13, DEM 51, DEM 61, DEM 62, PL 11 Rev A, PL 12 Rev A, PL 13 Rev A, PL 51, PL 61 Rev A, PL 62, PL 63 Rev A, PL 70, Design and Access Statement dated 11 March 2022, Historic Building Report dated December 2021 and Plant Noise Assessment dated 22 December 2021 and Acoustic Technical Note dated 6 July 2022.

Case Officer: Frederica Cooney

Direct Tel. No. 07866037206

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The facing brickwork to the rear extensions must match the existing original brickwork to the main original rear elevation in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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

- 5 The framing to the new windows shall be formed in white painted timber framing.

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

- 6 The new external railings shall be black in colour at the time of installation and shall be retained as such thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

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

- 8 You must apply to us for approval of drawings showing the plant screen to the rear terrace area. These must include a section drawing and must show a roof to the screen, and must demonstrate that there is no direct visibility through the screen to the equipment behind. 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 drawings. (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 Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 The plant screen to the rear terrace area shall be finished in a dark grey or black colour on its installation, and maintained as such thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 Notwithstanding the submitted drawings, prior to the wider removal of fabric from, or alterations to, the staircase within the front lightwell of the building, you must:

A) Apply to us for approval of a methodology for the removal of the top layer of concrete screed to a sample panel area no larger than 150mm x 150mm, and must then carry out the works to that sample panel area according to that methodology.

B) Upon the completion of the works set out in A) above, you must submit photographs and a written description demonstrating the condition and fabric of the staircase based on the findings of that sample panel area, and confirming the methodology used for those works, and in addition submit a confirmation of the works proposed to the staircase following the findings of the sample panel (including plan/elevation/section drawings as appropriate).

You must not continue with works to the remainder of the staircase until we have approved in writing the methodology and further works drawings and descriptions submitted under B), and you must then carry out the work according to those documents

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

- 11 Notwithstanding the submitted drawings, you must apply to us for approval of elevation and section drawings showing the new sash windows at scale 1:5 and 1:10 (as

appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing and shall show the incorporation of putty detailing externally to the framing. 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 drawings. (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 Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 The new sash windows shall operate only in a vertically sliding manner

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 Dorset Square 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 elevation and section drawings showing the existing windows where new double glazed inserts into retained frames are proposed which show the extent of removal of fabric from the existing frames, and show the integration of the new double glazed inserts into the retained frames. The drawings shall show the incorporation of putty detailing externally to the framing. 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 drawings. (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 Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 Notwithstanding the submitted drawings, you must provide a green roof to the roof above the rear closet wing extension to the building (ie. above the room containing 'P4 Hall' and 'P4A WC' on drawing P12-A). This must be installed as an integral part of the construction of this closet wing extension, and once installed must be maintained and retained thereafter

Reason:

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

- 15 You must apply to us for approval of a photograph of a sample of the paving you will use to pave the 'Terrace' and 'Terrace Below' areas (as referred to on drawing PL-12). 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 material(s). (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 Dorset Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of

measurement methodology and procedures;

(g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

(C46BC)

Reason:

- 17 As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

- 18 To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 16 of this permission.

Reason:

- 19 As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51BC)

The plant equipment must not operate (except for testing purposes) until the noise mitigation and reduction measures outlined within sections 5.5 and 5.6 of the Plant Noise Assessment dated 22 December 2021 by RBA acoustics are installed. The mitigation and noise reduction measures shall be retained and maintained for as long as the plant equipment is in operation and removed thereafter.

Reason:

- 1 As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

Informative(s):

- 2 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.

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

Item No.
1

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.

DRAFT DECISION LETTER

Address: 16 Dorset Square, London, NW1 6QB,

Proposal: Demolition of the existing closet wing and rear infill extensions and the erection of replacement closet wing and extensions at lower ground and ground levels with roof terrace above; replacement of front and rear facade windows; installation of air conditioning units at lower ground floor level in the central lightwell; and associated internal and external alterations. (Linked with 21/08859/FULL)

Plan Nos: Site Location Plan, EX 11, EX 12, EX 13, EX 51, EX 61, EX62, DEM 11, DEM 12, DEM 13, DEM 51, DEM 61, DEM 62, PL 11 Rev A, PL 12 Rev A, PL 13 Rev A, PL 51, PL 61 Rev A, PL 62, PL 63 Rev A, PL 70, Design and Access Statement dated 11 March 2022, Historic Building Report dated December 2021 and Plant Noise Assessment dated 22 December 2021 and Acoustic Technical Note dated 6 July 2022.

Case Officer: Frederica Cooney

Direct Tel. No. 07866037206

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 The facing brickwork to the rear extensions must match the existing original brickwork to the main original rear elevation in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

(R27AC)

- 4 The framing to the new windows shall be formed in white painted timber framing.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

(R27AC)

- 5 The new external railings shall be black in colour at the time of installation and shall be retained as such thereafter

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

(R27AC)

- 6 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

(R27AC)

- 7 You must apply to us for approval of drawings showing the plant screen to the rear terrace area. These must include a section drawing and must show a roof to the screen, and must demonstrate that there is no direct visibility through the screen to the equipment behind. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

(R27AC)

- 8 The plant screen to the rear terrace area shall be finished in a dark grey or black colour on its installation, and maintained as such thereafter

Reason:

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

development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 Notwithstanding the submitted drawings, prior to the wider removal of fabric from, or alterations to, the staircase within the front lightwell of the building, you must:

A) Apply to us for approval of a methodology for the removal of the top layer of concrete screed to a sample panel area no larger than 150mm x 150mm, and must then carry out the works to that sample panel area according to that methodology.

B) Upon the completion of the works set out in A) above, you must submit photographs and a written description demonstrating the condition and fabric of the staircase based on the findings of that sample panel area, and confirming the methodology used for those works, and in addition submit a confirmation of the works proposed to the staircase following the findings of the sample panel (including plan/elevation/section drawings as appropriate).

You must not continue with works to the remainder of the staircase until we have approved in writing the methodology and further works drawings and descriptions submitted under B), and you must then carry out the work according to those documents

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Dorset Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 10 Prior to the cleaning of any other parts of the stone paving to the internal ground floor hallway, you must apply to us for approval of a 300mm x 300mm sample panel of cleaned paving and a methodology for how the cleaning was undertaken.

You must then submit a clear set of photographs (including both wider angle photographs and close up photographs) of the area cleaned and adjoining paving. You must not clean the remainder of the paving until we have approved in writing the methodology submitted. You must then carry out the work according to the approved methodology and clean the paving to the same extent as the sample panel.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 11 Notwithstanding the submitted drawings, you must apply to us for approval of elevation and section drawings showing the new sash windows at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of

glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing and shall show the incorporation of putty detailing externally to the framing. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 12 The new sash windows shall operate only in a vertically sliding manner

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 13 You must apply to us for approval of plans/elevations/sections/methodology (as appropriate) showing the new handrail to the existing internal lower ground to ground floor staircase (including any supporting bars) and its integration/fixings with the existing staircase. 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 drawings/methodology. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 14 You must apply to us for approval of detailed drawings, and/or an example photograph, of the new fireplaces proposed for the front and rear rooms to first floor level. 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 drawings and/or photographs. The existing hearth to the chimney breast on the rear room shall be retained in-situ (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 15 Notwithstanding the submitted drawings, the cornice to the main front room at ground floor level shall be retained in-situ

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 16 You must apply to us for approval of elevation and section drawings showing the existing windows where new double glazed inserts into retained frames are proposed which show the extent of removal of fabric from the existing frames, and show the integration of the new double glazed inserts into the retained frames. The drawings shall show the incorporation of putty detailing externally to the framing. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 17 The new secondary glazing shall not incorporate a subdivision of the glazing with the exception of framing in line with the horizontal meeting rail of the adjoining sash window

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 18 Notwithstanding the submitted drawings, you must apply to us for approval of plans/sections/methodology/clarification of fabric removal (all as appropriate) for any new servicing routes internally to the building. 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 drawings and documents. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 19 You must apply to us for approval of a photograph of a sample of the paving you will use to pave the 'Terrace' and 'Terrace Below' areas (as referred to on drawing PL-12). 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 material(s). (C26BD)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 20 You must apply to us for approval of detailed drawings, or example photographs, of the design and detailing for the new doors and architraves added to the third floor level within the building. 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 drawings or example

photographs. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 21 Notwithstanding the submitted drawings, you must apply to us for approval of plan/section/internal elevation drawings/methodology of works (as appropriate) for any works within rooms 'S2' and 'S2A' (as annotated on drawing P12A). 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 submitted drawings and details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

It is a criminal offence to carry out work on a listed building without our consent. Please remind

your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 With regards to condition 21 on this decision letter, you are advised that the approach suggested in annotation for this room is not supported, and for an application to discharge this condition to be considered acceptable it would only be on the basis of the dressing room element being designed as a piece of furniture set within the room, on it being pulled away appreciable from the chimney breast and therefore not fully spanning the width of the room, and on it being set well below ceiling level.

Agenda Item 2

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 October 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	The Old Dairy Flats, Chapel Side, London, W2 4LG		
Proposal	Demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). Replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.		
Agent	Mr Daniel Frost		
On behalf of	Mr Kevin Beck		
Registered Number	22/00448/FULL	Date amended/ completed	7 February 2022
Date Application Received	24 January 2022		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant Conditional Permission, subject to a Grampian Conditions to secure the following:

1. Reinstatement of the footway on Chapel Side adjacent to the site
2. Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). The proposal also includes replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.

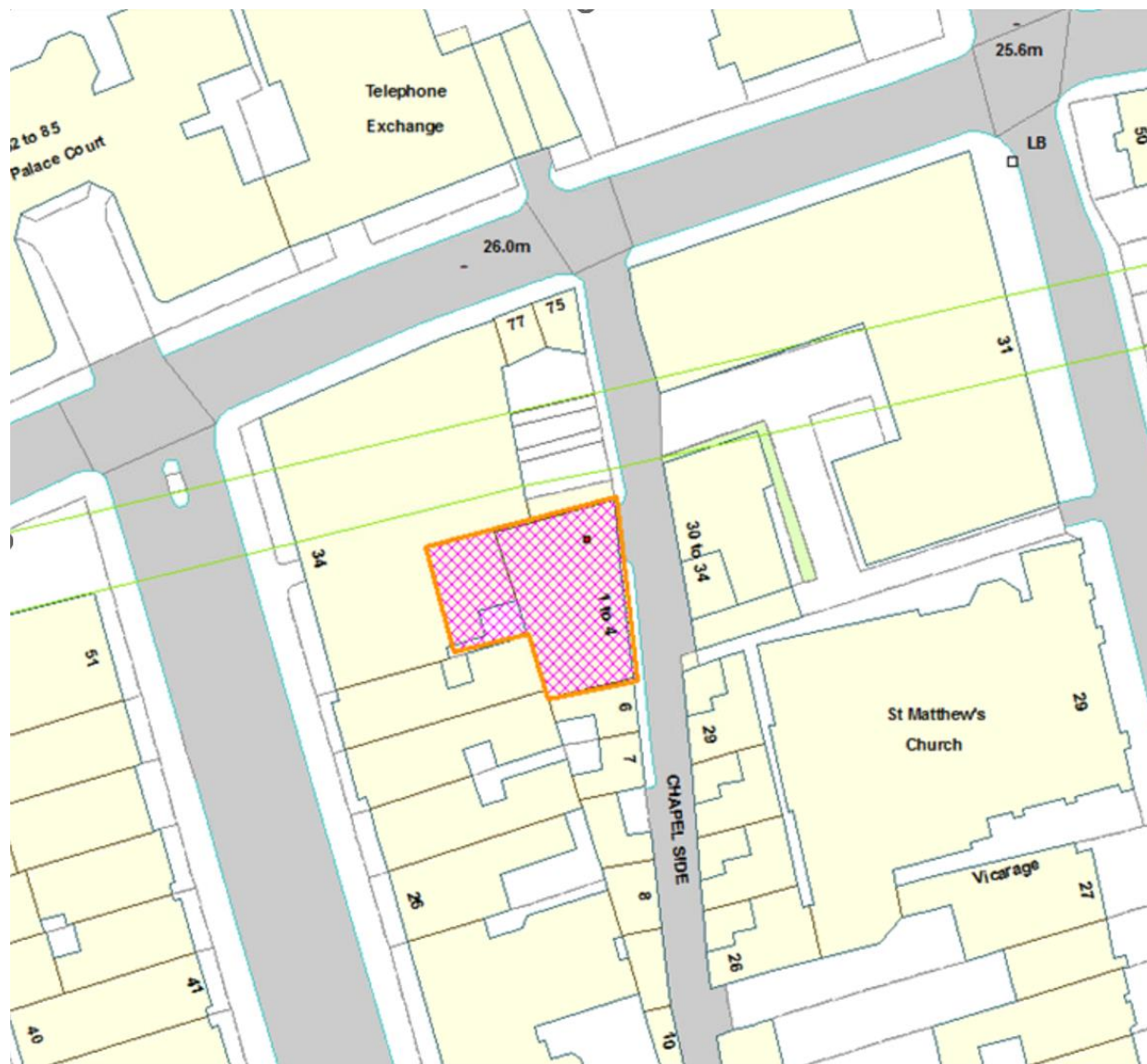
Objections have been received from 5 residents on the grounds of loss of daylight and sunlight and privacy to properties on the opposite side of Chapel Side and to the potential blocking of the pavement on Chapel Side by construction vehicles.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Bayswater Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

It is recognised that the proposal results in a reduction in daylight and sunlight which in some cases exceeds the BRE guidelines however these are not considered sufficient for the application to be unacceptable and outweigh the benefit of providing additional residential units. The proposals would impact on the building but are not considered harmful to the character and appearance of the property or detrimental to the character and appearance of Bayswater Conservation Area. The application is being recommended for conditional approval as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View and front and side elevation from Chapel Side near junction with Moscow Road



View of rear elevation from courtyard

5. CONSULTATIONS

5.1 Application Consultations

First Consultation

Bayswater Residents Association – any response to be reported verbally.

London Underground Limited - no comment.

Thames Water – Request that an informative is attached to any permission stating that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer and a condition is attached stating that no piling shall take place until a piling method statement has been submitted to and approved by the local planning authority in consultation with Thames Water.

Building Control - The submitted Structural Method Statement is compliant and accepted. The Site Investigation shows a London clay foundation soil. Ground water was encountered. Flood risk is minimal. The new basement construction will comprise typical RC retaining walls underpinning and RC ground bearing slabs. Waterproofing and heave shall be considered in the design. The works are done in sequence. Temporary supports are used during excavations. A movement monitoring is proposed. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be within acceptable limits. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

Waste Project Officer - Waste storage arrangements not in line with City Council requirements

Highways Planning Team - No objection subject to conditions requiring the provision of cycle parking and waste storage provision and a legal agreement requiring lifetime car club membership and works to reinstate the footway outside the property.

Environmental Health - The proposed Means of Escape not adequate and should be approved by Building Control and London Fire Brigade. Suggests Condition C51BB to ensure sound insulation adequate.

Arboricultural Section - Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 5

No. of objections: 4

No. in support: 1

1 letter of support on the grounds that the conversion of the garages will reduce flow of

cars and parking and enhance setting.

4 objections on one or all of the following grounds:

Amenity

- Loss of daylight and sunlight to Flats 30-33 Chapel Side,
- Incorrect assumption that not all windows analysed serve main living spaces
- Analysis has consolidated assessment for 30-33 Chapel Side with 34 Chapel Side
- 30-33 is single building containing a flat on each floor 3 of the 4 serving each flat serve primary living spaces
- 5 windows fail in 30-33 NSL

- Flat 33 (3rd floor) D and S assessment appendix number of windows on third floor don't add up to number there are W3, 4 and 5 serve living room and eating space. W2 serves home office

- Flat 31 (1st floor) reductions VSC 22% NSL 12% APSHH 13%

- Flat 32 (2nd floor) analysis in Appendix 2 of S&D report W5-8 average reduction of 28%, NSL reduction of 38% and APSH reduction of 23%. Removing window 5 (a bedroom) and assessing W6-8, the primary living space the average reductions are VSC 27%, NSL 34% and APSH 22%. One window serving a primary living space has an NSL reduction of >40% - beyond BRE guidelines. 5 fails for NSL reduction

SITE NOTICE:

Yes

Second consultation - following detailed design changes including 70 degree mansard introduced to side elevations and all chimneys retained and extended, 2nd floor rear extension roof lowered, privacy screen to 3rd floor rear terrace changed to timber slatted screen with planting, 3rd and 4th floor glazed doors amended and windows removed to 2nd floor north wall.

Bayswater Residents Association – any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 1

No. of objections: 1

1 objection on the following grounds:

Amenity

- Loss of light to rear windows and patio garden of 7 Chapel Side.
- Loss of sky outlook from 7 Chapel Side
- Loss of privacy to patio and kitchen and bathroom windows of No. 7 Chapel Side

Highways

- Street too small to accommodate more traffic as a result of more dwellings.

Other

- Construction vehicles blocking pavement space within street.
- Damage to pavement during construction.

Third consultation – following submission of revised Sunlight and Daylight Assessment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 objections on one or all of the following grounds:

Amenity

- Proposed changes do not reduce proposed height which still remains a concern.
- Revised assessment confirms Chapel Side will be worst effected by development.
- Loss of light is a result of the loss of the existing valley between two parts of roof as well as increase of height of roofline.
- Consider the Daylight Sunlight assessment understates impact on flat 32 Chapel Side

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. In this case engagement was carried out by the applicant with several neighbours and the local amenity society before the submission of the application and during its consideration.

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

1-4 Chapel Side, also known as “The Old Dairy Flats”, is an unlisted building fronting Chapel Side located within the Bayswater Conservation Area. The property has authorised use for 4 residential flats. The site was previously part of a building complex which included ESCA House (34 Palace Court) and was connected to that building via a first floor link to the rear. The building is now in separate ownership. The building is within close proximity to the London Underground network.

The building is a substantial unlisted 4 storey brick building that positively contributes to the special architectural and historical interest of the Bayswater Conservation Area. Chapel Side is a historic mews street that pre-dates the development Palace Court by Edward Orme and Family in the late 19th century.

No. 1-4 Chapel Side is located on the west side of the mews directly adjacent to the London Underground tunnel and comprises of a brick faced buildings of four storeys, 9 bay wide with pitched and hipped slate roofs and large timber ground floor garage doors. A narrowing terrace of buildings of the same scale and form are identified at this site in the 1872 Ordnance Survey map, however the existing building is of a later date with the 1890 Ordnance Survey Map showing a larger structure across the site matching the form of the existing building.

Chapel Side is a narrow cobbled mews street, running north to south, gently curving leading to an acute dead end facing the front elevation of No. 11-12 Chapel Side, and enclosed by rear boundary walls of No. 17 St Petersburg Place and No. 22 Palace Court. The mews street appears to follow an historic lane and is shown on Moggs 1825 map before Glutche’s planned development of the Hyde Park Estate dated 1840.

7.2 Recent Relevant History

Planning permission was granted in January 2016 (RN: 15/05691/FULL) for the Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side and the sites redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and

plant at basement level. This redevelopment included the application site for this proposal. Work has not been implemented and therefore this permission is now expired.

Planning permission was granted in June 2018 (17/06677/FULL) for a variation of Condition 1 of the above permission to allow amendments to the drawings and other documents to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes. A condition was attached to that permission requiring that it was commenced no later than the date of the expiry of the original permission i.e. 19th January 2019 and has therefore also expired.

Planning permission was granted in April 2020 (RN: 19/10120/FULL) for the infill of existing ground floor undercroft area and extensions to rear in association with the change of use of the ground and first to residential flats (Class C3). This permission has not been implemented.

Prior approval was granted on 2nd July 2020 (RN: 20/04146/P3JPA) for a proposed change of Use of Esca House from Offices (Class B1) to 11 residential units (Class C3) at part ground floor and all first floor level, under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The change of ownership of part of the area of the site included in this application make this prior approval unlikely to be implemented.

8. THE PROPOSAL

The proposal involves the demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3) to provide a total of 8 flats (1x4bed, 1x3bed, 5x2bed and 1x1bed). The existing upper storeys already have authorised use as residential flats. The proposal also includes replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at fourth floor level.

The proposals has been amended during the course of application. These included detailed design changes including 70 degree hipped mansard introduced to side elevations, all chimneys to be retained and extended, 2nd floor rear extension roof lowered, privacy screen to 3rd floor rear terrace changed to timber slatted screen with planting, 3rd and 4th floor glazed doors amended and windows removed to 2nd floor north wall and an amended Sunlight and Daylight Report to make corrections and reflect design changes and additional information gathered about the layout of neighbouring flats. All these amendments have been subject to further consultation.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (residential)	334	1066	+732

Use (office)	218	0	-218
Total	516	1066	+515

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Office

The office use at ground and first floor level is not protected by any City Plan policies in this location and therefore is acceptable in land use terms.

Residential Use

The principle of providing additional residential accommodation on the site is acceptable and accords with Policy 8A of the City Plan which aims to deliver housing by 1. optimising site densities, including those in Housing Renewal Areas; 2. delivering a higher number of homes on small sites; 3. permitting appropriate upwards extensions.

Policy 8B states that no new homes in Westminster will exceed 200 sqm Gross Internal Area (GIA), except where it is necessary to protect a heritage asset. None of the proposed 8 flats will exceed 200sqm GIA. Although there are some large flats proposed including a 200sqm flat, this is a 3 double bed duplex unit. The minimum nationally described space standard for a unit this size is 124sqm and it is not considered that these flats are excessive in size or prevent the optimising of the site.

Two of the eight proposed units are family sized (3 bed or more). Policy 10B aims for 25% of all new homes within Westminster to be family sized and therefore the proposed development would be in line with this aim.

The size and layout of the accommodation would be compliant with the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. As such, the residential accommodation proposed would be of a good standard. The proposal would therefore also meet Policy 12A and 12C of the City Plan.

Four of the eight flats are provided with amenity space. It is accepted that it would not be practical to provide amenity space to all flats because the proposal involves the re-use of an existing building and because of the close proximity of neighbouring properties. For each flat which does not have amenity space additional space of the minimum standards is provided internally in accordance with 12E of the City Plan. It is also noted that none of the four existing residential flats has any external amenity space.

The daylight and sunlight assessment in relation to the internal levels for the proposed units show that 25 out of the 27 proposed rooms meet the BRE's recommended levels for ADF for their room including all living rooms. The two rooms that fall below this level are the two bedrooms on the lower ground floor. These bedrooms achieve 0.6% and 0.8% ADF, which is below the 1% target. The assessment concluded that given the tight urban context of the site these are good levels and should be considered acceptable. When considering the daylight and sunlight internally to the new proposal, the tests have

altered since the application was submitted, as a result of the recent changes to the BRE guidelines. The applicants Sunlight and Daylight consultant has submitted additional comments relating to these changes and stated that overall the new tests are similar in structure to the previous tests with recommended levels set for bedrooms, living rooms and kitchens, with similar proportional increases in the level of recommended daylight per room type as the previous version of the Guidelines. They have concluded that they would expect the results to be similar to those provided in their original assessment. The unit which has bedrooms which fail within the basement level is split over two levels, and is dual aspect at ground floor level. It is considered that the unit will receive suitable levels of light and ventilation over the two floors.

Environmental Health has also commented that there is no natural light to the basement living area however, as aforementioned, the basement is part of a maisonette which also occupies the ground floor where the main living area is located. It appears that the area in question is designed more as a “snug” or TV room type space and the quality of the unit overall is considered acceptable. All the units are generally considered to have good levels of natural light and ventilation and outlook.

Affordable Housing

The proposal involves a total of 1066sqm of residential floorspace however there exists 334sqm of residential floorspace in the part of the existing building not proposed to be demolished. The site area is less than 0.5 hectares and less than 10 units are proposed (8 are proposed). As the site does not result in an uplift of 1000sqm or more of residential floorspace, is under 0.5 hectares and less than 10 units are proposed, affordable housing is not required in this instance.

9.2 Environment & Sustainability

Sustainable Design

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".

Policy 38E states that applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards, in the case of residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve “Excellent” in BREEAM domestic refurbishment or equivalent standard. The proposal involves over 500sqm (GIA) additional residential floorspace and the applicant has submitted a BREEAM Domestic Refurbishment Pre-Assessment Estimator Report with the application. This report states that the proposal will achieve a score of 73.42% thus surpassing the 70% minimum to achieve BREEAM “Excellent”. This will be secured by condition.

Energy Performance

Policy 36 of the City Plan 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". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has submitted a Sustainability Statement with the application which concludes that energy efficient measures of the building will go beyond Building Regulations Part L1b 2013 through an energy efficient fabric first approach which is to be designed to be highly insulated, using materials with a high Green Guide rating with sustainably sourced timber and recycled aggregates where possible.

The application is not a major development and therefore is not required to demonstrate that it will need to achieve net zero carbon.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The applicant has stated in their Sustainability Statement that a Site Waste Management Plan will be prepared and incorporate non-hazardous waste, demolition and excavation waste and that the contractor will reduce waste during the construction phase of the development via the hierarchy of reduce, reuse ((prioritising on-site reuse of demolition materials, followed by offsite reuse), Recycle (prioritising on-site recycling, then off-site recycling), Resource recovery (for energy generation processes – fuels, heat and power) and disposal as last resort. This is considered acceptable for a development of this scale.

Air Quality

The site is not within an air quality focus area and is not a major development therefore Policy 32 of the City Plan does not require the submission of an air quality assessment or the demonstration of achieving air quality neutral/ positive however the applicant has stated that control measures will be implemented on site to prevent air and dust pollution during construction. An informative is recommended to promote the use of the Considerate Constructors Scheme.

Flood Risk & Sustainable Drainage

The site is not located within a Surface Water flood Risk Hotspot or within Flood Zones 2 or 3. The development would not result in any increase in hardstanding however there will be a small increase in soft landscaping within the rear courtyard area and due to the use of a green roof. Because of the low risk of flooding on the site this is considered to comply with Policy 35.

Light Pollution

It is not considered that the design of the proposal would result in a significant increase in light spill to neighbouring properties. The applicant has stated in their sustainability

statement that internal and external lighting will be designed to minimise light pollution and that external lighting will be automatically switched off between 23.00 and 07.00 except for safety or security lighting. Given the residential nature of the proposals, it is not considered that such timing could be reasonably imposed or enforced by way of adding a condition. Regardless, the proposal is considered to comply with Policy 33B.

Odour

The proposal involves only domestic, residential cooking equipment with no commercial uses and therefore it is not considered that any significant odour will be produced by the development.

Land Contamination

A pre-commencement condition requiring that the applicant carries out a detailed site investigation to find out if the building or land are contaminated with dangerous material, is recommended. While this has not been suggested by Environmental Sciences on this application, it was required on a previous application. Given that the proposals are for excavation works, the condition has been recommended. The applicant has agreed to this condition.

Environment & Sustainability Summary

For a development of this size and nature (i.e. extensions to an existing building rather than substantial demolition and rebuild on site) it is considered that the proposal meets the City Council's environmental and sustainability policies subject to the recommended conditions securing necessary benefits.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. The site currently provides no garden or green features with the areas not occupied by buildings covered by hardstanding. The proposal involves some areas of planting within a rear courtyard and incorporates a green roof to the rear extension. It is considered that the proposal therefore complies with this policy.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of 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.*"

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have

a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

The relevant policies concerning the proposals are 38, 39, 40 in the adopted City Plan April 2021.

Detailed Design and Impact on Heritage Assets

The buildings in this historic mews vary greatly in height from two to four storeys, plot widths and scale, there are some surviving small scale early to mid 19th century mews properties, historically used as a stables for the surrounding principal buildings but now converted into single family dwelling houses. However, the mews properties on the east side have been rebuilt with large mansard roofs. The opposing site no. 30-34 Chapel Side is a large residential block comprising of 3 storeys plus mansard roof and both sites were formally part of the Aylesbury Dairy as indicated on historical maps.

The proposal seeks the retention of the building, demolition of the pitched, hipped roofs, erection of a mansard roof, replacement of the rear infill and erection of a new 3 storey infill extension and alterations to the fenestration to the front, side and rear in association with the creation of new residential units. The proposal would add bulk and height to this 4 storey building, however the scale and height of the mansard are appropriate and in proportion with this substantial building. The increased height of the building would impact private views from upper floor residents in the opposing block, but the site is surrounded by significantly taller buildings facing Moscow Road and Palace Court.

The narrow width of the mews and height of the building limits any views of the existing or proposed roof immediately outside the site. The increase in height would be seen in public views mainly from the junction with Moscow Road and longer townscape views from the very south of Chapel Side. The north elevation has been revised to ensure the chimney stack are extended whilst this would increase the height of the existing flank brick wall, this would not harm townscape views from Moscow Road, whereby an imposing 4 storey brick wall of 77 Moscow Road is in the foreground view of 1-4 Chapel Side. Furthermore, the north elevation is seen in context with the large and imposing flank wall of 30-33 Chapel Side. When viewed from the south, the site is seen against the larger and imposing Telephone Exchange building on Moscow Road and therefore in this setting the mansard roof and increase height of the building would not have a harmful impact on this townscape view.

The design complements the fenestration of the lower floors and the extension of the existing chimney stacks retains the integrity of these important skyline features to the building and townscape. The proposed rear infill is largely concealed by the building and

development proposals at Esca House Palace Court. There would be views of the new second floor from upper floor windows, however this element of the proposal is subordinate in scale and the erection of a planted green screen would help to provide visual interest in an otherwise simple and subdued rear appearance. The infilling of the partially open ground floor is not contentious and is granted under a separate planning permission. The replacement windows and design of the fenestration are similar with improvements to the ground floor windows with integral timber panels to the 2020 permission.

Therefore, the proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the Bayswater Conservation Area, a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Objections have been received on amenity grounds, specifically due to the loss of daylight and sunlight to flats 30-33 Chapel Side situated on the opposite side of Chapel Side to the development and loss of light to rear windows and patio garden of 7 Chapel Side and loss of privacy to the patio and kitchen and bathroom windows of No. 7 Chapel Side which is located to the South, two properties down from the development on the same side of the road.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight'. The applicant has submitted a Daylight and Sunlight Report with their application which addresses the amenity impact in this regard using the methodology set out in the BRE guidelines. Since that assessment was completed a new addition of the BRE guidance has been published.

However, when considering the daylight and sunlight impacts of the proposals on the neighbouring residential rooms the new guidelines do not alter the recommended tests or the recommended values and the current analysis would not alter.

A number of objections have been received to the proposal on the grounds of loss of sunlight and daylight. These specifically relate to the impact on 31, 32 and 33 Chapel Side and in particular where the submitted Sunlight and Daylight Report shows the proposal fails to meet BRE guidelines and the impact on sunlight on 29 Chapel Side.

An amended Sunlight and Daylight Report has been submitted during the course of

consideration to make corrections and reflect the impact of a number of design changes and additional information gathered about the layout of neighbouring flats. These amendments have been subject to further consultation. Three responses were made to that re-consultation, all maintaining their objections on sunlight and daylight grounds particularly as the revised assessment confirms Chapel Side will be worst effected by development and showing concern that no reduction in height to the proposal has been proposed.

Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 75-77 Moscow Road, 29 Chapel Side, 24 Palace Court, 28 Palace Court, 30 Palace Court, 32 Palace Court, 34 Palace Court and 31-34 Chapel Side.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The daylight and sunlight report demonstrates that there will be no material impact upon the daylight or sunlight received by residential windows in 75-77 Moscow Road, 29 Chapel Side, 24 Palace Court, 28 Palace Court, 30 Palace Court.

Residential windows in properties immediately surrounding the site will experience some losses in daylight and or sunlight beyond BRE guidelines. The impact to each effected property in addition to any other properties objections were made regarding is discussed below:

32 Palace Court

Prior approval of the change of use of from Office (Class E) to five self-contained flats (Class C3) was granted for this property in May 2022. In terms of daylight, all windows analysed retain at least 80% of their existing VSC. Of the seven rooms analysed, six retail at least 80% of their existing NSL. One bedroom retains 74% of its existing level. It is considered that this reduction beyond the 20% is acceptable considering the window serving the room experiences only a 7% reduction in VSC and the room is a bedroom which the BRE guidelines state is less sensitive to losses than other habitable rooms. The property meets the BRE guidelines in terms of the impact on sunlight levels. It is

considered that the daylight and sunlight impact to this property is acceptable.

34 Palace Court

Prior approval was granted for the change of use of part ground floor and all first floor level from offices to 11 residential units in August 2020. 34 Palace Court was historically linked with the site that is the subject of this application both in terms of its ownership and its planning history. The red line/site boundary on site location plans for the recent applications for the two properties is not consistent and is shown to overlap in a number of instances. Therefore, during the course of considering this application, land registry records were obtained to ascertain the current boundary between the properties.

The proposed plans for the above prior approval at 34 Palace Court show a number of additional windows facing into the site that is subject to this application. The creation of these windows would have required the demolition of the existing first floor link building within the current application site for their implementation. The Land Registry records for the site show that this link building is now in the separate ownership of the applicant of this application currently under consideration and not that of the owners of 34 Palace Court, therefore the part of the prior approval potentially effecting the current application, i.e. the creation of these windows cannot be implemented and therefore they are not considered as part of the amenity impact of the proposed development.

There is an existing single window at first floor of 34 Palace Court which faces onto the site. This currently serves an office in the building but is shown to serve a bedroom in the 2020 prior approval application. This window is shown to retain 70% of its existing daylight in VSC terms, below the 80% recommended and the bedroom retains 66% of its existing NSL. Due to the change in ownership within the site the window becomes the party wall between the properties which limits the protection it can be afforded. In any case in its current use as an office it is given less protection than a residential unit, and if the prior approval was part implemented, the fact that a bedroom is considered less sensitive to losses of light than other habitable rooms means that the impact on this window is considered to be within acceptable limits. The window meets the BRE guidelines when considering sunlight.

31-33 Chapel Side

This property is located on the opposite side of Chapel Side to the east of the site. The property is made up of 3 flats, a flat on the first floor (31 Chapel Side), a flat on the second floor (32 Chapel Side) and a flat on the third floor (33 Chapel Side). Each flat is dealt with individually below.

31 Chapel Side – first floor

Two of the windows facing the development serve a living room one of which would be slightly below the BRE guidelines in terms of retained VSC (77%) however the other window would retain 81% and the room would achieve 87% of its existing NSL therefore the impact is considered to be acceptable. The living room would also meet the BRE guidelines for impact on sunlight. The other two windows serving bedrooms, would also marginally fail in terms of VSC (77%) and NSL (one at 75% retained and the other at 78% retained) however bedrooms are regarded as less important than other habitable rooms in the BRE guidelines and it is not considered this small infringement on the BRE requirements would be unacceptable.

32 Chapel Side – second floor

Three of the windows facing the development serve a living room and a fourth window serves a bedroom. The windows would retain between 71% and 76% of their existing VSC and would also fall below the BRE guidelines in terms of the NSL calculations. However the VCS retention levels are not significantly below the BRE guidelines and the windows would still experience relatively good levels of light for an urban environment (between 16.17 and 17.82%). While the loss of light in excess of the BRE guidelines is regrettable, due to the retained light levels, and the minor infringement above what is recommended by the BRE, they are considered acceptable in a compact urban street such as this. The flat meets the BRE Guidelines target value for sunlight.

33 Chapel Side – third floor

This flat meets the BRE Guidelines for daylight in both VSC and NSL terms and the BRE target values for sunlight.

34 Chapel Side

All windows in this property meets the BRE guidelines with regards to VSC. Four of the 8 windows meet BRE recommendations for annual sunlight. The remaining four windows retain 76% and 79% of their existing levels. In terms of winter sunlight five windows meet the recommended levels and three retain between 67% and 75% of their existing levels. The BRE guidelines state that sunlight is of most importance to main living space which the applicants sunlight and daylight report suggest face away from the development in the case of No. 34. On balance it is not considered that the loss of sunlight to this property is at a level which would justify refusal on this ground.

7 Chapel Side

An objection has been received on the grounds of loss of light to rear windows and patio garden of 7 Chapel Side which is located to the South, two properties down from the development on the same side of the road. The windows in the front and rear of the property do not face onto the development and will not be affected by it. There is a side return to this property which faces onto the development behind a large tree. Given the steep angle to the development these are unlikely to experience any significant reduction to their daylight. The applicants sunlight/daylight consultant has analysed the impact to two indicative windows on the ground and first floor of that return which shows that any daylight reductions are likely to be small.

29 Chapel Side

An objection has been received regarding the impact of the additional storey on daylight to this property. The submitted Daylight and Sunlight Assessment demonstrates that the proposal would meet the target values as set out in the BRE Guidelines for daylight (in terms of VSC and daylight distribution) and sunlight (in terms of APSH) in relation to this property.

Sense of Enclosure

It is recognised that the roof extension will result in an increase in enclosure to the flats on the opposite side of Chapel Side (31-33 Chapel Side). The proposal involves a 1m height increase at the building line at street level and a 0.8 metre increase in the height of the ridge level however the replacement of the existing shallow pitched roof structure which includes a valley in between the two pitched roof sections with a taller and steeper

sloped mansard extension which spans across the full width of the street elevation would add additional bulk closer to the street frontage. However, it is not considered that this increase would result in an unacceptable increase in enclosure and would not be sufficient to justify refusal of the application.

For the reasons discussed above in relation to the sunlight and daylight impact on that property, it is not considered that the increase in sense of enclosure on the rear window of 34 Palace Court would be unacceptable.

Privacy

An objection has been received regarding loss of privacy to patio and kitchen and bathroom windows of No. 7 Chapel Side. The proposal only includes three windows on the flank elevation facing towards No.7. One at third floor level, involves a minor relocation of an existing window serving a bathroom, one at second floor level which serves an en-suite and one at fourth floor level serving a dressing room. Because of the size and use of these windows it is not considered that these will reduce in a significant increase in overlooking to No.7. The only other windows on this side elevation are to the rear extension which is set back set back and would not afford views to this property.

The windows to the side (southern) elevation of the rear extension would look out along the gap between the rear of properties fronting Chapel Side and Palace Court meaning that they do not afford direct views into the windows of the nearest properties. The windows of the nearest property they look directly onto are over 17 metres away (side windows to an outrigger extension of No. 28 Palace Court. They would look over a skylight to the rear of 32 Palace Court but not provide direct views. The windows are not considered to result in any significant increase in overlooking.

A terrace proposed at rear third floor level would include a 1.8metres slatted screen with planting on the outside to the South and West elevations. This together with its distance from neighbouring windows ensures that it would not result in any significant overlooking from the terrace itself or the French doors of the rear extension serving it or result in any significant increased sense of enclosure.

The fourth floor terrace would be set between a chimney at the north elevation and a blank flank wall of the building to the south. It would overlook only the roof of 34 Palace Court to the west. Therefore, neither the terrace or the French doors serving it raise any loss of privacy issues.

The new windows on the north elevation would be over 17 metres from the nearest residential windows (75-77 Moscow Road) and are not considered to result in any significant increase in overlooking.

The additional windows of the roof extension to the front elevation are within the existing fenestrated elevation and in the case of the additional windows at mansard level would be slightly set back from the building line. It is not considered that they would result in a significant increase in overlooking.

The windows to the rear elevation would all be within an existing fenestrated elevation (except for the French doors of the rear extension serving the terrace) and mostly face

directly onto the rear of 34 Palace Court and not the rear residential windows of the properties fronting Palace Court. It is therefore not considered that they would result in any significant increase in overlooking.

The proposal is therefore considered to comply with Policies 7(A) and 33.

Noise

The proposal does not involve any mechanical plant. Environmental Health have no objection to the proposal on noise or vibration grounds but have suggested a condition ensure sound insulation is adequate.

Due to the limited size of the terraces, it is not considered that they would result in an unacceptable level of noise disturbance to surrounding properties.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Officer has stated that should planning permission be granted the footway in front of the building on Chapel Side should be reinstated, to remove the dropped kerb, to match the existing adjoining footway. This will provide pedestrians with space and add some protection to the building façade from vehicles. This is considered to improve the environment for pedestrians and other highway users, consistent with Policies 25, 28 and 43 and it is recommended that a “Grampian” condition is used to secure this as part of the development.

Servicing and Waste & Recycling Storage

The City Council’s waste project officer has stated that the waste and recycling storage provision is not in line with the City Councils policy. It is recommended that a condition requiring details of revised waste and recycling storage details in accordance with Policy 37B is approved prior to occupation of the development is attached to any planning permission.

Cycling & Cycle Storage

Long stay cycle parking helps support sustainable travel options by residents. Long stay cycle parking for developments must be met within the development site itself and must be secure, accessible and weather proof. The London Plan Policy T5 requires 1.5 space per 1 bedroom unit and 2 spaces for all other dwellings. The proposal would therefore require 15.5 (1x4bed, 1x3bed, 5x2bed and 1x1bed) cycle parking spaces. 18 spaces are proposed, which includes provision for short stay cycle parking. This would meet the London Plan policy and City Plan policy 25(C) & (D) relating to walking and cycling. This will be secured by condition.

Parking

The proposal removes the existing off-street car parking. Policy 27E of the City Plan supports the reduction of car parking. Policy 27 supports residential development without

car parking provision. However it is noted that increased residential units in the area will increase demand for on-street spaces. The Highways Planning Manager has requested that Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. It is noted the applicant has confirmed their commitment to providing car club membership. It is therefore recommended that this is recommended by a “Grampian” condition.

9.7 Economy including Employment & Skills

It is recognised that the proposal will create jobs during the construction period. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Basement

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is compliant and accepted. The Site Investigation shows a London clay foundation soil and ground water was encountered. Flood risk for the site is minimal. The new basement construction will comprise typical RC retaining walls underpinning and RC ground bearing slabs. Waterproofing and heave shall be considered in the design. The works are done in sequence with temporary supports used during excavations. Movement monitoring is proposed and a movement assessment anticipates the structural impact and movements on the adjacent buildings to be within acceptable limits. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages. The site is not within a surface flooding hotspot.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development

during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Objections have been received on the grounds of construction vehicles blocking pavement space within street and damage to pavement during construction. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

Apart from a small rear courtyard/lightwell, the entire proposed basement excavation would be under the footprint of the original building meaning that there would be no requirement for soil depth above the basement or any margin of undeveloped land and the basement would meet the requirement that it does not extend underneath 50% of garden land. The proposed basement is only one storey and has a 2.75m floor to ceiling height.

The basement would not extend under the highway.

The basement is considered to be acceptable and compliant with City Plan Policy 45.

Fire

Environmental Health have commented that the proposed Means of Escape are not adequate and should be approved by Building Control and London Fire Brigade.

The building is less than 7-storeys and less than 18m in height, as such it is not a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. The development is also not of a scale to require a London Plan Fire Statement. The development will need to gain suitable building regulations approval for the works, which will include suitable measures for fire safety. An informative is recommended in this regard. The applicant has however confirmed that a fire strategy document has been commissioned, which will demonstrate that the design will meet the functional

requirements of the relevant Building Regulations. As part of this report, the applicant states that they will address the proposed design of escape past the kitchen in each apartment. It is noted that current guidance permits escape past an open kitchen, where the size of the apartment is restricted in area. Where the proposed apartment layouts exceed these dimensions, it is proposed that a CFD (Computational Fluid Dynamic) assessment will be carried out in order to demonstrate that the conditions within the larger proposed apartments, are equivalent, if not better than a compliant apartment layout. It is understood that this is a common fire engineered approach, which has been accepted on a large number of projects in London.

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

As discussed in the Transportation, Accessibility & Servicing section above, it is recommended that Grampian conditions to secure the reinstatement of the footway on Chapel Side adjacent to the site and Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers are recommended. These conditions have been agreed with the applicant.

The estimated CIL payment is £292,875 (made up of £40997 GLA payment and £251,879 WCC payment).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, to secure appropriate arrangements to secure the reinstatement of the footway on Chapel Side, and requiring a detailed site investigation to find out if the building or land is contaminated. The applicant has agreed to the imposition of the conditions.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the Bayswater Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the

Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would result in a net increase of four flats of which two would be family sized. Although the proposal would have amenity impacts in terms of loss of sunlight and daylight to a number of neighbouring properties these are not on balance considered to be so significant as to warrant a recommendation 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: **RUPERT HANDLEY** BY EMAIL AT rhandley@westminster.gov.uk

11. KEY DRAWINGS



Existing photograph from junction of Chapel Side and Moscow Road



CGI showing proposal from junction of Chapel Side and Moscow Road



Existing photograph from Moscow Road



CGI from Moscow Road



Existing photograph from Chapel Side



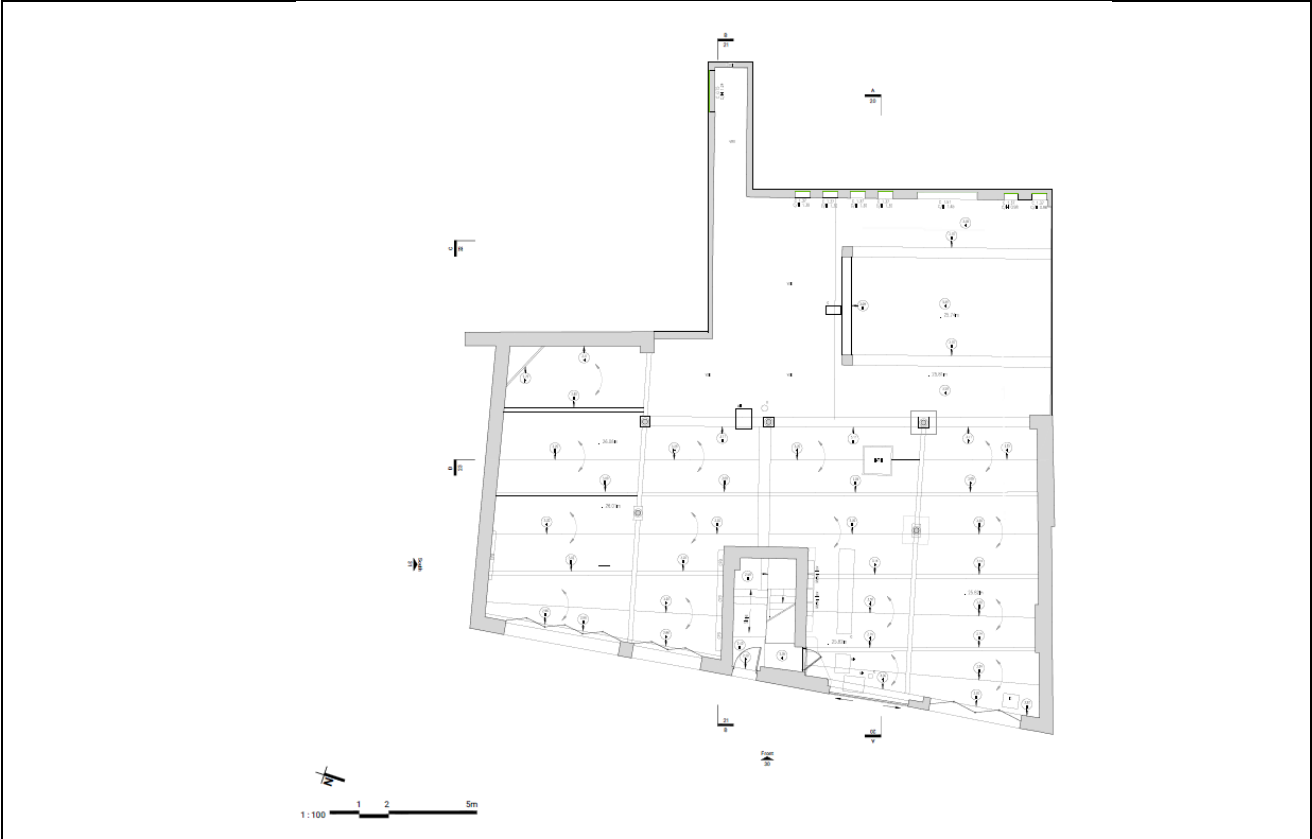
CGI as proposed from Chapel Side



Existing front elevation



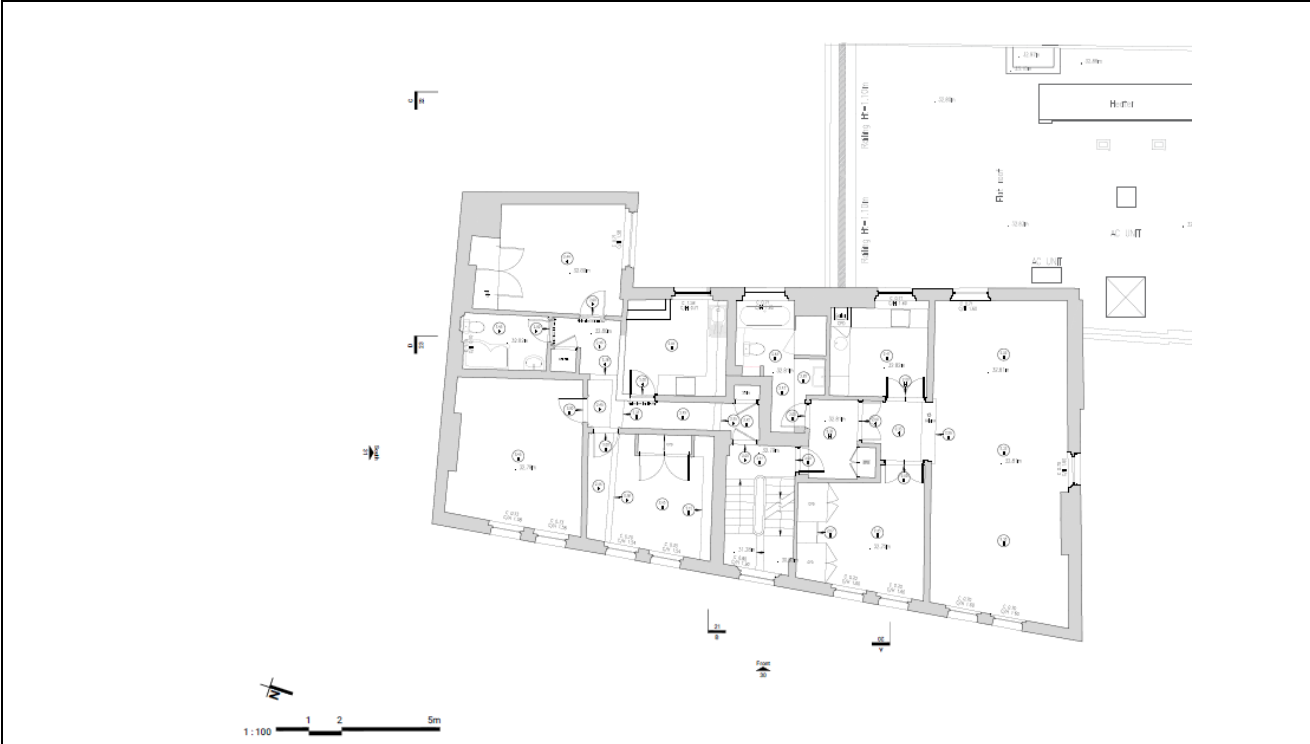
Proposed front elevation



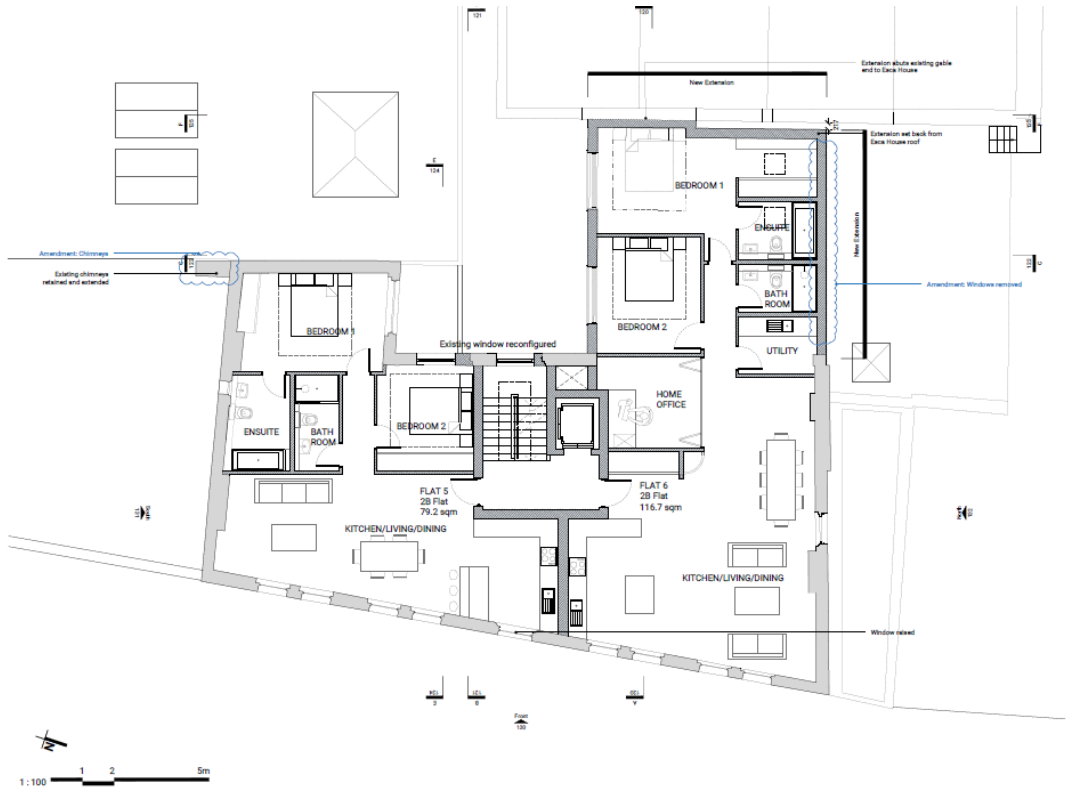
Existing Ground floor



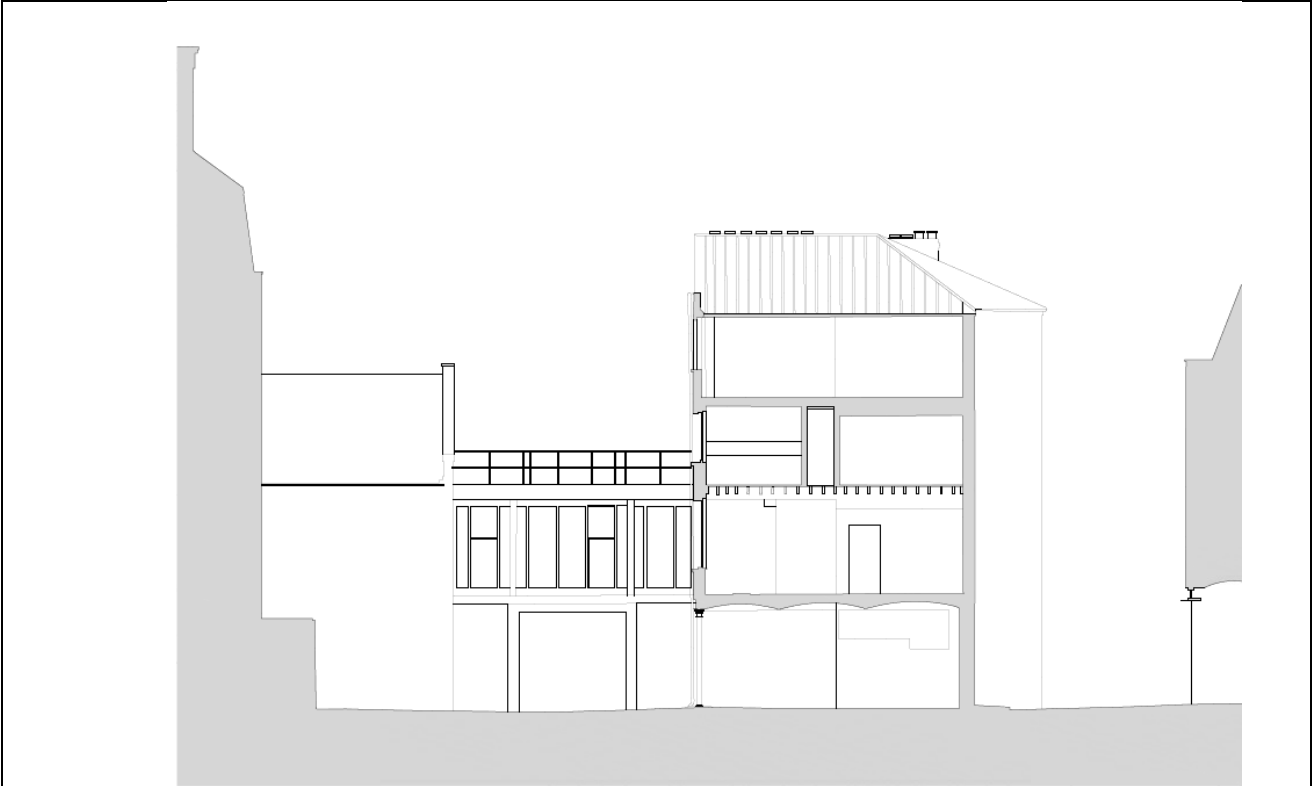
Proposed Ground floor



Existing second floor plan

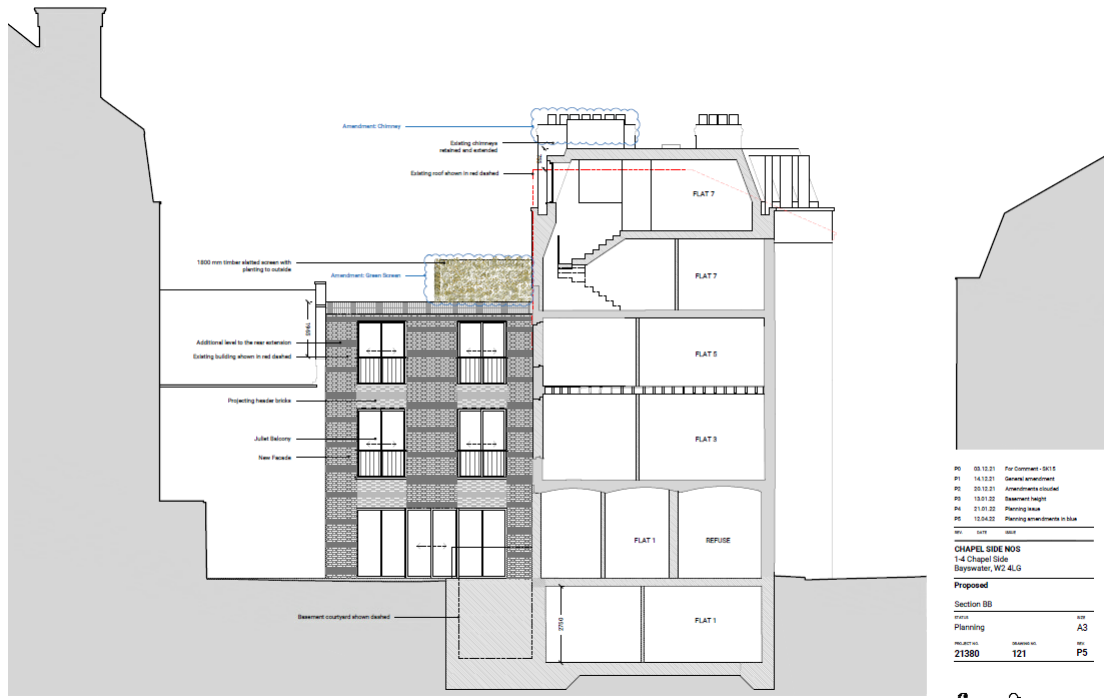


Proposed second floor plan



1:100 1 2 5m

Existing Section BB



1:100 1 2 5m

Proposed Section BB

PS	05.12.21	For Comment - 3015
PI	14.12.21	General amendment
PS	03.03.21	Amendments included
PS	15.01.22	Revised height
PI	21.01.22	Planning issue
PS	12.04.22	Planning amendments in blue
PI	10.05.22	Issue
PI	10.05.22	Issue
CHAPEL SIDE NOS		
1-4 Chapel Side		
Bayswater, W2 4LG		
Proposed		
Section BB		
Discipline	Arch	
Planning	AS	
Project No.	21380	Revision No.
	121	Rev
		PS

frost.

DRAFT DECISION LETTER

Address: The Old Dairy Flats, Chapel Side, London, W2 4LG

Proposal: Demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). Replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.

Plan Nos: 01P1; 05P1; 10P0; 11P0; 12P0; 13.1P0; 14P0; 20P0; 21P0; 22P0; 23P0; 30P0; 31P0; 32P0; 50P0; 51P0; 52P0; 53P0; 105P0; 109P4; 110P7; 111P4; 112P5; 113P6; 114P4; 115P5; 120P3; 121P5; 122P4; 124P4; 125P3; 130P7; 131P5; 132P4; BREEAM Report; Daylight and Sunlight Report dated 30th June 2022; Sustainability Statement; Design and Access Statement; Structural Report (for information only)

Case Officer: Richard Langston

Direct Tel. No. 07866036470

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of

the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of photographs of samples with manufactures specification 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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of detailed drawings annotated with materials and finished appearance with a scale range between 1:1 to 1:50 of the following parts of the development, all new typical;
- a. Vertical sliding timber sash windows
 - b. The ground floor windows and integral infill panel
 - c. Main front entrance
 - d. Rear doors
 - e. Rear terrace screening

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. (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 Bayswater Conservation Area. This is as set out in

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

- 7 Details of the planting and screen to the rear third floor terrace shall be submitted to and approved by the City Council prior to the use of the terrace and be carried out in accordance with the approved details. The planting shall be retained, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

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

- 8 Pre Commencement Condition. You must not start work on the site until we have approved in writing appropriate arrangements to secure the following: the footway on Chapel Side to be reinstated. In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must not occupy the building for residential use until we have approved appropriate arrangements to secure the following:

- Mitigation of the impact of the development on on-street residents car parking in the vicinity of the application site.

You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, in accordance with Policy 27 of the City Plan (2019-2040).

- 10 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)

- 11 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and

make them available at all times to everyone using the building. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

12 **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)

13 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

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)

14 You must provide, maintain and retain the following bio-diversity/sustainability feature before you start to use any part of the development, as set out in your application.

-Green roof to at rear third floor level.

You must not remove this feature

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

15 You must not use the roof of the building, accept for where terraces are shown on the approved

drawings for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 17 No piling shall take place until a piling method statement has been submitted to and approved by the local planning authority in consultation with Thames Water.

Reason:

As requested by Thames Water.

- 18 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

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 draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 19 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

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

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 4 Under condition 8, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the reinstatement of the footway as set out in the email dated 16 April 2020. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition
- 5 Under Condition 9 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- 6 You are advised that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 You are advised that the arrangements for means of escape shown on your drawings do not appear to be adequate as occupiers of the bedrooms would need to escape via areas of high risk. The means of escape should be approved by Building control and/or the London Fire Brigade.
- 10 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.
- 11 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.
- 12 You are advised that the installation of any external plant would require a separate application for planning permission.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 October 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Hyde Park	
Subject of Report	Arvon Court, 3-5 Titchborne Row, London, W2 2PZ		
Proposal	Erection of a roof extension to add two, 1 bedroom flats with associated internal alterations. Alterations to windows and doors including the installation of secondary glazing. Internal refurbishment including the removal and addition of partitions.		
Agent	Simon Plowman		
On behalf of	Mr Faris Al-Derzi		
Registered Number	21/00619/FULL 21/00620/LBC	Date amended/ completed	16 February 2021
Date Application Received	2 February 2021		
Historic Building Grade	II		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the erection of a mansard roof extension across 3-5 Titchborne Row for use as 2 self-contained residential units. It is also proposed to refurbish the existing 18 units located within the existing building and for the alteration to and replacement of windows to front and rear. The building is grade II listed and located within the Bayswater Conservation Area.

Objection has been received from a neighbour and an ex councillor raising issues regarding the case including amenity, design and issues with the application documents. During the course of the

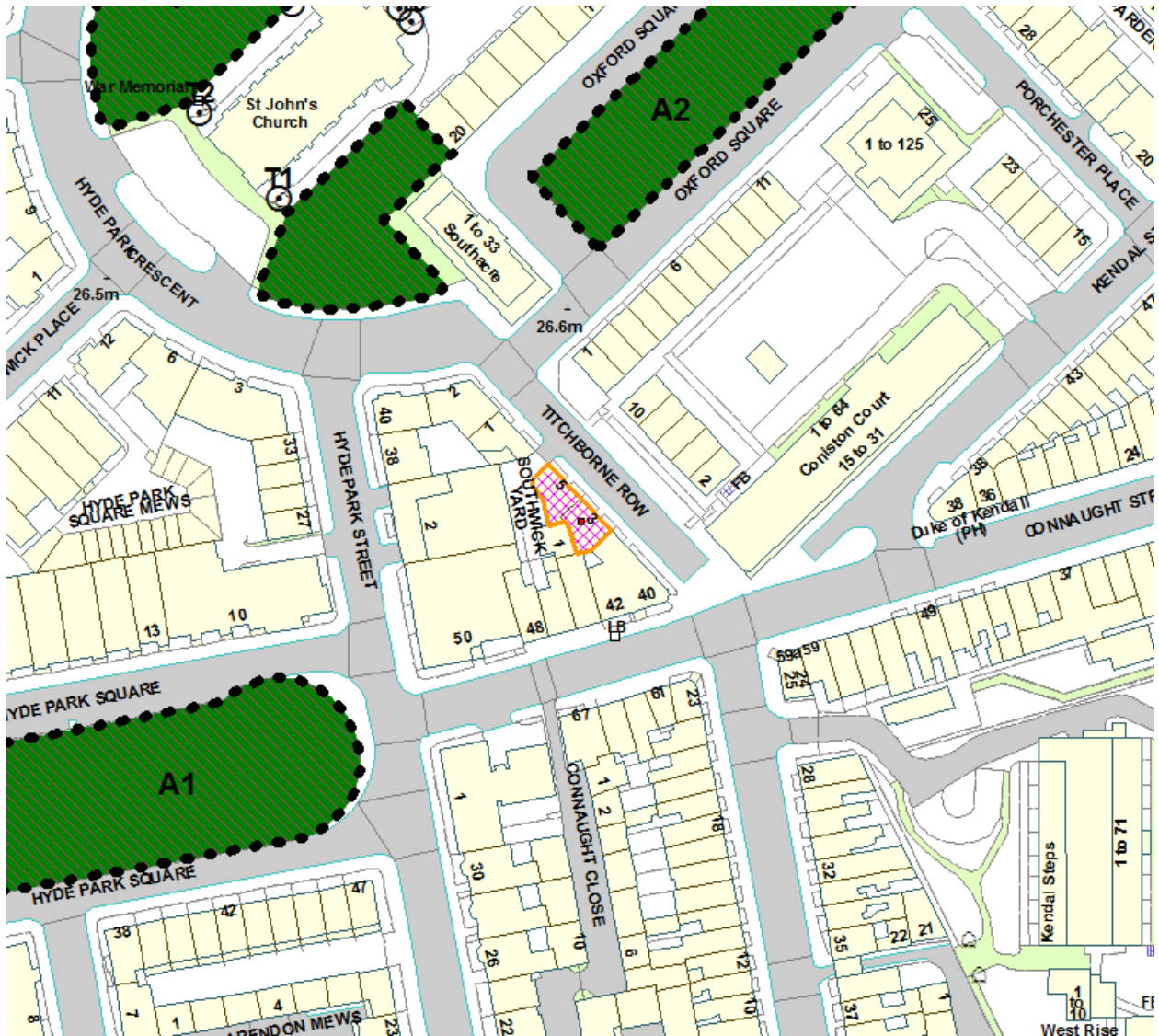
application a daylight and sunlight report has been submitted and additional information in relation to historic building issues. It is also no longer proposed to amend the number of units within the existing building.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the Bayswater Conservation Area and the setting of the grade II listed building.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposals in land use terms.

While the size of the new units are smaller than what is desirable, on balance and for the reasons set out within this report, the application is considered in accordance with policies within Westminster's City Plan (2019-2040) and therefore the applications are recommended for approval subject to conditions as set out on the draft decision letters.

3. LOCATION PLAN
 4.



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5. PHOTOGRAPHS



Front elevation

6. CONSULTATIONS

6.1 Application Consultations

EX CLLR COX

- Request that the application is presented at a planning committee.
- Possible detrimental impact due to increase in height.
- No policy compliant mix, with no family-sized flats.
- A daylight and sunlight survey should be provided
- Welcome the general intention of upgrading the building, however the building is noted in the Bayswater Conservation Area Audit as being one which is not suitable for a roof extension.
- Drawings do not show the dimensions of the proposed increase in height.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER:

No objection, recommend conditions in relation to waste and cycle storage.

WASTE PROJECT OFFICER

Raise objection as drawings indicate waste storage not in line with council guidance.

ENVIRONMENTAL SCIENCES:

Raise objection on the following grounds:

- The proposed floor plans indicate flats at basement level with living areas that may not receive sufficient natural light.
- Concerns in relation to first floor flats as kitchen areas are separated by sliding doors, which may not prevent fire spreading and compromise the means of escape. Note that the applicant should seek suitable Building Control Approval.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 151

No. of objections: 3 from 2 adjacent occupiers on the following grounds:

Amenity:

- Negative impact of additional height on adjacent living and outside spaces.

Design & Conservation

- The mansard is not in keeping with the conservation area and listed building
- Precedence will be set.
- Improvements justify additional height, public will only see a white metal downpipe which does not justify additional height.

Other:

- Drawings do not give dimensions
- A daylight and sunlight report is required

- Existing building is poorly run with issues including anti-social behaviour, illegal activities, rubbish and constant short term letting. Increasing the number of residents will not improve management and lead to a further negative impact on the local community.

Following the submission of a daylight and sunlight report and re-consultation with neighbours, one response from one of the previous objectors has been received stating that within the daylight and sunlight report the building heights do not correspond to the levels shown on the architects drawings. Objectors building should be considered.

PRESS NOTICE/ SITE NOTICE:

Yes

6.2 Applicant's Pre-Application Community Engagement

The submission does not include a statement of community involvement, or any other details of early community engagement. Whilst the City Council encourages early community engagement on all applications, there is no obligation on the developer to do so.

7. WESTMINSTER'S DEVELOPMENT PLAN

7.1 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.

7.2 Neighbourhood Planning

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

7.3 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.

8. BACKGROUND INFORMATION

8.1 The Application Site

Arvon Court has five levels set over basement, ground and three upper levels. The building is in use as 18 self contained apartments with two points of access; one from No. 3; and one for No. 5 Titchbourne Row. The two properties are centrally divided, so it is not possible to pass internally between No.3&5. Each property has a two storey infill extension to the rear at basement and ground floor levels, which provides additional accommodation for the flats at those levels. Southwich Yard runs around the north and rear of the site, separating the site from the rear of the properties on Hyde Park Crescent and Hyde Park Street.

The building is grade II listed and located within the Bayswater Conservation Area.

The rear of the building is overlooked by properties on both Connaught Street and Hyde Park Street.

8.2 Recent Relevant History

There is no recent history for this site, however records indicate that the site was converted to its current arrangement in the late 1950's.

9. THE PROPOSAL

During the course of the application, the proposals have been amended so that the number of units within the building are maintained (and not amalgamated) and further statements in relation to the rear render provided for historic building reasons.

The proposals are now for the erection of a mansard roof extension to allow for the addition of two 1 bedroom flats. Alterations and replacement of rear windows. Refurbishment of render to front and rear. Internal alterations and refurbishments are proposed to all of the 18 flats within the building.

10. DETAILED CONSIDERATIONS

10.1 Land Use

All of the 18 one bedroom units are to be retained as existing, with the exception of two flats at third floor level which will need to be reduced in size slightly in order to allow for the continuation of the stair cores up to the new fourth floor mansard level. The new front door to the fourth floor flats will be located on the existing third floor landing.

Objection has been received from Environmental Sciences with concerns in relation to light to some units at basement level. As the proposals are not for new units, but their refurbishment, planning permission is not required for these alterations and therefore this objection cannot be sustained. The refurbishment and upgrading of the existing units is welcomed to provide a better standard of accommodation.

The two new flats within the mansard measure approximately 33sqm. This is below the 37sqm required for a 1 bedroom studio flat as required by the London Plan and Technical Housing Standards (March 2015), which is contrary to Policy 12. However these two units are considerably larger than the existing units within the two buildings, and while small, they provide a separate bedroom to the open plan kitchen/living/dining space. The units also do not provide any external amenity space. Given the particular context of this site, with existing small units on the floors below, the optimisation of the site to provide 2 additional units, and given the constraints raised due to the listed nature of the building, the accommodation is on balance considered acceptable in this particular case. It will also help meet the requirements of Policy 8, which seeks to optimise housing delivery.

An Ex Cllr has objected on the grounds that the proposals do not provide a mix of units, or any family sized units. As only two units are proposed, it is not considered that the 25% requirement for family sized units under Policy 10 can be justified. It is also noted that the roof extension is limited in terms of its size and form given the listed nature of the site and the requirement for a suitable design in conservation area terms. The provision of 2 units matches the character of the building and optimises the site.

Affordable Housing

The proposal for two new units does not trigger the requirement for affordable housing under policy 9 (Affordable Housing) of the City Plan.

10.2 Environment & Sustainability

Sustainable design and Energy performance

The proposals include the provision of a new roof through the erection of the mansard roof extension, this will result in enhanced insulation, improving the efficiency of the building. In addition, the provision of slimline double glazed windows are proposed to the rear, and secondary glazing, where possible to the front elevation. These replace and improve single glazed units and will improve the energy efficiency of the building. It is also proposed to replace the existing opaque glazing to the rear with clear glazing, which will improve natural light and reduce the requirement for electric lights within the units.

The development is of insufficient scale to require the provision of BREEAM assessments, however where possible in listed building terms, the refurbishment of the building will result in improvements to the efficiency of the building, such as the use of LED lighting.

The proposals are considered to be in accordance with Policies 36 & 38D.

Circular Economy

The development is of insufficient scale to require the submission of a circular economy statement (Mayoral referable schemes). It is also of insufficient scale to be required to sign up to the councils Code of Construction Practice. Standard conditions are however recommended in relation to hours of building work, and to recommend that the developer signs up to the Considerate Constructors Scheme.

Air Quality

The site falls outside of any designated Air Quality Focus Area and is not a major application.

Flood Risk & Sustainable Drainage

The site is not located within one of Westminster's identified Surface Water Flooding Hotspots. The development will also not result in any additional hard surfaces, with the proposed roof simply raising the level of the existing. Given the listed nature of the building, it is not considered that a green roof would be suitable in this instance to reduce surface water runoff. It is not considered that the development will give rise to any additional flood risk above the existing situation.

Light Pollution

The proposals include alterations to the windows to the rear and for additional windows within the new mansard. It is not considered that the development will give rise to any significant increase in terms of light to the front elevation given the existing character of the area. To the rear the existing windows are opaque. It is proposed for the replacement windows to have clear glazing in order to improve the internal standard of accommodation in terms of light and outlook. While this will increase light, as the existing opaque glazing would have helped to diffuse light, given that the majority of the rooms serve bedrooms, with the exception of the uppermost levels, it is not considered that the new and additional glazing would give rise to such an increase in light spill as to warrant refusal. The benefits in terms of improving the internal living standards of the small units is also welcomed.

Odour

It is not considered that the addition of 2 units would give rise to any significant increase in terms of odour, given the existing units below and around.

Land Contamination

No excavation is proposed, therefore this is not applicable.

Environment & Sustainability Summary

Overall, the proposed new units are considered to have been designed to address our relevant policies.

10.3 Biodiversity & Greening

As mentioned above, it is not considered that a green roof would be appropriate for this site and given its contained nature and listed status, it does not give rise for other opportunities for greening, such as green walls.

10.4 Townscape, Design & Heritage Impact

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

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

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

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

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.

Arvon Court is a block formed of two former 1830s town houses, each of basement ground and three upper storeys with blind recesses to the centre, making the overall composition 7 bays wide. This stucco building has a prominent cornice, behind which is a concealed shallow pitched roof, at roof level the two building arrangement is evident as the party wall continues through the roof dividing in two.

Existing Roof Structure

The present roof structure, a shallow pitched roof clad in slate was, like many Georgian and early Victorian buildings in the classical idiom, purposely designed to be a low-key element, sitting unobtrusively behind the parapets. Non-visible roofs reference classical Greek and Roman antecedents, where flat roofs concealed from front views were typical. Clearly, flat roofs would not be practicable in the UK, but shallow pitches behind parapets create the visual simplicity of the classical idiom, while dealing with the vagaries of the UK climate and the present roof performs this function well. However, on inspection, it's clear that while traditional in form, the fabric of the roof is not historic, having modern timbers, in addition to being clad in artificial slate. It's unclear when these changes were made, but there is no evidence to suggest the form of a shallow pitch behind a parapet is not the original arrangement. Indeed, such roofs are commonplace on late Georgian and early Victorian buildings, in the conservation area and elsewhere.

The proposed roof extension at Arvon Court, would result in the loss of the existing roof structure and in this instance for the reasons stated above, would not result in any harm to the listed building in terms of historic fabric.

Conservation Area and listed building considerations

The Bayswater Conservation Area Audit is the adopted audit for the area and includes a map illustrating where roof extensions will not be acceptable. Arvon Court is designated as unsuitable for a roof extension, this is due to it being a standalone block, reading as a

'completed composition', with a concealed roof. Arvon Court therefore represents an example of a building typical of the conservation area in its unaltered form and scale the early development of Bayswater. As a relatively intact example of how the building would have looked, the building and its roofscape offer a positive contribution to the character and appearance of the conservation area. The roof is not visible from the street, which is appropriate as discussed earlier, but can be seen in overlooking views from taller buildings.

As such, changing that unaltered appearance would have a harmful effect on the character and appearance of the conservation area, losing as it would, a measure of understanding of the conservation area's earliest buildings. This loss would diminish the evidential significance of the conservation area as a heritage asset. This harm would be 'less than substantial'.

In terms of the building, the same evidential significance would be lost, but not the fabric significance, as it's been established that the roof structure and coverings are later.

Having established a measure of harm resulting from that part of the works, it's necessary to assess the new design and what it offers to the listed building, conservation area and any other benefits associated with the works in order to weigh in the planning balance.

The new roof would be a double pitched mansard which due to limited building depth and inset nature, would form a dual aspect room to the top floor residential units. The pitches would be 70 degree and 20 degree, with three dormers front and rear to each former townhouse. Lead clad dormers would house multiple paned sash windows. Roofing materials would be lead and Welsh slate, while the upstands and raised chimney stacks would be brickwork, with coping stones, would be conditioned to be York stone. Gables would be rendered in stucco to match existing.

If permitted, the roof extension would make the building of commensurate scale to the adjacent listed building of similar age, which turns the corner to Connaught Street. This block has a basement, ground and three upper storeys and its 3rd floor is a sheer stuccoed elevation, which appears as a later addition. Compared to that addition, the mansard on Arvon Court would be a more subordinate extension, according with the mansard guidance in Westminster's SPG 'Roofs: A Guide to Alteration and Extension on Domestic Buildings'

Conservation area considerations relate to the wider character of the area, not just the immediate impact on any given building and in this instance, it's considered that a roof extension of the form proposed would not look out of place. In addition, in the planning balance the wider benefits of any development proposal need to be assessed as to whether they mitigate any harm caused to the designated heritage asset of the building or area. In this instance there are a number of stated benefits, larger housing units, as well as improvements to existing residential units.

In design terms, the works include a wholesale refurbishment of the present residential units and the upgrading of the internal and external fabric. The front windows will be restored and refurbished, and the rear elevations metal frame windows will be replaced by sashes. There has been some discussion with officers about the rear elevation and

the fenestration arrangements proposed. The existing windows sizes and positions are not original, likely dating to the post-war period when the windows were replaced.

Given all the rear windows are to be replaced, with some openings enlarged to create better proportioned examples, it is considered important that the original window arrangement be investigated. As part of the package of public benefits addressing the objection in principle to a roof extension outlined in the audit, the applicant was encouraged to look at reinstating the original layout of the windows. This would not be apparent until the render is removed, and the original brickwork is visible in openings which do not accord with the original arrangement of openings typical of a building of this type in changing all the windows and enlarging others.

It has taken some time to establish clarity on this aspect and the applicant's Method statement for the removal of existing render, now commits to remove the render and assess the windows positions to establish what improvements can be made. The removal of cement render (to be replaced with lime stucco) is desirable long-term, as it will help the brickwork breath. The applicant has committed to assessing the position of the windows and relocating windows to more traditional situations where this will not interfere unacceptably with the internal layout. For example, this could mean windows not being centred on rooms, but in other instances, windows crossing internal partitions would be more problematic.

This aspect of the works will be carefully conditioned in order that it will be properly assessed at the time. It is hoped that this aspect of the work, if executed correctly would offer public benefits necessary to outweigh the harm of the loss of the original form of the building.

Alongside the discussion of the rear window positions, has been consideration of the windows detailed design and whether double glazing is appropriate. The windows should be double hung sliding box sashes, which are carefully designed, will be able to accommodate double glazing. Double glazing can allow very slim glazing solutions, with vacuum units of 6mm now available. Should such units be used, then the Georgian subdivision of the frames proposed could be achievable. It's essential that apart from the use of specialist glazing, their design is authentic, as applied glazing bars (stuck onto the glass) will not be acceptable. The applicants have been asked to provide details to help illustrate the appropriateness but prefers that these aspects are conditioned.

Subject to these conditions, and the others specified covering other aspects of the works, the proposals would offer sufficient public benefit to outweigh the harms identified and then be considered appropriate mitigation under the NPPF, section 16. 66 and 72 of the act and City Plan polices 38, 39 and 40.

Fire Safety

Concerns have been raised by Environmental Sciences in relation to the layout at first floor level and fire. As mentioned previously, the number of units is not being amended, therefore the internal alterations do not require planning permission. Arvon Court is less than 7-storeys and less than 18m in height, as such it is not a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. The development is also not of a scale to require a London Plan Fire Statement. The development will need to gain suitable building regulations approval for the works, which will include suitable measures

for fire safety. An informative is recommended in this regard.

10.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against 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. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts.

Objections have been received from a number of residents requesting a daylight and sunlight report be undertaken and in relation to the impact of the development on raising issues of daylight and sunlight.

The applicant has subsequently submitted a daylight and sunlight assessment by gia, which sets out the surrounding buildings which have been tested.

Daylight & Sunlight

The daylight and sunlight (D&S) report has demonstrated that 100% of the windows tested pass the necessary tests set out by the BRE. It is noted that the BRE has recently updated their guidance, however the update has not significantly affected the way that adjacent occupiers are tested. The submitted report is therefore still considered to adequately demonstrate the impact of the development on adjacent occupiers.

An objector has stated that the building heights indicated within the D&S report are not the same as shown on the architectural drawings. It is assumed that this relates to the datum heights indicated on the 3D images within the report compared to the heights shown on the elevations. It is agreed that these levels are different, but it is not considered to affect the consideration of the application as for instance, the basement level on the architects elevation is shown as being at 47.5m, whereas the roof height is shown as 49.1m within the D&S report, it is therefore clear that the starting point for these measurements is not taken from the same level. The levels shown in the D&S are useful for showing the relative heights of adjacent buildings, with the architectural drawings allowing for dimensions of the development itself.

The objector has also requested that their property is included within the D&S report for consideration. They are set opposite the site, but offset with oblique views. The report has tested the windows directly opposite which will be more impacted by the development proposals. It indicates that these windows will see very small losses of light, well within the tolerance allowed by the BRE. Even when existing windows have poor levels of light, which would therefore result in higher percentage changes, should any losses be experienced, it is indicated that the development will have a negligible impact. It is therefore not considered that the development would have a significant impact on the objectors windows.

Sense of Enclosure

The proposed mansard will add additional bulk at fourth floor / roof level. There are residential properties on all sides of the site, which will be considered in turn.

2-10 Titchbourne Row

Located on the other side of the road (20m), these properties are set lower than the application site and look directly onto the building. They have a recessed top/third floor level, which provides a terrace to the front. Due to their separation, relationship and the form of the mansard, with a pitched roof, it is not considered that these properties will experience such a significant impact in terms of enclosure as to warrant a refusal.

1 Hyde Park Crescent

This property is located adjacent and to the north of the site. It is separated by the private access road, Southwick Yard, which runs to the rear of the site. The building has windows at ground, first and second floor levels which face down the rear of the site, down Southwick Yard. It also has doors leading out onto a roof terrace, but their aspect is to the west, away from the site. Given the location of the windows, with oblique views towards the site, and location at a lower level from the proposed extension, it is not considered that they will be significantly impacted by the end gable of the proposed roof extension.

2 Hyde Park Street / 50 Connaught Street

This large block has many windows which look out to the rear and towards the applications site. The majority of these windows are however set back, and given their separation are unlikely to experience a significant impact. There is however a three storey central section which projects out from the main rear façade of the building. The rear facing windows in this section are within closer proximity to the site, however the windows are set at a lower level, have an existing outlook onto the back elevation of the existing building, and have opaque window glazing. It is therefore not considered that the impact on these windows will be significant.

40-48 Connaught Street

These properties will likely be the most affected in terms of sense of enclosure as a result of the development. Due to the triangular layout of this street block, Titchbourne Row runs obliquely across the rear facing windows of these properties. They will therefore experience some increase in terms of sense of enclosure from the additional mass at roof level. It is however not considered that this impact would be so severe as to justify refusal. Their main aspect down Southwick Yard will be retained, and given the nature of the mansard, with a pitched roof, the impact is not considered to be so significant as to warrant refusal.

Privacy

All of the rear windows of the existing building have openable, opaque casement windows. The proposals include the replacement of the windows with more traditional sash windows. The applicant would prefer for the windows to not have opaque glass as existing, in order to improve light and living standards to the units. Changing the windows to clear glazing, will inevitably increase overlooking to the rear. The nearest and most affected windows are in the rear of 50 Connaught Street, within its 3 storey rear projecting bay, however these windows have opaque glazing, and will therefore not be affected. The other windows in the main rear elevation are set some distance away and will not be significantly affected. Alike with sense of enclosure, the main windows which would be affected would be in the rear of 40-48 Connaught Street, which given the site layout, will be in relatively close proximity at the southern end of the site. However, the aspect of these windows will not result in direct overlooking, with any views being

oblique. While the provision of opaque glazing, would ensure that any overlooking is mitigated, it is not considered that the impact of clear glass will be significant, and the benefits of improving the light and outlook to the small units is considered to outweigh the negative impact.

10.6 Transportation, Accessibility & Servicing

Highway Impact

It is not considered that the proposed additional 2 units will give rise to any significant impact on the highway.

Accessibility

The two units will be accessed in the same way as the existing units, which is considered acceptable.

Servicing and Waste & Recycling Storage

The waste project officer has objected on the grounds that the development has not provided suitable arrangements for waste and recycle storage. It is considered that suitable arrangements can be secured by condition.

Cycling & Cycle Storage

The proposed plans indicate that two of the vaults at basement level can be used for cycle storage. Given the limitations of working with listed buildings, it is noted that it is often not possible to provide a quantum of cycle parking as is required. However, the use of these vaults is welcomed, and is to be secured by suitable condition to help promote sustainable transport methods for the new and existing units.

Parking

No parking is required or provided, which is acceptable.

10.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

10.8 Other Considerations

An objection has been received on the grounds that the existing building is poorly run, causes anti-social behaviour and is often let out as short term lets. The use of any of the units for short term lets would require planning permission and is not proposed as part of this application. An informative is recommended to advise the applicant of this. In relation to the management of the building, this is a private matter, which cannot be controlled via planning legislation. Finally in relation to anti-social behaviour, it is noted that the development proposals include the refurbishment of the building, but results in the increase of two units. While the comments in relation to anti-social behaviour are noted, it is not considered that the development proposals which only result in an uplift of two units can help to mitigate these existing issues. It is hoped that through the

refurbishment of the property, the management will be improved to help address these issues. Any ongoing points should be discussed with the owner privately.

10.9 Environmental Impact Assessment

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

10.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated CIL payment will be confirmed with their CIL application.

The application does not include any pre-commencement conditions.

11. Conclusion

Whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, as outlined within the design and conservation section of the report, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As outlined within this report the proposals are considered to be acceptable on balance, and recommended for approval, subject to conditions.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

12. KEY DRAWINGS



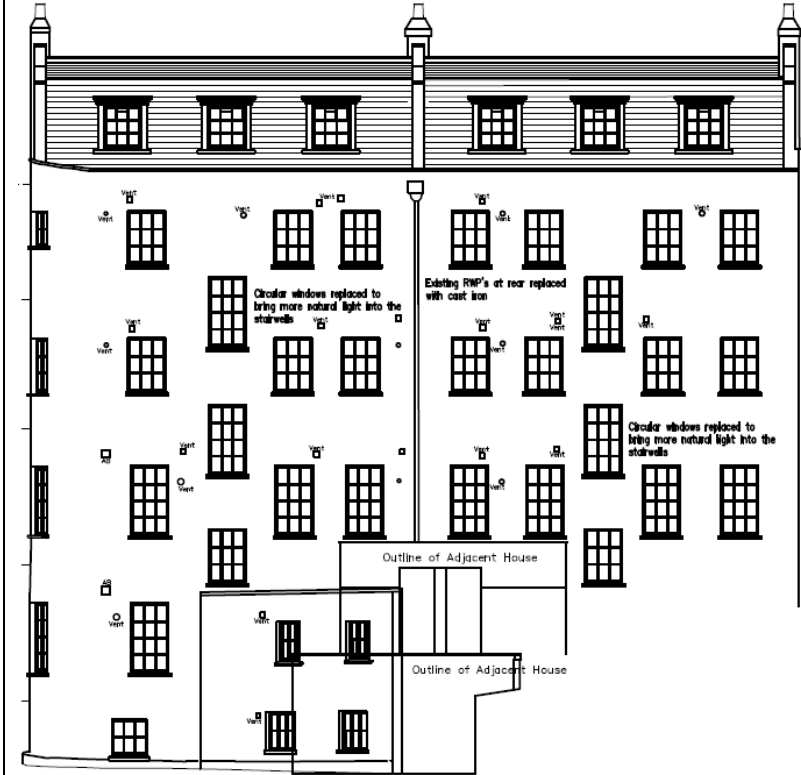
Existing Front Elevation



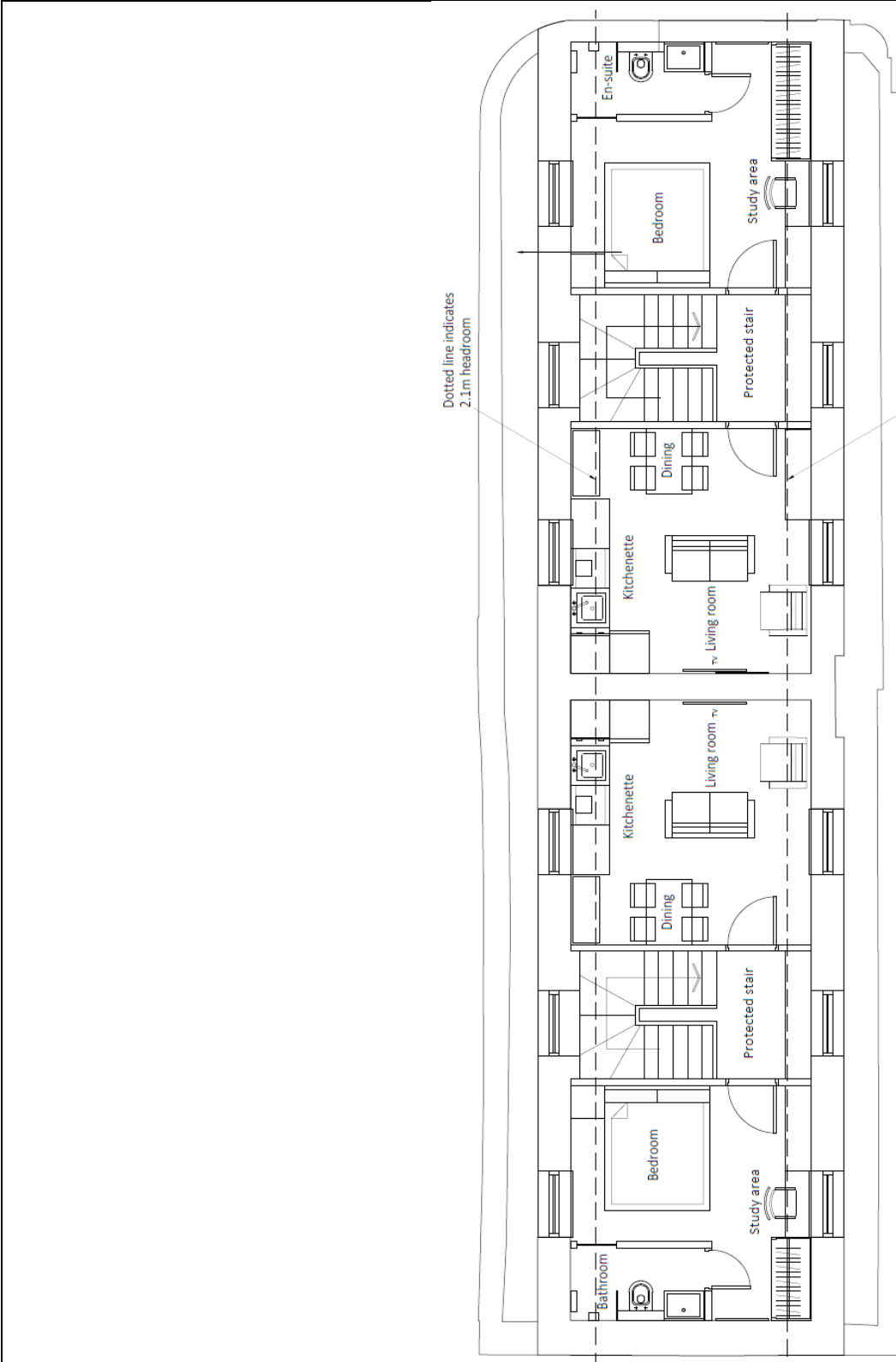
Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



Proposed Fourth Floor Plan

DRAFT DECISION LETTER - 21/00619/FULL

Address: Arvon Court, 3 Titchborne Row, London, W2 2PZ

Proposal: Erection of a roof extension to add two x 1 bedroom flats with associated internal alterations (Site includes 3-5 Titchbourne Row). Alterations to windows and doors. (Amended Description)

Plan Nos: P1204/100 Rev A; P1204/112 Rev A; P1204/113 Rev A; P1204/114 Rev A; P1204/115 Rev A; P1204/116 Rev A; P1204/117 Rev A; P1204/118 Rev A; P1204/119 Rev B; P1204/120 Rev A; P1204/121 Rev A; P1204/122 Rev A; P1204/123 Rev A; P1204/124 Rev A; P1204/125 Rev A; P1204/126 Rev A; P1204/127 Rev A; P1204/128 Rev A.
P1204/101 Rev D; P1204/102 Rev D; P1204/103 Rev F; P1204/104 Rev E; P1204/105 Rev E; P1204/106 Rev F; P1204/107 Rev E; P1204/108 Rev C; P1204/109 Rev F; P1204/110 Rev C; P1204/111 Rev C
Method Statement for removal of existing render.
For information only: Design and Access Statement by Igloo Architecture; Historic Building Report by Donald Insall Associates; Planning Support Statement by Plan:8.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 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 You must apply to us for approval of further details of the following parts of the development in accordance with the Method Statement for removal of existing render dated June 2022.

- 1) Investigation of the rear elevation's historic window openings found beneath the removed render;
- 2) Alterations to the proposed rear elevation showing restoration of the original window positions and window sizes;
- 3) Methodology for render removal and reapplication.

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 Notwithstanding the details hereby approved, you must apply to us for approval of detailed drawings and specification of the following parts of the development, (at scales 1: 1, 1:5, 110: 120 as appropriate).

- i) New windows to rear elevation;
- ii) New windows to mansard roof;
- iii) Any other windows.

Details to include, vertical and horizontal sections through joinery, including glazing and glazing bars and sections showing rebates to masonry and dormers. 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/drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 **HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

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

- 3 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).

DRAFT DECISION LETTER - 21/00620/LBC

Address: Arvon Court, 3 Titchborne Row, London, W2 2PZ

Proposal: Erection of a roof extension to add two, 1 bedroom flats with associated internal alterations (Site includes 3-5 Titchbourne Row). Alterations to windows and doors including the installation of secondary glazing. Internal refurbishment including the removal and addition of partitions. (Linked to 21/00619/FULL)

Plan Nos: P1204/100 Rev A; P1204/112 Rev A; P1204/113 Rev A; P1204/114 Rev A; P1204/115 Rev A; P1204/116 Rev A; P1204/117 Rev A; P1204/118 Rev A; P1204/119 Rev B; P1204/120 Rev A; P1204/121 Rev A; P1204/122 Rev A; P1204/123 Rev A; P1204/124 Rev A; P1204/125 Rev A; P1204/126 Rev A; P1204/127 Rev A; P1204/128 Rev A.
P1204/101 Rev D; P1204/102 Rev D; P1204/103 Rev F; P1204/104 Rev E; P1204/105 Rev E; P1204/106 Rev F; P1204/107 Rev E; P1204/108 Rev C; P1204/109 Rev F; P1204/110 Rev C; P1204/111 Rev C
Method Statement for removal of existing render.
For information only: Design and Access Statement by Igloo Architecture; Historic Building Report by Donald Insall Associates; Planning Support Statement by Plan:8.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)
- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)
- 3 You must apply to us for approval of further details of the following parts of the development in accordance with the Method Statement for removal of existing render dated June 2022.

- 1) Investigation of the rear elevation's historic window openings found beneath the removed render;
- 2) Alterations to the proposed rear elevation showing restoration of the original window positions and window sizes;
- 3) Methodology for render removal and reapplication.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 Notwithstanding the details hereby approved, you must apply to us for approval of detailed drawings and specification of the following parts of the development, (at scales 1: 1, 1:5, 110: 120 as appropriate).
 - i) New windows to rear elevation;
 - ii) New windows to mansard roof;
 - iii) Any other windows.

Details to include, vertical and horizontal sections through joinery, including glazing and glazing bars and sections showing rebates to masonry and dormers. 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/drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

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