

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 24 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	45 Chester Square, London, SW1W 9EA,		
<b>Proposal</b>	Variation of Conditions 1 and 6 of planning permission and condition 1 of listed building consent both dated 15 December 2011 (RNs: 11/07657/FULL and 11/07659/LBC) for demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade associated internal alterations to 45 Chester Square. Namely, provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Mr Brett Henderson		
<b>Registered Number</b>	16/08638/FULL	<b>Date amended/ completed</b>	7 September 2016
<b>Date Application Received</b>	7 September 2016		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

1. Grant conditional planning permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

## 2. SUMMARY

45 Chester Square is a Grade II listed building located in the Belgravia Conservation Area. To the rear the property backs onto 44 - 45 Ebury Mews. Both properties are in use as separate residential dwellings but are occupied by different members of the same family.

Planning permission and listed building consent was granted on 15 December 2011 (RNs:

11/07657/FULL and 11/07659/LBC) for the demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level., and the formation of a new basement beneath the mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, and other alterations.

Condition 1 of both the planning permission and listed building consent dated 15 December 2011 required the development to be carried out in accordance with the approved drawings. Condition 6 of the planning permission states 'You must not use the roof of the new mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency'.

These latest applications seek to vary conditions 1 and 6 of the planning permission and condition 1 of the listed building consent dated 15 December 2011 in order to use a part of the flat roof of 44 – 45 Chester Mews as a roof terrace with associated works including new railings and an access door.

The key considerations in assessing the proposal are:

- The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Belgravia Conservation Area; and
- The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with Council policies in relation to amenity, design, conservation, and listed building matters as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are therefore recommended for approval.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



PROPOSED TERRACE AREA FROM ABOVE.



PROPOSED TERRACE AREA FROM EXISTING FLAT ROOF, REAR LIGHTWELL OF 45A AND 45B TO RIGHT.



VIEW FROM TERRACE ACROSS EBURY MEWS

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION:

Objection on following grounds:

#### Design:

The proposal would adversely affect the local area, be out of character with the neighbouring properties, and will radically transform a listed building.

#### Amenity:

The terrace is the same level as other properties first floor bedrooms and living areas and use as a terrace would become highly intrusive on their privacy and a nuisance in terms of sounds and smells.

### BELGRAVIA SOCIETY:

Any response to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

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

No. Consulted: 9

Total No. of replies: 4

No. of objections: 4

No. in support: 1

Objections from neighbours on some or all of the following grounds:

#### Amenity

- Loss of privacy to habitable rooms of adjoining residential occupiers.
- Noise disturbance resulting from the use of the terrace.
- Smells from use of the terrace.
- Noise disturbance from terrace use at night.
- The reasons for imposing Condition 6 of the original planning permission remain valid.

#### Other matters

- Concern regarding precedent being set.
- Loss of property value.
- Concern regarding use of the entire roof in future.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

45 Chester Square is a Grade II listed building located in the Belgravia Conservation Area. To the rear the property backs onto 44 - 45 Ebury Mews. Both properties are in use as separate residential dwellings but are occupied by different members of the same family. These applications relates to part of the flat roof of the mews building at 44 - 45 Ebury Mews.

### 6.2 Recent Relevant History

#### 45 Chester Square and 44 Ebury Mews

Permission granted on 15 December 2011 for 'Demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level. Formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square. Construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear façade' (11/07657/FULL and 11/07659/LBC).

#### 42 Chester Square and 42 Ebury Mews

Permission granted on 11 May 1998 for 'Demolition and rebuilding of 42 Ebury Mews, provide a link and garage to 42 Chester Square, new 4<sup>th</sup> storey to 42 Chester Square and rebuilding rear extension. New roof terrace on 42 Ebury Mews' (97/0A072/FULL).

There are a number of roof terraces in the immediate area including the approved terrace at 42 Ebury Mews referenced above.

43 Chester Square and 45B Chester Square also have roof terraces but these do not have any planning history.

## 7. THE PROPOSAL

These latest applications seek to vary conditions 1 and 6 of the planning permission and condition 1 of the listed building consent dated 15 December 2011 in order to allow the use of part of the flat roof of 44 – 45 Chester Mews as a roof terrace. The proposed terrace would serve 45 Chester Square and not 44 – 45 Ebury Mews. Associated works include the installation of railings, planters, and a new door which would replace a window in the rear elevation of 45 Chester Square will enable access to the proposed terrace.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal does not raise any land use issues.



## 8.2 Townscape and Design

45 Chester Square is located on the south western side of Chester Square, opposite St Michaels Church. The building is linked at the rear to 44 - 45 Ebury Mews, a two storey mews property.

The majority of mews properties on the north side of Ebury Mews exhibit butterfly roofs, however those which exhibit flat roofs, such as the application site, contain roof terraces.

Initially there were concerns that introducing a roof terrace would introduce visual clutter which would detract from the appearance of the mews. These concerns have been partly overcome by setting the balustrade back from the roof edge and replacing the glass balustrade with simple vertical metal railings. Additionally, the timber steps originally proposed have been replaced with metal, and the new door on the rear of the listed building is more traditional in its design.

Given the presence of other roof terraces within the mews and the design amendments, the works are considered acceptable in design, townscape and listed building grounds.

## 8.3 Residential Amenity

UDP Policy ENV 13 and City Plan Policy S29 aim to protect the amenity of existing residents from the effects of development. Objections have been received on grounds the proposal would adversely affect neighbours in terms of overlooking, noise and odour nuisance, and light spill.

### Overlooking

The proposed use of the flat roof as a terrace raises issues with regard to overlooking, particularly at 45A and 45B Chester Square and the buildings opposite the proposed terrace on Ebury Mews.

Any potential overlooking into the neighbours at nos. 45A and 45B Chester Square would take place within the rear lightwell of these properties, which is set behind the eastern part of the flat roof of 44 - 45 Ebury Mews. It is acknowledged noted that while some degree of overlooking into nos. 45A and 45B is possible from the use of the terrace, views are only available at an oblique angle and limited to when users are ascending or descending the steps from the house to the terrace. On balance, officers consider that the amount of overlooking afforded by the proposal would not result in a significant material impact on the privacy of 45A or 45B Chester Square.

The applicant initially proposed to extend the terrace forward to the full extent of the flat roof; however, officers advised this should be set back to limit the amount of overlooking afforded to the mews buildings opposite the flat roof on Ebury Mews, as well as for design reasons.

The use of the terrace is likely to increase the amount of overlooking afforded from the property, with the forward edge of the proposed terrace being set back approximately 7 metres from the mews properties opposite. However, as a result of the proposed railings and planters on the terrace it is considered that overlooking into these properties and any subsequent loss of privacy is likely to be low. It is further noted that 45B Chester Square

has a roof terrace at the same level, extending to the full depth of the terrace and in much closer proximity to the residential properties on Ebury Mews.

Officers have concern regarding the impact of overlooking on the residents of 44 Ebury Mews itself. The flat roof of the mews, on which the proposed terrace is to be located, has two rooflights that look directly into the mews property below and it is considered that there is the potential for overlooking and a loss of privacy to the residents of this property. However, a letter from the owner of the building confirms that 44 - 45 Ebury Mews is occupied by different members of the same family that occupy 45 Chester Square, and also that obscure glazing is proposed to be installed in the existing rooflights. The letter confirms there is therefore no objection to the creation of a roof terrace on the roof of 44 – 45 Ebury Mews.

In summary, with regard to overlooking and loss of privacy, it is considered that while there may be the potential for a minimal degree of overlooking, on balance, the proposals are not considered to significantly harm the amenity of adjoining neighbours to justify refusal.

#### Noise

Objections also raised concern regarding the potential for noise generated from the use of the terrace. Officers consider that additional noise is likely to be created by the use of the existing flat roof as a terrace; however it is unlikely that the noise levels associated with this proposal would be so significant to justify refusal. The terrace is modest in size, particularly given the additional setback agreed with officers, and it is unlikely that significant numbers of people could be accommodated on the area. Further, there are a number of other terraces in the area and there is no evidence of noise nuisance having been reported from these terraces. As such, it is considered that the proposal is unlikely to create noise nuisance which would significantly harm the amenity of the adjoining residential occupiers.

#### Light Spill

Neighbours also raise concern that the use of the roof terrace in the evenings would result in nuisance from light spill. Given that there are no neighbouring windows directly adjacent to the terrace, and the boundaries of the terrace are to be screened through railings and planting. It is considered unlikely that the use of the terrace would create significant levels of light pollution to adversely affect the residential amenity of adjoining occupiers.

#### Smells and odours

Objections also raise concern with potential smells associated with the use of the terrace, for example, these largely focus on the potential for cooking smells associated with BBQs taking place. Given that 45 Chester Square is a residential property it is not considered the terrace would be used in any different way to a conventional residential garden. It is therefore not considered reasonable to refuse the application on these grounds.

#### Condition 6 of 2011 Planning Permission

Condition 6 of the original planning permission dated 15 December 2011 states 'You must not use the roof of the new mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency'.

Objections noted that in imposing Condition 6, the officer's committee report states; *'although not raised as an issue by neighbours, given the roof of the mews is flat with a paved surface, there is scope that this could be used as a terrace in the future which would*

*be considered unacceptable in terms of overlooking and loss of privacy. It is therefore recommended that a condition to prohibit this be attached to the decision letter'.*

It is important to note that the 2011 application did not seek to use the flat roof as a terrace and as such a full assessment of the potential impact of this use was not undertaken. The condition also referred to the use of the entirety of the flat roof across the mews building, whereas the current application only seeks to use half of the roof for terrace purposes.

#### Summary

In conclusion, it is considered that while there is likely to be a degree of overlooking and noise resulting from the use of the terrace, on balance it is not considered likely that these would result in a significant material impact on the amenity of adjoining occupiers to justify refusal of the application. It is considered that the proposal complies with policies ENV 13 of the Unitary Development Plan and S29 of the Westminster City Plan: Strategic Policies.

#### **8.4 Transportation/Parking**

The proposal raises no transportation or parking issues.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposal raises no access issues.

#### **8.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

Not applicable.

## 8.12 Other Issues

Not applicable.

## 9. BACKGROUND PAPERS

1. Application form.
2. Letter from Belgravia Residents Association dated 13 October 2016.
3. Letter from occupier of 45B Chester Square dated 25 September 2016.
4. Letter from occupier of 94 Ebury Mews dated 2 October 2016.
5. Letter from occupier of 96 Ebury Mews dated 4 October 2016.
6. Letter from Fenton Associates on behalf of the occupiers of 45A Chester Square dated 4 October 2016
7. Letter from Pandega Holdings on behalf of the occupiers of 44 – 45 Ebury Mews dated 14 December 2016.

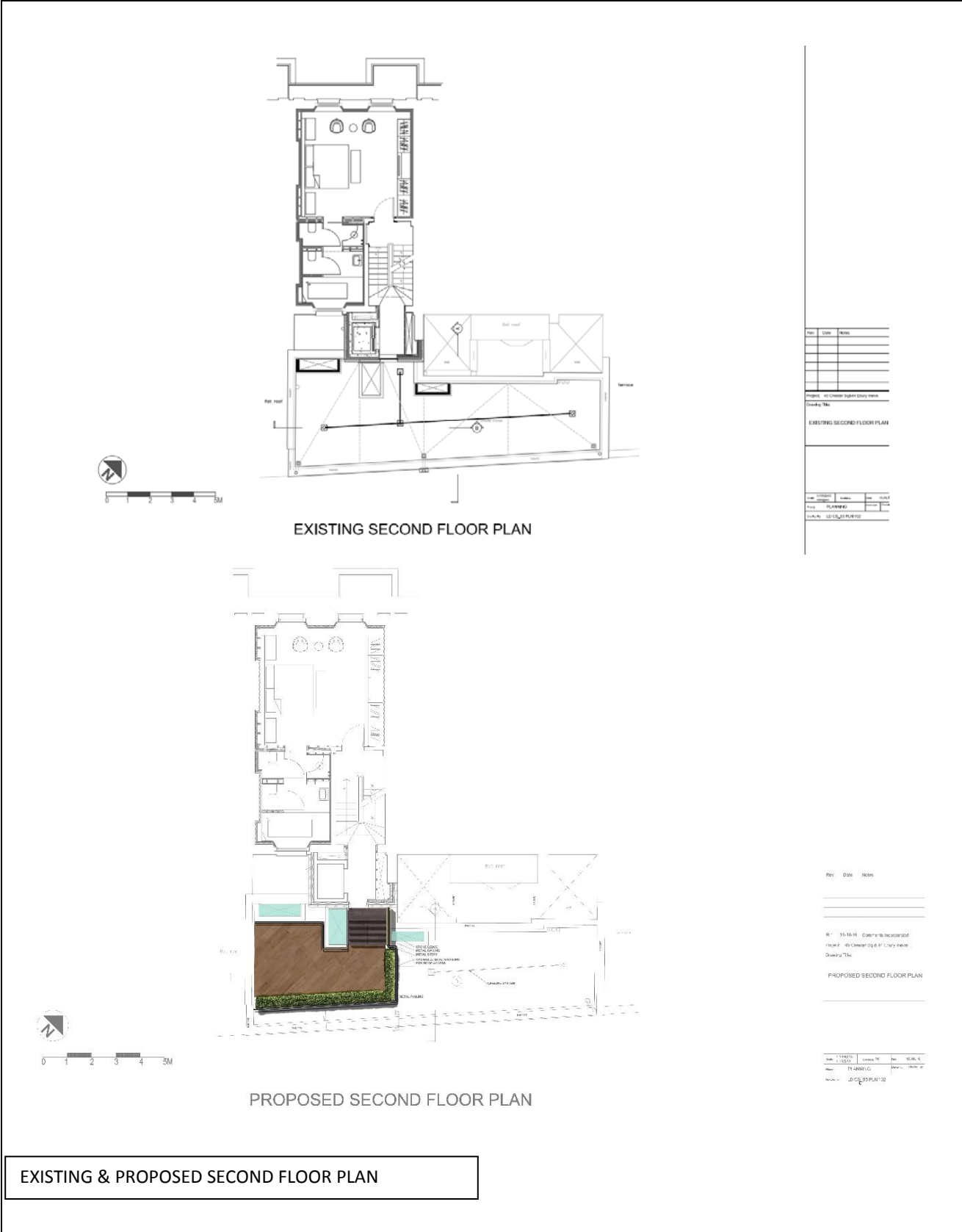
### Selected relevant drawings

(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: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

10. KEY DRAWINGS





EXISTING SECOND FLOOR PLAN

PROPOSED SECOND FLOOR PLAN

EXISTING & PROPOSED SECOND FLOOR PLAN

Rev.	Date	Notes

PROJECT: 45 Chester Square Entry Walk

Drawing Title:

EXISTING SECOND FLOOR PLAN

Date	Author	Checked	Scale
10/15/2020	PLANNING		

Scale: 1/8" = 1'-0" (AS SHOWN)

Rev.	Date	Notes

Rev: 10/15/20 - Changes Incorporated

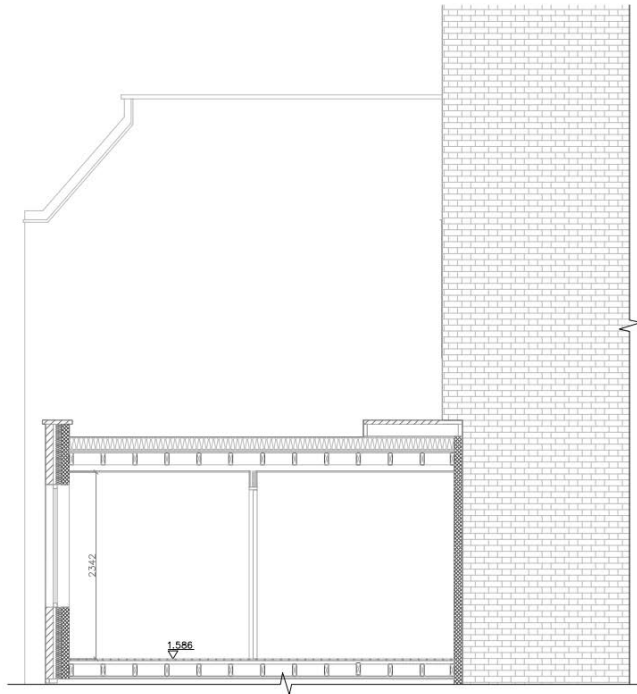
Rev: 10/15/20 - Changes Incorporated

Drawing Title:

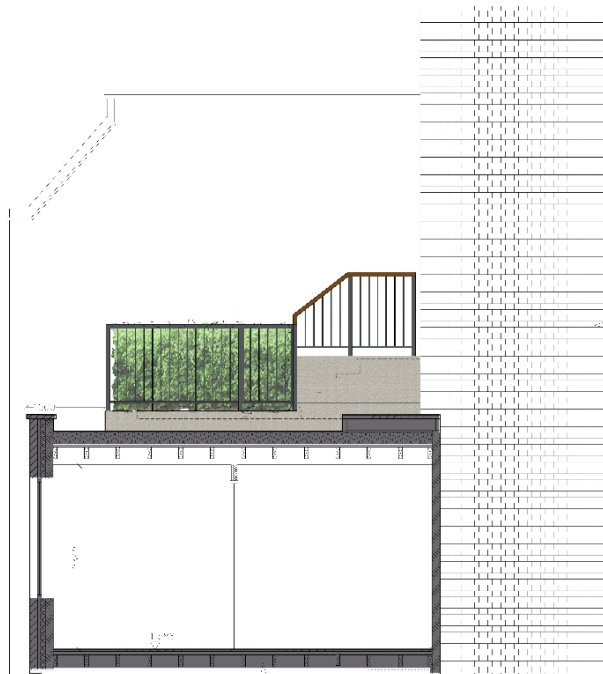
PROPOSED SECOND FLOOR PLAN

Date	Author	Checked	Scale
10/15/2020	PLANNING		

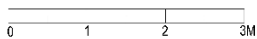
Scale: 1/8" = 1'-0" (AS SHOWN)



EXISTING SECTION A



PROPOSED SECTION A



Rev.	Date	Notes

Project: 45 Ottawa St  
Drawing: MEC  
EXISTING SECTION A

Scale: 1/2"=1'-0"	Drawn: JTB	Date: 08/05/14
Disc: PLUMBING		
Sheet No.: 12_05 03 SEC 301		

Rev.	Date	Notes

PL 21 0 05 Concrete Incorporated  
Project: 45 Ottawa St  
Drawing: MEC  
PROPOSED SECTION A

Scale: 1/2"=1'-0"	Drawn: JTB	Date: 08/05/14
Disc: PLUMBING		
Sheet No.: 12_05 03 SEC 301		

**DRAFT DECISION LETTER**

**Address:** 45 Chester Square, London, SW1W 9EA,

**Proposal:** Variation of Conditions 1 and 6 of planning permission dated 15 December 2011 (RN: 11/07657/FULL) for demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvered doors, infill extension to rear lightwell, rebuilding of part rear facade. Namely provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.

**Reference:** 16/08638/FULL

**Plan Nos:** LD CS\_03 ELE 301, LD CS\_03 PLAN 102, LD\_CS 03 SEC 301, LD CS 03 SEC 302, SITE LOCATION PLAN, BLOCK PLAN, LD CS\_05 ELE 301, LD CS\_05 ELE 301 C, LD CS\_05 PLN 102, LD\_CS 05 SEC 301 C, LD CS 05 SEC 302 C, LD CS\_05 PLN 102, LD\_CS 05 SEC 301, LD CS 05 SEC 302, COVER LETTER DATED 7 SEPTEMBER 2016, DESIGN AND ACCESS STATEMENT DATED SEPTEMBER 2016, HERITAGE IMPACT ASSESSMENT SUBMITTED 7 SEPTEMBER 2016, PLANNING STATEMENT DATED SEPTEMBER 2016.

**Case Officer:** Joe Whitworth

**Direct Tel. No.** 020 7641 1968

**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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:



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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 The facing brickwork of the closet wing must be constructed using the same brick as the samples hereby approved and 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 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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES

10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 (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 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 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 15 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 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 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 L A90, 15 mins 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive 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.

- 8 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 11 The mews at ground and first floor level must remain a single family dwelling and must not be amalgamated with the lower ground floor of the mews.

Reason:

To ensure that development does not result in the loss of a residential unit and in order for the proposals to comply with policy CS14 of the Core Strategy that we adopted in January 2011

- 12 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 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 S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 15 The planting show on Proposed Section A and Proposed Second Floor Plan must be set back behind on the internal side of the railing and maintained to be below the height of the railings.

**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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 You must apply to us for approval of details of the following parts of the development:

- i) Detailed drawings of the new door, which should be single, glazed within integral glazing doors. Sections and elevations scaled 1:5

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION - In reaching the decision to grant planning permission the City Council has had regard to the relevant policies in

the Draft National Planning Policy Framework July 2011, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade is acceptable in conservation, design, listed building, highways and amenity terms., , In reaching this decision the following policies of the City of Westminster Core Strategy and the Unitary Development Plan were of particular relevance:, , CS24, CS27, CS28, CS31, DES1, DES5, DES6, DES9, DES10, ENV7 and ENV13.

- 2 This permission is based on the drawings and reports submitted by you including the method statement for basement construction dated 6 May 2011. 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.

Our approval is based on the report dated 6 May 2011. Because of the professional qualifications of this company we have not done any double-checking or appointed our own consultant engineers. We are relying on the knowledge and qualifications of your consultants. You and the consultants are responsible for carrying out the work in a way that will cause as little disturbance to the building as possible.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for. (I23AA)

- 6 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team,  
Environmental Health Service,  
Westminster City Hall,  
64 Victoria Street,  
London,  
SW1E 6QP,  
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 8 Conditions 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

**DRAFT DECISION LETTER**

**Address:** 45 Chester Square, London, SW1W 9EA,

**Proposal:** Variation of Condition 1 listed building consent dated 15 December 2011 (RN: 11/07659/LBC) for Demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade, associated internal alterations to 45 Chester Square. Namely provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.

**Reference:** 16/08639/LBC

**Plan Nos:** LD CS\_03 ELE 301, LD CS\_03 PLAN 102, LD\_CS 03 SEC 301, LD CS 03 SEC 302, SITE LOCATION PLAN, BLOCK PLAN, LD CS\_05 ELE 301, LD CS\_05 ELE 301 C, LD CS\_05 PLN 102, LD\_CS 05 SEC 301 C, LD CS 05 SEC 302 C, LD CS\_05 PLN 102, LD\_CS 05 SEC 301, LD CS 05 SEC 302, COVER LETTER DATED 7 SEPTEMBER 2016, DESIGN AND ACCESS STATEMENT DATED SEPTEMBER 2016, HERITAGE IMPACT ASSESSMENT SUBMITTED 7 SEPTEMBER 2016, PLANNING STATEMENT DATED SEPTEMBER 2016.

**Case Officer:** Joe Whitworth

**Direct Tel. No.** 020 7641 1968

**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 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The facing brickwork of the closet wing must be constructed using the same brick as the samples hereby approved and 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 All new work and improvements inside 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. (C27BA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

The fall arrest system to the closet wing.

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 The planting shown on Proposed Section A and Proposed Second Floor Plan must be set back behind on the internal side of the railing and maintained to be below the height of the railings.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 You must apply to us for approval of details of the following parts of the development:,

- i) Detailed drawings of the new door, which should be single, glazed within integral glazing doors. Sections and elevations scaled 1:5

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (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 March 2012, the London

Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, 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. (159AA)

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.