

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Manor Apartments, 40 - 42 Abbey Road, London, NW8		
Proposal	Demolition of existing roof level structures and part of front chimney stack and erection of a single storey roof extension with roof terraces with associated balustrade and screening to provide one residential flat (Class C3) and installation of mechanical plant to rear at roof level.		
Agent	DP9		
On behalf of	Extrakeen Ltd		
Registered Number	16/09157/FULL	Date amended/ completed	22 September 2016
Date Application Received	22 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission for the demolition of the existing roof level structures, which house an existing flat, and part of front chimney stack and the erection of a single storey roof extension with roof terraces to the front and rear wings of the building. The proposed roof extension would provide a replacement residential flat (Class C3). A single piece of mechanical plant is proposed to the rear elevation of the new roof extension.

The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.

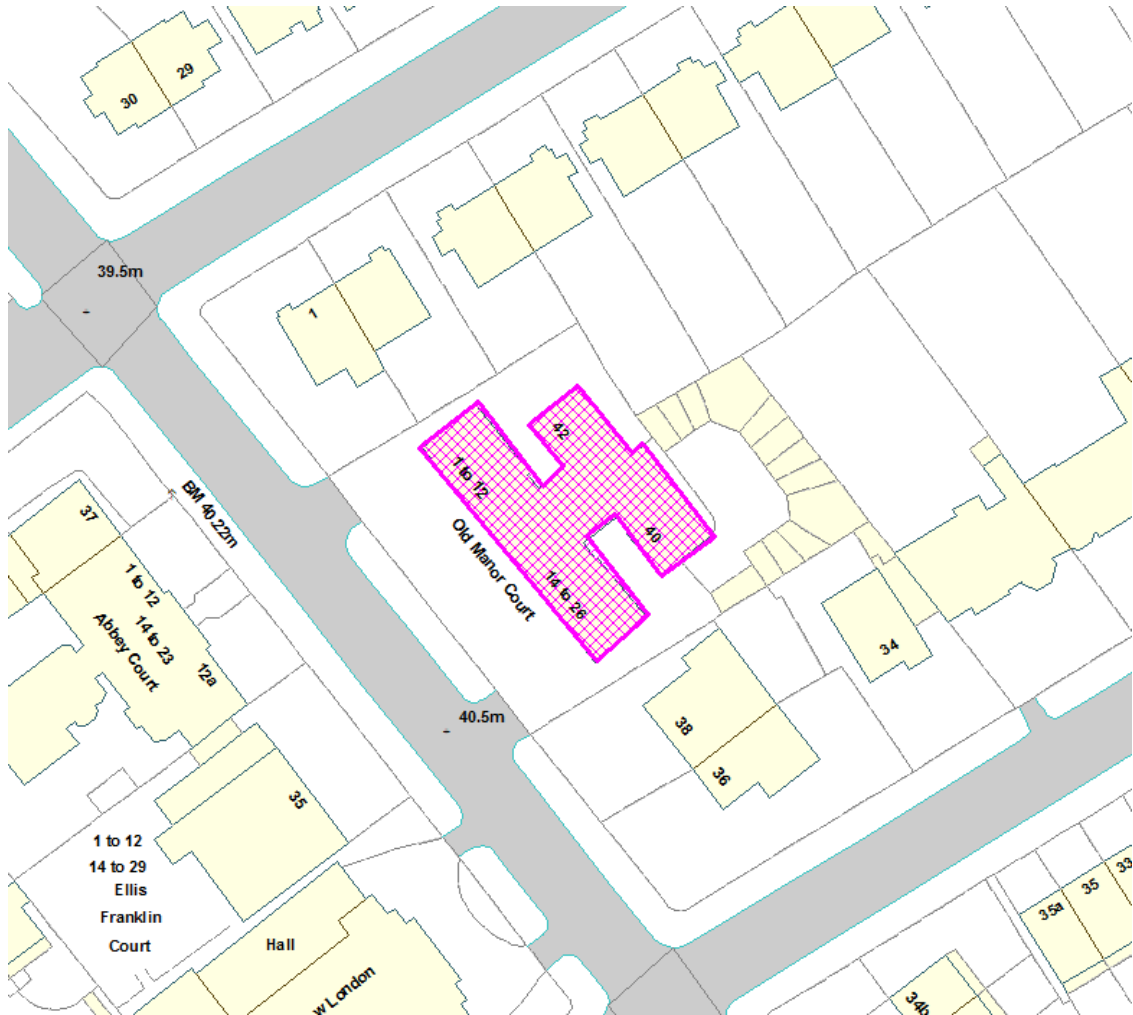
The proposals are considered to be acceptable in land use, design and amenity terms and would accord with the relevant policies in the Unitary Development Plan (UDP) adopted in 2007 and

Item No.

2

Westminster's City Plan (the City Plan) adopted in November 2016. Therefore it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation.

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (October 2016)

ST. JOHN'S WOOD SOCIETY

No objection, but ask that the case officer considers the impact of overlooking from the proposed terraces.

CLEANSING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection, subject to recommended conditions to control noise from mechanical plant.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 102; No. of Responses: 5 emails/ letters from 4 respondents raising objection on some or all of the following grounds:

Design Issues

- Appearance of the proposed structure would be architecturally disruptive to the appearance of the building.
- Extension would not fit in with the surroundings and would be bulkier and out of place.
- Change in scale of the roof level structures when seen from Abbey Road would be profound.
- Only Abbey Court and Ellis Franklin Court opposite are similar in scale and height and other blocks mentioned by the applicant are not in the conservation area.

Amenity Issues

- Increased risk of noise disturbance to existing flats.
- Loss of light to Abbey Court opposite.
- Obstruction of view from Abbey Court
- Overlooking to Abbey Court.

Parking

- Additional pressure on on-street parking as parking on the forecourt is not offered to residents.

Other Issues

- Cannot find any information in the submitted documents on how people living in the building will be affected in terms of noise and disturbance from construction works.
- Noise and disturbance from construction works.
- Noise from existing works to rear to build two mews houses.
- Was not surveyed as part of applicant's pre-application engagement.
- Flats are owned by persons living overseas and often sub-let leading to low engagement/ response to planning matters.
- Additional pressure on building services such as waste bins.

- Constant problems with hot water and heating.
- Not clear how access to existing flats will be maintained during the works.
- How will construction waste be disposed of?
- Application does not explain how existing communal gas central heating to four of the existing flats will be maintained.
- Meeting should be arranged by the Council with long standing tenants/ flat owners.
- No benefit to anyone living in the building from this proposal.
- Will tenants be compensated/ rehoused during construction works?
- No community benefits (such as affordable housing or additional residential units) to outweigh the harm caused.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Re-consultation on Revised Scheme (February 2017)

Amendments made to set back the front elevation of proposed roof extension, reduce the size of roof terraces and introduce a privacy screen to the existing rear terrace. The site location plan and application form were also amended to correct discrepancies as initially submitted.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 108; No. of Responses: 2 emails raising objection on some or all of the following grounds:

Amenity Issues

- Loss of privacy/ overlooking.

Other Matters

- Owners are trying to build on every single piece of spare land on this site.
- Consistent building work in the building for 4 years causing noise and dust pollution on a daily basis.
- Front of the building looks a mess due to bins being placed near to the entrance.
- Service charge is being increased whilst a poor service is offered by the managing agent and rubbish is left at the entrance.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a 1920/ 1930's residential mansion block located on the east side of Abbey Road. The building comprises a 'H' plan form with 6 sheer storeys above ground level, with a basement floor providing storage and services and a small former caretakers flat at roof level, which cannot be accessed via the main lifts.

The building is not listed, but is located within the St. John's Wood Conservation Area. The mansion block is surrounded on either side and to the rear by Victorian villa properties, the

scale and form of which represent the predominant character of this part of the St. John's Wood Conservation Area.

Opposite in Abbey Road there is a six storey 1960's block of flats at No.35 Abbey Road and Abbey Court, which are 8 storeys in height. Further to the south along Abbey Road there are a number of larger mansion blocks; however, these are beyond the immediate townscape context of the site.

6.2 Recent Relevant History

Proposals for Roof Level Extension

6 June 2002 – Planning permission and conservation area consent were refused on design grounds for demolition of the roof top caretaker's flat and erection of roof extension to create two additional units and reconfiguration of the car parking spaces, new landscaping and alterations to vehicular entrance (01/08914/FULL & 01/08915/CAC).

9 February 2004 – Planning permission and conservation area consent was refused for demolition of caretakers flat at roof level and replacement with a four bedroom penthouse with new entrance lobby at ground floor, demolition of existing garage block at rear and replacement with surface car parking, and new crossover and alterations to front forecourt area (03/06087/FULL & 03/07047/CAC). The reason for refusal for planning permission in relation to the roof level alterations was:

'Because of location, size and height of the proposed roof extension and its relationship to nearby properties the proposed roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet DES6 and DES7 of our Unitary Development Plan, DES6 and DES9 of our Replacement Unitary Development Plan (Second Deposit version) and DES6 and DES9 of our Pre-Inquiry Unitary Development Plan.'

8 April 2005 – An appeal against the decision to refuse permission dated 9 February 2004 was dismissed (see appeal decision and relevant drawings in the background papers). In terms of the harmful impact of the size and bulk of that proposal the Inspector opined that:

'I find no harm in the replacement of the caretaker's flat with a building that would co-ordinate the roof structures. Nevertheless, I consider that the replacement of the visually recessive caretakers flat with a structure of the scale proposed, together with the increased parapet height, would have a perceptible and harmful effect on the height, form and silhouette of the building which already dominates the outlook from the smaller older dwellings in Blenheim Road and Marlborough Place. While I acknowledge that there are buildings of comparable height on Abbey Road, these adjoining roads also form part of the urban context of the appeal building. Due to the raised parapet, only parts of the proposed penthouse would be visible from neighbouring streets but, in my opinion, the raised parapet, in itself, would harmfully increase the height and silhouette of the building. I consider that the scale of the proposed flat together with the raised parapet to enable the use of the whole of the undeveloped roof as amenity space would cause harm to the Conservation Area.'

10 February 2014 – Permission refused for demolition of the existing roof level structures and partial demolition of the existing front chimney stack and erection of a single storey roof extension with roof terraces to provide one residential flat (13/07550/FULL) (see decision letter and relevant drawings in the background papers). The reason for refusal was:

'Because of its location, size, height and relationship to nearby properties, the proposed roof level extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. Your proposal would also be contrary to the guidance set out in the St. John's Wood Conservation Area Audit (adopted 2008).'

29 May 2015 – Planning application proposing the erection of a roof extension (6th floor) to provide 1x3 bedroom flat with roof terraces and installation of plant at roof level was withdrawn (15/03039/FULL).

Proposals for New Dwellings to Rear

12 August 2014 – Planning permission and conservation area consent were granted for demolition of the existing garages to rear and erection of 2x2 storey dwelling houses comprising ground and basement floors, with provision of parking within garages adjacent to side (south) boundary of site (13/07576/FULL and 13/07577/CAC). This development is presently under construction on site.

7. THE PROPOSAL

The application seeks permission for the demolition of the existing roof level structures, which includes an existing flat, and partial demolition of the existing front chimney stack and erection of a single storey roof extension with roof terraces to three of the four 'wings' of the 'H' roof form of the building. The enlarged residential accommodation this would provide at roof level is proposed to be used as a single two bedroom flat. To the rear elevation the scheme includes the provision of a single piece of mechanical plant sited at a low level below the height of the roof edge parapet.

Amendments have been made to the proposed development during the course of the application to set back the front elevation by an additional 0.3 metres, set the front roof terraces back from the roof edges at the centre of the site by a further 0.9 metres and introduce a privacy screen to alleviate overlooking from the existing rear roof terrace, which is to be retained. The site location plan and application forms were also updated to correct discrepancies in the initially submitted versions of these documents. The amendments and updated site location plan and application form have been the subject of further consultation with neighbouring occupiers in February 2017 and the additional representations received are summarised in Section 5.2 of this report.

Permission has previously been refused on three occasions (in 2002, 2004 and 2013) for the erection of an extension at roof level to provide an additional floor of residential accommodation. On each occasion permission was withheld principally on design grounds relating to the size, bulk and height of the roof extension proposed. An appeal against the second refusal in 2004 was upheld at appeal in 2005. The full planning history for the site in terms of proposals for extensions at roof level is set out in Section 6.2.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There is no specific protection for the existing former caretakers flat in terms of restricting its occupation to that of the building's caretaker and therefore its loss and replacement with an enlarged flat at roof level is acceptable in land use terms and accords with Policy H3 in the UDP. The flat would provide an acceptable standard of residential accommodation that would accord with Policies S14 and S15 in the City Plan and the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 in the London Plan (March 2016). The unit would have good access to external amenity space given the provision of a number of terraces.

8.2 Townscape and Design

The building dates from the 1920/1930's and comprises an imposing six storey structure above ground level with an 'H' shaped plan form. At roof level there is an additional much smaller recessed seventh floor, which provides a single flat, which is understood to have formally been used by a caretaker. The St. John's Wood Conservation Area Audit identifies the building as having a neutral contribution to the character of the conservation area, though with its brick facing and sash windows it is nonetheless considered to integrate acceptably into the surrounding townscape. However, the former caretaker's flat at seventh floor level is not any particular contribution to the overall character and appearance of the main building.

It is of note that the Audit highlights the building within a group referred to as 'Properties with existing roof extensions, or where extensions would not normally be acceptable'. The reference in the Audit is recognised, albeit the application proposes to create a larger extension to this floor level rather than the creation of a new floor of accommodation. Whilst it is also noted that several previous applications for extensions to roof level have been refused by the City Council, with an appeal against one of the refusals of permission being dismissed by the Planning Inspectorate, for the reasons set out below the current application proposals are considered to have overcome previous grounds for refusal and are acceptable in design and townscape terms.

In her appeal decision in 2005, the Inspector made particular note of the impact the roof extension proposed at that time would have in accentuating the height and bulk of Manor Apartments, which already has a significant visual presence seen above the roof scape of the lower villa buildings in Blenheim Road and Marlborough Place. However, the Inspector did also recognise that in the Abbey Road there are other buildings of comparable height to Manor Apartments.

The south side of Blenheim Road, where it is closest to the application site is flanked by Grade II listed villa buildings, with the north side of Marlborough Place being flanked by fine quality, but unlisted villa buildings. Manor Apartments is visible above the roofline of buildings from both these streets, especially so from Marlborough Place. The impression from these streets is of a substantial building; albeit one with a relatively cluttered roofline with a large projecting lift overrun, particularly thick projecting chimney stacks and prominent railings, which all serve to clutter the roofline of the building. The existing former caretaker's flat is also visible, but is not especially prominently from either street.

It is recognised that the extension proposed has a larger footprint than the existing caretakers flat; however, to the rear of the building, which is most prominent in views from Blenheim Road and Marlborough Place, the proposed extension does not project out any closer to the side elevations than the existing roof level structure. The scheme most recently refused in 2014 had the extension set 1.5m back from the north side of the rear wing (facing towards Blenheim Road) as compared to 6.3m in this current scheme, and 2.5m back from the south side of this rear wing (facing towards Marlborough Place) as compared to 8.8m in this current scheme. Whilst the currently proposed extension projects slightly closer to the rear elevation than the existing caretakers flat, this in itself will not add unacceptable additional bulk to the roofline of the building.

To the front half of the building facing Abbey Road, there is an increase in bulk proposed, with the front elevation set 1.1m forward of the existing front elevation of the former caretaker's flat. The width of the extension to the front of the building would be wider than the existing structure; however, the proposed extension would be set in significantly from the end elevations of the two windows of the building. In terms of height, there would be little difference in height between the existing structure at seventh floor level and the proposed extension.

Seen in views from Blenheim Road and Marlborough Place the extension would be partially visible over the rear wing, but would not be a dominant skyline feature, nor would it add significant bulk over and above the existing seventh floor level structure. Whilst the extension would result in a greater impression of bulk to the front of the building in views from Abbey Road, this would be seen in context with the Abbey Road frontage, which as a whole is of significant scale. Given this and as the additional bulk would be less prominent as views along Abbey Road become more oblique further in medium to longer views of application site, it is not considered that the proposed extension would detract from the overall composition of the building.

Though the extension will be visible on the skyline of the building in views from Abbey Road itself, the impression of a central focus to the composition is not considered unacceptable on this particular large neo-Georgian style building, which already has a large central chimney stack prominently located at roof level. Furthermore the proposed extension would be detailed and finished to integrate with the overall character of the building. In addition, Manor Apartments is seen in context with the seven storey residential blocks, Abbey Court and Ellis Franklin Court, which are directly opposite, and those buildings would continue to appear bulkier and higher than Manor Apartments, even with the proposed extension at roof level, due to their existing more bulky form at roof level.

The design of the extension proposed incorporates matching brickwork to the main building, and an arrangement of sash windows and door openings which integrate

successfully with the design of the main building. Although railings are proposed around the terraces, the much more prominent existing railings to the front and side parapets and the large later addition finial structures on the front parapet are to be removed and overall there will be less impression of roof clutter.

An air source heat pump is proposed to the rear of the roof extension. This would be located in a discreet location in the narrow gap that would be formed between the rear elevation of the extension and an adjacent chimney. Together these structures, along with the roof edge parapet, would screen the mechanical plant from view. Photovoltaic panels are also proposed to roof level; however, these are well set back from the edge of the extension, are low profile and would therefore not unduly clutter the roof scape of the extended building.

In conclusion in design terms, Policy DES 6(A) in the UDP sets out a series of criteria for situations where permission may be refused for roof level extensions; however, in this case none are considered to demonstrate a case for the refusal of the application. For the reasons set out above, the current scheme is considered to have overcome the concerns on design and townscape grounds as set out in the previously refused applications and as expressed by the 2005 appeal Inspector (see Section 6.2). The proposed development is not considered to harm the character and appearance of the building or St John's Wood Conservation Area or the setting of the nearby listed buildings in Blenheim Road. The application is therefore considered acceptable in design and townscape terms and in accordance with Policies DES 1, DES 6 and DES 9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Objection has been received from neighbouring residents on overlooking, loss of light and noise disturbance and loss of view grounds.

Despite the objection received, due to its limited size and bulk and setbacks from the roof edges of the existing building, the proposed roof extension would not result in a material loss of daylight or sunlight or significantly increase overshadowing of neighbouring windows or gardens. The proposed roof extension would be no higher and would have a smaller footprint than the 2013 scheme, which was not refused on loss of daylight or sunlight grounds. In this context, it is not considered that the current scheme could reasonably be withheld on loss of daylight or sunlight grounds.

Given the existing relationship of this taller block with the neighbouring 2 and 3 storey houses, it is not considered that the roof extension, which would be set in from the roof edges to the front and rear of the building, would cause a materially increased sense of enclosure. The residential blocks opposite in Abbey Road (Abbey Court and Ellis Franklin Court) would be a significant distance from the proposed roof extension and the impact on the outlook from these flats would not amount to a significantly increased sense of enclosure. The objection raised on loss of view grounds cannot be supported as the impact of development on private views is not a ground on which planning permission can reasonably be withheld.

In terms of the impact on existing upper floor windows within Manor Apartments, there are a number of windows that look out into the two 'lightwells' formed by the front and rear

wings of the 'H' shape plan form. There will be some effect on these windows in terms of loss of light and increased enclosure. The windows affected serve kitchens, bathrooms and secondary windows to dining rooms. However, the proposed roof extension would be set back from the elevations below adjacent to the 'lightwells' and therefore the impact on these windows would not be so great as to warrant refusal on this basis. Indeed the current scheme would be set back further from these 'lightwells' than the 2013 scheme, which was not refused on these amenity grounds.

In respect of overlooking, it is not considered that the proposed window openings will result in a material loss of privacy to adjoining residents given that they would be located at a high level relative to neighbouring windows and recessed from the existing roof edge. Roof terraces are proposed to either end of the front section of the roof extension and the existing roof terrace to the northern side of the rear section of the roof extension is to be retained. The new roof terraces would be sufficiently recessed from the roof edge so as to prevent significant overlooking to neighbouring properties and the terraces would be of sufficiently limited size so as to minimise noise disturbance arising from their use.

The applicant has agreed to the provision of a privacy screen along the western edge of the existing roof terrace at the rear of the building to restrict overlooking from this terrace, which unlike the new terraces proposed to the front of the building, is not set back from the roof edge, and so affords views down towards windows in the 'lightwell' between the front and rear wings of the building. A condition is recommended to secure this screen and ensure its permanent provision.

A further condition is recommended to prevent the use of the remaining roof areas of the existing building and the proposed roof extension as a terrace or for siting out on.

The issue of noise transference from new flat to the flats on the floor below has also been raised as a concern by existing occupiers of Manor Apartments and a condition is recommended to ensure the extension is appropriately insulated to prevent noise transference.

In summary in amenity terms the scheme is acceptable and would accord with Policies S29 and S32 in the City Plan and Policies ENV6 and ENV13 in the UDP.

8.4 Transportation/Parking

No parking is proposed in connection with the proposed flat. However, given this would replace an existing smaller flat at roof level the Highways Planning Manager is content that there would be no material increase in on-street parking pressure as a result of the proposal.

No cycle parking is proposed; however, given the scheme does not propose any additional residential units, this is not considered to be a ground to warrant refusal of the application.

The Cleansing Manager is satisfied that the existing waste and recycling storage is of sufficient capacity.

Concerns have been expressed about the existing waste storage arrangements, which have been relocated on a temporary basis to the front forecourt of the site. However, the

planning permission dated 12 August 2014 for the new mews houses to the rear of the site includes a condition requiring the applicant to provide a new permanent waste and recycling store to replace the former storage to the rear of the site, which has been removed to allow the provision of the mews houses. This condition attached to the permission dated 12 August 2014 will resolve the existing issues raised regarding refuse storage on this site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposed flat would have level access from the ground floor lobby via the existing lifts within the building, which would be extended to roof level. Access to the building at ground floor level from the forecourt and the public highway is already step free.

8.7 Other UDP/Westminster Policy Considerations

The proposed mechanical plant would be located to the rear in a discreet location where it would be remote from neighbouring windows. Environmental Heath have confirmed that they are satisfied that, subject to the recommended conditions including a requirement to provide supplementary acoustic report, the mechanical plant would not cause noise disturbance to neighbouring occupiers.

The applicant has submitted an Energy Statement and a Sustainability Statement with the application. These demonstrate that the proposed roof extension would be highly sustainable relative to the existing fabric of Manor Apartments. The energy strategy includes the provision of photovoltaic panels at roof level and a condition is recommended to ensure these are provided. Given the site constraints the scheme the energy and sustainability strategies are acceptable and accord with Policies S28 and S38 in the City Plan.

8.8 London Plan

This application does not raise any 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.

The Westminster CIL liability, based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions, would be £36,278. The Mayoral CIL liability, again based on the floorspace figures in the applicant's

CIL form and assuming that the application does not qualify for any CIL exemptions, would be £4,008.

8.11 Environmental Impact Assessment

The application does not require an Environmental Impact Assessment. Where relevant, environmental issues are covered in other sections of the report.

8.12 Other Issues

Objection has also been raised on grounds of noise and general disturbance from construction works (objectors note that recent refurbishment works to other flats in the block and to create two mews houses to the rear have caused significant disturbance to neighbours in and surrounding the block). However, this is not a ground on which permission can reasonably be withheld. To mitigate noise from construction works a condition would have been recommended restricting the hours of noisy construction works.

Concerns have been expressed in relation to the extent of pre-application engagement by the applicant, the fact that many owners of flats in the building live abroad resulting reduced levels of response and as there are current issues with services in the building such as heating and hot water. However, these are not grounds on which planning permission could reasonably be withheld as they do not affect the planning merits of the currently proposed development.

On the issue of the impact on the services within the building, the applicant has confirmed that existing gas flues at roof level within the front chimney, which is to be partially demolished, will be redirected during the course of construction works. The applicant has also confirmed that the four remaining flats within the building that are provided heating and hot water via a communal boiler will continue to be served by this communal system and the new flat at roof level will have its own heating and hot water system.

9. BACKGROUND PAPERS

1. Application form.
2. Copy of appeal decision dated 8 April 2005 and relevant drawings.
3. Copy of decision letter dated 10 February 2014 and relevant drawings.
4. Email from the St. John's Wood Society dated 31 October 2016.
5. Memo from the Highways Planning Manager dated 10 October 2016.
6. Memo from the Cleansing Manager dated 10 October 2016.
7. Memos from Environmental Health dated 18 October 2016 and 23 November 2016.
8. Letter from the occupier of 14 Manor Apartments, 40 -42 Abbey Road dated 8 October 2016
9. Email from the occupier of 1 Blenheim Road dated 10 October 2016 and 20 February 2017.
10. Email from the occupier of 22 Manor Apartments, 40-42 Abbey Road dated 13 October 2016.
11. Email and letter from the occupier of 16 Abbey Court, Abbey Road, both dated 3 November 2016.

12. Email from the occupier of 17 Manor Apartments, 40-42 Abbey Road dated 15 February 2017.

(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: SARAH WHITNALL BY EMAIL AT SWHITNALL@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

Existing View



Existing View, looking north from Abbey Road

Current Proposal



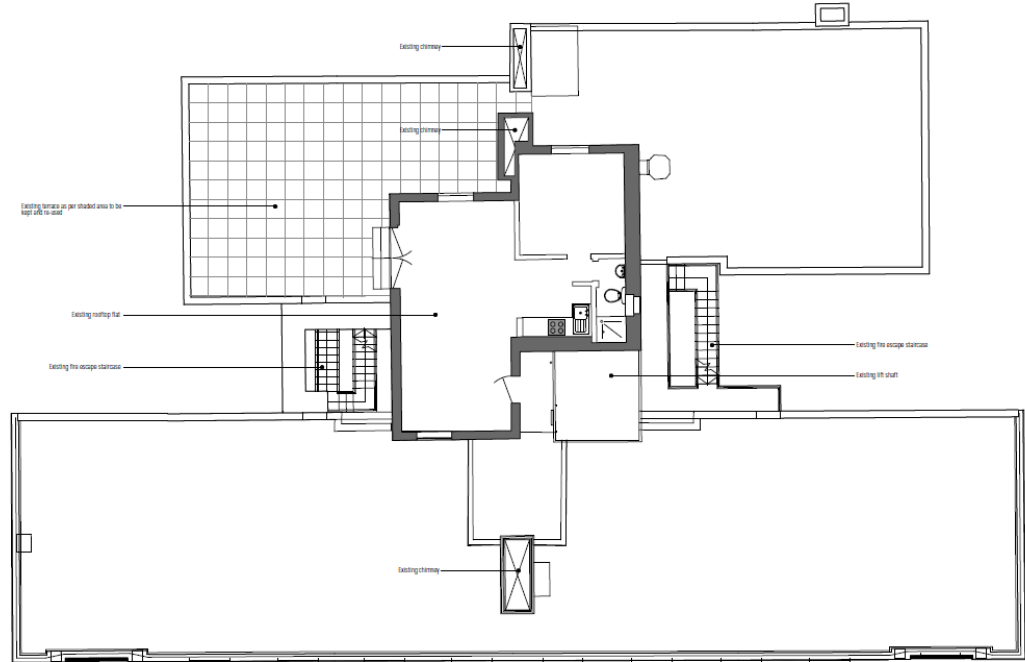
Verified View, looking north from Abbey Road



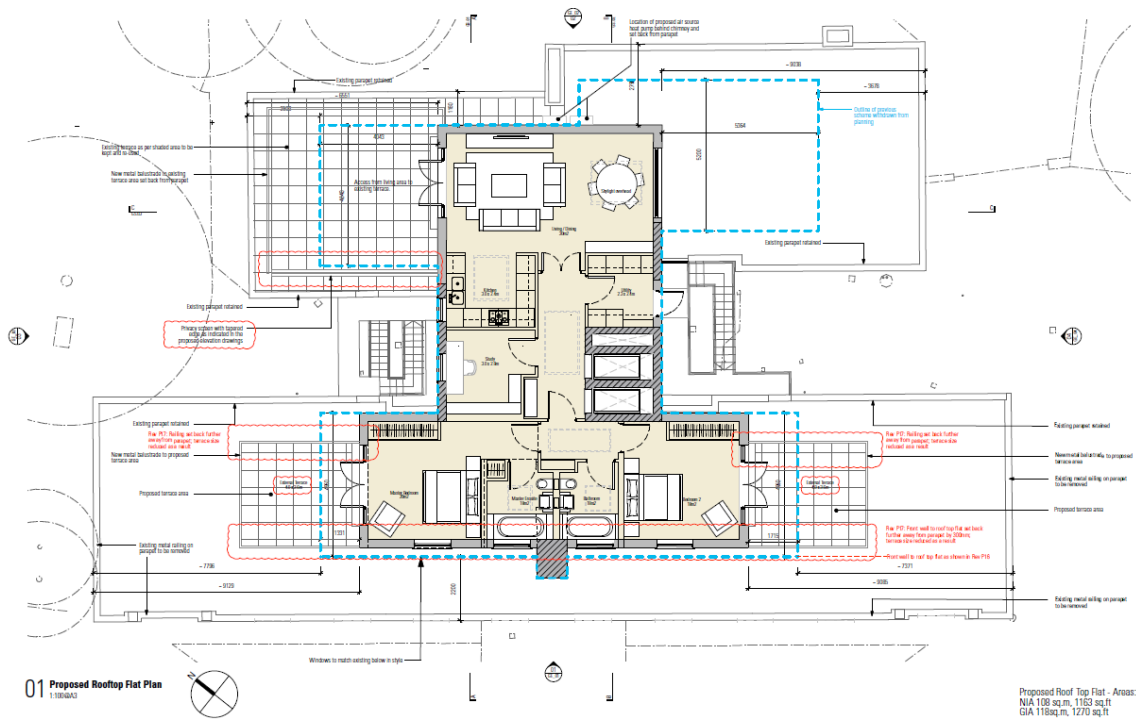
Existing View, looking east from Abbey Road



Verified View, looking east from Abbey Road

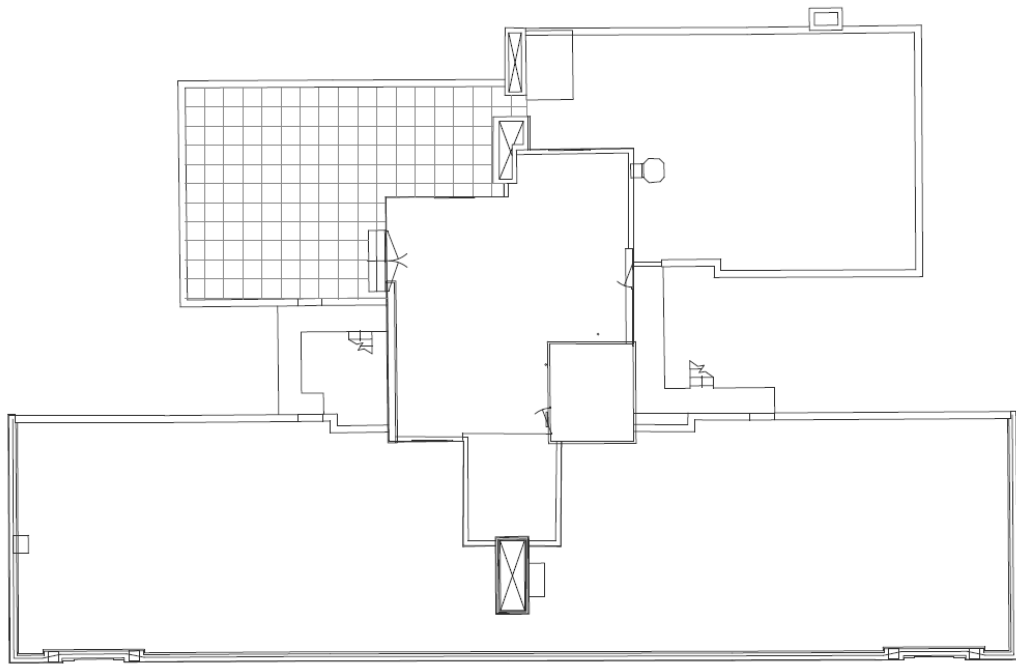


01 Existing Rooftop Flat Plan
1:1000/0A3

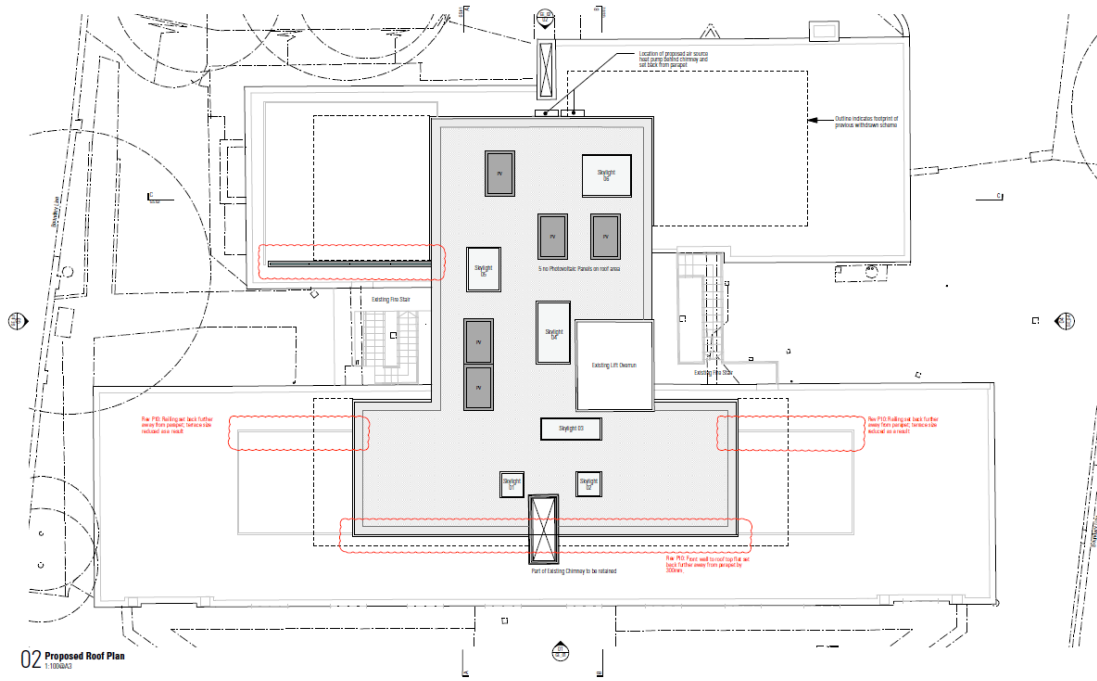


01 Proposed Rooftop Flat Plan
1:1000/0A3

Existing roof level plan (top) and proposed roof level plan (bottom).



01 Existing Roof Plan
1:100(DA)



02 Proposed Roof Plan
1:100(DA)

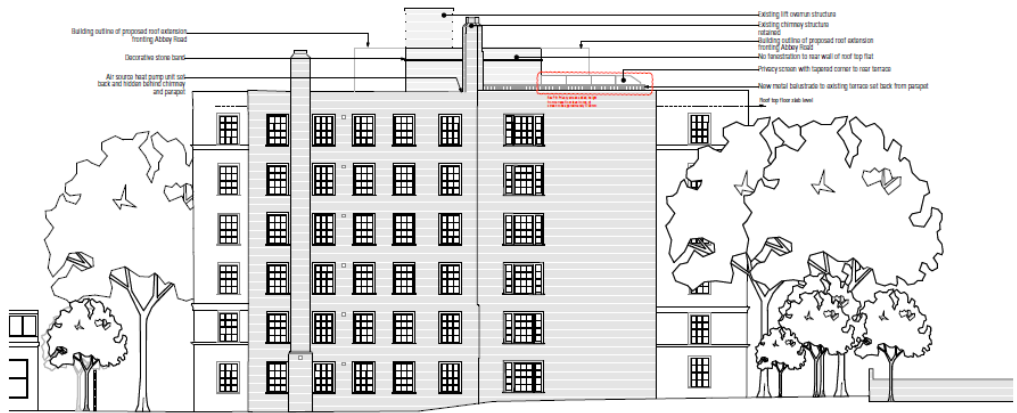
Existing roof plan (top) and proposed roof plan (bottom).



Existing and proposed front elevation.



EX-02 Existing East Elevation



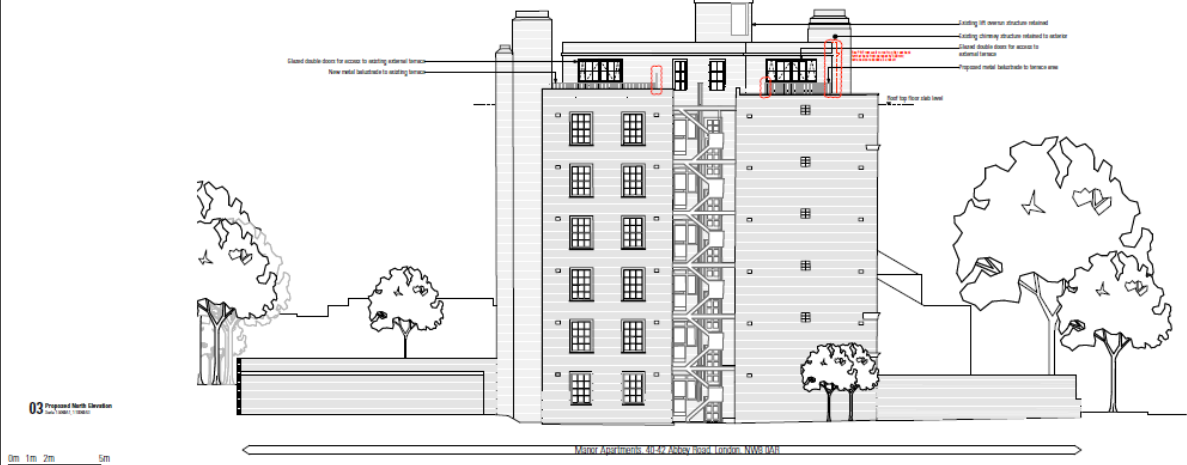
02 Proposed East Elevation

0m 1m 2m 5m

Existing and proposed rear elevation.



EX-03 Existing North Elevation

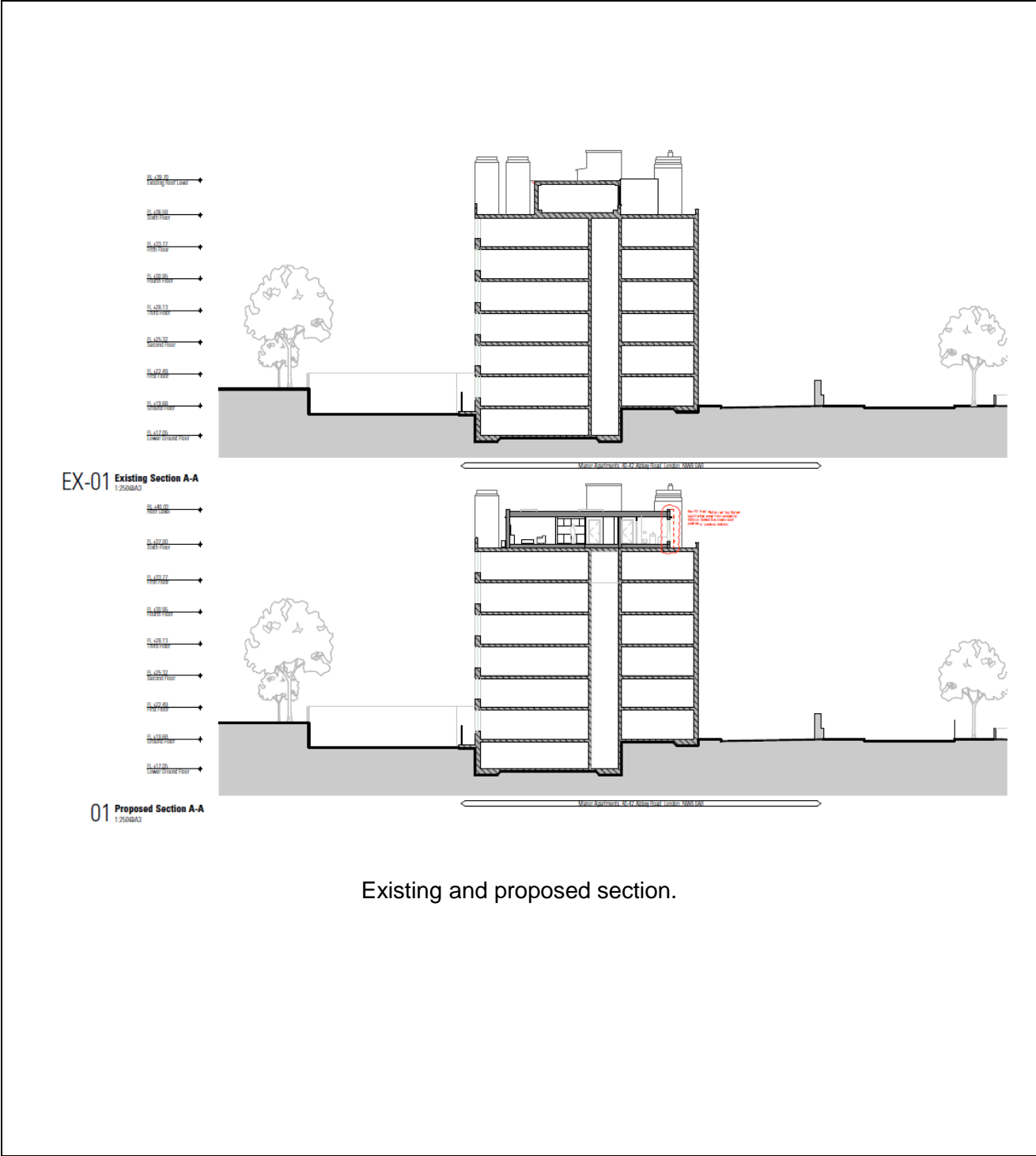


03 Proposed North Elevation

Existing and proposed side (north) elevation.



Existing and proposed side (north) elevation.



DRAFT DECISION LETTER

Address: Manor Apartments, 40 - 42 Abbey Road, London, ,

Proposal: Demolition of existing roof level structures and part of front chimney stack and erection of a single storey roof extension with roof terraces with associated balustrade and screening to provide one residential flat (Class C3) and installation of mechanical plant to rear at roof level.

Reference: 16/09157/FULL

Plan Nos: 573_S-00 Rev.P5, 573_EX_01 Rev.P1, 573_EX_RF Rev.P1, 573_GA_01 Rev.P17, 573_GA_RF Rev.P10, 573_GE01 Rev.P9, 573_GE02 Rev.P8, 573_GE03 Rev.P8, 573_GE04 Rev.P8, 573_GS_01 Rev.P7, 573_GS_02 Rev.P7, 573_GS_03 Rev.P5, Design and Access Statement dated January 2017, Heritage Impact Assessment and Visual Assessment of Effects Statement dated September 2016, Energy Statement dated December 2016, Sustainability Statement dated 30 August 2016, Planning Statement dated September 2016, Statement of Community Involvement dated August 2016 (for information only) and Structural Report (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 5 The new windows shall be formed in glazing with white painted timber frames.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 6 The new railings to roof level shall be formed in black metal, and maintained in that colour 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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 7 Prior to the occupation of the flat hereby approved, the existing railings to the front and side parapets to the front wing of the building and the finial structures mounted on the front parapet shall be removed and the parapet made good.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 8 (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 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 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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.

- 9 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (UDP), 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.

- 11 You must not use the roof of the building (except where it is marked as a roof terrace on the drawings hereby approved) or the roof of the extension for sitting out or for any other purpose. You can however use the roofs 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)

- 12 You must provide the obscure glazed privacy screen shown on 573_GA_01 Rev.17 and 573_GE02 Rev.P8 prior to occupation of the seventh floor flat and thereafter you must permanently retain the privacy screen in the approved location and it must remain obscure glazed.

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)

- 13 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.

- 14 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at main roof level.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the 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)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 4 Conditions 8, 9 and 10 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)

- 5 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: , <http://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.**

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.