

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 4 July 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>27 Saxon Hall, Palace Court, London, W2 4JA,</b>		
<b>Proposal</b>	Erection of a single storey roof extension and external alterations, to create a second floor level of habitable accommodation.		
<b>Agent</b>	Miss Laura Dimond		
<b>On behalf of</b>	Mr Michael Wrennall		
<b>Registered Number</b>	17/01729/FULL	<b>Date amended/ completed</b>	2 March 2017
<b>Date Application Received</b>	27 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to the construction of an additional storey to the two storey dwellinghouse recently constructed to the rear of Saxon Hall on Palace Court. Saxon Hall is a purpose built residential block on the eastern side of Palace Court. Other alterations relate to the construction of a door opening at first floor level to provide access to the flat roof of the recently completed lower ground floor infill extension, for emergency access only.

Letters of objection have been received in relation to the increase in scale of this infill development as detailed in the planning history, increased sense of enclosure, loss of light and unacceptable townscape implications as a result of additional storey, and loss of amenity due to creation of access onto flat roof of lower ground floor extension.

The key issues for consideration in this application are:

- The impact of the proposed extension and alterations on the character and appearance of the Bayswater Conservation Area;
- The impact of the proposed extension and alterations upon the amenity of adjacent properties.

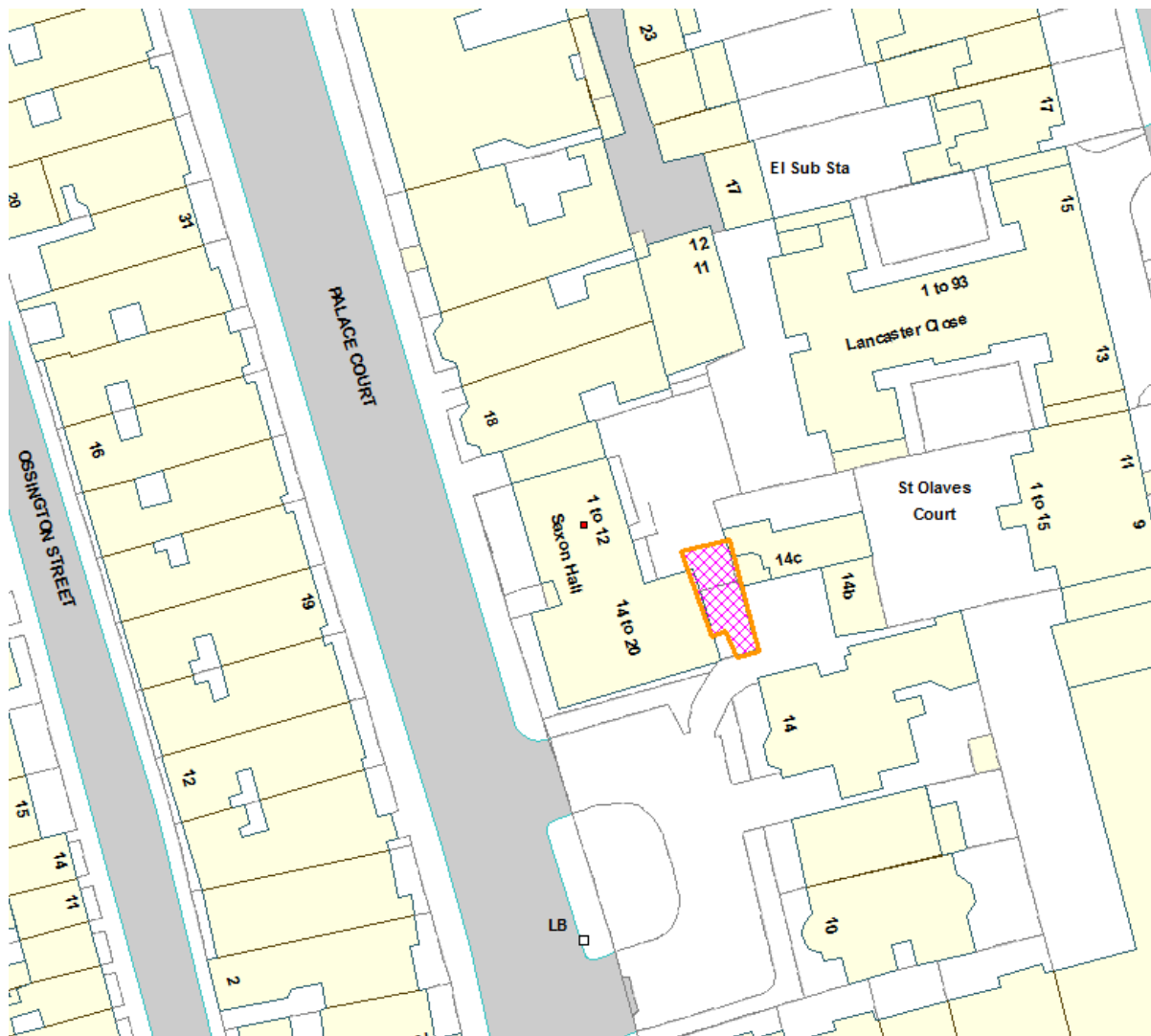
Revised plans have been received securing the use of the roof of the extension for emergency and maintenance access only and for the reasons set out within the report, notwithstanding the objections

Item No.
----------

<b>3</b>
----------

received, the proposals are considered to comply with the relevant policies within the City Plan and UDP and is recommended favourably, subject to conditions.
--

### 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

4. PHOTOGRAPHS

Aerial photograph, application site highlighted.



North (front) elevation



**South (rear) elevation with newly erected lower ground floor extension in foreground**



**South elevation with front of 14C Palace Court to the right**



## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

Any reply to be reported verbally

### WESTMINSTER PLANNING ENFORCEMENT

Current application creates access to green roof which is not currently conditioned to prevent its use as an outside amenity space.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102

Total No. of replies: 10

No. of objections: 6 (4 from one property)

No. in support: 4

Six objections received on behalf of 4 properties on the following grounds:

#### Land Use:

- Incremental increase in size of residential unit

#### Design:

- Loss of separation between application site and 14c Palace Court;
- Proposals out of keeping with character of area;

#### Amenity:

- Loss of light
- Increased enclosure
- Overlooking and loss of privacy from proposed south facing (rear) windows and through use of flat roof of lower ground extension as terrace;
- Noise transference.

#### Other:

- Noise and disruption on road/traffic access on Palace Court
- No notification of planning application received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to a new infill development originally granted planning permission in 2011 currently undergoing construction. It is a two storey single dwellinghouse (comprising 1 bedroom), constructed at the rear of a post war residential block of flats, Saxon Hall. The site lies on the eastern side of Palace Court and next to a two storey dwellinghouse with mansard roof, No. 14B Palace Court (previously known as 14 B and



14C Palace Court). The building is not listed but lies within the Bayswater Conservation Area. Buildings to the immediate south of the site, within the private crescent of Palace Court, are Grade II and Grade II\* listed. Applications 10/08269/FULL and 13/07714/FULL are those which created the existing one bedroom dwelling to which this application relates.

## 6.2 Recent Relevant History

10/08269/FULL

Alterations and excavation at lower ground floor level to create a three bedroom flat with new double height rear extension (to south east corner of application site), lightwells, windows, doors and green roof and walls.

Application Permitted 14 April 2011

11/01453/FULL

Conversion of part lower ground floor to create one-bedroom flat and associated external alterations involving the introduction of new windows and doors.

Application Permitted 21 July 2011

12/05820/FULL

Lowering of rear courtyard, alterations to external staircase, and alterations to access ramp.

Application Permitted 28 May 2013

12/10510/FULL

Variation to Condition 1 of planning permission dated 14 April 2011 (RN: 10/08269/FULL) for alterations and excavation at lower ground floor level to create a three bedroom flat with new double height rear extension (to south east corner of application site), lightwells, windows, doors and green roof and walls., namely to revise internal layout of the approved flat and minor alterations to fenestration.

Application Permitted 21 October 2013

13/07714/FULL

Conversion of 1x3 bed flat in rear south east corner of site to 1x1 bed and 1x2 bed flats and associated external alterations including installation of rooflight, fenestration changes and subdivision of existing terrace.

Application Permitted 3 February 2015

14/00018/FULL

Conversion of part lower ground floor to create two-bedroom flat and associated external alterations including new windows and doors, and rear terrace with trellis screening.

Application Permitted 3 February 2015

16/10856/FULL

Infilling of lightwell to the rear of site at ground floor level to create an extension to an existing flat (Flat 27) and creation of a roof terrace.

Application Permitted 19 January 2017

## **7. THE PROPOSAL**

The proposal is to construct an additional storey to the existing two storey (1 bedroom) dwellinghouse positioned to the rear of Saxon Hall, to provide additional living accommodation. Other alterations include the creation of a door opening at first floor level providing maintenance access onto the flat roof of the newly constructed ground floor infill extension recently granted planning permission 19 January 2017.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of creating more internal living space in connection with the existing dwellinghouse accords with policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2016). Objections have raised concerns to the incremental increase in scale of the building. This current application however has to be considered on its own merits and the increase in living space in land use terms is not objectionable.

### **8.2 Townscape and Design**

The existing building is a new infill development, granted planning permission originally in April 2011. Since that time subsequent permissions have been obtained for cosmetic alterations mainly, and for the conversion from two flats into a single dwelling. The most recent permission dated 19 January 2017 related to the erection of a lower ground floor infill extension (occupying an originally approved lower ground floor courtyard).

The proposed additional storey facilitates the creation of a second floor bedroom and study. The additional storey follows the same footprint as the host building. The front façade of the host building projects forward of the northern (side) elevation of the adjacent part of Saxon Hall by 4.7m. The host building and therefore the extension, also sits forward of the rear elevation of 14b Palace Court by some 1.2m. The rear façade of the host building and extension is set back by 1.7m behind the front elevation of 14B Palace Court. The roof extension will add a further 1.5m of vertical mass to the building, which lines up with the roof coping stones of the parapet wall at 14B Palace Court. The additional height amounts to a half storey (1.5m), made possible by lowering the internal ceiling height of the existing first floor. The design would be consistent with the existing buildings brick material with fenestration to the front and rear to match. In massing and detailed design terms, the proposals are considered acceptable.

A neighbour raises an objection in relation to the loss of the separation between no.14C Palace Court and the rear façade of Saxon Hall and the views through the site this enables. The City Council's Design policies, specifically DES 4 (infill development) encourage the retention of separation between buildings that are distinctive and characteristic of the townscape. In this instance this is a back land site and does not form part of an overall consistent pattern, visible in important streetscape views and as such that the marginal reduction of separation at second floor level between the two buildings, Saxon Hall and 14B Palace Court, is not considered to result in material harm in respect to townscape and urban grain.



The works are considered to preserve the character and appearance of the Bayswater Conservation Area and are not considered to harm the setting of the adjacent listed buildings.

### 8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received from residents of flats within Saxon Hall, who's ground, first and second floor windows on the eastern elevation and the north elevation of the rear projecting bulk adjacent the application proposals, on grounds of losses of daylight and increased sense of enclosure as a result of the increase in scale. They also object to the creation of a door leading onto the roof of the lower ground floor infill extension, a concern that is shared by 14B Palace Court.

#### Daylight/Enclosure

Application of the 45 degree indicator within the BRE guidelines, that stipulates some reductions in daylight may be experienced if the midpoint of an affected window falls below a notional line of 45 degrees taken from the edge of the enlarged structure, in this case the parapet of the extension, indicates that there may be a reduction towards the first floor windows of Saxon Hall within the north and east facades.

Whilst this is noted, the additional massing is limited to 1.5m in height, which within the context of the building as a whole is unlikely to be appreciable from these windows and any reductions upon daylight would be marginal. Moreover the works do not impede upon the reductions negotiated at the time of the original permission in 2011 whereby the rear façade was pulled backwards away from the adjoining first floor kitchen window on the south east elevation of Saxon Hall. As such, whilst the concerns of neighbours are acknowledged, it is not considered the additional 1.5m in height amounts to significant harm that would justify withholding planning permission on these grounds.

There will be no loss of light to the north facing window in the rear façade of 14B Palace Court, adjacent the site.

It is not considered that at 1.5m high, the proposed extension would result in any significant sense of enclosure to residents in Saxon Hall. The roof extension at 1.5m in height, projecting some 1.2m forward of the rear façade of 14B Palace Court, is not considered to give rise to any detrimental sense of enclosure to the first floor window.

#### Privacy

The proposed door leading onto the roof of the recently completed single storey lower ground floor infill extension is proposed to facilitate emergency access. Revised plans

have been provided during the course of this application removing any reference to its use as a terrace, including new annotations to clarify the use of the roof and door is for emergency and maintenance only.

It is important that the roof is not used as a recreational or amenity space given its proximity to first floor habitable room kitchen window within Saxon Hall. The previous consent for the infill extension dated 19 January 2017 did not restrict access to the roof for emergency purposes only as the plans did not show any means of access. In this instance, such a condition is recommended given access is proposed, and subject to its inclusion in the decision notice, concerns regarding the impact of activity on the roof are allayed.

The new window (serving the study) and door in the rear elevation is not considered to give rise to overlooking from within these rooms to the windows in the eastern elevation of Saxon Hall.

Given the constrained nature of the site, it is considered necessary to remove permitted development rights under Class A of the Town and Country Planning General Permitted Development Order 1995 (as amended). This will be secured by planning condition.

The proposals are considered to comply with the City Council's amenity policies.

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

Objections have raised concerns with regard to impact on traffic and road access to Palace Court. Given the nature of the proposals which are limited to creation of an additional floor to an existing dwelling, the impact upon the local highways network is considered to be negligible.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

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

The neighbour at 14B Palace Court raises concerns with regards to the transmission of sound from the new second floor into the adjacent dwellinghouse. Concerns relating to the transmission of sound in these circumstances is a Building Control matter in relation 'Approved Document E, Resistance to the passage of sound'.

#### **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.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The estimated CIL payment would be £12,400 for Westminster's CIL (£400 per square metre in the Residential Core Area), and £1,550 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Planning Enforcement, dated 23 March 2017.
3. Letter from occupier of Flat 26 Saxon Hall, Palace Court, dated 17 March 2017.
4. Letter from occupier of 108 Holland Park Avenue, London, dated 17 March 2017.
5. Letter from occupier of 14B Palace Court, Palace Court, dated 19 March 2017.
6. Letter from occupier of 3 Saxon Hall, Palace Court, dated 22 March 2017.
7. Letter from occupier of 25 Saxon Hall, 16 Palace Court, dated 27 March 2017.
8. Letters from occupiers (x3) of Flat 6, 16 Palace Court, dated 28 March 2017 and 29 March 2017.
9. Letter from occupier of 23 Saxon Hall, 16 Palace Court, dated 28 March 2017.
10. Letter from occupier of Flat 2, Saxon Hall, 16 Palace Court, London, dated 29 March 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: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS

Existing floor plans/elevations



Proposed plans/elevations



**DRAFT DECISION LETTER**

**Address:** 27 Saxon Hall, Palace Court, London, W2 4JA

**Proposal:** Erection of a single storey roof extension and external alterations to create a second floor level.

**Plan Nos:** Location Plan, 1589 -p41 rev N, 1589 - x40 rev C, Email from Maddox Associates dated 27 April 2017.

**Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

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

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

**Reason:**

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

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

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

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

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

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in 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 Bayswater 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 You must install the green roof in accordance with the drawings hereby approved prior to occupation of the extension and it shall be retained 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 Bayswater 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 You must not use the roof of the lower ground floor rear extension permitted under RN:16/10856/FULL for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

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)

#### **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 You are advised that the door permitted at first floor level is to be used for emergency or roof maintenance purposes only and shall be kept permanently shut unless in use for the above reasons.