

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	6 Bark Place, London, W2 4AX		
Proposal	Erection of full width single storey rear extension at ground floor level.		
Agent	Mr Haslam		
On behalf of	Blair		
Registered Number	18/05090/FULL	Date amended/ completed	10 October 2018
Date Application Received	18 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

This application relates to a single terraced dwellinghouse located within the Bayswater Conservation Area. Permission is sought for the erection of a single storey rear extension at ground floor level. The extension is to replace an existing conservatory to the rear.

Objections have been received on several grounds, including with respect to the impact on a bay tree located within the adjacent garden of 2 Lombardy Place; the design and scale of extension not being in keeping with the conservation area; loss of light to neighbouring properties; proposed solar panels are inappropriate and the proposed meter box to the front is out of keeping with the property and conservation area.

The key considerations relate to:

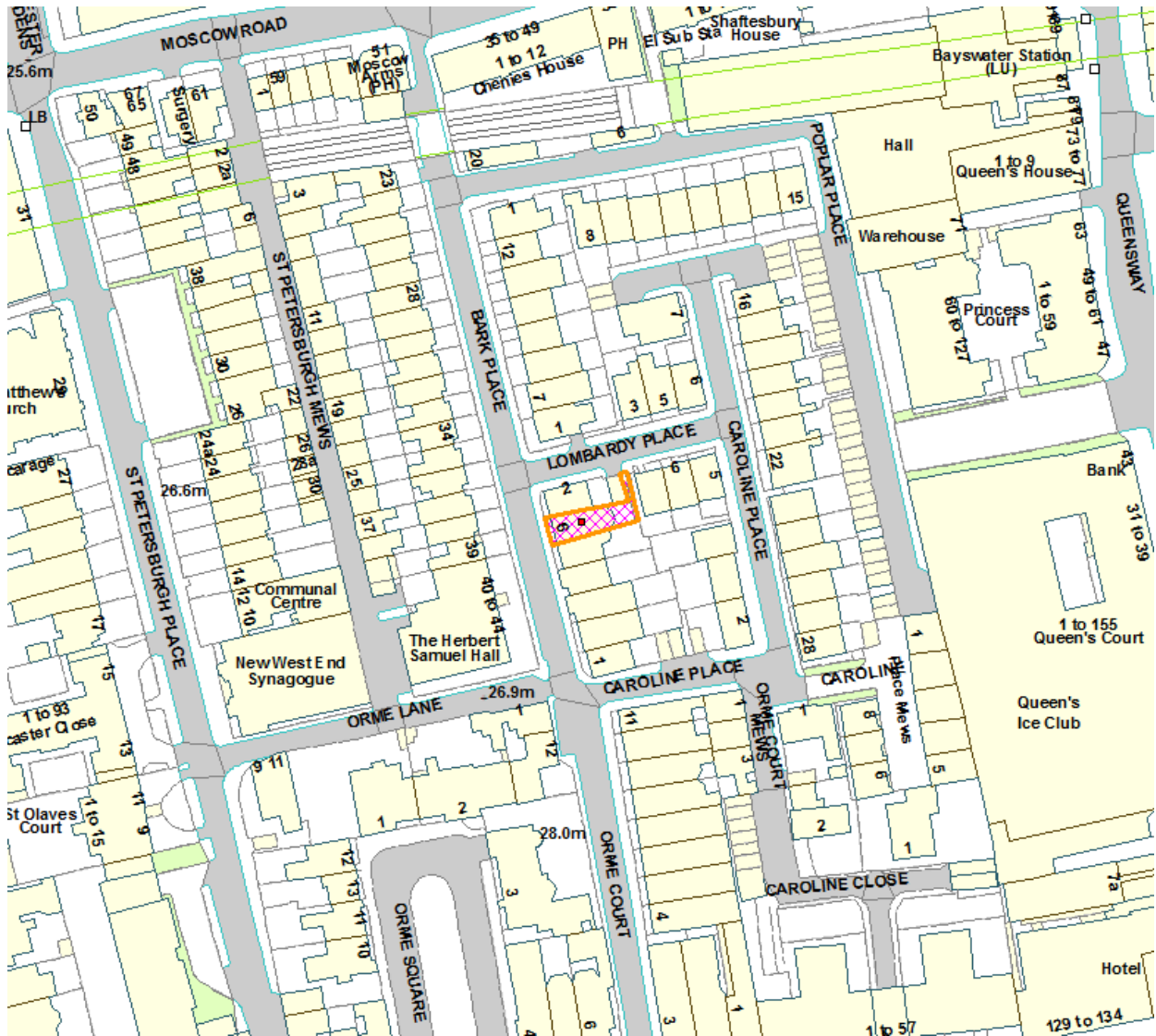
- Impact of the development on the amenity of adjacent occupiers;
- Impact of the development on the character and appearance of the Bayswater Conservation Area; and
- Impact of the development on the bay tree within adjacent garden at 2 Lombardy Place

Following advice from Officers, revisions were submitted to the Council and a subsequent further round of consultation undertaken. The revisions include the following:

- Revised Arboricultural Impact Assessment to include details and results of trial excavations;
- The omission of the meter box from the front elevation;
- Existing and proposed plan showing immediately surrounding properties in context; and
- Roof plan and section of the roof showing proposed rooflights to extension in profile

The revised proposals are considered to be acceptable in design and amenity terms and in terms of impact on the adjacent bay tree, and would comply with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for approval subject to the conditions as set out in the draft decision letter.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS

Front Elevation



Rear Elevation



## 5. CONSULTATIONS

### *Initial Consultation*

#### COUNCILLOR DAVIS

Supports the objections sent by a neighbouring resident

#### BAYSWATER RESIDENTS ASSOCIATION

Supports the objections sent by local residents in terms of size of extension and overlooking.

#### ARBORICULTURAL MANAGER

Initially objected on grounds of the likely harm to the bay tree, both to its roots and crown. The latest revision to the Arboricultural Impact Assessment (AIA) addresses all concerns, and subject to a condition requiring protection of the bay tree according to the details submitted in this AIA and a condition requiring details of a maintenance regime for the roof and gutters, there is no objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 11 (*Some multiple responses, see background papers. 9 representees in total, 3 on behalf 2 Lombardy Place*)

No. of objections: 9

No. in support: 0

#### *Design and townscape*

- Proposed meter box on the front of property out of character with the building and conservation area;
- Proposed solar panels to the rear inappropriate and out of character with the conservation area;
- Proposed extension is overly large/out of scale/dominant/taking up large area of the garden; would be visible to houses and gardens of Caroline Place;
- Design of extension out of character with appearance of the rear of 1-6 Bark Place;
- The 'provision of an outward-opening door' is not acceptable in design terms;

#### *Impact on bay tree in adjacent garden of 2 Lombardy Place*

- The extension will have a harmful impact on the roots of the adjoining bay tree;
- Some of the information submitted within the Arboricultural Impact Assessment has been highlighted as points of concern by an objector as they discuss the impact of works on the tree
- It is considered that the party wall between 6 Bark Place and 2 Lombardy Place would have to be rebuilt, and this would have an impact on the bay tree;

#### *Amenity*

- The sloping roof of the extension is to start from the height of the first floor window sill which is taller than the other comparable extensions
- The extension will have a detrimental effect on 2 Lombardy Place and the occupiers' enjoyment of their living room and external space;

*Other*

- Bats either roost on the tree or feed on the leaves of the bay tree; this should be taken into account
- The proposed extension is to sit on the boundary; the existing conservatory is within the boundary of the property and other extensions in the area are within the boundary of the application properties;
- The rear extension should match those of 2 and 3 Bark Place;
- There are no measurements showing the height of the proposed extension;

***Revised proposals consultation responses*****BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 56

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Many of original concerns were reiterated plus additional points as summarised below:

*Design*

- The proposed rooflights should have brown or black frames rather than white frames as they would blend in with the brickwork
- The revised drawings do not propose solar panels on the roof of the extension; solar panels would not be suitable for the main roof of the house as that is visible from surrounding streets; would like to know where they are now proposed;

*Impact on the bay tree in adjacent to the garden of 2 Lombardy Place*

- The proposals still take no account of the points previously raised and the damage that the proposed extension will cause to the tree and that the extension incorrectly assumes the acceptability of being able to rebuild the Party Fence Wall

*Amenity*

- The proposed rooflights should be obscure glazed and restricted in opening to reduce light pollution and impact on privacy of neighbouring property;
- A condition should be attached requiring blinds are fitted to the rooflights for use during hours of darkness;

*Other*

- It would be nice if a small tree could be planted at the end of the rear garden to provide a pleasing visual screen as well as being helpful to birds

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted two storey terraced property in use as a single dwellinghouse located on the eastern side of Bark Place within the Bayswater Conservation Area. The property has an existing conservatory extension, which has been in situ since at least February 2001. The existing conservatory is set in from both side boundaries by 0.3m and has a maximum depth of 3.8m; has a height of 2.75m to the eaves and 3.55m to the ridge. To the north, the application site shares a side boundary with 2 Lombardy Place, which has a bay tree located in proximity to the party wall with 6 Bark Place.

### 6.2 Recent Relevant History

*Planning application for 6 Bark Place:*

18/03585/FULL

Erection of full width single storey rear extension at ground floor level and full width rear dormer window extension.

Application Withdrawn 13 June 2018

*Planning Enforcement record for 6 Bark Place:*

01/20008/M

Conservatory at rear ground level

Case closed after confirming that the conservatory falls within permitted development.

27 February 2003

*Planning application for 3 Bark Place:*

05/08951/FULL

Erection of rear ground floor extension and an attic conversion with rooflights

Granted 23 December 2005

*Planning application for 2 Bark Place:*

06/07401/FULL

Erection of ground floor rear extension and installation of rooflights in front and rear roof slopes.

Granted 24 November 2006

## 7. THE PROPOSAL

Permission is sought for the erection of a rear ground floor extension, which would replace the existing conservatory extension. The new extension would span the full width of the house and have a sloping roof. It would project 4.0m in depth from the rear wall and have a height of 2.6m to the eaves and 3.6m where it meets the dwellinghouse.

The application has been amended in response to residents and officers concerns. A revised Arboricultural Impact Assessment including details and results of trial excavations to assess the impact on the bay tree has been submitted. The meter box proposed on the front elevation has been omitted. The drawings now clearly show three rooflights, which are shown in a roof plan and section drawing submitted at a later stage. For information only, an existing and proposed drawing has also been submitted showing immediately surrounding buildings in context. The applicant has also confirmed that they are no longer proposing to use photovoltaic panels to the roof of the proposed extension.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of additional floor space to the existing house is in line with policies H3 of the UDP and S14 of the City Plan.

### **8.2 Townscape and Design**

*Background, revised drawings and permitted development rights*

Since the original submission of the application, the application has been revised and it is no longer proposed to install a meter box on the front elevation of the property. The submitted Design and Access Statement also mentions the possible use of photovoltaic panels on the sloping roof of the proposed extension. Revised drawings have been submitted that indicate that three rooflights are proposed within the roof of the extension. The Design and Access Statement, whilst providing supporting information to the application, contains inconsistencies with the submitted drawings. In this case, it would not be an approved document should the application be approved.

Objectors have queried the possible use of photovoltaic panels to the main roof of the property and there has also been a query regarding the replacement of the front door. Although the property is located within a conservation area, the property is not listed and there are no other restrictions to permitted development rights to the property, and as the property is a dwellinghouse it benefits from permitted development rights. This means that some alterations, including the replacement of the front door and the installation of photovoltaic panels may benefit from permitted development providing they comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notwithstanding the above, the subject of this current planning application is the proposed extension to the rear and does not include any alterations to the front of the property or main roof of the property. The applicant has also confirmed that photovoltaic panels are not proposed to the roof of the proposed extension.



### *Proposed Extension*

The proposed rear extension is a more visually solid extension compared to the existing conservatory. However, three rooflights are proposed, as are glazed doors across the rear elevation. It is not significantly deeper than the maximum depth of the existing conservatory, being 0.2m deeper into the garden. This additional depth is not considered so significant that there would be an unacceptable loss of the garden. It would also not result in an extension that dominates the original dwellinghouse.

There are existing extensions to the rear of no. 3 and no. 2 Bark Place which have been granted planning permission in 2005 and 2006 respectively (See section 6.2 of this report on Recent and Relevant History). These extensions have flat roofs and many objectors consider that the proposed extension should also have a flat roof. However, the proposed extension replaces a relatively large and incongruous pitched roof conservatory that features are flat roof extensions. Although the extension that would replace the conservatory would have a sloping roof, it would be an enhancement in comparison to the conservatory it replaces.

An objector queries an 'outward opening door' that is mentioned in the submitted Design and Access Statement. Such a door would not be considered inappropriate in design terms and an objection on this basis would not be sustainable.

Notwithstanding the details of the proposed materials as stated on the application form, a condition is recommended requiring further details of the proposed external materials for the extension.

Overall, the proposed extension would preserve the character and appearance of the host building and this part of the Bayswater Conservation Area. The application is in accordance with policies S25 and S28 of the City Plan and DES 1, DES 5 and DES 9 of the UDP.

## **8.3 Residential Amenity**

Policies S29 in the City Plan and ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals, which result in a material loss of daylight/sunlight, particularly to existing dwellings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly to gardens, public open space or on adjoining buildings, whether in residential or public use.

The existing conservatory has glazing in the side elevations facing neighbouring gardens on either side at 5 Bark Place and 2 Lombardy Place. The proposed extension that is to replace this conservatory is to have a brick wall and no windows in the side elevations. The extension is to be built up to the side boundaries of the application site and have a depth of 4.0m, with a sloping roof to a height of 2.6m to the eaves and 3.6m to the ridge. Whilst this is greater in depth than the existing conservatory, this is only by a further 0.2m. The existing conservatory is set in from both neighbouring boundaries by 0.3m on either side; however the proposed extension is to be built up to both side boundaries. The proposed extension projects 1.0m deeper than what could be built

under permitted development, and that it replaces an existing extension, which has a maximum depth of 3.8m.

#### *Sense of Enclosure and Sunlight and Daylight*

The extension would be greater in depth than the existing conservatory, as well as being built up the shared side boundaries with 5 Bark Place and 2 Lombardy Place. It would also be higher on the boundary at the point that it meets the original building. However, it is to have a sloping roof, which would reduce the impact towards the end of the extension, where it reduces to 2.6m in height to the eaves. The existing bay tree in the garden of no. 2 Lombardy Place also provides natural screening to the residents of this neighbouring property from the extension. On balance, the extension would not be significantly larger than the existing conservatory and therefore it is not considered that it would have an unduly harmful impact on neighbouring residential amenity in terms of sense of enclosure or in terms of a reduction in sunlight and daylight, to warrant a refusal in this case.

#### *Privacy and Light Pollution*

Objections have been received from adjoining neighbours with regards to the proposed rooflights resulting in light pollution and impacting on privacy. It has been suggested by neighbours that a condition should be attached either requiring obscure glazing or blinds fitted to reduce light pollution. However, it is not considered reasonable to impose such a condition for rooflights in this case, particularly as the existing conservatory is of a glazed structure and is likely to emit a greater amount of light, including through the roof, than the proposed rooflights would in this case. It has also been suggested that the opening of the rooflights be restricted. There are other existing extensions on Bark Place, including at no. 2 and no. 3, neither of which have no such conditions in relation to the rooflights when permission was granted for them. (RN 05/08951/FULL in relation to 3 Bark Place, granted 23 December 2005 and RN 06/07401/FULL in relation to 2 Bark Place, granted 24 November 2006). Consequently, it is not considered reasonable to impose such a condition in this case. The existing conservatory also has glazing on side elevations, although some of it is at high level. The proposed extension does not include any windows on the side elevation, which is less intrusive in terms of privacy and light pollution in this respect.

The proposed extension is in accordance with ENV13 of the UDP and S29 of the City Plan, and is therefore acceptable on amenity grounds.

## **8.4 Arboricultural Matters**

The Arboricultural Manager raised concerns in relation to the impact of the development on the bay tree which is located within the neighbouring garden of 2 Lombardy Place, in proximity to the boundary wall between 6 Bark Place and 2 Lombardy Place. During the course of the application, further information has been provided by the applicant and the Arboricultural Impact Assessment (AIA) has been revised to incorporate this information. This includes the findings of a trial excavations adjacent to the proposed works at the closest part to the trunk of the bay tree, which were carried out below foundation depth. The Council's Tree Officer who inspected these trial excavations confirms that no significant roots were observed to be growing beneath the foundations.

On this basis, the Tree Officer does not consider that the rear excavations to form the foundations for the extension will cause significant harm to the bay tree, and raises no objections, subject to a condition requiring tree protection measures in accordance with those stipulated within the revised AIA. A further condition is also recommended requiring details of a maintenance regime for the roof and gutters within 1 year of the completion of the extension. This is to ensure that the tree would not become subject to undue post-development pressure for inappropriate pruning or removal.

The submitted AIA is based on the retention of the boundary wall between 6 Bark Place and 2 Lombardy Place, and the Tree Officer's assessment has been made on that basis. The applicant has confirmed that this party wall is not proposed to be removed. As it is likely that the removal of the party wall may have an adverse impact on the bay tree, a condition requiring the retention of this party wall is also recommended.

### **8.5 Transportation/Parking**

The proposed enlargements would not alter the use of the property from a single dwelling and therefore the impact upon the local highways and parking impact would be negligible. The building would remain capable to providing dedicated refuse and recycling storage.

### **8.6 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.7 Access**

No change to existing arrangements.

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

Not applicable

### **8.9 London Plan**

This application raises no strategic issues.

### **8.10 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. There are no pre-commencement conditions recommended should permission be granted.

### **8.11 Planning Obligations**

Planning obligations are not relevant in the determination of this application. In addition, the proposed development is not liable under the Community and Infrastructure Levy Act given that the works are an extension to an existing dwellinghouse.

## 8.12 Other Issues

Objections have been received from neighbours with regards to the lack of dimensions annotated on the submitted drawings. The submitted drawings include scale bars on them which enables measuring the existing and proposed dimensions, and there is no requirement to provide annotation of the dimensions on the drawings.

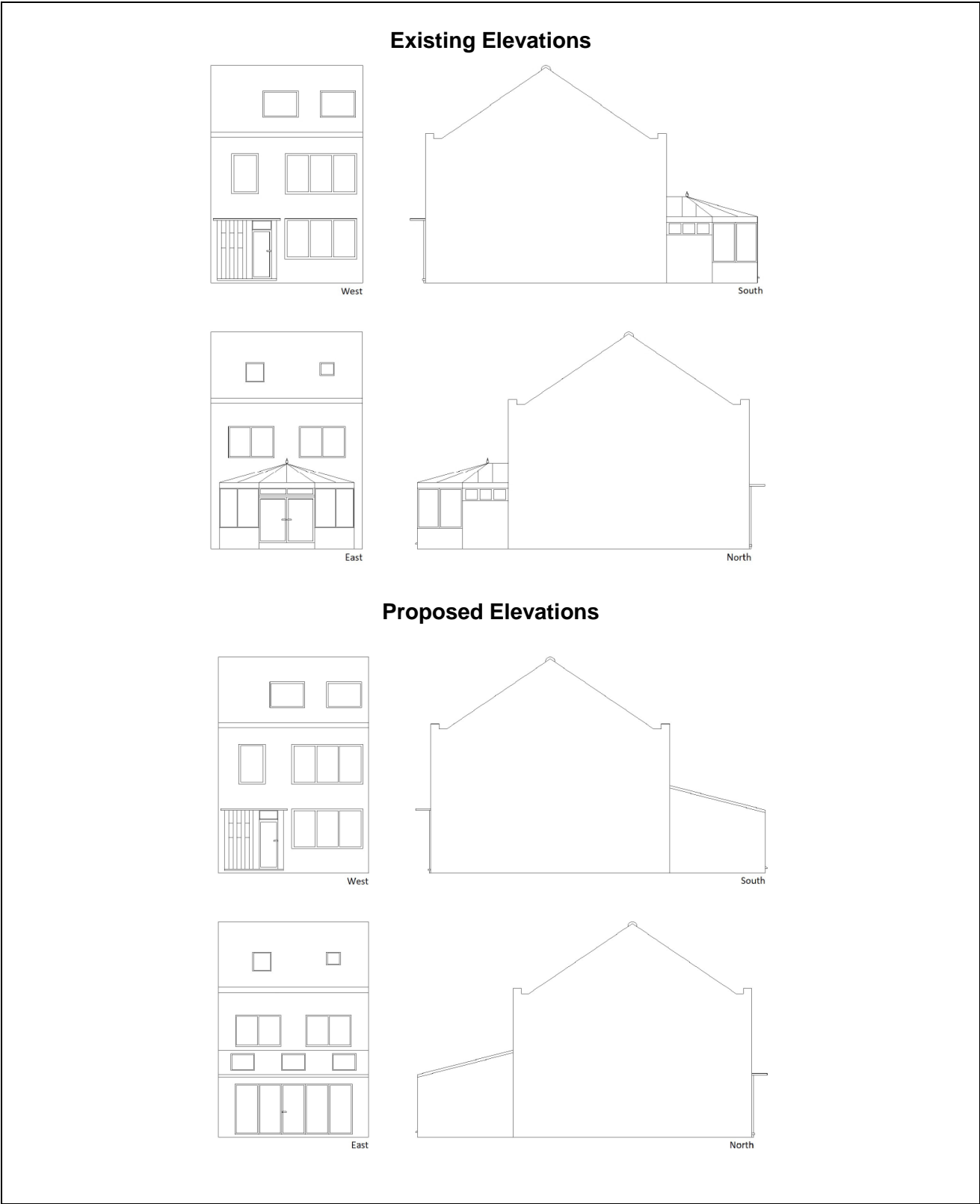
A suggestion has been made by one neighbour that a small tree should be planted in the rear garden. There is no existing tree in the rear garden that would be removed as a result of the proposed extension, and it is not considered reasonable to require a tree to be planted as part of this application.

Concerns have also been raised by some residents with regards to bats roosting on the bay tree or feeding on the leaves of the bay tree. There is no evidence of any bat activity around the tree, however, should there be any bat activity the applicant will be advised of the requirements of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000, or any acts offering protection to wildlife by informative, should the application be supported.

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).

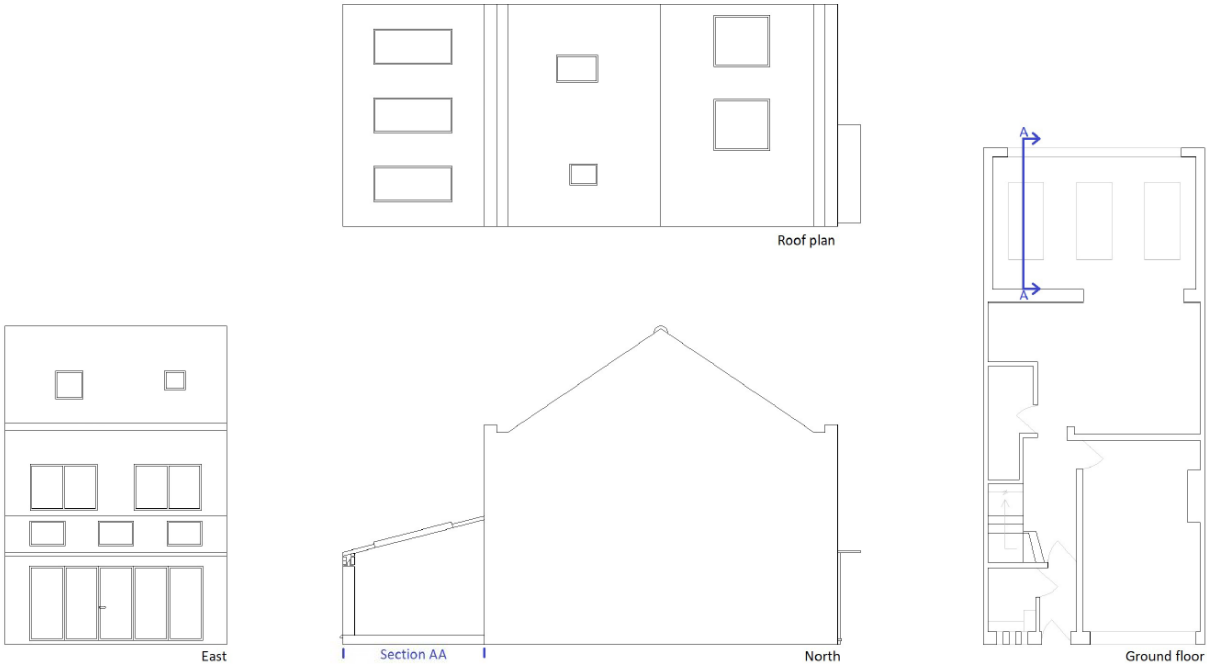
9. KEY DRAWINGS



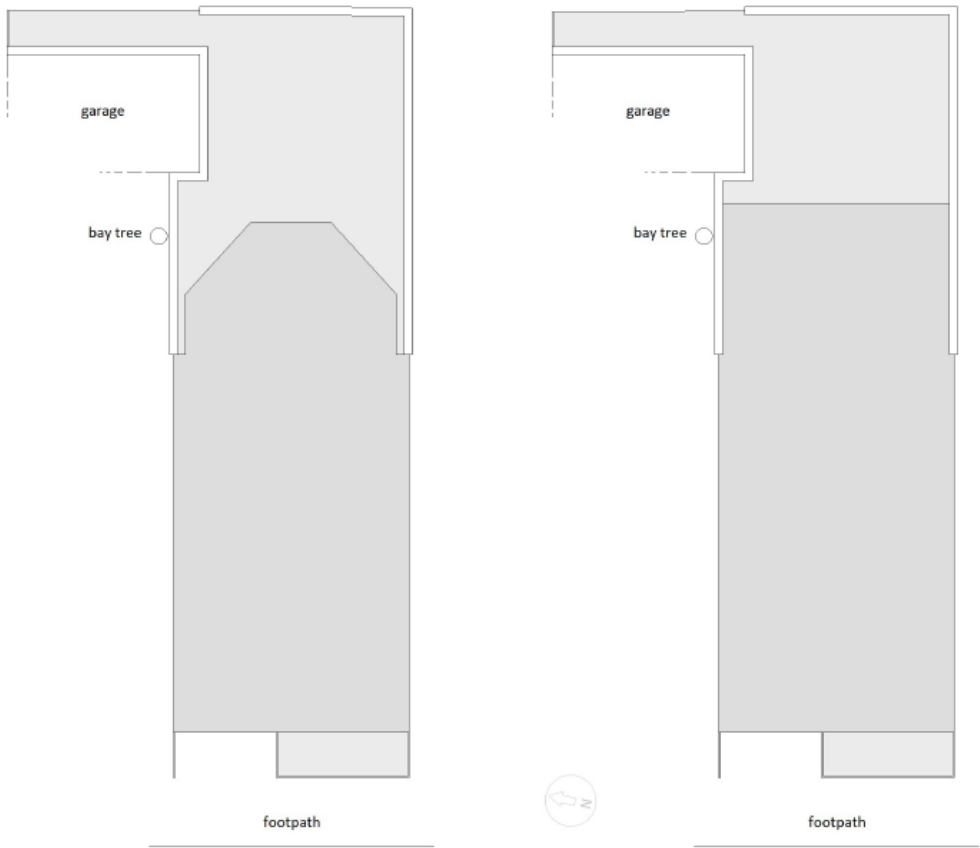
Existing and Proposed Floor Plans



Proposed Roofplan and Section Showing Rooflights



**Existing (left) and Proposed (right) Site Plan**



**DRAFT DECISION LETTER**

**Address:** 6 Bark Place, London, W2 4AX

**Proposal:** Erection of full width single storey rear extension at ground floor level.

**Reference:** 18/05090/FULL

**Plan Nos:** Site Location Plan; Existing Site Plan (scale 1:200); Drawing numbers JH002, JH003, JH004, JH007 and JH009; Arboricultural Impact Assessment & Method Statement by Arboricultural Solutions dated April 2018 (Revision 1 dated 5 October 2018).

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Notwithstanding the details submitted on the application form, you must apply to us for approval of further details, including samples, of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)



**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in 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 protect the bay tree according to the details, proposals and recommendations set out in Section 8 and Appendix B of your Arboricultural Implications Assessment. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

**Reason:**

To make sure that the bay tree adjacent to the site is adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 You must apply to us for approval of details of a maintenance regime for the roof and gutters within 1 year of the completion of the development or before you start to use the extension, whichever is sooner. You must then follow the maintenance regime according to the approved details.

**Reason:**

To make sure that the bay tree adjacent to the site is not subject to undue post-development pressure for inappropriate pruning or removal. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 The existing boundary wall between 2 Bark Place and 2 Lombardy Place shall be retained.

**Reason:**

To make sure that the bay tree adjacent to the site is adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

**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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 This decision letter does not provide an exemption from the requirements to comply with the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000, or any acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Failure to comply with the Acts may result in a criminal prosecution. Should you require any further information on this subject please contact the London Office of Natural England on 0300 060 4911.
- 5 This application relates to the proposed single storey rear extension and to no other alterations to the house, including any alterations to the front of the house or any alterations to the main roof of the house.

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.