

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 2 April 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>6 Bark Place, London, W2 4AX</b>		
<b>Proposal</b>	Erection of two rear dormer windows.		
<b>Agent</b>	Mr Haslam		
<b>On behalf of</b>	Ms Blair		
<b>Registered Number</b>	19/00194/FULL	<b>Date amended/ completed</b>	16 January 2019
<b>Date Application Received</b>	10 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is two storey mid terrace property located within the Bayswater Conservation Area. The building is unlisted and is in use as a single dwellinghouse. The application seeks permission for the erection of two dormer windows in the rear roof slope.

Objections have been received from adjoining occupiers on a range of design and amenity grounds, which are summarised in Section 6 of this report.

The key considerations in this case are:

- The impact on the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residents.

Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter appended to the report, it is considered that the proposed dormer windows are acceptable in design and conservation and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's

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City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for conditional approval.
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation



## 5. CONSULTATIONS

### WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally

### BAYSWATER RESIDENTS ASSOCIATION

Objection. Support the objections of local residents in Caroline Place and Lombardy Place; in particular to a large dormer window at roof level; concur with the following concerns expressed by local residents:

- It appears that there are no similar dormer windows in the immediate area except one which was conditioned to have obscured glass to prevent overlooking of neighbours. Therefore, the present proposal would create a precedent and alter the character and unity of the Bark Place terrace.
- The local residents are concerned about overlooking of their houses and gardens if a large dormer is allowed.
- Bark Place is on a higher ground level to Caroline Place and therefore a large dormer on no 6 will be more dominant and obtrusive to neighbours.
- We would suggest that a planning officer site inspection is undertaken to view the potential effect of the proposal from Caroline/Lombardy Place.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49.

Total No. of replies: 12.

No. of objections: 12.

No. in support: 0.

Twelve emails received raising objection on all or some of the following grounds:

#### Design

- Allowing the dormer windows would completely destroy the architectural character and unity of the terrace;
- The rear of this terrace, presently contributes to a clear skyline viewed from Caroline Place (Orme Court side) and from Caroline Place (through the gap between 4 and 5 Caroline Place houses);
- It would be visually intrusive and unsightly when seen from public and private view.
- The use of leadwork is not appropriate; it would damage the look of the red tiled roofline in the terrace; The proposed leadwork suggested on page 7 and 12 of the Design and Access Statement, is incorrectly described as 'traditional to the area'. The houses have red-tiled roofs. The addition of 2 lead grey-coloured dormer windows will look totally out of place and out of character on any red tiled roof,
- Dormer windows are very unsightly, 2 would be even worse and allowing them will permanently spoil this so far well and much appreciated preserved area
- The size and the location of the proposed windows are a concern; the street at the Bark Place side is much higher than is on the Caroline Place side, as Lombardy Place slopes downwards. This means that the rear of the houses in Bark Place dominate the skyline. Dormer windows would increase this dominance
- Mock-ups of the terrace from various different views have been submitted to demonstrate the impact the proposal would have on the character of the area

- If dormer windows are permitted it will set a dangerous precedent in this terrace it will not be long before all the houses in Bark Place will be applying to make such changes and would have a negative impact on the conservation area, spoiling the architectural integrity of these special 1960s houses – the Mansfield Estate.
- The proposed dormer extension is for a full-width dormer; although there are other dormers in the area they are not normally full width – a full width dormer would be out of character

#### Amenity

- The dormers will directly overlook neighbouring gardens and houses, thereby affecting privacy for neighbours.
- All gardens in the surrounding streets will be overlooked.
- The dormers will overlook bedrooms and living rooms at the rear of house in Caroline Place and this should not be permitted.
- Due to Lombardy Place sloping downwards, the rear of the houses dominate the skyline which would seriously impact on the privacy and amenity of the neighbouring houses. The houses in Caroline Place and Lombardy Place all have their bedrooms on the garden side and the overlooking is increased greatly by the dormer windows proposal as this means those dormer windows will look down at an angle into the first floor bedrooms of Carline Place, including into my bedroom.
- Whilst there are some mature trees within the network of gardens, these cannot be relied on as privacy screening between neighbours.
- The dormers would lead to loss of light.

#### Other Matters

- Most of properties in the same estate have similar rooms within the roof space without the need for dormer windows.
- Page 7 of the Design and Access Statement states that the current floor space is unfit for purpose. It has been used in its current form quite successfully for many years.
- The application states that these 2 windows would ‘match a dormer window adjacent.’ However, it is noted that the dormer window on 2 Lombardy Place was built initially without permission, with permission being granted retrospectively with strict restrictions on the opening of the window and requiring opaque glass in order to preserve the privacy of the neighbourhood. It is misleading to bring this window up as a precedent and was probably only finally agreed to as it is at the end of the terrace and not really visible to most of the surrounding houses and gardens.
- Page 34 of the Design and Access Statement says rooflights already overlook the neighbouring homes and gardens. Whilst this is true, they are not unsightly.
- The examples cited in the Design and Access Statement are not comparable to the current dormer proposed (in terms of both design and amenity impact).

#### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted two storey mid-terrace property in use as a single dwellinghouse. It is located on the eastern side of Bark Place, within the Bayswater Conservation Area. The property has an existing conservatory extension, although permission was recently granted to replace this conservatory with a single storey rear extension (RN: 18/05090/FULL). The rear (east facing) roof slope currently contains two rooflights.

The property is attached to 2 Lombardy Place, which forms the northern end of the terrace within which the application site is located. This neighbouring property has an existing dormer window to its east facing roof slope, which was granted permission in October 2002 (RN: 02/05891/FULL).

## 6.2 Recent Relevant History

### 6.2.1 The Application Site

#### 18/03585/FULL

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

Application Withdrawn 13 June 2018

#### 18/05090/FULL

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

Application Permitted 7 December 2018

### 6.2.2 No.2 Lombardy Place

#### 02/05891/FULL

Erection of dormer window on back elevation of roof.

Application Approved 28 October 2002

A planning enforcement investigation was opened in February 2003 to investigate allegations that the dormer under construction was materially different from that approved in 2002. However, the investigation was closed and no action taken on the basis that the dormer was in accordance with the October 2002 permission.

### 6.2.3 No.4 Lombardy Place

#### 15/09362/FULL

Erection of side extension and rear dormer window, together with amendments to fenestration to front and rear elevations.

Application Refused 7 December 2015

The above application relates to the building directly behind the application site in Lombardy Place. The dormer window forming part of this scheme was refused on grounds that its size, bulk, location and choice of materials harmed the appearance of the building and the character and appearance of the conservation area. A subsequent appeal against the City Council's decision was dismissed on 21 March 2016 and the

Inspector supported the decision to withhold permission on design grounds. The Inspector made the following assessment of the proposed dormer:

*“The rear dormer would be set back from the eaves and below the ridge with a flat roof. The roofs of the three houses in the terraced group are pitched with a front facing gable at the opposite end of the terrace. The roof is uninterrupted, apart from the roof lights which are not obtrusive. The rear dormer would be visible in the street scene, primarily from Caroline Place, and consequently would stand out as a discordant feature which would not be in harmony with the terraced group as a whole. The flat roofed design and its size in relation to the roof would not reflect the character of the area and would be an unacceptable visual intrusion. This is contrary to policy DES6 of the UDP which resists roof alterations that would adversely affect the architectural character or unity of a building or group of buildings, or where it would be visually intrusive.”*

## **7. THE PROPOSAL**

Planning permission is sought for the installation of two dormer windows to the rear roofslope. The dormers are proposed to be positioned so they align with existing fenestration below at first floor level. The dormer windows would also match the first floor level windows in terms of their design and proportions. The dormers would be set down below the ridgeline by 1.1m and positioned 0.3m above the eaves. To either side, the dormers would be set in 0.6m from the boundary with the roofs of the two neighbouring properties on either side. The proposed dormers would provide additional habitable floorspace within the existing loft space at second floor level, which is currently served by rooflights to the front and rear roof slopes.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of additional floorspace to enlarge the existing dwellinghouse is acceptable in land use terms and this would accord with Policy H3 in the UDP and Policy S14 in the City Plan.

### **8.2 Townscape and Design**

The Bayswater Conservation Area Audit states that the unbroken roof lines make a distinctive contribution to the townscape within the Bayswater Conservation Area. However, it is noted that the Audit does not identify the application property, or the wider estate of which it forms a part, as buildings where extensions at roof level would be unacceptable in principle.

In terms of context, the adjoining property at No.2 Lombardy Place has an existing dormer to the rear which is clad in lead and was granted permission in 2002 (see Section 6). There are no other dormers on this particular stretch of Bark Place, or to the rear of Caroline Place. However, there are other dormer extensions to the rear of similar properties in the wider vicinity, including at Nos.8 and 12 Bark Place, No.3 Lombardy Place, and Nos.1, 8, 13, 15 and 22 Caroline Place. Planning history records for all of

these properties confirm that these dormers are either lawful by virtue of being permitted development at the time at which they were constructed or planning permission was granted for them. The most recent of these cases was the planning permission granted in October 2013 at No.13 Caroline Place, which included the erection of a dormer window on the rear elevation (facing Poplar Place). On this stretch of Poplar Place, there were already two other dormers at Nos.8 and 15 Caroline Place.

An application for the erection of a side extension and rear dormer window and amendments to the fenestration to the front and rear elevations was refused on 7 December 2015 at No.4 Lombardy Place. A subsequent appeal against the City Council's decision was dismissed on 1 March 2016 (see Section 6). The Inspector concluded that the rear dormer would be visible in the street scene, primarily from Caroline Place, and consequently would stand out as a discordant feature which would not be in harmony with the terraced group as a whole. However, this was in the context of the particular circumstances of No.4 Lombardy Place, which is located within a short terrace where there are no other existing dormers

In the case of the current application, the proposed dormers would be seen in context with the existing dormer of similar form and detailed design at No.2 Lombardy Place and consequently they would not appear as a discordant feature at roof level within this particular terrace. The existing dormer at No.2 Lombardy Place is readily visible from the street in Lombardy Place and the proposed dormers would be less prominent in street views than this existing dormer irrespective of the screening afforded during periods of the year by the existing tree to the rear of No.2 Lombardy Place.

The proposed dormers would also be visible in limited views from Caroline Place. However, currently the existing rooflights are visible from these locations and these present some limited existing clutter at roof level. In these views the relationship with the existing dormer at No.2 Lombardy Place would be less apparent than from Lombardy Place, but nevertheless, the dormer at No.2 Lombardy Place can still be seen. Given that the relationship to the existing dormer at No.2 Lombardy Place can be appreciated in these street views, on balance, it is not considered that the impact on the character and appearance of the conservation area in them would not be so significant so as to reasonably warrant withholding permission.

The proposed dormers would also be readily visible in private views from neighbouring properties in the immediate vicinity of the rear of the application site. However, given the consistency of the detailed design with the existing dormer at No.2 Lombardy Place, it is not considered that in these views the character and appearance of the building or the conservation area would be harmed.

In terms of the detailed design of the proposed dormers, they are considered to be appropriately scaled and positioned within the rear roof slope so as to minimise their prominence and ensure they relate to the fenestration found on the floors below. Their design is also consistent with that of the existing dormer at No.2 Lombardy Place, ensuring a coherency of design in terms of roof level alterations within this terrace.

It is proposed to clad the dormers in lead, as per the existing dormer at No.2 Lombardy Place. Objections have been raised on the basis that lead is not an appropriate cladding material as the roofs of these buildings are finished in red tiles. However, the 'Roofs: A

Guide to Alterations and Extensions on Domestic Buildings' Supplementary Planning Guidance document recommends that lead is the most appropriate cladding material for the cheeks and roofs of dormers. Whilst the dormers could be clad in red clay tiles, this would be likely to significantly increase the bulk of the proposed dormers and it is for this reason that leadwork is preferred for dormer cladding, even where the prevailing roofing material differs in terms of its colour and finished appearance, as is the case here. Given these considerations the use of lead to clad the dormer is acceptable in design terms. A condition requiring the cheeks and roof of the dormer to be clad in lead recommended.

In conclusion in design terms, given the existence of existing lawful roof level alterations within the same terrace it is considered that the principle of the addition of dormers at roof level in this particular location is acceptable and consistent with Policy DES6 in the UDP. The scale and detailed design of the proposed dormers are appropriate for the reasons set out above and would ensure that the prominence of the dormers would be minimised. Consequently, the proposed dormers would not harm the appearance of the building or the character or appearance of the Bayswater Conservation Area and would accord with Policies DES 1, DES 6 and DES9 in the UDP and Policies S25 and S28 in the City Plan. They would also be consistent with the guidance provided in the SPG on Roofs: A Guide to Alterations and Extensions on Domestic Buildings' and the Bayswater Conservation Area Audit (2000).

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

Objection has been received on grounds of loss of light to neighbouring properties. The nearest properties to the application site are those neighbouring in the same terrace at No.2 Lombardy Place and No.5 Bark Place, and the property to the rear at No.4 Lombardy Place. Given their position relative to the relatively small bulk of the dormer windows at roof level, the proposed development would not cause a material loss of daylight or sunlight to neighbouring properties in the same terrace. The property to the rear at No.4 Lombardy Place is over 10 metres away from the location of the proposed dormers and at this distance the dormers would not cause a material loss of daylight or sunlight. Furthermore, the dormers would not have any significant overshadowing impact on neighbouring gardens.

In terms of sense of enclosure, much like the considerations in terms of the impact on daylight and sunlight, as the additional bulk proposed would be at roof level, set back from the existing eaves of the roof slope, the additional bulk of the proposed dormers would not give rise to a significant increase in enclosure to any neighbouring windows.

Concerns have also been expressed on grounds of increased overlooking and loss of privacy. Whilst the dormers would introduce new, more prominent windows at roof level on the application property, they would replace existing rooflights which afford similar views over neighbouring gardens towards neighbouring windows. Furthermore, the proposed windows would be located immediately above existing windows at first floor

level which afford nearly identical elevated views towards neighbouring properties. Given these considerations and as the nearest neighbouring window opposite the location of the proposed dormers is over 10 metres away in the side elevation of No.4 Lombardy Place, it is not considered that the proposed dormer windows would give rise to such a significant increase in overlooking to neighbouring windows and gardens so as to reasonably warrant withholding permission.

In summary in amenity terms, despite the objections raised, it is considered that the impact on the amenity of neighbouring residents would not be so significant as to warrant withholding permission and the proposed dormers would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

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

Not applicable.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

No change to existing arrangements.

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

Not applicable

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, all representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

#### **8.9 Neighbourhood Plans**

There are no neighbourhood plans covering the area in which the application site is located.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. However, in this case no pre-commencement conditions are proposed, and therefore not been necessary to seek the applicant's agreement to the conditions set out in the draft decision letters.

### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application. In addition, the proposed development is CIL liable.

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require an environmental impact assessment.

### **8.14 Other Issues**

As set out in Section 6, the planning permission for the erection of a dormer window on the rear slope of No.2 Lombardy Place was granted in 2002. In granting permission no conditions attached this application requiring the dormer windows to be obscure glazed or fixed shut. Similarly, there are no annotation on the approved drawings suggesting that the windows will be obscured or fixed shut. The drawings do show that the room that the proposed dormer serves to be a bathroom and therefore it is probable that the windows would be obscure glazed for privacy reasons. Nevertheless, the objections received stating that the dormer windows at No.2 Lombardy Place are required to be obscured and fixed shut are incorrect

One objection suggests that the proposal is for a full width dormer which would be out of character. As set out in the earlier sections of this report, the proposal is not for a full width dormer, but for two small dormers.as set out in section 7 of this report.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

**9. KEY DRAWINGS**



**Existing drawings.**



**Proposed drawings.**

**DRAFT DECISION LETTER**

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

**Proposal:** Erection of two dormer windows to rear roof slope.

**Plan Nos:** Existing Site Plan, JH001 and JH002.

**Case Officer:** Avani Raven

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

**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 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 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 The cheeks and roofs of the dormers hereby approved shall be clad in lead and retained in this material 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)

**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, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

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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.