

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 6 th August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works.		
Agent	Mrs Nicole Wilson		
On behalf of	Mrs Susan Wimpenny		
Registered Number	19/02228/FULL 19/02229/LBC	Date amended/ completed	25 March 2019
Date Application Received	25 March 2019		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

52 Queens Gardens is a Grade II listed building located in the Bayswater Conservation Area. The property is 6 stories with a small courtyard to the rear enclosed by a mews type building to the rear.

Permission is sought for the erection of a mansard extension at first floor level and the lateral connection of the existing storage areas at first floor landing and second floor level with the existing ground floor flat. The works are in association with the enlargement of the existing ground floor one bedroom flat to create a three-bedroom flat.

During the course of the application alterations have been made to the internal layout of the flat at ground floor to remove the subdivision of the main room, the annotation showing a terrace has been removed and the dormers have been reduced in size.

The application has attracted 7 objections from neighbouring residential properties.

The key issues are:

- Loss of daylight/sunlight
- Harm to listed building and Bayswater Conservation Area

The proposed works deliver a new family sized dwelling and are in accordance with the relevant Unitary Development Plan and City Plan policies and therefore considered acceptable. The works are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the rear of 52 Queens Gardens and Craven Hill Mews



View of mansards along Craven Hill Mews from existing roof of the ground floor flat to the rear of 52 Queens Gardens



Ground and lower ground floor windows at the rear of 52 Queens Gardens. Taken from the existing windows of the ground floor flat facing back towards the main building.



First floor half landing studio/storage room and second floor storage space as viewed from the existing roof of the ground floor flat to the rear of 52 Queens Gardens



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

Total No. of replies: 7 objections on one or more of the following grounds.

Design

- Harm to the appearance of the listed building
- Harm to the conservation area

Amenity

- Overlooking
- Loss of daylight/sunlight

Highways/Parking

- Increased traffic and pressure on parking

Other

- Construction noise

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is Grade II Listed and lies within the Bayswater Conservation Area. The building is subdivided into residential flats. A six storey terraced building occupies the part of the site fronting Queens Gardens. Flat No. 7 is located at ground floor level at the rear of the site. The site includes two storage areas at first floor and second floor landing level.

Recent Relevant History

None relevant

7. THE PROPOSAL

Planning permission and listed building consent are sought for extensions to Flat 7 comprising of the erection of a first floor mansard at the rear of the building and the integration of two existing storage areas at first and second floor landing level within the closet wing of the main building to form a 3 bedroom dwelling. The proposal also includes associated internal works.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (resi/office/etc)	45	85	+40
Total	45	85	+40

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan encourage the provision of additional residential floor space and the extension of existing residential properties. The additional accommodation would therefore be in accordance with these policies.

The new unit comprises of an existing flat at ground floor, a space at first floor landing level currently used as storage (previously a studio flat), a storage space at second floor landing level and the new mansard extension to first floor level.

The entrance, bathroom, kitchen and living space are located at first floor level with three bedrooms at the ground floor and a study/storage space at second floor level. The existing entrance to the ground floor flat would retain a dummy door to the communal staircase with a new stud wall on the inside.

Given a family space sized unit is being created the proposals are in accordance with S15 of the City Plan which allows the amalgamation of flats to create family sized dwellings. The flat is marginally below the nationally described space standards for a 3-bedroom 4 person flat, if the new dwelling is classified as a 3 storey property. However the accommodation is considered to be of good quality and given the restrictions of the site due to the listed status, the accommodation is considered acceptable.

One objection has been received on the grounds of over development of an already dense residential terrace. The works are an extension to an existing residential dwelling and not the creation of a new dwelling, residential extensions are supported by the above policies H3 S14 and therefore the objection is not considered sustainable as a reason for refusal of the application.

8.2 Townscape and Design

52 Queen's Gardens forms part of a terrace of mid nineteenth century listed Grade II buildings within the Bayswater Conservation Area. The application relates to the ground floor rear apartment partially located at the rear of the main building. The proposals involve the joining of the ground floor apartment with a store room above and proposes a roof extension to the rear building creating a maisonette apartment. The lower ground floor flat below is not part of the application. The rear building is part of a row of similar buildings to the rear of the main terrace fronting Queens Gardens and which adjoins Craven Hill Mews where almost all the buildings have a roof extension of some form. The only exception being the immediate neighbour to the application site.

The principle of a roof extension on this rear building is considered acceptable, in this case, given the extent of roof extensions in Craven Hill Mews. The proposal copies the heights, materials and lines of those to Craven Hill Mews, to which it is stylistically linked, with clear common façade detailing. Previously proposed internal arrangements were considered unacceptably harmful to the plan form of the ground floor apartment, however the proposals have been amended following negotiation and are now considered acceptable in listed building and design terms, subject to condition. The proposal is considered to conform with DES 1, DES 5, DES 6, DES 9, DES 10 of the City Councils Unitary Development Plan and the City Council SPG Roofs, Repair and alteration to Listed Buildings.

Objections have been received on the grounds that the proposed works would harm the appearance of the listed building and the Bayswater Conservation Area. As stated above the mansard proposed must be viewed in the context of the adjoining buildings and Craven Hill Mews. In this context the mansard matches the dimensions and appearance of the dominant nearby mansard forms. Conditions have been attached to the decision notice to secure details of the timber sash windows to be installed. The alterations to the interior of the building have been reduced in their scale so that they are now relatively minor alterations to an already altered building.

The objections to the application on grounds of harm to the listed building and Bayswater Conservation Area are not considered as reasons for refusal of the application.

8.3 Residential Amenity

Sunlight and Daylight

The applicant has provided a daylight/sunlight report which assesses the impact of the proposal on neighbouring windows. An objection was received on the grounds that the windows assessed did not include those relating to other flats within 52 Queens Gardens itself. The report has been revised to include the flats at the rear of 52 Queens Gardens and therefore this objection has been overcome.

Objections have been received on the grounds of the impact of the proposal. The submitted Daylight and Sunlight Report concludes that all neighbouring windows that have a requirement for daylight and sunlight pass the relevant BRE diffuse daylight and direct sunlight tests. In terms of the vertical sky component no windows would experience a loss of light greater than 0.2 times the existing levels. The works are therefore in accordance with BRE guidelines regarding what is an acceptable/noticeable loss.

The works are in accordance with ENV 13 of the UDP and S29 of the City Plan and therefore acceptable on amenity grounds.

Sense of Enclosure

The proposed mansard is set behind the parapet on the north west elevation and pitches away from the main building therefore not presenting a sheer elevation when viewed from the windows at the rear of the main building. To the south east the mansard is set significantly back from the parapet and pitches back towards the main building with two dormers punctuating into it. While the mansard would be noticeable from the lower

ground and ground and first floor windows at the rear of 52 Queens Gardens, given the existing situation and the height of the surrounding buildings it is not considered that the mansard would increase the sense of enclosure for neighbouring residential properties.

Privacy

At ground floor level there is an existing window overlooking the courtyard and back towards the windows on the rear of the main building, the window is currently obscure glazed and fully openable. Given the window is not being moved or increased in size it is beyond the councils remit to condition the window to be obscure glazed or fixed shut. In the flank of the closet wing there are three windows proposed, given the size and location of the windows they would not offer direct views into the neighbouring properties.

At mansard level two new dormer windows are proposed facing towards the rear elevation of a property facing Craven Hill Gardens. The closest part of that property has a blank wall facing the application site. The nearest windows are approximately 9 metres from the proposed mansard windows which are set back from the property's rear parapet. It is not considered that these windows would create an unacceptable level of overlooking.

8.4 Transportation/Parking

The works do not increase the number of units and therefore does not raise any transport or parking issues.

A condition has been added to the permission to secure cycle and waste storage facilities.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the property would be from the communal area of the building as existing. The main access to the site would remain as existing from the ground floor street entrance.

8.7 Other UDP/Westminster Policy Considerations

None

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, any 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 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.

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.

8.11 Planning Obligations

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

8.12 Other Issues

Objection has been received on the grounds that including the risk of the spread of fire and a restriction of air flow due to the mansard extension. The applicant will be required to make a building control application to ensure the building is in accordance with fire regs. It is not considered the air flow to neighbouring residential buildings would be restricted by the mansard extension.

Objections have been received on the grounds that the works would result in disturbance to neighbouring residential properties. A condition has been attached to the permission restricting the hours of work. Disruption during the course of construction works is not considered as a reason for refusal of planning permission.

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

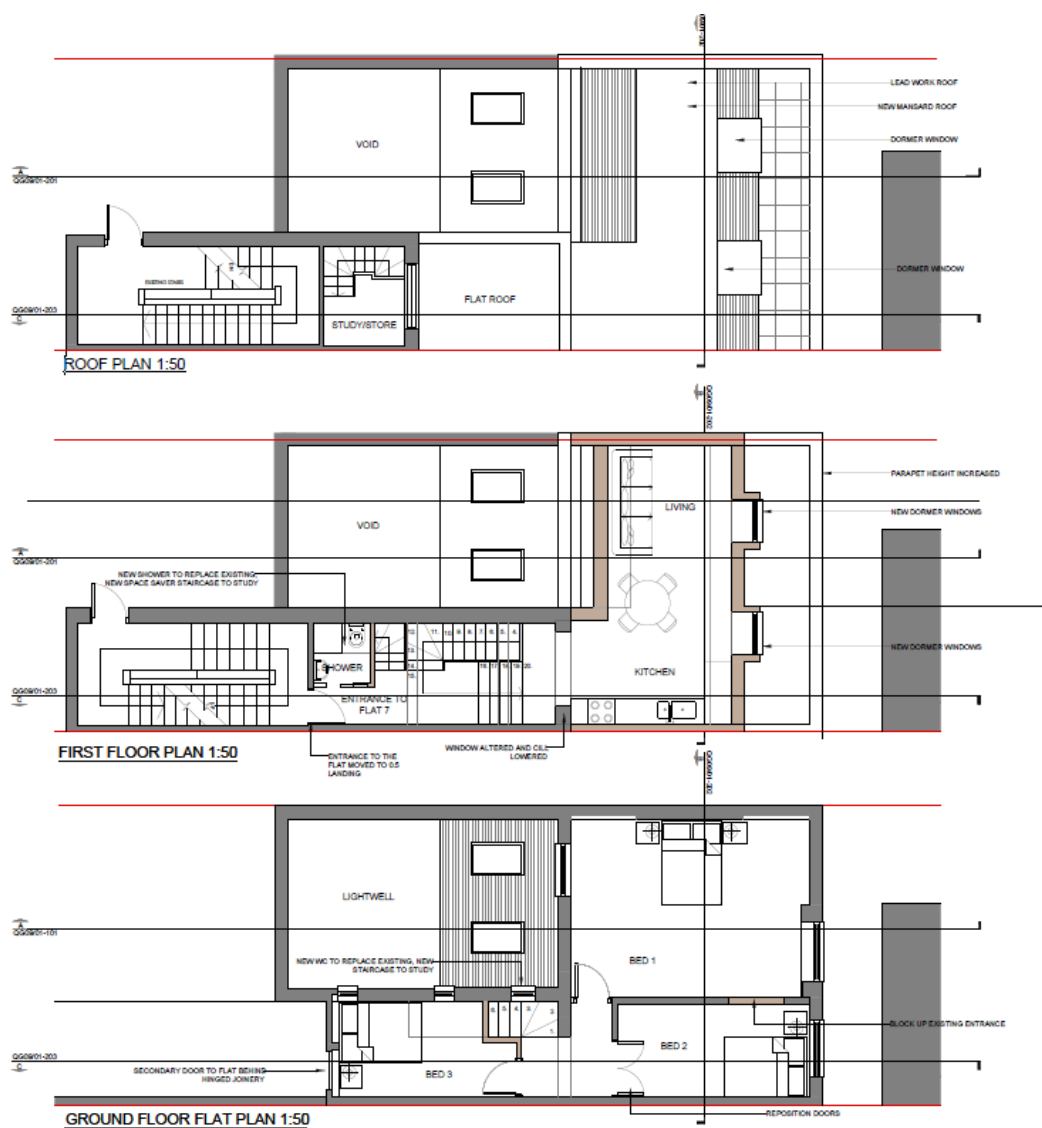
9. KEY DRAWINGS



Proposed Section B-B



Proposed floor plans



DRAFT DECISION LETTER

Address: Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works. (Linked to 19/02229/LBC)

Reference: 19/02228/FULL

Plan Nos: Site location plan, A1/100 Rev A, A1/102 Rev A, A1/103 Rev A, A1/201 Rev C, A1/200 Rev C, A1/202 Rev C, A1/203 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is

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

- 4 You must not use the roof of the building or the proposed extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must apply to us for approval of samples and specification details 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - new dormers, roof sections (inc party wall) and windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved documents. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and

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

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the flat. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must apply to us for approval of details of secure cycle storage for the flat use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

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 or visit www.ccscheme.org.uk.

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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>

DRAFT DECISION LETTER

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Proposal: Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works. Internal alterations (Linked to 19/02228/FULL).

Reference: 19/02229/LBC

Plan Nos: Site location plan, A1/100 Rev A, A1/102 Rev A, A1/103 Rev A, A1/201 Rev C, A1/200 Rev C, A1/202 Rev C, A1/203 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development - , a, new dormers, b, roof sections (including through the party walls); , c, floor coverings, d, new bathroom services, including drainage showing the interface with existing original fabric and construction, , , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved documents (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 You must not disturb existing original floor boards, shutters, unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations

received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Please note: the full text for informative 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.

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**BACKGROUND PAPERS - Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA
19/02228/FULL**

1. Application form
2. Letter from occupier of 51 Queens Gardens, flat 2, dated 5 April 2019
3. Letter from occupier of Flat 7, 53 Queens Gardens, London, dated 15 April 2019
4. Letter from occupier of 52 Moreton Street, London, dated 18 April 2019
5. Letter from occupier of 52 Queens Gardens, London, dated 22 April 2019
6. Letter from occupier of 52 Queen's Gardens, Flat 4, dated 24 April 2019
7. Letter from occupier of FLAT 3, 53 QUEEN'S GARDENS, dated 25 April 2019
8. Letter from occupier of Flat A, 53 Queens Gardens , dated 29 April 2019