

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 28th January 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>37 Gloucester Mews, London, W2 3HE</b>		
<b>Proposal</b>	Variation of condition 1 of the listed building consent dated 28 January 2020 and non material amendment to the planning permission dated 28 January 2020 (RN: 19/08415/FULL and 19/08416/LBC) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors, internal alterations including conversion of vaults in association with lower ground floor flat; NAMELY, variation of the internal floor layout.		
<b>Agent</b>			
<b>On behalf of</b>	Dr Iain Bott		
<b>Registered Number</b>	20/00962/NMA and 20/00956/LBC	<b>Date amended/ completed</b>	08 January 2020
<b>Date Application Received</b>	29 October 2019		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

1. Agree non-material amendment to planning permission.
2. Grant conditional listed building consent.
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

Planning permission and listed building consent were approved on 28<sup>th</sup> January 2020 for a scheme comprising an extension to the rear courtyard at lower ground floor level, the replacement of lower ground floor external windows and doors, and internal alterations including the conversion of vaults, all in association with the lower ground floor flat.

A listed building consent application has now been submitted seeking consent for amendments to that scheme previously approved on 28 January 2020, and a separate non material amendment application has also been submitted seeking confirmation that those amendments are not material and that therefore a further planning application is not required.

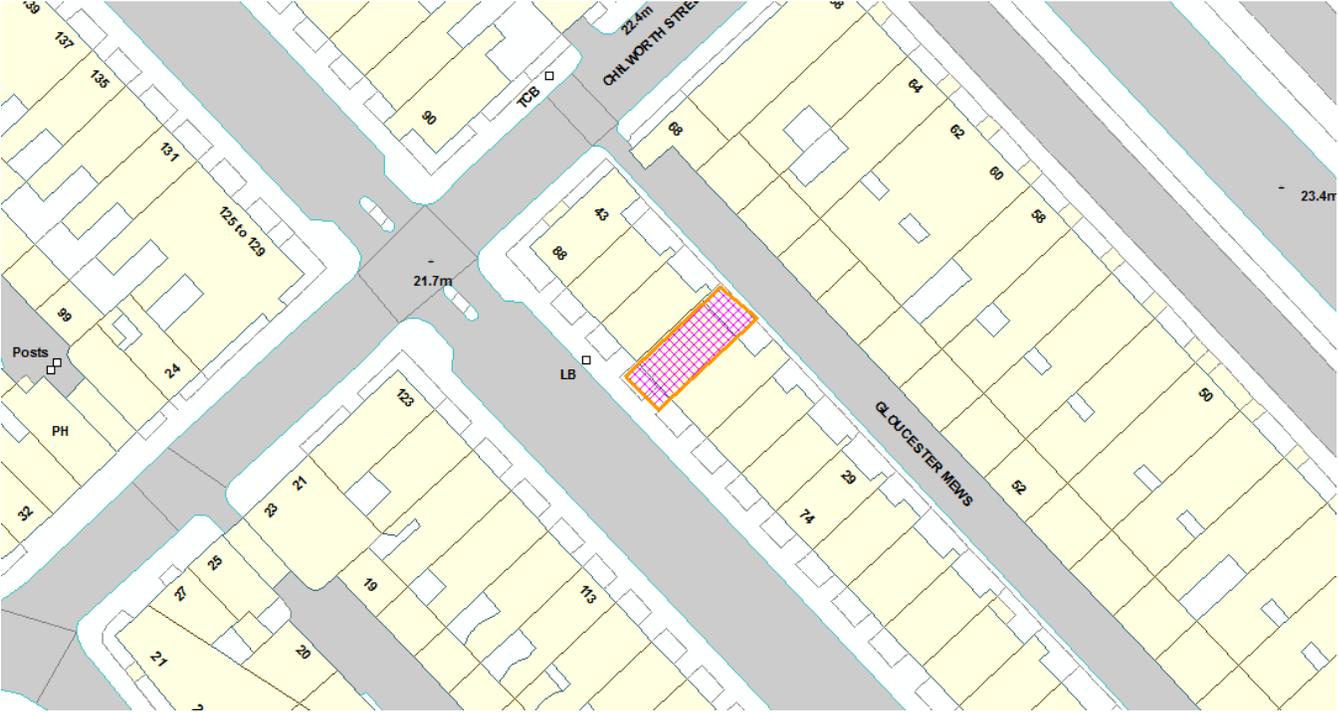
The amendments relate to changes to the internal layout of the flat.

The key considerations in this case are:

- The impact of the works on the significance of the listed building
- Whether the internal alterations are a non material amendment to the approved planning permission

The proposed development is considered to be consistent with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan), and the works are considered non material in terms of the previously approved planning application, and as such, both of the applications are recommended for approval subject to the conditions set out in the relevant draft decision letters.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation





Interior





## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- Query whether the drawings supporting the previous consent are on the website. State that if the original drawings are those set out in the Design and Access Statement then they state that it appears the change is the removal of a secondary internal bathroom and its replacement by enlarging the kitchen and state that they would have no objection to that. State that they regret that the applicants have not incorporated their comments to the previous (approved) application that they wished for the addition of a central vertical glazing bar to the central section of the bow window facing Gloucester Terrace.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No. 37 Gloucester Mews represents the lower ground floor flat of a building which includes ground, first and second floor levels which are listed under the address of 82 Gloucester Terrace. It is a terraced property, dating from the mid 19<sup>th</sup> century, and is Grade 2 listed and located within the Westbourne Conservation Area.

### 6.2 Recent Relevant History

On 28 January 2020 planning permission and listed building consent were granted for works comprising the erection of an extension to the rear courtyard at lower ground floor level, the replacement of lower ground floor external windows and doors, internal alterations including conversion of vaults, all in association with lower ground floor flat (19/08415/FULL and 19/08416/LBC)

## 7. THE PROPOSAL

Two applications have been submitted. Firstly, an application for listed building consent seeks approval for amendments to the previously approved listed building consent application 19/08416/LBC in terms of a revised internal layout of the flat. Secondly,

## 8. DETAILED CONSIDERATIONS

Issues Related to Non Material Amendment Application 20/00962/NMA:

### 8.1 Non-Material Amendment Application

This current NMA application is made under Section 96a of the Town and County Planning Act 1990 which allows changes that are considered 'non material' to be made to an existing permission.

The amendments proposed are wholly internal to the building and are minor internal changes which do not involve works which would require planning permission in their own right, and they are considered to be non-material amendments to the originally approved scheme.

As such, it is recommended that the non-material amendment application be agreed.

### Issues Related to Listed Building Consent Application 20/00956/LBC:

#### 8.2 **Land Use**

The flat remains in residential use, the amendments and application generally does not raise any change of use issues, and any change of use issues could not be considered under this listed building consent application which relates solely to the impact of the works on the significance of the listed building.

In the scheme previously approved on 28 January 2020 the South East Bayswater Residents Association (SEBRA) expressed a concern about a perceived potential for the accommodation within the vaults being used as separate residential accommodation, however the applicants clarified that the vaults will remain an integral part of the existing flat and this remains unchanged with the current application.

SEBRA also made reference in a comment in response to the previously approved application to what they regarded as an unusual layout with the vaults accommodation being accessed through a bedroom, however this was not considered a reason for refusal in the previous application being appropriately lit and ventilated, and the approved arrangement of the vaults remains unchanged in this application.

#### 8.3 **Townscape and Design**

Internally the building has previously been considerably altered, with apparently all original plaster and joinery removed, the original flooring removed, the staircase between lower ground and ground floor level removed, and other alterations to the internal layout. Further considerable works were approved to the existing layout within the building in the scheme approved on 28 January 2020 which were justified on grounds that they were not considered to harm the significance of the building given its already heavily altered condition.

The current proposals seek an amendment to that layout principally through an enlargement of the central bathroom area, the removal of a wall to allow for the proposed kitchen area to be more open to the living room, and other minor amendments to walls and previously approved partitions. Again, in the context of this heavily altered

interior these works, and the internal alterations as a whole, are not considered to harm the significance of this grade 2 listed building.

It is noted that SEBRA state that it appears to them that the change is for the removal (from the approved scheme) of a secondary internal bathroom and its replacement by enlarging the kitchen, and that they state they would have no objection to that. Whilst their description does not constitute a full list of the amendments included in this application, nonetheless the amendments are proposed to the central part of the flat in proximity to the works they describe. The submitted drawings are considered clear in terms of setting out the new proposed layout, and it is apparent that SEBRA have considered the proposed drawings which are the subject of this application.

The extension to the external courtyard to the eastern side of the building remains unchanged from that included in the scheme previously approved on 28 January 2020, and it remains acceptable as part of this application submission. It is considered appropriately integrated into the design of the building, has a low profile in context with the building by rising only 1m above the adjoining pavement level to Gloucester Mews. In addition, whilst as set out in the officers report to the previous approval it represents a partial infilling of this lightwell area nonetheless these courtyards to Gloucester Mews were originally designed to be separated and screened from the mews by high brickwork walls which remain in a number of locations, and also a number of other buildings already have extensions into their lightwells along the mews. As such, the extension remains acceptable as in the previous approval of 28 January 2020.

The replacement external windows and doors are unchanged from the previous approval of 28 January 2020 and they remain acceptable as part of this application, and they represent an improvement of the appearance of the building. SEBRA state their view, also expressed in response to the previous approval, that their preference is for a vertical glazing bar to be added to the central window to the lower ground floor bay to Gloucester Terrace, however this replacement window was considered acceptable as part of the previous approval, and it remains acceptable as part of the current application proposals. Whilst noting the issue raised by SEBRA, the approved design of the replacement windows and doors are not proposed for amendment as part of this current application, and they remain acceptable in design terms.

As with the previous approval of 28 January 2020, the minor lowering of the floor level within the vaults will not adversely affect their character, and this aspect of the approved scheme is not proposed for amendment in the current application. The shallow arched vault ceilings are to be retained, with a new opening created between two of the vaults. This will retain their essential character, and the cavity membrane system lining out of the vaults to enable their use as a habitable room will not adversely harm the historic fabric of the building.

As such, the proposal is considered acceptable, mindful of policies DES 1, DES 5, DES 9 and DES 10 of the UDP and policies S25 and S28 of the City Plan; and therefore, a recommendation to grant conditional consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **8.4 Residential Amenity**

The extension was not considered to adversely affect surrounding neighbours as part of the previously approved application and it remains unchanged in the current scheme, and as set out above such issues could not be considered in context with this listed building consent application. Given the higher boundary walls to each side of the courtyard, and the only modest rising above pavement level, the extension would not give rise to any unacceptable issues in terms of sunlight, daylight or sense of enclosure. In addition, the previous officers report

The rooflight to the extension is relatively small, and lights an entrance lobby area, and given this and the distance to the window above, as with the previously approved scheme it is not considered to give rise to any unacceptable degree of light pollution adversely affecting the amenity of the residents of that flat.

A condition is recommended restricting the hours of works to ensure that they do not adversely affect the amenity of surrounding residents.

As with the previously approved scheme, the proposals do not raise any unacceptable impact in terms of residential amenity and are considered in line with policies ENV 13 in the UDP and S29 in the City Plan.

#### **8.5 Transportation/Parking**

The applications do not raise any transportation/parking issues.

#### **8.6 Economic Considerations**

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

#### **8.7 Access**

The flat remains accessed through the existing front and rear lightwell staircases, and the previously approved access arrangements are unchanged by the current applications.

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

As noted in the officers report for the previously approved scheme, there is no communal rubbish store in the vaults to the building and thus the use of the vaults for habitable accommodation in association with the application flat remains acceptable on waste storage grounds. The waste storage provision for the flat will be in the kitchen area, and as with the approved scheme full details of this will be secured by condition.

Also as with the approved scheme, an informative is recommended advising the applicants of the need to obtain technical approval for the works to the supporting structure to the highway prior to the commencement of development, which is considered to appropriately address this point.

#### **8.9 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.10 Neighbourhood Plans**

There are no neighbourhood plans relevant for this area.

#### **8.11 London Plan**

This application raises no strategic issues.

#### **8.12 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.

#### **8.13 Planning Obligations**

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

#### **8.14 Environmental Impact Assessment**

The application proposals are not of a scale to give rise to any issues with regards to Environmental Impact Assessments.

#### **8.15 Other Issues**

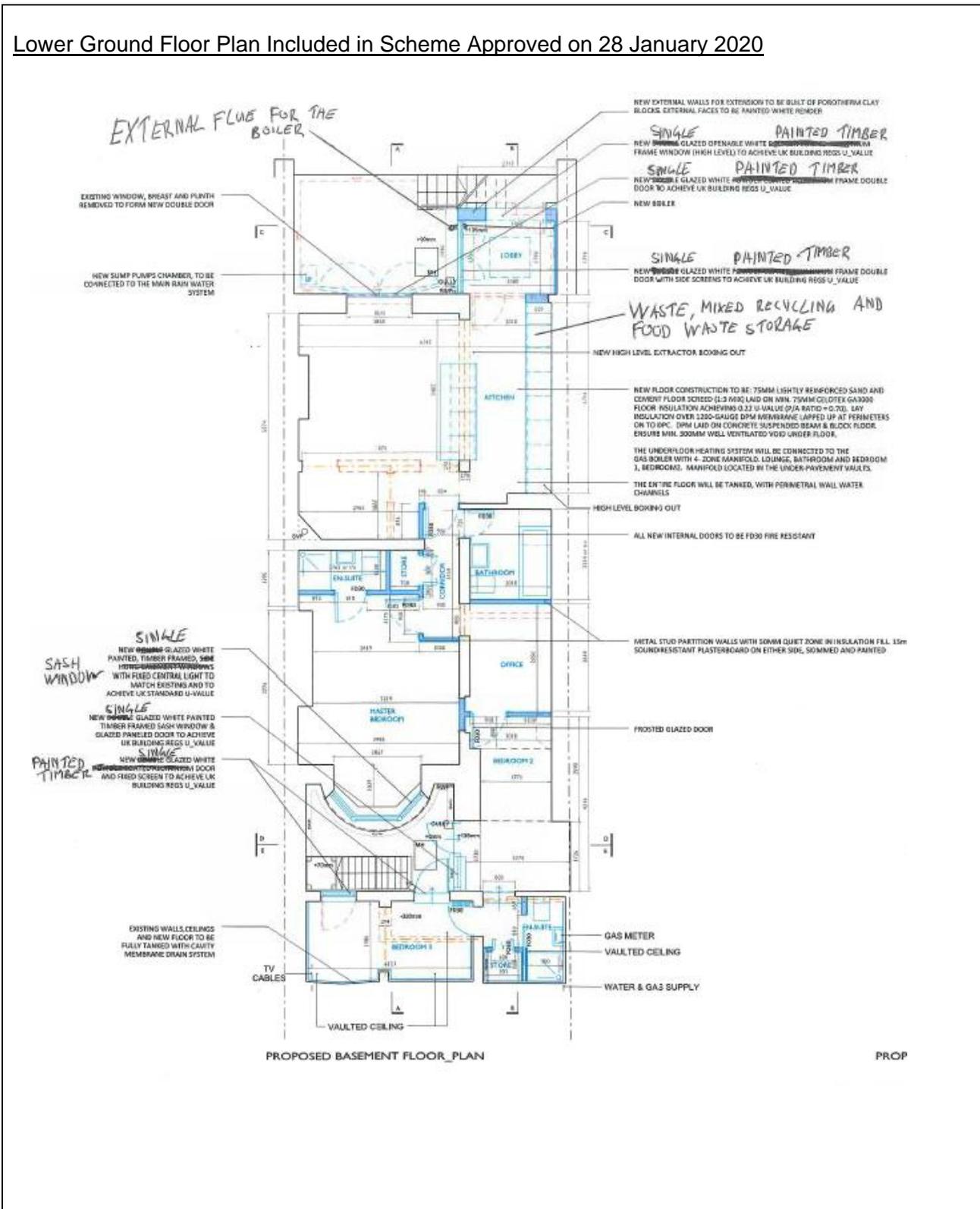
It is noted that SEBRA query whether the drawings for the approved scheme are on the City Council's website. Officers have checked, and the drawings are available for view on the website.

(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: ALISTAIR TAYLOR BY EMAIL AT [ataylor@westminster.gov.uk](mailto:ataylor@westminster.gov.uk)

### 9. KEY DRAWINGS

#### Lower Ground Floor Plan Included in Scheme Approved on 28 January 2020





**DRAFT DECISION LETTER**

**Address:** 37 Gloucester Mews, London, W2 3HE

**Proposal:** Variation of condition 1 of the listed building consent dated 28 January 2020 (RN: 19/08416/LBC) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors, internal alterations including conversion of vaults in association with lower ground floor flat (Linked to 19/08415/FULL), NAMELY, variation of the internal floor layout.

**Reference:** 20/00956/LBC

**Plan Nos:** As per the approved listed building consent: 19/08416/LBC:  
Location plan and site plan, S-100, S-200, S-201, S-202, S-203, P-201-6.0 with written annotations, P-200-6.0 with written annotations, P-100-7.0 with written annotations as amended by email dated 8th January 2020, P-202-6.0 with written annotations, P-203-6.0 with written annotations, Heritage Statement, Design and Access Statement dated 29.10.2019 as amended by above drawings.

As per this latest application 20/00956/LBC:  
Location plan and site plan, ZR P069 P100 Rev 8.0 ZRP069-P200 Rev 7.0, ZRP069 P201 Rev 7.0 ; ZR P069 P202 Rev 7.0; ZR P069 P 203 Rev 7.0 Design and Access Statement and Heritage Statement

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 07866037603

**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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this 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 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new sash windows to the front elevation at lower ground floor level shall operate only in a vertically sliding manner

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 external vertical faces of the new extension (with the exception of the doors and windows) shall be faced in smooth render which shall be painted and permanently maintained in a colour to match the existing render colour to the existing elevation adjacent.

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 of the new external windows and doors including details of glazing bars. 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 drawings. (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 This permission must be commenced no later than 28 January 2023

Reason:

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03GA)

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 are advised that the details required for condition 5 should show the new windows and doors with traditional moulding and glazing bar details
- 3 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>

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.

Item No.
<b>8</b>

**BACKGROUND PAPERS - 37 Gloucester Mews, London, W2 3HE 20/00956/LBC**

1. Application form
2. Letter from South East Bayswater Residents Association received 27<sup>th</sup> March 2020

**DRAFT DECISION LETTER**

**Address:** 37 Gloucester Mews, London, W2 3HE,

**Proposal:** Amendments to planning permission dated 28 January 2020 (RN: 19/08415) for extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors; Namely, variation of internal floor layout

**Reference:** 20/00962/NMA

**Plan Nos:** As per the approved planning permission: 19/08415/FULL:  
Location plan and site plan, S-100, S-200, S-201, S-202, S-203, P-201-6.0 with written annotations, P-200-6.0 with written annotations, P-100-7.0 with written annotations as amended by email dated 8th January 2020, P-202-6.0 with written annotations, P-203-6.0 with written annotations, Heritage Statement, Design and Access Statement dated 29.10.2019 as amended by above drawings.

As per this latest application 20/00962/NMA:  
Location plan and site plan, ZR P069 P100 Rev 8.0, ZR P069-P200 Rev 7.0, ZR P069-P201 Rev 7.0, ZR P069 P202 Rev 7.0, ZR P069-P203 Rev 7.0, Design and Access Statement and Heritage Statement

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 07866037603

**Recommended Condition(s) and Reason(s)****Informative(s):**

1. The City Council agrees that the amendments to which this decision letter relates are sufficiently minor in terms of their scale and impact (both individually and cumulatively) in planning terms having regard to the overall scope of the previously approved development, so as to constitute non-material amendments to the planning permission dated 20.1.2020 . This letter does not constitute a new planning permission. You must still keep to the terms and conditions of the original planning permission except where amended by this decision.

Item No.
<b>8</b>

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.

**BACKGROUND PAPERS - 37 Gloucester Mews, London, W2 3HE, 20/00962/NMA**

1. Application form