

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	Flat 10, 15 Hyde Park Gardens, London, W2 2LU		
Proposal	Removal and replacement of south facing rear mansard slope with enlarged roof terrace to south side of mansard, replacement of railings to rear southern parapet and roof top lightwell, and internal alterations		
Agent	Mr Jeremy Peacock		
On behalf of	Mr Simon Cox		
Registered Number	20/01477/FULL, and 20/01478/LBC	Date amended/ completed	6 March 2020
Date Application Received	28 February 2020		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

Permission and consent are sought for the removal and replacement of the south facing rear mansard slope including with an enlarged roof terrace, the replacement of railings to the rear southern parapet and roof top lightwell, and internal alterations.

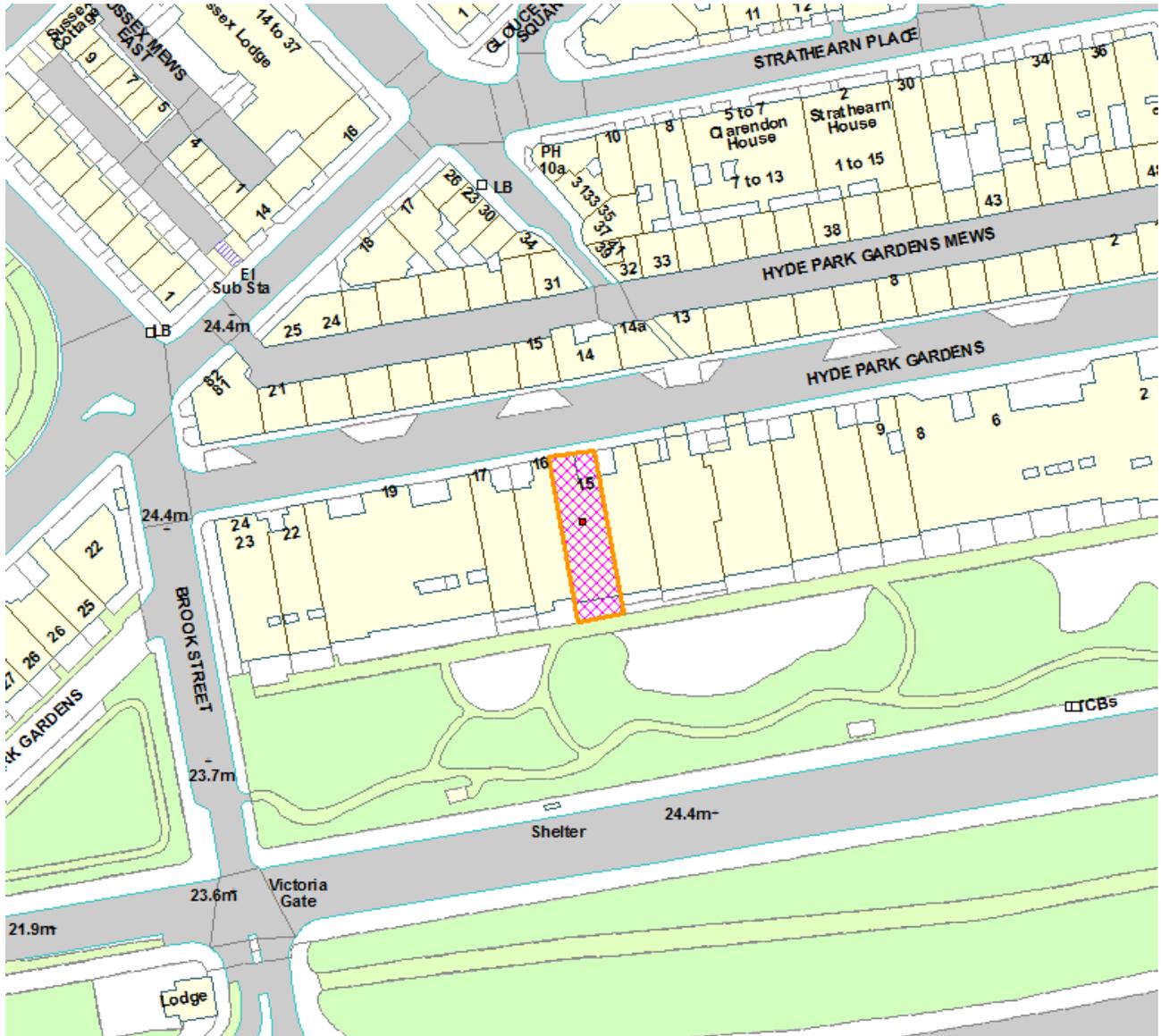
The key considerations are:

- The impact of the works on the character and appearance of the building and surrounding area.
- The impact of the works on the amenity of surrounding residents.

The proposed development would be consistent with relevant design policies, residential amenity

policies, and other relevant policies, in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the applications are recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS

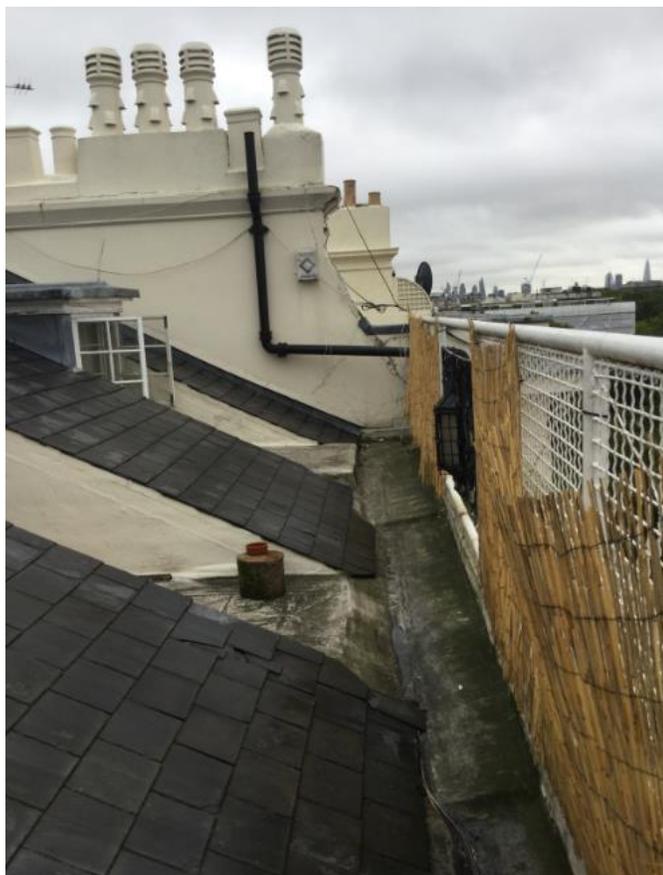
Front (North Side) Elevation



View of South Elevation from Hyde Park



Views of Roof of Building



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 15 Hyde Park Gardens is a Grade 2 listed building located within the Bayswater Conservation Area, and Flat 10 represents the top floor flat within the building. No. 15 forms an integral part of a terrace of properties between nos. 1 and 24 Hyde Park Gardens which have their main entrances on Hyde Park Gardens and their southern frontages facing over a private communal garden towards Hyde Park.

6.2 Recent Relevant History

28 April 2011

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

09 July 2014

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace and associated alteration to French doors to central dormer (Flat 10).

10 October 2017

Planning permission and listed building consent granted for the removal of part of the south roof slope to form mansard roof slope and enlarged roof terrace, associated alteration to French doors to central dormer and internal alterations (Flat 10)

7. THE PROPOSAL

The applications seek permission and consent for the removal and replacement of the south facing rear mansard slope including an enlarged roof terrace, the replacement of railings to the southern parapet and to the roof top lightwell, and internal alterations.

These current applications are a variation on the scheme most recently approved on 10th October 2017, as set out in the planning history section of the report.

Councillor Cox is the applicant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The applications involve alterations to an existing residential flat and do not raise any land use issues.

8.2 Townscape and Design

Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Design, Conservation and Listed Building Considerations

The applications seek to remove and replace the southern section of the top floor pitched roof extension to the building. Whilst at present it incorporates dormers set into a shallower roof slope, the new arrangements will be for a steeper mansard slope across the width of the building. As with the previously approved applications, the applicants have submitted an historical analysis report which demonstrates that the fabric to roof level is generally modern. The creation of a mansard form of roof to the southern elevation of the top floor level is in line with the pattern of other mansards along the terrace, and the detailing and cladding materials are both traditional and in keeping with the character of the building and terrace. As with the previously approved schemes

therefore, this work is considered acceptable in design terms.

Internally, the flat has been considerably altered, and the relatively minor amendments proposed are not considered contentious. The proposals seek to incorporate a series of steel beams internally to support the rebuilt sections of the top floor level, and these proposals were not included in previously approved schemes. The applicants have advised that following investigation works since the previous approvals the steel beams are considered to be required to support the new structure. They have advised that the steel beams shown to the drawings as being within the floor area of the flat will be inserted between the joists, with no floor joists proposed for removal and no works proposed to the ceiling of the flat below. Steel beams are already incorporated into the roof structure of the existing flat. Given the confirmation from the applicants that no works will be undertaken to the flat below, and the modern nature of significant elements of the existing structure of the roof, the incorporation of steel beams as part of the new structure is considered acceptable.

The replacement railings to the southern parapet and surrounding the central lighwell are neater than at present and considered uncontentious in design terms given the presence of the existing railings to these locations.

As such, the proposal is considered acceptable, mindful of policies DES 1, DES 6, DES 9 and DES 10 in the UDP and policies S25 and S28 in the City Plan. It will not adversely affect the significance of the listed building or surrounding buildings and Bayswater Conservation Area, or the setting of the nearby Royal Parks Conservation Area. A recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

An area of outdoor space already exists to the south side of the flat, albeit smaller than is now proposed. The increase in the size of the terrace relates to the removal of the elements of low pitched roof slope projecting forward of the existing area of accommodation to the flat, and their conversion to form part of the existing outdoor amenity space through the more set back line of the steeper mansard slope now proposed. The proposals would not give rise to an unacceptable impact on the property to the west in terms of overlooking given the arrangement of an existing high party wall extending almost to the south elevation and given the size and positioning of the dormers in place to that adjoining property. To the east side the existing party wall will also significantly restrict visibility, and the adjoining property to that side has a large terrace to the south side of its top floor accommodation. Given the domestic use of the flat, its relatively small one bedroom size, and the presence of existing outdoor amenity space to this southern side of the flat, the enlargement of the terrace would also not be considered to give rise to any unacceptable impact in terms of noise and disturbance to surrounding residents.

As with the previously approved schemes, the terrace proposed is not considered to give rise to any unacceptable amenity or overlooking concerns for the adjoining residential properties.

Given this, the enlarged terrace is considered in line with policies ENV 13 in the UDP and S29 in the City Plan. The proposals for a terrace follow those included in the previous approval of 10th October 2017, as set out in the planning history section of the report.

8.4 Transportation/Parking

The proposals do not give rise to highways or parking issues.

8.5 Economic Considerations

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

8.6 Access

The access arrangements into the building and flat remain unchanged by the proposals.

8.7 Other UDP/Westminster Policy Considerations

None applicable to these application proposals.

8.8 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.

8.9 Neighbourhood Plans

There are currently no neighbourhood plans applicable to this part of Westminster.

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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

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

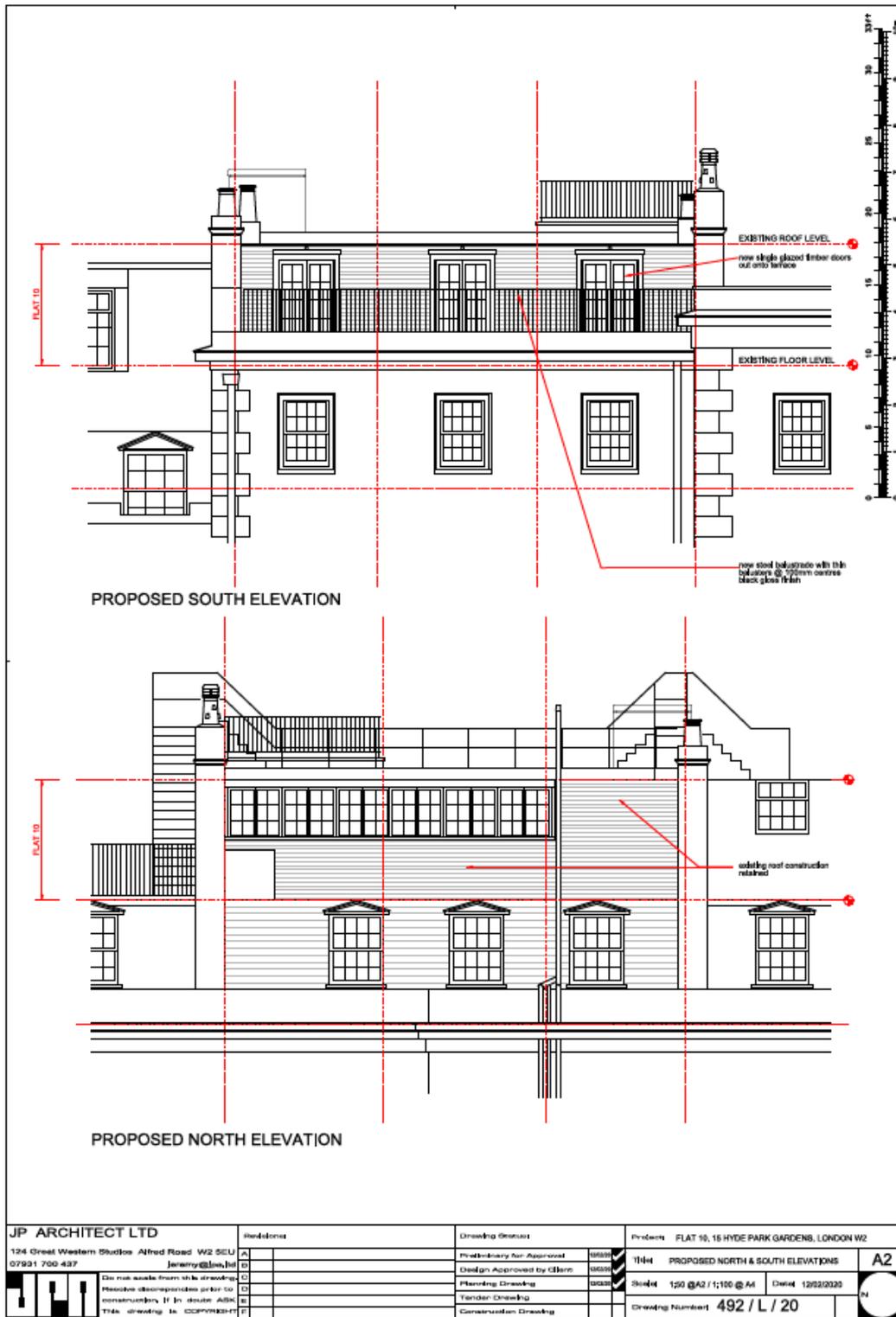
8.14 Other Issues

The application proposals do not raise other issues of relevance to these proposals.

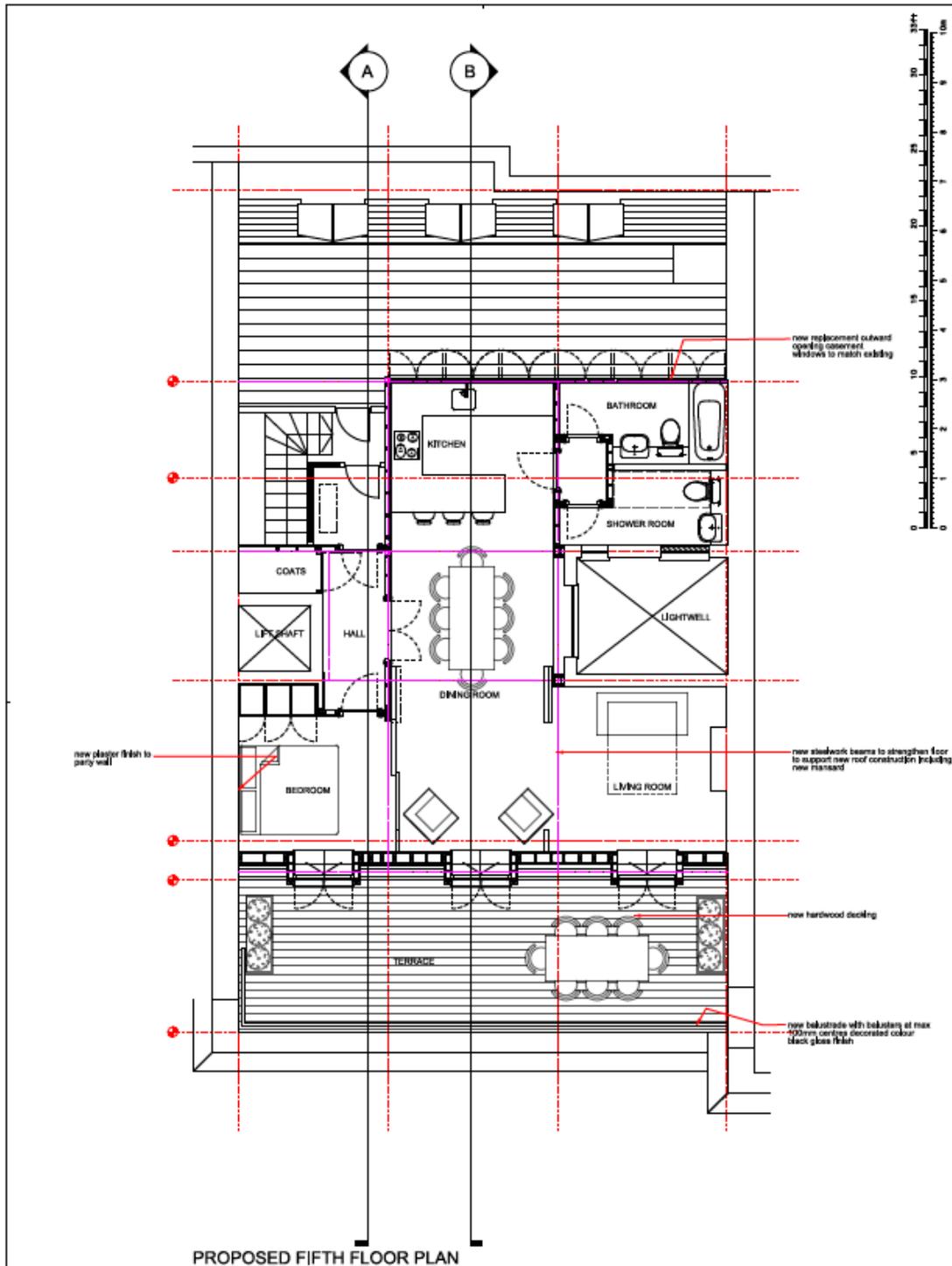
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

9. KEY DRAWINGS



JP ARCHITECT LTD 124 Great Western Studios Alfred Road W2 5EU 07931 700 437 jeremy@jpa.co.uk		Revisions A B C D E F	Drawing Status Preliminary Not Approved Design Approved by Client Planning Drawing Tender Drawing Construction Drawing	Project: FLAT 10, 16 HYDE PARK GARDENS, LONDON W2 Title: PROPOSED NORTH & SOUTH ELEVATIONS Scale: 1:50 @ A2 / 1:100 @ A1 Date: 12/02/2020 Drawing Number: 492 / L / 20	A2 N
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JP ARCHITECT LTD

124 Great Western Studios Alfred Road W2 5EU
07931 700 487



Do not scale from this drawing
Resolve discrepancies prior to construction. If in doubt ASK
This drawing is COPYRIGHT

Revisions	Drawing Status
A	Preliminary for Approval
B	Design Approved by Client
C	Planning Drawing
D	Tender Drawing
E	Construction Drawing

Project	FLAT 10, 15 HYDE PARK GARDENS, LONDON W2 5LU
1144	PROPOSED FIFTH FLOOR PLAN
3044	120 @ A2 / 1:100 @ A1 DWG# 12/02/2020
Drawing Number 492 / L / 16	

A2

DRAFT DECISION LETTER

Address: Flat 10, 15 Hyde Park Gardens, London, W2 2LU

Proposal: Removal and replacement of south facing rear mansard slope and with enlarged roof terrace to south side of mansard, replacement of railings to rear southern parapet and roof top lightwell, and internal alterations

Reference: 20/01477/FULL

Plan Nos: 492/L/11, 492/L/12, 492/L/13, 492/L/14, 492/L/15, 492/L/16, 492/L/17, 492/L/18, 492/L/19, 492/L/20, 492/LOC/01, Emails dated 7th April 2020 and 20th April 2020 from JP Architects, Site Photo ,

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641
07866037603

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 , onot 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 south facing mansard slope shall be clad in slates to its full height to match the colour and texture of the existing slates to the existing south facing pitched roof slope.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 All new external railings shall be formed in black coloured metal, and shall be retained in that colour 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)

- 6 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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

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addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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.

colour and texture of the existing slates to the existing south facing pitched roof slope.

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)

- 4 All new external railings shall be formed in black coloured metal, and shall be retained in that colour thereafter

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)

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,

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consultants, contractors and subcontractors of the terms and conditions of this consent.
(159AA)

- 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 at 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.