

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 June 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	105A Hamilton Terrace, London, NW8 9QY		
Proposal	Erection of single storey rear extension at lower ground floor level and installation of new windows, and the replacement of existing windows and the front door.		
Agent	Miss Alice Moore		
On behalf of	Mr Jude Salmon		
Registered Number	20/02062/FULL	Date amended/ completed	21 March 2020
Date Application Received	21 March 2020		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

The application relates to a lower-ground floor flat within a former large detached townhouse fronting the southern side of Hamilton Terrace and within the St John's Wood Conservation Area. The building is not listed but does contribute positively to the character and appearance of the conservation area.

The application proposes to erect a single-storey full-width rear extension to the flat, alongside associated alterations to the first floor projecting balcony of the flat above, to insert new windows to the side elevations, and to replace the existing windows and doors in the rest of the flat.

The current application follows a previously refused application for a larger extension in 2019 which was subsequently dismissed at appeal.

Objections have been received from two other flats in the building. The St John's Wood Society do not raise objections themselves but recognise the amenity concerns of neighbours and ask that these be considered carefully.

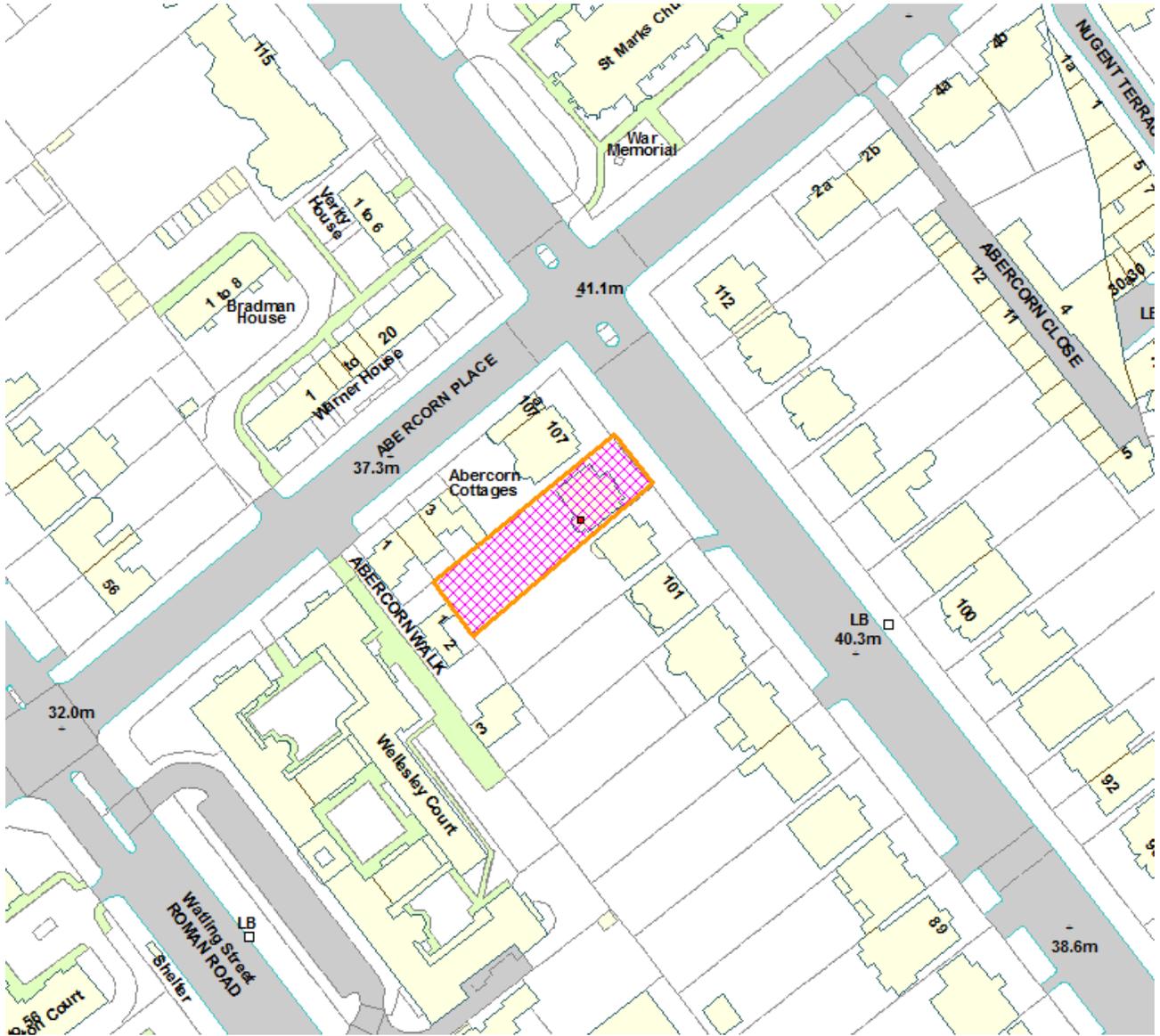
The main issues for consideration are:

- The quality of the proposed design;
- The preservation or enhancement of the character or appearance of the St John's Wood Conservation Area;
- The impact of the proposals on trees; and
- The impacts of the proposals on the amenity of adjacent neighbours.

These revised proposals are considered to represent a good design response to the Appeal Inspector's findings and, whilst the proposal would continue to affect the ground floor flat's balcony and the canted rear bay window, this would not be such that it would harm the appearance of the building or the character or appearance of the conservation area. Amenity issues were adequately resolved by the previous (refused) scheme and no new issues are raised by these revised proposals.

It is recommended that planning permission be granted subject to the conditions set out in this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photo 1: Rear elevation of application site from rear garden



Photo 2: Front elevation of application site from Hamilton Terrace



5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

20th April:

"We welcome the reduction in footprint from the previous scheme and raise no objections, subject to the comments of the other residents in the building."

28th April:

"The St John's Wood Society recently received the comments (below) regarding the rear extension proposed at 105A Hamilton Terrace.

The Society's planning committee met last week to go through the planning applications in our consultee in-tray but no comments from neighbours had been submitted online to WCC at that time.

Whilst we welcomed the reduced footprint of the rear extension compared to the previously refused scheme, concerns remained about a potential loss of amenity to the other residents of the building. It is not always easy to judge the impact that a development like this will have unless a site visit is made but presumably that is impossible during the present crisis.

I am writing to let you know that we support any valid planning grounds of objection raised by neighbours and request that these are carefully considered."

TREE OFFICER

No objection subject to conditions and informatives.

ADJOINING OWNERS / OCCUPIERS AND OTHER PUBLIC REPRESENTATIONS:

No. Consulted: 26

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Amenity:

- Removal of Flat 2's balcony without sufficient justification;
- Loss of amenity.

Design / conservation:

- Adverse impact on the St John's Wood Conservation Area;
- Bulk, scale and mass of the proposed extension;
- Extension design and width would relate poorly to balcony and bay window.

Other:

- Lack of pre-application engagement.

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains a five-storey detached villa which has been sub-divided into six flats. The property is located within the St John's Wood Conservation Area and is noted as an Unlisted Building of Merit within the St John's Wood Conservation Area Audit.

6.2 Recent Relevant History

18/09506/FULL

Erection of single storey rear extension at lower ground floor level, installation of new windows, replacement of existing windows and front door and security railings to side elevation.

Permission was refused on 20 February 2019 for the following reason:

1. Because of bulk, scale and detailed design the rear extension and windows to the side elevation would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

A subsequent appeal was dismissed on 9 August 2019.

7. THE PROPOSAL

The application proposes to erect a single-storey, full width rear extension to the rear elevation of this existing two-bedroom lower-ground floor flat. The extension would occupy the full width of the rear elevation, excepting for shallow cut-outs to the proposed side wall line to demark each abutment with the original rear wall line. This cut-out would be more marked to the south-east elevation where a slight step in the wall line would be provided in addition, in order to preserve part of the vertical wall line of the bay window. The extension would feature a stepped rear elevation and roofline, stepping back and down in line with the proportions of the canted bay and so forming two effective visual volumes. The rear windows of the extension would feature deeply splayed reveals in reference to the angles of the canted bay. The extension would incorporate the existing projecting metal balcony which serves the ground floor flat which would be set back into the same position but with the space beneath infilled.

It is also proposed to insert two new traditionally designed windows to the south-east elevation and three to the north-west elevation, whilst also replacing the remainder of the

windows and front door to the flat. The new windows would be double-glazed.

Following revisions secured by officers during the course of the application, a further proposal of a side security railing on top of the shed roof has been omitted by the applicant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application relates to an existing residential flat and proposes to extend this without changing its use. This is consistent with council and national planning policy supporting the improvement of family homes.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets for this application is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which 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."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to pay special attention, as relevant. This should also take into account the relative significance of the affected assets and the severity of the harm caused.

UDP policies relevant to this application include DES 1 (general design), DES 5 (alterations and extensions), and DES 9 (conservation areas).

Forming a baseline for the consideration of this application is the refusal of a similar but larger proposed extension and its subsequent dismissal at appeal in 2019 (RN: 18/09506/FULL). That application was refused on design grounds, with the Inspector later agreeing that it was too large and visually dominant, that it related poorly to the existing projecting ground floor balcony and the canted bay, and that the design of proposed new windows to the side elevations were not appropriate.

The site and its significance

The application site is the lower-ground floor flat within a subdivided former detached townhouse fronting the southern side of Hamilton Terrace. Consistent with the prevailing character of the road, the house is an early 19th century individually designed villa arranged over five floors, comprising of four sheer storeys plus attic. Due to the sloping nature of the area's topography and the raised height of the road, the lower ground floor is set below street level to the front elevation, but level with the rear garden.

Set one house in from the junction of Hamilton Terrace and Abercorn Place, the upper storeys of the house are visible from the west over the garden of no.107 which forms the

corner. However, due to the boundary treatments of both properties and the later modern extensions to no.107, the lower ground floor and indeed much of the ground floor rear elevations are not visible from the road. From the rear, minimal visibility of the house is gained from private or public vantage points due to the thickness and maturity of the trees which occupy the garden, and due to the arrangement of windows in opposing properties. Oblique views from above of the rear garden can however be gained from the rear windows of no. 103 and 107 either side of the application site, and of course from the rear windows of the upper floor flats of no.105 itself.

The proposals and their impacts

The Inspector dismissed the application for the following principal reasons, which correlated with the council's reasons for refusal:

- Loss of and poor relationship with the canted bay;
- Poor relationship with the projecting rear balcony;
- Overall width, size and relationship with existing building; and
- The discordant design of proposed side windows.

The Inspector found no impacts on the amenity of any neighbours, nor any concerns relating to trees or other matters.

Whilst the proposal remains a full width extension, as was the appeal scheme, it is otherwise notably smaller overall than the appeal proposal and exhibits a much more sensitive massing and a better articulated and higher quality design. The reductions in size are made in the depth of the extension's projection from the original rear wall lines of the existing building which as now proposed would be subservient and would allow the upper floors of the former house to remain dominant when viewed from the garden.

Objections and subsequent applicant responses have focussed in part on differing methods of comparing the dimensions of the current and previously refused proposals, relating to which points on the existing building and proposed extensions to measure between. Having checked dimensions and compared approaches, officers consider the applicant's approach to be reasonable and correct.

The current proposal would project from the rear wall line of the canted bay by 3.4 metres and from the main back wall line by 4.1 metres. For a large house of this size, this is considered to be acceptable, and the stepped two-volume form now proposed further breaks up the mass of the proposal.

The refused scheme by contrast projected 4.8 metres from the canted bay, and 6.5 metres from the main rear wall line (including the proposed projecting canopy and side wall) with a flat, fully glazed rear elevation which lacked the subtlety of what is now proposed.

It is acknowledged that the proposals remain to demolish the base of the canted bay that is the rear elevation's key architectural feature.

In considering this, it must be remembered that the council's policies are generally permissive towards the principle of rear extensions to unlisted houses in conservation

areas, and so too in this case, the limited visibility of the rear elevation presents a reasonable opportunity to enlarge at garden level. Canted bays are by nature difficult to build over or in close proximity to; almost all options result in some form of architectural compromise (other than the option of not extending). The current proposal does not shy away from this challenge but proposes instead to replace the ground level component of the canted bay with a new high-quality architectural base in the form of the proposed extension, which is notably more successful than the appeal scheme. In this case, taking into account relative significance and the merit of the proposed design, this is considered to be acceptable in design terms.

The application also proposes removal of the projecting metal balcony for the ground floor flat, refurbishment of its existing railings and attaching them to a new integrated balcony. This balcony would be the same size as the existing projecting balcony. The occupant of the ground floor considers that removal of this balcony has not been sufficiently justified in conservation terms. However, its removal and refurbishment would not harm the significance of this heritage asset, would preserve the character and appearance of the conservation area and refusal of permission on this basis would not be sustainable.

Also proposed are the replacement of windows and the front door to the flat, and to insert five additional windows between the two side elevations. The proposals include reference to slimline double-glazing for the replacement sash windows, which for an unlisted building in a conservation area is generally considered to be acceptable, subject to detailed design (secured through condition). The revised (now traditional) design of the proposed side windows is considered to be a marked improvement upon the appeal scheme which was based on more modern styled windows.

For the reasons discussed above, the proposal is considered acceptable in design terms, mindful of policies DES 1, DES 5 and DES 9 of the UDP; and therefore, a recommendation to grant conditional permission 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

Policy ENV 13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/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 aim to protect the amenity of residents from the effects of development.

Due to the boundary walls being two metres high and the distance between the boundary walls and the adjacent property windows, the rear extension would not result in an unacceptable loss of light or sense of enclosure to neighbouring properties. Windows within the extension would also be screened from neighbouring properties by existing boundary walls. Accordingly, it would not result in unacceptable loss of privacy from the occupants of neighbouring properties.

The occupant of the flat above objects to removal of the projecting balcony for the period of construction. Whilst this is understood, it would only be removed for a short period

during construction and would be reinstated. Accordingly, refusal of permission on this basis would not be sustainable. The issues raised regarding the condition or works required to the balcony are civil matters to be agreed between the applicant and their neighbours. The approval of planning permission conveys no imposition on a neighbour in relation to the Party Wall Act or other civil issues.

It is also worth noting that the Inspector found no impacts on the amenity of any neighbours despite their concerns regarding the design / conservation impacts of the size of the extension and its relationship with the neighbour's balcony.

Given the above, the proposed development would comply with policies S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Trees, Sustainability and Biodiversity

The applicant's arboricultural report recommends the removal of two small trees due to their proximity to the proposed extension. The council's Arboricultural Officer does not object to their loss subject to suitable replacement planting. There are a number of trees in the rear garden including mature limes. The Arboricultural Officer is satisfied that the development can be carried out without harm to these trees provided that appropriate tree protection methods are applied, with conditions recommended to secure this.

The application includes a green roof, which if suitably specified can provide both sustainability and biodiversity benefits. A condition is recommended to ensure that this is properly specified.

8.5 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.

8.6 Neighbourhood Plans

There is currently no Neighbourhood Plan for this part of the city.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

This recommendation does not include any pre-commencement conditions.

8.9 Planning Obligations

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

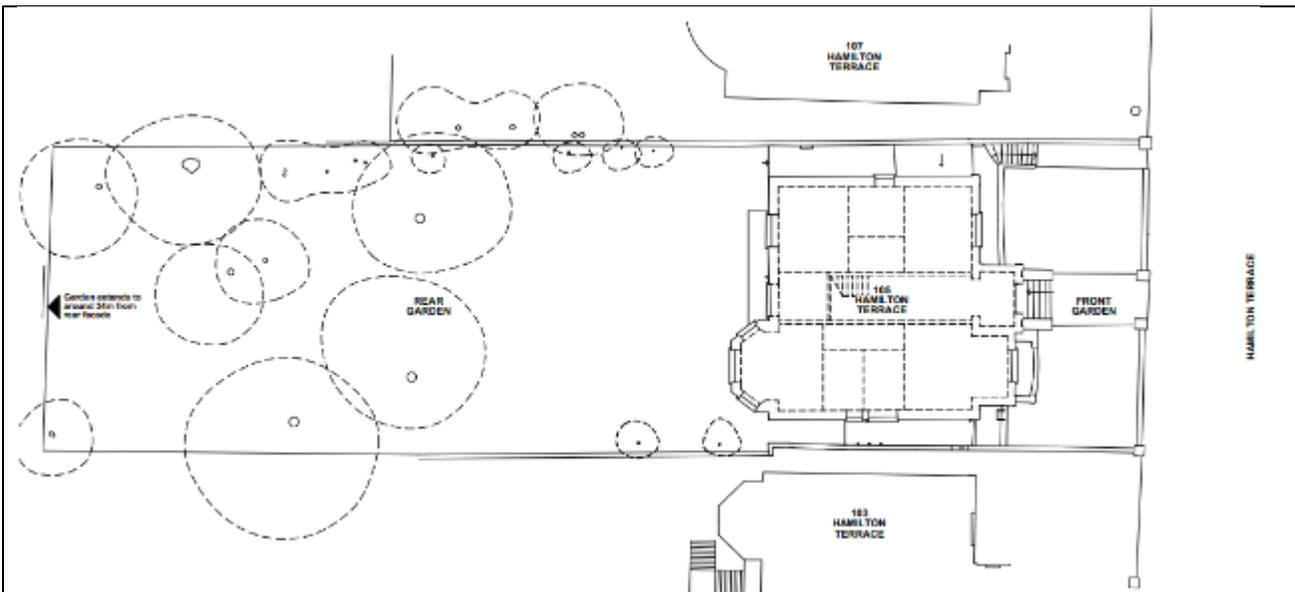
8.10 Environmental Impact Assessment

The proposal is not EIA development.

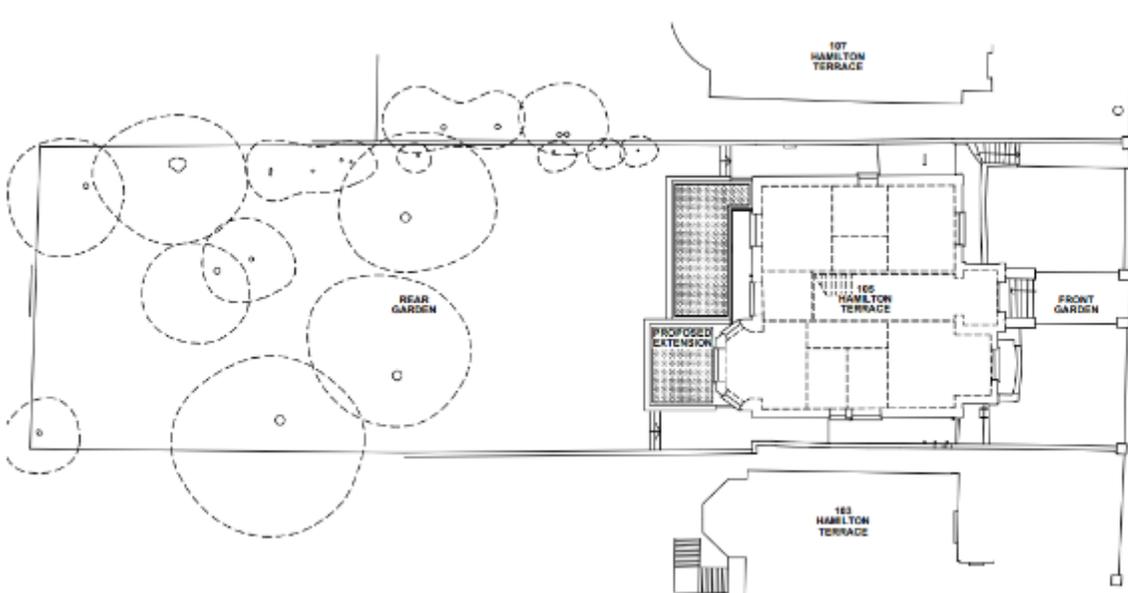
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

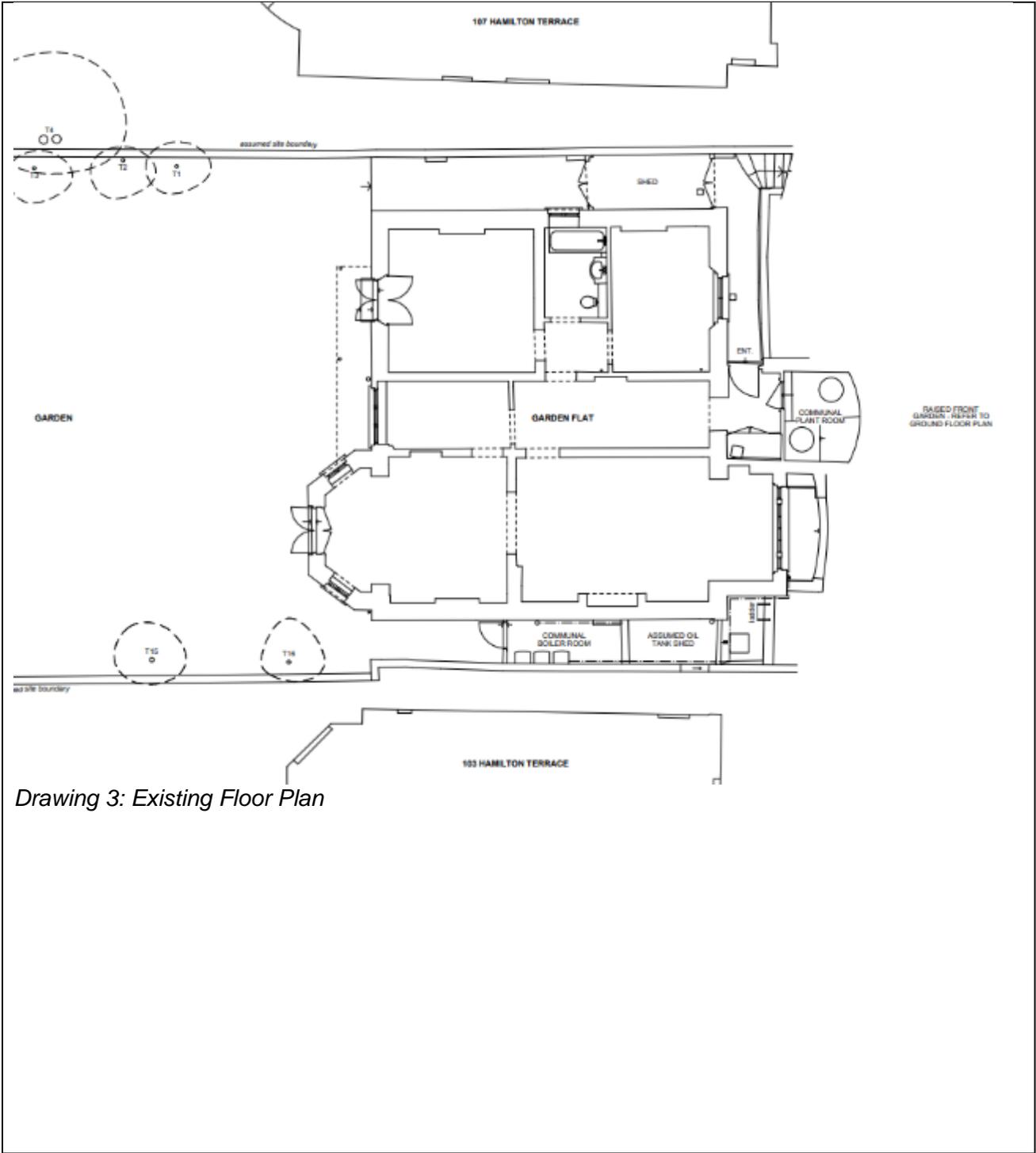
9. KEY DRAWINGS



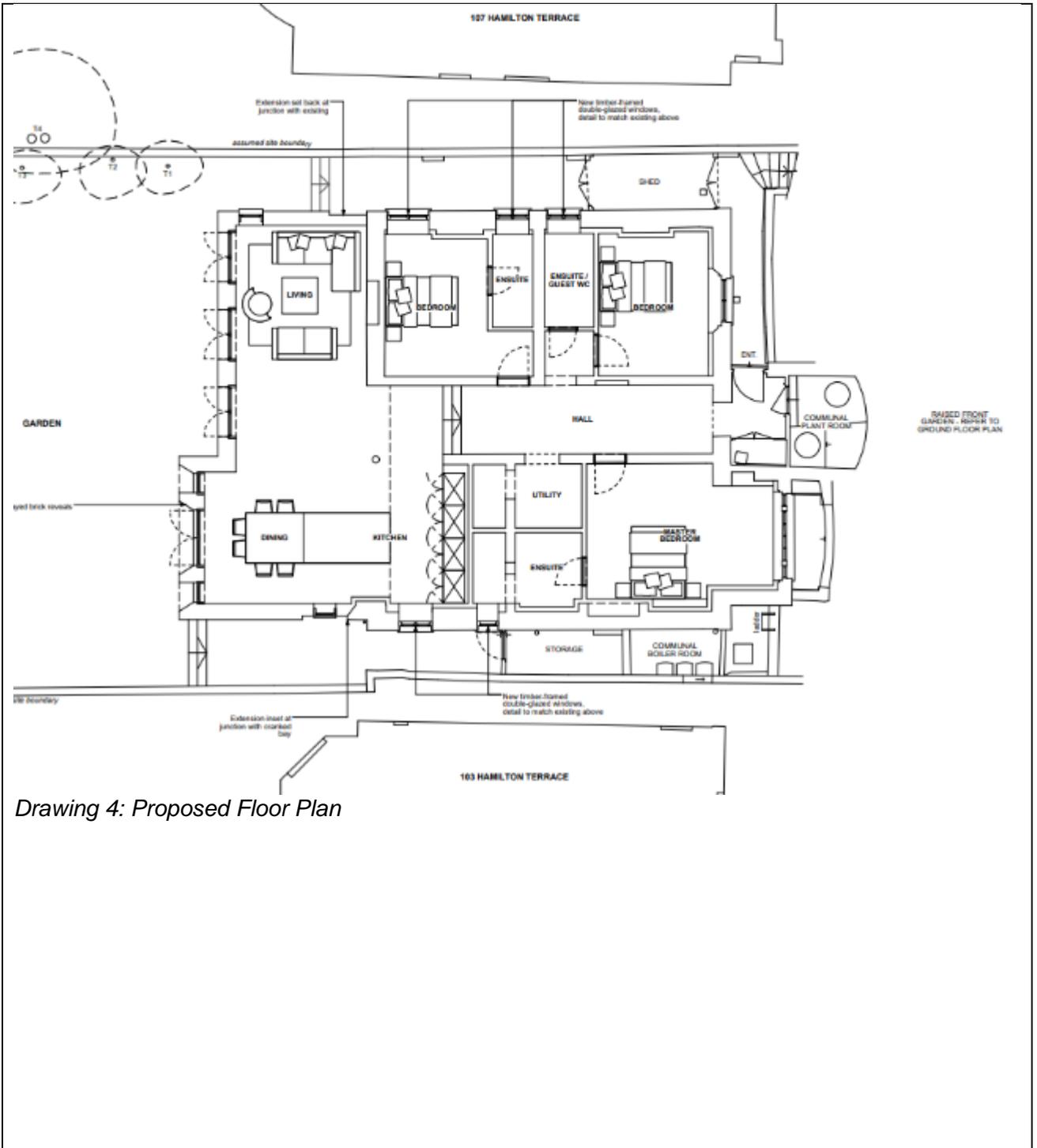
Drawing 1 (above): Existing Site Plan



Drawing 2: Proposed Site Plan



Drawing 3: Existing Floor Plan



Drawing 4: Proposed Floor Plan



No.107

105 HAMILTON TERRACE

No.103

Drawing 5: Existing Rear (south-west) Elevation

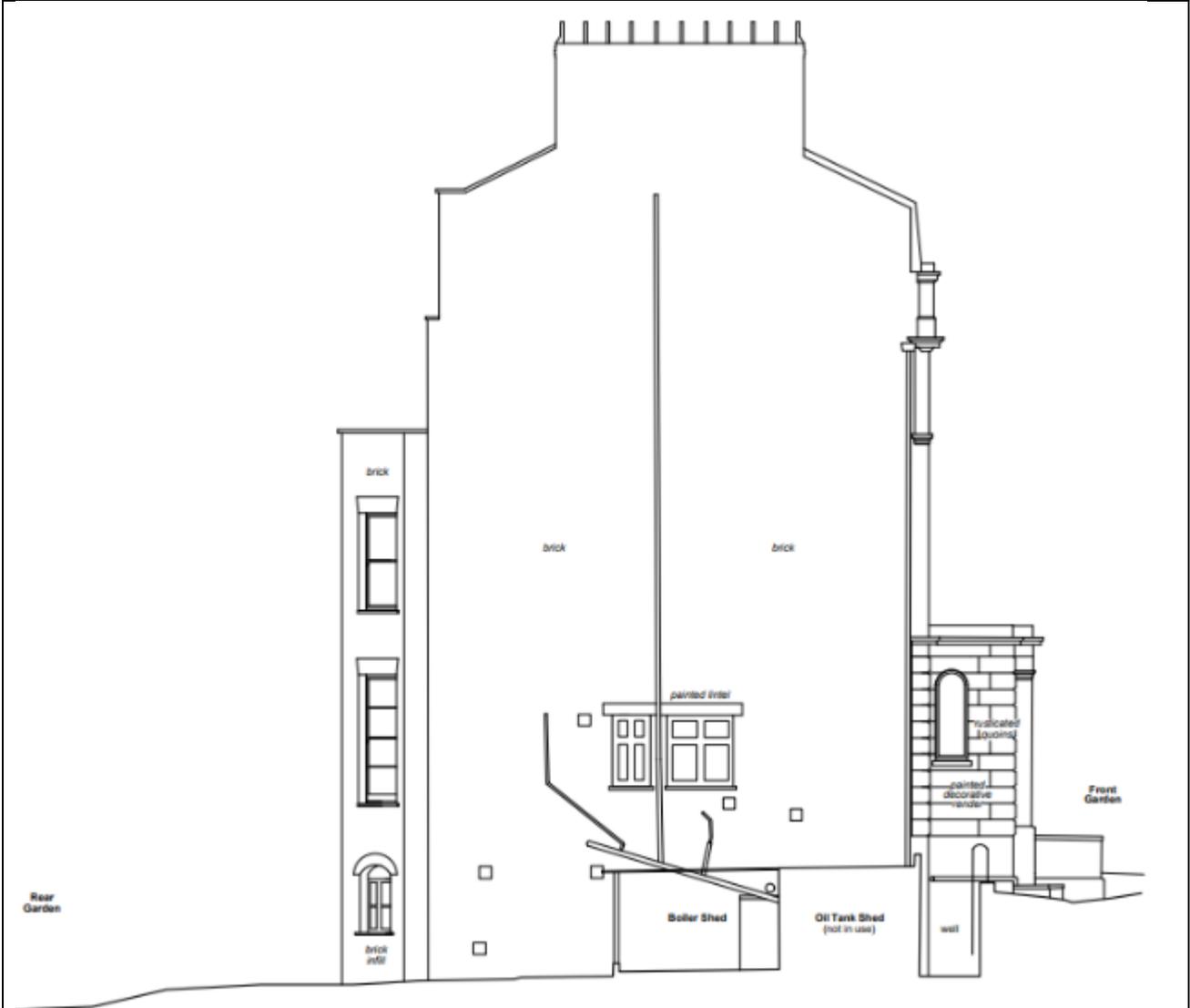


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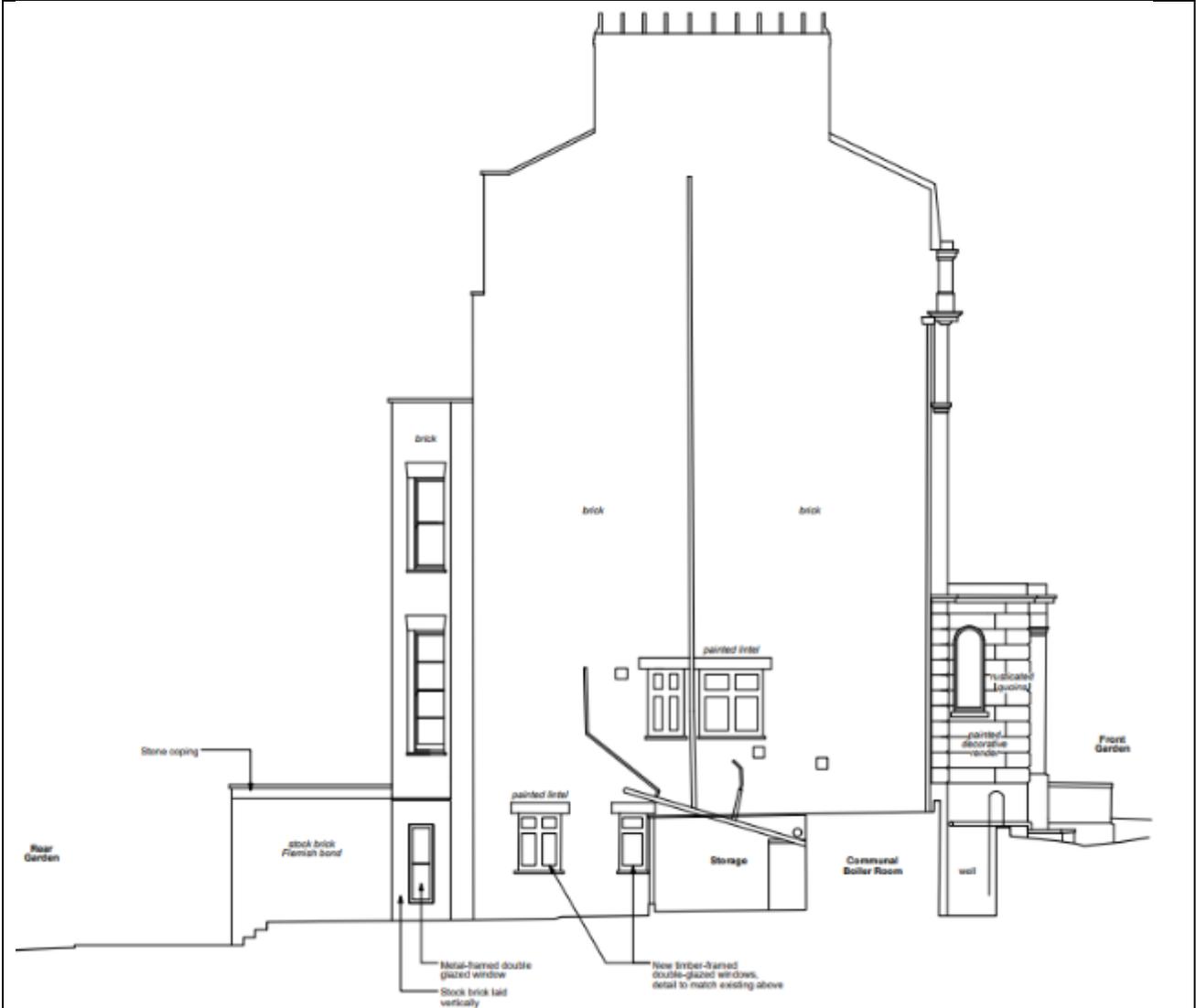
105 HAMILTON TERRACE

No.103

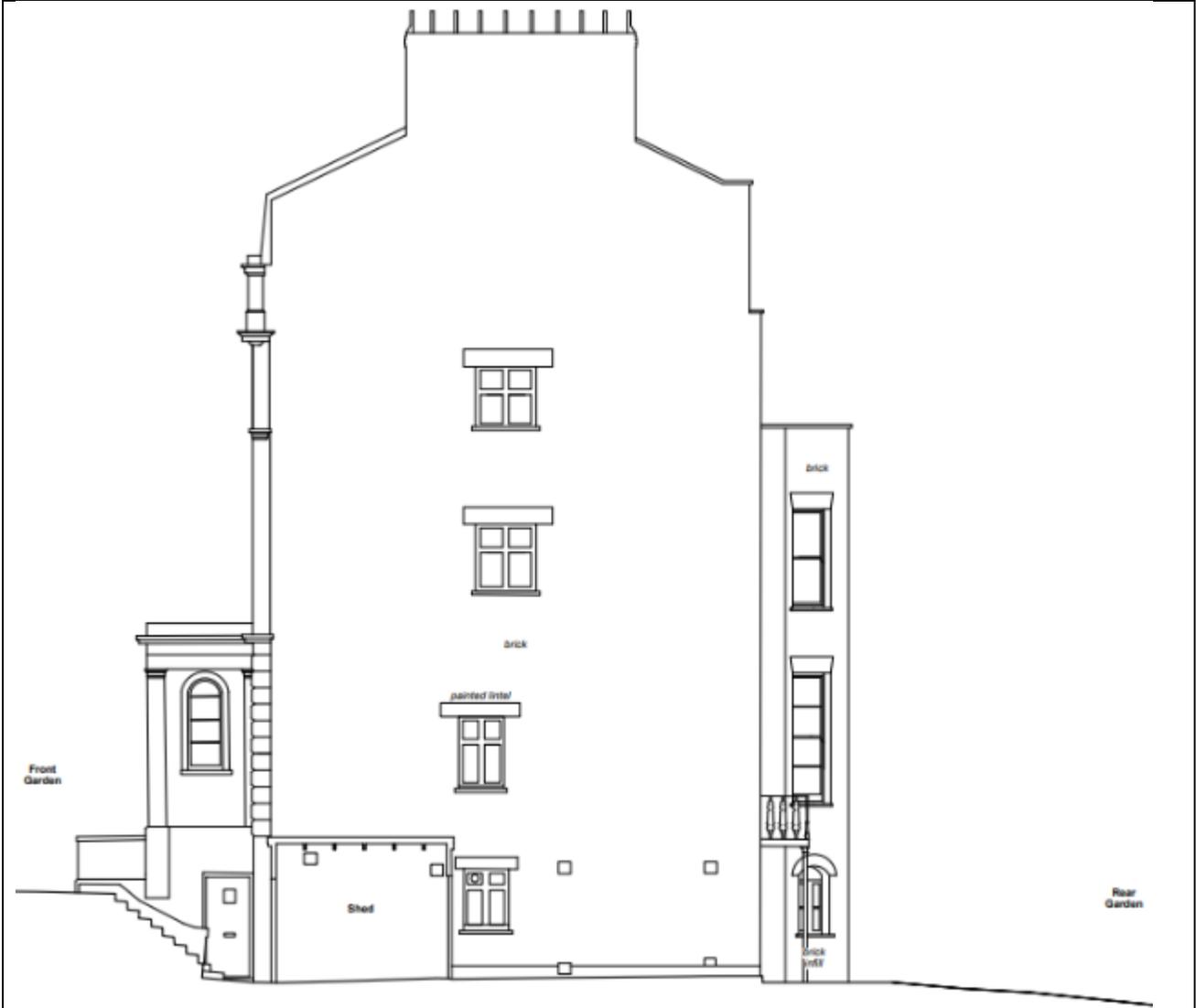
Drawing 6: Proposed Rear (south-west) Elevation



Drawing 7: Existing Side (south-east) Elevation (facing no.103)



Drawing 8: Proposed Side (south-east) Elevation (facing no.103)



Drawing 9: Existing Side (north-west) Elevation (facing no.107)

DRAFT DECISION LETTER

Address: 105A Hamilton Terrace, London, NW8 9QY

Proposal: Erection of single storey rear extension at lower ground floor level and installation of new windows, and the replacement of existing windows and the front door.

Reference: 20/02062/FULL

Plan Nos: 1915-PL-099; 1915-PL-100; 1915-PL-101; 1915-PL-110; 1915-PL-111; 1915-PL-112; 1915-PL-113; 1915-PL-114; 1915-PL-199; 1915-PL-200; 1915-PL-201; 1915-PL-210 A; 1915-PL-211 A; 1915-PL-212; 1915-PL-213; 1915-PL-214; 1915-PL-221; 1915-PL-222 A; Document entitled, "Arboricultural Impact Assessment: 105a Hamilton Terrace, London NW8" (ACS (Trees) Consulting, 26/03/2020, ref: ha/aiams2/20/105aht).

Case Officer: Andrew Barber **Direct Tel. No.** 07866037397

Recommended Conditions and Reasons

- 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:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of further information (as set out below) about the following parts of the development:

(a). Replacement of existing windows and external doors (detailed existing and proposed window elevations and sections at 1:5).

(b). Windows and external doors in the extension (detailed proposed elevations and sections at 1:5).

(c). Green roof (detailed sections and planting specification).

The details you submit must show the surrounding existing / associated fabric such as window heads / reveals. 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 details. (C26DB)

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 St John's Wood 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 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

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)

- 6 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in your Arboricultural Impact Assessment and Tree Protection Plan dated 20th March 2020. The proposed tree protective fencing and ground protection must be installed according to the examples given in Appendix 3. You must undertake the arboricultural supervision as set out in Section 3.0 and you must send us a written report within 5 days of each visit by the arboricultural consultant. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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.

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 at www.westminster.gov.uk/contact-us-building-control

- 3 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

- 4 When you apply to us for approval under condition 6 you must include details of at least two replacement trees. Any new hard landscaping within tree root protection areas must be permeable and 'no dig'.

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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.