

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 September 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>35-38 Dorset Square, London, NW1 6QN</b>		
<b>Proposal</b>	Erection of a single storey rear extension at lower ground floor level to create a self-contained residential unit (Class C3) and associated works.		
<b>Agent</b>	Higgs		
<b>On behalf of</b>	The Freeholders Notcutt House		
<b>Registered Number</b>	20/03043/FULL and 20/03044/LBC	<b>Date amended/ completed</b>	13 May 2020
<b>Date Application Received</b>	13 May 2020		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Dorset Square		

## 1. RECOMMENDATION

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

## 2. SUMMARY

This application site contains four, basement plus four storey former townhouses that have been subdivided into laterally converted flats. The former townhouses are Grade II listed and located within the Dorset Square Conservation Area.

The applicant proposes erection of a single storey rear extension at lower ground floor level to create a self-contained residential unit (Class C3) and associated works.

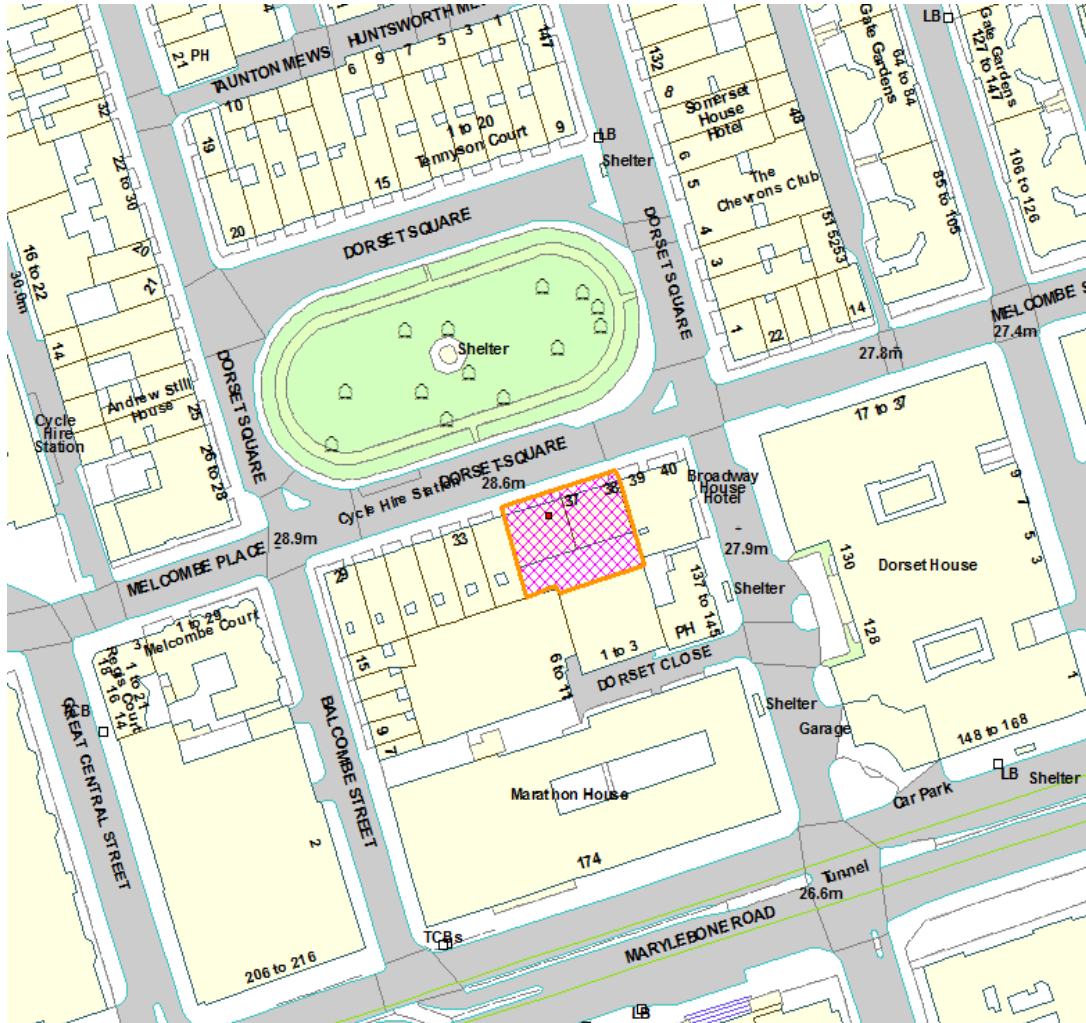
Several objections to the proposed development have been received. The objectors are primarily concerned with the impact of the proposed extension/flat on the amenity of existing flats on and off-site and the character and appearance of the conservation area and this listed building. Several civil and other non-material planning considerations have also been raised.

The key considerations are;

- The standard of accommodation proposed;
- Impact of the proposed extension on the special interest of this Grade II listed building and the character and appearance of the Dorset Square Conservation Area; and
- Impact on the residential amenity of residents on the application site and on neighbouring sites.

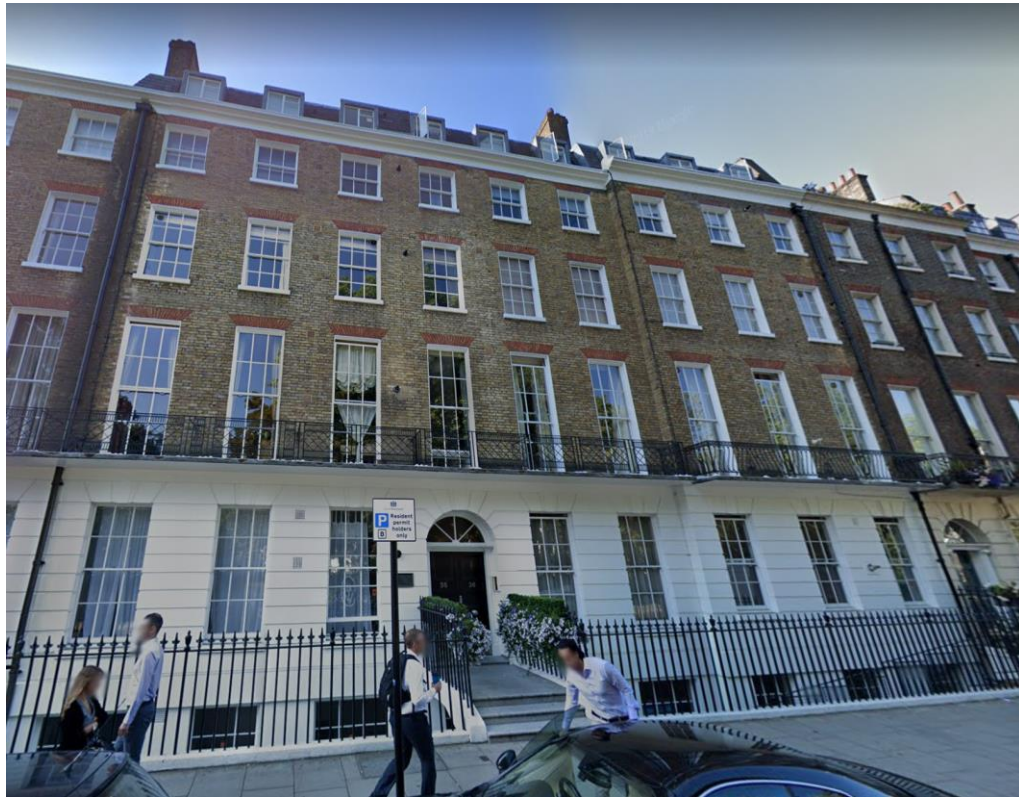
The proposed development would preserve the special interest of this Grade II listed building and the character and appearance of the Dorset Square Conservation Area and would be consistent with the development plan. It is therefore recommended that permission and consent area granted, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Application Site



Courtyard at Rear of Site

## 5. CONSULTATIONS

### **First Round of Consultation (Expired 8 June 2020)**

#### WARD COUNCILLORS

No response received.

#### THE ST MARYLEBONE SOCIETY

Where this can reasonably be achieved, given the urgent need for more residential accommodation in Westminster, they support the building of additional housing units.

They have seen several such applications permitted in the local area recently, including applications by WCC in council owned housing blocks.

They note objections from some neighbours to this use of the basement, but it is clear that only about a quarter of the basement is taken for the proposed new flat, and all storage areas remain as existing, as does access.

The building was destroyed in WWII and rebuilt with a replica North facade and was laid out as modern flats without any reference to the historic Georgian plan. The proposal does not change the listed north facade and there are no internal heritage features to preserve.

Defer to WCC on design.

#### WASTE PROJECT OFFICER

Proposed waste storage does not meet current WCC standards. However, this can be addressed by condition should permission be granted.

#### HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring provision of cycle and waste storage.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 11

No. of objections: 11

No. in support: 0

In summary the objectors raise the following issues:

- The freeholder has treated leaseholder unfairly (e.g. removed dustbin from basement storage);
- The new flat will create more rubbish and result in it being stored on the pavement, causing inconvenience to residents and pedestrians and attracting vermin;
- The proposed flat is out of scale and out of character with the existing development and does not preserve the conservation area;
- Removal of a sash window at the front of the application site and its replacement with a door would disrupt the rhythm and proportions of openings at basement

- level;
- The new flat will create more noise for existing residents on the application site;
  - The new flat will create light pollution for existing residents on the application site;
  - The new flat will result in loss of outlook for existing residents on the application site;
  - Maintenance of the proposed green roof will result in loss of privacy for existing residents on the application site;
  - The proposed flat will have substandard light levels;
  - Existing residents will lose use of common areas at basement level and/or the rear courtyard for storage, drying, exercise and/or cleaning;
  - The proposed flat will cause security issues for the building;
  - The proposed flat is the first of four proposed flats and will result in three further flats being constructed in the basement and rear courtyard;
  - Residents were never consulted or informed of the proposed plans by the applicant;
  - Access to sewers takes place at basement level and these sewers often overflow and flood the basement area;
  - The temporary fence is not necessary as there are not any security issues with the property at 1 Dorset Close;
  - Two affordable flats at 1 Dorset Close are uninhabitable due to the temporary fence blocking light to these flats;
  - The rear wall of the proposed extension would result in loss of light and outlook for flats within 1 Dorset Close;
  - Cigarettes thrown from the first-floor windows at 1 Dorset Close may cause fires on the green roof proposed;
  - The site notice has been removed;
  - The site notice is too high;
  - The pandemic means that residents have not been receiving their post and that less people have been walking past the front of the application site so may not have had an opportunity to comment;
  - The applicant and architect are both members of the St Marylebone Society and the latter is therefore not impartial with respect to this application; and
  - The applicant is only financially motivated and does not actually care about providing residential accommodation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**Second Round of Consultation (Expired 30 July 2020)**

THE ST MARYLEBONE SOCIETY

No response received.

WASTE PROJECT OFFICER

Proposed waste storage does not meet current WCC standards. However, this can be addressed by condition should permission be granted.

HIGHWAYS PLANNING MANAGER

No response received.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40  
Total No. of replies: 0  
No. of objections: 0  
No. in support: 1

In summary, the supporter raises the following issues:

- The basement has been used as a dumping ground and is under-utilised;
- The proposed development provides much-needed housing;
- The plans respect the access to the basement, storage cages, coal bunkers and bin storage areas and these remain unchanged; and

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site contains four, basement plus four storey former townhouses that have been subdivided into laterally converted flats. The basement beneath these properties are used as ancillary storage areas/ laundry facilities. The former townhouses are Grade II listed and located within the Dorset Square Conservation Area. It should be noted that the rear of these properties have been rebuilt in the past and that the original fabric of the building is mainly retained to the front elevation.

### 6.2 Recent Relevant History

None

## 7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for a single storey rear extension in the rear courtyard to accommodate one flat. The flat would be located to the rear of one of the former townhouses (no. 37) and extend beneath it into the existing basement space. The proposed extension would extend across approximately half the former townhouse and to 1.5 m from the rear boundary with 1-5 Dorset Close. It would also have a green roof.

The proposed flat would have two bedrooms and a floor area of approximately 105 sqm.

The proposed development has been amended since this application was first made to address officer and objector concerns. The rear extension has been reduced in size so that it covers only half the width of the rear elevation of the original townhouse and it has been set back from the boundary with 1-5 Dorset Close.

The applications originally sought the retention of a fence located along the rear boundary of the application site, but this is no longer proposed.

## 8. DETAILED CONSIDERATIONS

These applications were made during the Covid-19 'lockdown'. Accordingly, officers have been unable to visit the application site or its neighbours. However, officers have visited neighbouring sites previously and the applicant and objectors have provided photos of the area affected by the proposed development. Between this and other records the Council possesses, a site visit is not considered necessary to enable consideration of these applications in this instance.

### 8.1 Land Use

The existing basement accommodation is used for storage and laundry purposes. It is unclear who has access to what areas of this basement. Given that this is ancillary residential accommodation its loss can't be protected, The provision of a new additional residential unit is supported in principle by policy H3 of the UDP and policy S14 of the City Plan.

The proposed flat would have a floor area exceeding the relevant standard for a three-bedroom, four-person flat set out within the Nationally Described Space Standard (i.e. 70 sqm). It would also include a 20 sqm outdoor amenity area, which exceeds the 7 sqm and 1.5 m minimum dimension required by the Mayors Housing SPG (March 2016).

Objectors note that the proposed flat may have inadequate levels of natural light given its location at basement level. However, the western elevation of the proposed extension is almost entirely glazed, which will provide sufficient levels of natural light to the proposed living areas. Although the proposed bedrooms will be lit by single windows facing into the front lightwell and rear courtyard, there is less of an expectation of natural light to bedrooms than living spaces and refusal of permission on this basis would not be sustainable.

### 8.2 Townscape and Design

Several objectors raise concern with the design of the proposed extension and its impact on the character and appearance of the area and this listed building.

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. 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 have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The new rear extension incorporates brick walls to match the existing rear elevation, as do the side boundary walls, and with a design which is considered to integrate acceptably into this mid-20th century rear elevation. The living roof above will add an attractive element whilst also contributing in terms of its biodiversity provision. There are a number of rear extensions to the terrace, and the small scale of extension proposed in this case which only extends across approximately half of the width of this three-bay element (approximately the width of an original terraced property) is appropriate in itself.

The details submitted for the new doors to the rear elevation are not fully clear. However, the general approach appears in line with this modernised rear elevation and full details can be secured by condition.

To the front elevation a new door is proposed to be installed in place of an existing sash window to the lower ground floor level. The window is a more modern addition to the building and its replacement is appropriate in terms of the loss of fabric. It is recognised that the door would break into the run of sash windows to this part of the building and in a location not following the original pattern of lower ground floor doors being located solely underneath the bridges to the main ground floor openings. However, it is considered acceptable in terms of allowing the provision of the residential unit to this part of lower ground floor level given there are other door openings to lower ground floor level in more prominent locations not directly underneath ground floor bridges. The door is shown as being with a main section of subdivided glazing which matches the arrangement of glazing bars found to the flanking sash windows, and with a solid base below. This will allow for the general impression of sash window glazing continuing to this level, which will help integrate the door into the elevation without undue breaking of the pattern of windows to lower ground floor. To ensure that the detailed design of this door is appropriate, a condition is recommended.

Internally, to this part of the building at lower ground floor level there is little of significance or original fabric or character, and the internal works are considered acceptable.

Subject to recommended conditions, the proposal is considered acceptable in design and listed building terms, mindful of policies DES 1, DES 5, DES 9 and DES 10 of the UDP and S25 and S28 of the City Plan; and therefore the proposals are considered to 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

Several objectors raise concern with the impact of the proposed extension/flat on light, outlook and noise levels for neighbouring properties. Concern has also been raised with light pollution from the extension.

The proposed extension is single storey and located at lower ground floor level on the application site. At this level, there are no flats on the application site, with all flats being located above the proposed extension, from ground and above. Accordingly, the proposed flat would not result in unacceptable loss of light, sense of enclosure or overlooking of flats on the application site.

The closest residential properties outside the application site are located at 1-5 Dorset Close and were recently established under prior approval application RN: 16/10996/P3JPA. Two flats in that property are located at lower ground floor level and have windows on the boundary with the application site. These windows form the sole source of light and outlook for these flats.

Given the location of these windows on the boundary with the application site, they are considered unneighbourly, and little weight is given to their protection from loss of light, sense of enclosure and loss of privacy. Notwithstanding this, the proposed extension has no windows facing 1-5 Dorset Close. The proposed extension is also located opposite three (two bedroom and one living room) out of six windows on the boundary. The applicant originally proposed building right up to these windows but has since amended the proposed development so that it is located 1.5 m from them. This space allows for a degree of light and outlook to these windows to be retained. The open courtyard would also be separated from these windows by a fence located 1.5 m from these windows. A condition is recommended that prevents access beyond this fence except for maintenance and emergencies. Subject to this condition and given the unneighbourly nature of the windows at 1-5 Dorset Close refusal of permission on this basis would not be sustainable.

The existing fence that currently blocks light and outlook to the lower ground floor windows at 1-5 Dorset Close no longer forms part of these applications and is subject to ongoing enforcement action. The applicant has advised that they will remove the fence if planning permission and listed building consent are granted, although it is unclear if that commitment relates to the length of the whole fence or just to the rear of the application proposals.

With regards to noise from the proposed flat, this is not anticipated to be significant given it is a single domestic flat. The objectors also note that the existing courtyard is currently used as an outdoor amenity space. It is not expected that noise from the proposed flat would be significantly greater or different to noise that currently takes place within the courtyard and a reason for refusal on this basis would not be sustainable.

With regards to light pollution, this too is not anticipated to be significant given only a single domestic flat is proposed. The proposed flat includes no rooflights that would allow for light to be directed up to other flats within the application site. Accordingly, refusal of permission on this basis would not be sustainable.

An objector considers that maintenance of the green roof will cause overlooking of flats within the existing building. However, green roofs should not require regular maintenance and it is anticipated that any maintenance will be infrequent and unlikely to cause significant and ongoing loss of privacy. Accordingly, refusal of permission on this basis would not be sustainable.

Overall, the proposed development is considered consistent with policy S29 of the City Plan and policies ENV 6 and ENV 13 of the UDP.

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

The Highways Planning Manager has reviewed the proposed development.

No off-street parking is proposed. As per policy TRANS 23 of the UDP, the proposed flat would require no more than one parking space and this may result on a commensurate increase in on-street parking demand. However, paragraph 109 of the NPPF states that development should only be refused where it could have a severe impact on the road network. Given the application sites location in an area with a very high public transport accessibility level (i.e. PTAL 6b) and the small scale of the parking shortfall, the absence of on-site parking is acceptable in this instance.

It is unclear from the submitted drawings whether adequate on-site cycle storage will be provided. To secure this a condition is recommended. Subject to this condition the proposed development would be consistent with policy 6.9 of the London Plan (March 2016).

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposed flat would be accessible from Dorset Square using the existing ramp and would be single level.

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

##### **8.7.1 Refuse/Recycling**

Several objectors consider that the proposed flat will result in refuse having to be stored outside the basement and/or on Dorset Square itself.

The proposed development has been reviewed by the Waste Project Officer. Although it is unclear from the proposed drawings whether appropriate refuse and recycling storage

will be retained on-site, the Waste Project Officer considers that there is sufficient space on-site and that the details of this storage can be secured by condition. Subject to this condition, the proposed development would have adequate on-site waste storage and is consistent with policy ENV 12 of the UDP.

## **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 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.

No pre-commencement conditions are proposed.

## **8.11 Planning Obligations**

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

## **8.12 Environmental Impact Assessment**

The proposed development is too small to require an EIA.

## **8.13 Other Issues**

### **8.13.1 Objector Comments**

The issues raised by the objectors have largely been addressed by revisions to the

proposed development and the assessment above. The following is also noted:

#### Treatment of Leaseholders by Applicant and Use of Common Areas

Several objectors consider that they have been treated unfairly by the applicant, that the proposed development breaches their lease agreements and that they will be deprived of the use of the common areas by the proposed development. However, these are all civil issues and not material planning considerations. The applicant has also served notice under Certificate B and has therefore discharged their responsibility to notify residents for the purpose of this application.

#### The Applicant Proposes Building Three More Flats

Several objectors are concerned that the proposed flat will result in three further flats being constructed and that this will result in the total loss of the courtyard area and basement to residents. However, only one flat is proposed under this application. Should an application or applications come forward for further flats, the impact of these flats, including their cumulative impact, will then be considered. It would be unreasonable and premature to refuse permission on the ground that the current proposal sets a precedent for further flats.

#### Security

Several objectors are concerned that the proposed flat will compromise the security of the existing building. It is unclear on what basis this would occur. The proposed flat would presumably have a lockable door and residents of said flat would be no more a security risk than existing residents within the building. The proposed extension has also been set away from 1-5 Dorset Close and access across its roof would not be possible.

#### Fire Risk

Several objectors contend that the green roof is a fire risk from cigarettes thrown from 1-5 Dorset Close. This is not a material planning consideration and will be considered at Building Regulations stage. If the green roof is deemed a fire risk at Building Regulations stage, then the applicant will have to apply to vary any planning permission and listed building consent granted to accommodate an alternative roof.

#### Site Notice and Publicity

Several objectors consider that the site notice was erected too high and note that it was removed. They also note that the current lockdown means that residents have not been receiving their mail on time and that fewer people have been walking past the site.

The City Council's contractor has provided photos showing that the site notice was erected at head height. The City Council's records also show that consultation letters were sent to all residents and no resident has actually said that they did not receive a letter. Whilst this application has been made during lockdown, the City Council has publicised this application in accordance with statutory requirements.

### Applicants Relationship with the St Marylebone Society

Several objectors note that the applicant's agent and one of the member of the applicants organisation are members of the St Marylebone Society (SMS) and that the latter's involvement is a conflict of interest.

The SMS comment makes it clear that the individuals in question were excluded from participating in their deliberation on the application. Notwithstanding this, the City Council decides these applications, not the SMS. Accordingly, there is no conflict of interest.

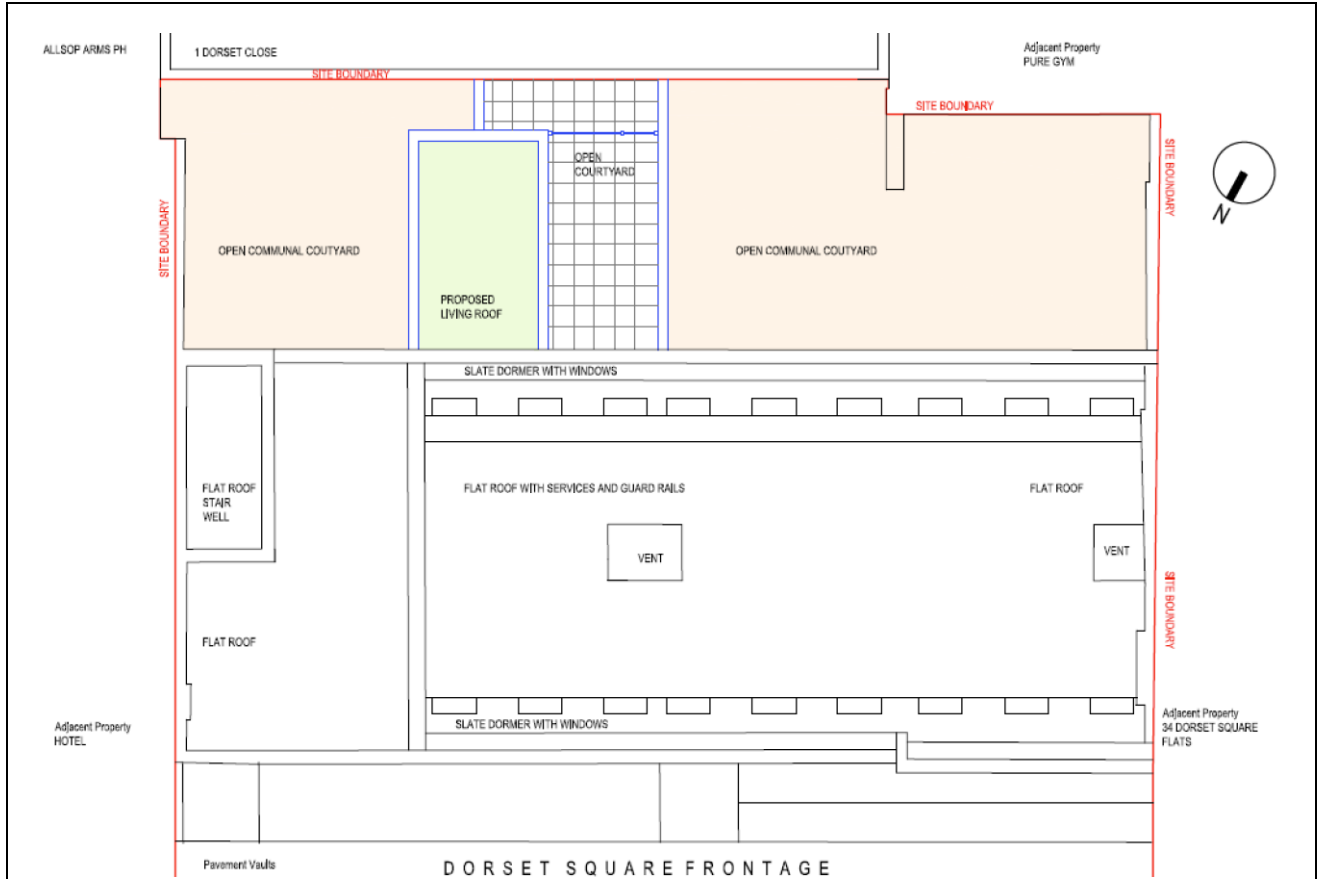
### Applicants Motivation

Several objectors note that the applicant is only financially motivated and does not actually care about providing residential accommodation. The applicant's motivation is not a material planning consideration.

(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](mailto:kdavies1@westminster.gov.uk)



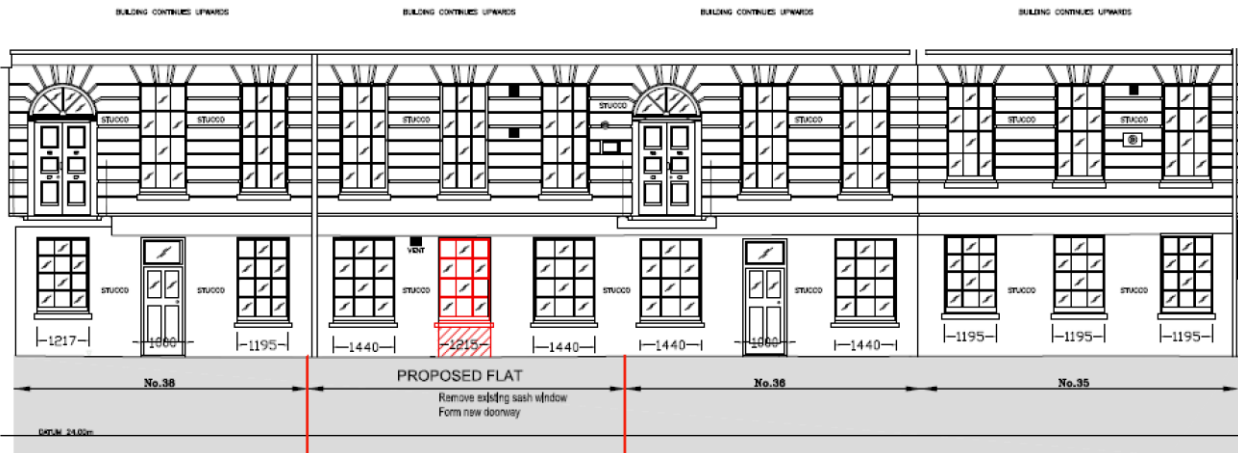


DORSET SQUARE FRONTAGE  
**Proposed Roof Plan**

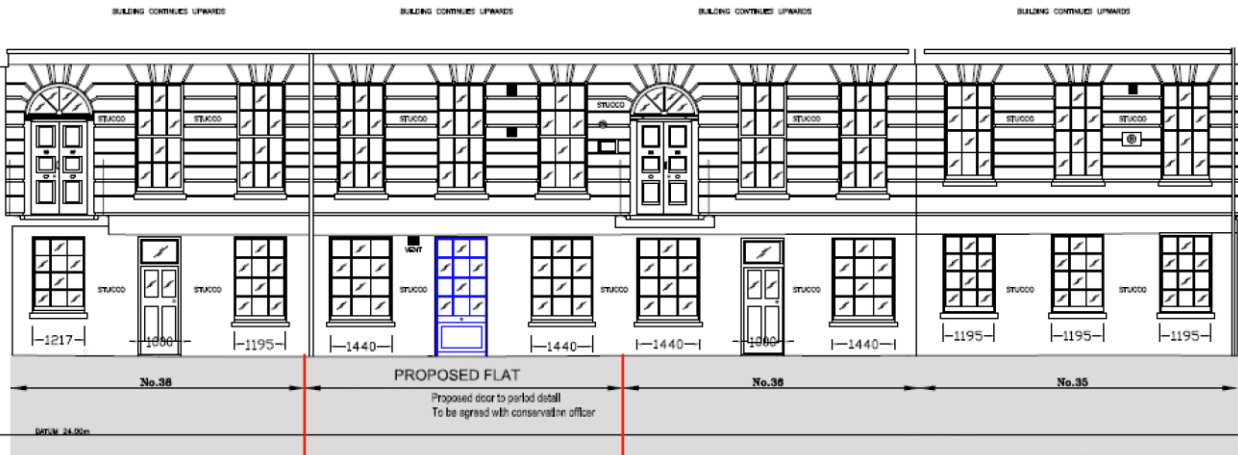


**Proposed Long Section**

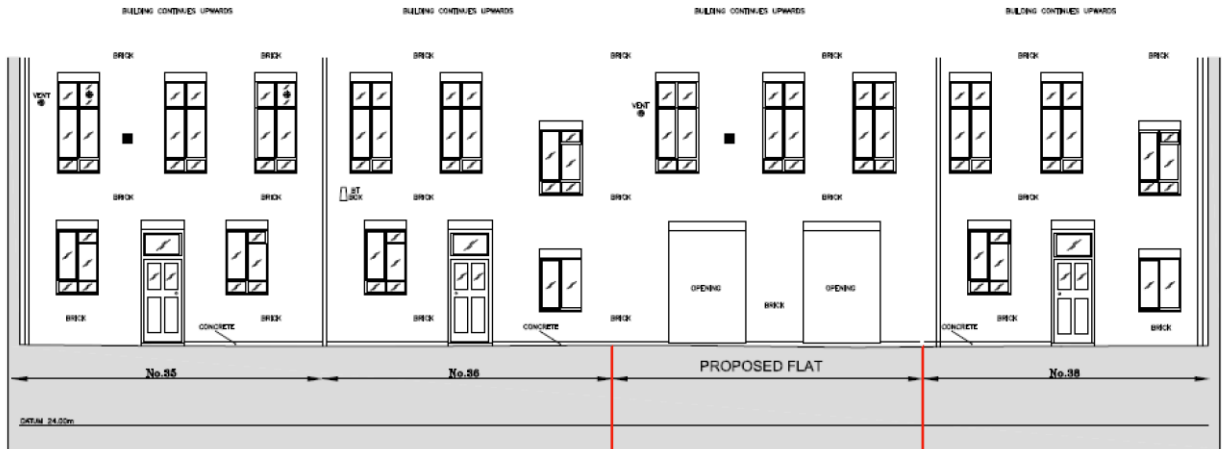




Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation

**DRAFT DECISION LETTER – 20/03043/FULL**

**Address:** 35-36 Dorset Square, London, NW1 6QN,

**Proposal:** Erection of a single storey rear extension at lower ground floor level to create a self-contained residential unit (Class C3) and associated works. (Linked to 20/03044/LBC)

**Reference:** 20/03043/FULL

**Plan Nos:** Drawing numbers SK 01B, SK 02B, SK 03B, SK 04B, SK 05A, SK 06B, SK07A, SK 08A, SK 09A, SK 12

**Case Officer:** Nathan Barrett **Direct Tel. No.** 07866036771

**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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square 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 facing brickwork (in the locations shown to the application drawings) must match the existing original brickwork to the main rear elevation of the building in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Dorset Square 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 The new door to the front elevation shall be formed in glazing and white painted timber framing.

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 Dorset Square 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 Notwithstanding the details submitted, you must apply to us for approval of detailed elevation and section drawings showing the detailing of the door to the front elevation at lower ground floor level including both:-

A) The thickness of glazing bars within the glazed upper part of the new door and also annotated clarification of the thickness of the existing glazing bars to the existing window in this location, and

B) The thickness of the framing surrounding the glazed upper part of the door which extends into the door opening and also annotated clarification of the thickness of framing of the existing window in this location in terms of the extent to which it projects into the existing window opening

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square 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)

- 7 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

-Green roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 8 You must apply to us for approval of an elevation drawing of the doors to the main rear elevation. 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 this drawing. (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 Dorset Square 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)

- 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 approved flat. 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)

- 11 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)

- 12 You must not use the courtyard area to the south of the proposed extension and fence (as shown on drawing no. SK02B) for sitting out or for any other purpose. You can however use this area to escape in an emergency.

**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 addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to condition 6, you are advised that for an application for approval of those details to be considered acceptable it would need to be in line with the thickness of those elements of the existing sash window in that location
- 3 **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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

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

**DRAFT DECISION LETTER – 20/03044/LBC**

**Address:** 35-36 Dorset Square, London, NW1 6QN,

**Proposal:** Erection of a single storey rear extension at lower ground floor level to create a self-contained residential unit (Class C3) and associated works. (Linked to 20/03043/FULL) (Amended description)

**Plan Nos:** Drawing numbers SK 01B, SK 02B, SK 03B, SK 04B, SK 05A, SK 06B, SK07A, SK 08A, SK 09A, SK 12

**Case Officer:** Nathan Barrett **Direct Tel. No.** 07866036771

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 The facing brickwork (in the locations shown to the application drawings) must match the existing original brickwork to the main rear elevation of the building in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The new door to the front elevation shall be formed in glazing and white painted timber



framing.

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 Notwithstanding the details submitted, you must apply to us for approval of detailed elevation and section drawings showing the detailing of the door to the front elevation at lower ground floor level including both:-

A) The thickness of glazing bars within the glazed upper part of the new door and also annotated clarification of the thickness of the existing glazing bars to the existing window in this location, and

B) The thickness of the framing surrounding the glazed upper part of the door which extends into the door opening and also annotated clarification of the thickness of framing of the existing window in this location in terms of the extent to which it projects into the existing window opening

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must apply to us for approval of an elevation drawing of the doors to the main rear elevation. 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 this drawing. (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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

#### **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.

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.
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