

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 30 March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	25 and 26 Ivor Place, London, NW1 6HR		
Proposal	Use as a single dwelling house (Class C3), demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement below rear of the existing building to be used as part of single family dwelling and associated alterations, increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation.		
Agent	Mr Simon Miller		
On behalf of	Mr Edmund Grower		
Registered Number	19/06766/FULL	Date amended/ completed	3 September 2019
Date Application Received	28 August 2019		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

25-26 Ivor Place is an unlisted building located within the Dorset Square Conservation Area. The building is an unlisted building of merit within the Dorset Square Conservation Area. The property is currently divided into a self-contained residential flat at basement level with office use on the ground, first and second floors.

Permission is sought for the use of the building as a single dwelling house (amalgamating the upper floors with the existing basement level flat). The basement level is to be extended rearward beneath the whole building. To the rear it is proposed to create two new lightwells, which includes the demolition of a side wall facing Linhope Street and part of an existing glazed pitched roof on the west facing elevation. The property would comprise of six bedrooms and be 521sqm over four floors.

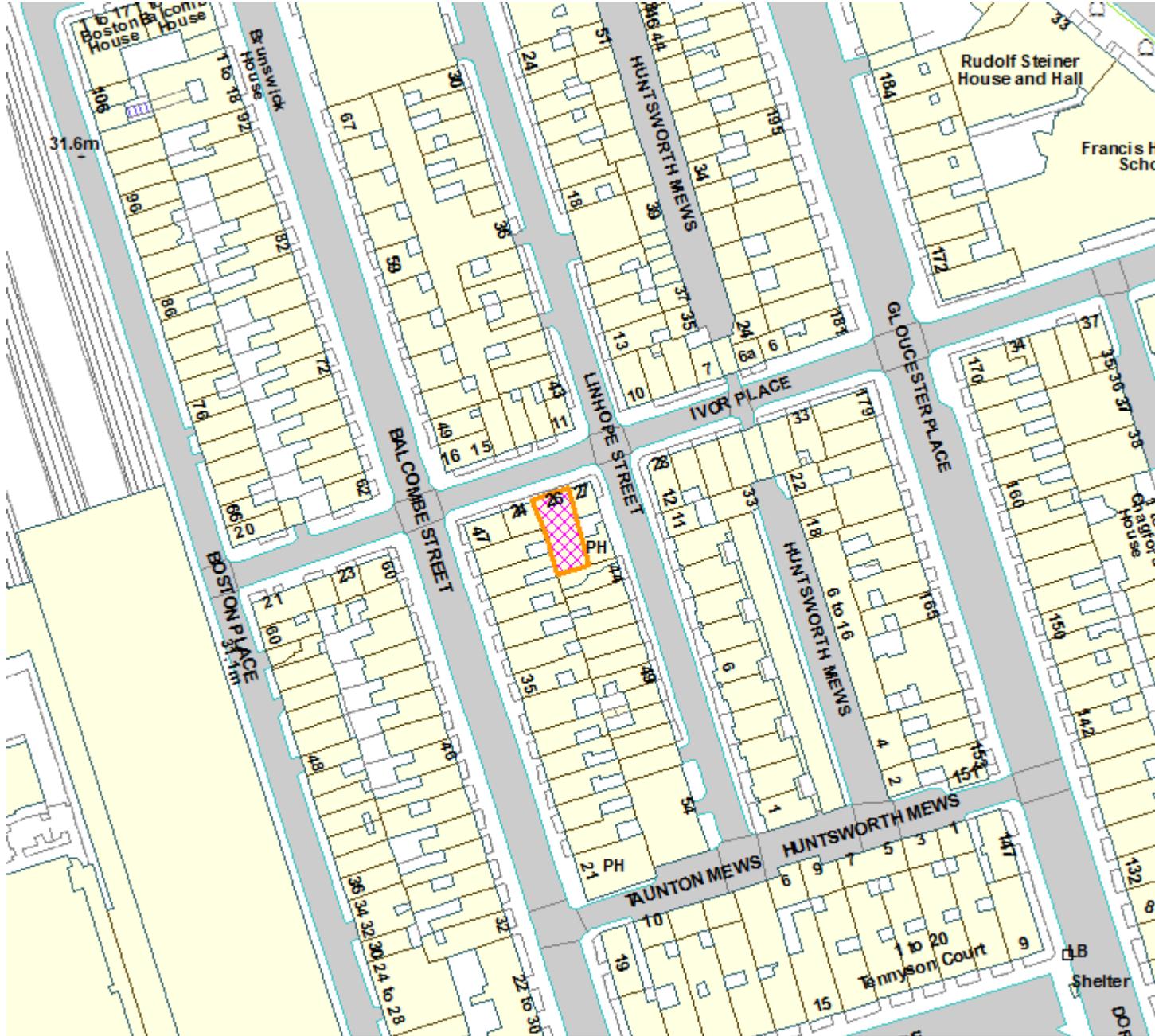
58 letters of objection have been received from neighbours across four rounds of consultation as well as objections from the St Marylebone Society.

The Key issues are:

- The impact of the increased height on the west boundary on the neighbouring residential properties
- The impact of the basement development on neighbouring buildings in terms of noise and disturbance
- The size of the proposed dwelling and weather it represents over development
- The impact of the development on the Dorset Square Conservation Area
- The impact of the development on parking and the highways network in the surrounding streets

For the reasons set out in this report, the proposals are considered acceptable in land use, design, conservation, amenity and highways grounds and the application is recommended for conditional approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation of the site taken from Ivor Place



Side elevation taken from Linhope Street (east elevation of the application site)



Photos provided by the applicant from the roof of the application site of the west boundary and showing relationship between the application site and properties on Balcombe Street



Photo of application site from terrace of No. 45 Balcombe Street



5. CONSULTATIONS

First Consultation

THE ST MARYLEBONE SOCIETY:

Objection on the grounds of overdevelopment of the site, air conditioning, future potential for a roof terrace, parking.

WASTE PROJECT OFFICER:

No response.

HIGHWAYS PLANNING MANAGER:

The surrounding area has the capacity to absorb additional residential parking and the cycle parking provided is acceptable. No objection subject to a condition to secure the cycle parking.

BUILDING CONTROL:

The details provided are acceptable. No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 18

No. of objections: 18 letters of objection received on one or more of the below grounds.

Land use

- Overdevelopment and increased volume of the site
- Not an appropriate site for a basement
- Loss of commercial floorspace

Design

- Harm to adjoining listed buildings
- Removal of wall facing Linhope Street harms streetscape and Dorset Conservation Area

Amenity

- Noise disturbance for neighbours from within the building
- Noise from retained plant
- Light pollution from glazed stair and new windows
- Potential for future roof terrace
- Overlooking
- Loss of privacy
- Loss of light
- Standard of accommodation at basement level

Other

- Structural damage to neighbouring property and listed buildings
- Lack of detail in the drawings

- Flooding of neighbouring buildings from basement excavation (based on previous basement excavation in Balcombe Street)
- Noise and disturbance during construction works (specifically for elderly neighbours)
- Non-compliance with basement policy
- Basement is not below less than 50% of garden land
- Lack of consideration for neighbours
- Sqm of property not given
- Noise from proposed air conditioning
- Impact on parking and traffic
-

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Second consultation carried out following the amendment of the description of development to include demolition (21st November 2019)

THE ST MARYLEBONE SOCIETY:

Objection on the grounds of overdevelopment of the site, air conditioning, future potential for a roof terrace, parking pressure

WASTE PROJECT OFFICER:

The waste and recycling storage provided is unacceptable. This matter could be addressed by appropriate conditions.

HIGHWAYS PLANNING MANAGER:

The surrounding area has the capacity to absorb additional residential parking and the cycle parking provided is acceptable. No objection subject to a condition to secure the cycle parking.

BUILDING CONTROL:

The details provided including the addendum relating to hydrology are acceptable. No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

No. of objections: 11

The objections received did not raise any issues which were not raised in the initial consultation

Third consultation carried out following the amendment of the description of development to include 'increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation' (19th October 2020).

THE ST MARYLEBONE SOCIETY:

Objection primarily on the grounds of noise and disturbance on the neighbours.
Concerns also raised with regards to ventilation needed to the basement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

No. of objections: 15

Below are the objections raised which have not been raised in previous responses
(summarised above)

Other

- Comment that the revisions aren't easily to read and the amendments should be 'bubbled up'
- Lack of updated drawings from 2019 to support application

Fourth consultation carried out following the receipt of revised drawings to correct an inconsistency in the building and boundary height on the west elevation (3rd February 2021)**THE ST MARYLEBONE SOCIETY:**

Reiterations of objections previously made on the grounds of overdevelopment of the site, the building could be used as flats, air conditioning, future potential for a roof terrace, parking pressure

WASTE PROJECT OFFICER:

The details provided are inadequate as the bin store is too small and bins are not labelled correctly.

HIGHWAYS PLANNING MANAGER:

No response to date

BUILDING CONTROL:

The alterations do not impact the previous assessment of the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58

No. of objections: 11

Issues not raised in previous comments:

- It is highly unlikely that the roof will be retained
- Loss of light to basement flat of 45 Balcombe Street

6. BACKGROUND INFORMATION**6.1 The Application Site**

25-26 Ivor Place is mid terraced four storey unlisted building located within the Dorset

Square Conservation Area. The building is designated in the Dorset Square Conservation Area as an unlisted building of merit. The property is currently divided into a self-contained residential flat at lower ground floor level with office use on the ground, first and second floors. This existing office use was granted planning permission on 7th June 1990.

The site does not have any outside space and the building abuts the boundary walls of the properties and rear gardens of Linhope Street and Balcombe Street. As existing there are windows to a staircase in the centre of the building and in the existing sloped roof facing west and the front elevation, in the east facing elevation in Linhope Street and to the front elevation on Ivor Place.

6.2 Recent Relevant History

14/00181/FULL

Excavation of basement level and additional sub basement level to be used as cellar, with formation of full height lightwells and use of entire building as single family dwelling. Construction of roof terrace with rooflights and associated alterations at roof level and elevations.

Application Refused 3 September 2014

14/00182/FULL

Excavation of extended basement level and full sub-basement, formation of full height lightwells and use of entire building as single family dwelling. Construction of roof terrace with rooflights and associated alterations at roof level and elevations.

Application Refused 3 September 2014

14/01877/FULL

Change of use from office on upper floors and studio flat at basement level to single family dwelling, excavation of extension to existing basement and addition of sub basement level, mansard roof extension, balustrading and air conditioning units at existing roof level, formation of two lightwells and extension of stairwell enclosure.

Application Refused 16 September 2014

15/01725/CLEUD

Installation of five air conditioning units.

Application Permitted 23 April 2015

15/10364/FULL

Use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, excavation of sub basement level across whole of site, extension of existing basement level plus creation of lightwells, and relocation of rooftop air conditioning units and other associated alterations.

Application Refused 6 November 2015

Appeal Ref: APP/X5990/W/15/3138041

Dismissed

15/04131/FULL

Change of use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, excavation of sub basement level across whole of

site extension of existing basement level plus creation of lightwells, creation of roof terrace and relocation of rooftop airconditioning units and other associated alterations.

Non-det - Refusal recommended 21 December 2015

Appeal Ref: APP/X5990/W/16/3146500

Dismissed

17/00971/P3JPA

Change of use from office (Class B1) to single family dwelling house (Class C3).

Application for prior approval under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Prior Approval Approved 28 March 2017

17/11113/FULL

Use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, further excavation of existing basement level plus creation of lightwells, and other associated alterations.

Application Withdrawn 12 June 2018

7. THE PROPOSAL

Permission is sought to convert the existing building from ground to second floor into residential floor space, amalgamate it with the existing basement level flat and extend the existing basement level out below the whole of the existing building to all be used as residential floor space. The site would provide a single 6 bedroom single family dwelling measuring 552 sqm.

The existing front façade, majority of the roof and party walls would be retained. Part of the east facing exterior wall fronting Linhope Street would be demolished as well as the west facing pitched glazed roof in association with the creation of two new lightwells and new glazed pitched roof. An extension to the existing lower ground floor is proposed, so that this extends under the footprint of the whole site.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (resi/office/etc)	26	552	+ 526
Use (resi/office/etc)	425	0	- 425
Total	451	552	+ 101

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office accommodation:

The proposal would result in the loss of B1 office space, outside of any special policy area. As such there is no policy protection for the office use and its loss is considered to be acceptable. As such the objections raised to the loss of the mixed-use character of the area and the commercial floorspace are therefore not able to be sustained.

Existing and Proposed residential accommodation:

The existing residential accommodation at lower ground floor level is of single aspect

which looks out onto a lower ground floor lightwell and significantly smaller than the minimum size for a one bedroom flat required in the London plan and nationally described Housing Standards. Accordingly, the existing flat is considered to be of poor quality.

The proposed use of the building would be as a single-family dwelling-house which would result in a significant increase in residential floorspace on site from 26m² (existing basement flat), to 552m² as a single family dwelling house. Policy S14 of the City Plan and H3 of the UDP state that residential uses are the priority across the borough. However, S14 of the City Plan also states that sites should be optimised.

The proposed single family dwellinghouse would comprise of six bedrooms over 552m², over basement, ground, first and second floors. It would provide good quality internal living environment for future occupiers with satisfactory floorspace, natural light and ventilation.

The proposed scheme would deliver a large family dwelling which is significantly larger than the minimum standards of the Nationally Described Housing Standards and the London Plan, however these documents also have no maximum unit sizes. The area surrounding the site is characterised by large 3 and 4 storey buildings which were built as large single family dwellings with relatively small courtyard gardens. While some have been subdivided into flats there are others which remain as very large single family dwellings. As such the proposed use would not be out of context with the surrounding area.

The proposed lower ground floor/basement accommodation has limited outlook and access to natural light. However, in the context of the proposed house as a whole and residents access to the upper floors which are considered of a higher quality, the basement level is considered acceptable as habitable accommodation.

Between 2014 and 2015 six variations of the current application were submitted for the use of the building as a residential dwellings of significant size. All the applications were refused, however, none on the grounds of optimisation of the site. Additionally, in the 2015 delegated reports officers stated the change of use was in accordance with S14. The 2015 applications were appealed and the inspector stated the 'principle of the change of use is acceptable'. Policy S14 of the City Plan was not updated in the 2016 revised City Plan and therefore the policy context between then and now is the same.

An objection has been received on the grounds that the size of the proposed dwellings would be contrary to the emerging City Plan. It is recognised the draft City Plan 2019-2040 includes size limits for large dwellings, which indicates the council's direction of travel in relation to this point, however, the plan has not been adopted and the City Council are attributing minimum weight to the emerging policies. It is also of note that permission for such a change of use was allowed under the prior approval process in 2017 (see history section of this report). While objections have been received on these ground, given the above, it is considered that the large size of the dwelling is acceptable on land use grounds in this particular instance.

8.2 Townscape and Design

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.”*

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 building is proposed to be largely demolished behind a retained front, part side facades and roof. Though a Victorian building of some grandeur to Ivor Place, the interior and rear of the building appears to have undergone some significant rebuilding and extension over the years, with a large full height rear wing, and the side (east facing) lightwell elevation looking out towards Linhope Street apparently faced in brickwork which from its appearance could imply a rebuilding of this elevation (which if so would likely have been carried out at the time of the large scale extension of the building). The west elevation has also had some more modern alterations.

It is disappointing that the applicants have not sought to give a detailed account, based on the National Planning Policy Framework, of a justification for the large scale demolition proposed, however on the basis of what information is available regarding the existing building, this proposal is considered acceptable in principle in this case. The principle of the demolition and rebuilding behind a retained front façade were not referred to as concerns of the Inspector in conservation terms in his comments set out on the previous appeal decision of 21 July 2016.

The voids cut into the new floor structure between ground and first floors just inside the line of the retained front elevation are unwelcome in terms of the appearance of the interior through the retained front elevation windows, however the impact is not considered so significant as to warrant an inclusion as part of a reason for refusal on the rebuilding of the building behind the front facade.

A large new lightwell is being carved out into the existing footprint of the building on its eastern side which faces onto the existing lightwell fronting onto Linhope Street. The elements of the main east facing elevation onto this lightwell will incorporate two sash windows. There are fewer clear details of the windows on the north and south sides of the lightwell, however a condition is also attached requiring details of these and an informative advising of an approach towards smaller window openings incorporating sash windows which would be considered appropriate. The lightwell will be faced in exposed brickwork to match existing, which is considered appropriate.

The small bin store structure in the front lightwell is not shown on section drawing, however the principle of a small structure to this lightwell underneath the bridge to the main front entrance at ground floor level could be considered acceptable and further details will be secured by condition to ensure that this structure remained well below pavement level in height to minimise its visual impact.

The excavation of the existing basement floor would have its clearest external visual impact in the form of the courtyard to the east side of the building extending down to lower ground floor level, and this in itself would not harm the character and appearance of the building or conservation area. The basement is otherwise considered separately in this report.

The front lightwell is being deepened by approximately 0.3m from its existing depth, however this work in itself is considered acceptable. The new windows and doors within the front lightwell closely resemble the existing and as such are considered uncontentious.

To roof level, though the various rooflights are not in a neat arrangement lined up with each other, nonetheless these by virtue of their very low profile will not be readily visible from surrounding buildings and are features commonly found to roof levels. The new section of west elevation will replace the existing quite modernised elevation currently in place which already in place, and as such this work which involves the inclusion of a relatively large rooflight over the staircase and lightwell is considered acceptable. Objections have been made to the plant at roof level in design terms, and comment is made that the City Council, in an earlier application considered that new plant equipment was unacceptable. This is correct, but that assessment was for new and additional plant. The applicant has confirmed that the existing plant, which is lawful (see history) is not to be altered.

The works are not considered to adversely affect the setting of the listed buildings located to the immediate west of the application property.

Objections have been received to the change of the use on the basis that it would result in the loss of the mixed-use character of local conservation area and that the loss of the part of the wall facing Linhope Street would Harm the Conservation Area. As detailed above, the works are considered acceptable on design and conservation grounds, and the objections cannot be sustained.

Objections have been received on the grounds the proposed works would result in overdevelopment of the site and would harm the appearance of the Dorset Square

Conservation Area. The density of the site would be similar to the neighbouring buildings and given there are limited alterations to the front elevation. The objections on over development therefore cannot be sustained.

As such, and given the particular circumstances of this case, the proposals are considered in line with policies DES 1, DES 5, DES 6, DES 9 and DES 10 in the UDP and S25 and S28 in the City Plan and is recommended for approval in design terms.

The recommendation is considered in line with the statutory duties in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990.

8.3 Residential Amenity

ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight.

The majority of the proposed works above ground floor level are within the envelope of the existing building. To the east elevation, facing Linhope street a section of the building is proposed to be demolished to create a lightwell from basement to roof level. New windows are proposed in the three elevations surrounding the courtyard/lightwell at all levels. To the west elevation the existing pitched glazed roof above the staircase will be demolished, to be replaced by a lightwell and smaller pitched roof with glazing above a staircase. There is an increase in the boundary wall height to the northern most part of the west facing elevation, directly opposite the terrace to the rear of 45 Balcombe Street, supporting the new glazed roof enclosure. The increased height of the wall is 1.32 metres. The new wall and pitched roof remain below the existing height of the host building.

Rear windows in the lower ground, ground and first floor levels of 45 Balcombe street already look directly onto the sheer west facing wall of the application site, with the existing pitched roof of the rear infill extension beyond the sheer wall. Due to the location of the additional section of sheer wall which sits above the existing first floor terrace of No. 45 Balcombe Street, it is not considered that this increase would result in a harmful sense of enclosure or loss of light for the properties on Balcombe Street to justify a refusal of the application.

Due to the location of the works and the relationship with the existing surrounding buildings there will be no increased sense of enclosure or loss of light for the other neighbouring buildings. An objection has been raised on the grounds that the lightwell and glazed roof to the west of the building will increase light pollution. A significant part of the existing roof is glazed and while it is recognised that the office may be less likely to have light on at night, it is not considered the glazed roof which is reduced in size would increase the level of light pollution in the area to a level which would sustain a refusal of the application.

Objections have been received on the grounds of overlooking from the new windows facing the lightwells and the glazing to the stairs.

Lightwell on east side of the building.

There are windows to the upperfloors of 43 Linhope Street facing north and windows in the rear of No 27 Ivor Place facing south as well as existing windows on the east elevation of the application site. As such there is already a level of mutual overlooking between the buildings.

The proposals create a new lightwell carved out of the east past of the building with windows facing onto it at ground, first and second floors. Due to the section of the building being removed the proposed windows will be further away from the existing windows of the adjoining buildings. Accordingly, it is not considered that there would be a greater level of overlooking than there is as existing. Objections received on the grounds of loss of privacy therefore cannot be sustained.

Further objection has been received on the grounds that the glazed roof to the rear and lightwell windows will result in light pollution. This is not considered to worsen as a result of the application.

Objections have been received on the grounds that the roof could be used as a roof terrace despite roof lights shown, and that the applicant has argued for a roof terrace under previous application. A roof terrace is not proposed and a condition prohibiting this use is recommended.

Objections have been received on the grounds that the works, specifically the basement excavation, would result in significant harm to neighbouring residents. Conditions are recommended to limit the hours of construction and the applicant has agreed to the CoCP condition. The aforementioned conditions allow the City Council to monitor works and limit the times works can be carried out. Objections received on the grounds of the impact of construction cannot be sustained.

Objections have been received on the grounds that the air conditioning units being retained on the roof of the building would harm the amenity of neighbouring residential properties due to noise and disturbance. The applicant has stated that the systems that are currently in place are going to be retained and not replaced. On the grounds the air conditioning units are existing it is not considered an acoustic report is required for there use.

The proposed works are in accordance with ENV13 of the UDP and S29 of the City Plan and therefore acceptable on amenity grounds.

8.4 Transportation/Parking

A single family dwelling house is proposed without any off street carparking. However, the existing use of the site as a basement flat and B1 offices does not benefit from any off street carparking. Furthermore, the City Council's Highways Planning Manager has advised that that there is capacity within the surrounding street network to absorb any increase in parking generated by the single family dwelling based on the evidence of the Council's most recent daytime and night time parking surveys in 2018 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 76% and 78% respectively which is below the threshold of 80%.

The introduction of increased levels of residential in this area without off-street parking or

on-street parking restraint is likely to increase the stress levels. However, on the basis of the Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore the development is considered consistent with TRANS23.

A condition has been added to the decision notice to secure the cycle storage offered for the life time of the development. As such policy TRANS 23 is satisfied.

Cycle parking is proposed in accordance with the London Plan, a condition has been added to the decision notice to secure the cycle parking.

8.5 Economic Considerations

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

8.6 Access

The site will retain the existing access from Ivor Street.

8.7 Other UDP/Westminster Policy Considerations

Basement

Objections have been received on the grounds of the proposed basement works; its impact on flooding; structural stability; noise and disruption during any works and the level of information that has been submitted with the application regarding the excavation and investigations.

There is an existing flat at lower ground floor level at the front part of the building. The proposal includes excavation below the rear of the building which would create a lower ground level the whole depth of the existing building.

The 'Basement Development' policy, CM28.1 in the City Plan, is relevant to the assessment of this aspect of the scheme. The Policy is broken down into Parts A to D. In this case, only Parts A to C are relevant as the proposed basement would not extend below the public highway. Assessment of proposed development against Parts A to C of Basement Development policy is set out in the following paragraphs.

Part A

In respect of Part A of the Basement Development policy, the applicant has provided a structural engineer's report prepared by a qualified engineer explaining the likely methodology of excavation and the expected impact on neighbouring properties. Objections have been raised by neighbouring residents in respect of potential harm from the proposed structural works.

The submitted structural method statement has been assessed by Building Control who have raised no objection to the structural works, which they consider to be appropriate for the ground conditions at the application site. It is important to note that at planning application stage the purpose of the structural method statement is to demonstrate that a subterranean development can be constructed on the site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering

techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. In this context, and given that Building Control do not object to the proposal, it is not considered that the objections raised on structural grounds can be reasonably sustained a ground on which to withhold permission.

The applicant has submitted the 'Pro-forma Appendix A' document and this provides an undertaking that they will carry out the construction of the proposed basement in accordance with the City Council's Code of Construction Practice (CoCP). The applicant has agreed to a pre-commencement condition to ensure the basement is carried out in accordance with the CoCP and to ensure the applicant bears the cost of the Environmental Inspectorate monitoring the site during construction. A condition is also recommended to control the hours of construction works, including additional controls to prevent any works of noisy basement excavation on Saturdays and Sundays.

The site is not within a Surface Water Flooding Hotspot, as identified in the 'Basement Development in Westminster' SPG and is in Flood Zone 1. Consequently, the proposed basement would not exacerbate existing flood risk on the site or in the vicinity. The site is not within an Archaeological Priority Area, as designated by Historic England, and therefore the proposed basement would not have a significant impact on archaeological deposits.

In light of the considerations set out in the preceding paragraphs, it is considered that the proposed development would be compliant with Part A of the Basement Development Policy.

Objections have been received on the grounds the works would result in flooding for neighbouring residential properties and that the details submitted in the hydrology report were incorrect. The application has provided an addendum to the hydrology report which has been assessed by the building control officer who has raised no objection to the details. The objections cannot therefore be sustained.

Part B

The basement is below the existing building only and does not extend beneath any garden land as the building does not have a garden. As such, there is no requirement for landscaping. The building does not have a garden and neither do the buildings directly to the east or south, there are no trees in the rear gardens of the properties on Balcombe Street which would be impacted by the development.

Given the construction of the proposed basement would meet current building regulations requirements, it will be more energy efficient than the existing building to which it would be attached. The provision of a new lightwell to the east of the building along with the existing front lightwell would enable the proposed basement to be naturally ventilated, a concern raised by the St Marylebone Society.

For the reasons set out in Section 8.2, the proposed basement and its external manifestations would not harm the character and appearance of the building or its garden setting. Similarly, it would not adversely affect the wider appearance of this part of the City.

In this case sustainable urban drainage systems (SUDS) are not necessary as the proposed basement would be wholly below the existing building. The applicant has confirmed that a pumped device and non-return valve will be installed to ensure the proposed basement is resilient in the event of future storm events and to prevent sewer flooding.

Given the above considerations, it is considered that the proposed development accords with the seven criteria set out in Part B of the Basement Policy.

Part C

In terms of Part C of the Basement Policy, it requires basements to not extend below more than 50% of the original garden land. In this case the proposed basement would be compliant with this requirement as it is below the existing building. Due to the nature of the site there is no requirement for a margin of undeveloped land or 1.2 meters of soil clearance. The basement is single storey only.

Accordingly, the proposed basement would be consistent with the objectives of Part C of the Basement Development policy.

Waste Storage

Whilst provision is made for waste and recycling, this requires further refinement to satisfy the City Council's Waste Project Manager. A condition was recommended to secure further details, however this is considered unreasonable given the property is a single family dwelling with sufficient space in the front lightwell and internally.

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 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

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.

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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice condition. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The estimated CIL payment is: £210,400

8.13 Environmental Impact Assessment

Not required.

8.14 Other Issues

Construction impact

As noted above, objections have been received on the grounds that the proposed basement would cause flooding in the basements of neighbouring buildings, specifically to those on Balcombe Street and would harm the structure of adjoining residential listed buildings.

The objections disputed the original details included in the basement impact assessment relating to bore holes and the geology report. Following the objections comments, revised details have been received and the Building Control officer has been consulted.

The Building Control Officer has stated that the details provided are adequate for a planning application of this nature. No objection is raised and the objections received on structural, geology and harm to adjoining buildings from construction cannot be sustained.

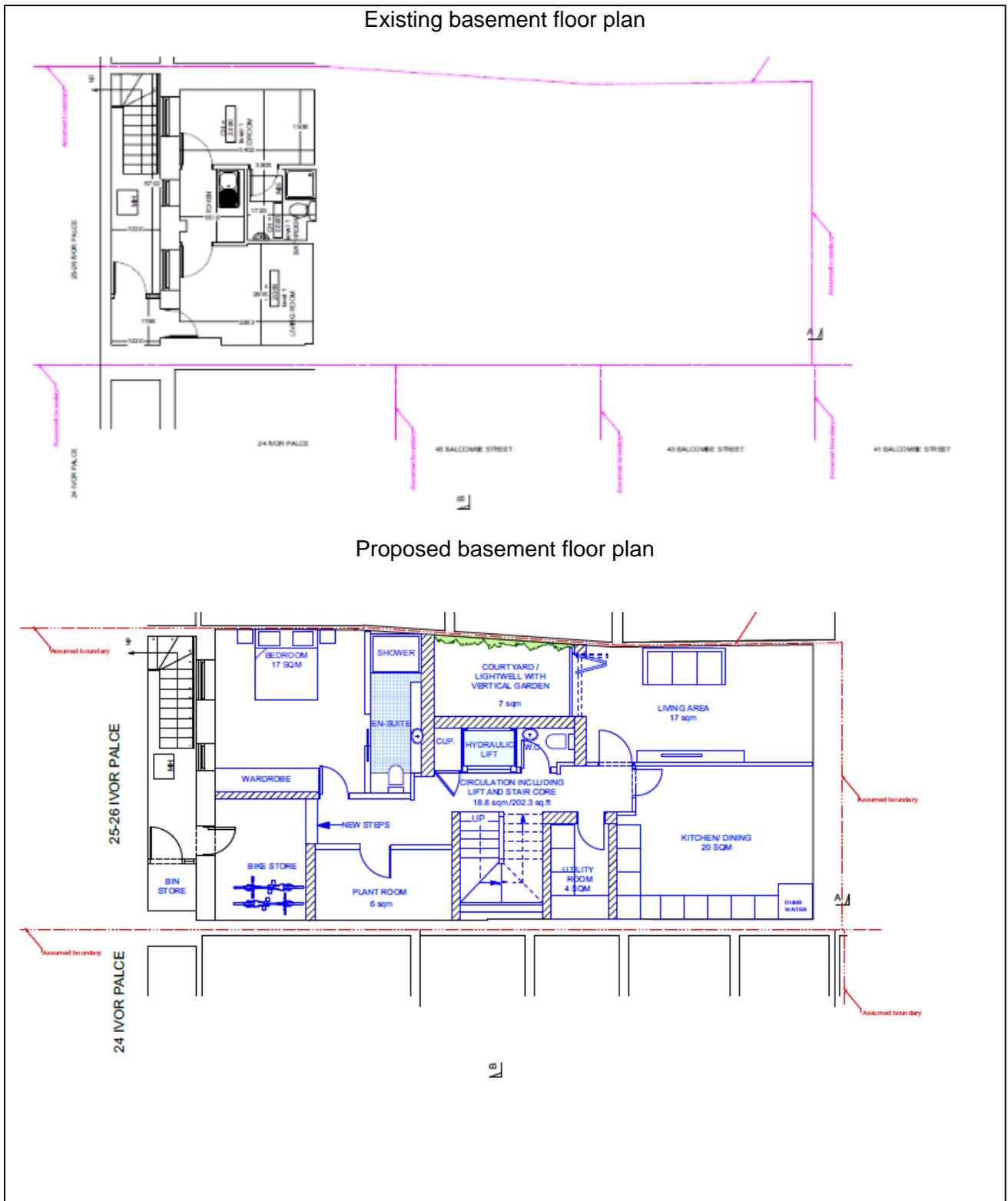
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

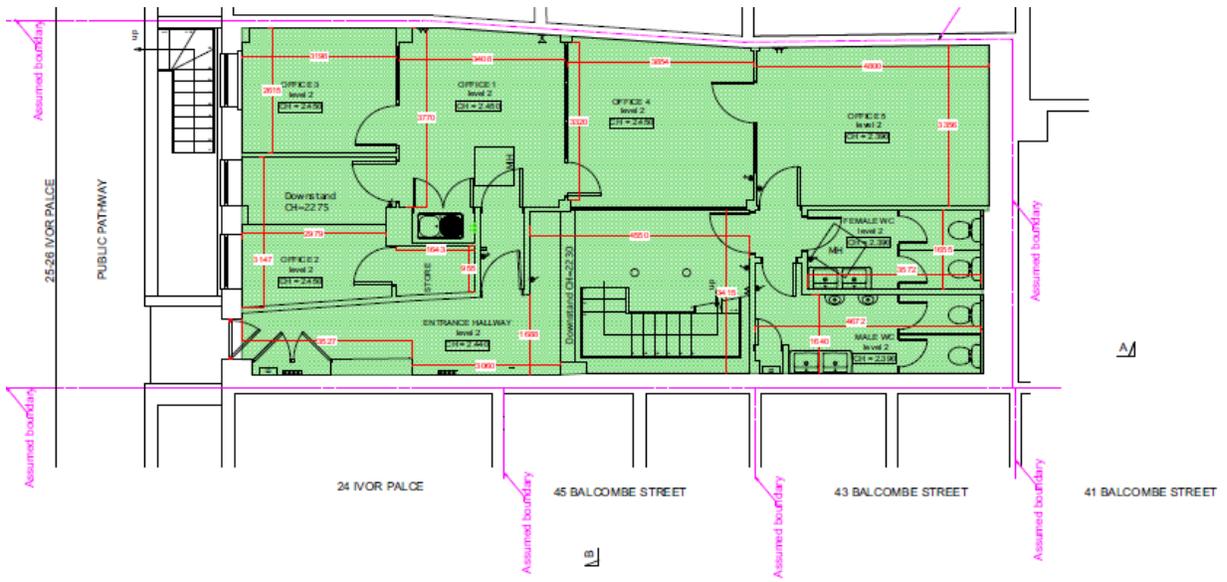
Item No.

4

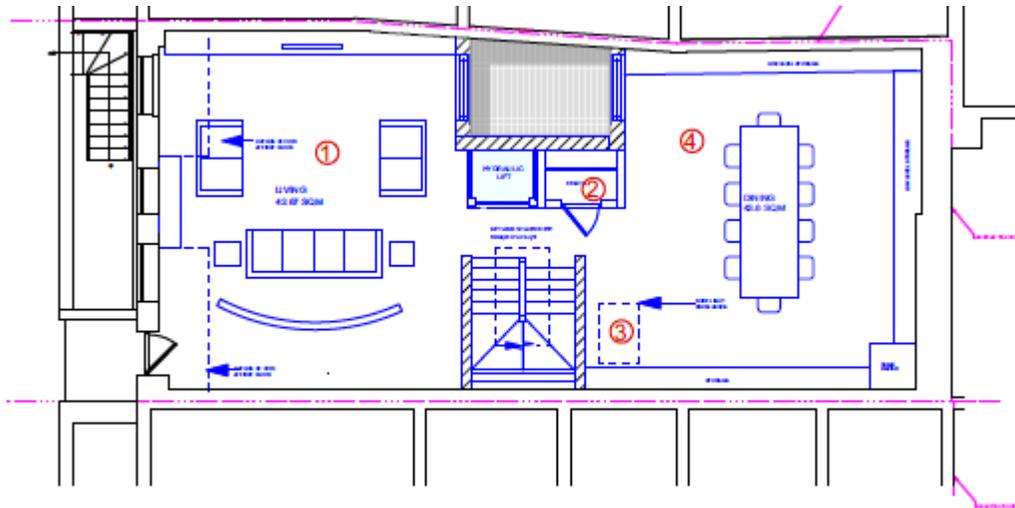
9. KEY DRAWINGS



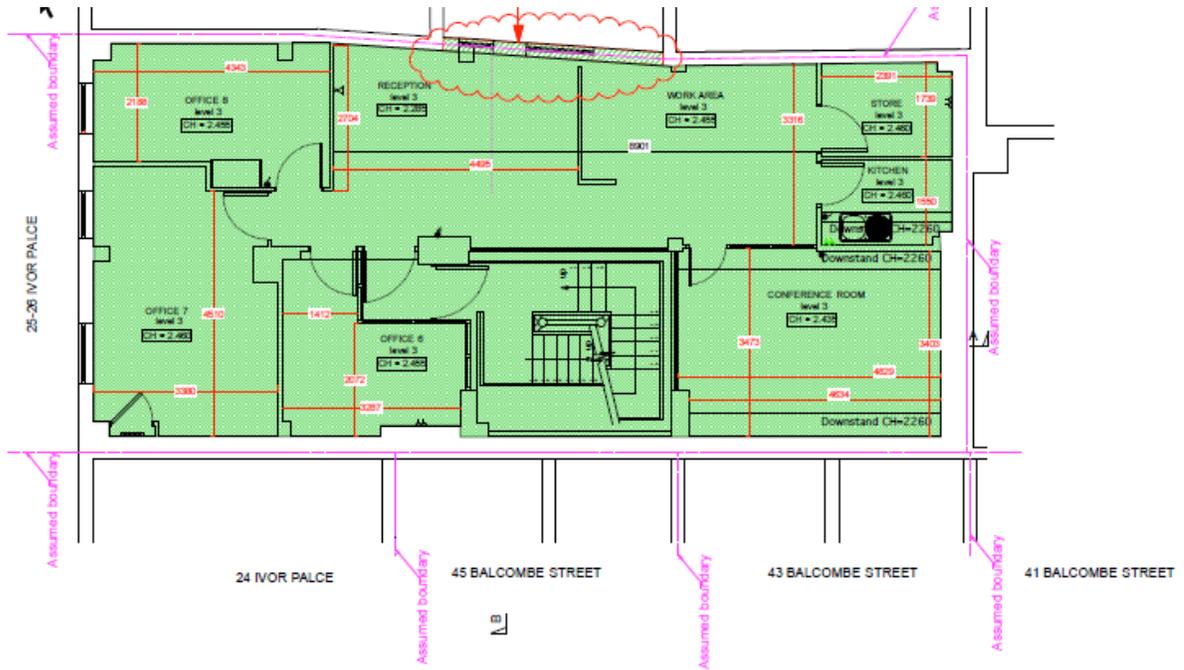
Ground floor demolition



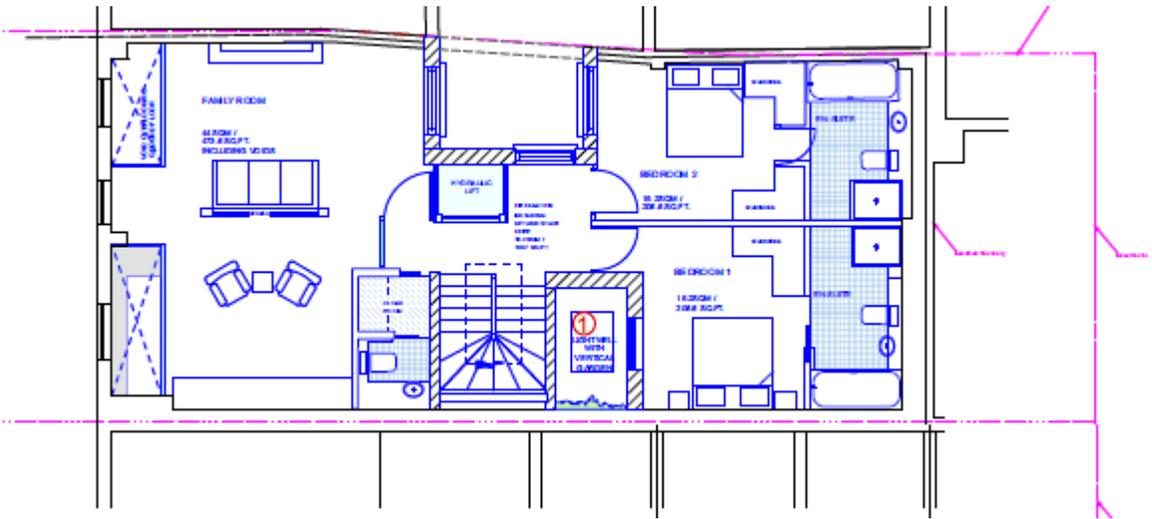
Ground floor proposed



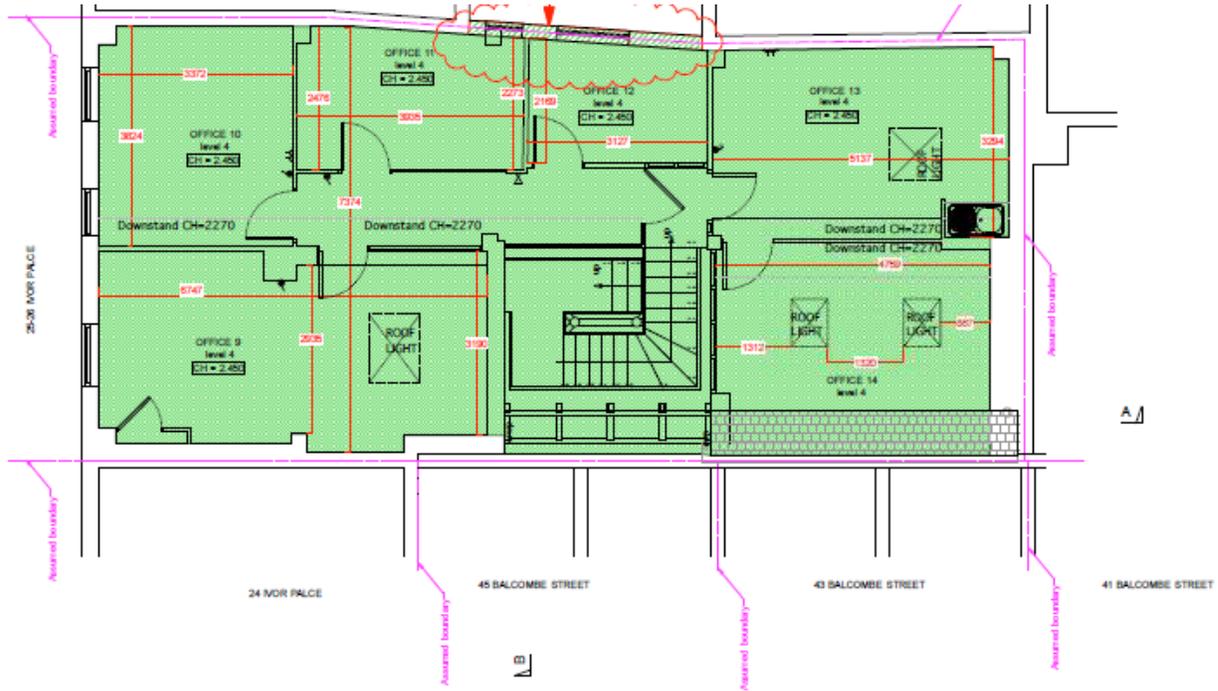
First floor demolition



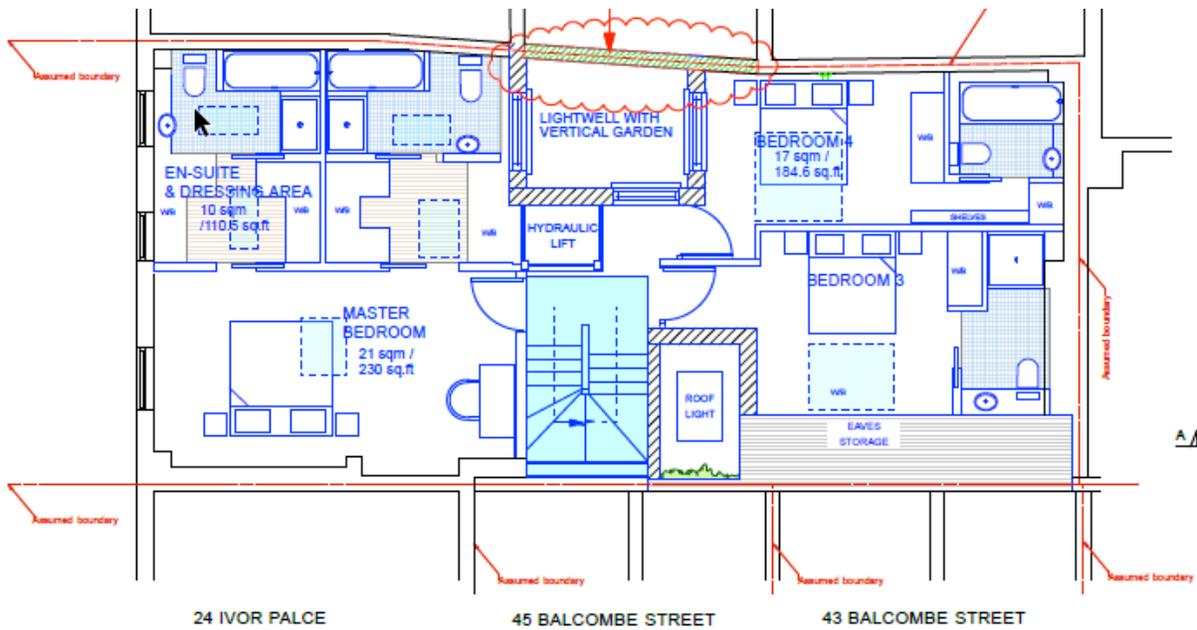
Proposed first floor plan



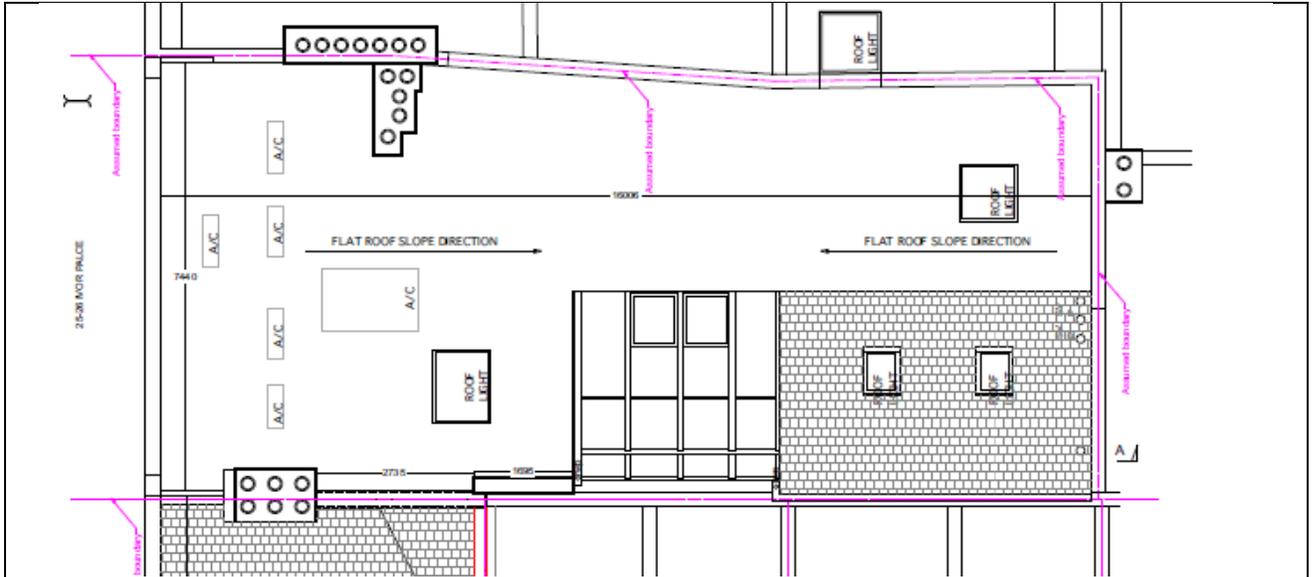
Second floor demolition plan



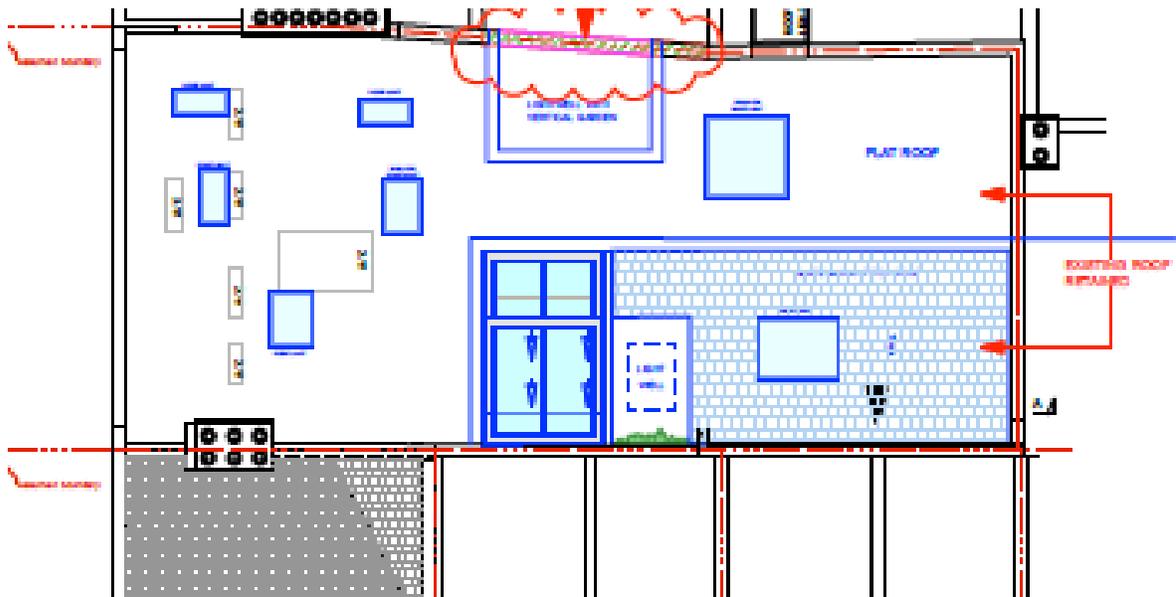
Proposed second floor plan



Existing roof plan



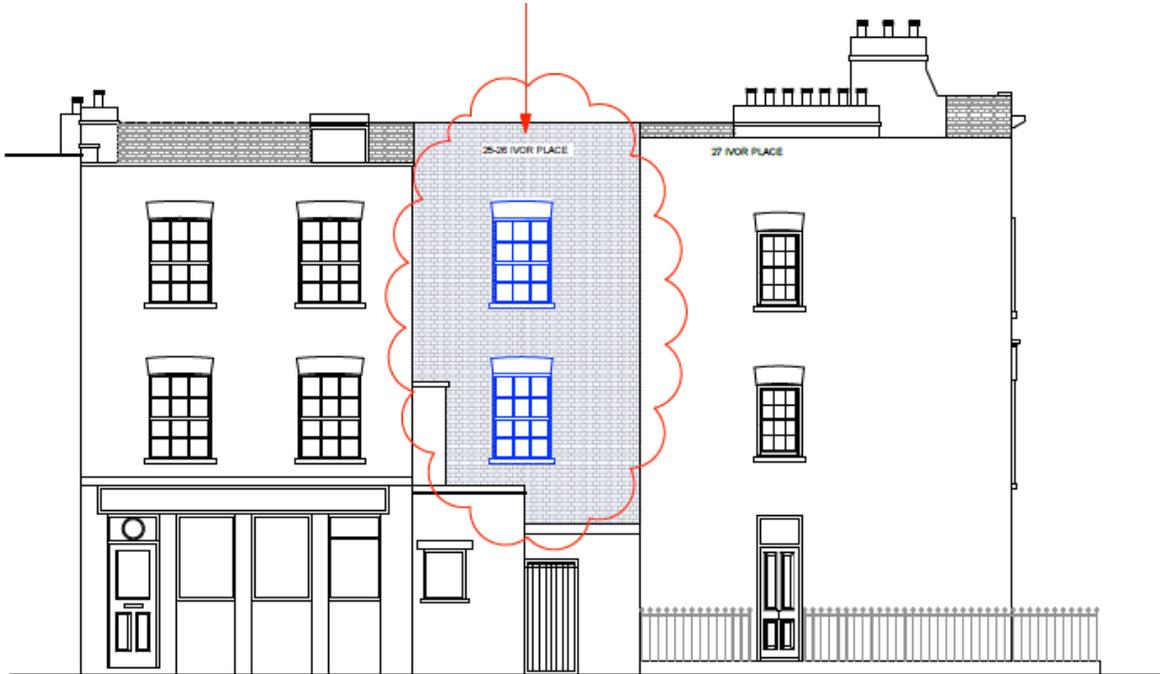
Proposed roof plan



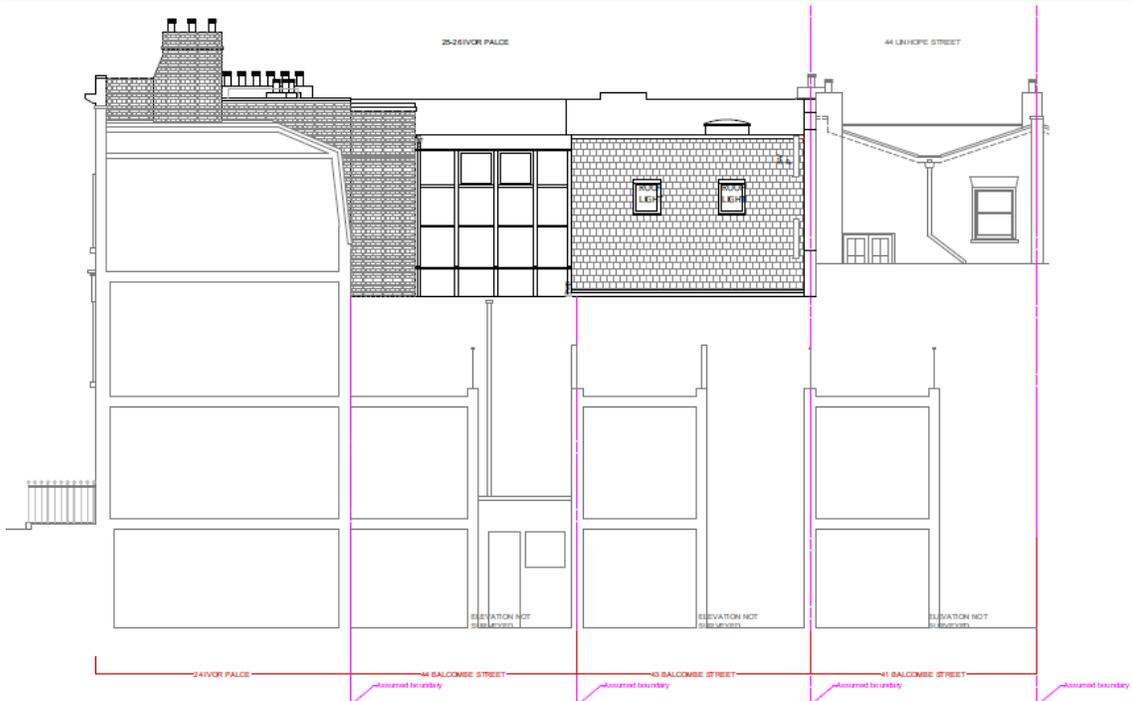
Existing west elevation



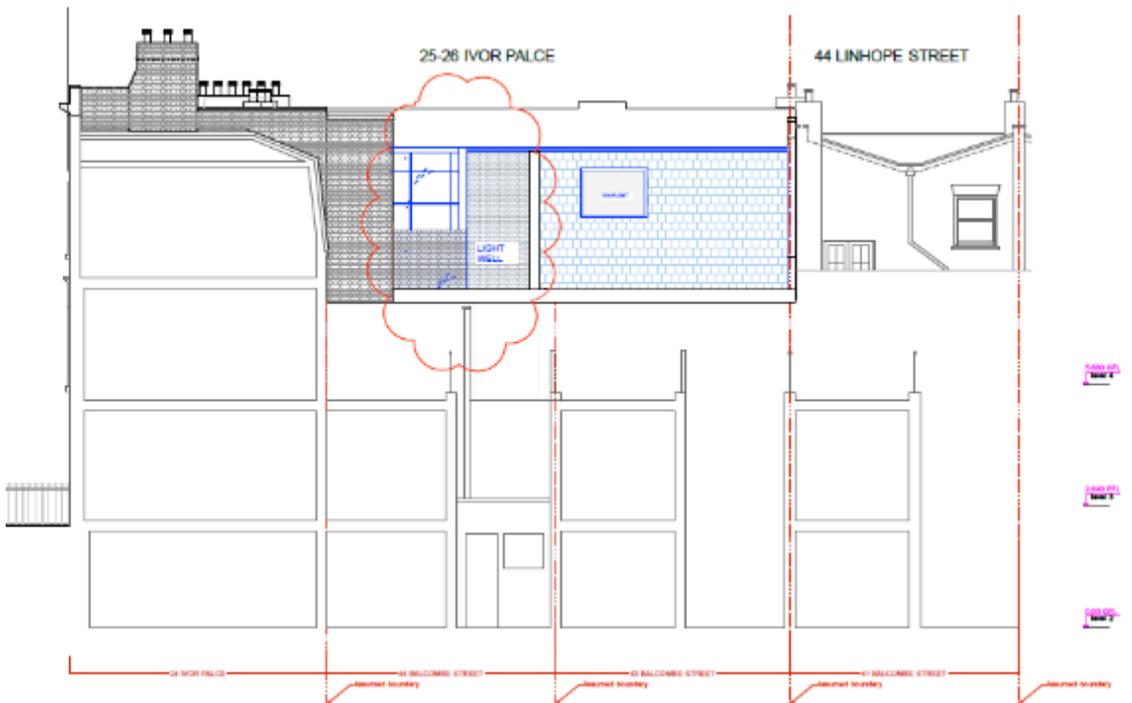
Proposed west elevation



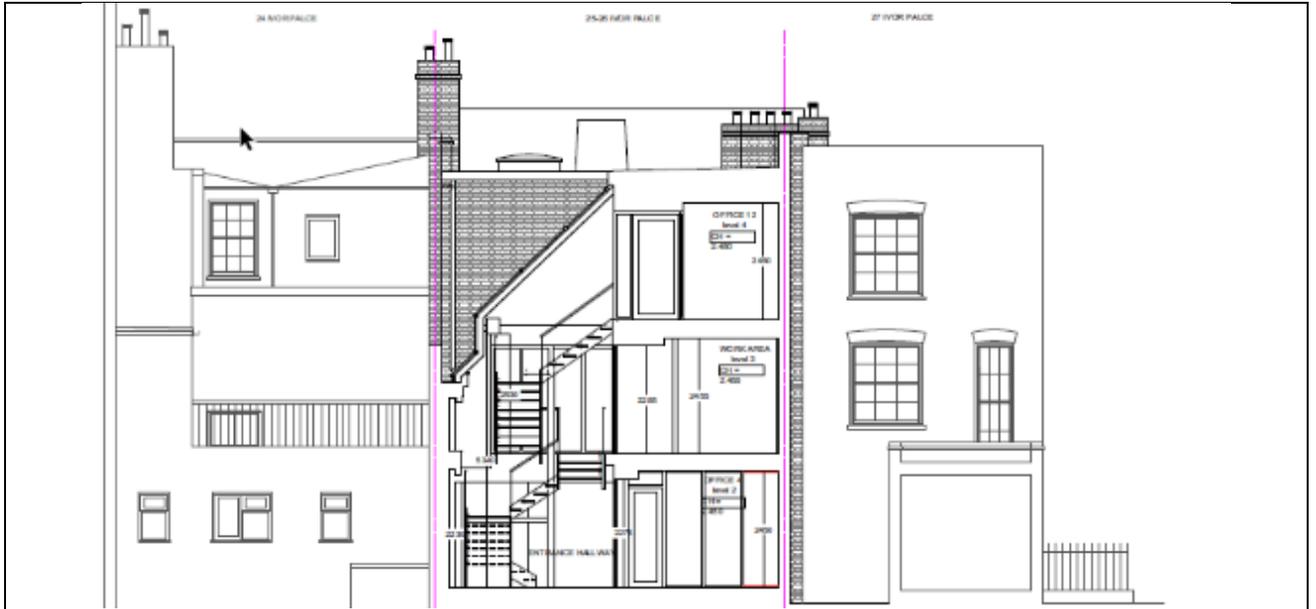
Existing east elevation



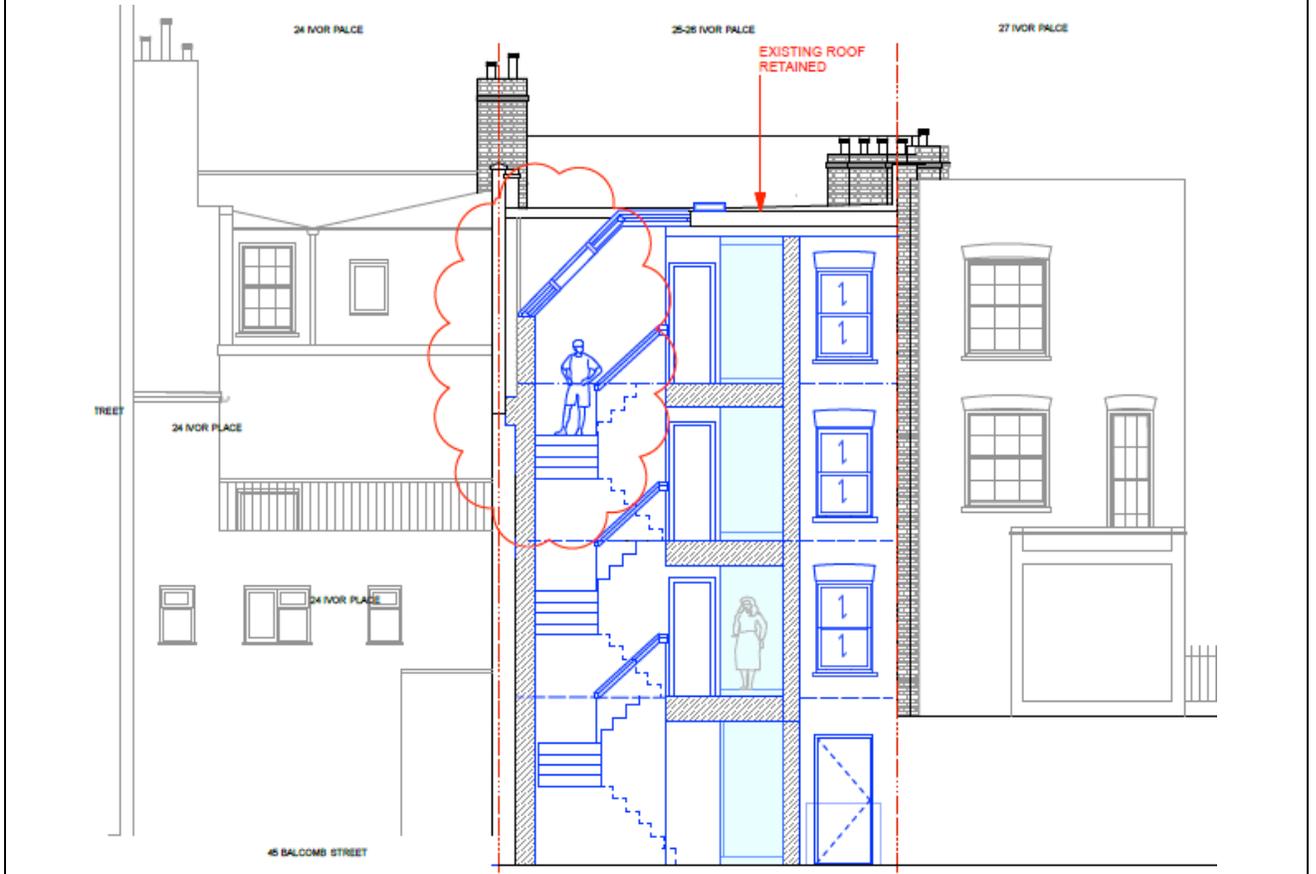
Proposed West elevation



Existing section BB



Proposed section BB



DRAFT DECISION LETTER

Address: 25 Ivor Place, London, NW1 6HR

Proposal: Use as a single dwelling house (Class C3), demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement below rear of the existing building to be used as part of single family dwelling and associated alterations, increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation.

Reference: 19/06766/FULL

Plan Nos: Site location plan, 337/3DM01, 337/3DM02, 337 3CL 01, 337 3CL 02, 337 3CL 03, 337 3CL 04, 337 3DL 02, 337 3PL 01, 337 3PL 02, 337 3PL 06, 337 3PL 07, 337 3PL 11, 337 EX01, 337 EX 02, 337 EX03, 337 EX04, 337 EX05, 337 EX06, 337 EX07, 337 EX08, 337 EX09, 337 EX10, 337 EX11, 337 3PL 05, 337/3DM04, 337/3DM05 Rev A, 337 3PL 03 Rev A, 337 3PL 04 Rev A, 337 3PL 10 Rev A, 337/3DM03 Rev A, 337 3PL 09 Rev B, 337 3CL 05 Rev A, 337 3PL 09 Rev B

Case Officer: Max Jones

Direct Tel. No. 07866036849

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 The new door within the front lightwell at lower ground floor level shall be formed in painted timber and maintained as such 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 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 new facing brickwork must match the existing exposed original brickwork to the east facing side elevation in terms of colour, texture, face bond and pointing and it shall be formed of complete bricks and not brick slips, and it shall be exposed brickwork which shall not be painted, rendered or otherwise overlaid.

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 Notwithstanding the details shown on drawing 337 3PL 09, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-, , The new window openings to the east facing side elevation shall match the width and height of the existing east facing front elevation windows (ie. facing onto Linhope Street) on the building adjoining the site on the south side of the application site (as shown on drawing 337 3PL 09), including the size of the brick window arches above each window. These new windows shall be shown as six over six sash windows. Section drawings shall also be submitted showing that the box frames to each window are recessed fully into the rebates surrounding the window openings. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 change in annotation between the submitted existing and proposed drawings, the railings to ground floor level flanking the front lightwell and also the plinth these railings rise from shall be retained in-situ

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 apply to us for approval of detailed drawings annotated to show materials of the following parts of the development - Bin store to front lightwell at lower ground floor level. 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)

- 8 You must apply to us for approval of a sample of the material for any repaving of the front lightwell. 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 using the approved materials.

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 Notwithstanding the details shown on the submitted drawings, you must apply to us for approval of elevations of both the north side and south side of the lightwell on the east side of the building. 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)

- 10 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

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)

- 11 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)

- 12 The new windows shall be formed in glazing and white painted timber framing, and shall operate only in a vertically sliding manner

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)

- 13 **Pre Commencement Condition.** Prior to the commencement of any: (a) Demolition, and/or, (b) Earthworks/piling and/or, (c) Construction, On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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),

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

Reason:

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

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to the condition regarding the bin store, you are strongly advised that the bin store structure should be faced in render, and should be a small scale structure of neutral appearance
- 3 With regards to the condition related to the lightwell paving, you are strongly advised that the expectation is for a natural stone finish to the front lightwell,
- 4 With regards to the north and south facing windows within the eastern lightwell, you are strongly advised that these windows should be considerably smaller than the windows to the main east facing elevation of this lightwell (as amended by the other conditions of this approval)
- 5 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

- 6 With reference to condition 13 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition)., , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , ,

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.