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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>6 July 2021</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate
<b>Subject of Report</b>	<b>10 and 11 Queen's Mews, London, W2 4BZ</b>	
<b>Proposal</b>	Rear extension at ground, first and second floor levels [at no. 10], reconfigured windows at rear [nos. 10 and 11] and the creation of terrace with railings in front roof slope [at no. 10].	
<b>Agent</b>	Ms Ghazala Hussain	
<b>On behalf of</b>	Ms And Mr Wong and Fairington	
<b>Registered Number</b>	20/08153/FULL	<b>Date amended/completed</b> 2 March 2021
<b>Date Application Received</b>	21 December 2020	
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Bayswater	

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site are pair of unlisted mews houses in the Bayswater Conservation Area.

Permission is sought for the erection of a rear infill extension at ground and first floor levels and the erection of sunroom at second floor level at no. 10, the repositioning of windows onto the rear elevation of no. 11 and the creation of a roof terrace in the front roof slope at second floor level at no. 10.

The application has received six objections from residents and one objection from the local amenity society. The objections include concern over privacy and noise impacts of the front roof terrace and losses of light caused by the sunroom.

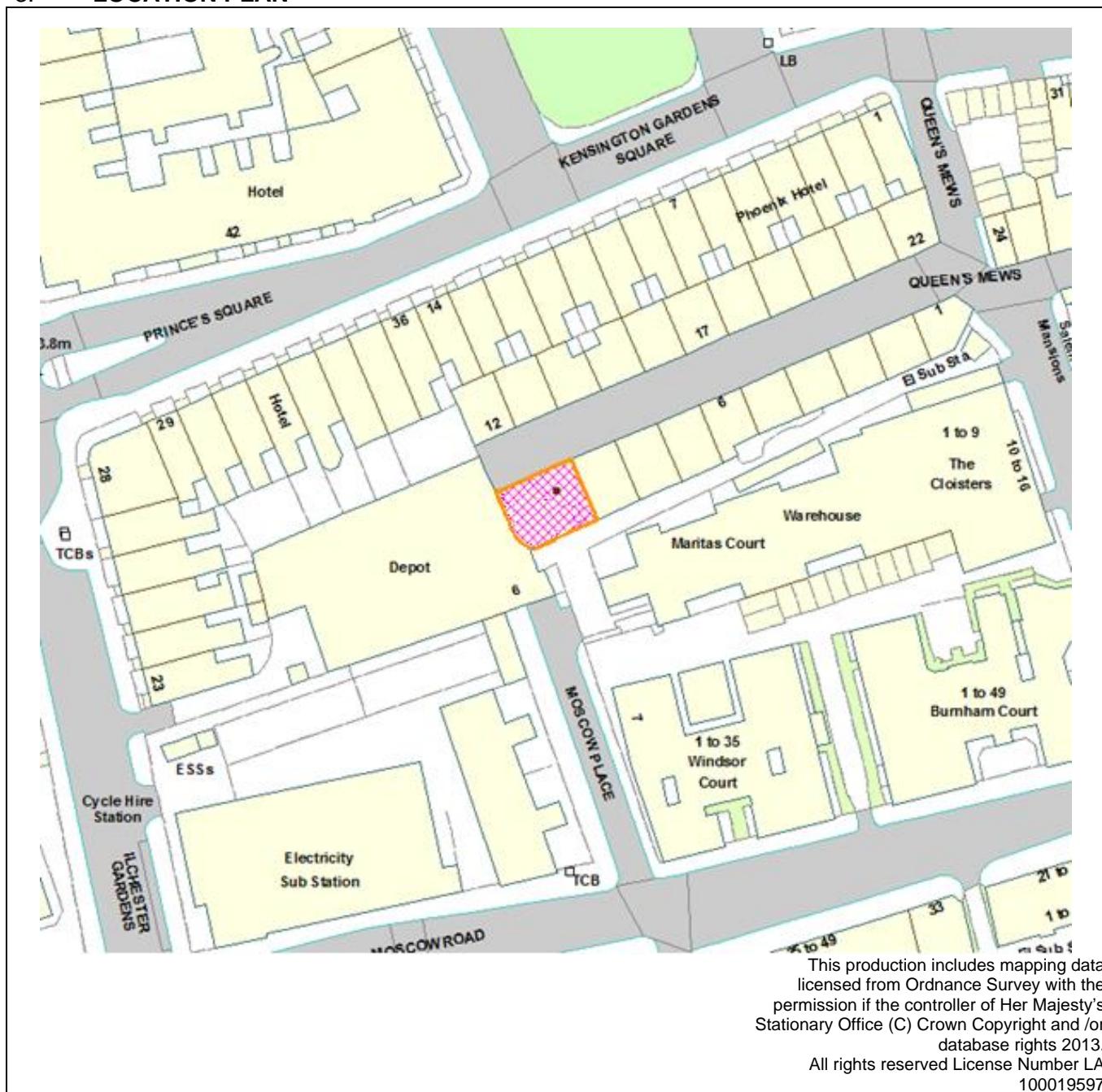
The key issues are:

- The impact of the alterations on the appearance of the host building and the conservation area
- The impact of the front and rear roof level alterations on the amenity of neighbours

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Subject to the conditions as set out in the draft decision letter at the end of this report, the proposals are considered acceptable and satisfies the relevant planning policies in the City Plan 2019-2040 adopted April 2021. Accordingly, it is recommended that conditional permission is granted.

## 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Front Elevation of 1 - 10 Queen's Mews

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**View from No. 10 out of existing rooflights**

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Rear Elevations of nos. 11 (left) and 10 (right).

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Rear Elevations of nos. 10 – 7 Queen's Mews

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## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

Objection on grounds that the proposed front terrace will cause noise disturbance, overlooking of the houses opposite and cause a loss of privacy. The roof terrace at no. 8 should not be a precedent and will be out of keeping with architectural cohesion of the mews and not enhance the conservation area.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 7

No. of objections: 6 (two objections were received from the same property).

No. in support: 0

In summary, the objectors raise the following matters.

#### Design –

- The front roof terrace would not enhance the conservation area
- The front roof terrace does not match with the roof terrace no. 8

#### Amenity –

- The front roof terrace would create overlooking and privacy issues
- The front roof terrace would create light pollution
- The front roof terrace would create noise disturbance
- The front roof terrace at no. 8 already causes issues for no. 15
- The front roof terrace would create social disharmony and poor neighbourly relations
- The rear roof extension would cause a loss light to rear roof terrace at no. 9

#### Other –

- Objection to the loss of the garage
- No. 8 have recently erected an unauthorised screen on their front roof terrace

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site contains a pair of neighbouring mews buildings located at the western end of Queen's Mews. The buildings date from the mid-20th century, are not listed but are located within the Bayswater Conservation Area. The buildings are occupied independently of each other as two dwellinghouses but both owners form 'the applicant' for this application.

### 6.2 Recent Relevant History

20/06596/FULL

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Rear extension at ground and first floor levels [at no. 10] and additional and reconfigured windows at rear [nos. 10 and 11].

Application permitted 12th February 2021

#### 20/08154/FULL

Removal of condition 4 of planning permission dated 13 June 1995 (RN 95/02986/FULL) for the proposed roof extension in connection with conversion to a four bedroom house with integral garage. NAMELY, to allow for residential accommodation in garage space., Application Permitted 12th February 2021

### **7. THE PROPOSAL**

Permission is sought for the erection of a rear infill extension at ground and first floor levels and the erection of sun room at second floor level at no. 10, the repositioning of windows onto the rear elevation of no. 11 and the creation of a roof terrace in the front roof slope at second floor level at no. 10.

The application received a total of seven objections from neighbours as well as an objection from the local amenity society.

The Case Officer has been unable to visit the application site because of COVID-19. The applicant agreed to provide various internal and external photographs. The photographs provided have been deemed thorough enough for the City Council to have confidence that the application can be assessed in the absence of a site visit.

### **8. DETAILED CONSIDERATIONS**

#### **8.1 Land Use**

This proposal does not raise any land use issues.

#### **8.2 Townscape and Design**

The City Council aims to preserve or enhance the character and appearance of a conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally section 16 of the NPPF requires great weight to be placed on the preservation of designated heritage assets (listed buildings and conservation areas). The relevant design and heritage policies for consideration of this case are City Plan 2019-2040 policies 38, 39 and 40.

It is proposed that the centre of the front roof slope is removed to create space for a roof terrace set within the retained roof slope to the front and the sides maintaining the slope and roof slates around the outer roof profile. There will be a balustrade set behind the front roof pitch and a central opening door with windows either side.

Each building on the northside of Queen's Mews has a front facing roof terrace at second floor level. However, on the southside of Queen's Mews only no. 8 has a front facing roof terrace at second floor level. All other buildings on the southside of Queen's Mews have a roof slope. The roof terrace present at no. 8 was permitted under

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98/01178/FULL dated 26th May 1998. A number of neighbours have objected to the application stating that the roof terrace at no. 8 was granted by mistake. The City Council's records from 1998 are very clear and show that the relevant Officer at the time was aware that they had approved a front facing roof terrace as they made clear reference to it in their report and as the front facing roof terrace is also very clearly shown on the approved drawings. On this basis it is considered that no mistakes were made in the permitting of the front facing roof terrace. It is understood that the matter the neighbours may actually be referring to is the balustrade associated with the roof terrace and not the roof terrace itself.

As the proposed roof terrace at no. 10 preserves part of the original profile of the roof and its tiled appearance, its impact on the uniformity of the southside of the Queen's Mews with the exception of the arrangement at no. 8 is considered to be limited. Due to the proposed balustrade being set back from the eaves line and being behind part of the retained roof slope they will be visually more subtle than those which are lawful at no. 8. On this basis the proposed roof terrace and balustrade arrangement are considered to be much more sympathetic to the original appearance of the roof, the host building and surrounding townscape and given this, is therefore not reasonable to argue that the proposal will generate any additional visual harm to constitute grounds to refuse permission on in design terms. Due to the proposed roof terrace and associated balustrade being considered to be an improvement on what is permitted at no. 8, the objection raising concern that the proposal will not match with no. 8 cannot be sustained as grounds to refuse the application.

The fenestration within the roof terrace is anticipated not likely to be visible in public views from street level, its impact on the appearance of the host building and conservation area will therefore be limited. It will be visible in private views from the upper floors of the properties on the northside of Queen's Mews. However, the proposed fenestration will be comparable to what is present at these buildings on the northside and can subsequently be considered acceptable upon being of an appropriate design sympathetic to the architectural character of the existing building. Furthermore, the proposal is considered to preserve the character and appearance of the conservation area through using traditional detailing.

Under application RN: 20/06596/FULL permission was granted for the same two storey rear extension at ground and first floor levels that is also proposed within this current application. It is understood that this rear infill extension has not yet been implemented and is therefore proposed again due to permission now being sought for a sunroom on the storey above.

The two-storey infill extension remains uncontentious in terms of City Plan 2019 – 2040 policies which it was not previously subject to. As the rearward facing elevation of extension will become flush with rear building line of the host building and neighbouring buildings it will generate a townscape more typical of a mews and therefore will sit discreetly within its immediate context and this conservation area location. Whilst some outside amenity space will be lost to create the extension the area is small in scale and is not of any great functional use given the need for an access stair. The parapet line at first floor level will be continued and the materials will match the existing. This two storey infill extension continues to be considered as acceptable.

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Above the existing rearward facing roof terrace and the two storey it is proposed that the half width canopy is removed and replaced with a glass enclosure across the full width of the elevation, in association with the proposed rear extension on the storeys below, effectively creating a fully enclosed glazed winter garden. It is recognised that the existing structure is in a poor state of repair. Whilst, by virtue of its increased scale the framing will be more visually prominent, however by virtue of its detailed design, including the slender framing, it is not considered to dominate the elevation or result in high level bulk which detracts from the host building. Furthermore, it can be argued that it enhances the appearance of the building through replacing an untidy structure. As such the proposal is considered to accord with the aims of policies 38 and 40 and will preserve the character and appearance of the conservation area.

The extensions and roof level alterations are considered to accord with the identified policies and will the character and appearance of the Bayswater Conservation Area. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

### 8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 – 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing.

From the proposed front terrace views will be attainable towards the front elevations of nos. 12, 13 14, and 15 Queen's Mews. Each of that nos. 12 to 15 have their own roof terraces which are larger in floor area, are closer to, and already overlook the application site. It was raised in objections by neighbours that the proposed roof terrace would create overlooking and privacy issues, create noise disturbance and create social disharmony and poor neighbourly relations. One neighbour added that the roof terrace at no. 8 already causes issues for no. 15.

Whilst this it is recognised that there will be some overlooking, as raised in the objections by neighbours, the overlooking is not considered to be unacceptably harmful to the privacy of neighbours at nos. 12 – 15. The overlooking will be mutual and therefore no more invasive to one neighbour than it will be to another. Furthermore, the existing rooflights to be removed to create the roof terrace already offer the same views that would be attainable from the proposed roof terrace. The roof terraces at nos. 12 – 15 are therefore already somewhat overlooked which means that the proposed roof terrace may make little difference to the privacy of those in nos. 12 – 15. The objections raising concern over overlooking therefore cannot be sustained.

Due to the relatively small size of the roof terrace and it being associated with a single family dwellinghouse, the noise that could be generated on the roof terrace is unlikely to be excessively loud, last for prolonged periods of time or take place at unneighbourly times of day. The time of day and year when noise is being generated from the proposed roof terrace is likely to be the same time of day and year that the existing roof terraces as no. 12 – 15 are in use. Accordingly any noise generated by the use of neighbour's

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roof terraces may be equally invasive to the applicant. The mutual creation of noise from the existing roof terraces and proposed roof terraces will therefore be unlikely to cause an unreasonable level of disturbance to residents at no. 12 – 15. The adjoining neighbours at nos. 9 and 11 are likely to be exposed to an increased level of noise however, as this noise is unlikely to be of an excessive frequency or excessive intensity it will not cause an unacceptable level of disturbance to these neighbours. The objections raising concern over noise and disturbance cannot be sustained to an extent that it is reasonable to refuse permission on these grounds.

It was also raised in an objection that the proposed front roof terrace will create light pollution. The light pollution that will be generated by the proposed windows and doors associated within the roof terrace would be domestic in nature and recessed partly behind a parapet and behind the line of existing windows on the ground and first floor of the application site. Any light spill is unlikely to result in harm to the amenity of neighbouring residents.

Due to the two storey rear infill extension being proposed in an existing recess enclosed on three sides and not projecting beyond the furthest point of the existing rear building line, it will not cause overshadowing or loss of daylight or sunlight to neighbours or increase enclosure on any neighbours beyond the application site. It is noted from the submitted drawings at ground floor level and first floor level there is a window on each storey in the flank elevation of no. 11 on the party wall line. The ground floor window serves a bedroom, whilst the window on the first floor serves a kitchen / reception room. As the two storey extension will abut this flank wall shared between no. 10 and no. 11, it will entirely envelop both of these windows totally blocking them over. As a result of this, both the bedroom and the kitchen / reception room will endure a total loss of daylight and sunlight.

The City Council understands that these proposals have been submitted with the full knowledge and assumed acceptance of the owner/occupier of no. 11 Queen's Mews, as the owners of no. 10 and no. 11 are 'the applicant' for this application. As the blocked window will be re-provided on the rear elevation, it is considered that the bedroom it serves will actually benefit from an improved access to daylight and sunlight as well as also have a greater outlook upon it currently looks into this recessed area. Similarly, the two windows to be added in the rear elevation at first floor level would also improve access to light and the outlook for this room.

The proposed windows at ground floor and first floor level would have views directly down a service road to the rear of the south side of Queen's Mews. The nearest residential properties that may be visible from these windows are approximately 26m away in Windsor Court, Moscow Road when measured on the City Council's GIS. Given the distance the proposed windows are from these nearest residential properties that may be visible, it is not considered that they would cause unacceptable loss to their privacy.

The roof of the proposed sunroom is to be shown to be at approximately the same height as the existing canopy which is to be removed as a part of the works. It was raised in an objection that the sunroom would cause a loss of daylight and sunlight to the adjacent roof terrace at the neighbouring no. 9 Queen's Mews. Due to the proposed sun room being principally formed of glazing and matching the height of the existing structure, it is

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likely that no. 9's roof terrace will continue to receive the same amount of daylight and sunlight as existing particularly during the morning and afternoons by virtue of being south facing and the proposed sunroom being located on its western side. The objection referring to no. 9 can therefore not be upheld.

To create the sunroom a solid side elevation will be erected on the boundary shared with no. 11 Queen's Mews. This part of the sunroom will cause a loss of sunlight to the roof terrace and the associated terrace doors at no. 11, however, the loss of sunlight may only be felt during the early mornings due to its south facing position. The roof terrace at no. 11 will continue to receive the same amount of daylight and sunlight for most of the day and evening, as such the short period of lost sunlight will not be harmful to the amenity of this neighbour.

The existing rear roof terrace that the sunroom is to be erected over has views down the service road that links to Moscow Place, accordingly there are not any neighbours windows nearby that are within a clear view. The proposed sunroom will mean that the former roof terrace is used more intensively than it is currently used by virtue of it being useable all year around upon being fully enclosed, however, given that there are not any neighbours windows nearby the increased overlooking from the sunroom will not cause any harm to neighbours. The enclosure of this roof terrace should aid the containment of noise which will help preserve the amenity of immediate neighbours at nos. 9 and 11 Queen's Mews.

Given the above, the proposal is considered consistent with policy 7 of the City Plan 2019 – 2040 and is acceptable in amenity terms.

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

This proposal does not raise any transport or parking issues.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

This proposal does not raise any access issues.

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

At some time during the past few months it is understood that no. 8 has erected a temporary looking wicker-like screen on part of their roof terrace. This structure does not have planning permission and is currently under investigation by the City Council's planning enforcement team whom have asked the occupier of the property to remove the structure. It was also raised in comment from a neighbour that they object to the loss of the garage. The loss of the garage at no. 10 has already been permitted under permission 20/08154/FULL dated 12<sup>th</sup> February 2021 and does not form part of this application.

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## **8.8 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

There are not any neighbourhood plans relevant to this application.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

An environmental impact assessment is not relevant to this application.

## **8.14 Other Issues**

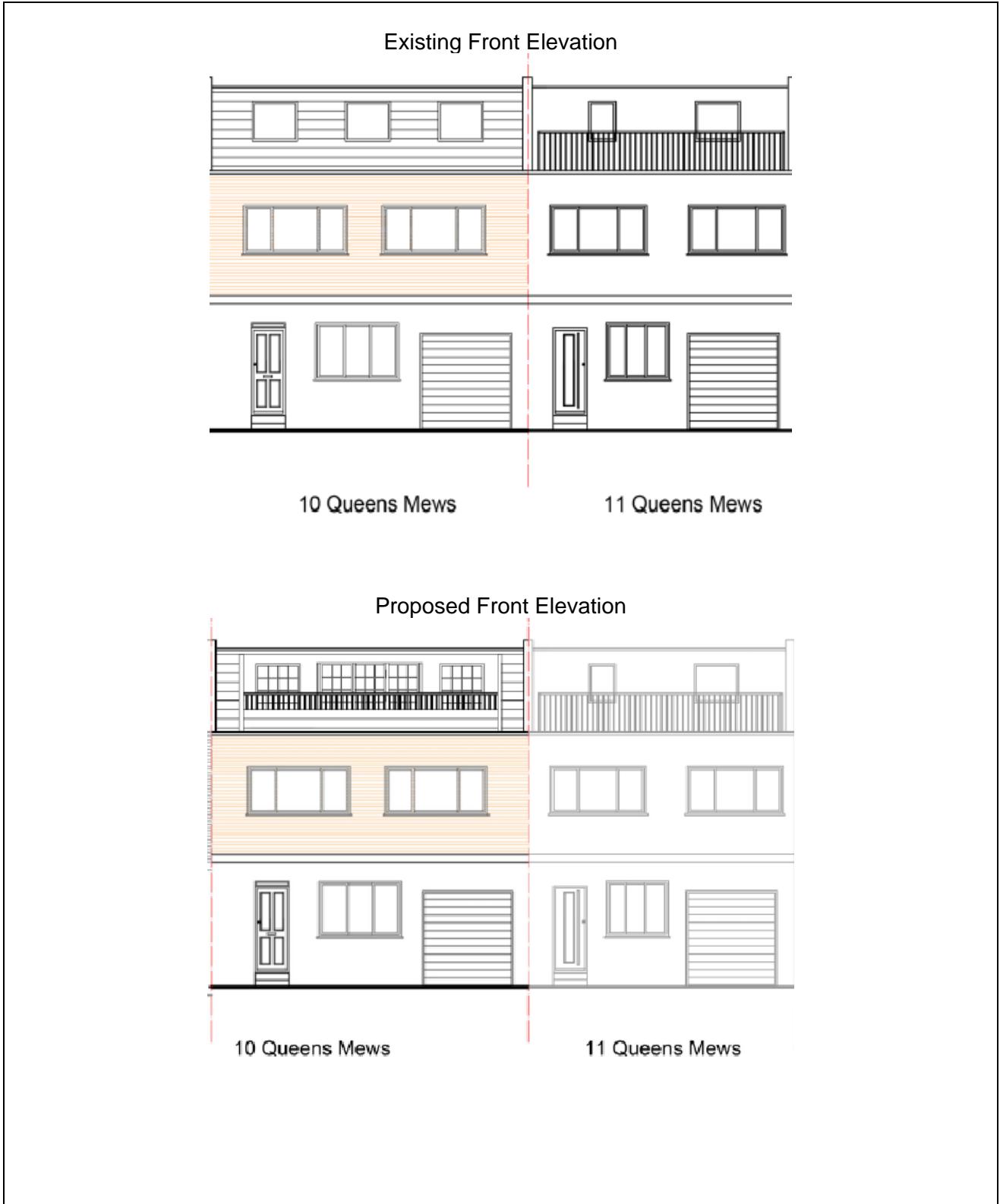
None.

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

**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)**

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## 9. KEY DRAWINGS



Existing Rear Elevation



11 Queens Mews

10 Queens Mews

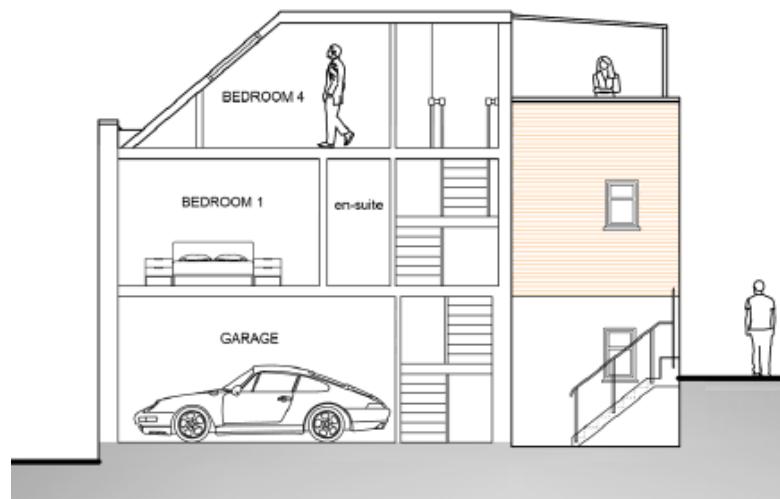
Proposed Rear Elevation



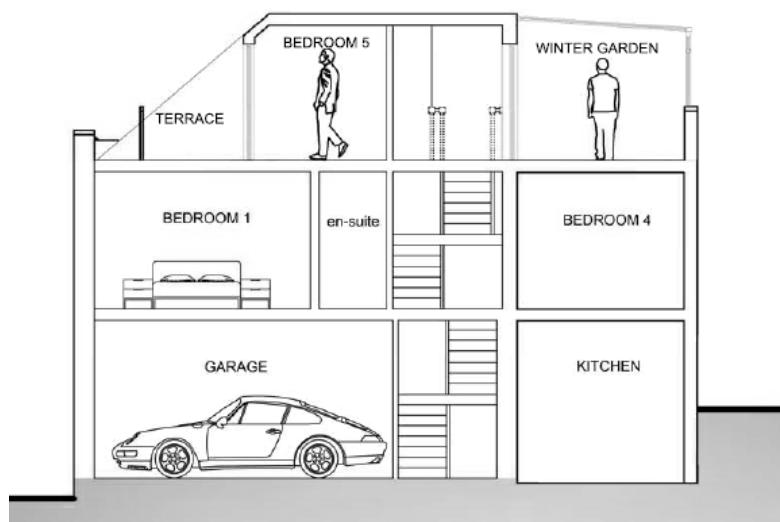
11 Queens Mews

10 Queens Mews

Existing Section of no. 10 Queen's Mews



Proposed Section of no. 10 Queen's Mews



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## **DRAFT DECISION LETTER**

**Address:** 10 And 11 Queen's Mews, London, W2 4BZ

**Proposal:** Rear extension at ground, first and second floor levels [at no. 10], reconfigured windows at rear [nos. 10 and 11] and the creation of terrace with railings in front roof slope [at no. 10].

**Reference:** 20/08153/FULL

**Plan Nos:** 19/32677/5, SK-01-01 P1, SK-02-01 P1, SK-10-01 P1, SK-09-01 P1, Planning Statement & Design and Access Statement.

**Case Officer:** Harry Berks

**Direct Tel. No.** 020 7641  
07866037030

**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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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

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unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 4 The windows hereby approved on the rear elevations of nos. 10 and 11 Queen's Mews must be installed prior to the completion of the rest of the works approved within this application.

**Reason:**

To ensure that the people in living 10 and 11 Queen's Mews have access to daylight and sunlight and an adequate outlook from the rear of their properties, as required by policy 7 of 2019 - 2040 City Plan (April 2021).

- 5 Notwithstanding the details shown on the approved drawing all new fenestration frames shall be constructed in timber and maintained as such hereafter.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 Notwithstanding the details shown on the approved draws all new railings shall be painted black and maintained as such hereafter.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

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2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](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 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)

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.