

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 December 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	9 Albion Close, London, W2 2AT		
Proposal	Erection of a mansard roof extension and enclosed terrace.		
Agent	Mr Paul Watson		
On behalf of	Mr & Mrs Malhotra		
Registered Number	21/04704/FULL	Date amended/ completed	12 July 2021
Date Application Received	12 July 2021		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a two storey dwellinghouse mews property within a private close located directly behind Albion Street. The building is not listed but is located within the Bayswater Conservation Area.

Planning permission is sought for the erection of a mansard roof extension and enclosed terrace. Revised drawings were submitted following an objection that has been received in relation to the discrepancies shown on the submitted plans.

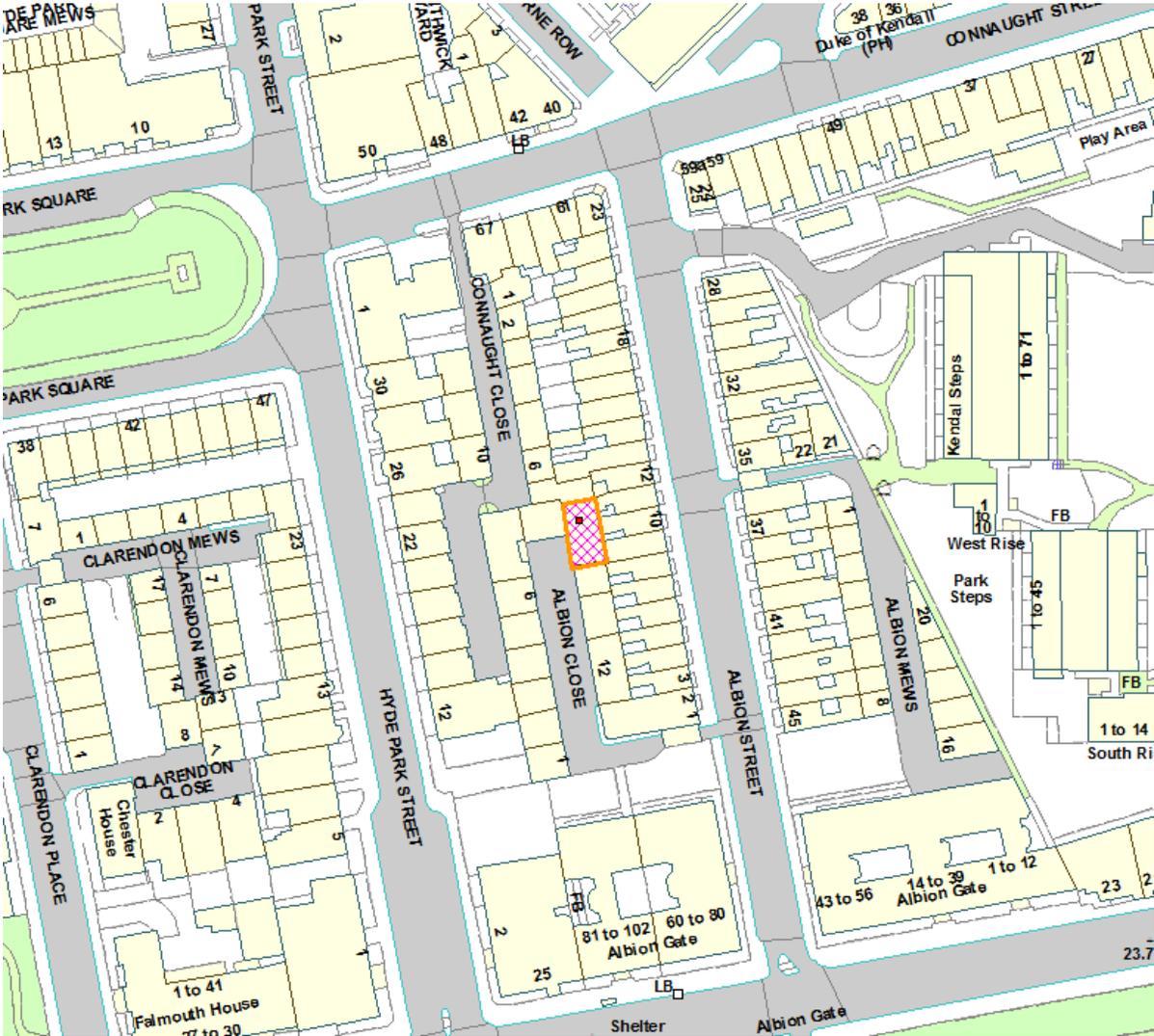
The Hyde Park Estate Association have objected to the application and objections have also been received by the neighbouring properties, with respect to issues of loss of light, sense of enclosure and loss of privacy. Other concerns have also been raised in relation to right of way, parking space and access to garage for no. 8 Albion Close.

The key considerations are:

- Impact of the development on the character and appearance of the Bayswater Conservation Area; and
- Impact of the development on the amenity of adjacent occupiers.

Despite the objections raised and for the reasons as set out in the officers report, the proposed extension would be consistent with the development plan, particularly the policies of the City Plan 2019-2040 (adopted April 2021). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Application Site



Existing Roof Profile of the Application Site

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION:

Objection

- The parking space and garage in front of the property do not belong to 9 Albion Close
- The property opposite (7 Albion Close) does not and never has had a mansard roof extension
- The proposal would forever interfere with the right to privacy of both Nos. 8 and 9 Albion Close as the two properties will then have an unobstructed view of each other's bedrooms
- Lack of detailed CMP and fails to address the logistics of such works and impact on our right of way.
- Any scaffolding would interfere with the garage and parking space in front of this property which belongs to 8 Albion Close and therefore does not belong to the property detailed in this proposal. This garage and parking space are in constant use.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 7

No. of responses: 4, comprising of 2 objections, and 2 in support

In summary the objectors raise the following issues:

- The scaffolding would interfere with the garage and parking space in front of this property (as they are in constant use) which belongs to 8 Albion Close and therefore does not belong to the application site.
- The property opposite (7 Albion Close) does not and never has had a mansard roof extension
- Loss of privacy to both Nos. 8 and 9 Albion Close as the two properties will have an unobstructed view of each other's bedrooms
- The lack of detailed CMP and fails to address the logistics of such works and impact on no.8's right of way.
- Daylight/Sunlight impacts of the proposal
- Inaccurate elevations submitted initially
- The height of the proposed mansard roof is almost a metre above the central spine of the current (semi-pitched) roof which would have an impact on the amenity of 10 Albion Street and therefore is not considered a 'minor increase'
- The additional height and the massing caused by the profile of the proposed mansard roof would result in an increased sense of enclosure and would result in loss of light to the rear garden and a skylight at 10 Albion Street.
- While the elevations state that the glass will consist of toughened opaque glass. The objector requests that the window is also unopenable to maintain privacy.
- The elevations suggest that the height of the mansard roof at no.10 Albion Close has the same height as the height of the proposed development at no.9 (above the central spine of the current roof).
- The proposed extension will reduce light to a green wall at 10 Albion Street

In summary, the supporters raise the following issues:

- The proposal is acceptable in principle and follows previous extensions in the close which have added a second floor.
- The mansard roof will reduce the visual impact while the fenestration fits well with others in the close.
- While further prolonged construction noise is not welcome at any time, no objection is raised to this. As this application is simply a renewal of schemes to which permission has been granted previously and there have been no changes to the circumstances of Albion Close to require a different assessment, it is supported.

SITE NOTICE /PRESS ADVERT:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a two storey single dwelling mews property within a private close located directly behind Albion Street. The building is not listed but is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

18/03487/FULL

Erection of mansard roof extension with an enclosed terrace.

Application Permitted 17 July 2018

15/03208/FULL

Mansard roof extension and enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted 26 May 2015

12/02338/FULL

Extension of time for the commencement of development granted planning permission on 23 April 2009 (extant permission 08/04663) for mansard roof extension with enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted 1 May 2012

08/04663/FULL

Mansard roof extension with enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted 23 April 2009

05/06614/FULL

Roof extension to existing mews house; new bedroom, bathroom and roof terrace.

Application Refused 28 October 2005

7. THE PROPOSAL

Planning permission is sought for the erection of a mansard roof extension and enclosed terrace. Revised drawings were submitted following an objection that has been received in relation to the discrepancies shown on the submitted plans. In particular, the height of the mansard extension approved at no.10 Albion Close was shown to be higher than what was approved and currently in situ. The applicant has amended the drawings accordingly.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floor space to the existing house is in line with Policy 8 of City Plan 2019-2040 (April 2021).

8.2 Townscape and Design

The application site is not listed but is located within the Bayswater Conservation Area and backs onto Grade II listed buildings along Albion Street.

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.

Policies 38, 39 and 40 of the City Plan are relevant. In particular, policy 40 of the City Plan states that roof extensions will be supported in principle where they do not impact

adversely on heritage assets and should, where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form and would help to unify the architectural character of the existing terrace or a group.

The proposal seeks to replace the existing pitched roof to erect a mansard roof extension with three new dormer windows fronting the street. At the rear, a single rooflight is proposed.

No. 9 Albion Close is currently the only property within the mews that has not been extended to some extent at roof level, with mansard roof extensions being the prevailing character at second floor level around the Close. It is therefore considered that the principle of a mansard roof extension would be difficult to resist and that an appropriately designed mansard would help unify the character of the mews. In addition, the principle of such an extension has previously been accepted in the applications granted in 2009, 2012, 2015 and 2018.

The proposed mansard is appropriately designed, including 75 degree primary pitches, three lead clad dormers, traditionally detailed windows and slate cladding. By virtue of its discreet location, the enclosed terrace would not be screened from public views and largely screened from private views. Given the above, it is not considered that the objections received from neighbouring occupiers on the grounds of the impact on the character of the mews and surrounding conservation area can be sustained.

The application site lies adjacent to the grade II listed terrace 1-23 Albion Street. Due to its traditional appearance, the proposals would not harm the setting of the adjacent listed buildings, and therefore complies with policy and supplementary guidance.

The proposal is considered to accord with the identified policies and will preserve the character and appearance of the 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.

8.3.1 Sunlight and Daylight / Sense of Enclosure

An objection has been received from no.10 Albion Street concerning the loss of daylight and sunlight and increased sense of enclosure due to the height of the mansard proposed at no.9 Albion Close. As seen on site, the majority of the mansard roof extensions currently in situ within the Close appear to be at the same height proposed for no.9 Albion Close.

The proposed mansard roof, by virtue of its increased height of 0.9m and increased bulk would reduce the amount of sunlight reaching the rear windows of the houses at 9, 10 and 11 Albion Street. However, whilst there may be some loss, it is not considered that it is at such a level to be harmful to the amenity of the occupiers of these properties, given the proposed pitched nature of the roof, the relatively modest increase in height and that the affected rooms are dual aspect. It is not considered that permission could be withheld on these grounds.

An objector has also raised concern that the proposed extension will reduce light to green walls and a walk on rooflight at 10 Albion Street. These green walls and the rooflight were erected post the 2018 permission for the proposed extension. Whilst this is noted, the levels of light loss would not be significant given the above. The green walls also face away from the application site or are orientated perpendicular to it and are not subject to high levels of direct sunlight at present. Accordingly, refusal of permission on this basis would not be sustainable.

It is recognised that due to the proximity of these houses, the proposal will result in some increased sense of enclosure. The outlook from these houses has been affected by other mansard roof extension, and it is accepted that views from the ground and first floor windows and roof terraces will be more enclosed as a result of the extension. It is considered however that the loss of amenity, on balance, is acceptable.

Furthermore, the City Council has previously accepted this loss of amenity in 2009, 2012, 2015 and 2018. Although the new City Plan has recently been adopted, it includes similar amenity policy tests as the preceding City Plan and UDP. It is not considered that there have been any other material changes in planning circumstance to warrant refusal of permission.

8.3.2 Privacy

An objection has been received from no.8 Albion Close that 'the proposal would forever interfere with the right to privacy of both Nos. 8 and 9 Albion Close as the two properties will then have an unobstructed view of each other's bedrooms'. However, the three new dormer windows would have a similar outlook to the front facing windows on this building. Mutual overlooking is also commonplace throughout the close, where properties often have direct views at first floor and roof level across the close. In this instance, and although noting the windows are closer, they are perpendicular to one another and therefore have indirect views. Accordingly, an objection to the development on this basis would not be sustainable.

The proposals include the provision of an enclosed terrace, which is set within the mansard extension. This is located on the west side of the roof, set back behind the building line of No 8, which faces south onto the Albion Close. Due to its location, it will only be viewed by occupiers of the upper floors of Albion Street. As the terrace is cut into the roof, these residents will only have very limited views of the terrace, due to the oblique angles. Similarly users of the terrace would have very limited, if any, views back to these windows. It is therefore not considered that the terrace would have any significant impact in terms of privacy. In terms of noise the proposed terrace is set down within the roof and is therefore screened on all sides. It is also located on the far side of

the roof of the mews (from the Albion Street properties) and is separated by the existing rear gardens. Given its small size, screening and location set away from windows within Albion Close, it is not considered that the terrace will have a significant impact in relation to noise disturbance. In addition the benefits of providing some outdoor amenity space for the single family dwellinghouse are welcomed.

A roof light is also proposed in the rear pitch or the mansard, the submitted drawings show this window to be obscure glazed and a condition is recommended to ensure that the obscure glazing is maintained and a restrictor fitted to limit opening, this is considered to prevent any overlooking as a result of the roof light.

Overall, and subject to conditions, the proposed development is consistent with policy 7 of the City Plan 2019-2040.

8.4 Transportation/Parking

There are no transportation or parking issues raised by this development.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing arrangements. Issues in relation to the parking space, right of way and garage access of no.8 Albion Close, raised by objector, is discussed in section 8.14 on 'Other matters' in this report.

8.7 Other Westminster Policy Considerations

No Westminster Policy Considerations are applicable for a development of this size

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. 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 no neighbourhood plans relevant to this site.

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.

No pre-commencement conditions have been recommended

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. In addition, the development is not liable for CIL given the small scale of the extension.

8.13 Environmental Impact Assessment

Not applicable to a development of this scale.

8.14 Other Issues

The issues raised in representations have largely been addressed above. However, the following is also noted:

8.14.1 Construction impact

An objection has also been raised with regards to the lack of 'CMP (Construction Management Plan)'. Given the relatively modest scale of this development, the City Council does not typically require the submission or approval of a construction management plan. A condition is attached to the permission that limits the hours when building works can take place to protect the environment of the neighbouring properties. A further informative will encourage the applicant to join the nationally recognised Considerate Constructors Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable.

8.14.2 Concerns over parking space, right of way and garage access

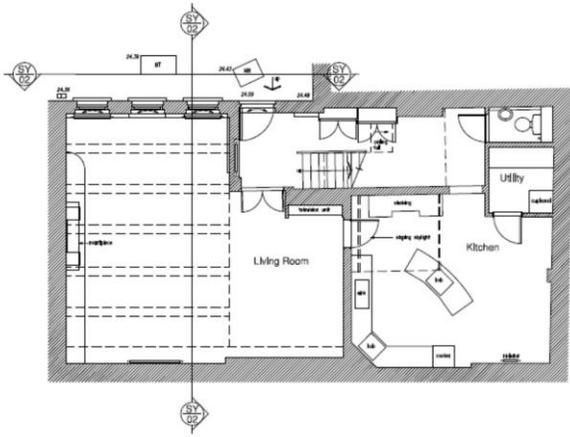
A further objection has been received in relation to the parking space, right of way and garage access of no.8 Albion Close. It is pointed out that no.9 has a limited access in front of the property and that 'any scaffolding would interfere with the garage and parking space in front of this property which belongs to no.8 Albion Close. However, Albion Close is a private road and this is therefore a civil issue between the applicant and the owner/occupier of no. 8. For the avoidance of doubt, the grant of permission would not

prevent the owner/occupier of no.8 from exercising his right to prevent access or the erection of scaffolding

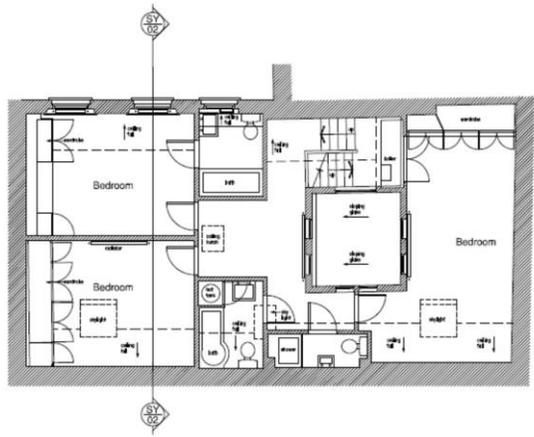
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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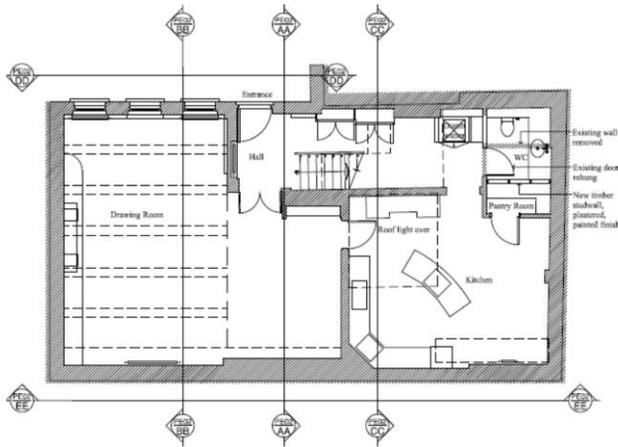
9. KEY DRAWINGS



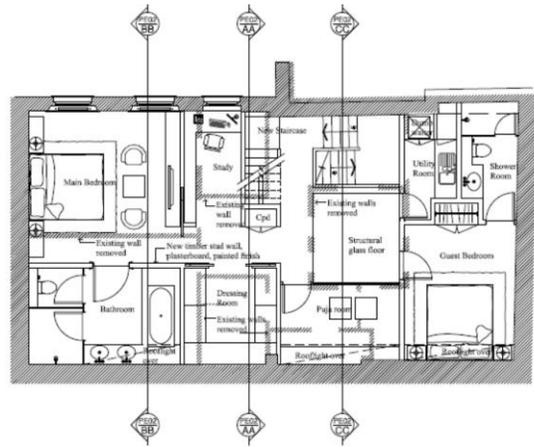
EXISTING GROUND FLOOR PLAN



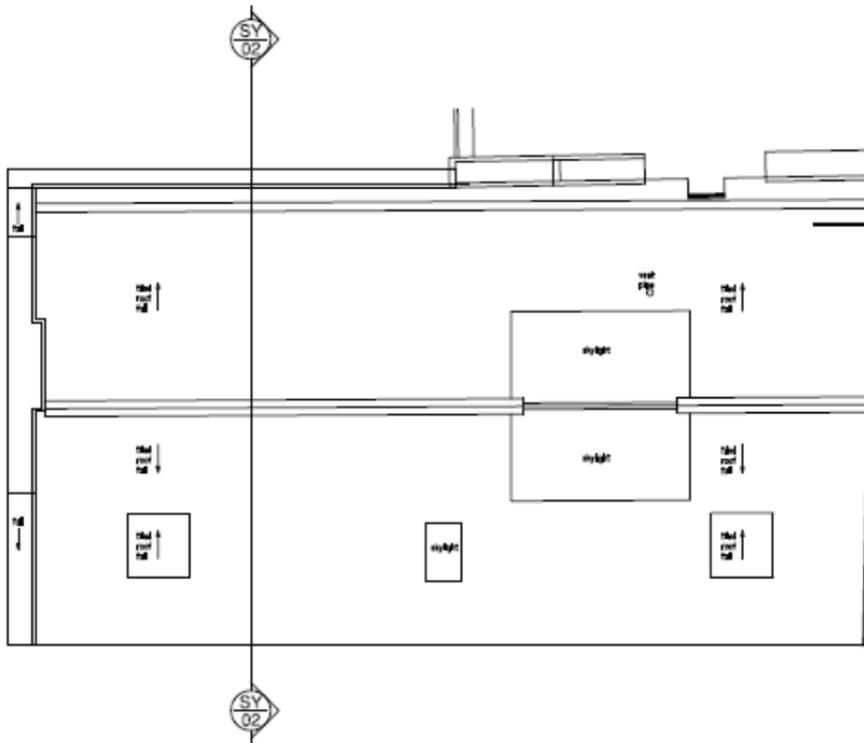
EXISTING FIRST FLOOR PLAN



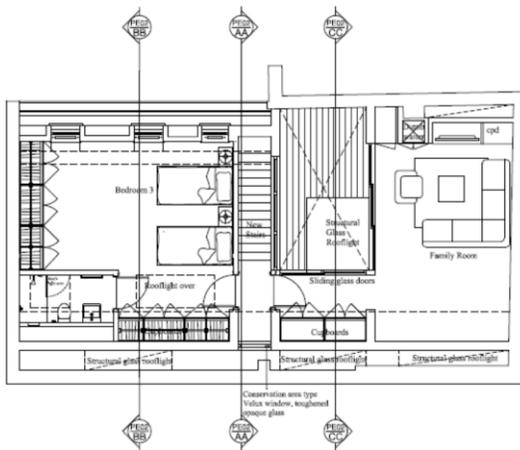
PROPOSED GROUND FLOOR PLAN



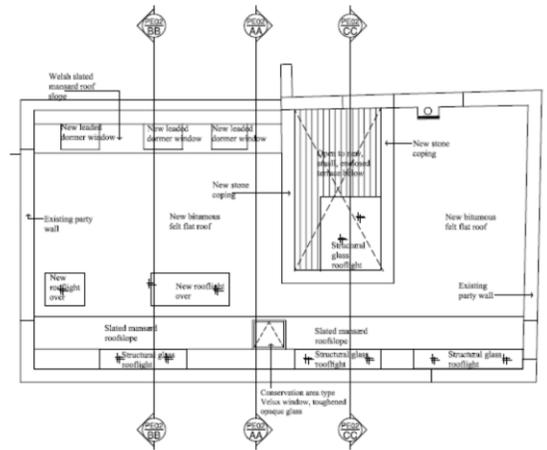
PROPOSED FIRST FLOOR PLAN



EXISTING ROOF PLAN



PROPOSED SECOND FLOOR PLAN

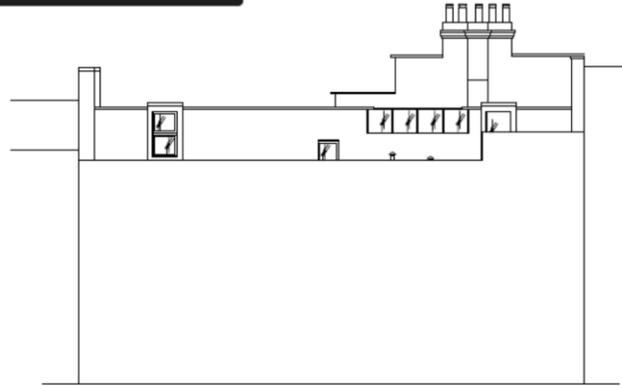


PROPOSED ROOF PLAN





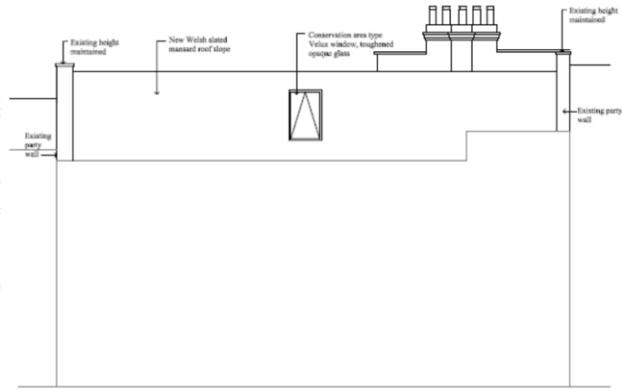
EXISTING FRONT ELEVATION - DD



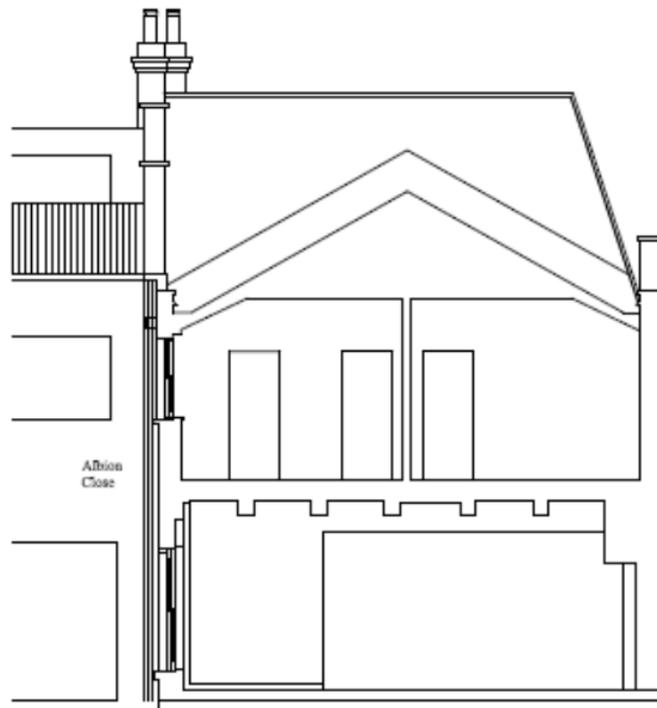
EXISTING REAR ELEVATION - EE



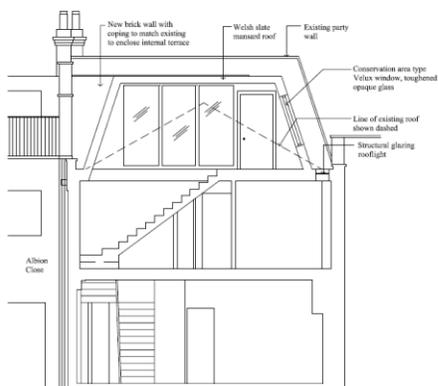
PROPOSED FRONT ELEVATION - DD



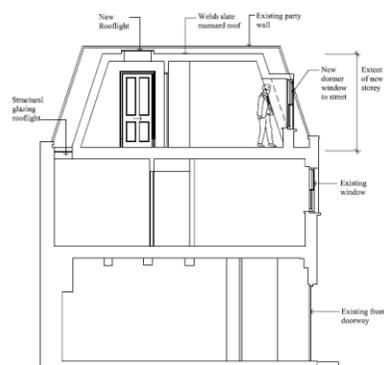
PROPOSED REAR ELEVATION - EE



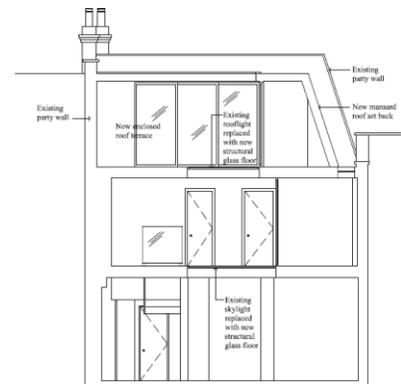
EXISTING CROSS SECTION - AA



PROPOSED CROSS SECTION - AA



PROPOSED CROSS SECTION- BB



PROPOSED CROSS SECTION - CC

DRAFT DECISION LETTER

Address: 9 Albion Close, London, W2 2AT

Proposal: Erection of a mansard roof extension and enclosed terrace.

Reference: 21/04704/FULL

Plan Nos: SY02 REV C; SY01; PE02 REV F; PE01 REV D; Location and Site Plan; Design, Access and Planning Statement July 2021.

Case Officer: Christina Sriramula

Direct Tel. No. 07866033879

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 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). (R26BF)

- 4 The rooflight window on the rear elevation of the mansard roof must be obscurely-glazed and remain as such. The rooflight shall be fitted with a restrictor to limit the extent to which the rooflight shall open. Detail of this restrictor shall be submitted to and approved by the City Council as local planning authority before works start on this relevant part of the development. The restrictor shall be installed and retained in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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

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.