

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 May 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	35 - 35A Chester Row, London, SW1W 9JE,		
Proposal	Amalgamation of 35 & 35A to form a single dwellinghouse, erection of infill extensions at lower ground floor and ground floor level with associated terrace to rear; demolition and rebuild of extended main closet wing at ground, first and second floor levels; demolition and rebuild of long closet wing extension with additional storey; erection of plant enclosure and shed to rear garden; excavation to create basement; alterations to fenestration and doors; and associated external alterations.		
Agent	Savills		
On behalf of	Life Partners Limited		
Registered Number	21/08587/FULL	Date amended/ completed	4 January 2022
Date Application Received	15 December 2021		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the amalgamation of 35 & 35A Chester Row to form a single dwellinghouse; the erection of infill extensions at lower ground floor and ground floor level with associated terrace to rear; the demolition and rebuild of the extended main closet wing at ground, first and second floor levels; the demolition and rebuild of long closet wing extension with additional storey; the erection of plant enclosure and shed to rear garden; excavation to create basement; alterations to fenestration; and doors and associated external alterations.

In April 2022, the City Council approved all these works except for the new basement level. This followed an earlier 2017 which proposed broadly similar works, and which the applicant implemented.

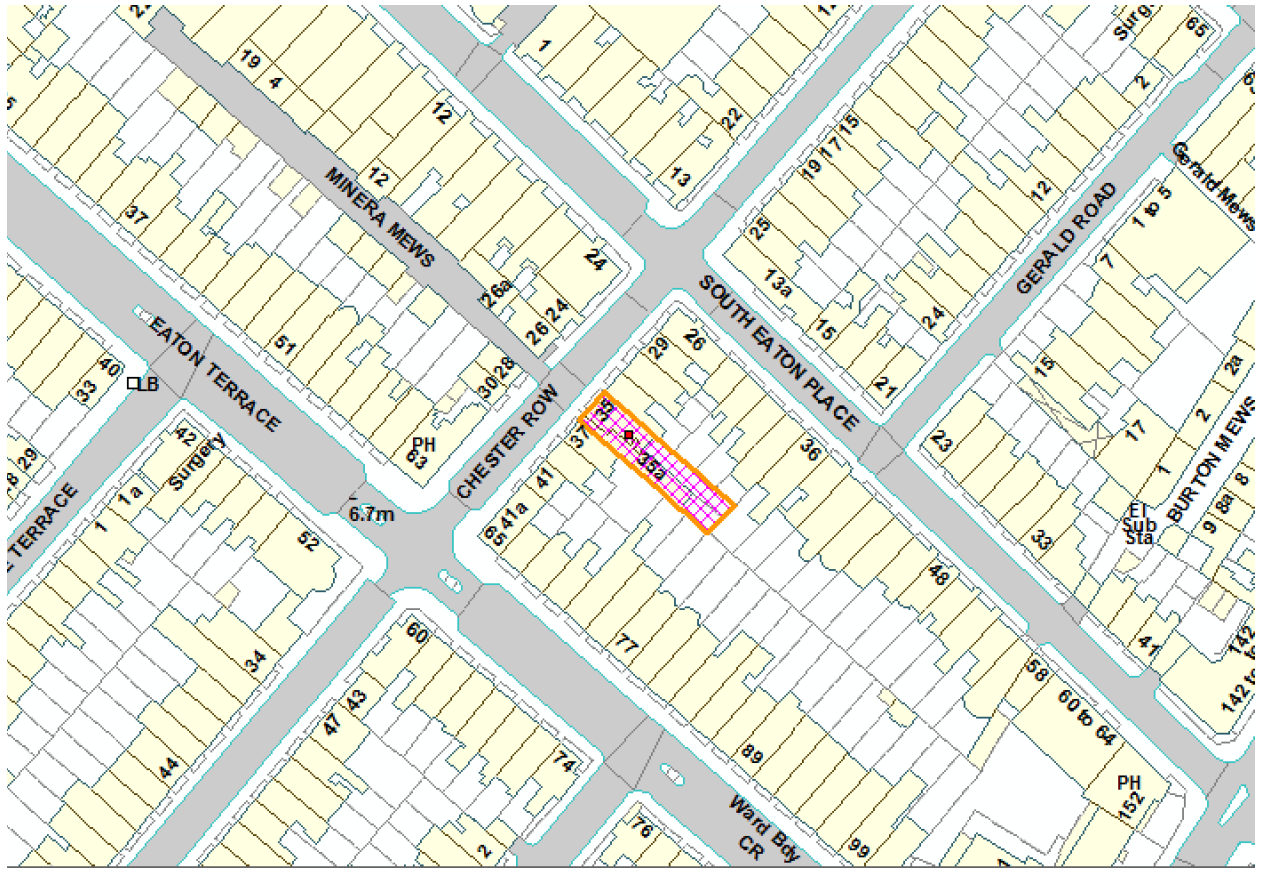
The key considerations in this case are:

- The acceptability of the proposed basement.

Objections have been received from the Belgravia Society, Belgravia Neighbourhood Forum and local residents on land use, design, residential amenity and impact of basement grounds.

The basement excavation works comply with the basement policy (Policy 45) of the City Plan 2019-2040. For the reasons set out in the main report, it is considered that the proposal is acceptable in design terms and neighbouring residential occupiers would not be unduly harmed. Whilst the proposals are not in line with Policy 8 (housing delivery) because a residential unit will be lost, because of the extant permissions which have already allowed this, it is not considered sustainable to withhold permission on this ground.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND ARCHAEOLOGY:

No archaeological requirement.

BELGRAVIA RESIDENTS' ASSOCIATION:

No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM:

Objects on the following grounds:

- Design and conservation: unsympathetic alteration to an Unlisted Building of Merit which will disrupt an ordered rhythm; the proposals are disproportionate within the immediate context and would increase and the size of an overlarge rear extension protruding deep into an area of garden land; and unacceptable loss of existing views for neighbouring properties
- Land use: the amalgamation of the two properties would reduce the number of homes and bedrooms available in Belgravia.
- Basement: would not meet policy if paved area is not taking into consideration; involve the removal of permeable garden area which may lead to rising water table; and concerns about flood risk and drainage issues.
- Other matters: structural damages to neighbouring properties (reference to a collapse in Durham Place SW3); construction disruption and associated pollution; lack of engagement with neighbours; and the scheme contravenes with the net zero targets.

THE BELGRAVIA SOCIETY:

Objects on the following grounds:

- Design and conservation: substantial increase in bulk and floorspace which will exacerbate an overdevelopment; ceiling heights to be compromised in the rear extension.
- Amenity: impact on residential amenities in terms of noise disturbance, overlooking, loss of privacy and overshadowing.
- Basement: lack of clarity about the basement dimensions; a genuine garden should be provided; fire risk, ventilation risk, impact on water table, flooding risk associated with basement extension; and structural impacts on adjoining properties (reference to damages at 5 Chester Row)
- Other matters: no amelioration in terms of drainage or deficiency in open space; adjoining properties might not be able to carry out works.

WASTE PROJECT OFFICER:

Following receipt of revised information, no objection subject to recommended condition to ensure waste and recycling storage is provided.

ENVIRONMENTAL HEALTH:

No objection subject to recommended conditions.

HIGHWAYS PLANNING MANAGER:

Raises two issues – the lack of cycle parking provision and extension of the vaults of the front of the property.

ARBORICULTURAL SECTION:

No objections regarding trees but of the garden lowering and the amount of top soil above the basement are contentious. Recommends conditions.

BUILDING CONTROL:

- The submitted Structural Method Statement is compliant and accepted.
- The Site Investigation shows a silty gravel foundation soil. Ground water was encountered. Flood risk is minimal.
- The new basement construction will comprise typical RC retaining walls underpinning and RC ground bearing slabs. Waterproofing shall be considered in the design. The works are done in sequence. Temporary supports are used during excavations.
- A movement monitoring is proposed. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be within acceptable limits.
- The scheme is justified structurally and the proposal is considered to be viable.
- From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 6

No. of objections: 6

No. in support: 0

The application has received six letters of objection raising the following grounds:

DESIGN AND CONSERVATION:

- Overdevelopment that will destroy this part of the Belgravia Conservation Area
- The rear extension and basement are out of scale and not in keeping with the traditional character of the terrace
- Will create a precedent

AMENITY:

- Damages to amenity and local environment due to colossal rear extension
- Noise nuisance from plant

OTHER MATTERS:

- The proposals could cause structural damages to neighbouring properties
- Lack of engagement with neighbours
- Impact on property values
- Impact of construction (environmental nuisance dust, noise, traffic, damages to

- pavement, local carbon footprint)
- Basement has negligible utility and references to damages in Chester Row due to basement excavation, double basement should be banned in Belgravia Conservation Area, associated flooding and water table disruption
- Lack of serious environmental or associated risk assessment
- Proposed drawings do not show the mansard extension granted under RN: 20/01194/FULL, which the applicant is legally obliged to undertake.

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Belgravia Neighbourhood Forum and local residents raise objection on the grounds of lack of consultation prior to the submission of the application. The agent confirmed that no engagement was carried out prior to the submission of the planning application, they explained that is because the proposal is the reiteration of an implemented scheme approved in 2017 which included a larger basement.

Whilst this is unfortunate, the scheme was submitted prior to the requirement for pre-application community engagement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 (City Plan) was adopted at Full Council on 21 April 2021. The policies in the City Plan 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application is located within the Belgravia Conservation Area and comprises 35 Chester Row and 35A Chester Row. 35 Chester Row is an unlisted early-mid 19th century third rate terraced townhouse of three storeys over lower ground floor in brick and stucco. 35A Chester Row is 2-storey largely back garden property. Both properties are in residential use.

In August 2017 planning permission was granted for the amalgamation of the two properties. During the course of consideration of the April 2022 permission the agent provided evidence that works were carried out prior to the expiration so the August 2017 permission is considered to be implemented.

7.2 Recent Relevant History

On 25 August 2017, the City Council granted permission for the amalgamation of 35 and 35A Chester Row to form a single dwellinghouse, with the erection of rear and basement extensions and alterations to the front elevation (RN: 17/03920/FULL).

On 18 January 2021, the City Council agreed a non-material amendment removing the approved the basement extension and associated lightwell from development (RN: 20/07181/NMA).

On 09 April 2021, the City Council granted permission for the erection of a mansard roof extensions to Nos 29, 31, 33 and 35 Chester Row (RN: 20/01194/FULL). This was subject to a legal agreement to ensure that once works have commenced the owners must ensure they complete all the mansard roof extensions within 24 months.

On 22 April 2022, the City Council granted permission for the amalgamation of 35 & 35A Chester Row to form a single dwellinghouse; erection of infill extensions at lower ground floor and ground floor level; demolition and rebuild of extended main closet wing at ground, first and second floor levels; demolition and rebuild of long closet wing extension with additional storey; erection of plant enclosure and shed to rear garden; excavation to front vaults, lower ground floor level and garden area; alterations to fenestration and doors; and associated external alterations (RN: 21/05252/FULL).

8. THE PROPOSAL

In April 2022 planning permission was granted for the following works:

- amalgamation of 35 & 35A to form a single dwellinghouse;
- erection of infill extensions at lower ground floor and ground floor level;
- demolition and rebuild of extended main closet wing at ground, first and second floor levels;
- demolition and rebuild of long closet wing extension with additional storey;
- erection of plant enclosure and shed to rear garden;
- excavation to front vaults, lower ground floor level and garden area;
- alterations to fenestration and doors; and

- associated external alterations.

This application includes all the works approved in April 2022 plus the excavation of a basement which would largely be located under the rear garden.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal involves the amalgamation of 35 (206 sqm) and 35A (96 sqm) Chester Row to form a single dwellinghouse (457 sqm including extensions). A new mansard extension will be completed as per legal agreement requirements, which will further increase the floorspace by approximately 44 sqm. In total therefore, development on this site will result in a building of approximately 501sqm.

The Belgravia Neighbourhood Forum has objected to the proposal on the grounds that it will result in a reduction of residential units and bedrooms.

City Plan Policy 8 (housing delivery) part B states no new homes in Westminster will exceed 200 sqm of floorspace (GIA), except where it is necessary to protect a heritage asset.

Part C of the Policy states that all existing residential units, uses, floorspace and land will be protected except where:

1. The reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. Non-family sized housing is being reconfigured to create family sized housing.

The proposal is not therefore in accordance with Policy 8 parts B and C, and this was also the case under the April 2022 application. During the consideration of that application, the applicant provided evidence confirming they had lawfully implemented the 2017 permission to amalgamate, extend and alter the properties. This means that the applicant can lawfully complete the 2017 permission in perpetuity. This is therefore a fallback position, and it is a material consideration of significant weight consequently. In April 2022, the City Council decided the weight given to it should be such that it must overcome the conflict with Policy 8. The current scheme also losses a residential unit in conflict with Policy 8, but as in April 2022, the fallback position is a significant material consideration and the weight given to it will overcome the conflict with the policy.

It is noted that the current scheme is different to the April 2022 scheme because it includes excavation works to create a new basement level. The new basement will provide 34.8 sqm of floorspace, which represents 7.6% of the total floorspace. This would further increase the floorspace more than the 200 sqm threshold set out in the policy. The City Plan explains the purpose of the threshold is to protect the provision of family sized housing in the city. Given the fallback position involves an amalgamation creating a property of over 200 sqm, the additional floorspace created by the basement under this application would have no impact on family sized housing provision in the city (over the fallback position).

Objectors have raised concern regarding the reduction of bedrooms to provided on site. While overall the size of the property increases it is proposed to use the space differently, including more generous bedroom sizes and larger living areas. The property would be a family sized dwelling however.

9.2 Environment & Sustainability

The Belgravia Neighbourhood Forum states that the scheme contravenes with the net zero target and local residents raise concerns about impact of demolition and construction works in terms of local carbon footprint.

Policy 38 (Design Principles) states that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

The amount of demolition was considered acceptable under the April 2022 permission, and it was also approved in 2017 (a permission which is now implemented).

The proposals include several energy efficiency measures including:

- All external elements of the house will be insulated to modern building standards.
- The building will be fitted with new energy efficient building services and controls.
- The replacement of old and inefficient door and window units
- The installation of water saving bathroom fitting and energy efficient appliances.

Policy 37 (Waste Management) states that developers are required to demonstrate the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council's Code of Construction Practice.

The applicant has submitted a Circular Economy Statement setting out their waste and circular economy strategy for the development, which is to deconstruct and recycle the materials, with an aim to reduce impacts upon the environment by limiting waste sent to landfill.

The proposed measures are welcome and are considered to be in line with requirements of Policies 37 and 38.

9.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation

area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

Detailed design and impact on heritage assets

Objectors have raised concerns that the proposed ground floor window would not match those of the 4 houses to the left of the property (27-31 Chester Row), disrupting the ordered rhythm of the terrace.

To the front, the proposed works are as approved under the August 2017 and April 2022 permissions. The entrance to 35A Chester Row would be removed which is considered acceptable given that 35 is one of four houses that form a continuous terrace grouping. Given that 35 is three windows wide at first and second floor levels, as opposed to the others in this grouping that are only two, it is accepted that any new fenestration would not match with the neighbouring properties. In this case, the proposed new window and door are considered in keeping with the character of the building and conservation area and therefore acceptable. It is also proposed to replace the front lightwell window to match the width and positioning of the ground floor window above, which is similarly considered acceptable.

Details of the new door and windows are to be secured by way of condition. Slimline double glazing is proposed to the new windows, which would improve their thermal performance, and this is acceptable subject to the detailed design exhibiting traditional joinery profiles and integral glazing bars. The alterations to the design of the first floor windows are also considered acceptable as the proposals would match the design of the windows in the neighbouring properties, subject to details are to be secured by way of condition. The replacement of the lightwell stair is considered acceptable, subject to details.

Objectors have also raised concern that the proposals are disproportionate to the immediate context of the neighbouring houses and would increase the size of the existing overlarge rear extension, protruding deep into an area of garden land to the rear. The loss of views and setting a precedent are also mentioned.

To the rear, the existing situation comprises a mismatch of buildings covering much of the footprint of the site, including an existing rear closet wing extension which appears to be of some age and is unusual for the context, due to its size. The scale and massing of the proposed rear extensions are of the same dimensions as the scheme permitted in April 2022. Indeed, the main difference with the 2017 scheme is the increase of the main closet wing parapet at second floor level to match the next door property at no. 37. As

has previously been considered, the proposed raising of the height of the parapet and formation of new rooflights set behind is considered acceptable in design terms and would match the height of the closet wing of the adjoining property at No. 37. The proposed additional storey to the existing long closet wing extension, with new hipped roof and rooflights, matches the scale of that previously approved and remains subservient to the host building and main closet wing from which it extends.

Conditions requiring the roof to be natural Welsh slate and details of the windows and doors (to be timber framed, slim line double glazed) are recommended. Beyond the long closet wing extension, as under previous approvals, a shed and matching acoustic enclosure are proposed to be situated against the garden boundary wall and below existing trellis which is to be replaced and subject to details of the structures (which should exhibit a suitable garden house typology, with roofs) and are again considered acceptable given the containment of the rear of the site.

The proposed infill extensions at lower ground and ground floor levels are as approved in August 2017 and April 2022. As previously assessed, the depth of the extension at lower ground floor level would be in line with the existing boundary wall at neighbouring property No.33 and would not harm the appearance of the host building or character of the area and is considered acceptable. The infill extension at ground floor level is proposed to be constructed of lightweight materials, which would allow the position and appearance of the original rear elevation to be understood and subject to details to be secured by condition is considered acceptable. The replacement of the first floor window in the main elevation with a dropped window and Juliet balcony is considered acceptable in the context of the proposed lightweight extension below.

With regards to loss of views, such matter is not material planning grounds and planning permission cannot be reasonably withheld on these grounds.

As already explained, the extant April 2022 approval is considered to be a material consideration of significant weight.

Given this and the considerations set out above, subject to the conditions proposed the proposals are considered acceptable in design and conservation terms. Overall there would be no harm to the character and appearance of the conservation area. and accord with relevant local and national policies, in particular Policies 38, 39 and 40 of the City Plan 2019-2040, and paragraph 196 of the NPPF. 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.

Landscaping

The Belgravia Society requests that a 'real' garden with plants is provided and the Belgravia Neighbourhood Forum raises concerns about lack of permeability of the garden. Policy 34 (Green Infrastructure) of the City Plan seeks to protect existing green infrastructure and promotes further greening of the City.

The proposal involves the removal of the 5m tall cabbage palm (T3) and 2 x 2/3m tall Nightshade shrubs (T4 and T5) from the rear garden. The City Council's Arboricultural

Officer raises no objection to this – it has been previously approved. The applicant's Arboricultural Report assesses the impact of the proposals, including the basement, on nearby trees in neighbouring gardens. It demonstrates that the proposals represent a low risk to off-site trees. This is because the garden levels in the adjoining gardens and the depth of the footings to the existing boundary wall mean that the roots of adjacent trees (in particular the 5m tall Loquat (T1) and the 8m tall ash (T8)) would not be harmed.

The City Council's Arboricultural Officer has raised some concern about the lowering of the rear garden and topsoil above the basement. The Officer notes that lowering gardens can affect drainage and wildlife corridors and create a canyon effect – however, this has already been approved and in any case, and other neighbouring properties have similarly lowered gardens and so it would be unreasonable to refuse permission on that basis.

The Arboricultural Officer also raised some concern regarding the topsoil above the basement. While the topsoil exceeds the City Council's requirement of 1.2 metres (1m soil depth plus a minimum 200mm drainage layer), it may not be appropriate for new tree planting and landscaping in this case. The Officer recommended conditions to address this, and these are attached. An informative is also attached to remind the applicant that substantial planting, including trees, would be expected – details of this landscaping is recommended to be ensured by a further landscaping condition.

9.4 Residential Amenity

Policies 7 and 33 of the City Plan 2019-2040 seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight, sunlight and sense of enclosure

The Belgravia Neighbourhood Forum and other objectors have raised concern that the scale and massing of the proposals will cause a loss of views and light to surrounding residential occupiers.

The scale and massing of the proposed rear extensions are of the same dimensions as approved in April 2022. The only main difference with the August 2017 scheme is the increase of the closet wing parapet at second floor level by 0.36m to match the next door property at 37 Chester Row.

The applicant provided a Daylight and Sunlight Report, which demonstrates that the proposals were compliant with BRE guidelines in terms of daylight (VSC and Daylight Distribution and Sunlight (APSH) and would not have an adverse impact on nearby residential properties (33 and 37 Chester Row, 28, 30, 32 South Eaton Place). The proposed structures in the rear garden (Acoustic Enclosure, Garden Shed) would be positioned below the existing garden wall. It is considered that the proposals would not have an unacceptable impact on nearby properties in terms of daylight or sunlight.

The lower ground floor extension would extend the full length of the boundary with the adjacent property at 33 Chester Row and would be visible from the windows at lower

ground floor level, the proposed second floor extension would also be visible from the windows of 37 Chester Row. However, as previously assessed the proposed extensions would not lead to a material increase in sense of enclosure over the existing situation.

Privacy

The Belgravia Society has raised concerns that the proposed windows could cause overlooking and the objectors have also raised concerns that the proposals would lead to a loss of privacy.

The enlarged front windows at ground floor and lower ground floor have already been approved under the August 2017 and April 2022 scheme, and these would not result in undue overlooking. The proposals also include changes to the number, position and size of a number of windows, doors and rooflights to the rear of the property, as well as the installation of Juliet balcony at first floor level. These changes occur on elevations that already include a number of windows/doors/rooflights of a comparable size. Subject to a condition to retain the opaque glazing on the new windows at first floor level on the gable elevation of the long closet wing extension, it is considered that the proposals would not have an unacceptable impact in terms of loss of privacy or overlooking.

A condition has been attached to ensure that the flat roof of the lower ground floor extension will not be used for sitting out or any other purpose.

Noise & Vibration

Plant machinery is proposed to the rear of the property within an acoustic enclosure.

Policy 33 part C states that development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds.

The applicant has submitted an acoustic assessment which demonstrates that the proposed plant machinery is capable of meeting the Council's policies for noise and vibration. No objections have been raised by Environmental Health subject to the Council's standard noise and vibration conditions.

Subject to conditions, the proposals are considered to be acceptable in amenity terms.

9.5 Transportation, Accessibility & Servicing

Highway Impact & Cycling

The Highways Planning Manager commented that a dwelling of this size should have at least two cycle parking spaces. It is considered reasonable to secure the provision by condition, so the proposed scheme is in line with the Council's policies.

The Highways Planning Manager also raised concerns about the alterations to the vaults to the front of the property. Policy 45 part B requires the retention of a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure. The agent clarified that the vaults are existing and the works only involve

only some floor excavation to create increased headroom, so the depth between the street and the top of the vaults remains the same at 630mm. Given this is an existing situation, the works would have no increased impact. An informative is attached to inform the applicant that any building works to a structure that supports the highway will required Technical Approval.

Servicing and Waste & Recycling Storage

Following reception of revised drawings, the details are in line with the Council's requirements and the provision will be secured by condition.

9.6 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.7 Other Considerations

Basement

The Belgravia Society, the Belgravia Neighbourhood Forum and local residents objected to the excavation works for a basement due to lack of clarity over the basement dimensions, the removal of permeable garden area, negligible utility, associated flooding and water table disruption, damages to neighbouring properties.

The proposed basement is one storey and mainly located under part of the rear outdoor area. There is no external manifestation.

The excavation of basements must be considered against policy 45 of the City Plan.

Part A of Policy 45

Part A 1 and 2 of policy 45 requires basement development to safeguard structural stability and be designed and constructed to minimise construction impacts on the surrounding area as well as minimise surface water and sewerage flooding risks.

Part A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area.

The City Council's Building Control Officers have reviewed the applicant's Structural Methodology Statement and Flood Risk Assessment and advise that they include an appropriate level of site investigation and structural detail and are therefore acceptable. The City Council wish to make it clear the applicant's reports are not directly being approved, but instead demonstrate there is no impediment foreseeable at this stage that would prevent the creation of a basement in principle. As the relevant reports have been produced by a suitably qualified professional, they carry a duty of care which should be sufficient to demonstrate that the assessment made is accurate.

The site is not located within a Surface Water Flood Risk Hotspot. The Building Control officer confirmed that the site investigation shows that flood risk is minimal. A margin of undeveloped land has been preserved all around the basement. In addition, the conditions recommended by the Arboricultural Officer will allow a landscaping with permeable soil.

Part B of Policy 45

The requirements of part B (1) and (2) of policy 45 ensure that basement development does not extend beneath more than 50% of the garden land and leaves a margin of undeveloped garden land around the entire site boundary.

The proposed basement will extend under 45.5% of the rear outdoor area and includes a 0.5m of undeveloped land around its perimeter. The Belgravia Neighbourhood Forum states that the basement is not compliant if only the garden area is taken into consideration. However, the policy applies to the entire open space regardless of its nature (hard or soft landscaping). Therefore, the proposed basement is compliant in this regard.

Part B 3 states that basement developments should not comprise of more than one storey beneath the lowest original floor level. In this case, the lower ground floor is the lowest original floor level and therefore the proposal to excavate underneath this level and the garden is considered acceptable and in accordance with this part of the policy.

Part B 4 requires a minimum of one metre of soil depth plus 200mm drainage layer to be provided and adequate soil volume over the top cover of the basement – which this proposal ensures. Although, the concerns of the Arboricultural Officer regarding the top soil above the basement have been addressed in section 9.3 of this report. Accordingly, refusal of permission on this basis would not be sustainable.

In summary of the above, the proposed basement is considered to be fully in accordance with the relevant policy of 45 of the City Plan 2019 – 2040. The fact that the additional floorspace will negligible is not a valid planning reason to withhold permission.

Construction Impact

Objections have been raised with regards to impacts of construction works (environmental nuisance dust, noise, traffic, damages to pavement, local carbon footprint)

Policy 33 (Local environmental impacts) part F states that developments are required to minimise demolition and construction impact by complying with Westminster's Code of Construction Impact (CoCP).

Due to the level of demolition and excavation works, a condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) Level 2, which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition, excavation and construction phase of the development. This has been agreed by the applicant.

The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works. An informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme.

Structural Matters

Objectors have raised concern regarding the structural stability of the building. As explained in the basement section above, the applicant has provided Structural Engineering Notes on Ground Conditions and Flood Risk. The Building Control officers have reviewed the submitted information and consider the proposals to be structurally viable. However, it should be noted that the structural integrity of the development during construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

It is not considered that the proposed works would prevent the adjoining properties to carry out alteration or extension works, each case will be assessed on its own merit.

Other matters

The impact on property values is not a planning matter and therefore cannot be a valid reason to refuse permission.

Each application is assessed on its own merits, having regard to the specific proposal, the specific application site and the policies at the time the application is considered. Accordingly, the approval of this development does not mean that similar proposal in the vicinity will also be approved.

Queries have been raised about the mansard extension and the fact that the applicant is legally obliged to undertake the works. The mansard extension is not shown on the drawings as it was the subject of a separate permission (RN: 20/01194/FULL), it is currently not implemented and the proposed works are not dependent on the mansard extension to be carried out. The planning history is taken into account in the assessment of the scheme. The mansard extension has to be completed within 24 months that the works have commenced on any of the properties bound by the legal agreement. It is not considered that there is a breach.

9.8 Environmental Impact Assessment

The lack of serious environmental or associated risk assessment has been raised by one of the objector. The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

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

Pre-commencement conditions have been recommended and agreed to submit Appendix A Code of Construction to be approved by the City Council and Environmental Sciences prior to commencing any works on sit and to submit details for the ways in which they will create soil conditions adequate to provide a suitable rooting environment for new tree planting and landscaping.

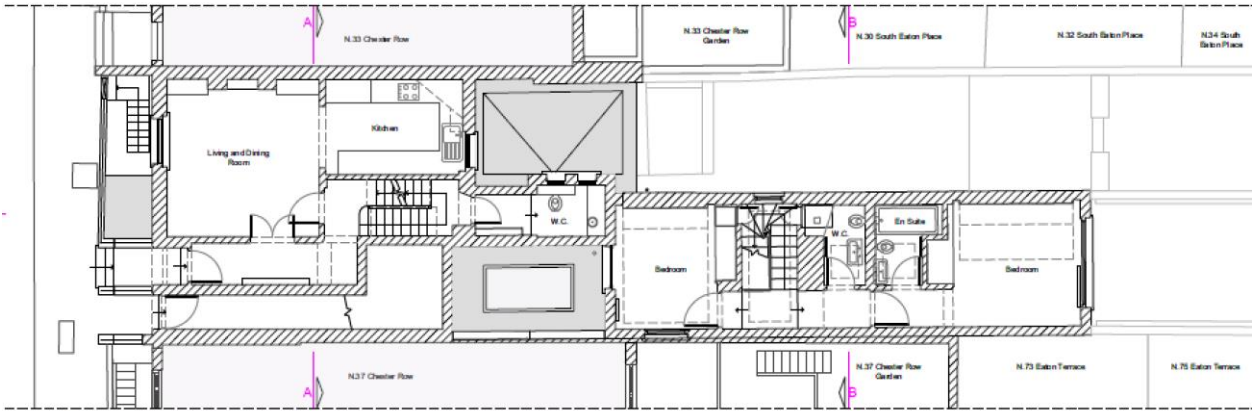
10. Conclusion

Most of the works have been approved under the August 2017 permission which is implemented and under the April 2022 permission. The main change is the basement excavation works which as set out above, complies with Basement Policy (Policy 45 of the City Plan). Whilst the proposals are not in line with Policy 8 (housing delivery), given the extant permissions, it is not considered sustainable to withhold permission on those grounds. On all the other matters the proposals are in line with the Council's policies subject to conditions detailed in the report.

In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

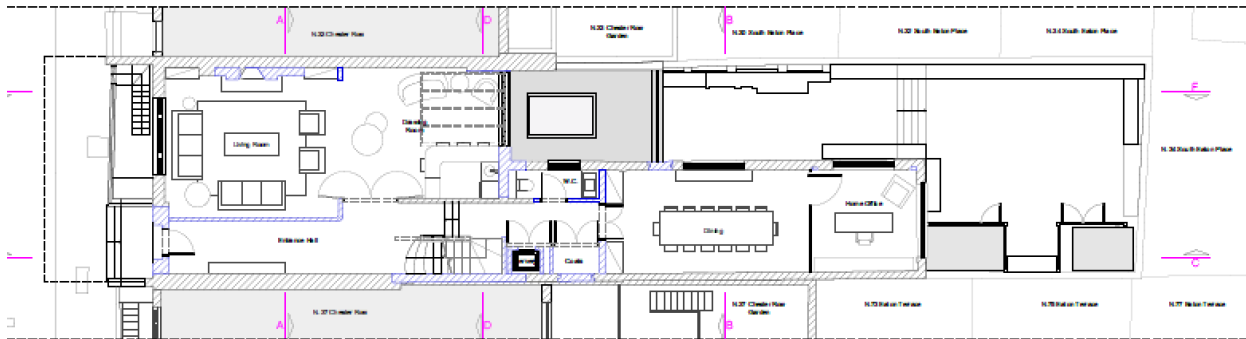
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk



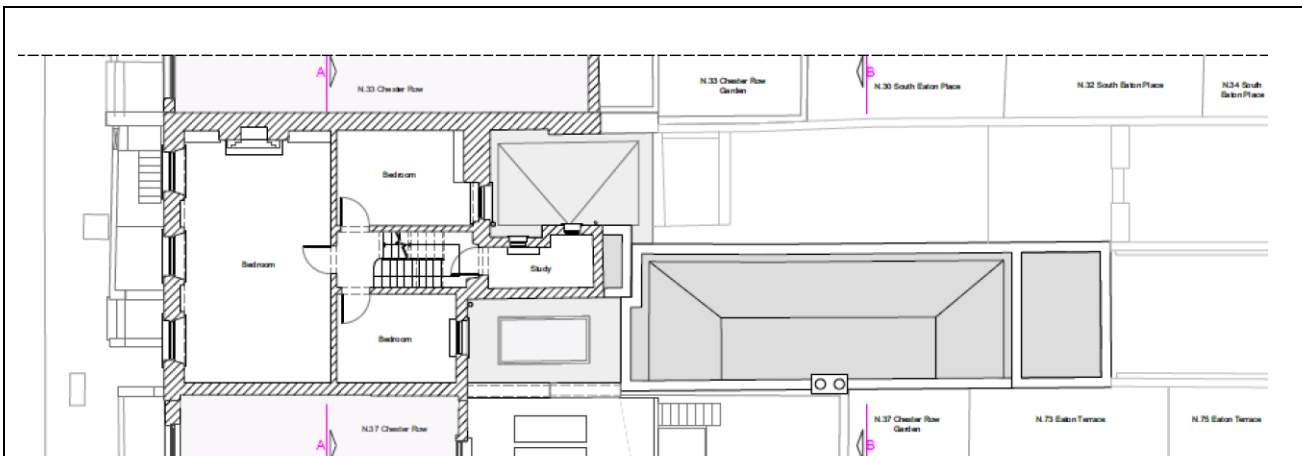
Existing Ground Floor Plan @1:100

Existing ground floor plan



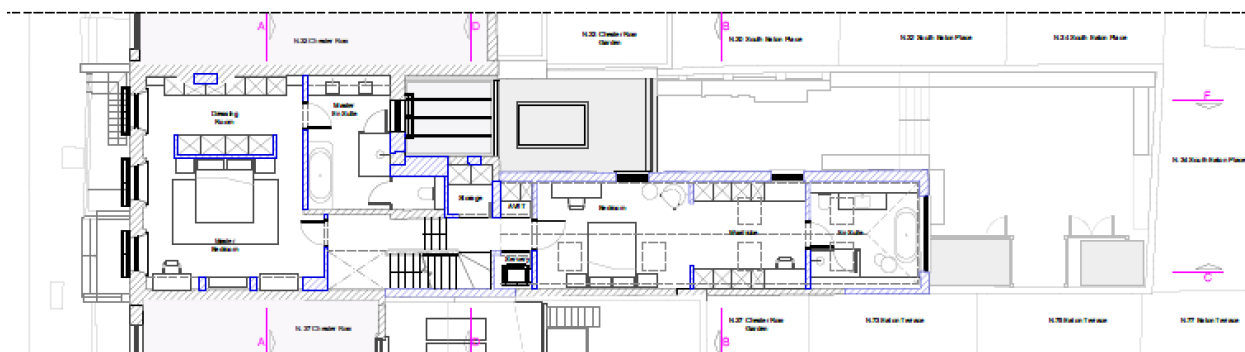
Proposed Ground Floor Plan @1:100

Proposed ground floor plan



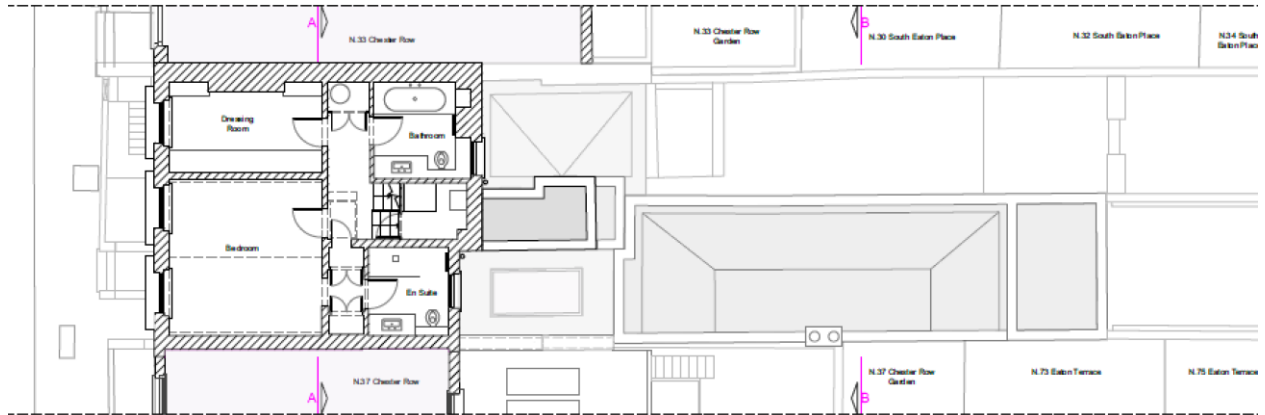
Existing First Floor Plan @1:100

Existing first floor plan



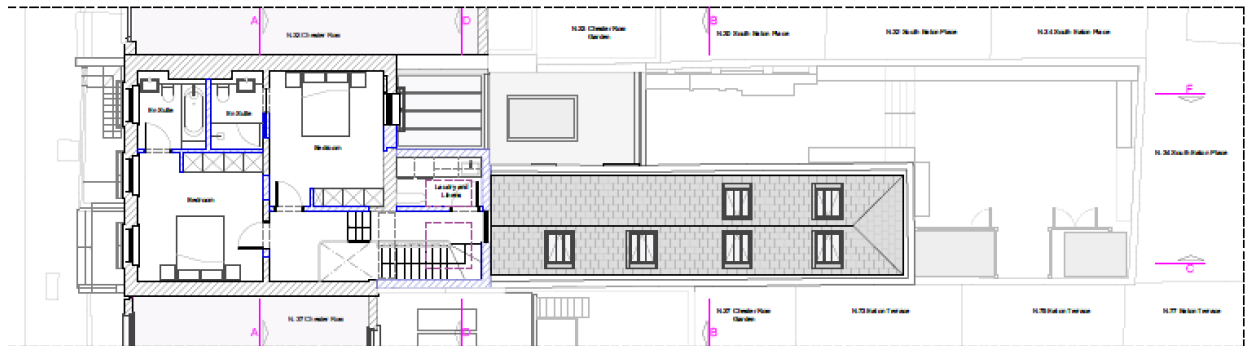
Proposed First Floor Plan @1:100

Proposed first floor plan



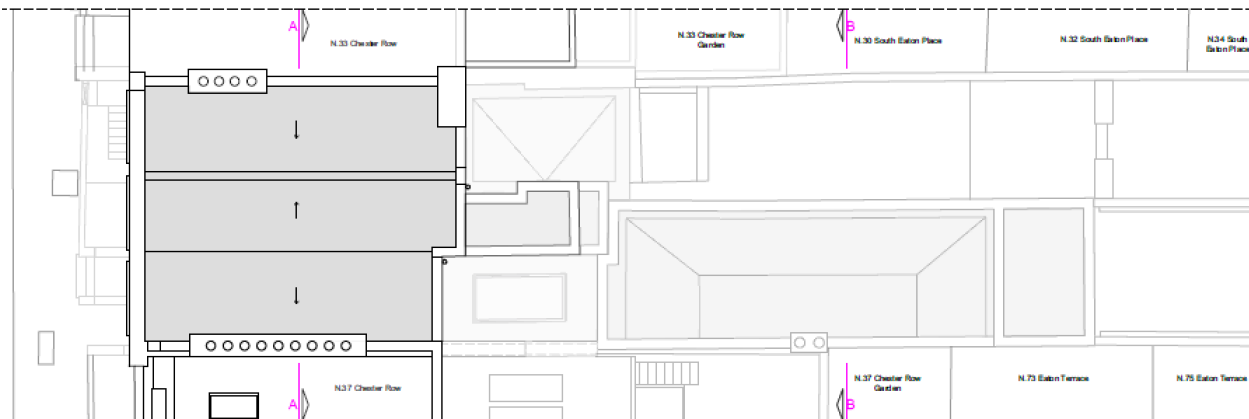
Existing Second Floor Plan @1:100

Existing second floor plan



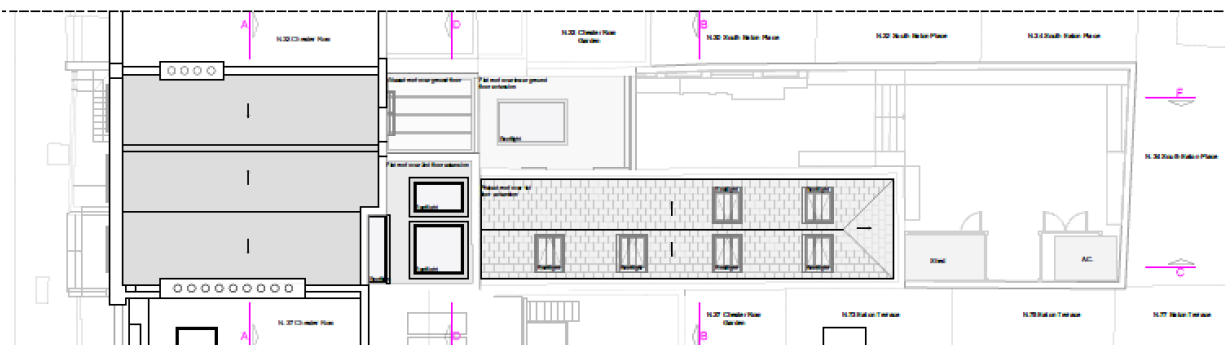
Proposed Second Floor Plan @1:100

Proposed second floor plan



Existing Roof Floor Plan @ 1:100

Existing roof plan



Proposed Roof Floor Plan @ 1:100

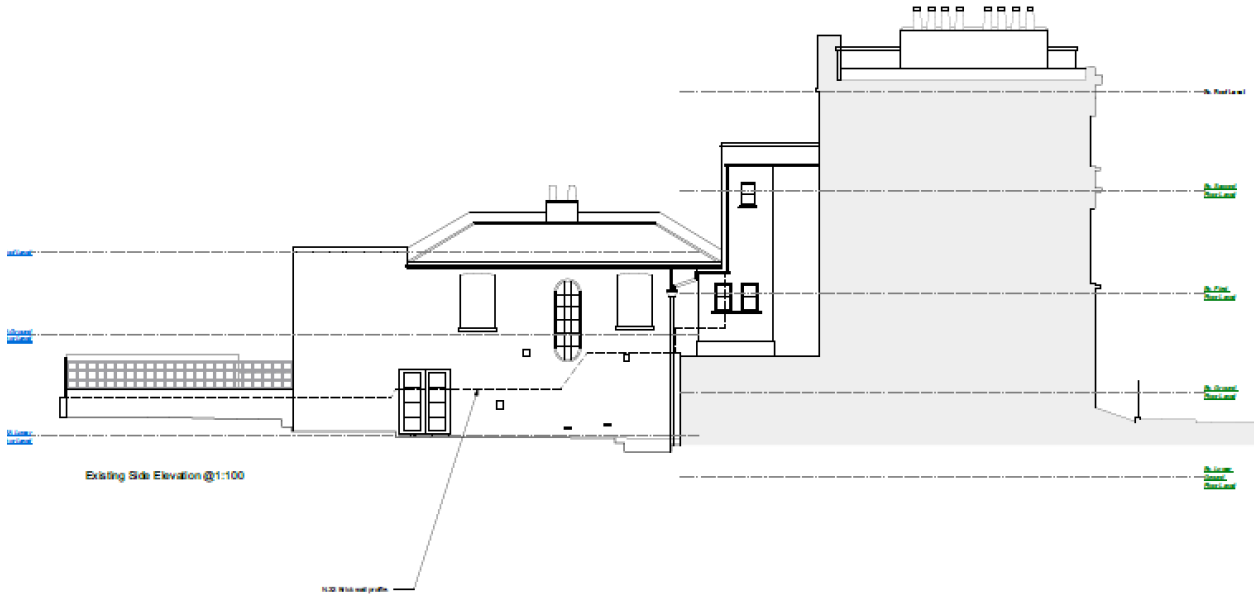
Proposed roof plan



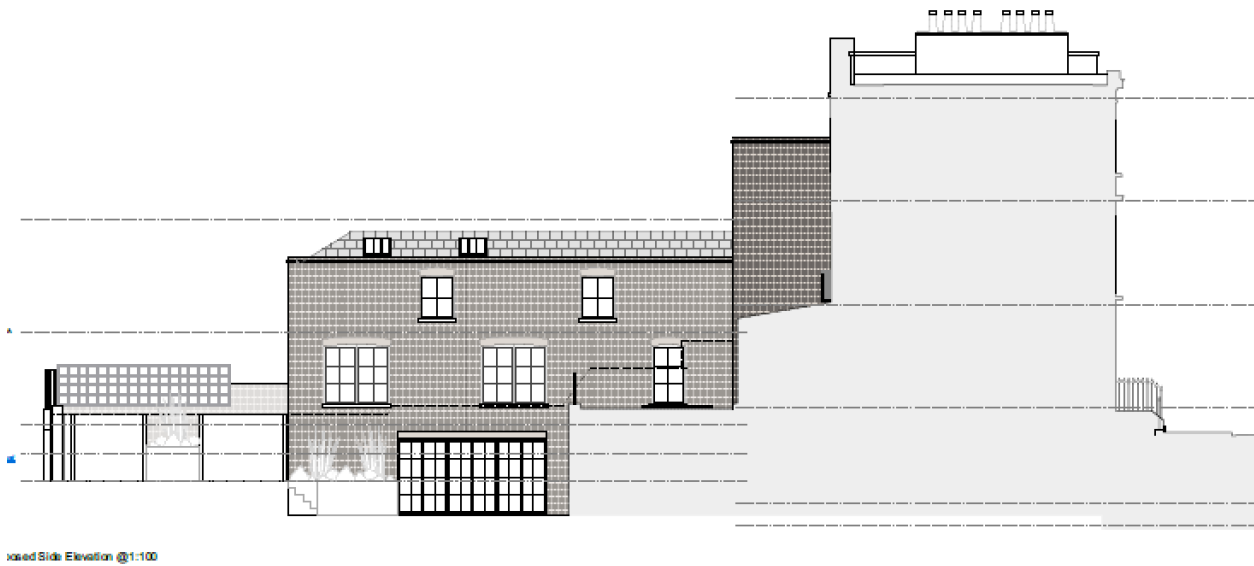
Existing front elevation



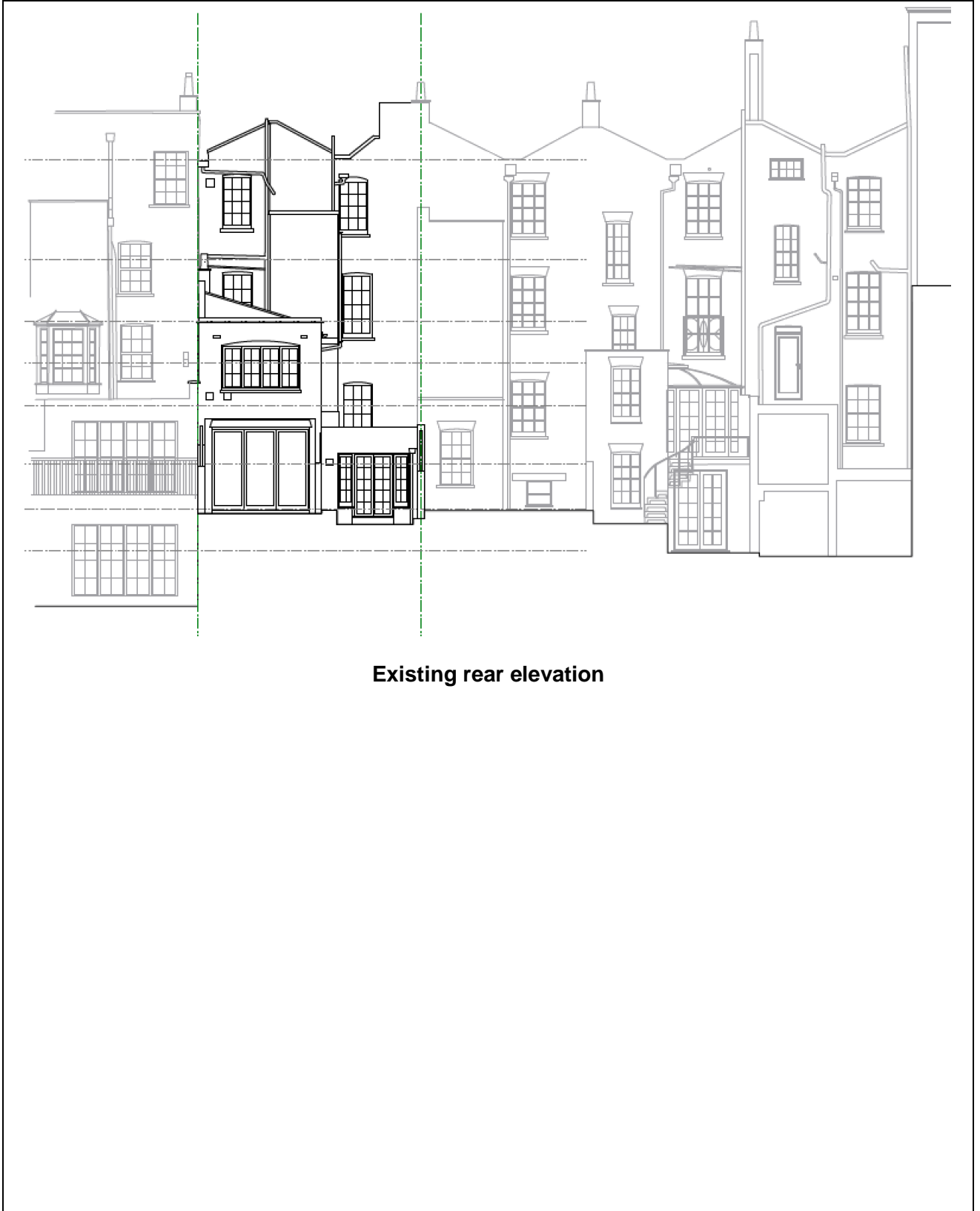
Proposed front elevation



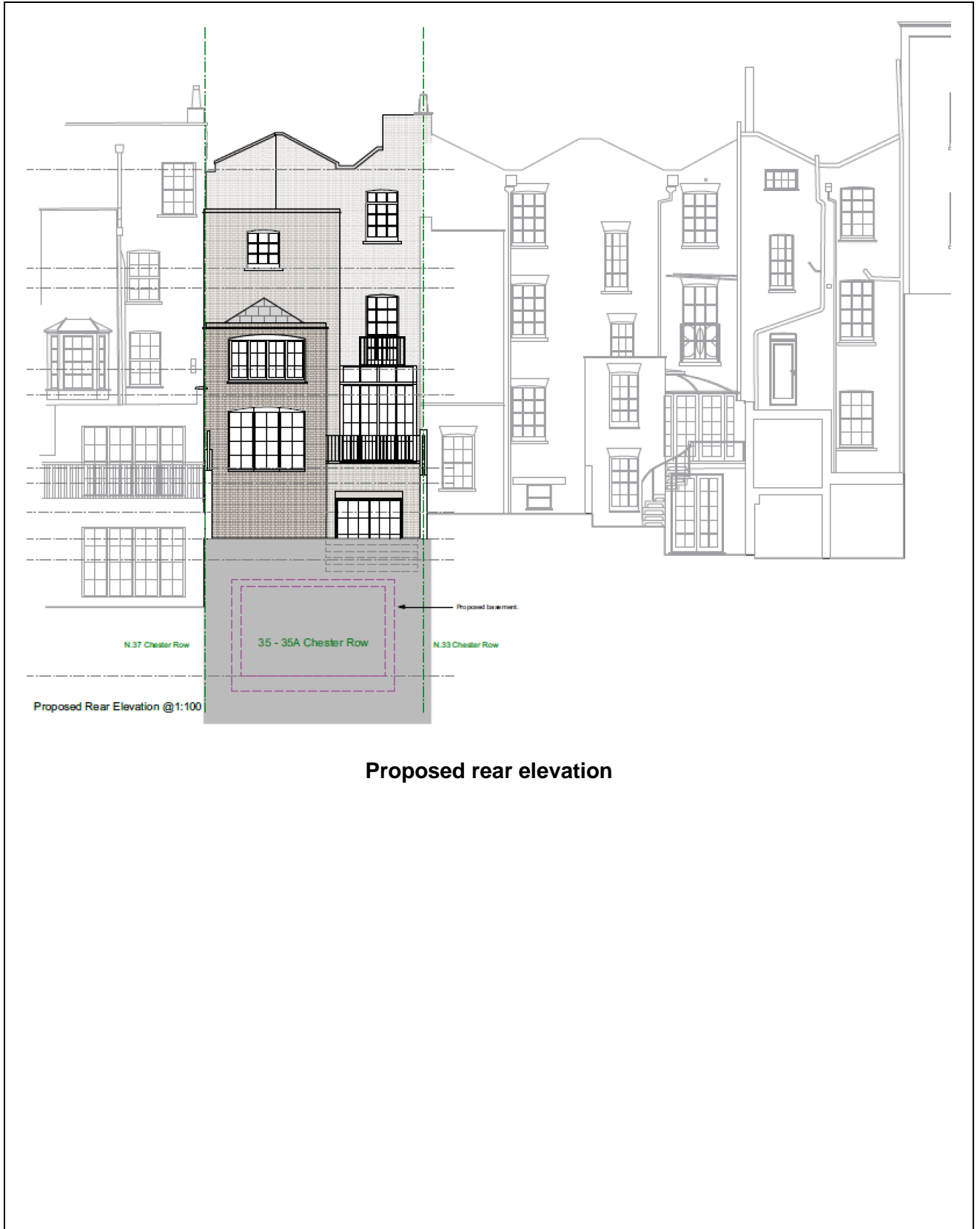
Existing side elevation

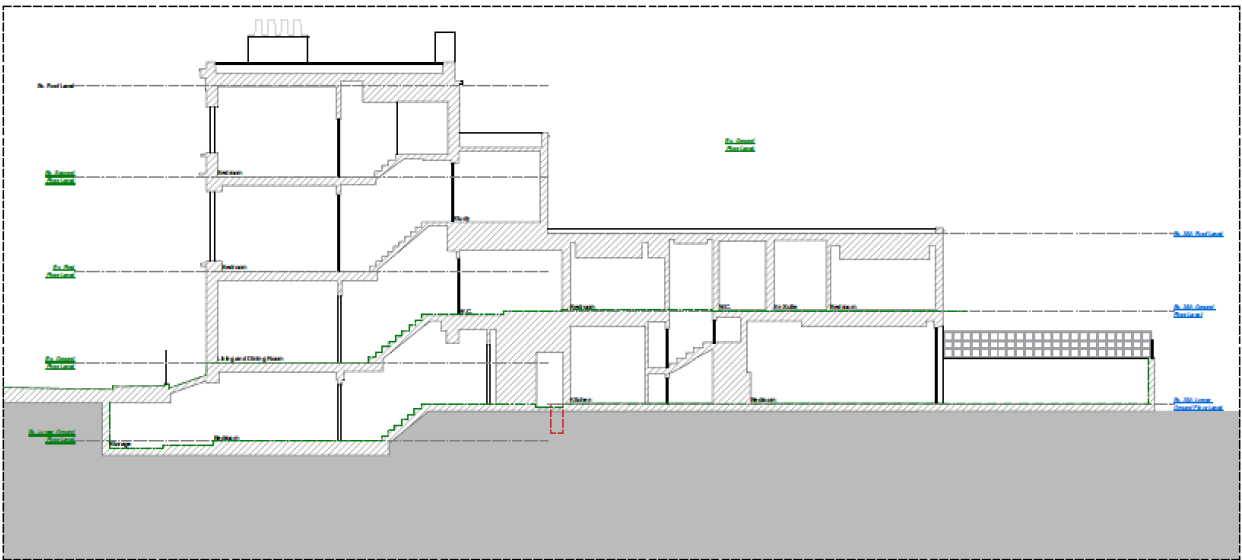


Proposed side elevation

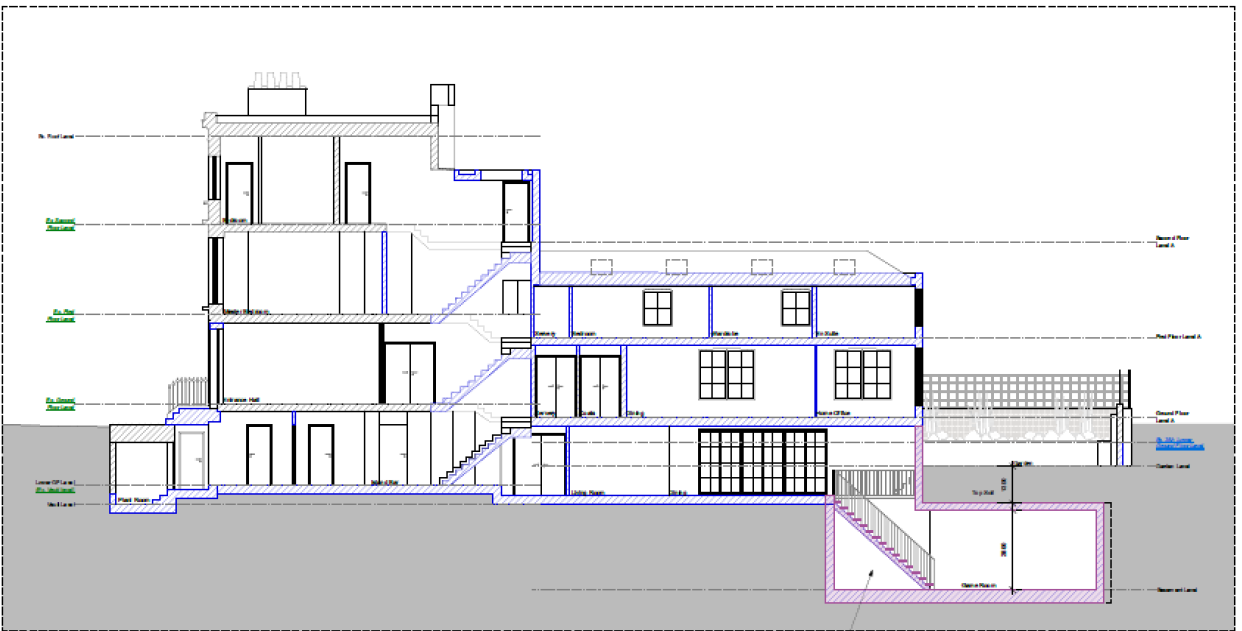


Existing rear elevation





Existing section CC



Proposed section CC

DRAFT DECISION LETTER

Address: 35 - 35A Chester Row, London, SW1W 9JE,

Proposal: Amalgamation of 35 & 35A to form a single dwellinghouse, erection of infill extensions at lower ground floor and ground floor level with associated terrace to rear; demolition and rebuild of extended main closet wing at ground, first and second floor levels; Demolition and rebuild of long closet wing extension with additional storey; Erection of plant enclosure and shed to rear garden; Excavation to create basement; Alterations to fenestration and doors; and associated external alterations. ,

Reference: 21/08587/FULL

Plan Nos: 719 NLS ZXX LXX GA 1800; 719 NLS ZXX LXX GA 1801; 719 NLS ZXX LXX GA 1900; 719 NLS ZXX LXX GA 1901; 719 NLS ZXX LXX GA 1902; 719 NLS ZXX LXX GA 1903; 719 NLS ZXX LXX GA 1904; 719 NLS ZXX LXX GA 1905; 719 NLS ZXX LXX GA 1906; 719 NLS ZXX LXX GA 1907; 719 NLS ZXX LXX GA 1910; 719 NLS ZXX LXX GA 1911; 719 NLS ZXX LXX GA 1912; 719 NLS ZXX LXX GA 1913; 719 NLS ZXX LXX GA 1914; 719 NLS ZXX LXX GA 1916; 719 NLS ZXX LXX GA 2900; 719 NLS ZXX LXX GA 2901; 719 NLS ZXX LXX GA 2902; 719 NLS ZXX LXX GA 2910; 719 NLS ZXX LXX GA 2911; 719 NLS ZXX LXX GA 2912; 719 NLS ZXX LXX GA 3900; 719 NLS ZXX LXX GA 3901; 719 NLS ZXX LXX GA 3910; 719 NLS ZXX LXX GA 3911; 719 NLS ZXX LXX GA 3912; 719 NLS ZXX LXX GA 3913; 35CR/1001det; Arboricultural Report & Impact Assessment dated 4 August 2021; Plant noise assessment Ref: 10762.RP01.PNA.0 dated 21 May 2021; Appendix A checklists.

For information only: Daylight and sunlight report Ref 200/EC dated July 2021; Design and access statement Ref:719_1.1.3.PA.2_211130_DA01; Planning statement dated December 2021; Structural engineering notes including construction method statement 20/41949 dated November 2021; Heritage statement dated 19 December 2016.

Case Officer: Aurore Manceau

Direct Tel. No. 07866038763

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

- 4 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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.
(C46BC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as

set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within two seasons of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Belgravia Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 7 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

8 **Pre-Commencement Condition**

You must apply to us for our approval of details for the ways in which you will create soil conditions which are adequate to provide a suitable rooting environment for new tree planting and landscaping, including the proposed soil specification, profile and drainage layer. You must not start any work until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 35CR/1001det prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the property. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021).

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 11 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) New windows;
- ii) New doors (including French doors and vault door);
- iii) Rooflights (including upstand and showing relationship with surrounding fabric);
- iv) Replacement front lightwell stair;
- v) Lightweight extension at rear ground floor level;
- vi) Metal railings and Juliet balcony;
- vii) Shed, AC acoustic enclosure and trellis (specifying materials and finished appearance).

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must apply to us for approval of a sample panel of brickwork (photographic schedule of panel taken alongside existing adjoining brickwork) which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 The new pitched roof over the first floor rear extension must be finished using natural Welsh slates with lead details.

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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 15 You must not use the roof of the lower ground floor extension 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. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 16 The glass that you put in the first floor windows in the gable elevation of the long closet wing extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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

- 3 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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 Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 You are advised that all new and replacement windows and doors should be traditional opening, timber framed, slimline double glazed, with integral glazing bars (i.e. the bars must truly divide the glazing panes), concealed trickle vents and no external weather bars
- 5 Conditions 5 & 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 Condition 6 requires a landscaping scheme be submitted to, and approved, by us. This should include planting such as trees to ensure biodiversity is maintained/ improved.

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.