

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 <sup>th</sup> January 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>5 Gloucester Mews West, London, W2 6DY</b>		
<b>Proposal</b>	Erection of roof extension, infill extension to rear at first floor level and associated external alterations.		
<b>Agent</b>	Mr Hamish Macpherson		
<b>On behalf of</b>	Ms Lan Deng		
<b>Registered Number</b>	22/02004/FULL	<b>Date amended/ completed</b>	6 September 2022
<b>Date Application Received</b>	24 March 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

Permission is sought to extend the property at roof level and at the rear, together with associated external alterations, including installation of green roof and rooflights.

The application has been amended during the course of consideration, to correct dimensions on drawings, to incorporate the addition of a green roof and to set-back the extension at the rear.

The South East Bayswater Residents Association has made neutral comments. Seven objections have been received on both design and amenity grounds. Two further objections have been received to the second consultation on the grounds that the amendments did not address the original objections.

The key considerations in this case are:

- The acceptability of the proposed development in design terms and on the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residential properties.

The proposed development is considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021).

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office façade Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front Elevation



**Rear Elevation**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### ORIGINAL CONSULTATION

##### SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Comment. Continuation of the existing set-back façade for Nos. 3 to 4, at second floor level, is welcome albeit analogy in the D & A with the uniform roof development in Westbourne Terrace Mews is overstated; when considering Nos 1A to 5 as a whole, there is a gap in the set-back roof line at Nos. 1A and 2, and the set-back roof extension at No. 1 has different fenestration.

Impact on daylighting/sense of enclosure, etc, on low level windows at Cleveland Square behind, we note from the side elevation drawings and the D & A that a second floor extension - behind the new set back extension now proposed, being nearer to Cleveland Square - has already been built. If so, the impact of the change to what is now proposed should be the same as the previous impact of the set-back second floor extensions at Nos 3 and 4.

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

No. Consulted: 40

Total No. of replies: 7

No. of objections: 7

No. in support: 0

7 Objections on one or all of the following grounds

#### Design

- Detrimental to conservation area

#### Amenity

- loss of light to 8-11 Cleveland Square flats
- loss of privacy to 8-11 Cleveland Square flats

#### Other

- applicant did not consult with neighbours
- Planning Inspectorates decision to allow appeal against Council's decision to refuse application at 1-4 should not be taken into account when considering the current application
- area already overbuilt

PRESS NOTICE/ SITE NOTICE:

Yes

SECOND CONSULTATION – following revised drawings including corrections to dimensions on proposed section drawing, addition of green roof to flat area in front of

extension, rear elevation of entire extension set back consistently from rear elevations.

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

No. Consulted: 47

Total No. of replies: 2

2 objections on the following grounds

##### Design

- Detrimental to the conservation area.

##### Amenity

- Impact on amount of light received to 10-11 Cleveland Square.

##### Other

- Amendments do not address previous objections.

## 5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London 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 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 2019-2040 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

5 Gloucester Mews West is an unlisted two-storey mews property, located on the south west side of Gloucester Mews West within in the Bayswater Conservation Area.

The property is in use as a single dwelling with a ground floor home/office and a living/kitchen/dining room and two bedrooms and a bathroom at first floor. It benefits from an integral double garage at the rear (with permission to use as habitable space), accessed via a gated under-croft at ground floor level of the building from Gloucester Mews West. There is a hardstanding area to the rear which is served by the under-croft access and serves the rear courtyard which provides access to a number of other garages at ground floor level of 8-11 Cleveland Square which is a block of flats which also backs onto this area directly behind the application site. Adjoining to the south west is 1-4 Gloucester Terrace which are three storey mews properties.

### 7.2 Recent Relevant History

#### 5 Gloucester Mews West 20/04626/FULL

Conversion of ground floor garages to habitable space, and associated works of replacing two garage door openings including roller shutters with two windows and reinstatement of the curb outside no. 5 Gloucester Mews West to provide additional on-street parking.

Application Permitted                      7 April 2021

#### 1-4 Gloucester Mews West 18/04329/FULL

Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.

Application permitted at Appeal in April 2021

## 8. THE PROPOSAL

Planning permission is sought for the erection of an extension at rear first floor level, infilling an existing roof terrace and a roof extension at second floor level with windows to front and rear elevation and minor changes to existing rear fenestration, in association with the continued use as a single family dwelling. The proposal also includes the installation of a green roof to the flat roof in front of the extension and rooflights within its roof. An existing water tower structure at second floor level will be removed as part of the development.

The proposal has been amended during the course of consideration to add corrections to dimensions on the proposed section drawing, the addition of a green roof to flat roof area to the front of extension, and to show the rear elevation of the entire extension set back consistently from the rear elevations.



The corrections to dimensions on the section drawing have been checked during an officer site visit. A revised certificate of ownership has been submitted to reflect works to the party walls of the two adjoining properties.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The application proposes to increase the floor space to this single family dwelling. The proposed dwelling would comprise a ground floor home/office, at first floor level a kitchen/living/dining area, two bedrooms and a bathroom and within the new second floor level, two ensuite bedrooms and a large open plan area with kitchenette, which the applicant has indicated is to be used as a private dance studio by the occupier. The proposed increase in residential floorspace to this dwelling complies with Policy 8 of the City Plan.

The proposal would result in the loss of the only external amenity space serving this single family dwellinghouse (a small terrace to the rear at first floor), however this is balanced by the increased internal floorspace. It is also recognised that providing outside amenity space at high level – the only option for a site such, would likely have amenity implications for surrounding properties.

### **9.2 Environment & Sustainability**

#### **Sustainable Design and Energy performance**

A Sustainability Statement has been submitted with this householder application. This aims for the proposal to meet the requirements of Policy 36 and 38 (Parts D, E and F) by the works surpassing the minimum requirements of building regulations through thermally efficient measures. These measures include upgrading the retained elements of the existing building, specifying high levels of insulation to the new elements of the proposal, installing heating systems that are compliant with the current regulations, and installing efficient low-energy lighting. Mindful of the relatively small scale nature of the development the approach is considered acceptable.

#### **Circular Economy**

The applicant has stated that wherever materials from the demolition of existing structures are in a reusable condition and if their use does not detract from the appearance of the building, they would be re-used.

#### **Flood Risk & Sustainable Drainage**

The site is located within a Surface Water flood Risk Hotspot. A Flood Risk Assessment has been submitted with the application which outlines a number of flood protection measures. It states that all water running off the new roof will run into gutters, that will be directly connected to the existing rainwater down pipes and the most efficient route to the sewers. The proposal would not result in any increase in impermeable surface area. Peak surface run off will be in part mitigated by the green roof included in the proposal.

### 9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A living green roof has been proposed on the flat roof in front of the setback roof extension at second floor level and it is recommended that this feature is secured by condition.

### 9.4 Townscape, Design & Heritage Impact

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.

Gloucester Mews West was created in the mid-19th century as an integral part of the townscape of this part of Bayswater and was conceived as a mews street providing stabling for the surrounding residential terraced properties. In the mid-20th century however the buildings in the street were rebuilt, and all the properties lining Gloucester Mews West are now residential buildings of quite modern styling. The buildings are not fully uniform along the street but arranged into several separate runs of buildings each with their own unified character, and whilst no. 5 has a wider frontage and some stylistic differences it generally integrates with nos. 1-4 Gloucester Mews West. Though relatively modern, they are not unattractive, particularly when considered as a grouping of buildings. City Plan policy 40 (E) states that 'Roof extensions will be supported in principle where they do not impact adversely on heritage assets and where part of a terrace or group already characterised by roof additions, be of appropriate design which follows an established form and would help to unify the architectural character of the existing terrace or a group.'

Though noting that the Bayswater Conservation Area Audit has identified buildings where roof extensions would be unacceptable and the application building is identified as such, nonetheless the more recently allowed extensions at nos. 1-4 Gloucester Mews West are of considerable note in assessing the application, as is the more recently adopted policy quoted above. As such, and given the roof extensions now present to the buildings adjoining on the southern end of this terrace, the principle of the extension proposed is considered acceptable.

The extension proposed follows the design approach of those previously allowed to nos. 1-4, with generally zinc cladding to match, dark grey aluminium framed windows in a size and arrangement to follow those on the adjoining buildings, and a matching height

and also set back from the front elevation. In views from street level therefore the extension proposed will integrate well with the adjoining extension at no. 4 and this group of roof extensions generally. To the rear, a small infill extension is proposed to rear first floor which is considered well integrated into the building, and the minor works to the rear fenestration pattern considered in character with the building. To the rear the extension to roof level is designed to integrate with the building below and neighbour to the south, with a set-back to give a more subsidiary roof extension appearance, and with a part continuation of the rendered rear elevation on the southern end, and the zinc clad structure to the northern side. Overall, the extension is considered acceptable and in line with City Plan policies 38, 39 and 40.

## 9.5 Residential Amenity

In terms of the amenity impact of the proposed extension, the permission granted at appeal to 1-4 Gloucester Mews West is relevant. The roof extension is of matching height and form to that approved and in particular the extension at No.4 has the same relationship to 8-11 Cleveland Square as the proposal. The Inspector in that decision found that "the proposed extension would not result in undue harm to the living conditions of nearby occupiers". Coming to this conclusion "having had regard to the distance between the appeal site and the flats nearby and the position of their windows".

### Daylight & Sunlight and Sense of Enclosure

Objections have been received on the grounds of loss of light to 8-11 Cleveland Square flats. There are garages directly to the rear of the property at ground floor level and a blank wall of a stairwell at part first floor level. The most effected window would be a first floor window to the rear of 8-11 Cleveland Square. This window would pass the BRE 25 degree angle guideline regarding its position to the extension. Given the limited increase in height proposed, the set back of the roof extension from the existing building line, the removal of the existing water tower as part of the proposal, the fact that the nearest residential windows to the rear are at a raised level as the lower storey is used as garages together with the distance to the nearest windows (approximately 7.5m), it is not considered that the proposed roof extension would result in such a significant loss of daylight or cause such a sufficient increase in enclosure, so as to justify withholding permission on these grounds.

Within the mews, the set back of the front elevation of the proposed roof extension would be sufficient to ease the relationship with mews houses opposite and prevent the proposed development from resulting in an unacceptable loss of daylight or sunlight or material increase in enclosure.

### Privacy

Concerns have been raised by objectors in relation to the loss of privacy to the flats behind the site at 8-11 Cleveland Square. There is an existing window (to be retained) at the rear first floor level and the proposal would involve an additional window at this level on the main rear elevation where it would be within an infill extension replacing an existing roof terrace and two additional rear facing clear windows to the roof extension. Because of the existing fenestration on this elevation and the fact that the proposal

would involve the replacement of the existing rear terrace and because of the distance to the neighbouring windows (approximately 7 meters) it is not considered that these windows would result in an unacceptable increase in overlooking.

The extension would introduce new rear facing windows at second floor level and it is proposed that these windows are obscure glazed with top hung casement windows with restrictors to protect the privacy of the windows to the rear elevation of Cleveland Square behind.

The windows proposed to the front elevation would be set back from the existing elevation by approximately 2m and would be limited in terms of their size. Given these factors and as there are existing windows at first floor level which afford similar overlooking across the mews, it is not considered that permission could reasonably be withheld on overlooking grounds to the window opposite in the mews.

Given their position in the roof of the proposed roof extension and their limited size and number, it is not considered that the proposed rooflights would give rise to significant overlooking or cause a light nuisance to neighbouring occupiers.

#### **9.6 Transportation, Accessibility & Servicing**

The proposal has no transportation or highways impact.

#### **9.7 Economy including Employment & Skills**

It is recognised that the proposal will create jobs during the construction period, which is welcomed.

#### **9.8 Other Considerations**

Objections have been received on the grounds that the applicant has not consulted neighbours on the proposal. Although it is always desirable for applicants to consult their neighbours on planning applications, it is not a requirement. The Council has consulted neighbours and the local amenity society as well as published a press notice and site notice. It is considered that sufficient consultation has been undertaken.

#### **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

#### **9.10 Planning Obligations & Pre-Commencement Conditions**

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

### **10. Conclusion**

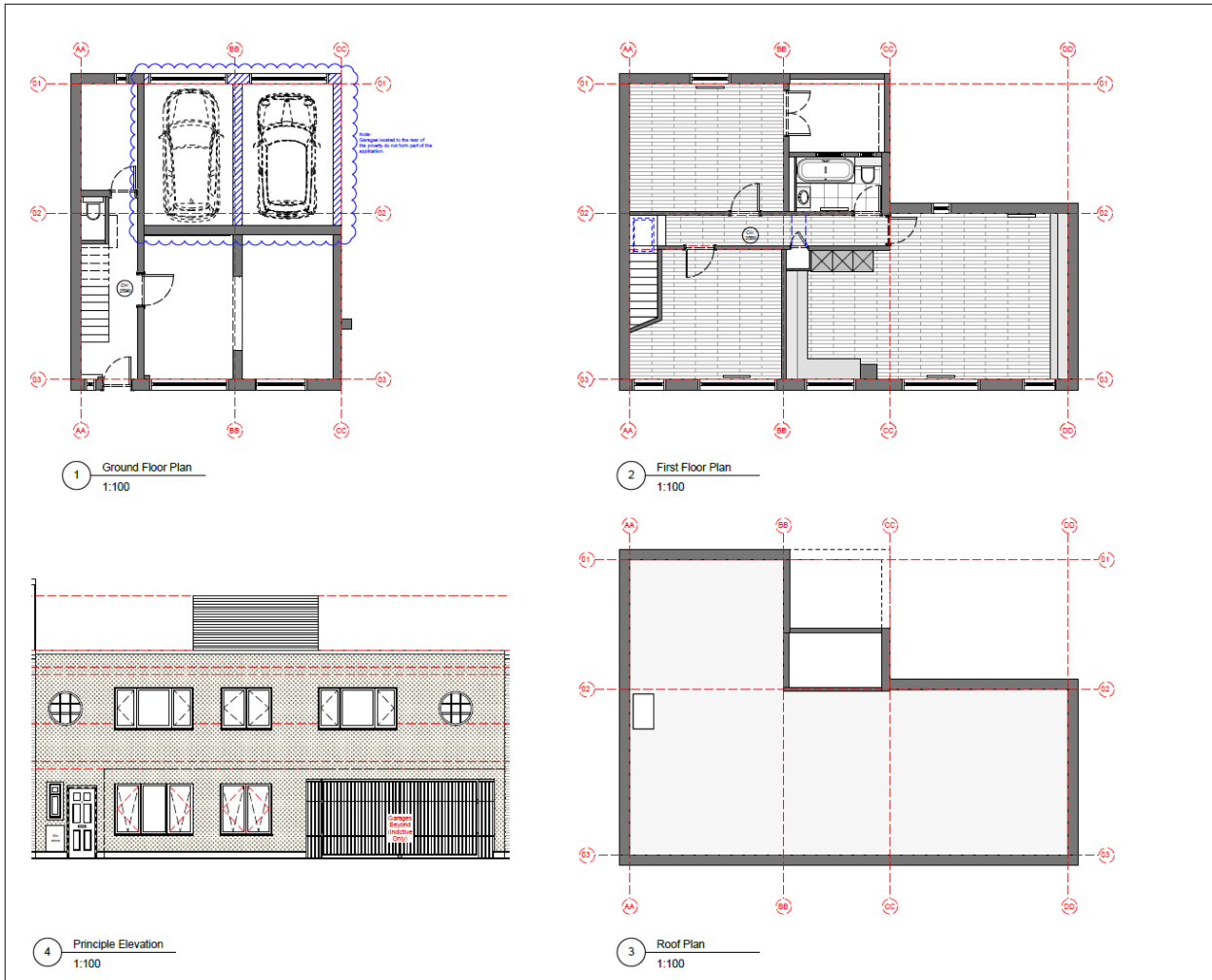
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms.

As such, the proposal is considered acceptable, mindful of policies 7, 8, 34, 36, 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.

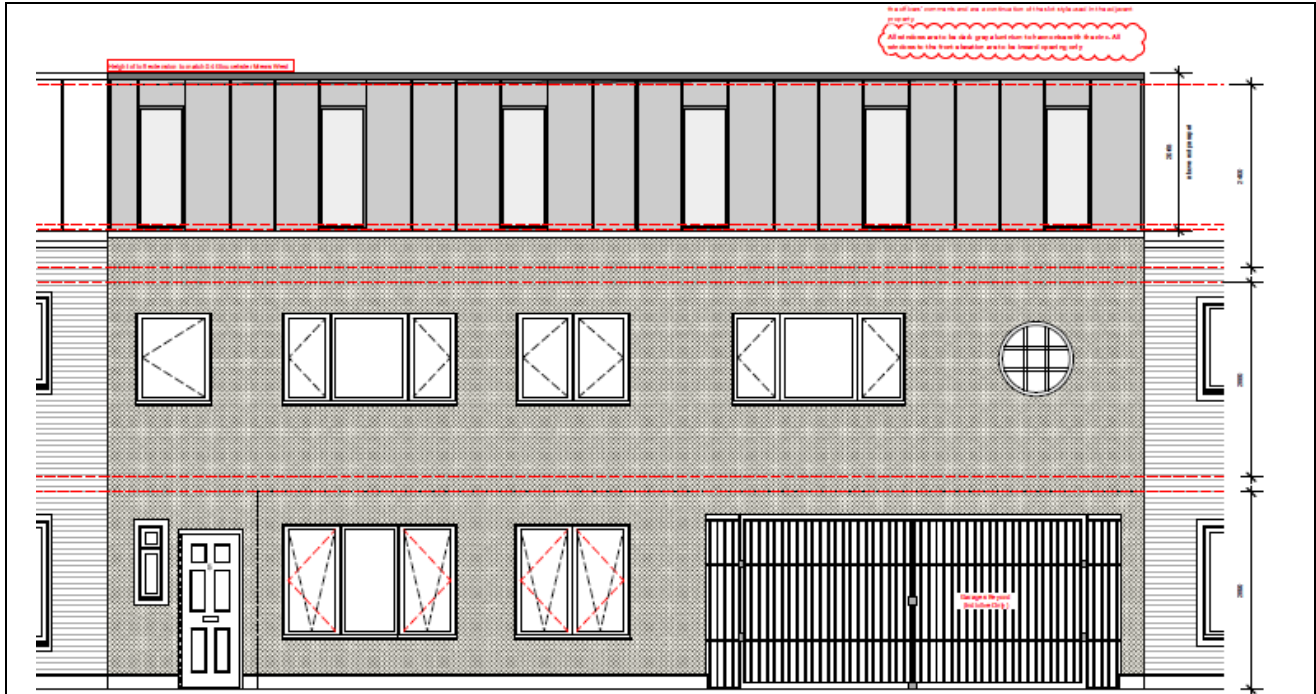
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

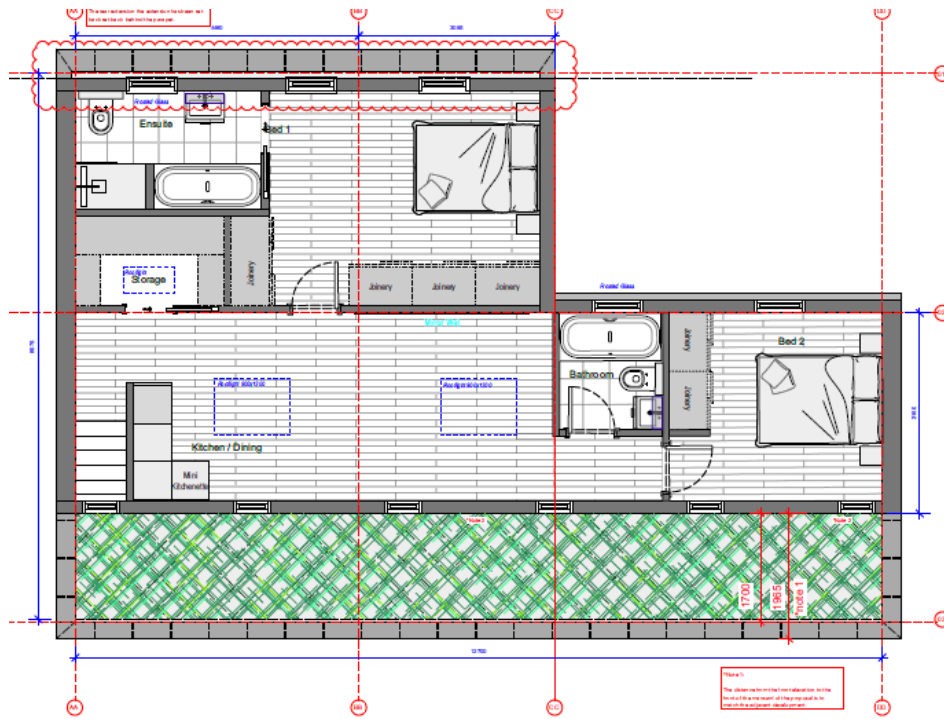
### 11. KEY DRAWINGS



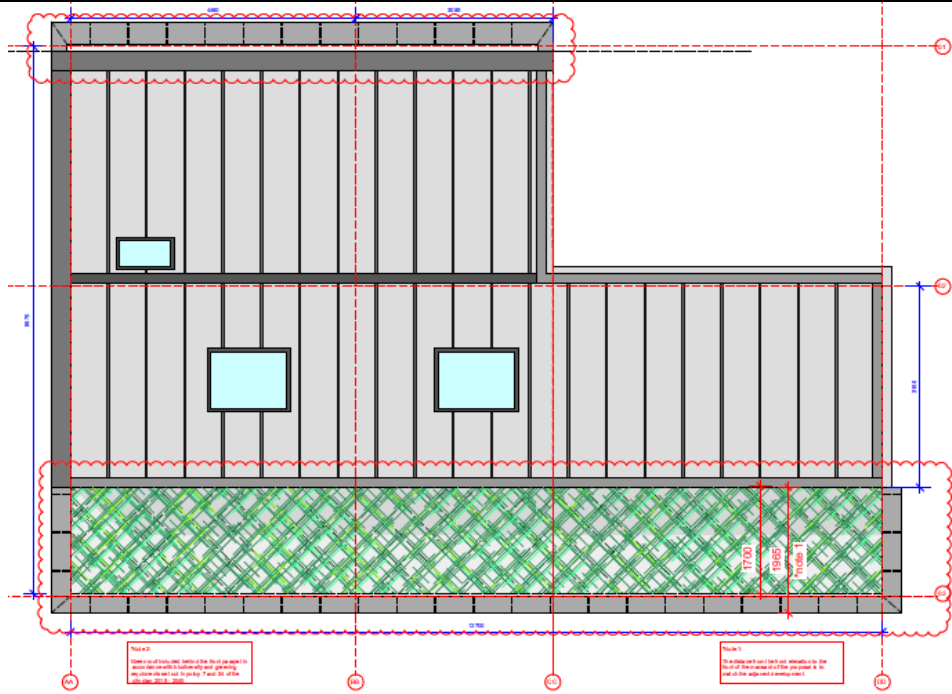
Existing floorplans and Front elevation



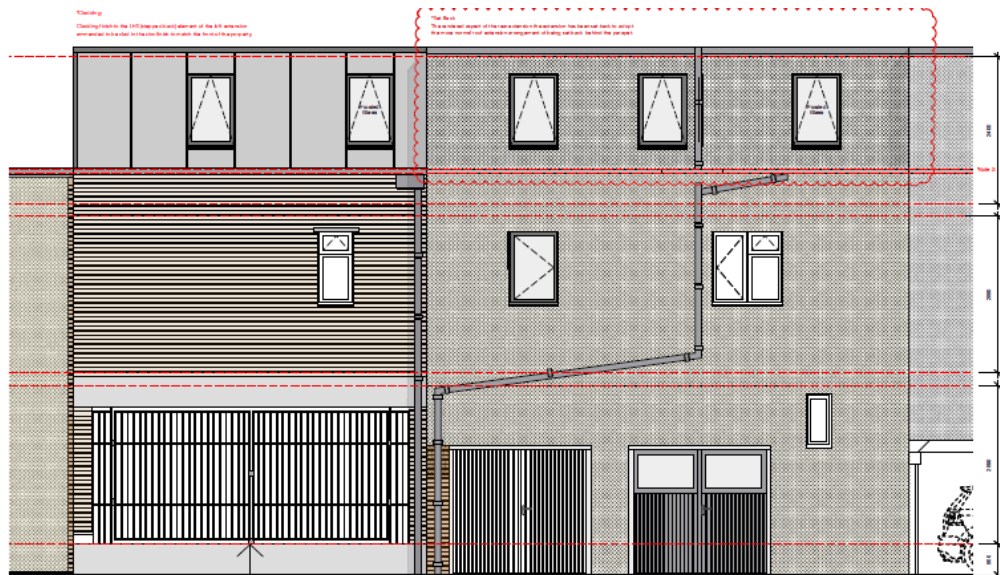
Proposed Front elevation



Proposed second floor

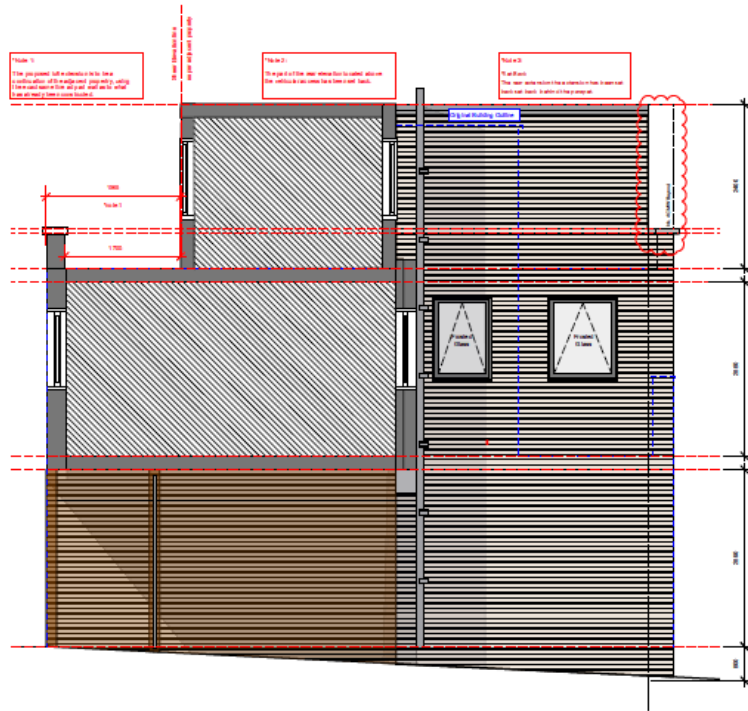


Proposed Roof Plan



Proposed Rear Elevation





1 Proposed Side Elevation  
Scale: 1:50

Proposed side elevation/section



Contextual proposed Section

**DRAFT DECISION LETTER**

**Address:** 5 Gloucester Mews West, London, W2 6DY,

**Proposal:** Erection of roof extension, infill extension to rear at first floor level and associated external alterations.

**Plan Nos:** Location Plan: 2005\_G200RevA; 2005\_G201RevA; 2005\_G202RevA; 2005\_G203RevA; 2005\_G301RevB; 2005\_G302RevA; 2005\_G303RevA; 2005\_204RevC; 2005-G205\_RevG; 2005-G206\_RevE; 2005-G207\_RevB; 2005\_G304RevE; 2005-G305\_RevE; 2005-G306\_RevC; 2005-G306B\_RevB; 2005\_G307RevB; 2005\_G600\_RevC; 2005\_G801RevB; 2005\_G802RevB; Design and Access Statement; Sustainability Statement;

**Case Officer:** Richard Langston

**Direct Tel. No.** 07866036470

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

- 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 You must apply to us for approval of a sample and also a photograph of the sample for the zinc cladding to be used to clad the extension. 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 work using the approved materials. (C26BD)

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)

- 5 The new areas of facing brickwork must match the existing original brickwork in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

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

Green roof

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

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 7 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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

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)

- 9 The glass that you put in the rear windows of the extension at second floor level must not be clear glass, and you must fix it permanently shut or fit appropriate restrictors. You must apply to us for approval of a sample of the glass (at least 300mm square) and details of the proposed method restricting opening. 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. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

**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 With regards to condition 4, you are advised that to discharge this condition, a photograph of the sample proposed shown in context with the constructed roof extension to the adjoining building at no. 4 Gloucester Mews West and confirming that it matches the finished appearance of the cladding to the extension at no. 4 would be required to allow for a positive recommendation to be made.
- 3 The building is in use as a single family dwelling and must remain in use as such.