

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 July 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Bayswater	
Subject of Report	23 Sutherland Place, London, W2 5BZ		
Proposal	Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.		
Agent	Mr Simon Moxey		
On behalf of	Metaxa		
Registered Number	22/03785/FULL and 22/03786/LBC	Date amended/ completed	30 November 2022, and 23 May 2023.
Date Application Received	9 June 2022		
Historic Building Grade	II		
Conservation Area	Westbourne		
Neighbourhood Plan	None		

1. RECOMMENDATION

1. Grant Conditional Permission.
2. Grant Conditional Listed Building Consent.
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice.

2. SUMMARY & KEY CONSIDERATIONS

These applications proposes a range of internal and external alterations to this Grade II listed house within the Westbourne Conservation Area. The full list of works are set out in detail later in the report.

The key considerations in this case are:

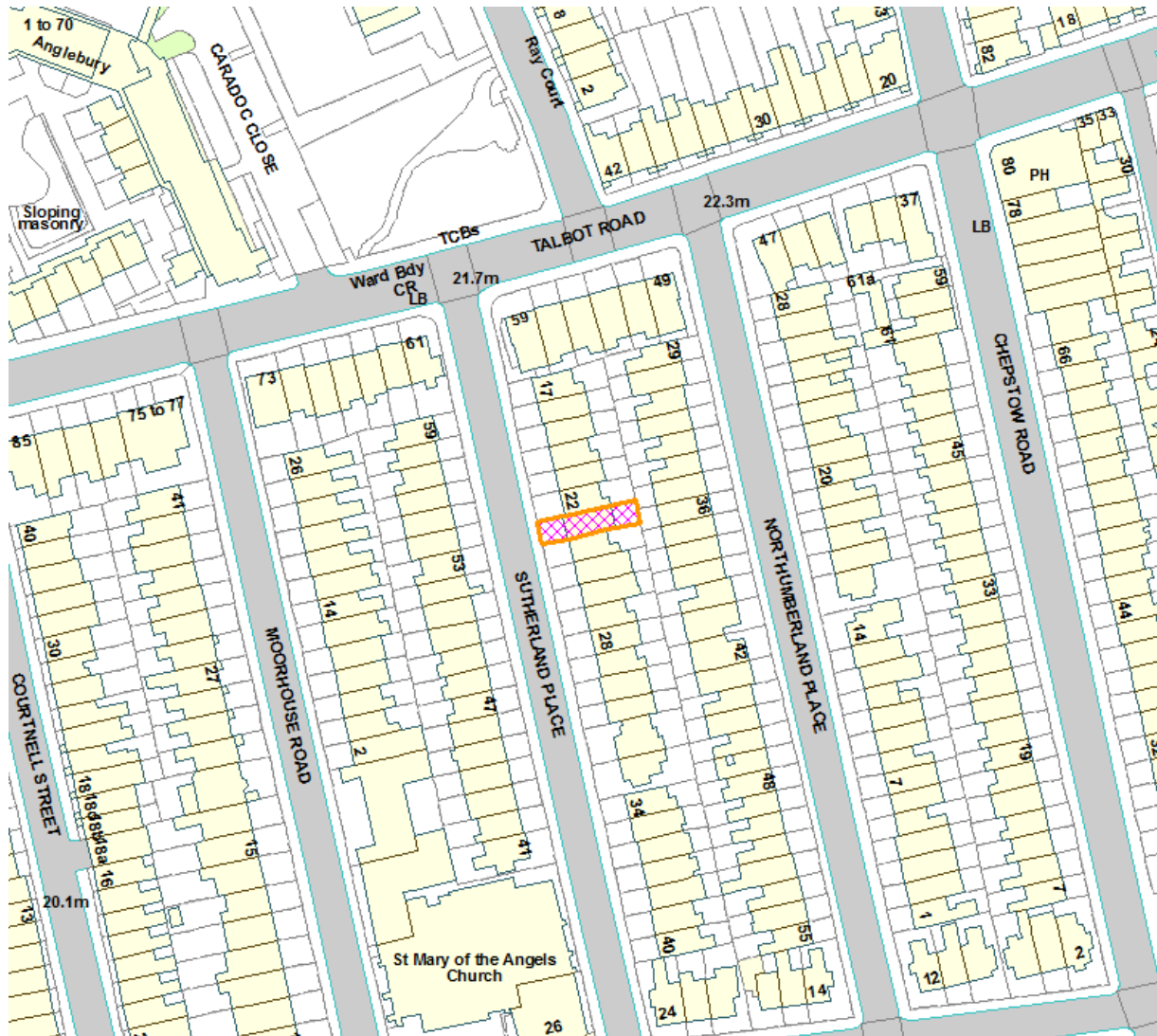
- The preservation of the special architectural or historic interest of the listed building;

- The preservation or enhancement of the character or appearance of the Westbourne Conservation Area;
- The impact of the proposals on the amenity and privacy of neighbouring residential properties.

Objections have been received from neighbours relating to both heritage and amenity concerns, alongside extensive non-planning issues. Whilst not planning considerations, these non-planning issues are explained briefly in this report, as background information only. Councillor Sullivan has requested that these applications be reported to Sub-Committee

The application proposals are considered to preserve the significance of the listed building and conservation area and would not lead to unacceptable impacts on the amenity of neighbouring properties. It is therefore recommended that conditional permission and listed building consent be granted.

3. LOCATION PLAN



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

4. PHOTOGRAPHS

Photo 1: The front (west) elevation (No.22 to left, No.23 (application site) to middle, No.24 to right)



Photo 2: Rear elevation (No.22 to the right; No.23 (application site) to middle; No.24 to the left of image)



Photo 3: Lower Ground Floor - looking from front to back including staircase proposed to be replaced.



Photo 4: Ground Floor - View of rear window proposed to be converted to French doors onto balcony



Photo 5: Ground Floor - View outwards of position of new balcony left (north) towards the garden of no.22.

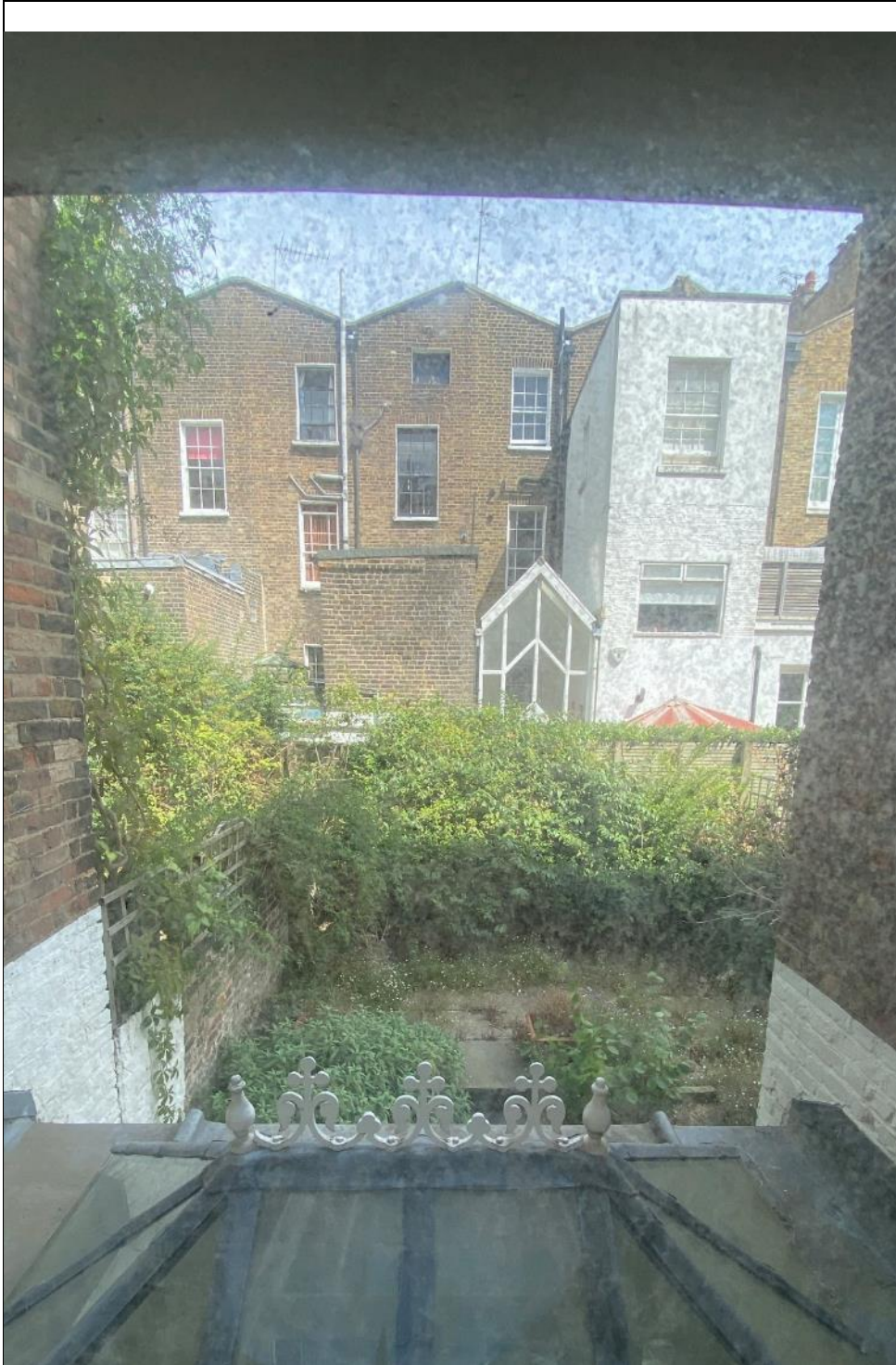


Photo 6: Ground Floor - View outwards of position of new balcony, east towards the rear gardens of Northumberland Place.



Photo 7: Ground Floor - View outwards of position of new balcony to right (south) towards garden of no.24.

5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR BAYSWATER:.

Cllr Max Sullivan: Requested these applications are determined by committee.

ARBORICULTURAL OFFICER: Responses to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM (NHENF):

“All comments are made in line with NHENF guidelines. The guidelines were drafted subsequent to extensive local consultation amongst 1500 residences to form our local plan.

This is a listed building, so we are aware that any development must be in line with historic England conditions and that oversight will be by the WCC heritage officer.

(The detailed demo drawings do indicate that period detail is being restored).

The proposed development is in line with a number of guidelines sought in the Neighbourhood Plan:

- The new balcony is set back, which is good for privacy
- The reconstructed lower ground floor falls within parameter guidelines (5.2 p6)
- The sedum roof is welcomed
- and crucially, the square of garden (referred to in guideline 5.1) remains

Whilst the maintenance of garden level is welcomed, the new steps do intrude on what could be planted areas, negatively affecting the possibility of soft landscaping.

We would request a reduction in step width at the back and additional greening (preferably in both back and front gardens) to add to public amenity.”

HISTORIC ENGLAND: Do not wish to offer advice on this occasion. Authorisation to determine granted.

NATIONAL AMENITY SOCIETIES: Responses to be reported verbally.

BUILDING CONTROL: No objection:

“The proposed works do not involve a basement enlargement, a new basement, or significant new excavations. The works consist in internal alterations on all floors, external alterations and refurbishments. Hence, this application is outside our basement consultation scope at this stage. Still, from the preliminary design proposed, result a few minor structural works comprising:

- The replacement of an existing box section steel column with a smaller diameter circular profile column.
- The raising in level of an existing beam within the upper ground floor.

These proposed structural works can be easily done with the specified temporary works and a good workmanship. Fireproofing and waterproofing shall be considered for the exposed steel members accordingly.

No alterations are to be carried out to the existing structure or foundations. There are no party wall works. The proposed works will not cause any structural interaction or impact on any adjacent buildings or structures. The impact on the fabric of the building should be minimal.

The structural movements within the property are anticipated to be minimal, in the acceptable range of +/- 2 or 3mm. Also, a movement monitoring regime has been instigated.

The submitted Structural Statement is satisfactory and accepted.

For the record, a desk study shows a London Clay foundation soil. Ground water is not likely to be present. The flood risk is minimal to none.

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: 14

Total No. of replies: 8 (2 from same objector)

No. of objections: 7

No. in support: 0

7 objections raising all or some of the following grounds:

Amenity

- Loss of privacy from balcony
- Light pollution from balcony

Design / Heritage

- Loss of historic staircase from lower-ground floor
- Potential for damage to building's fabric from structural alterations
- Design of rear balcony inappropriate and harms fabric of building (loss of original window).
- Design of replacement infill extension inappropriate.
- Design of sunken garden inappropriate, and reduces amount of space for planting
- Proposed internal doors inappropriate.
- Expectations that harm to a listed building must always be refused.

Other Matters – Non-planning issues

- Party wall concerns over past and potential future structural damage to the application property and nos.22 and 24.
- Enforcement concerns over past and potential future structural damage and other work to the application property;
- Applications contains misleading information;
- No benefits to environment, conservation or neighbour amenity
- Noise, vibration and dust during works
- Concerns about mishandling of or disregard to regulatory duties by WCC officers

PRESS NOTICE / SITE NOTICE: Yes

REVISIONS RECEIVED 16 August 2022 and 07 October 2022

No. of objections: 1

1 objection raising the following grounds:

- Inaccuracies persist in submitted information;
- Revisions have not overcome previous concerns.

ADDITIONAL INFORMATION AND REVISIONS RECEIVED 23 May 2023

No. of objections: 1 further objection received

- Maintain objection that the works at basement level will seriously impact on No's 22 and 24.
- Meeting with the owners and their engineers to address structural and remedial works and agreed to arrange outstanding underpinning and foundation repairs.
- Request a site meeting with neighbouring owners and Council officers.
- No party wall notice
- Proposed works are harmful and should be refused.

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 an adopted Neighbourhood Plan. The Notting Hill East Neighbourhood Forum have produced a draft Neighbourhood Plan but this has not been formally adopted .

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

The application relates to an historic single family mid-terraced dwelling within the Westbourne Conservation Area. It forms part of the Grade II listed terrace, No's 17-31 Sutherland Place, which was built in the 1850s and consists of 15 houses to the eastern side of the road. It consists of five floors – lower ground, ground, first, second and third floors. The third floor is a modern mansard built in 2004 shortly after the terrace was listed.

The terrace is built principally of brick, but with the front façade faced in stucco render, painted in various pale shades. The front elevation is not affected by the application proposals, but includes a number of decorative features which contribute the terrace's primary element of significance.

To the rear the terrace is characteristically plainer and faced in stock brick, with regularly spaced half-width rear closet wings. The gaps between these closet wings have been severally infilled, particularly at lower ground floor level as per the application site. The majority of the terrace has had mansard roofs built at various dates, including the application site.

The terrace was first listed in October 2003. Evidence on-site and from historic records set out in the applicant's Heritage Statement demonstrate that the house has undergone extensive changes internally before listing, including significantly its conversion to bedsits at some point before the 1950s, to two maisonettes in 1968, and then back to a single dwelling in 1975.

As a result of these 20th century pre-listing changes, the house is missing most historic details, with none of the existing internal doors or chimneypieces being original to the house. Alterations at lower-ground floor level in particular have been extensive, leading to its largely modern and open-plan character today.

7.2 Recent Relevant History

23 Sutherland Place

03/01430/FULL

Erection of a mansard roof addition and single storey conservatory at rear basement level in connection with the existing single family dwelling house.

Application Permitted 28 August 2003

31 October 2003 – SITE LISTED

03/07209/FULL and 03/08440/LBC

Erection of a double height conservatory at rear lower ground and ground floor level and internal alterations.

Application Refused 20 January 2004

03/08439/LBC

Erection of a mansard roof extension, a conservatory at rear lower ground floor level within lightwell area and internal alterations.

Application Permitted 23 January 2004

04/04240/LBC

Alterations to front lightwell to incorporate steps and paving.

Application Permitted 20 December 2004

04/10257/LBC

Underpinning to party wall between 22 and 23 Sutherland Place and three pins to rear extension of No. 22 Sutherland Place.

Application Permitted 12 May 2005

18/05319/FULL and 18/05320/LBC

Removal of front balcony structure and replacement with new balcony structure and associated works, and repair works to front porch.

Application Permitted 16 July 2019

21/02584/LBC

Partial underpinning below front wall of no.23 extending from French window opening to join with underpins below party wall with no.22 Sutherland Place.

Application Permitted 13 October 2021

22 Sutherland Place

19/08173/LBC

Underpinning below front wall of no 22 and front of party wall between nos 22 and 23. Repair the porch and front door lintel and pilaster and the facade stucco at basement and ground floor levels of no 22.

Application Permitted 10 January 2020

8. THE PROPOSALS

The proposals seek permission and listed building consent for a range of works to the house, all associated with its continued use as a single family dwelling. These works are mostly internal, but include some external works to the rear as well.

- Remodelling of the existing rear infill extension at lower-ground floor level, including a sedum roof;
- Installation of a shallow 'juliet' balcony to the rear elevation at ground floor level, including the associated alterations to replace the existing sash window with a set of French doors;
- Replacement of a sash window to the rear at lower ground floor level for a single-leaf glazed door;
- Remodelling of the existing fully hard-landscaped rear garden terracing and planters;
- Construction of new free-standing low-level bin / garden storage in the rear garden;
- Replacement of existing structural steelwork at lower-ground floor;
- Lowering of a section of the lower-ground floor slab, to provide an area of increased headroom in the proposed new kitchen;
- Replacement of the existing modern staircase between lower ground and ground floor, including associated alterations to the partitions surrounding it at lower-ground floor;
- Removal of modern wall linings from the party wall at lower-ground floor level;
- Reinstatement of historic door opening between ground floor reception room and entrance hallway;
- General replacement of all existing (modern) internal doors;
- Removal of modern partitions to second floor, reinstating historic room size;
- Installation of four new chimneypieces, replacing existing modern chimneypieces, or reinstating where currently missing;
- Removal of modern fitted furniture and installation of new fitted furniture.

On 23rd May 2023, the applicant submitted the following additional information and minor revisions to respond to some of the objections raised by neighbours:

1. Legal opinion on obligations and powers for LPA to determine harmful proposals, and other matters.
2. Reduction in extent and depth of alterations to lower-ground floor slab, to avoid structural work to underlying base of goal-post steelwork.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The lawful use of the site is not proposed to change as a result of the application proposals.

9.2 Environment & Sustainability

The proposals do not generally relate to the energy performance of the building, but where new windows or external doors are proposed, such as the rear infill extension remodelling works, it could be assumed that this would be done to current building regulations standards. This would be demonstrated as part of the recommended conditions for the detailing of the extension, windows and doors.

It is therefore considered that the proposals are compliant with Policy 36 and with the guidance given by the Environment SPD (ESPD).

9.3 Biodiversity & Greening

The application includes a proposal to install a sedum roof onto the remodelled flat roof of the rear infill extension. Whilst this is not the most biodiverse of green or living roofs, it is considered to be proportionate to the small size and sheltered location of the affected new roof, where a more extensive living roof may not be suitable. As such, it is considered that this proposal, whilst limited in its contribution to biodiversity and greening, is in compliance with Policy 34 and the ESPD.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the LBCA Act’) requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the 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.”*

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 be clearly and convincingly justified and 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.

Paragraph 202 in the NPPF identifies that where the harm caused to the heritage asset

would be less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

An objector has raised concerns about the powers that WCC as the LPA has to determine proposals which might be considered to be harmful, to involve loss of historic fabric, or to consider structural implications of the presented proposals. In response to this, the applicant has submitted a legal opinion which covers these points.

The council has a duty, as stated above, to pay special regard to the preservation of the listed building, its setting or its featured of interest. The NPPF, and extensive caselaw, have established for some time that this means that, where harm is found, LBC should be refused unless it is outweighed by the proposals' beneficial effects. There is no imperative for the LPA to refuse consent simply and in blind-sight because of the loss of historic fabric – only that, if that loss harms the significance of the listed building, it must not be approved unless it is required to secure some form of public benefits.

The effects of the proposals on the significance of the listed building (and on that of the conservation area also) are discussed below, but no harm is considered by officers to be caused by the application proposals.

Impact on Heritage Assets

External alterations to rear

To the rear it is proposed to remodel an existing single-storey infill extension which currently sits between the closet wings of the site and no.22 and already abuts both. This was approved in 2003 and is a typical 'orangery-style' extension of that period, with a largely glazed small-pane rear wall, and a solid roof inset with a pitched glazed roof lantern. It is a generally neutral part of the site, neither adding to nor detracting from the listed building's or conservation area's significance.

This would be replaced by a new infill extension of the same size, reusing the existing foundations. It is also currently stated that the roof of the existing extension would also be reused, so enabling no changes to the existing abutments. To amend these abutments however would be relatively minor work which should not affect the significance of the listed building. It is stated that the existing roof would be altered to receive a new flat rooflight and a low-profile sedum roof, with a revised front eaves. Again it would not be unacceptable in principle to wholly replace the existing super-structure. The new sliding doors beneath this would be simpler in design than the existing and more modern in aesthetic. Whilst this is a more significant departure from the 'traditional' design of the existing, it is considered to have equal merit in terms of how it sits subtly inset between the two brick closet wings. It's design would preserve the significance of the listed building and conservation area.

Also at lower-ground floor, it is proposed to replace an existing sash window with a single glazed door to a traditional design. This would see some removal of brickwork from the sill beneath the existing modern window. The design appearance of this change is considered to be acceptable and the amount and type of fabric proposed to be removed is insignificant.

Finally to the rear, and the focus of some of the objections received, is a proposal to install a shallow new balcony above the remodelled infill extension, at ground floor level. The projection of the balcony, which has been revised during the application on officer advice in response to the objections received, is 400mm which is designed to be just about sufficient to allow the swing of the new doors. Associated with this would be the replacement of the existing modern sash window in this location with a pair of traditionally designed, outwards opening French doors. This would in turn involve some removal of original brickwork externally, and some minor alterations to the internal panelling below the sash window, which is modern.

The proposed design of this ground floor balcony and French doors is considered to be of a high quality, with a strong appreciation for traditional design. The alterations to the internal panelling should be feasible whilst preserving the adjacent shutters which are original and of historic significance.

Whilst the lowering of the brick sill and the removal of the window sashes would represent some loss of historic fabric (one of the points of objection), the manner in which this is proposed is consistent with the character of many such ground-floor rear French doors seen historically across the city. Whilst this would not appear to have been a feature of this particular terrace, it is also not considered to be harmful to the architectural or historic interest of the listed building. There are however a couple of other modern examples of rear doors at this level on this terrace, of lesser design quality.

Objections received have implied that such a proposal must by default be refused simply because it affects *some* historic fabric or because it departs from the original design of the house. There is nothing in law or guidance which states that historic fabric is sacrosanct and indeed the essence of the NPPF and most other conservation guidance is the management of change, not stopping it. The Act strongly asserts that special regard should be had towards the preservation of the listed building and its features, but this does not inherently mean that change is not allowed, but that doing so should preserve the building's existing significance.

Lower ground floor

The lower ground floor is the location of the most extensive alterations proposed by these applications, in addition to the rear extension works already discussed above.

It is proposed to replace one existing modern structural column, which was inserted in 2003 prior to listing, with a new one in the same position. This proposal is intended to form an improved internal aesthetic (the existing column would not be desirable to expose) and is connected to the additional proposals to remove some surrounding modern boxing and partitions around the base of the staircase, and also to lower an area of the modern floor slab to the rear part of this floor, which in turn is intended to provide some extra ceiling height in the main kitchen movement area. Some additional information has been submitted in recent weeks to clarify that this slab lowering would not in fact touch the structural components of this slab, only removing non-structural upper layers and critically retaining the structural ground beam which forms a part of the slab's structural composition.

The lowered section of floor slab would be set off from the party wall, where the existing slab would be kept. Some of the keenest objections received in relation to the application have focussed on this area of work, stating that the work will cause structural damage to the building and to adjacent buildings, and that the information submitted in support of the application is incorrect.

Whilst the regulation of the structural competence of this work falls to the Building Control process, the additional information recently received from the applicant, alongside the advice of the applicant's (conservation-accredited) engineer and the council's Building Control Engineer is that this steelwork replacement and slab alteration work can be competently handled without further works being required to the listed building. The area of the work is evidently modern in character with modern structural fabric exposed by semi-intrusive investigations carried out by the applicant on-site.

Objections received for this application have included the assertion that it is proposed to remove a historic staircase from the lower-ground to ground floor. The replacement of the staircase in this location is indeed part of the application proposals, but the existing staircase is not historic; this has been confirmed by close inspection by the Council's Conservation Officers on-site.

This on-site evidence correlates with the records of the layout changes to this floor set out in the submitted Heritage Statement, which show that in 1956, the staircase in this location had already been removed, and that later in 1968, a new spiral staircase was installed from lower ground to ground floor to re-connect the two floors. This in turn was later removed again with the current staircase built back in the original historic location. The replacement again of the existing staircase here, with a new one in the same location, would not harm the significance of the listed building. Details of the new staircase can be secured by condition to ensure its design is appropriate to the internal character of the building.

The proposals for the lower-ground floor more generally would continue with the open plan character which already exists at this level and which is the result of a post-listing listed building consent granted in 2004 (RN: 03/08439/LBC). None of the fabric proposed to be removed now is historic. Whilst such an open-plan layout is often discouraged and refused for listed buildings, this is on occasions when the original cellular planform of the house remains intact, which it does not here. The proposals as revised on officer advice during the application for the staircase, would however retain a staircase in the historic location for the house, and which would remain spatially enclosed from the rest of the lower-ground floor open plan layout by a wall.

Ground and first floors

Internal proposals at ground and first floors are quite limited and are considered to be evidently positive to the significance of the listed building.

To both floors it is proposed to install new period-appropriate chimneypieces to the main front rooms. To the ground floor this would replace an existing modern chimneypiece, whilst to the first floor this would be a reinstatement to a currently blocked fireplace. This is beneficial to the significance of the listed building.

To ground floor, the original opening between the main front room and the entrance hallway is proposed to be reinstated, whereas it is currently blocked up. This is beneficial to the significance of the listed building.

To both floors (and indeed on upper floors as well) existing modern doors are proposed to be replaced with new doors. Objections have been received from a neighbour in relation to these doors, but it is noted that the existing doors are already non-historic and appear to pre-date listing. The indicated design of the new doors is not ideal. The detailed design of these new doors however can be adequately agreed through conditions, including a change to a more period-appropriate design, to ensure that the new doors would better represent the significance of the listed building.

To first floor a non-historic partition forming an alcove from the landing is to be removed, the wall made good and the original rear room proportions restored. This is beneficial to the significance of the listed building.

Second and third floors

To the second floor, as with the lower floors it is proposed to replace a current modern chimneypiece for a new period-appropriate chimneypiece. Also on this floor, modern partitions are proposed to be altered in what was the rear room to enable a minor updating of the dressing room and bathroom layout and to reinstate the wall dividing these spaces from the landing.

As with the lower floors it is proposed to replace modern doors with new doors to both floors, and to remove existing modern and install new fitted furniture.

Heritage impact summary

The proposals on the whole have a neutral or positive effect on the significance of the listed building. The only area where there may reasonably be contended to be some harm is with the rear ground floor balcony and French doors. However, this is considered to not be harmful to the listed building or conservation area for the reasons given above, and would in any case be more than outweighed by the wider conservation and architectural benefits of the scheme, which includes rectifying upper floor room layouts, the reinstatement of historically appropriate chimneypieces, and better detailed internal doors (subject to condition). For these reasons it is considered that the application is compliant with Policies 39 (heritage) and 40 (townscape and architecture) of the City Plan.

Landscaping, urban greening and biodiversity

It is proposed to re-landscape the garden, with a revised layout of terracing and planters. The existing arrangement is modern and is laid mainly to hard surfacing with inbuilt planters. This would remain the main theme of the landscaping, but with wider steps.

The Notting Hill East Neighbourhood Forum (NEHNF) have made neutral representations which include a preference for more greening in the garden, and some objectors have stated similarly.

It is considered that the design of the garden is sensitive to the setting of the listed building and to the character and appearance of the conservation area. It would not overall decrease the amount of greening in what is already a substantively paved garden. The amount of greenery in the garden currently is mostly a result of overgrowth. It is noted that the applicant would not require any permissions from the council in order to entirely remove all existing greenery in the garden; there are no substantive trees amongst it which would trigger the automatic protection afforded by conservation area status.

It is also proposed to lay a living 'sedum' roof on top of the remodelled flat roof. Whilst this is not the most biodiverse of living roofs, the small size of this roof and limited depth available for a suitable planting medium, means that this is an appropriate proposals on this occasion.

The proposal does not affect any existing trees.

Whilst the garden could undoubtedly provide more green planting area, the amount proposed is similar to the existing, and would be proportionate to the small size and limited light levels in this garden, and as such is considered to be compliant with Policy 34 (green infrastructure) of the City Plan.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Daylight & Sunlight and Sense of Enclosure

Following a site visit, it is not considered that the proposed works to the rear will result in any loss of light or increased sense of enclosure to the neighbouring residents. The footprint of the existing conservatory addition is not being changed and the addition of a flat green roof instead of the existing glazed roof poses no new amenity issues.

Privacy

The key amenity consideration is the addition of a new shallow balcony above in terms of impact on neighbours privacy. Its limited 400mm projection is designed to allow the swing of the new doors and is not sufficient depth to allow sitting out on it .

It is also screened by the existing rear closet wing addition, therefore it is not considered to result in a material increase in overlooking or loss of privacy to adjoining neighbours in Sutherland Place. There is sufficient distance which separates the properties at the rear not to cause any material loss of privacy. Therefore the proposal is considered acceptable in overlooking terms and complies with policies 7 (A) , 33 (A) and 38(C) in the City Plan.

9.6 Other Considerations

The site, in conjunction with the adjoining site no.22, has an extensive planning and enforcement history. These are extensively related to structural issues which are regulated by the Building Control process, or civil issues regulated by the Party Wall Act and other legislation. Both properties have at times shown signs of ground movement which has caused defects in the building. This is visually worse on no.22. The applicant for the application site has instigated a structural monitoring regime to establish what movement there is on their side of the party wall, and has been advised of their obligations in relation to the building's listed status.

Insofar as structural issues interact with this current application, this is limited to how the proposed structural works would affect the long-term preservation of the listed building, and as such are discussed in detail in Section 9.4 of this report.

10. Conclusion

The proposals would achieve a range of positive changes to the building, which would reinstate lost historic features, and improve layouts to upper floors. In other parts of the house, the proposals would have a neutral impact, affecting only modern fabric or planforms, or remodelling the existing modern extension to provide a new alternative design of the same size. The quality of new architectural design in the form of the extension and rear balcony is considered to be high, and largely offsets the slight impact on historic fabric seen with the balcony doors.

The proposed balcony is considered to cause no adverse harm to the privacy of neighbours given its position set back from the closet wings and its limited projection. As such, whilst being mindful of policies 38 (design principles), 39 (heritage), and 40 (townscape and architecture) of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise the reinstatement of historically appropriate features, the proposals are considered acceptable in terms of their impact on the listed building and conservation area.

Therefore, the recommendation to grant conditional permission and listed building consent is 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)

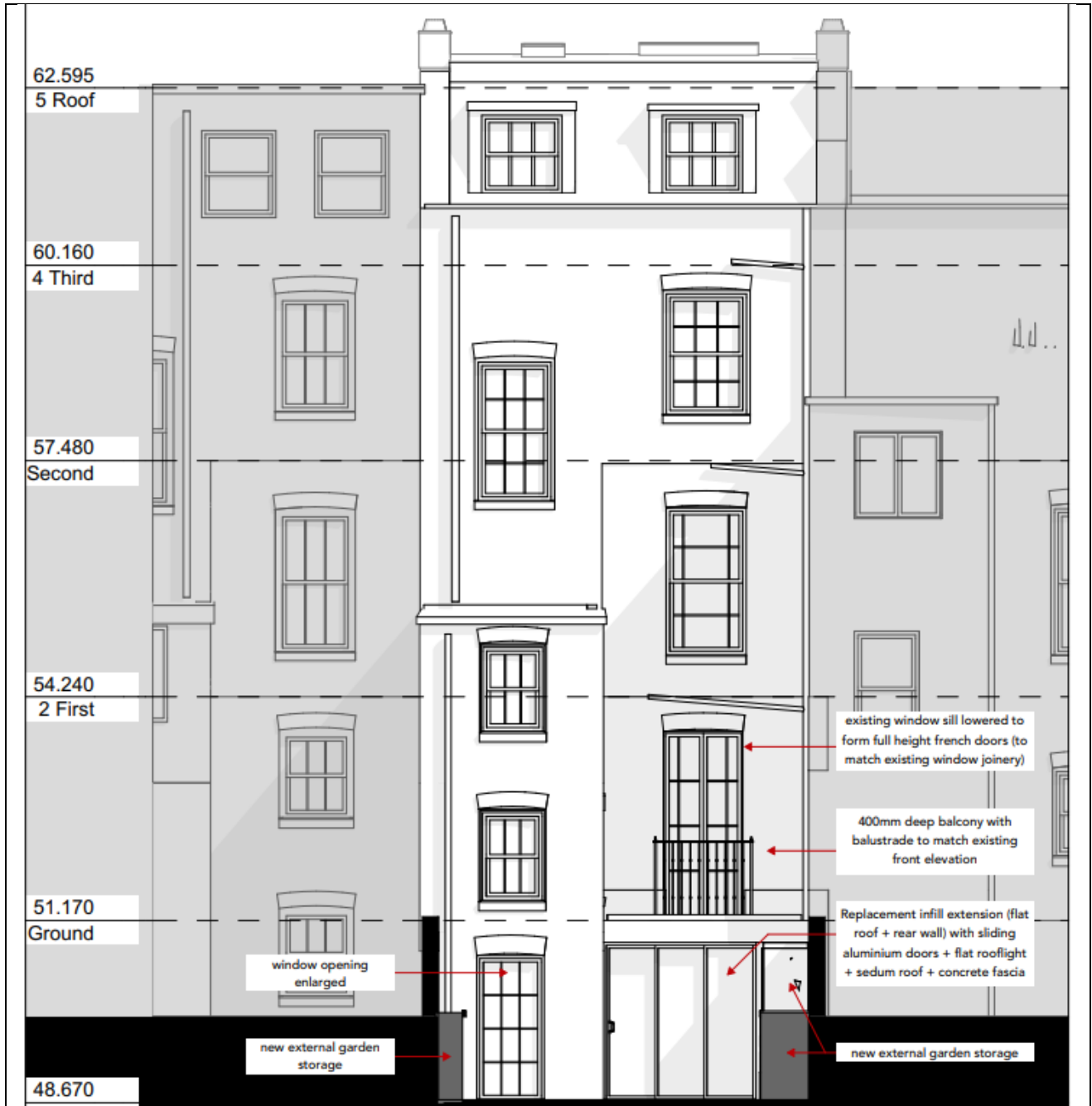
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: ANDREW BARBER BY EMAIL AT abarber@westminster.gov.uk.

11. KEY DRAWINGS

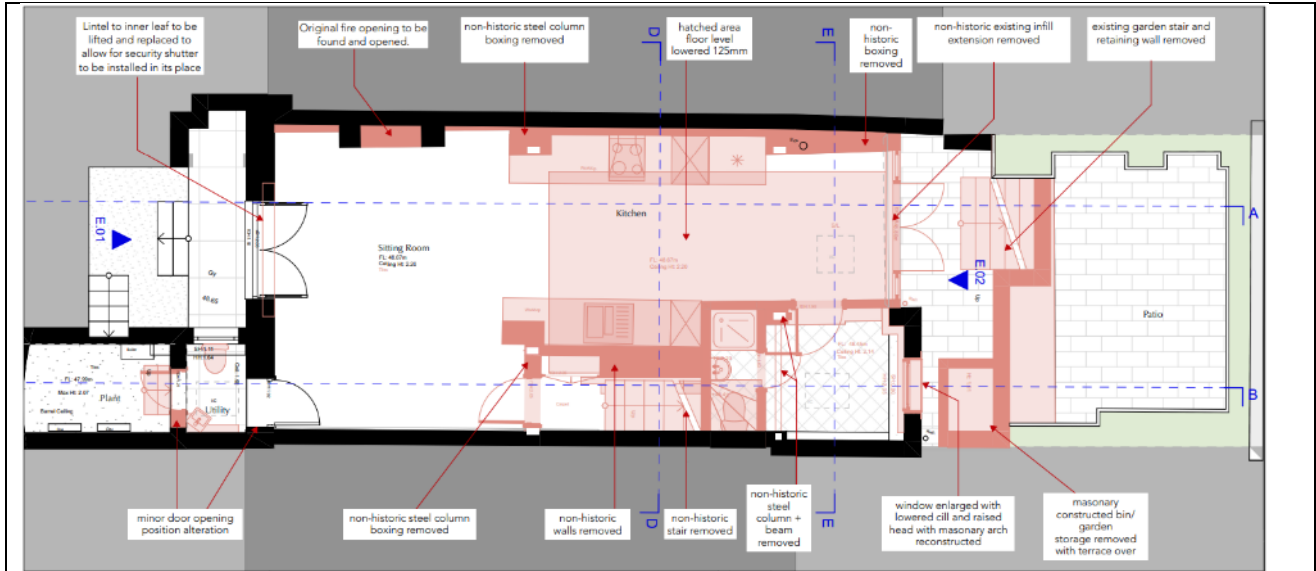
Note: Demolition plans are versions of the existing floor plans with elements proposed to be demolished or otherwise removed shown in red.



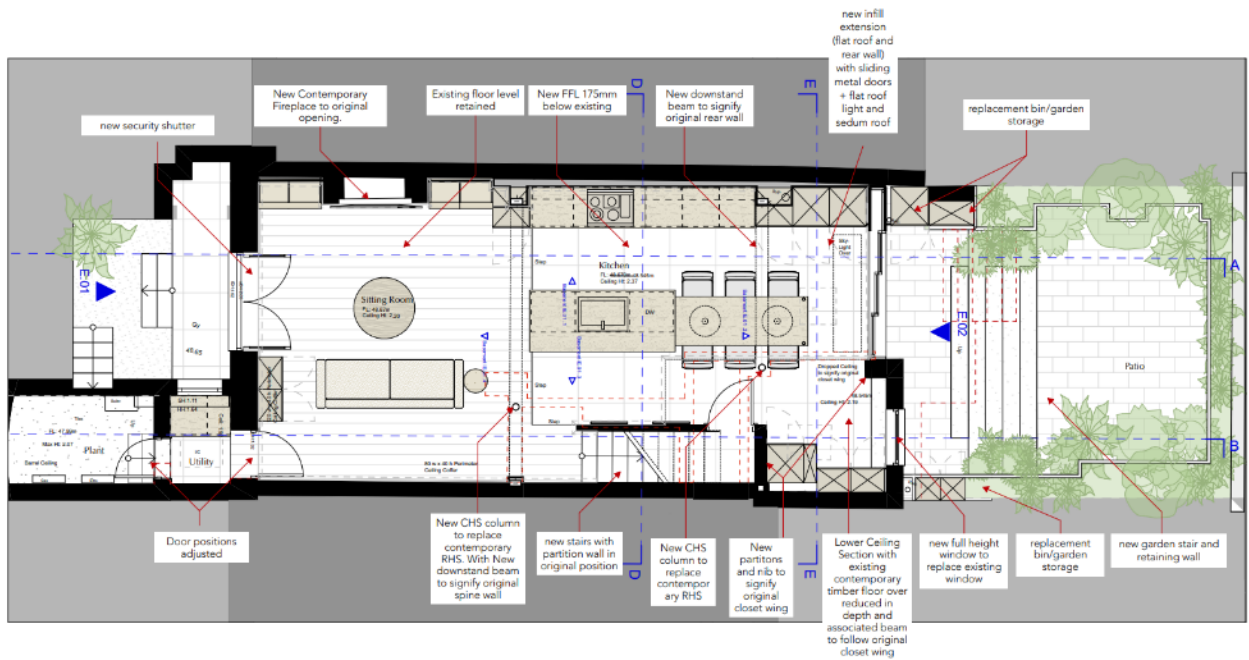
Drawing 1: Rear Elevation – Demolition



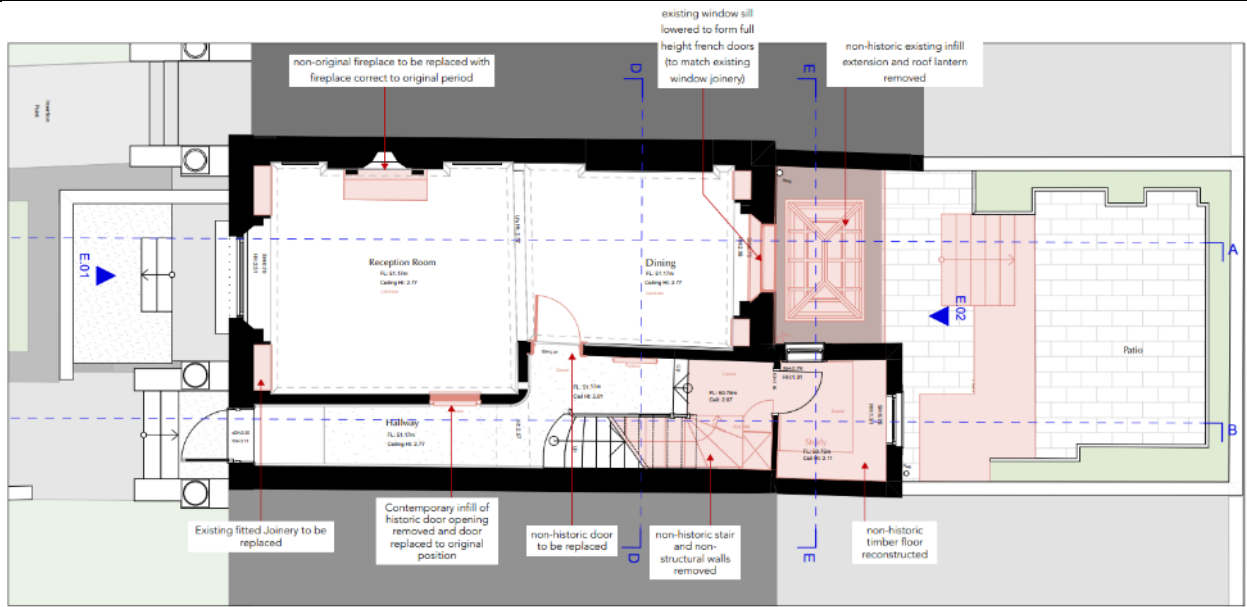
Drawing 2: Rear Elevation - Proposed



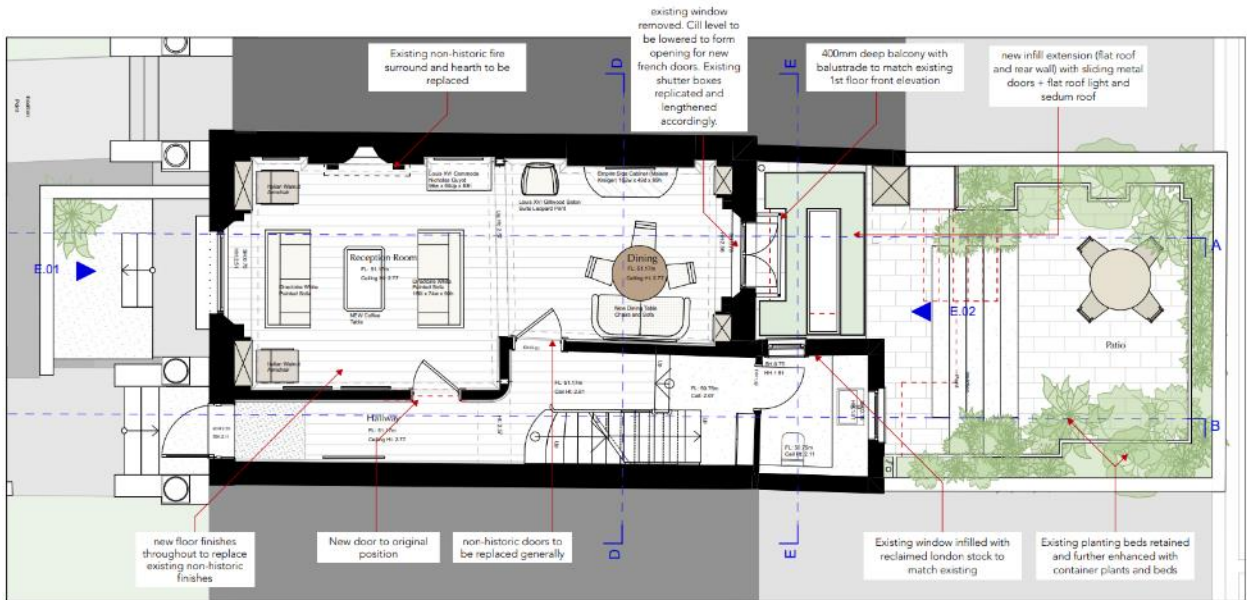
Drawing 3 (above): Lower Ground Floor - Demolition plan



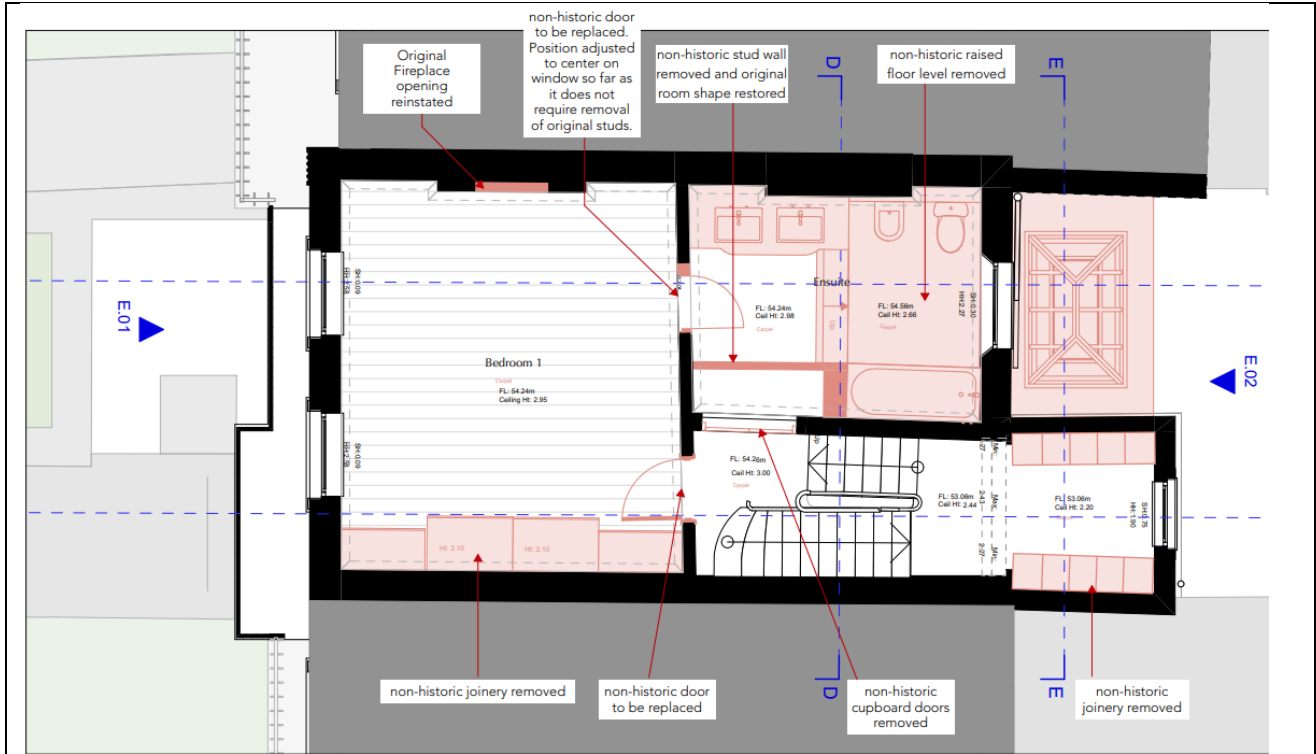
Drawing 4: Lower Ground Floor - Proposed Floor Plan



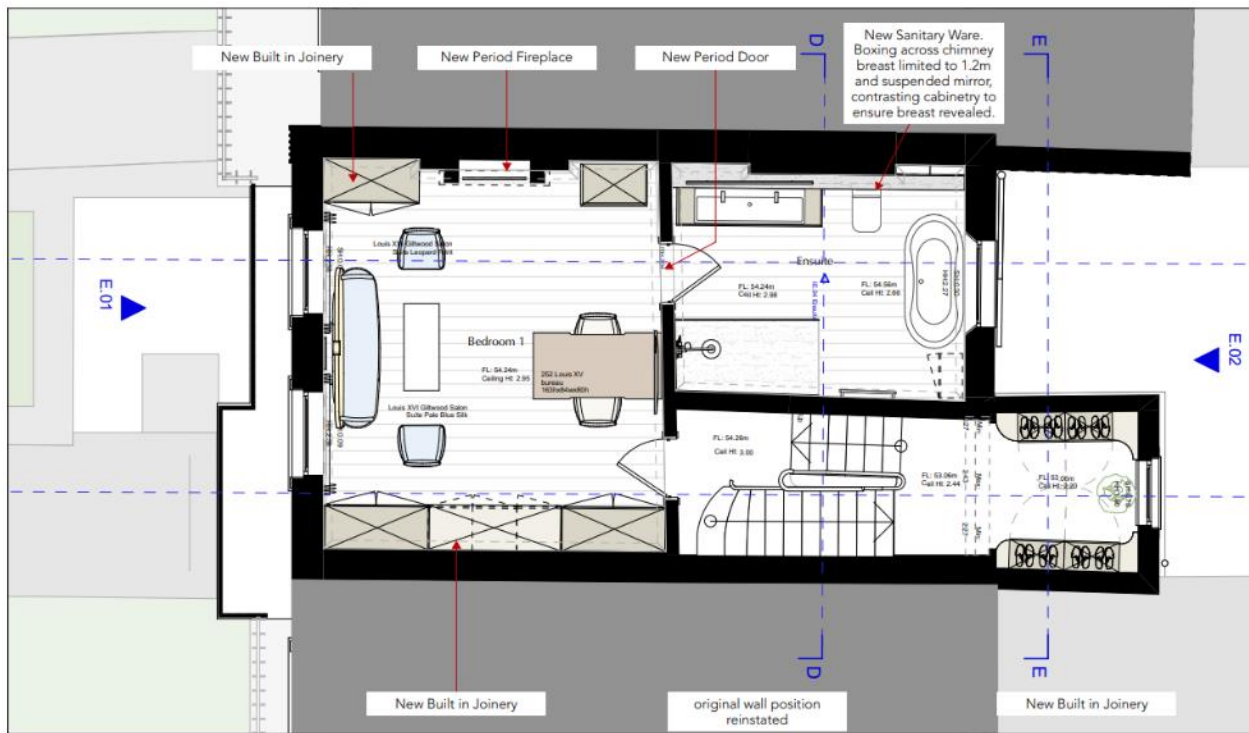
Drawing 5 (above): Ground Floor - Demolition plan



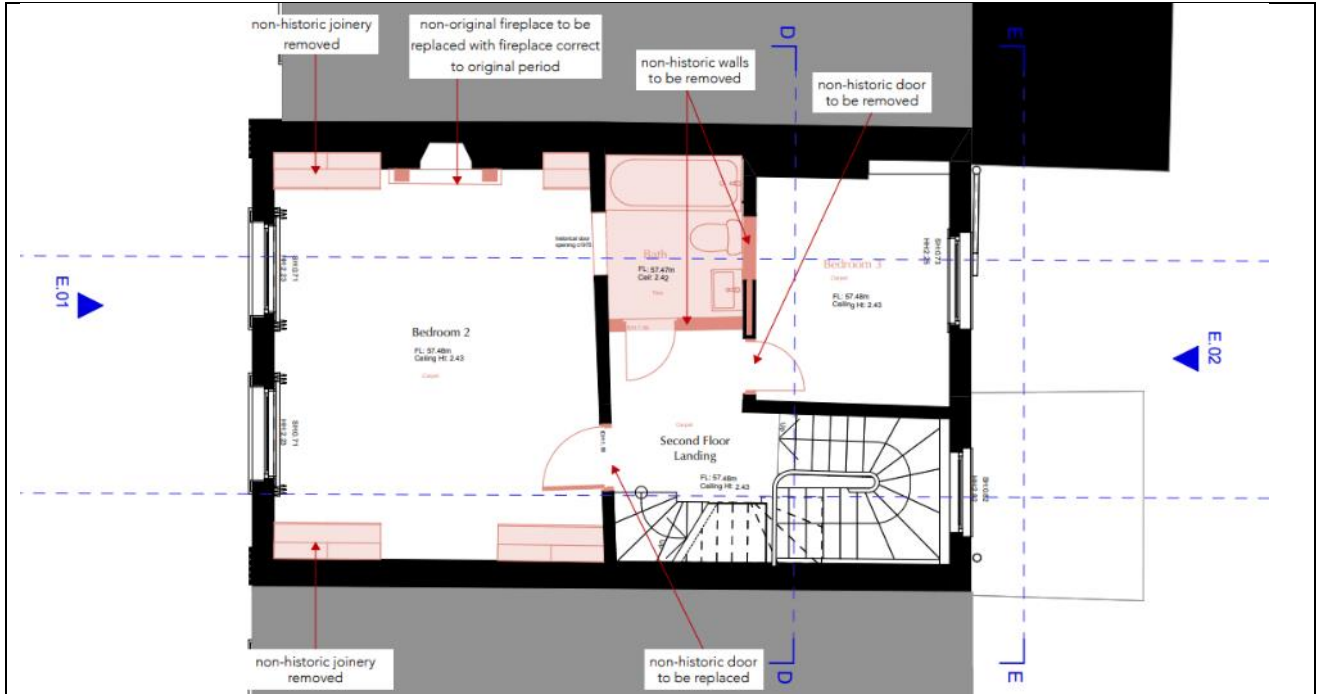
Drawing 6: Ground Floor - Proposed floor plan



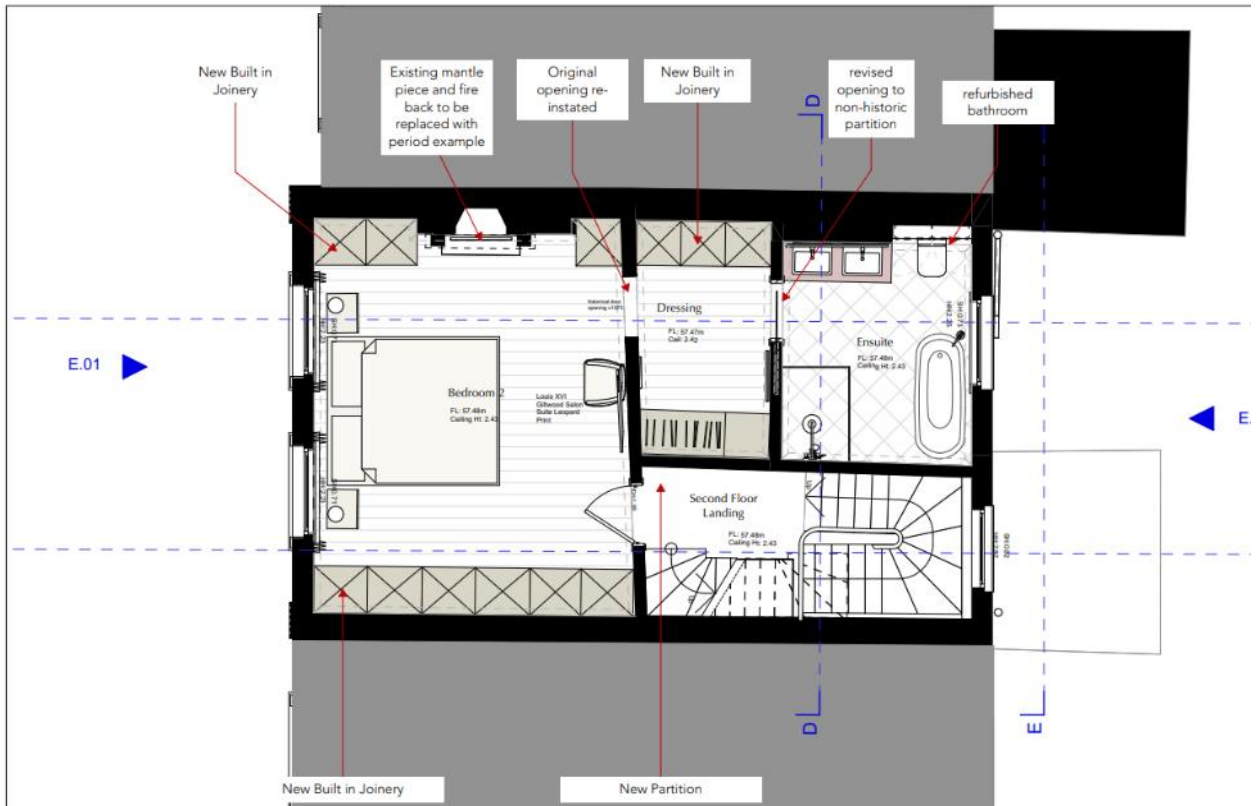
Drawing 7 (above): First Floor - Demolition Plan



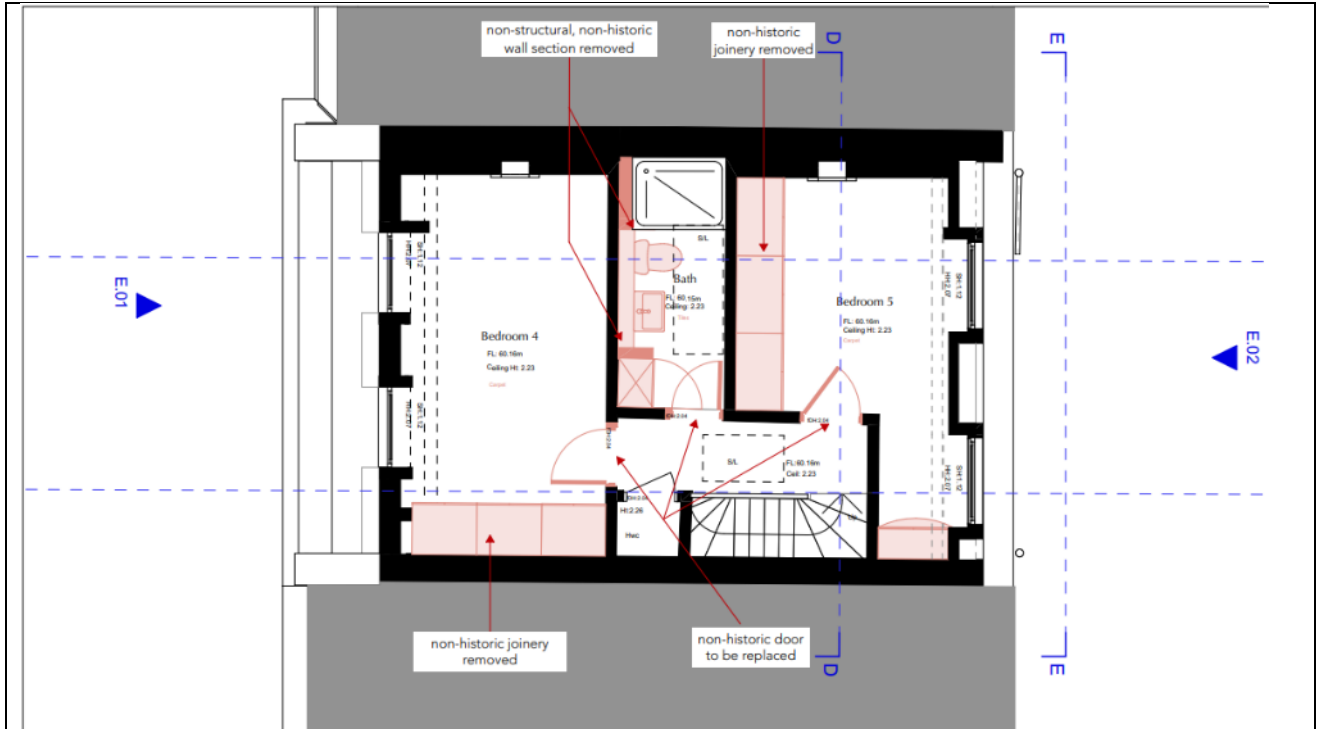
Drawing 8: First Floor - Proposed Floor Plan



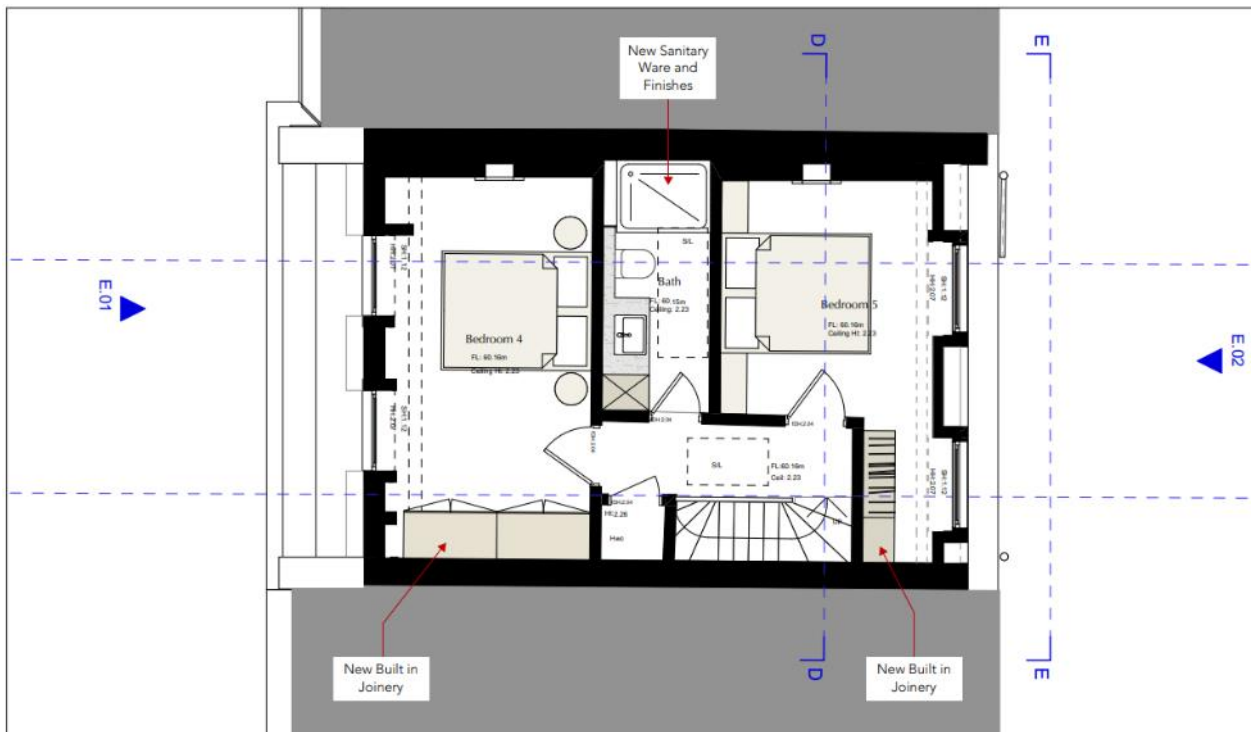
Drawing 9 (above): Second Floor - Demolition plan



Drawing 10: Second Floor - Proposed floor plan



Drawing 11 (above): Third Floor - Demolition plan



Drawing 12: Third Floor - Proposed floor plan

DRAFT DECISION LETTER

- Address:** 23 Sutherland Place, London, W2 5BZ
- Proposal:** Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.
- Reference:** 22/03785/FULL
- Plan Nos:** Location plan; Site plan; 01.01 Rev.B; 01.02 Rev.A; 01.03 Rev.A; 01.04 Rev.B; 01.05 Rev.A; 01.06 Rev.B; 01.07 Rev.B; 01.08 Rev.B; 01.09 Rev.B; 01.10 Rev.A; 01.11 Rev.A; 02.01 Rev.A; 02.02 Rev.A; 02.03 Rev.A; 02.04 Rev.A; 02.05 Rev.A; 02.06 Rev.A; 02.07 Rev.A; 02.08 Rev.A; 02.09 Rev.A; 02.11 Rev.A; 02.12 Rev.A; 21-092/0.1 Rev.B; 21/092/1.0 Rev.P2; Letter from Barton Engineers to Moxey Associates dated 07.10.2022; Document entitled, "23 Sutherland Place: Tree Survey to BS5837:2012 – Tree survey retention and removal plan" ref: CC41-1048 (FLAC, January 2022).
- Case Officer:** Andrew Barber **Direct Tel. No.** 07866037397

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 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of further information (as set out below) about the following parts of the development:
 - (a). Rear infill extension remodelling including associated works (detailed elevations and sections at 1:20);
 - (b). New rear balcony and railings (detailed elevations, plans and sections at 1:20).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to the infill extension 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)

- 5 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)

- 6 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

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

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.

DRAFT DECISION LETTER

Address: 23 Sutherland Place, London, W2 5BZ

Proposal: Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.

Reference: 22/03786/LBC

Plan Nos: Location plan; Site plan; 01.01 Rev.A; 01.02 Rev.A; 01.03 Rev.A; 01.04 Rev.A; 01.05 Rev.A; 01.06 Rev.A; 01.07 Rev.A; 01.08 Rev.A; 01.09 Rev.A; 01.10 Rev.A; 01.11 Rev.A; 02.01 Rev.A; 02.02 Rev.A; 02.03 Rev.A; 02.04 Rev.A; 02.05 Rev.A; 02.06 Rev.A; 02.07 Rev.A; 02.08 Rev.A; 02.09 Rev.A; 02.11 Rev.A; 02.12 Rev.A; 21-092/0.1 Rev.B; 21/092/1.0 Rev.P2; Letter from Barton Engineers to Moxey Associates dated 07.10.2022; Document entitled, "23 Sutherland Place: Tree Survey to BS5837:2012 – Tree survey retention and removal plan" ref: CC41-1048 (FLAC, January 2022).

Case Officer: Andrew Barber

Direct Tel. No. 07866037397

Recommended Condition(s) and Reason(s)

- 1 The works 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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of further information (as set out below) about the following parts of the development:

- (a). Rear infill extension remodelling and associated works (detailed elevations and sections at 1:20);
 - (b). New windows and doors, and alterations to existing windows and doors including associated features such as shutters and architraves / external mouldings (detailed elevations and sections at 1:10);
 - (c). New chimneypieces and associated works (detailed elevations, plans and sections at 1:10);
 - (d). New staircases, steps and balustrades (detailed elevations, plans and sections at 1:20);
 - (e). New rear balcony and railings (detailed elevations, plans and sections at 1:20);
 - (f). New internal security shutter to lower ground floor front doors (detailed elevations and sections at 1:10, and product details as applicable);
 - (g). New external bin / garden storage (detailed elevations at 1:20, and a written and photographic materials specification);
 - (h). New external hard landscaping (detailed plans and elevations at 1:20, and a written and photographic materials specification).
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must submit to us for our approval in writing, a detailed Conservation Method Statement(s) (CMS) for each of the following parts of the approved works:
- (a). The lower-ground floor structural works;
 - (b). The replacement of the lower-ground to ground floor staircase;
 - (c). The remodelling of the rear infill extension.

Each CMS should set out how you will carry out the work in a manner which minimises impacts on surrounding or otherwise connected historic fabric or features, including the temporary support or protection of those features before and during the course of the works.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:
- (a). Revised design of replacement internal doors, to suit the period, style and architectural hierarchy of the building, including consideration of local exemplars from the same group of buildings.

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

(C26UC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF. In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 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/planning-building-and-environmental-regulations/building-control.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.