

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 March 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>39 Sutherland Place, London, W2 5BZ,</b>		
<b>Proposal</b>	Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.		
<b>Agent</b>	Miss Elizaveta Tatarintseva		
<b>On behalf of</b>	Mrs Paula Bopf		
<b>Registered Number</b>	15/10383/FULL	<b>Date amended/ completed</b>	2 March 2016
<b>Date Application Received</b>	9 November 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

39 Sutherland Street is an unlisted building currently in use as two residential flats, located in the Westbourne Conservation Area. Planning permission is sought to lower the level of the existing lower ground floor slab and rear garden, demolition of rear closet wing and erection of replacement three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling.

The key issues are:

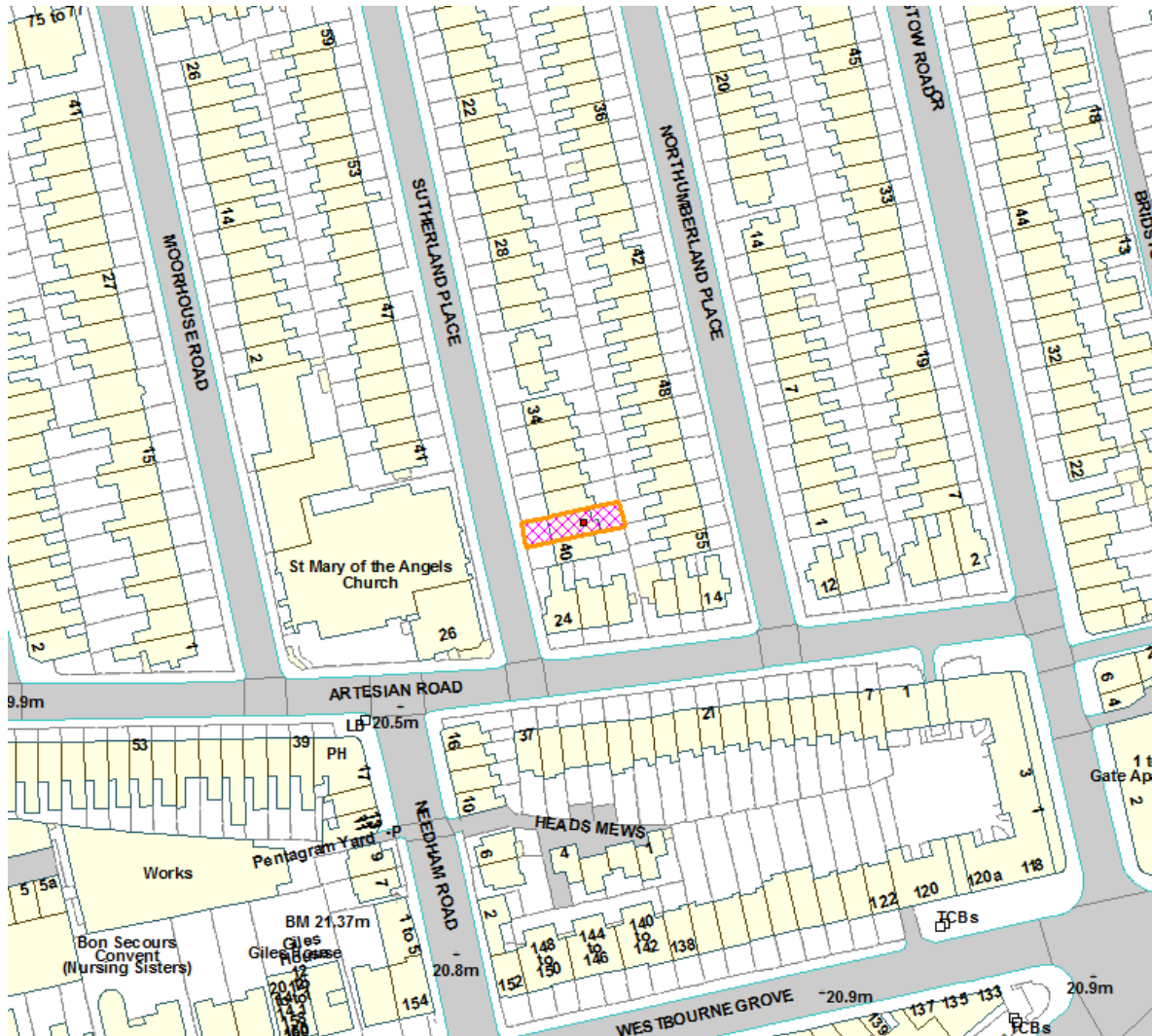
- \* The impact on the character and appearance of the conservation area.
- \* The impact on amenity of adjoining residents.
- \* The structural impact of the lowering of the lower ground floor level on the house and neighbouring properties
- \* The use of the building as a single family dwelling.

Item No.
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<p>The proposals are considered acceptable in land use, amenity, arboricultural and conservation area terms and are in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval.</p>
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

## 5. CONSULTATIONS

### NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Object to overdevelopment, internal alterations, loss of greening, water run-off/draining concern, loss of residential units and resultant impact on local area.

### BUILDING CONTROL:

Object to the layout as the basement staircase needs to exit into a protected entrance with direct access onto the street. No objection to construction methods or proposed excavation works.

### HIGHWAYS PLANNING MANAGER:

No objection.

### ARBORICULTURAL OFFICER

No objection subject to conditions..

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 8 letters raising objection on the following grounds:

#### Design

- Height, size and materials, being out of keeping with area.

#### Amenity

- Loss of light
- Loss of privacy
- Skylight in extension should be non opening and obscure glazed to reduce noise and loss of privacy.
- Increased light spill.

#### Other

- Disruption during construction works.
- Potential structural damage to adjacent properties.
- Loss of cherry tree.
- Loss of garden space.
- Concern about tree in garden of 53 Northumberland Place

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This building is unlisted but lies within the Westbourne Conservation Area. The property is a five storey residential property divided into two flats, one occupying the lower ground floor and the other occupying the ground and three upper floors.

## 6.2 Recent Relevant History

No recent history.

## 7. THE PROPOSAL

The application is for the amalgamation of the two units to return to the property to a single family dwelling. Associated alterations include the excavation to lower the existing lower ground floor slab and part of rear garden levels, demolition of the rear closet wing and erection of a three storeys rear closet wing and two storey glazed rear infill extension, removal of the rear garden Cherry Plum tree and replacement with planters, excavation to the front garden to facilitate a bin store, extending and rebuilding of the existing front garden vault to convert into bike storage, relocation of the front garden vault door, rebuilding of the front porch stone steps, replacement of the existing pitched roof to form a new mansard roof extension and installation of skylights to the main, closet wing and closet wing infill roofs.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Notting Hill East Neighbourhood Forum has objected to the proposal on the grounds of the loss of residential units and resultant impact on local area. Although it is acknowledged that the proposal will involve the loss of a residential unit it is clear that it would meet one of the exemptions as set out in Policy S14 of the City Plan as it would result in the return of a former single family dwelling to its original use. The proposed amalgamation is therefore considered acceptable.

### 8.2 Townscape and Design

#### Mansard:

The adjacent buildings in this part of the terrace have mansard roof extensions. The principle of an mansard is therefore considered acceptable. Following officer comments the internal floor to ceiling height of the mansard has been reduced and is now shown at 2.3m in height, which is in line with the design advice set out in the roofs guidance SPG. Subject to a condition for the mansard to be clad using natural slates, the roof extension is considered acceptable.

#### Rear Closet wing:

Objections have been received on the grounds that the rear extension is too large. The closet wing is to be increased in height by approximately 0.8m and depth by 1.4m. The new closet wing will be of a similar size to the adjacent property at 38 Sutherland Place and is considered to be acceptable in design and conservation area terms.

#### Rear Glazed infill:

The new two storey glazed extension would generally be considered unacceptable in design terms, and the SPG on extensions in conservation areas advises that usually only at lower ground level will such full width extensions be considered acceptable. It is noted

however that several examples of glass and other extensions exist to this level in the terrace, and there are approvals at no. 51 Sutherland Place on 12.12.2001, 46 Sutherland Place on 29.04.2002, 36 Sutherland Place on 30.05.2002, 43 Sutherland Place on 16.10.2012, and 49 Sutherland Place on 30.09.2013 for similar glass extensions at rear ground floor level (generally for two storey glass extensions) in Sutherland Place. These extensions are often carried out in strikingly modern style as in this case, as such, the extension is considered acceptable in this instance.

#### Front and rear gardens:

The landscaping of the front garden will restore it to more like its original form rather than the sloping arrangement at present, and is considered acceptable in design terms. The excavation of the rear garden down to same level as the lower ground floor level is unwelcomed, though not considered of such significant impact as to warrant a refusal of planning permission given the enclosed nature of the rear garden. An objection has been received on the grounds of loss of garden space, however as a reasonably sized garden is retained, it is not considered that refusal on these grounds could be sustained.

#### Other

Conditions are recommended in relation to the materials for the entrance step, rear glazed extension, mansard cladding (to be natural slate) and for the windows to be retained as white painted timber, subject to these conditions the proposals are considered acceptable in design and conservation area terms.

### 8.3 Residential Amenity

Objections have been received from neighbours on amenity grounds. Specifically that the proposal will result in loss of light and loss of privacy. Because of its set back and limited height the mansard roof extension would not have a significant impact in terms of loss of daylight/sunlight or sense of enclosure. The additional windows would not result in any increase in overlooking due existing fenestration within the elevations.

Although the closet wing extension projects a further 1.4 metres and is 0.8 metres taller than the existing closet wing, it will resemble the height and projection of other closet wings in the street and match the extension at the neighbouring property at No. 38. The residents of No 40 Sutherland Place will experience some increase in terms of sense of enclosure to rear windows as a result of the additional bulk, however it is not considered that this will be to such an extent as to justify a refusal. In terms of light to this property, given their location to the south and the orientation of the site, it is also not considered that there will be such a significant impact as to justify refusal on these grounds

The two storey infill extension would be located between the closet wing of No.39 and that of No.38 and would therefore have no sunlight/daylight or sense of enclosure impact on any neighbouring properties. In terms of overlooking from the infill extension, although a largely glazed structure, it is slightly set back from the main building line which would help limit lateral overlooking into neighbouring gardens. Such double height glazed infill extensions are in any case a common feature of this terrace and it is not considered a refusal on amenity grounds would be sustainable in this case.

An objection has also been received relating to the skylight within the closet wing extension. It has been suggested that this is fixed shut and obscure glazed to prevent

noise disturbance and prevent loss of privacy. It is not considered that such a condition is reasonable as the skylight would not provide direct overlooking into neighbouring properties (any views up into windows on the rear elevation of the adjacent property would be at very oblique angles) and would not create any more noise disruption than any opened existing windows on the rear elevation.

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

The proposal involves a reduction in residential units and therefore does not require the provision of any car parking or cycle parking provision. Two car parking spaces are however provided as part of the proposal.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

No changes are proposed to the access to the property.

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

The proposals have been amended slightly to respond to the concerns of the City Councils Arboricultural officer to the potential harm to a Japanese maple to the front of the property. The amendment involved retaining the existing front vault and underpinning the walls to lower the floor level allowing 750mm of top soil above for the trees roots. This amendment has been agreed by the arboricultural officer who has no objection subject to conditions being attached to any permission. An objection has been received from a neighbour regarding the loss of the Cherry tree to the rear of the property. No objections to the removal of this tree has been raised by the arboricultural officer.

Concern has been raised by the owner of 53 Northumberland Place regarding the potential impact of the proposal on a tree within their garden. The City Councils Arboricultural Officer does not consider this tree at risk by the development and therefore objection an objection on these grounds has not been raised.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

#### **8.11 Other Issues**



Objections have been received on the grounds of potential structural damage to adjacent buildings as a result of the works. A Structural Methodology Statement has been submitted to support the application. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter.

Although the objections to the potential disruption caused during construction are noted a construction management plan has been submitted to outline how construction disruption will be mitigated. The proposed management plan appears reasonable and it would not be sustainable to refuse the application on this ground. Any permission will be conditioned to abide by the construction management plan.

Building Control Officers have raised objections to the means of escape from the property, as permission would not be required for internal alterations and as these comments would be covered under a separate application for building regulations approval, it is not considered that refusal on these grounds could be sustained.

## **9. BACKGROUND PAPERS**

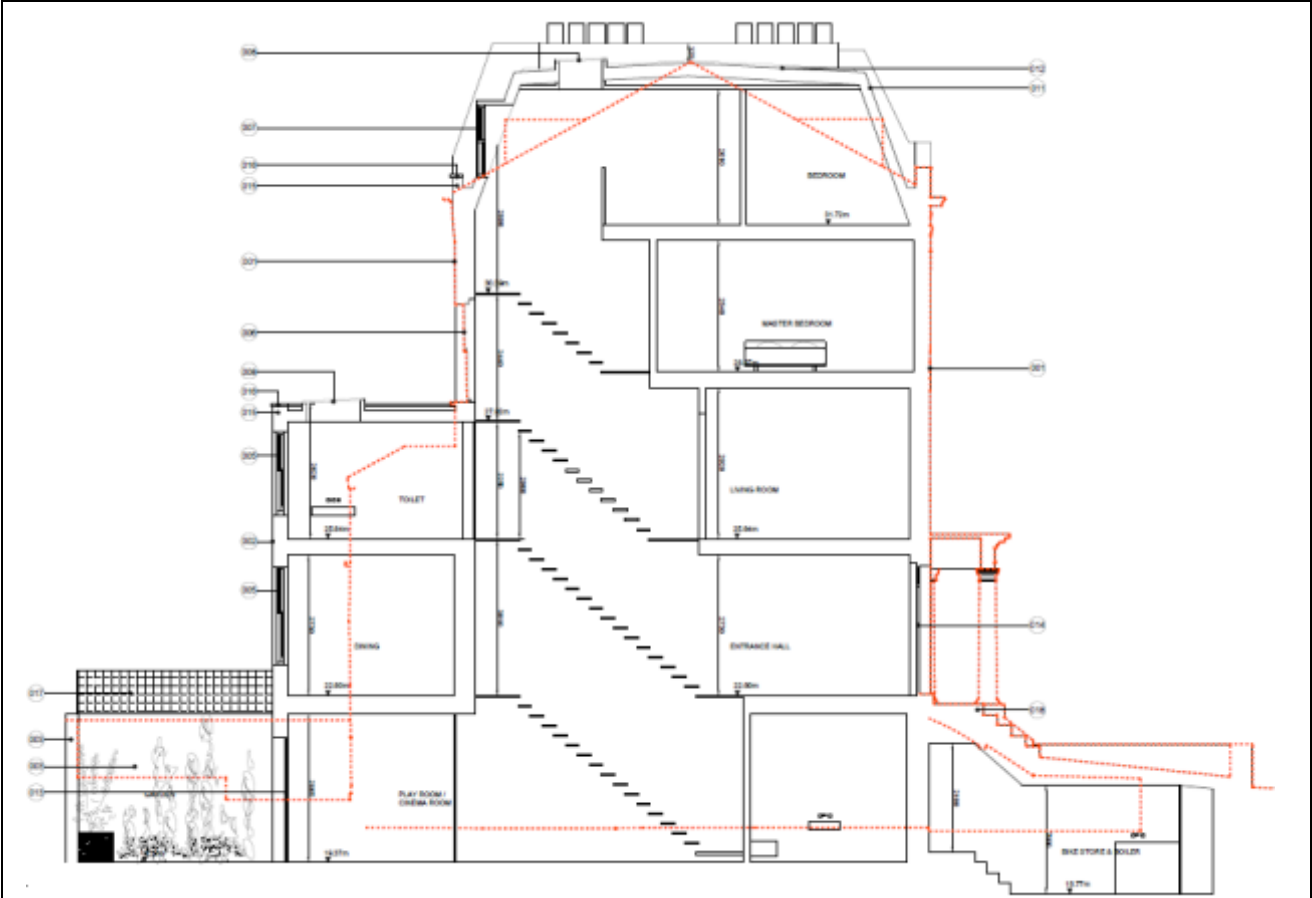
1. Application form
2. Response from Highways Planning - Development Planning, dated 2 December 2015
3. Memorandum and Email from Arboricultural officer dated 25 January 2016 and 3 February 2016
4. E-mail from Building Control dated 7 March 2016
5. Letter from Notting Hill East Neighbourhood Forum, dated 16 December 2015
6. Letter from occupier of 53 Northumberland Place, London, dated 17 December 2015 and 7 March 2016
7. Letter from occupier of 40 Sutherland Place, Sutherland Place, dated 17 December 2015
8. Letter from occupier of 37 Sutherland Place, London, dated 17 December 2015
9. Letter from occupier of 38 Sutherland Place, London, dated 17 December 2015
10. Letter from occupier of 54, Northumberland Place, dated 17 December 2015 and 21 January 2016
11. Letter from occupier of 51 Northumberland Place, London, dated 18 January 2016

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

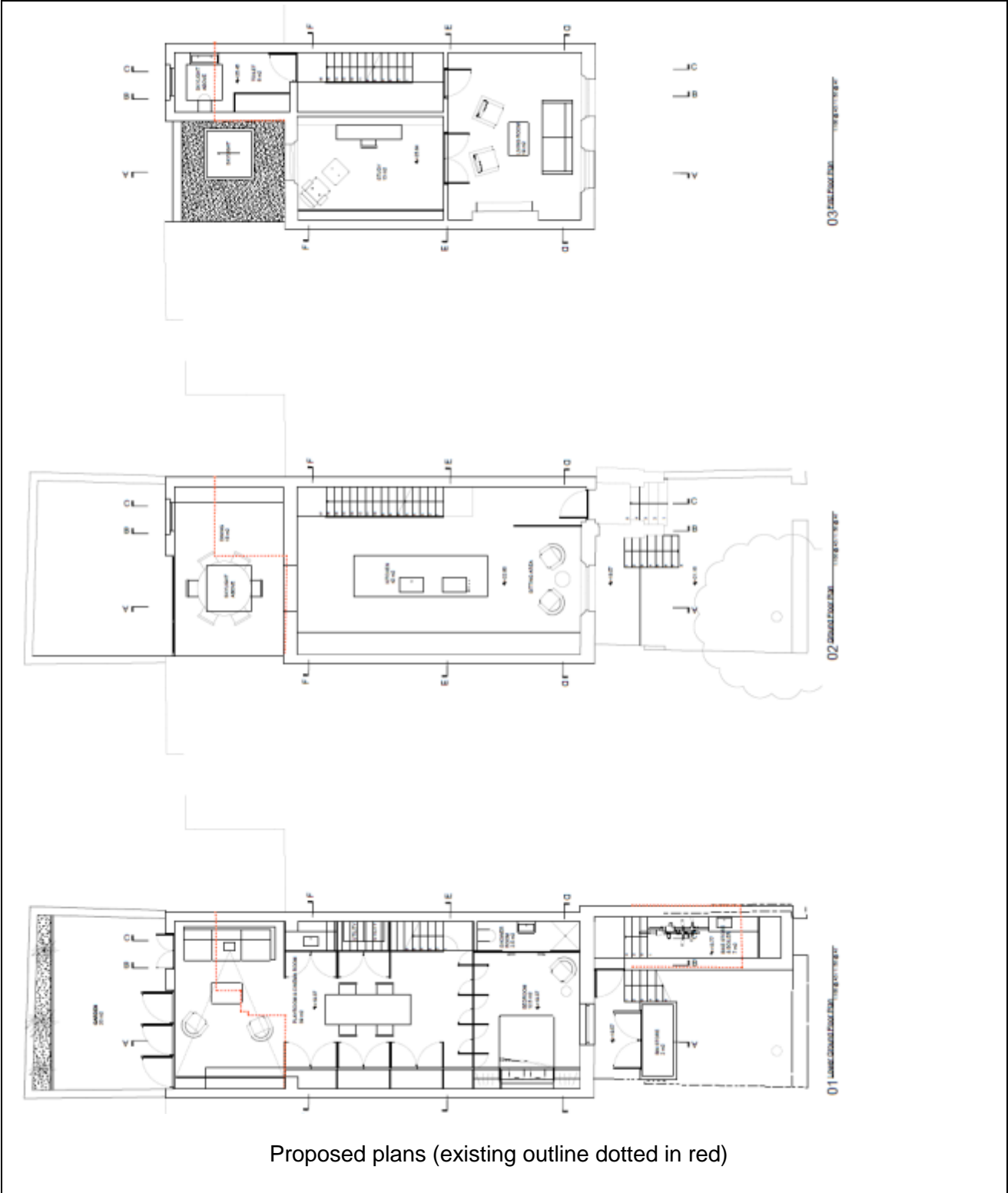
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RICHARD LANGSTON ON 020 7641 7923 OR BY EMAIL AT <a href="mailto:NorthPlanningTeam@westminster.gov.uk">NorthPlanningTeam@westminster.gov.uk</a>
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10. KEY DRAWINGS





Proposed section (existing outline dotted in red)



**DRAFT DECISION LETTER**

**Address:** 39 Sutherland Place, London, W2 5BZ,

**Proposal:** Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.

**Plan Nos:** Site location plan; 187100PP02; 187110PP02; 187111PP02; 187120PP02; 187121PP02; 187122PP02; 187123PP02; 187130PP02; 187310PP02; 187311PP02; 187320PP02; 187322PP02; 187210RevC; 187211RevC; 187220RevC; 187221RevC; 187222RevC; 187223RevC; 187230RevC; Design and Access Statement; Report on Trees by Gianni Botsford Architects; Construction Management Plan. For information only: Structural Methodology Statement by Tall consulting structural engineers.

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641 7923

**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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and
- \* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The mansard shall have natural slate cladding to its main front and rear pitches, lead to its secondary pitches and with lead cladding to the sides, cheeks and roofs of the dormers

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a samples of the following parts of the development:

- i) facing material to be used for the new treads and risers for the front entrance steps
- ii) the material to frame the new two storey glazed rear extension.

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 using the approved materials. (C26BC)

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new windows shall be formed in glazing and white painted timber framing

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not use the roof of the extensions for sitting out or for any other purpose. You can however use the roofs to escape in an emergency

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 9 You must plant a new tree(s) to replace the trees which you propose to remove. You must apply to us for our approval of the position, size and species of the replacement tree(s). You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 10 You must carry out the works in accordance with your submitted construction management plan dated 25.09.15.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.



**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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 You should be aware that your floor plans show an open plan ground floor. This would be unacceptable in terms of fire regulations. The basement staircase needs to exit into a protected enclosure in the ground storey which has a direct exit to the street.
- 3 Condition 8 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
  - \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);
  - \* any planned raising or lowering of existing ground levels; and
  - \* how any roots cut during the work will be treated.
- 4 The site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Sensitive tree pruning is likely to be required in order to protect some trees (Japes maple (1) and cherry (2)). You must make a separate section 211 notification at least six weeks

prior to carrying out any tree surgery. You are advised to obtain the permission of the owner of the cherry tree (4) prior to the submission of a section 211 notification for this tree.

- 5 If the boundary wall requires rebuilding, additional tree protection details will be required as part of condition 8.
- 6 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).