

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>12A Eaton Mews South, London, SW1W 9HP</b>		
<b>Proposal</b>	Demolition and replacement of the existing mews house, including a roof terrace on top and excavation works to create a single storey basement.		
<b>Agent</b>	Ms Kasia Freyer		
<b>On behalf of</b>	Mr & Mrs R & L Devlin		
<b>Registered Number</b>	16/06048/FULL	<b>Date amended/ completed</b>	8 September 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

12A Eaton Mews South is a three storey building with a roof terrace and appears to date from the 1960's. The proportions of the windows and doors to the front elevation are atypical of mews properties. Planning permission is sought for the partial demolition and replacement of the existing mews house, including excavation works to create a single storey basement and the re-provision of a terrace on the main roof.

The key issues in this case are:

- The impact of the proposals on the character and appearance of the Belgravia Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

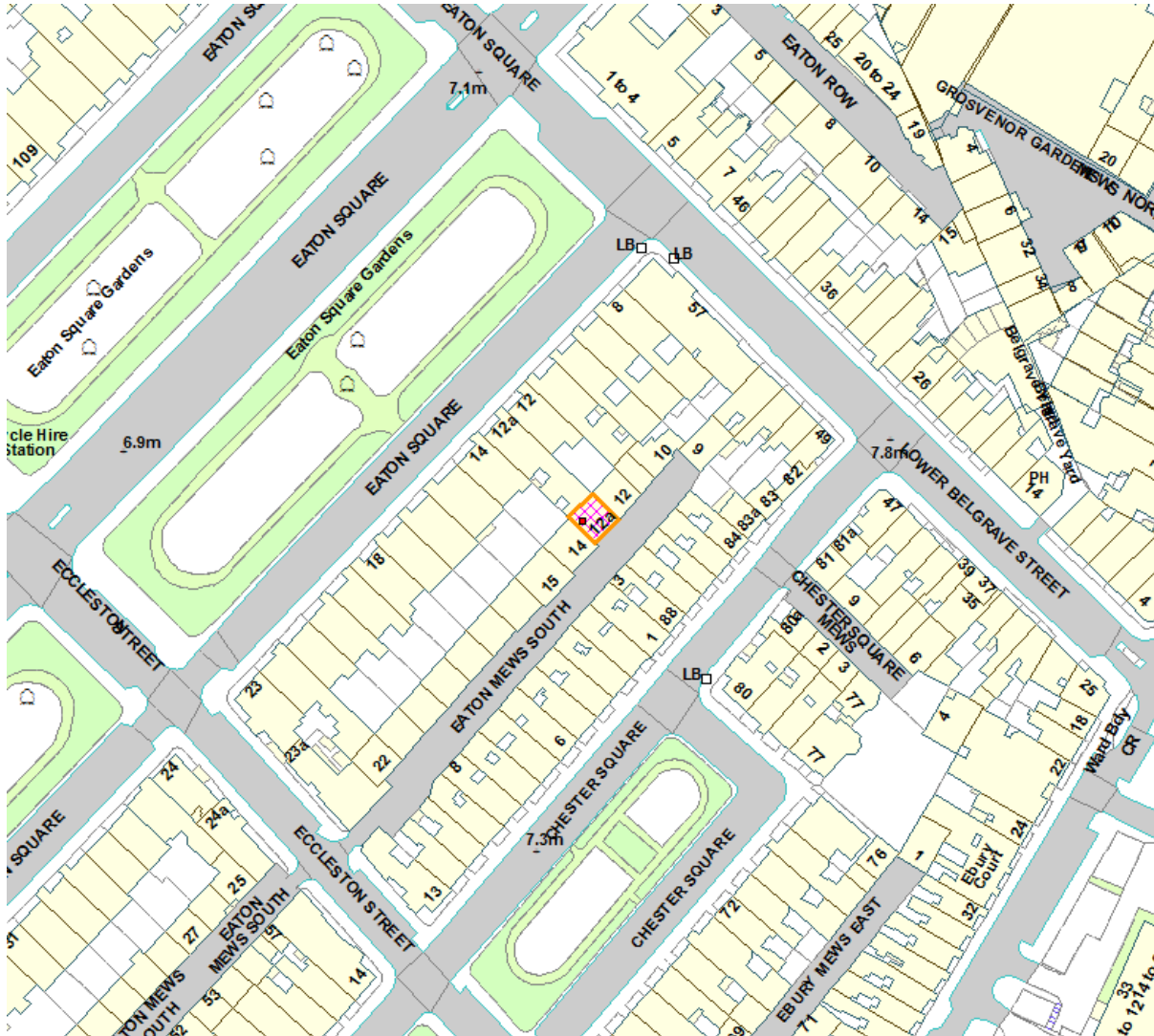
The proposals are considered acceptable in land use, amenity, design and conservation terms and

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comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) July 2016.
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

AMENITY SOCIETY (Belgravia Neighbourhood Forum):  
No response to date.

AMENITY SOCIETY (Belgravia Society):  
No response to date.

AMENITY SOCIETY (Belgravia Residents Association):  
No response to date.

HIGHWAYS PLANNING MANAGER:

Objection: loss of off-street residential car parking space, no cycle parking proposed, no waste store proposed.

BUILDING CONTROL:

No objection.

ENVIRONMENTAL HEALTH:

Objection: inadequate means of escape in case of fire.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

No. of objections: 3 raising some or all of the following concerns:

- Overlooking from the roof terrace;
- Disturbance from building work, including construction traffic and site access problems.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

12A Eaton Mews South is a three storey building with a roof terrace, and appears to date from the 1960's. The building is located within the Belgravia Conservation Area. It is not listed. The proportions of the windows and doors to the front elevation are atypical of mews properties within the conservation area. The application site includes an integral garage space, and adjacent to this is another garage space connected to 12A Eaton Square which is outside the application site. The upper floors of 12A Eaton Mews South fly over this separate garage.

### 6.2 Recent Relevant History

None

## **7. THE PROPOSAL**

Planning permission is sought for the demolition and replacement of the existing mews house, including excavation works to create a single storey basement and the re-provision of a roof terrace on top. The proposals have been amended during the course of the application to improve the front elevation by reducing the size, altering the position and design of the openings to front elevation and removing a roof level storage structure from the proposal.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing single family dwelling house would be replaced with a larger single family dwelling house. This results in additional habitable accommodation and is considered to be in accordance with policies H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land in residential use.

### **8.2 Townscape and Design**

The acceptability of demolition within a conservation area is dependent on the contribution the current building makes to the conservation area and what benefit the replacement building may have. In this case the existing mews building is of little architectural or historic significance, appearing to date from the 1960's. The proportions of the existing fenestration are uncharacteristic of mews properties.

The proposed new building is considered to enhance the character and appearance of the conservation area. The front elevation would be rebuilt with a rendered finish. The proposed fenestration takes cues from the front elevation of the neighbouring mews properties which incorporate traditional proportions and dimensions. Whilst the doors at first floor level would be slightly larger than those to neighbouring buildings, these would improve on the existing situation significantly. The rear elevation would be retained as existing but with replacement windows of a more traditional design, and this is considered acceptable also. It is recommended detailed drawings of the openings and railings are secured by condition to ensure an acceptable detailed design.

The existing roof is currently used as a roof terrace and includes an existing roof level structure which negatively impacts on the character and appearance of the building and conservation area. The replacement mews building would not include a roof level storage structure and this is welcomed. The re-provided roof terrace would be accessed through a raised sliding rooflight which would not rise higher than the parapet walls, and would therefore be discreet. The existing roof terrace is enclosed by fencing to the side and rear elevations which it is proposed to replace like for like but with a cut back from the front elevation to lessen its visibility from the mews. Whilst the entire removal of the fencing would enhance the character and appearance of the building and conservation area, the existing fencing has become lawful by virtue of the length of its existence. Therefore, opposing its replacement with a similar fence is considered unreasonable.

The proposed basement has no external manifestations and therefore has no impact on the character or appearance of the conservation area.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. The new building above ground floor would be no larger than the existing and the existing building includes a roof terrace. In these circumstances, the replacement building would have no noticeable impact on neighbours over the existing situation. The basement, once completed, would have no impact on the amenity enjoyed by neighbours. A condition recommending that the windows in the rear elevation be obscure glazed is recommended.

### 8.4 Transportation/Parking

Eaton Mews South is a private mews without footways and many of the properties along the mews still incorporate garages. The proposal results in the loss of an existing residential garage space which is contrary to UDP policy TRANS 23 which resists the loss of off-street residential car parking spaces, and as such has resulted in an objection from the Highway Planning Manager. However, the existing garage is an internal space which has not been controlled by any planning condition requiring its permanent retention as a garage for car parking, so it could be lost to use as a habitable room without planning permission. Therefore, it is considered unsustainable to refuse this planning application on the grounds of its loss.

The Highways Planning Manager has also objected on the grounds of insufficient cycle parking and waste storage areas. Given the proposal would not result in an additional residential unit, it is not considered sustainable to refuse the application on these grounds.

### 8.5 Economic Considerations

Not applicable.

### 8.6 Access

Access arrangements are unchanged by these proposals.

### 8.7 Other UDP/Westminster Policy Considerations

#### **Basement:**

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (adopted July 2016) as follows:

#### *Part A. 1-6*

Studies have been undertaken which advise that subterranean development in a dense urban environment is often a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF and Policy CM28.1.A of the City Plan seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. 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.

The construction methodology statement provided as part of the application has been reviewed by City Council's Building Control Surveyors who have raised no concern. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity.

The City Council adopted the Consolidated Version of the City Plan 13 July 2016 and the Code of Construction Practice (CoCP) on the 26 July 2016. This application was validated



19 July 2016 during a period when the CoCP part of the basement policy had yet to apply. Therefore, the applicant has not been required to confirm they will comply with the CoCP. As required at the time of validation, the applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the demolition, excavation and construction process. This is considered appropriate and reasonable at this stage. However, a condition is recommended to secure an up to date construction management plan prior to the commencement of works as the applicant has indicated the plan submitted maybe subject to change. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays.

*Part B:*

1 & 2) The basement would be retained underneath the footprint of the existing building and would not result in harm to trees.

3) The proposals do not include any details in relation to ventilation. However, no mechanical ventilation is proposed and the basement is modest in scale. An informative is recommended to advise the applicant that should they require mechanical ventilation; a separate application for planning permission will be required.

4 & 7) The basement would be retained underneath the footprint of the existing building and therefore would not have a significant impact in terms of sustainable urban drainage.

5 & 6) The proposals are considered to be discreet and would not negatively impact on the conservation area (see section 7.2 of this report).

*Part C*

1 & 2) The basement would not extend under any garden land.

3) Only a single storey basement is proposed which is considered acceptable.

*Part D:*

The basement does not extend under the highway.

## **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 Environmental Impact Assessment

The proposals are of insufficient scale to require an EIA.

### 8.12 Other Issues

#### **Means of Escape:**

Environmental Health objects to the proposals on the grounds that there is unsatisfactory means of escape in the event of fire. Planning permission deals with the use of land, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment. Building Regulations are concerned with how a building is constructed, including fire safety, and this would be separate to planning permission. The applicant has indicated that the concerns raised by the Environmental Health can be overcome by either a mist system with enhanced fire sensors and alarms, or a 'fire-curtain' alongside the stair. Neither option requires planning permission.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 17 August 2016
3. Response from Building Control, dated 19 August 2016
4. Response from Highway Planning Manager, dated 1 September 2016
5. Letter from occupier of 84 Chester Square, London, dated 10 August 2016
6. Letter from occupier of 84 Chester Square, London, dated 11 August 2016
7. Letter from occupier of 2 Chester Square, London, dated 15 August 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 THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

### 10. KEY DRAWINGS

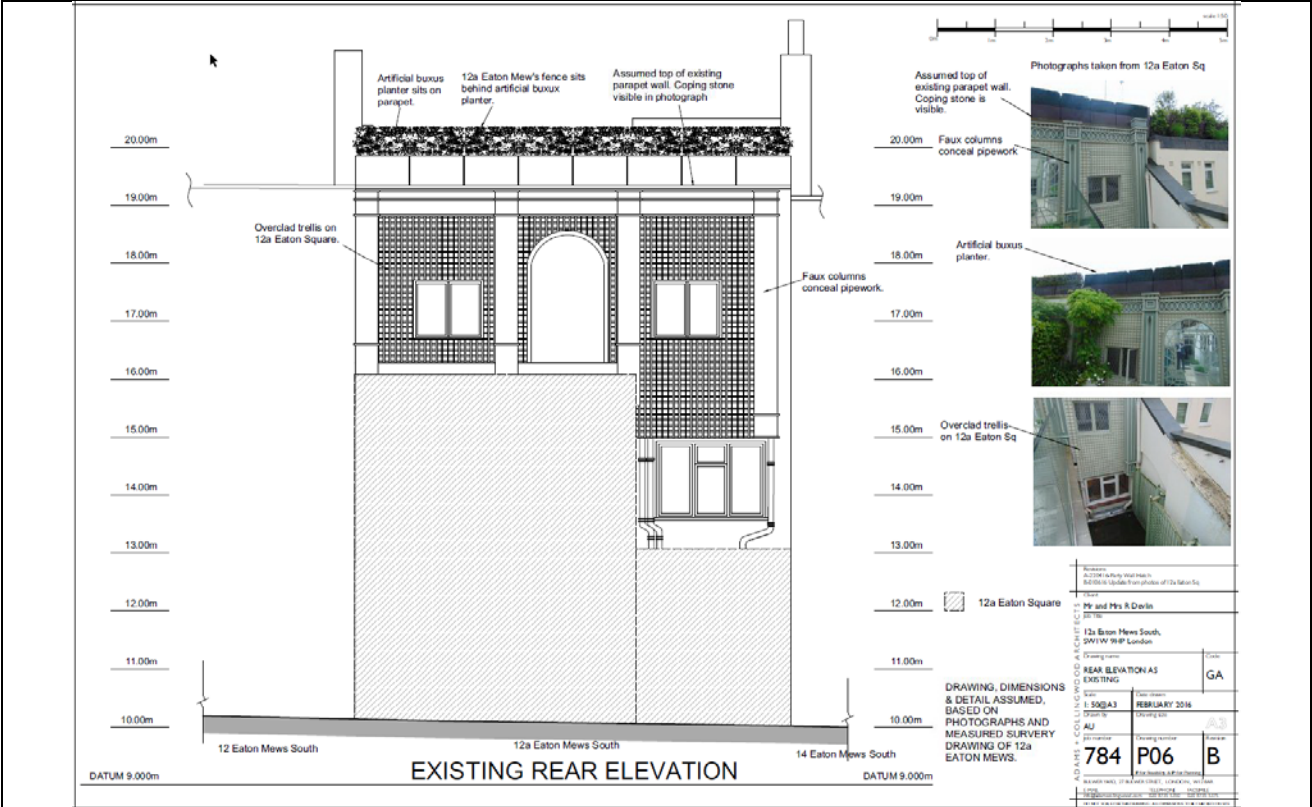


**Existing and Proposed Front Elevation**

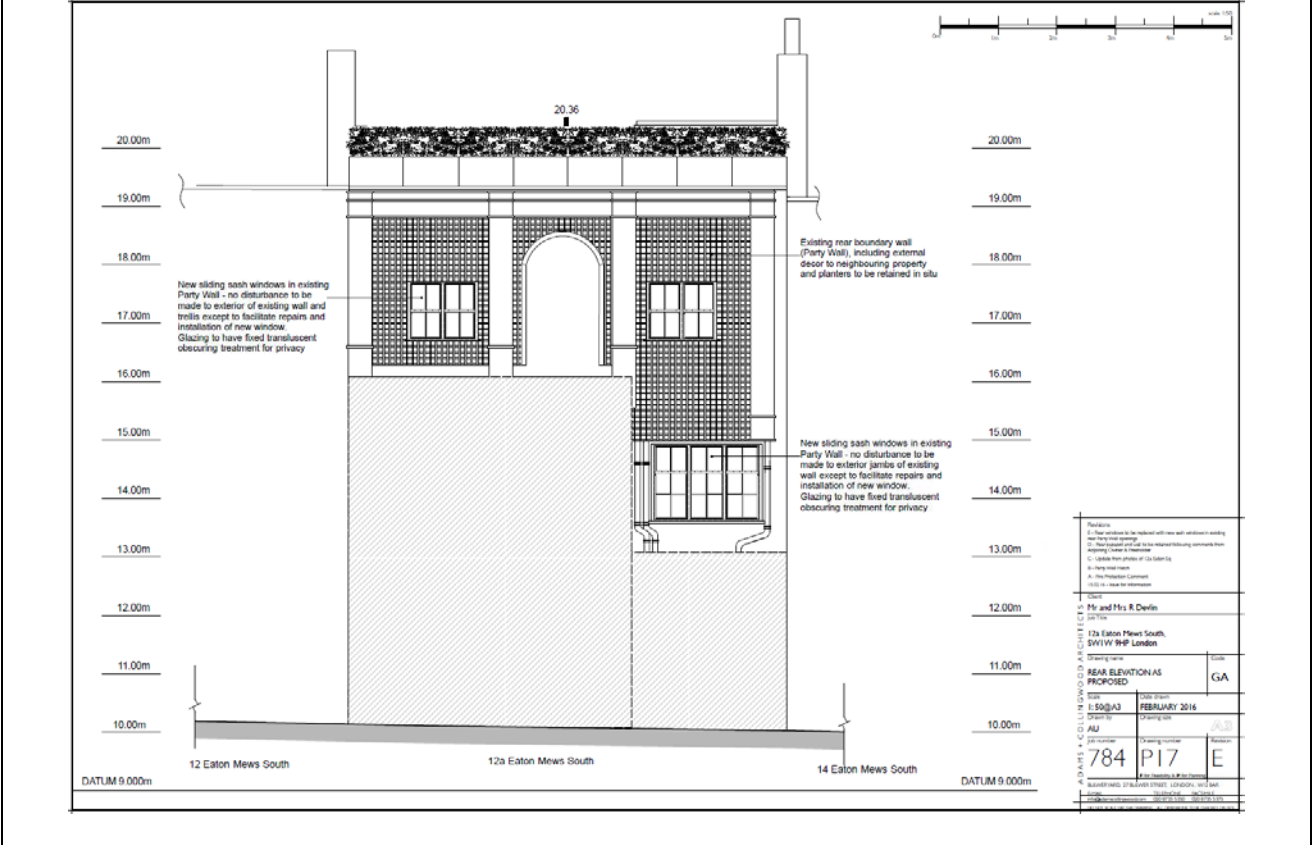


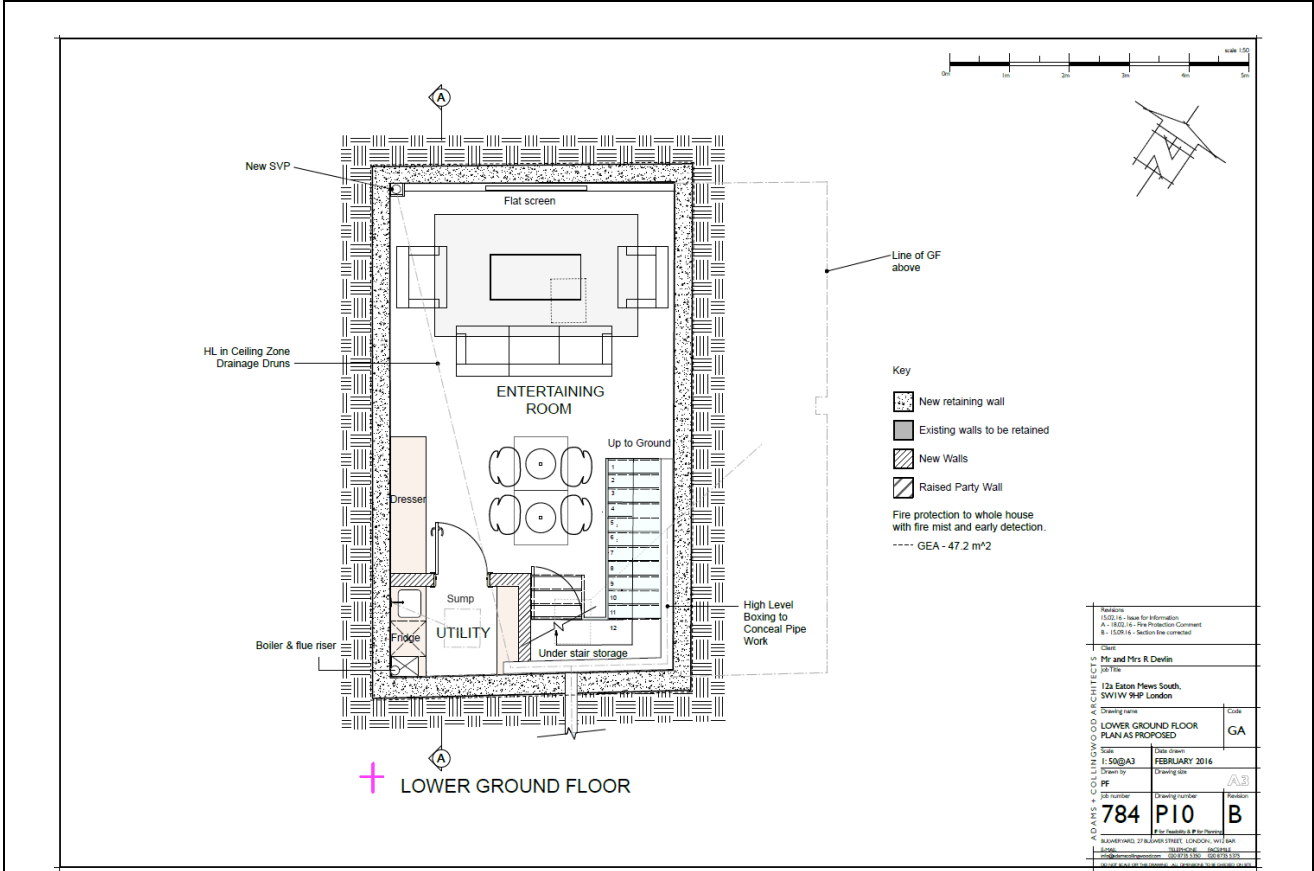


**Existing and Proposed Comparative Front Elevations**



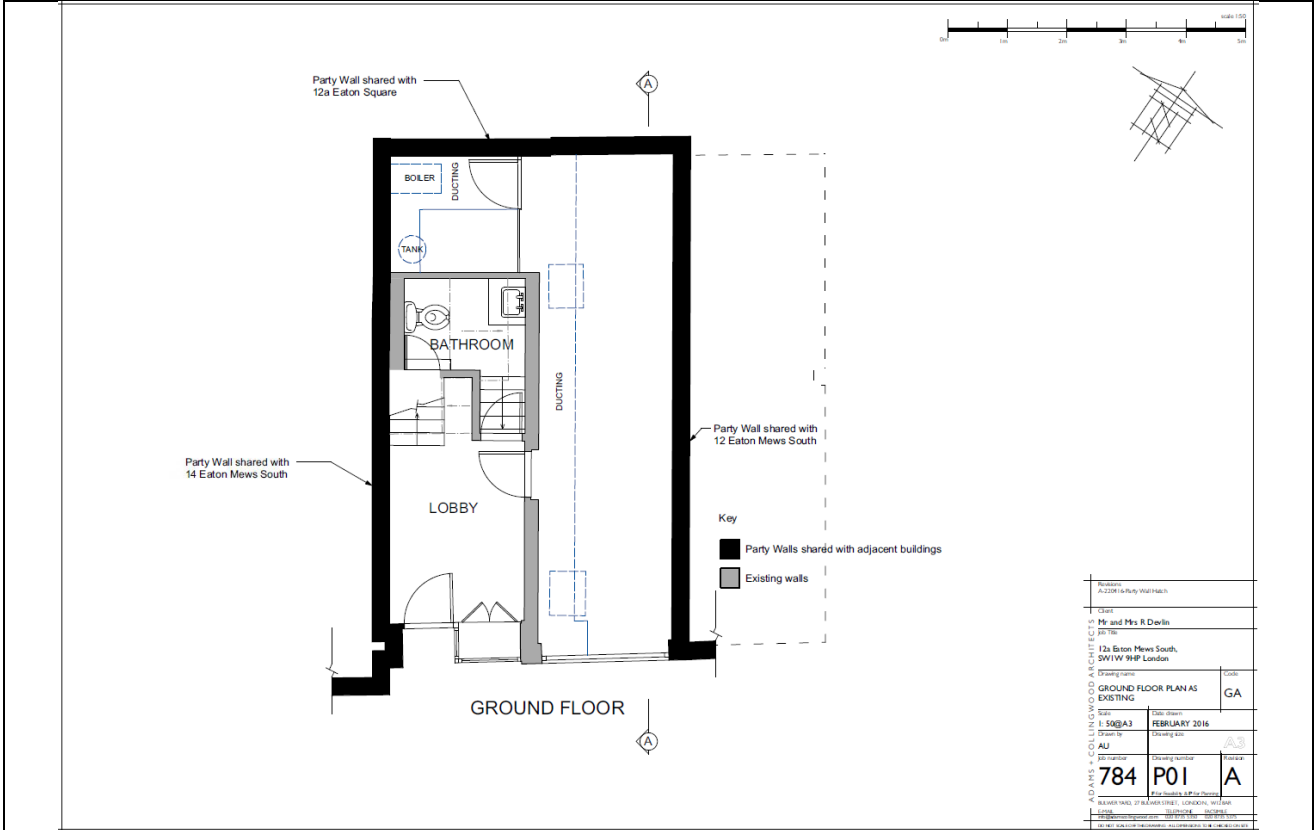
Existing and Proposed Rear Elevation



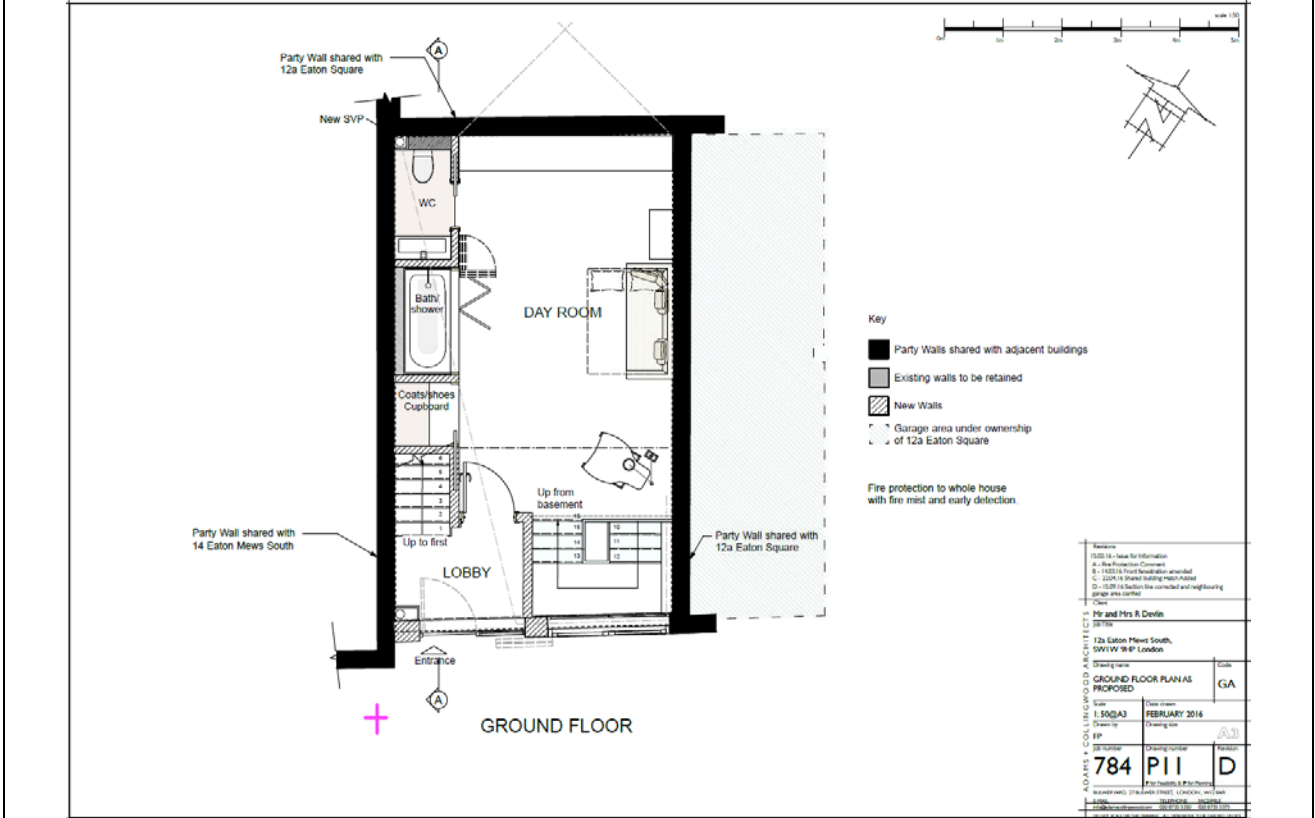


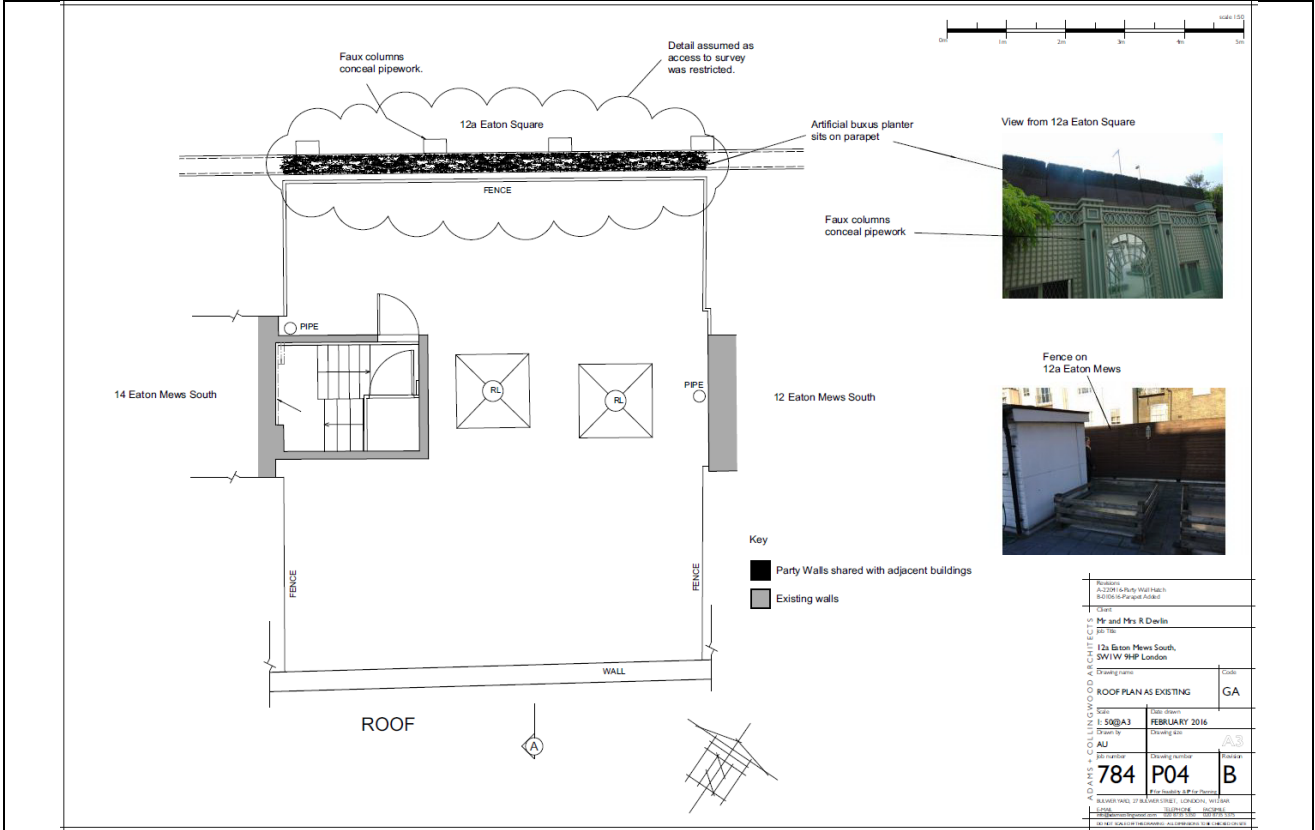
**Proposed Basement Floorplan**

Revision (001) to: Issue for information A - (002) to: Rev Protection Comment B - (003) to: Section line corrected	
Client Mr and Mrs R. Devlin	
Job Title 12a Eaton Mews South, SW1W 9HF London	
Drawing name <b>LOWER GROUND FLOOR          PLAN AS PROPOSED</b>	
Scale	Date drawn
1:50 @ A3	FEBRUARY 2016
Drawn by	Drawn by
PF	
Job number	Drawing number
<b>784</b>	<b>P10</b>
	Revision
	<b>B</b>
# for Details & P & P Details	
Prepared by: J. BARNES Checked by: J. BARNES Drawn by: J. BARNES	

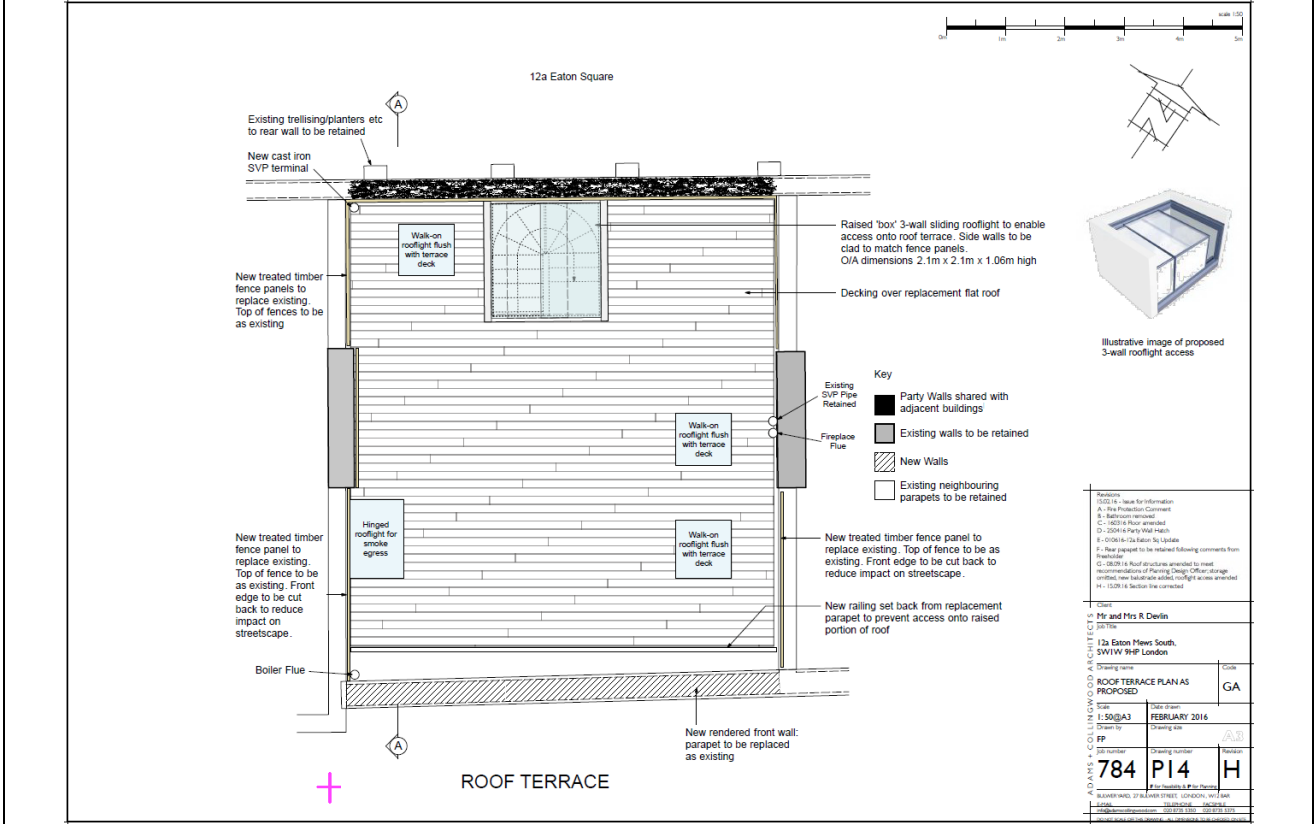


**Existing and Proposed Ground Floorplan**

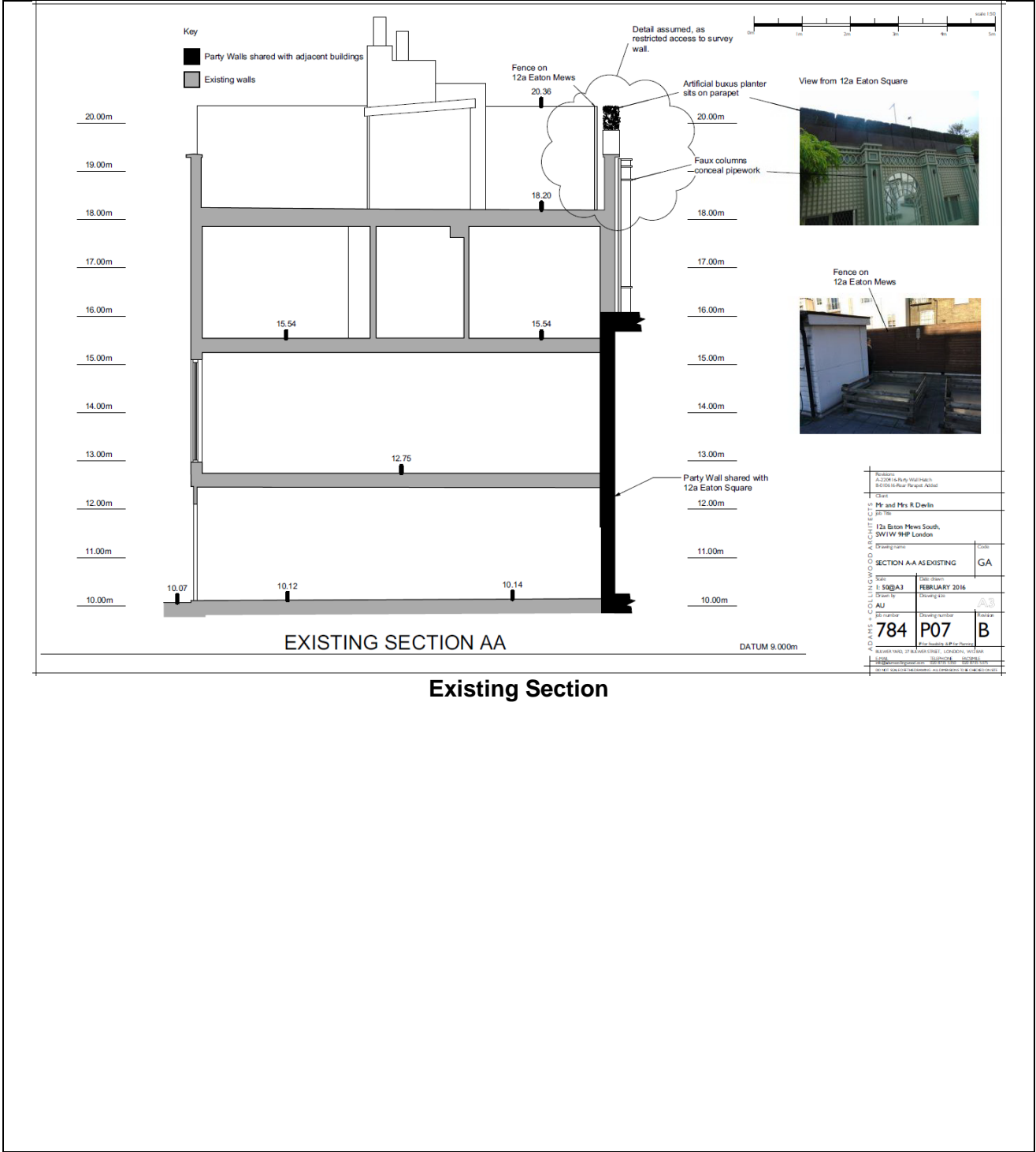




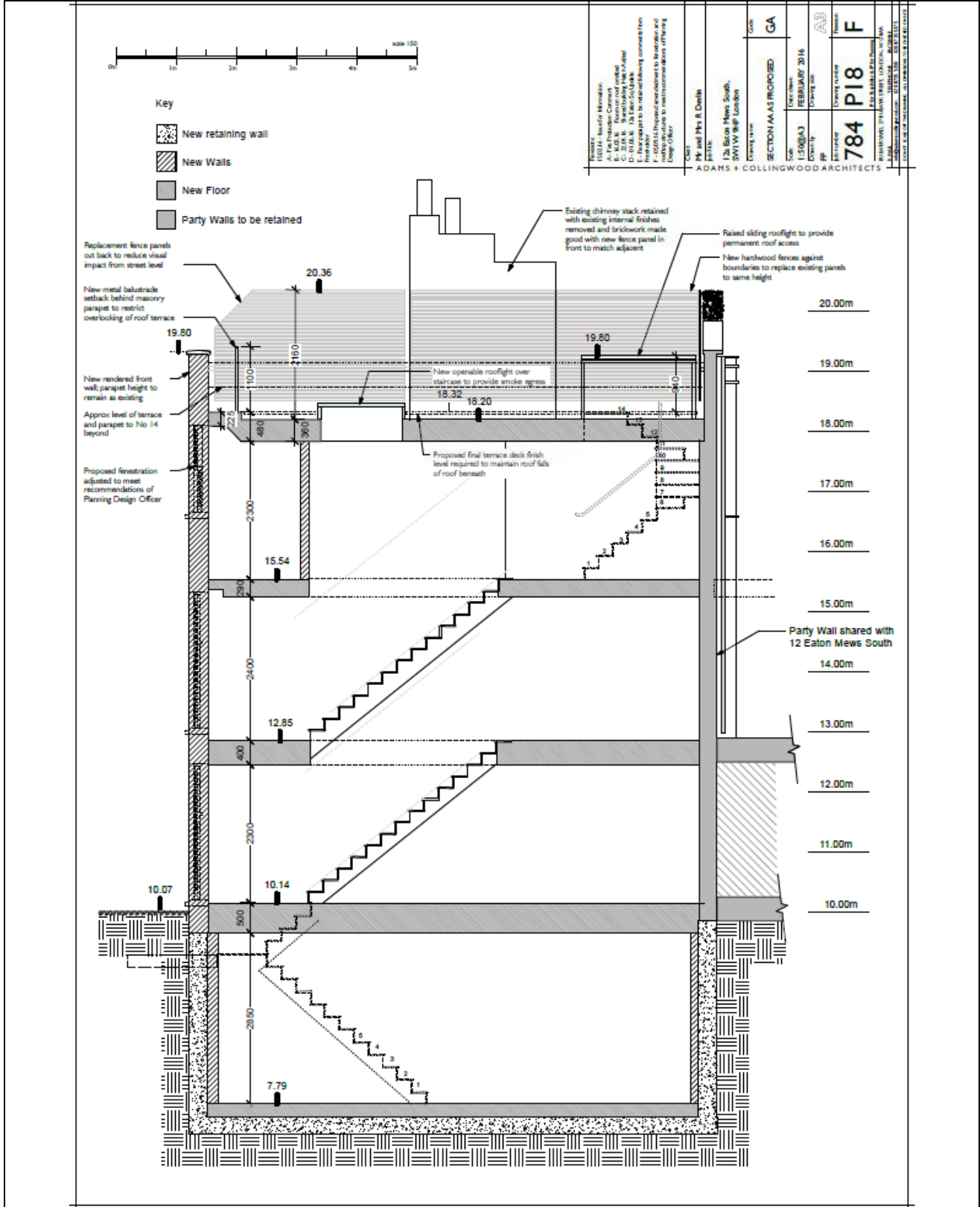
Existing and Proposed Roof Plans







**Existing Section**



**DRAFT DECISION LETTER**

**Address:** 12A Eaton Mews South, London, SW1W 9HP

**Proposal:** Demolition and replacement of the existing mews house, including a roof terrace on top and excavation works to create a single storey basement.

**Reference:** 16/06048/FULL

**Plan Nos:** Location Plan; Site Plan; P01 rev A; P02 rev B; P03 rev A; P04 rev B; P05 rev A; P06 rev B; P07 rev B; P10 rev B; P11 rev D; P12 rev H; P13 rev E; P14 rev H; P16 rev G; P17 rev E; P18 rev F; P21 rev A; Design and Access Statement (Adams + Collingwood Architects); Traffic Management Plan (Noble).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been

submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.  
(C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows, including terrace level access,
- ii) Doors, including garage doors,
- iii) Balustrades/ railings,

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 7 The glass that you put in the windows in the rear elevation of the mews house must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 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 (July 2016), 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 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).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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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.