

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 25 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Flat 2, Dudley Mansions, 17 Hanson Street, London, W1W 6TJ,		
Proposal	Erection of rear extension at lower ground floor level and excavation of new basement floor below new rear extension.		
Agent	Buildplans		
On behalf of	Mr Dan Bates		
Registered Number	16/01644/FULL	Date amended/ completed	24 February 2016
Date Application Received	24 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application seeks planning permission for the erection of a two storey rear extension at lower ground floor and basement levels.

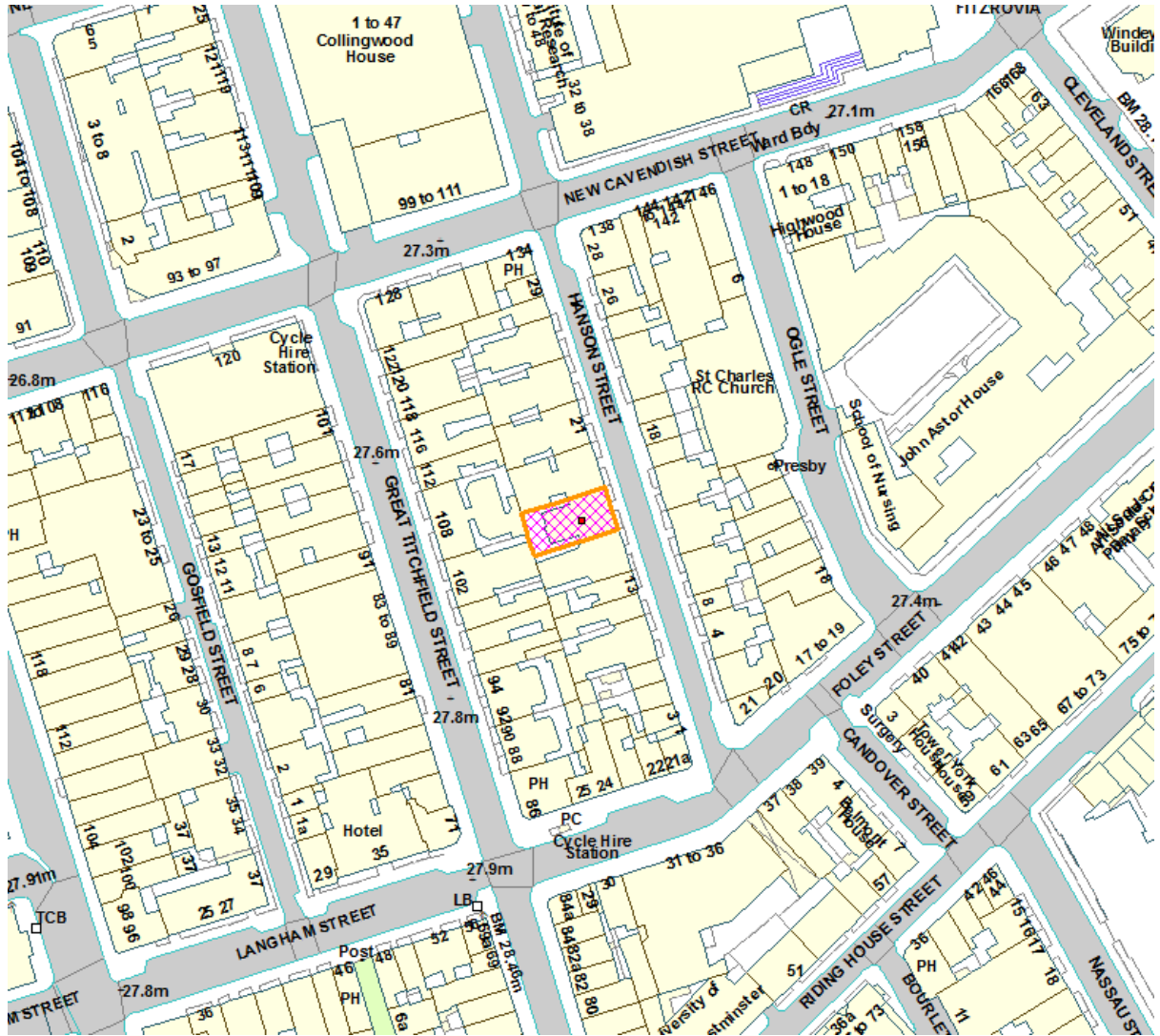
The key issues for consideration are:

- The impact of the extension on the amenity of neighbouring residential properties,
- The detailed design of the extension and its impact on the surrounding conservation area

Planning permission has previously been granted for a single storey rear extension in this location, and whilst the current application now includes a basement element, it would have little visibility and impact on the character and appearance of the conservation area and is acceptable on design grounds.

Whilst objections to the application have been received on amenity grounds, for the reasons set out in the main report, it is not considered that the additional storey would result in a material loss of amenity to adjoining neighbouring properties. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is subsequently recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear yard/area



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date

BUILDING CONTROL

No objection

HIGHWAYS PLANNING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 7

No. of objections: 7

Seven objections received covering some or all of the following grounds:

Amenity

- Loss of light
- Increased sense of enclosure
- Impact during construction

Design

- Impact on the Conservation Area

Highways

- Impact of construction traffic on the highway

Construction Issues

- Stability of the land
- Damage to the neighbouring buildings
- Proposed excavation/propping process
- Water accumulation during excavation
- Increased flood risk

Other

- Basements in principle
- Impact on house and rental prices
- Setting a precedent and overdevelopment
- Removal of a tree
- Difficulties in maintenance of the building
- Loss of garden land
- Loss of views

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property is an unlisted building within the East Marylebone Conservation Area. It is outside of the Core CAZ but within the Marylebone and Fitzrovia area of the wider CAZ. The property consists of lower ground, ground and first fourth floors which are all in use as residential flats.

6.2 Recent Relevant History

Planning permission was granted on 01 July 2014 (Reference: 14/01824/FULL) for the erection of a single storey rear extension at lower ground floor level.

7. THE PROPOSAL

Permission is sought for excavation at basement level and the erection of a two storey rear extension at lower ground floor and basement levels. The size of the basement has been reduced during the course of the application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The increase in residential floorspace (43m²) is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The application site forms part of an attractive red brick mansion block located within the East Marylebone Conservation Area. The proposed extension above ground level is of the same size and detail as that which was previously permitted in this location and therefore the objection on the grounds that the proposal is an overdevelopment is not supported. It is single storey and is located in an enclosed courtyard at the rear of the building which is surrounded by high walls and where it would have little visibility and impact on the character and appearance of the conservation area, although it will be visible in private views from other flats.

It is to be constructed of stock brick with timber windows/doors with brick arches above to the same detail as that previously permitted and subject to using materials to match existing rear elevation, is therefore acceptable on design grounds.

The basement extension will introduce some elements not previously permitted including a new lightwell. This is acceptable subject to the railing being in metal painted black. The roof light has been reduced in size and will be obscure glazed. As such, this would also have relatively little impact on the character and appearance of the conservation area and the proposals are acceptable in design/conservation terms and the objection on the grounds of the proposal being unsuitable for the conservation area is not supported.

8.3 Residential Amenity

UDP Policy ENV13 aims to maintain and where possible improve the quality of life for residents, workers and visitors to Westminster. Policy S29 of the City Plan states that the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.

Sunlight and Daylight

Three objections on the grounds of a loss of light have been received from surrounding residents at 19 and 15 Hanson Street, the properties either side of the application site. The objectors state that the proposed extension will block daylight and sunlight to the neighbouring properties.

Whilst two habitable windows in 15 Hanson Street face onto the proposed extension, the extension is set back from the boundary with the adjoining building by some 4.4m and is immediately in front of a high parapet wall on the boundary with 19 Hanson Street. On this basis, it is not considered that the proposal would result in any material daylight losses to the adjoining building. The extension also lies in the same location as the extension approved in 2014, which can still lawfully be constructed.

The two windows which may be affected at no. 15 Hanson Street are north facing so are unlikely to be affected by any loss of sunlight. As a result, it is not considered that the proposal could be refused on the grounds of loss of sunlight and daylight.

Sense of Enclosure

One objection was received on the grounds that the proposal would result in an increased sense of enclosure from the residents of Flat 1, on the lower ground floor of 17 Hanson Street.

As set out above, following the permission granted in 2014 the principle of the ground floor element of the proposal is already established and the ground floor element of the proposed extension is identical to that previously permitted. The extension does not extend the full width of the rear courtyard and would not be visible from the rear facing windows of the lower ground floor objector's flat in 17 Hanson Street. Given the set-backs set out above, there would also be no noticeable increase in sense of enclosure from side facing windows in 15 Hanson Street. As a result it is not considered that the proposal could be refused on these grounds.

Loss of Garden Land

One objection has been received from a resident of 21 Hanson Street on the grounds that the proposal will result in the loss of garden land. While it is recognised that there will be a loss of the area to the rear of the property, this is an entirely hard surfaced area and therefore it would be unreasonable to refuse the application on these grounds, particularly as the permission granted in 2014 already established the principle of the loss of this area.

In light of the above, the application is acceptable in amenity terms and complies with Policies ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised no objection. As the proposal does not represent an increase in residential units, car parking and cycle parking are not required to be provided.

One objection was raised by a resident of 21 Hanson Street on the grounds of the impact of construction traffic on the highway. The objector states that Hanson Street is a narrow residential high density street and that construction vehicles will cause nuisance and block access. A condition will be applied requiring the applicant to submit a construction management plan to be approved by the Council. Details of how vehicles for the site will load/unload etc. are required to be provided through this document. As a result, it would be unreasonable to refuse permission on these grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Basement Development

Three objections have been received from nearby residents raising concern about the impact of the proposed basement works on ground stability, structural integrity of the surrounding buildings and the suitability of the proposed excavation and propping methods.

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 (NPPF) 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. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is 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.

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 advises that planning decisions should 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.

The application has been assessed against Policy CM28.1 of the City Plan. To address the policy requirements, the applicant has provided a structural method statement 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.

Building Control have assessed the report provided and consider that, the proposed construction methodology 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. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The proposed basement is largely compliant with the new basement policy which requires the provision of a satisfactory landscaping scheme incorporating permeable surfacing as appropriate; use of the most energy efficient means of ventilation, and lighting, involving the lowest carbon emission, incorporation of sustainable urban drainage measures to reduce peak rate of run-off and protect the character and appearance of the existing building. As the entire site is covered by buildings and impermeable surfaces, and given the nature of the proposed development, it is not considered appropriate to require the incorporation of landscaping proposals or sustainable urban drainage measures.

An objection was received regarding the removal of a tree to make way for the extension. No tree is on the drawings submitted to the Council and there was not one currently in situ. While historic photographs held by the Council show a tall shrub in the yard as recently as July 2014, this was not subject to a tree preservation order and appears to have been too small to have required notification to the Council for its removal under Conservation Area legislation. As a result, this part of the objection cannot be upheld.

One objection has been received to the principle of basements and to the setting of a precedent for further basements within the area. However, as the Council now has an adopted basement policy, which assesses the suitability of basements, and which this application has been assessed against, it is not considered that this objection can be

upheld. The proposed basement has also been reduced in size so that it covers less than 50% of the yard area in compliance with Policy CM28.1.

As the application was submitted prior to the adoption of the revised City Plan and new arrangements relating to the Code of Construction Practice, in this instance a construction management plan will be required by condition.

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

Not applicable

8.12 Other Issues

Construction impact

Five objections were received on the grounds of the impact on nearby residents during construction. Whilst sympathetic to objector's concerns, they do not form a basis for the refusal of planning permission. However, the City Council will seek to reduce the impact of building works through mitigation measures. These can, however, only limit disruption and inconvenience and not eliminate it entirely. Conditions are included to control the hours of building works and for a construction management plan.

Other Planning Considerations

Objections have been received on the grounds that the proposal would block views, affect house and rental prices and create difficulties for building maintenance. Responsibility of maintenance of the building would fall to the free holders and lease holders and the other concerns raised are not planning matters.

9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning, dated 29 March 2016
3. Response from Building Control, dated 29 September 2016
4. Letter from occupier of 19 Hanson Street, dated 20 March 2016
5. Letter from occupier of Flat 6, 19 Hanson Street (Seymour House), dated 20 March 2016
6. Letter from occupier of 1, Dudley Mansions, 17 Hanson Street, dated 20 April 2016

7. Letter from occupier of 21 Hanson Street, London, dated 9 April 2016
8. Letter from occupier of Flat 4, 15 Hanson St, dated 24 March 2016
9. Letter from occupier of 19 Hanson Street, London, dated 24 March 2016
10. Letter from occupier of 4 Dudley Mansions, 17 Hanson Street, dated 23 March 2016

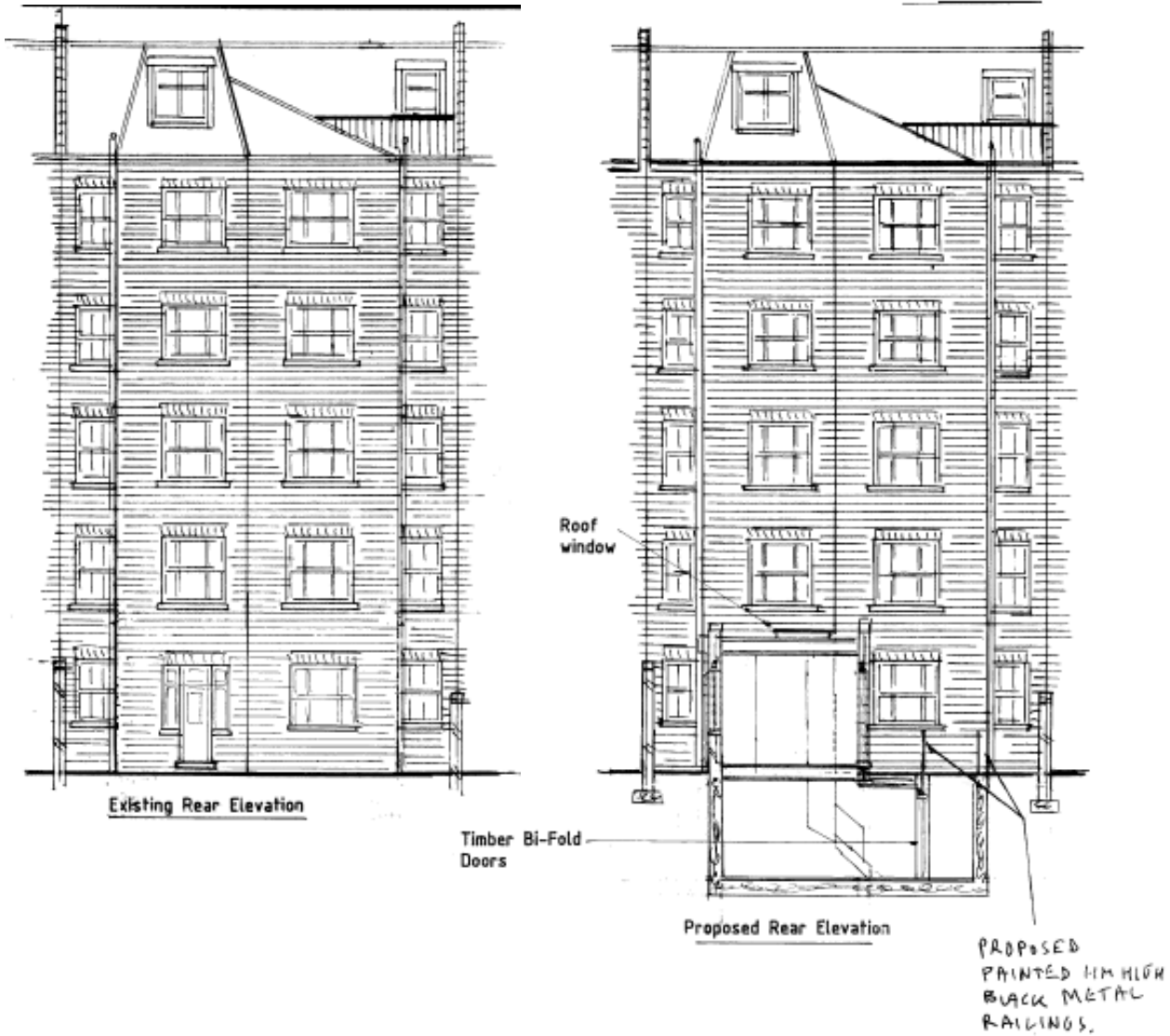
Selected relevant drawings

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

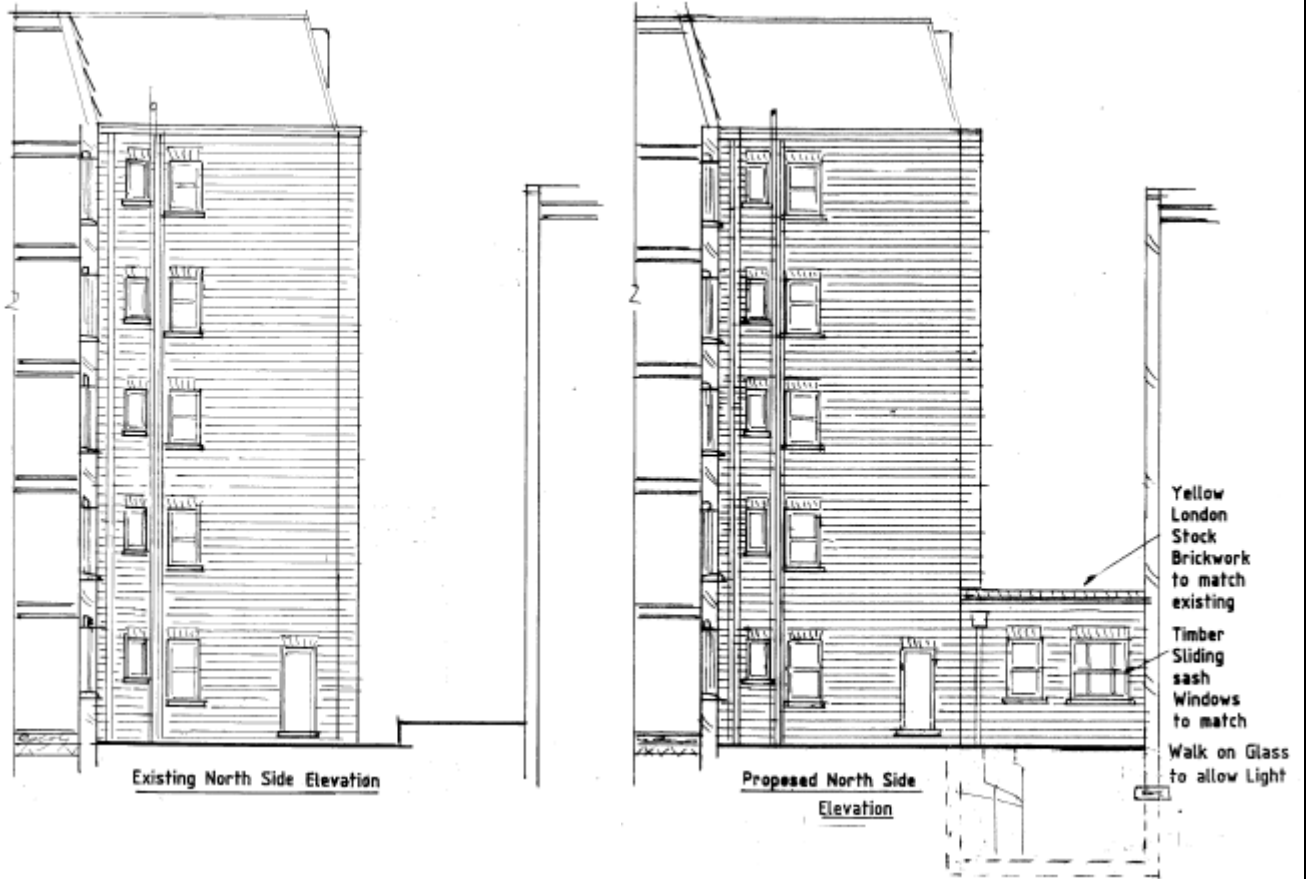
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: Jo Palmer BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

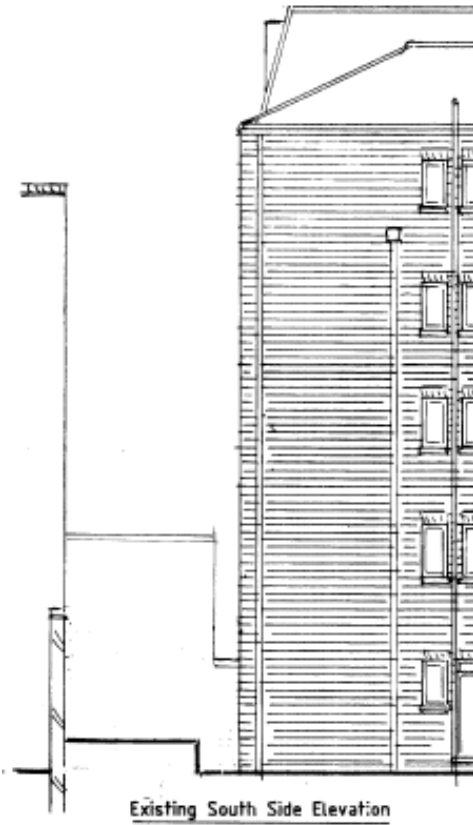
Existing and Proposed Rear Elevation



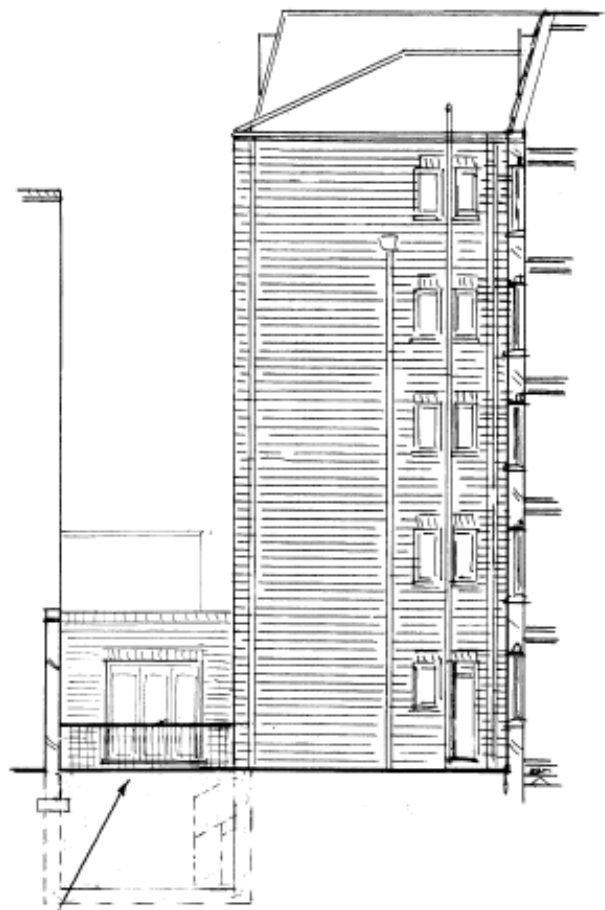
Existing and Proposed North Side Elevation



Existing and Proposed South Side Elevations



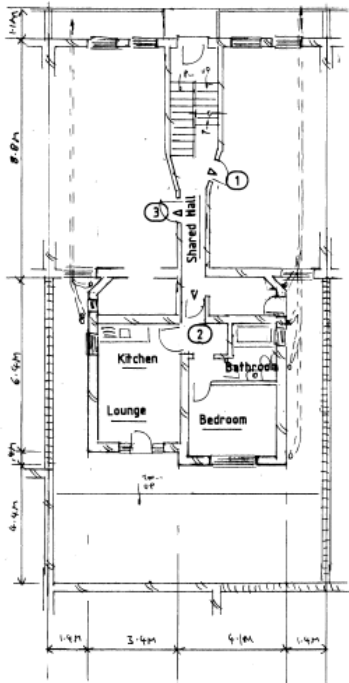
Existing South Side Elevation



Proposed South Side Elevation

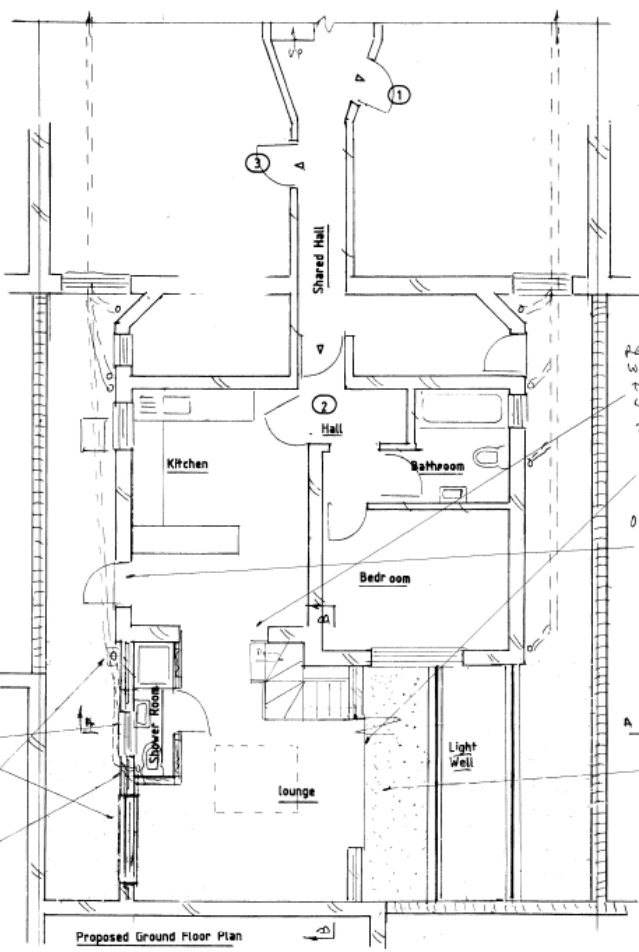
PROPOSED
PAINTED 1M HIGH
BLACK METAL
RAILINGS.

Existing and Proposed Lower Ground Floor Plans



Existing Ground Floor & Site Plan

- BR 1.6M X 1.6M HIGH WINDOWS WITH CAT NICK CAT7A CABLES OVER
- 1M HIGH 100mm DIAMETER STUB STACK & ROOFABLE GUNGBOM TO EXISTING 1M DEEP MAN HOLE VIA 100mm DIA FLEXI-JOINT PIPE



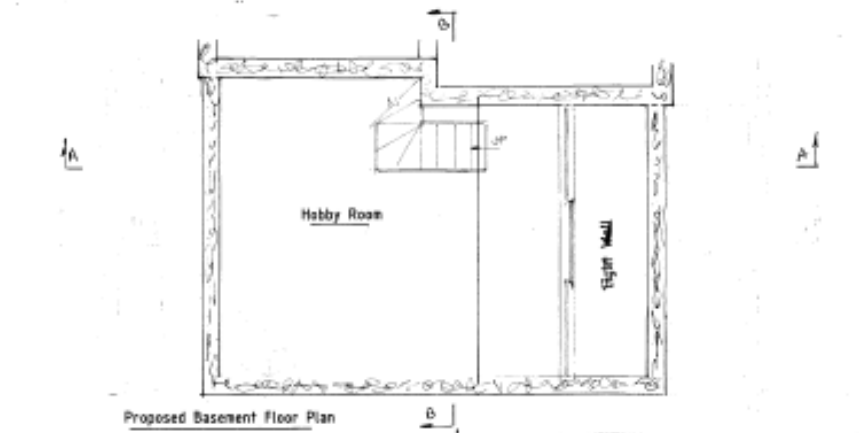
REMOVE EXISTING DOOR WINDOW & BRICK WORK TO GILL & RETAIN EXISTING CABLES.

2.5 X 2.5M HIGH 81-COLD DOORS WITH CAT NICK CAT7A CABLES OVER

0.8 X 2M HIGH DOOR WITH 203 X 203mm X 46 Kg/m² U.C OVER

Walk on Obscured Glass

Proposed Basement Floor Plan



DRAFT DECISION LETTER

Address: Flat 2, Dudley Mansions, 17 Hanson Street, London, W1W 6TJ,

Proposal: Erection of rear extension at lower ground floor level and excavation of new basement floor below new rear extension.

Reference: 16/01644/FULL

Plan Nos: 4467/1c ; 4467/2c

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 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 East Marylebone 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)

- 4 **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 STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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 All new windows and doors shall be formed in painted timber

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 East Marylebone 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)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 East Marylebone 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)

- 8 New railings around the basement lightwell shall be made of metal and painted black.

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 East Marylebone 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)

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 or visit 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.

- 4 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)