

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>31 Hyde Park Gardens Mews, London, W2 2NX,</b>		
<b>Proposal</b>	Demolition of the existing two storey building and erection of a new three storey building and excavation of basement to create two residential dwellings.		
<b>Agent</b>	Mr R W Stevens		
<b>On behalf of</b>	Camal Architects		
<b>Registered Number</b>	16/06420/FULL	<b>Date amended/ completed</b>	25 July 2016
<b>Date Application Received</b>	7 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Refuse permission – on design and sub-standard residential accommodation grounds.

## 2. SUMMARY

The application site comprises an unlisted two storey mews property at the corner of Hyde Park Gardens Mews and Sussex Place, which is located within the Bayswater Conservation Area.

Permission is sought for the demolition of the existing two storey building and erection of a new three storey building and excavation of basement floor to create two residential dwellinghouses (Class C3).

Objection has been received to the proposed development from 8 neighbouring residents on a range of land use, design, amenity and highways grounds.

The key issues in this case are:

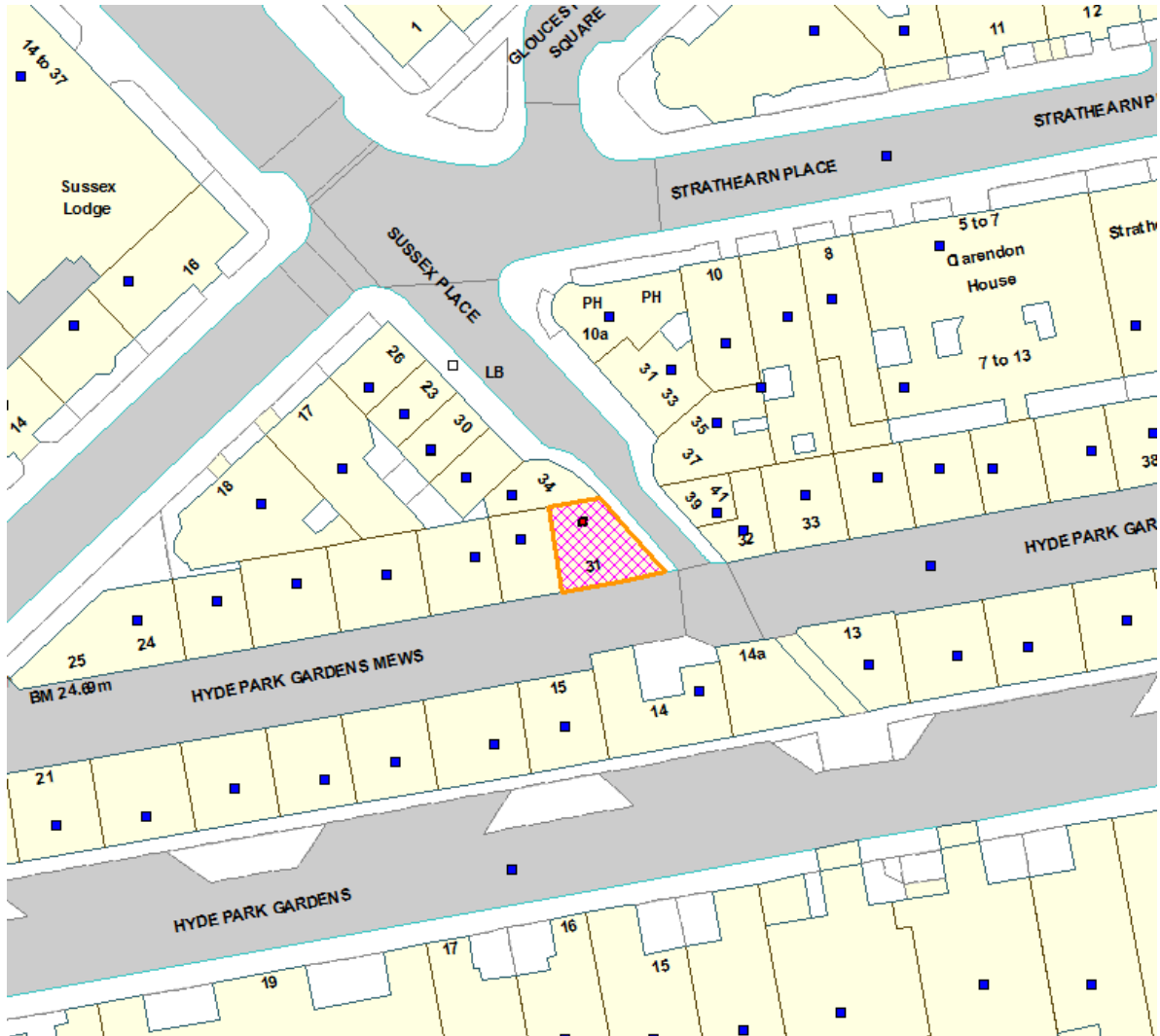
- The acceptability of providing two dwellinghouses on the site in land use terms.
- The standard of residential accommodation that would be provided.
- The impact of the proposed development on the character and appearance of the Bayswater Conservation Area.
- The impact of the proposed development on the amenity of neighbouring occupiers

Item No.
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The proposed development is considered to be unacceptable in design terms and would be contrary to Policies DES1, DES4, DES7 and DES9 in the Unitary Development Plan (UDP) and Policies S25 and S28 in Westminster's City Plan (the City Plan).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of both street elevations of application site from Hyde Park Gardens Mews.

## 5. CONSULTATIONS

WARD COUNCILLORS (HYDE PARK)  
Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION  
Any response to be reported verbally.

BUILDING CONTROL  
Any response to be reported verbally.

CLEANSING MANAGER  
No objection.

HIGHWAYS PLANNING MANAGER  
Acceptable on transportation grounds.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED  
No. Consulted: 15.  
Total No. of replies: 9 (two from one objector).  
No. of objections: 9.  
No. in support: 0.

Nine emails/ letters received from eight objectors raising objection on all or some of the following grounds:

Land use:

- Increased density unacceptable.

Design/ Conservation:

- Division of site into two properties out of character in the mews.
- Proposed design is not in keeping with the mews.
- New builds would not be in keeping with the character of the mews.

Amenity:

- Already suffer from disruption from other developments on the street.
- Additional storey will reduce light to neighbouring properties.

Highways/ Parking:

- Omission of garage in proposed development would cause increased pressure for on-street parking and illegal parking.
- Hoardings may block access to neighbouring garages.
- Demolition and construction will have a significant impact on neighbouring properties, including a temporary reduction in on-street parking and dust and noise disruptions.

Other Matters:

- Property has been used for short term lets for many years which causes a disturbance to neighbouring residents. Any planning permission which is granted should include a condition preventing this.
- Would restrict pedestrian access to and from Paddington Station and other access routes.
- Did not receive consultation letter.
- Property featured in a 1941 film and is therefore of important historical value.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a two storey mews house at the corner of Hyde Park Gardens Mews and Sussex Place, within the Bayswater Conservation Area. The building is not listed and its lawful use is as a single dwellinghouse (Class C3).

### **6.2 Recent Relevant History**

7 October 2014 – Planning permission granted for the excavation of a new basement extension, erection of a second floor mansard roof extension and associated external alterations (RN: 14/01827/FULL). This permission is still extant but has not been implemented.

## **7. THE PROPOSAL**

Planning permission is sought for the demolition of the existing two storey building and the erection of a three storey replacement building comprising two sheer storeys and a mansard roof storey at second floor level. Below ground level it is proposed to excavate to form a single basement floor in addition to the above ground accommodation.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms, the proposal would provide an extra unit of accommodation, which accords with H3 in the UDP and S13 and S14 in the City Plan. Policy H5 in the UDP supports the provision of larger residential units with 3 or more bedrooms and. As one of the two units proposed would provide four bedrooms, it is considered that the proposal would be compliant Policy H5 in terms of the mix of units proposed.

In terms of the size (floorspace) of the proposed residential units, 'bedroom 1' of the smaller dwellinghouse on the east side of the development would fall marginally below the minimum size for bedrooms as set out in the Nationally Described Space Standards, as it has a floor area of 5.2m<sup>2</sup> which is below the floor area specified in the space standards for single bedrooms of 7.5m<sup>2</sup>. However, as the overall size of the two bedroom dwellinghouse would be 86m<sup>2</sup>, which is above the minimum requirement for a two bedroom house in the Nationally Described Space Standards, and as 'bedroom 1' could

be combined with the en-suite adjacent to it to provide a second bedroom that would be compliant with the Nationally Described Space Standards, it is not considered that permission could reasonably be withheld on this ground.

However, whilst the overall size of the two proposed dwellinghouses is acceptable, the standard of residential accommodation they would provide for future occupiers is not acceptable. This is because the layouts proposed would provide the kitchens and dining rooms at basement level where they would receive very little natural light from the very narrow lightwells to the two street facades of the building. These habitable rooms are likely to be heavily used by future occupiers and their location at basement level in what will be a poorly lit part of the proposed development is inappropriate and would be contrary to Policy ENV13 in the UDP, Policy S29 in the City Plan, Policy 3.5 in the London Plan (2015 – as amended) and the guidance in the Mayor's 'Housing' SPD (2016).

Objections have been received regarding the increased density of the units. However, given the overall size of the accommodation proposed is compliant with the Nationally Described Space standards and as the external envelope of the proposed building above ground level is no larger than previously approved, it is not considered that this is a ground on which permission could be withheld.

## **8.2 Townscape and Design**

### **8.2.1 Demolition of Existing Building**

The existing building is a two storey mews property with painted brickwork facing, projecting parapet feature and a slate clad double roof structure separated by a central valley gutter between. The elevations are characterised by a series of windows principally horizontal in their orientation onto the south elevation and a mix of window openings to the side elevation. All the openings have a relatively heavy degree of subdivision of the glazing, and many have 'plantation' style shutters. The front entrance door has a classically inspired surround, and the garage is modern.

From on site assessment the existing building is considered to make a neutral contribution to the Bayswater Conservation Area. It appears the existing building may have been rebuilt at some unknown point in the past, as the window openings are over scaled in comparison to the likely appearance of the original construction, with soldier courses above and no clear sign of any previous window arches now blocked in. It is therefore not a mews building dating from the original laying out of the area and as a result, whilst not harmful, its contribution to the character and appearance of the conservation area is relatively limited. In this context, subject to a suitable replacement building, the demolition of the existing building is acceptable in principle in design terms and would accord with Policy DES9 in the UDP and S25 in the City Plan. However, as set out in the following section of this report, the building proposed in this application is considered to be particularly poor, and is wholly inappropriate for this setting in terms of its design and footprint.

### **8.2.2 Proposed Development**

The proposed development would retain a front elevation to Hyde Park Gardens Mews, which would be the same height as existing, with the side elevation lowered to match the

height of the front elevation. The lowered height of the side elevation would give the proposed building more uniformity with the prevailing parapet height in the mews, and this in itself is considered acceptable. The loss of the existing pitched roof structures is regrettable; however, given the previous approval (RN: 14/01827/FULL) of a mansard extension, the incorporation of a mansard roof form at second floor level as part of the proposed building is considered acceptable.

The mansard roof storey is proposed to be clad in lead, which is not considered to be an appropriate facing material in this prominent location given that slate is the almost universal cladding material used on mansard extensions in the vicinity. In addition, on the Hyde Park Gardens Mews elevation, the mansard stops short of the western party wall which would create a wholly inappropriate gap to the skyline of the terrace.

The basic impression of the proposed building would be as a distinct pair of small townhouses. This approach contrasts markedly with the character of the street where the very distinct and different mews style of building design predominates. The building proposed is considered to be out of character with its surroundings and would be detrimental to the prevailing appearance of the mews.

The detailed design proposed comprises a series of vertically proportioned bays, which step in and out across both street elevations, with an inset curved corner to the junction of Sussex Place and Hyde Park Gardens Mews. The bays and curved corner are not found to buildings in the mews, and are wholly inappropriate design detailing within this traditional mews setting where detailed design should conform to the guidance provided in the Supplementary Planning Guidance document 'Mews – A Guide to Alterations' (1992). The street is characterised by a consistency of building line and buildings do not have the 'rhythm' of the elevations proposed in this case.

The paired entrance doors proposed are also not found elsewhere in the mews and, paired with the large projecting canopy structure above, they are an excessively grand statement where surrounding mews buildings are wholeheartedly restrained in their design approach.

The proposed ground floor windows would be recessed behind the main elevation lines and these wide recessed openings, with window arches above are not considered appropriate detailing. Their inclusion appears to a contrived device to accommodate very shallow lightwells to basement level between the front elevation of the proposed building and the public highway. The provision of visible lightwells to the street elevations is unacceptable in principle in design terms and would undermine the restrained proportions and scale of mews houses, which are typically limited to two or three above ground floors. A further concern is that the cover over the lightwells is not specified in the application. Returning to the ground level façade, the windows also appear from the annotations on the submitted drawings to be further elaborated by having a differing colour to the brickwork facing to the building and this too is of concern in design terms.

The bay features proposed would give a vertical emphasis, which would be in contrast to the horizontal emphasis of other mews buildings on the street, which have garages and an implied or overtly defined termination to the ground floor in the form of an exposed beam. The lack of a garage to ground floor level further divorces the building from its mews context. At first floor level the surrounding mews buildings almost uniformly have a



consistent run of window openings. Whilst the proposed scheme would have some sash windows as one feature to help integrate the building into its setting, the overall impression would be of inappropriately designed building, which would not integrate well within Hyde Park Gardens Mews.

The proposed footprint of the replacement building also differs from that of the existing building at the corner of Hyde Park Gardens Mews and Sussex Place, where the proposed building would be stepped back from the corner of the site. Currently the building projects to a sharp junction between those elevations reflecting the narrowing angled profile of the footprint to this part of the site.

The proposed inset curved corner at the junction of Hyde Park Gardens Mews and Sussex Place would enlarge and exaggerate the entrance to the main section of the mews by providing a 'feature' which is entirely inappropriate for a mews setting that is characterised by a restraint in the general design approach. The mews is specifically intended as a contrast to the much more elaborately designed terrace properties to the surrounding principal streets and the existing narrower entrance to the mews more appropriately provides this distinction.

The area in front of the building is principally a cobbled street scape, and the choice of finish for the newly revealed area of street where the building and the bay features would be set back, would be of particular importance. Further clarity on the paving material proposed in these areas would have been required had the application been considered acceptable.

A number of objections have been received relating to concerns about the design of the proposed building, including to the entrance area, the lack of a garage, and the blind window feature to first floor level, and the concerns expressed by local residents are considered supportable in these regards for the reasons set out earlier in this section of the report.

Overall, the proposed development is considered to be an unattractive and inappropriate new building, and one which is considered to fall significantly short of providing a suitable replacement for the existing building. As such, the application is contrary to policies DES 1, DES 4, DES 7 and DES 9 in the UDP, and policies S25 and S28 in the City Plan, and is considered unacceptable in design/townscape terms.

### **8.3 Residential Amenity**

A daylight and sunlight report has not been submitted as part of the current application; however, one was submitted with the previously approved application (RN: 14/01827/FULL), which in that case confirmed that a mansard roof extension of greater height and bulk than now proposed would not result in an unacceptable loss of daylight or sunlight to neighbouring properties. Therefore, in the context of the previously approved mansard roof extension, it is not considered that the current scheme would result in a material loss of daylight or sunlight.

The currently proposed mansard would be of a similar height to that previously approved, but would be set back slightly further from the street, as the footprint of the proposed building is smaller at the corner of Hyde Park Gardens Mews and Sussex Place. To the

rear the site is bounded by the high blank flank walls of the neighbouring properties in Hyde Park Mews and Sussex Street. As such, the proposed replacement building would not cause a material increased sense of enclosure to neighbouring windows in Hyde Park Gardens Mews and Sussex Place.

The mansard roof on the Sussex Place elevation also has three windows, one more than was previously approved although the windows are a smaller size. While the current application includes one more window and the windows on the Sussex Place elevation are more revealed, it is considered the proposed impact would not result in a sense of overlooking due to the size of the windows and the distance to neighbouring properties.

All windows and doors are limited to the street elevations of the proposed building, as they are in the existing building. At ground and first floors the proposed building would have an increased number of windows in both elevations. However, whilst the extent of glazing would be increased relative to the existing situation, given the separation of the site from adjacent properties on the opposite side of Hyde Park Garden Mews and Sussex Place, it is not considered that the additional windows would result in a significant increase in overlooking. The mansard roof storey at second floor level would also introduce new windows. However, dormer windows at this level were previously approved as part of the roof extension approved in 2014 and in this context the new dormer windows proposed in the current scheme are acceptable and would not result in a significant increase in overlooking to windows on the opposite side of the mews/ street.

In summary, the proposed development would accord with Policy ENV13 in the UDP and Policy S29 of the City Plan.

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

No garage or car parking facilities are proposed with the development. There is currently a garage that serves the existing dwellinghouse. However, this is only 3 metres in depth, which is of insufficient size to accommodate a car. Policy TRANS23 states "*The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.*" However, as the existing parking space is of an insufficient size to accommodate a car, the loss of this "space" within the existing garage is not contrary to Policy TRANS23.

The Highways Planning Manager advises that on-street parking availability in the vicinity of the application site has yet to exceed the level of serious deficiency set out in Policy TRANS23 in the UDP (80% occupancy of available parking). On street parking in the vicinity is currently at 75% overnight and 62% during daytime hours. In this context, the provision of one additional dwellinghouse without off-street parking would not be contrary to Policy TRANS23 as the additional parking demand can be accommodated on-street without breaching the level of serious deficiency.

The London Plan requires the provision of two off-street cycle parking spaces per two bedroom and larger residential dwellings. Cycle parking is not included within the application. Had the application been recommended favourably, cycle parking would have been secured by condition.

The drawings submitted did not include provision for storage of waste and recyclable materials. Had the application been recommended favourably, as suggested by the Cleansing Manager, waste and recycling storage would have been secured by condition.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The new dwellinghouses would have level access from the mews. Given they would be private dwellings, and not public buildings, this level of accessibility is considered to be acceptable and in accordance with Policy DES1 in the UDP and S28 in the City Plan.

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

The proposal, to excavate a single storey basement under the footprint of the new building, which is slightly smaller than the footprint of the existing building and would not extend under the public highway or any undeveloped garden land, is considered to accord with Parts B and C of policy CM28.1 in the City Plan

The applicant has provided structural methodology and subject to confirmation from Building Control that this is appropriate for the ground conditions below this site, the structural details submitted are acceptable and in compliance with Part A of Policy CM28.1. Had the application been recommended favourably, a condition would have been recommended requiring the applicant to comply with the Code of Construction Practice and this would specifically address the requirement of Part A(2)(b) of Policy CM28.1. Objections have been received regarding an impact on neighbouring residents, including a temporary reduction in on-street parking, dust and noise disruptions, and pre-existing disruption from other developments on the street. Planning permission cannot reasonably be withheld on grounds related to noise and general disturbance from construction works. However, as set out in the preceding paragraph, had the application been recommended favourably, a condition would have been recommended to ensure the development, which includes the excavation of a basement, is carried out in accordance with the recently adopted Code of Construction Practice and to ensure the site is monitored by the Environmental Sciences Team during the period of construction at the applicant's expense. This approach, coupled with a condition to control the hours of works, would minimise the disturbance caused to neighbouring residents and the local highway network.

#### **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**

Based on the applicant's CIL liability form, the estimated Mayoral CIL payment would be £7,196.41 and the Westminster CIL would be £47,200. However, these are approximate figures based on the applicant's figures and do not account for any potential exceptions that the developer may be eligible for, which would only be determined after the determination of the current planning application.

#### **8.11 Environmental Impact Assessment**

Not applicable for development of this scale.

#### **8.12 Other Issues**

Objectors have noted that the property has been used for short term letting for many years, which causes a disturbance to neighbouring residents. This is not the lawful use of the existing building and this use is currently being investigated by the Planning Enforcement Team. The proposed development does not seek permission for use of the new dwellinghouses as short term letting accommodation and as such, this is not a ground on which permission can be withheld.

Three neighbouring occupiers raised concerns that they did not receive a consultation letter; however, The City Council's records demonstrate that consultation letters were sent to all neighbouring properties, including those who did not receive the consultation letters. It is for this reason that the City Council also displays a site notice outside the application site and a notice in the local paper to ensure that neighbours can become aware of development via a number of different sources. In this case, it is clear that the neighbouring occupiers in question became aware of the application via these other means and therefore their ability to comment on the application has not been prejudiced.

An objection raised concerns that the development would temporarily restrict pedestrian access to and from Paddington Station and access routes to other areas. Access restrictions to the public highway are a highways issue which cannot be considered as part of the current planning application.

Concerns were also expressed about hoardings blocking access to neighbouring garages. This is an issue which would be considered by the Council's highways department.

### **9. BACKGROUND PAPERS**

1. Application form.
2. Memo from the Highways Planning Manager dated 9 August 2016.
3. Memo from the Cleansing Manager dated 17 August 2016.
4. Email from occupier of 14 Hyde Park Gardens Mews dated 7 August 2016
5. Email from occupier of 15 Hyde Park Gardens Mews dated 7 August 2016
6. Emails from occupier of North Cottage, 14A Hyde Park Gardens dated 11 August 2016 and 3 October 2016.
7. Email from occupier of 28 Hyde Park Gardens Mews dated 16 August 2016.
8. Email from occupier of 16 Hyde Park Gardens Mews dated 17 August 2016.
9. Email from occupier of 30 Hyde Park Gardens Mews dated 19 August 2016.

10. Email from occupier of 46 Hyde Park Gardens Mews dated 7 September 2016.
11. Letter from occupier of 13 Hyde Park Gardens Mews dated 27 September 2016.

**Selected relevant drawings**

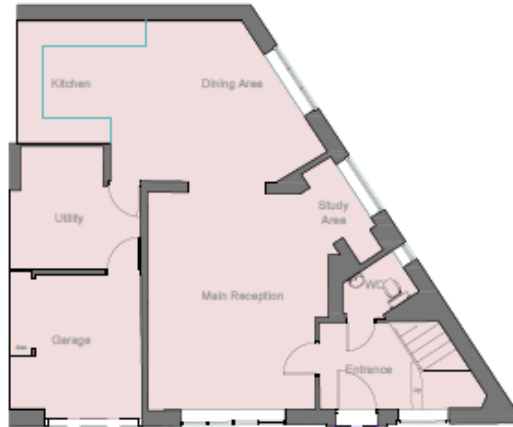
Existing and proposed plans and elevations.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

10. KEY DRAWINGS

Existing floor plans:



Ground



First

Proposed floor plans:



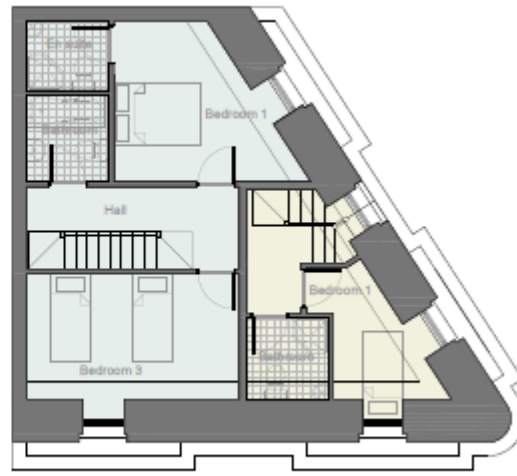
Basement



Ground



First

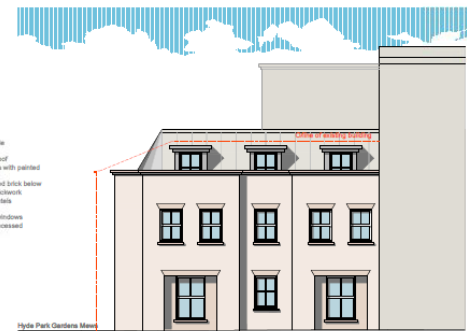


Second



PROPOSED

Southerly Elevation to Hyde Park Gardens Mews



Easterly Elevation to Sussex Place

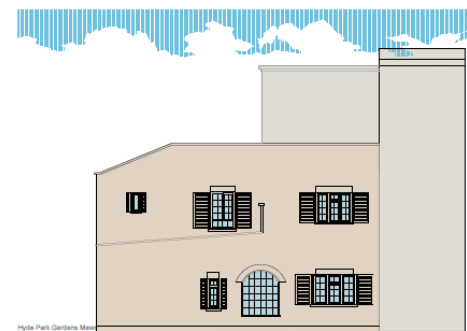
Proposed Materials Schedule

1. New Code 8 lead rolled roof
2. Code 8 lead clad dormers with painted hardwood sash windows
3. Becon stone with corbelled brick below
4. Local buff stone facing brickwork
5. Local red stock feature bricks
6. Becon stone sills
7. Painted hardwood sash windows
8. Local red stock stone to recessed ground floor walls



EXISTING

Southerly Elevation to Hyde Park Gardens Mews



Easterly Elevation to Sussex Place

**DRAFT DECISION LETTER**

**Address:** 31 Hyde Park Gardens Mews, London, W2 2NX,

**Proposal:** Demolition of the existing two storey building and erection of a new three storey building and excavation of basement floor to create two residential dwellinghouses (Class C3).

**Reference:** 16/06420/FULL

**Plan Nos:** PA001, PA002, PA003, PA004, PA005, PA006, PA007 and Design and Access Statement dated June 2016.

**Case Officer:** Heather Lai

**Direct Tel. No.** 020 7641 6519

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

- Reason:
- 1 Because of its design, form and materials, the proposed replacement building would fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4, DES 7, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)
- Reason:
- 2 The proposed dwellinghouses would provide a sub-standard level of residential accommodation for future occupiers by virtue of their internal layout, which provides kitchens and dining rooms at basement level, where these habitable rooms would receive little natural light. This is contrary to Policy ENV13 in the Unitary Development Plan that we adopted in January 2007, Policy S29 in Westminster's City Plan that we adopted in July 2016, Policy 3.5 in the London Plan (FALP - 2015) (as amended) and the guidance set out in the Mayor's 'Housing' SPD (2016).

**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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.



Required amendments:

- Amended detailed design and form that is more in keeping with the character and appearance of the mews.
- Amended internal layout of residential accommodation and relocation of lightwells away from the street facades of the site.

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.