

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Flat M, 9-11 Westbourne Terrace, London, W2 3UL,		
Proposal	Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.		
Agent	Mr Felix von Bechtolsheim		
On behalf of	Mrs Livia Bernadini Bosc		
Registered Number	16/08775/FULL 16/08776/LBC	Date amended/ completed	10 October 2016
Date Application Received	12 September 2016		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent
3. Agree the reasons for granting conditional listed building consent

2. SUMMARY

9-11 Westbourne Terrace is a grade II Listed Building in the Bayswater Conservation Area, the property has been sub-divided into flats, undergone significant internal alterations and has been extended at the rear.

Planning permission and listed building consent are sought for the demolition of the existing second floor rear extension and erection of a rear and side extension at second floor level and associated internal works. The works also include the formalisation of the remaining flat roof space as a roof terrace.

The South East Bayswater Residents Association have objected to the application on design grounds. Objections have also been received from neighbouring flats within the terrace on amenity, design and structural issues.

The key issues are:

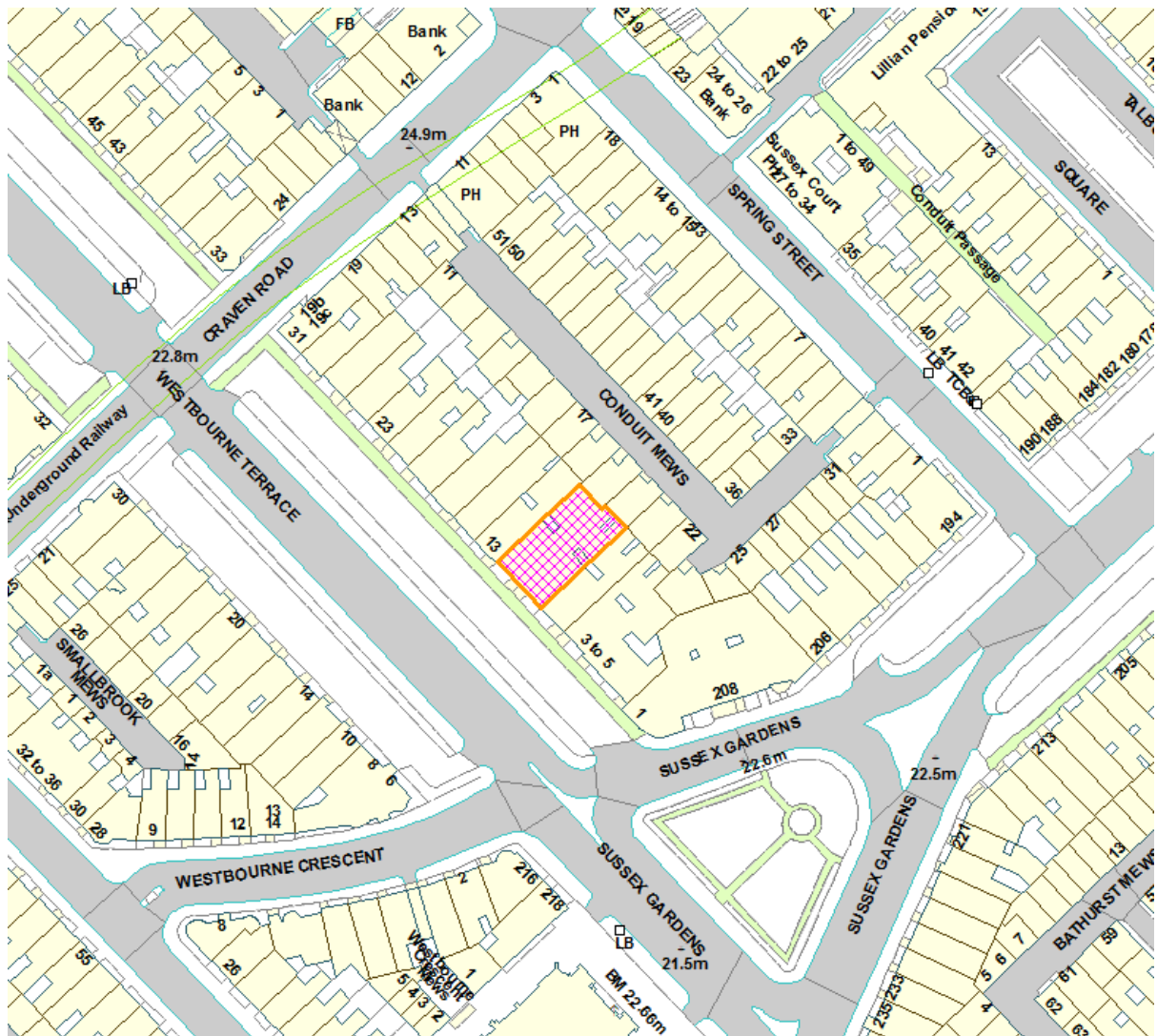
- The impact of the proposed alterations and extensions on the special architectural and

historic interest of this listed building, views of the rear of Westbourne Terrace and on the character and appearance of this part of the Bayswater Conservation Area;

- Loss of daylight/sunlight to neighbouring residents; and
- Noise and overlooking from terrace/balcony at second and third floor level.

The area to the rear of Westbourne Terrace has undergone significant alterations and the relatively small scale extension will not harm the historic character of the building or the Bayswater Conservation Area. Due to the scale of the extension and existing situation the works will not significantly increase harm for the amenity of the neighbouring properties. The application is therefore considered acceptable on design and amenity grounds and accords with policies in the City Plan (adopted November 2016) and the Unitary Development Plan (UDP) adopted January 2007 and are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of 9-11 Westbourne Terrace



Rear elevation of Flat M 9-11 Westbourne Terrace



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection on the grounds that the French doors at third floor level (rear elevation) and side elevation (second floor) seem incongruous and much too large.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 5

No. of objections: 5 from x 4 different addresses

In summary, neighbour objections have been received on the following grounds:

AMENITY:

- Noise from the terrace
- Loss of light to the rear of No. 7 Westbourne Terrace
- Privacy issues
- Loss of view of Paddington

DESIGN:

- Ads further bulk, reduce uniformity and impact the balance of the original building.

OTHER:

- Noise and disruption during the course of construction.
- Structural integrity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two laterally converted grade II listed buildings in the Bayswater Conservation Area. The application site is a two bedroom flat across second and third floor levels. The flat is accessed from the stairwell of no. 11 but the property is located largely in the rear closet wing/addition of no. 9 with a small portion of the rear lower bedroom situated in the original main portion of the building.

6.2 Recent Relevant History

None

7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition and replacement of the second floor rear extension and erection of a rear and side extension over the existing terrace at third floor level and associated internal and external alterations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use class would remain C3 (Residential) as existing. The extension of the existing flat is considered to be in accordance with H3 of the UDP.

8.2 Townscape and Design

The application property comprises of two laterally converted grade II listed buildings in the Bayswater Conservation Area. The application site is a two bedroom flat across second and third floor levels. The flat is accessed from the stairwell of no. 11 but the property is located largely in the rear closet wing/addition of no. 9 with a small portion of the rear lower bedroom situated in the original main portion of the building.

The rear of the building has been substantially altered there are numerous modern windows in various types, materials and proportions. The narrow closet wing has been extended vertically and significantly at lower ground level with a full width rear addition in the rear light well. This addition is four storeys' and has a stepped diminishing form up to second floor level of the building.

The rear of this terrace has also been extended with a number of closet wing additions that vary in height, bulk and scale. Many are historic and have been in place for a number of years. There is a varied appearance at the rear of the terrace but the original undulated form created by the half width closet wings is still apparent.

The rebuilding of the second floor addition and internal works are not contentious in listed building terms as this is a modern extension to the building. A neighbour has raised objection to the insertion of steel beams and the impact of the works on the structural integrity of the building. However, there is no loss of important original or historic fabric in this part of the building, whilst the construction of the extension and impact on the structural integrity of the building is covered by building control and not a reason to refuse the proposal in this case.

The proposed extension at third floor level would add bulk to the rear elevation however the extension is small in scale, is limited in depth and maintains a forward stepped form beyond the closet wing. The proposed extension is positioned in front of the half width closet wing with a narrow return to the back wall of the main portion of the building, given its subordinate scale and location on this heavily altered part of the property, the proposal would not unbalance the proportions of this significantly extended listed building. Therefore the objection raised regarding the harm to the balance of the original building is not sustainable. Whilst there are views of the rear from neighbouring buildings and in Conduit Mews, the proposed extension would not have a detrimental impact on the character and appearance of the Bayswater Conservation area, due to the varied appearance at the rear of the terrace, small scale of the extension and located in front of the closet wing that respects the prevalent undulated rhythm.

An existing terrace exists at third floor level and appears to have existed since 2012. The proposed terrace is smaller in area than existing. The creation of a terrace at high level is contentious. However, given that a terrace has previously existed and that a number

of terraces have gained planning approval for example at no. 29 and no. 12 within this same terrace of buildings, this element of the proposal is considered to have limited impact on the special interest of the building and the character and appearance of the Bayswater Conservation Area.

The South East Bayswater Residents Association has raised an objection to the installation of French doors. However, the flank elevation at second floor level comprises of large modern fixed panes of glazing with a glazed access door. The installation of French doors set against brickwork is a vast improvement to this elevation and therefore considered acceptable in design and listed building terms.

Given the above, the proposed development would preserve the special architectural and historic interest of this listed building and the character and appearance of the Bayswater Conservation Area. The proposal is considered to fully accord with policies DES 1, DES 5, DES 9 and DES 10 of the adopted UDP 2007, S25 and S28 of the City Plan 2016.

8.3 Residential Amenity

Sunlight and Daylight

Objections have been received from residents within No.7 Westbourne Terrace, the adjacent property on the grounds of loss of light. The windows to the rear of no. 7 are set within a flush rear elevation, located between existing closet wings/rear projections of no. 9-11 and 3-5 Westbourne Terrace.

The rear of No. 9-11 Westbourne Terrace is north east facing with the rear of the terrace featuring closet wings with extensions of varying heights and depths. Adjacent to no. 7, the closet wing is five stories in height comprising staggered setbacks with narrow terraces. The surrounding buildings of Westbourne Terrace and Spring Street are of equal or greater height. Directly to the rear is Conduit Mews, all of which are smaller mews buildings.

The closet wings of No's9-11 are in a back to back formation and therefore more than half a buildings width away from the windows at the rear of no. 7. The proposed extension at third floor level will, to the south elevation (to the boundary with No.7) extend some 6m, running partly adjacent the existing third/fourth floor part of the closet wing and will extend 2.3 meters in depth from the existing rear elevation of the application site closet wing on the boundary with no. 11, the northern elevation.

Due to the height of the existing closet wing extensions on adjacent properties, the relatively modest depth and bulk of the proposed extension and the distance between it and the boundary with no. 7, the proposed extension would not significantly reduce the amount of daylight/sunlight to the windows at the rear of no. 7.

Sense of Enclosure

The southernmost element of the extension is 6m in depth from the main rear elevation. The extension will have minimal impact to the windows within the main elevation of flats at lower floors of 9 Westbourne Terrace as they already experience a limited outlook to the existing application site closet wing.

The closet window to the proposed extension is that of Flat L, and is a living room window within the rear elevation, adjacent the flat roof terrace which is to be built upon., It is considered that whilst the building line would be brought closer to this property (when looking north-east), the outlook maintained would still be considered acceptable.

An objection has been received regarding the loss of view towards Paddington Station from the rear of 7 Westbourne Terrace. Loss of views is not a material planning consideration and an objection to the development on this basis would not be sustainable.

Privacy

Neighbour objections have been received regarding overlooking from the proposed balcony to the rear of No. 7 Westbourne Terrace. There are existing balconies to the south elevation of the application site closet wing at first and second floor, which already face these windows. The proposals will reduce the size of the existing useable terrace at third floor (although it is noted that doesn't appear to have been granted consent, although it's likely to be lawful) and therefore the proposals are considered acceptable in terms of overlooking.

Noise

An objection has been received on grounds of increased noise levels. Currently there is a terrace at third floor and balcony's at first and second floors. The proposals will reduce the size of the third floor terrace. Due to the existing situation and the reduction in size of the terrace it is not considered that the proposed works will result in an increase in noise from the terrace at third level or balcony at second level.

The works are considered to be in accordance with policies ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The proposals do not result in any highways concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site will remain the same as the current situation.

8.7 Other UDP/Westminster Policy Considerations

None

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. This proposal is not CIL liable

8.11 Environmental Impact Assessment

This development does not require an Environmental Impact Assessment

8.12 Other Issues

Construction impact

Objections have been raised on the grounds of noise and disruption during construction. However, permission could not be refused on this ground due to the short term nature of construction and the ability to control it via condition. The standard hours of noisy working condition are recommended.

9. BACKGROUND PAPERS

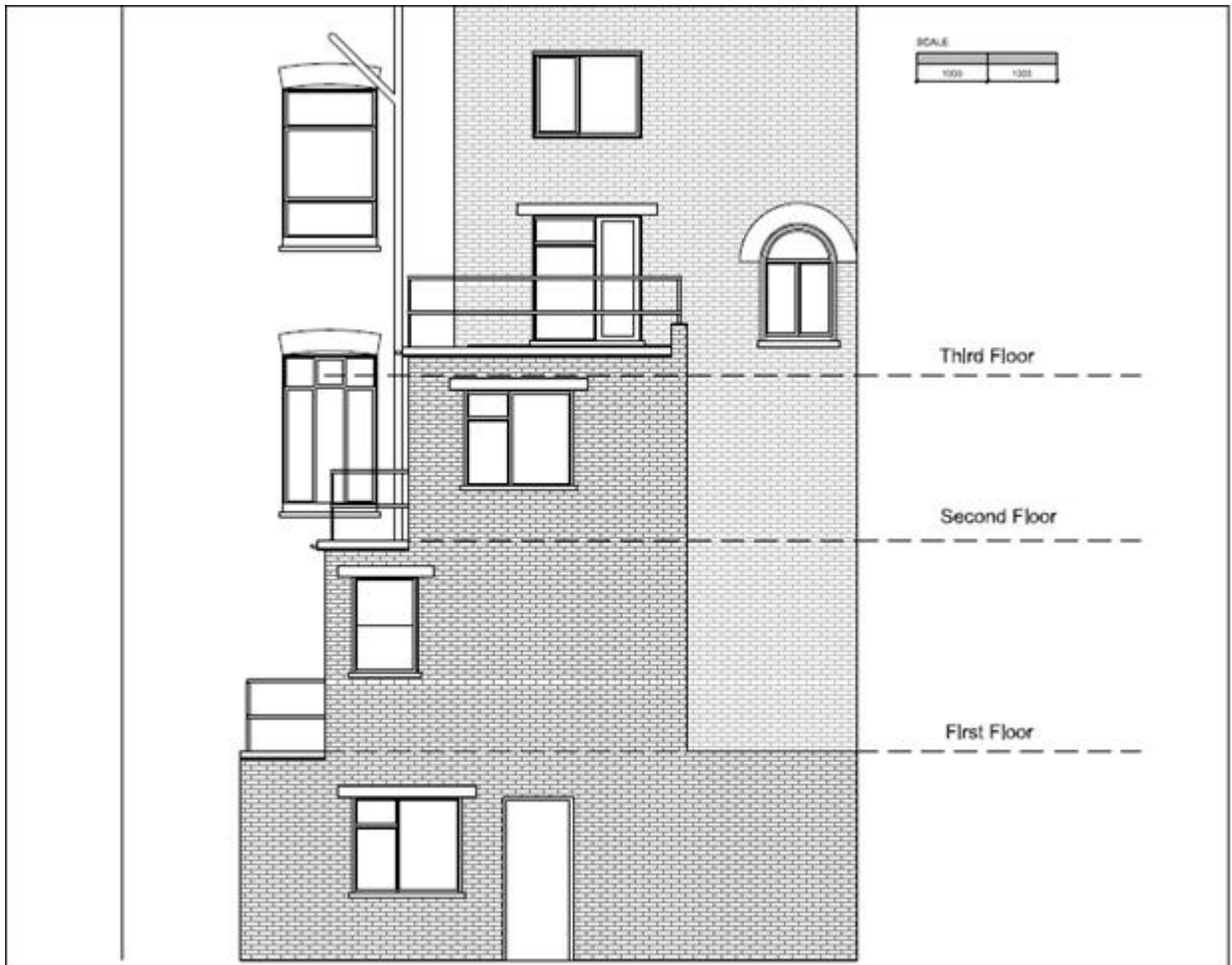
1. Application form
2. Response from South East Bayswater Residents Association, dated 1 November 2016
3. Letter from occupier of 7 Westbourne Terrace, London, dated 20 October 2016
4. Letter from occupier of Flat 2, 7 Westbourne Terrace, dated 11 November 2016
5. Letter from occupier of 11F, Westbourne Terrace, dated 14 November 2016
6. Letter from occupier of Flat H, 9-11 Westbourne terrace, dated 24 October 2016
7. Letter from occupier of Flat H, 11 Westbourne Terrace, London, dated 1 November 2016

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

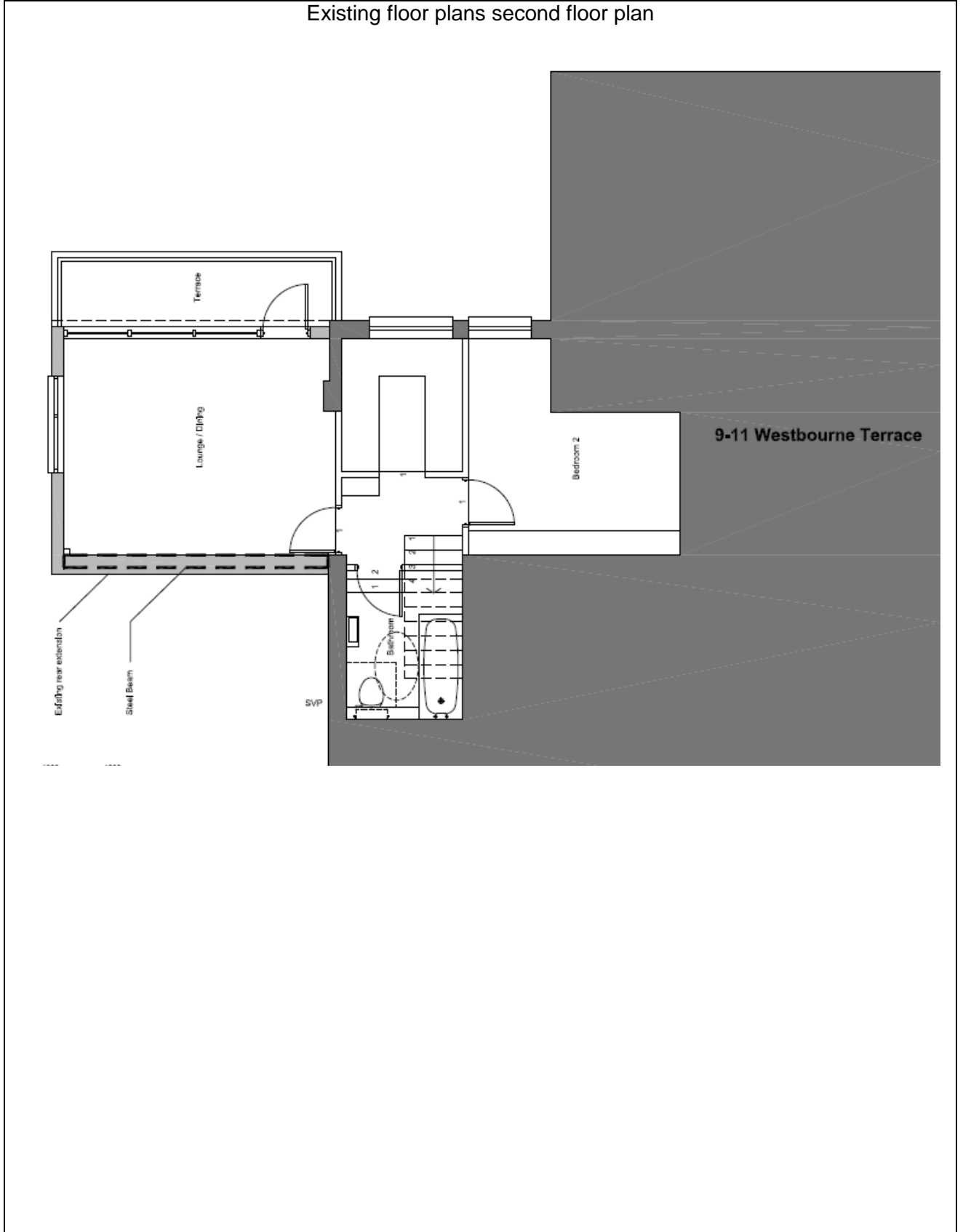
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarett@westminster.gov.uk

10. KEY DRAWINGS

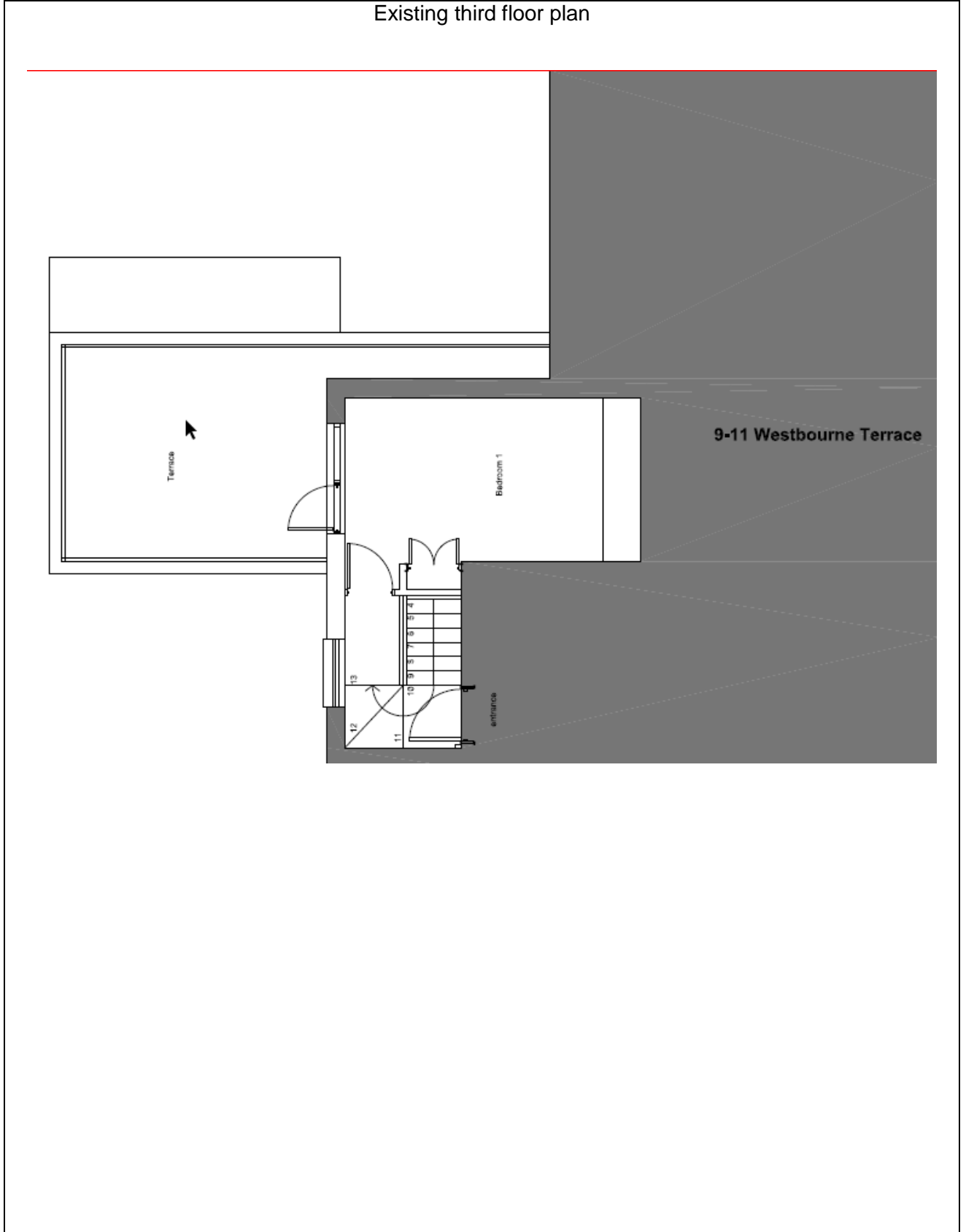
Existing rear elevation



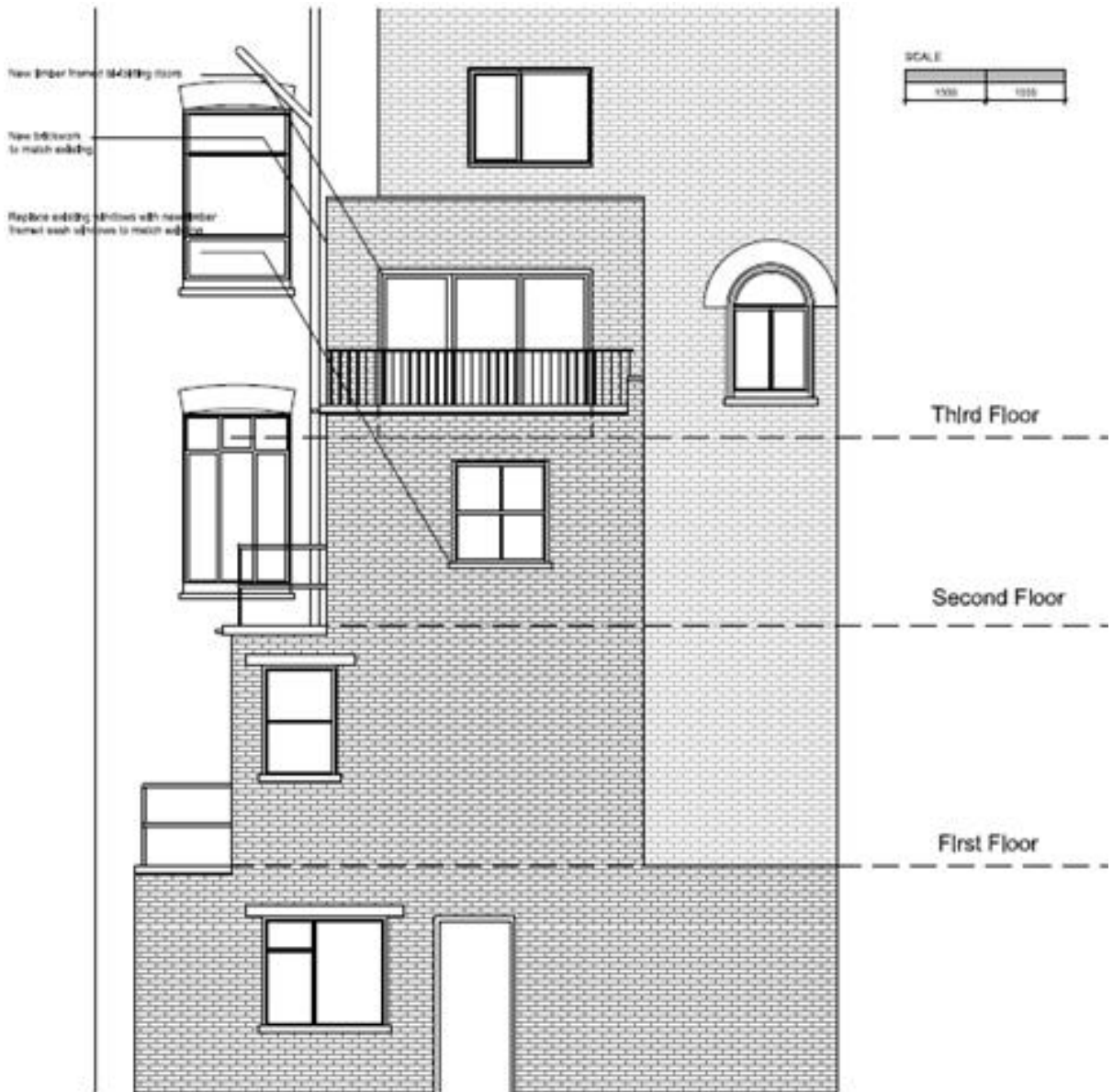
Existing floor plans second floor plan



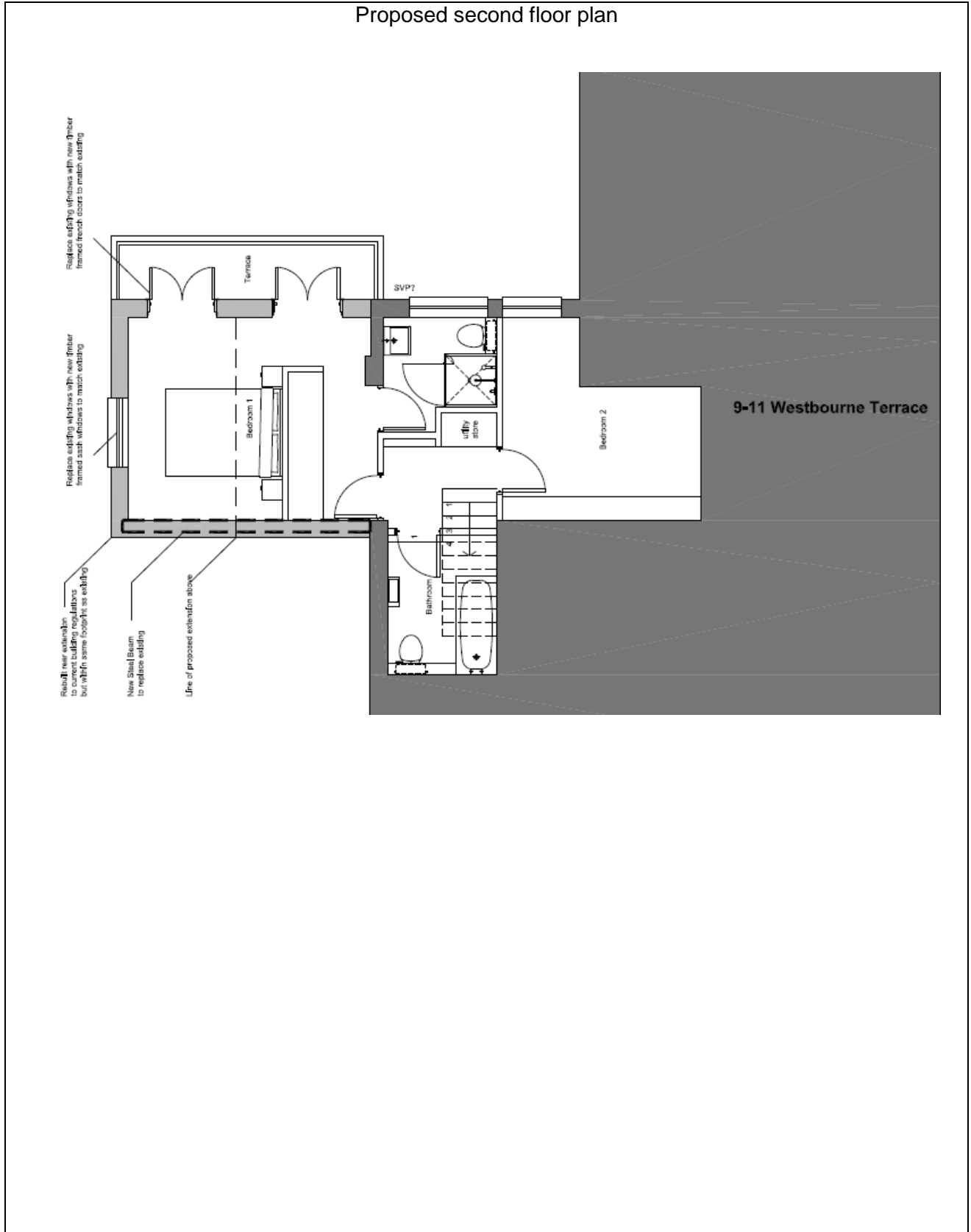
Existing third floor plan



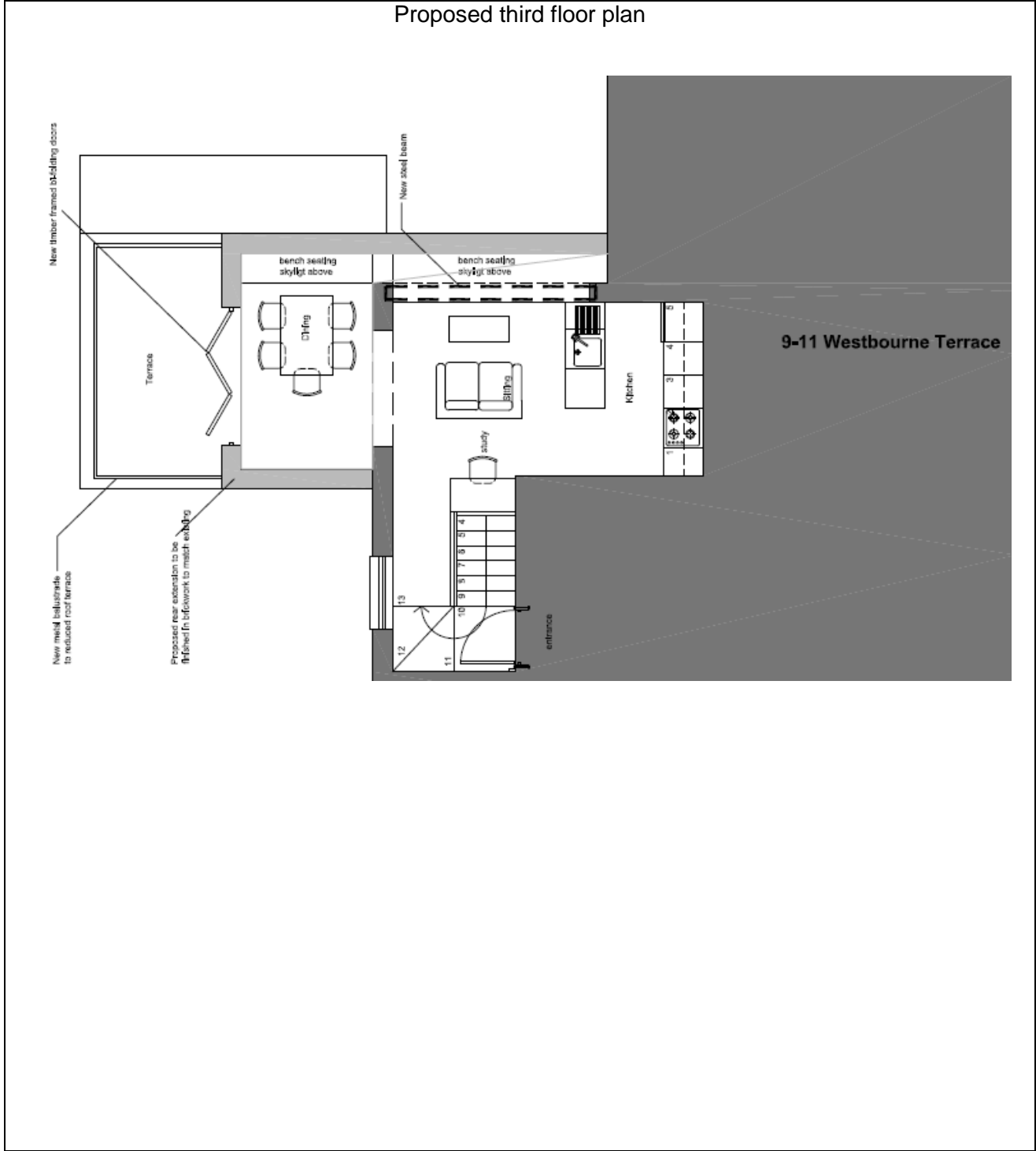
Proposed rear elevation



Proposed second floor plan



Proposed third floor plan



DRAFT DECISION LETTER

Address: Flat M, 9-11 Westbourne Terrace, London, W2 3UL,

Proposal: Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.

Reference: 16/08775/FULL

Plan No's: Site location plan, P1- 101 Rev A, P1- 102 Rev A, P3-101 Rev A, P3 102 Rev A, P1 001 Demolition, P3-101 Existing, P1 002, P3 001 Demolition, P3 001 Existing, Design and Access, Historic building impact assessment

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 (November 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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 (November 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.

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

DRAFT DECISION LETTER

Address: Flat M, 9-11 Westbourne Terrace, London, W2 3UL,

Proposal: Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.

Reference: 16/08776/LBC

Plan No's:

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The French doors and vertical sliding sash windows at second and third floor level hereby approved must be formed of painted timber in a colour to match the existing windows in the building.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 The metal railings surrounding the third floor level terrace must be painted in black and maintained in that colour and condition.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted

January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:; S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.