CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification	
	29 August 2017	For General Release	
Report of		Ward(s) involved	
Director of Planning		Lancaster Gate	
Subject of Report	Flat 1 , 46 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Amalgamation of Flat 1 and Flat 4 into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level.		
Agent	DP9		
On behalf of	Ms Michelle Collias		
Registered Number	16/11683/FULL	Date amended/ completed 7 June 201	7 June 2017
	16/11682/LBC		7 Julie 2017
Date Application Received	9 December 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 listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application relates to a Grade II listed building located on the south side of Queens Gardens within the Bayswater Conservation Area. The proposals relate specifically to Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens, which are both split over part ground and part basement floors of the relevant building.

Planning permission and listed building consent are sought for the amalgamation of two flats in 46 and 48 Queen's Gardens into a three bedroom flat, minor external works to front and rear and internal works in association with the linking of the flats. It should be noted that the application has been revised since its original submission and neighbours were notified of the revisions.

Objections have been received to the proposals on land use and amenity grounds primarily.

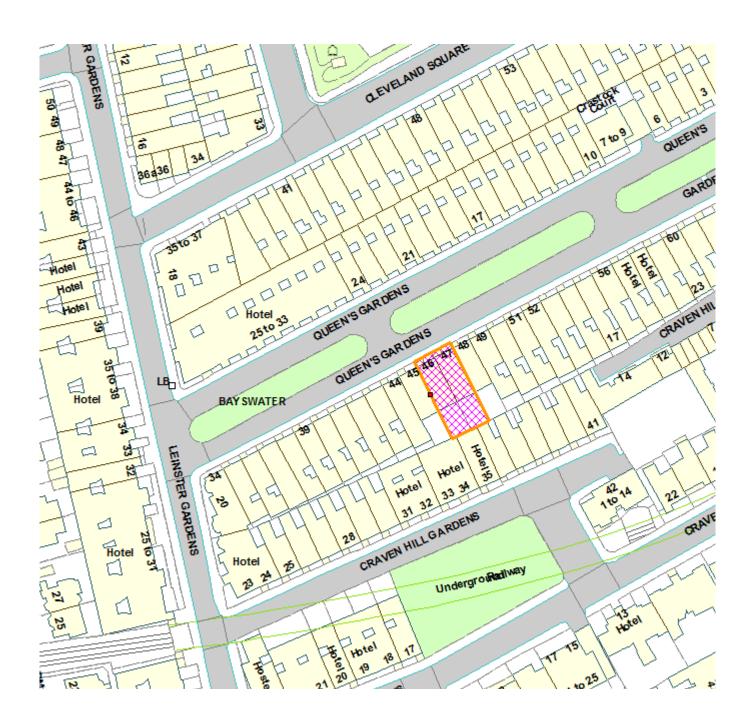
Item No.

The key issues are:

- The implications of the proposals in land use terms;
- The implications of the proposals upon the character and appearance of the Bayswater Conservation Area;
- The implications of the proposals upon the special interest of the Grade II listed building; and
- The implications of the proposals upon the amenity of neighbouring properties.

The proposals are considered to accord with the City Council's policies in relation to conservation, design, listed buildings, land use and amenity in the City Plan and the UDP and accordingly the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front Elevation of Application Site



Existing Rear Conservatory



Rear Elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE:

Any responses to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection to loss of a residential unit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46 Total No. of replies: 16 No. of objections: 5 No. in support: 10

Five letters of objection have been received on some or all of the following grounds:

Land Use:

• Drawings do not show a 3 bedroom unit as being applied for, rather a 2 bedroom unit and this is contrary to S14 of the City Plan.

Amenity:

Unacceptable noise levels from proposed boiler

Other:

- Incorrect certificate on the application form has been submitted;
- · Legal ownership matters relating to entrance porch;
- Incorrect statements with regards to proposed new entrance;
- Structural concerns as a result of opening up works;
- Noise and disruption during works;
- No consultation with residents has taken place;
- Applicant has not obtained a license for the works as required by their lease.

10 Letters of support have been received to the proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46 Total No. of replies: 1 No. of objections: 1

One objection received supporting the revisions to the enclosure of the boiler, but still maintaining an objection on noise and amenity grounds. Objector also notes that whilst the correct certificate of ownership has been completed there are still outstanding concerns regarding the legal ownership of the entrance porch and structural matters.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a Grade II listed building located on the south side of Queens Gardens within the Bayswater Conservation Area. Nos 46 and 48 Queens Gardens comprise two buildings occupied as flats (with some links internally) which replaced the original buildings at Nos.45, 46, 47 and 48 Queens Gardens. The buildings appear to have been rebuilt behind the retained front facade in the mid 1970s following a series of permissions for the development of residential flats to replace the former hotel. The exact layout of the approved scheme cannot be ascertained from historic files due to missing drawings however it is clear from a site inspection that there are level changes within the buildings (and within some of the flats).

The current applications relate specifically to Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens, which are both split over part ground and part basement floors of the relevant building. The applicants currently live in Flat 1, No.46 and they own Flat 4, No.48 however the latter flat has been vacant for some time and has been stripped out (including the unauthorised removal of partitions). The two flats in question have rear gardens and Flat 1 has a rear conservatory.

6.2 Recent Relevant History

13/01162/FULL & 13/01663/LBC

Amalgamation of Flat 1, 46 Queen's Gardens and Flat 4, 48 Queen's Gardens into a three-bedroom flat over part ground and part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level.

Withdrawn on 25 April 2013, as the applications were recommended for refusal by officers on land use grounds.

7. THE PROPOSAL

Planning permission and listed building consent are sought to amalgamate the two flats to create a three bedroom flat by providing a number of openings in the party walls. The proposals also include the provision of a mezzanine within the flat at No.48, similar to that within the flat at No.46. The existing redundant entrance door to No.47 would be used to lead directly into the enlarged flat. Minor external works to the rear relating to the installation of a boiler and rainwater butt and changes to windows and doors to the conservatory and the rear elevation are also proposed.

The proposals have been revised during the course of the application to categorically show three bedrooms at lower ground floor level as only two had originally been annotated on the plans; to amend the certificate of ownership and serve notice on the other leaseholders in the building and to provide clarification on acoustic attenuation to the boiler in the rear courtyard.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves the amalgamation of two flats, both of which contain two bedrooms each to create one, three bedroom flat. Policy S14 of the Plan states that all residential uses will be protected and that proposals that would result in a reduction in the number of residential units will not be acceptable. It does however provide an exception to this policy whereby proposals to amalgamate two flats into a family sized dwelling (three or more bedrooms) would be acceptable.

The proposals are therefore considered to comply with S14 of the City Plan and the objections received on this matter cannot be sustained.

8.2 Townscape and Design

As noted above the buildings appear to have been rebuilt behind the retained front facade in the mid 1970s following a series of permissions for the development of residential flats to replace the former hotel. The buildings were listed in 1975 and it is unclear if this was before or after the buildings were redeveloped. Of note though is the listing description which refers to the buildings external appearance and integral nature to Queen's Gardens:

"Grand terrace of houses. 1852-7. Stucco. Each 2 windows wide; 4 storeys, attic and basement. Rustication to ground floor. Projecting Ionic porches. Panelled doors. First floor continuous balustraded balcony. Square-headed windows. First floor windows flanked by fluted, Corinthian half columns and pedimented. Second and third floors corniced with individual balustraded balconies. Sashes, plate glass; first floors French casements. Rich dentil cornice above third floor and subsidiary cornice to attic, partly removed. Cast iron area railings. Return to right. Integral part of Queen's Gardens layout"

Internally, a number of works are proposed. The key works are the creation of an opening between the ground floor front rooms to create a living area and the installation of a mezzanine in the ground floor of 48 Queens Gardens, which will replicate the mezzanine at 46 Queen's Gardens. An opening between the two mezzanine levels is also to be created. Whilst a large opening between the principle rooms of a listed building would normally be considered wholly unacceptable, given that only the façade of the listed building and a small proportion of the dividing/ boundary walls remain and the remainder of the building is all modern fabric, the newly created opening at ground floor level is in this instance considered to be acceptable and an exception to the city Council's listed building policies are justified. The new mezzanine level and opening to the existing adjacent mezzanine are considered to be acceptable in listed building terms. The works are considered to preserve the special interest of the building and the original fabric.

To the front elevation, it is proposed to reinstate the original entrance door at 48 Queens Gardens. This is welcomed in design and listed building terms as there is currently

Item No.

unsympathetic cosmetic features internally behind this entrance which will be removed as a result of the proposals.

To the rear, the modern conservatory is to be modified slightly to relocate the rear elevation entrance doors to the side elevation and this raises no design objections. To the main rear elevation at lower ground floor it is proposed to change a window to a set of doors to a study. This is acceptable in design terms and they have been designed to match the existing windows and doors on the rear elevation. A condition to ensure that these are finished white to match the existing is recommended. The boilers and the water butt are to be sited in an enclosure against the boundary wall with 50 Queen's Gardens. This is acceptable subject to being painted to match the colour of the rear brickwork.

The proposals are considered to comply with the City Council's design and listed building policies, S25 and S28 of the City Plan and DES 1; DES 5; DES 9; DES 10 of the UDP.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The use of the two flats as a single flat, including the opening and use of the front entrance door to No.47 by the occupants, would not impact on neighbouring residential amenity.

The changes to the fenestration do not result in amenity implications. The proposed boilers and rainwater butt would sit against the existing garden boundary wall and would be of modest bulk and scale. As such, they would not result in loss of light or increased sense of enclosure to neighbours.

The conservatory is existing and only minor changes to it are proposed to relocate the doors from the rear elevation to the side elevation. This is not considered to result in any un-neighbourly harm.

Objections to the siting of the boilers to the rear have been received on noise grounds and that no acoustic report has been submitted with the proposals. The boilers would be of a domestic nature only and it is not considered that these would result in any unreasonable noise concerns. To this end, an acoustic report has not been requested of the applicant. The applicant has however, in response to the objections, confirmed that the boiler will be sited in an acoustic enclosure comprising decorative boarding on 18mm plywood lined with 25mm acoustic foam.

Iter	n No.
	7

The proposals are considered to be acceptable in amenity terms and in accordance with S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposals raise no transportation or parking concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The entrance at ground floor level to 48 Queen's Gardens is proposed to be the main entrance/ access to the flat. The entrance will not be level with the pavement. However, this is no different a situation to all the other properties on Queen's Gardens. As the buildings are listed, there is little scope to alter the stepped entrance.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

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.

The proposals are not CIL liable.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Certificate of Ownership

In response to objections received, the correct certificate of ownership has been submitted during the course of the application and noticed was served on all the leaseholders within the building. The neighbours were all reconsulted on this matter.

Front Entrance Door to 48 Queen's Gardens

The application documents say that the entrance to the proposed flat will bring back the existing entrance door back into use and objections to this statement has been received from residents within this building, on the grounds that this entrance has never been used to access this flat and that this needs to be at the agreement of the leaseholders. This is considered to be a private matter between the applicant and all other freeholders/leaseholders and is not a reason to withhold permission. The implications of using this entrance upon the building have been assessed the townscape and design section of this report.

Structural Matters

A number of objections have been raised with regard to the structural impacts of the proposed removal of walls. The impact of the works in listed building terms is discussed above, and as the works are internal they do not warrant consideration in planning terms. In any event, the extent of demolition does not raise significant concerns in structural terms and this matter will be dealt with under the Building Regulations. As a point to note the applicant has already confirmed that should planning permission and listed building consent be granted then a structural report would be commissioned.

Noise and Disruption

Concerns raised regarding noise and inconvenience from works are not a material planning consideration. The standard hours of working condition is recommended. .

9. BACKGROUND PAPERS

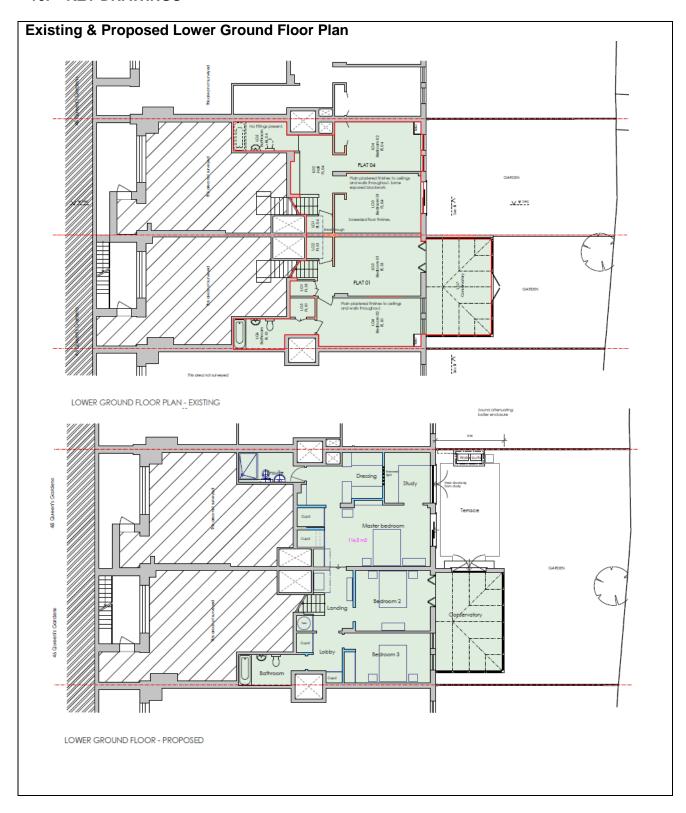
- 1. Application form
- 2. Response from South East Bayswater Residents Association, dated 18 April 2017
- 3. Letter from occupier of 11, 48 Queens Gardens dated 18 April 2017
- 4. Letter from occupier of 2, 48 Queens Gardens dated 19 April 2017
- 5. Letter from occupier of 11, 48 Queens Gardens dated 18 April 2017
- 6. Letters from occupier of 1, 48 Queens Gardens dated 24 April and 28 June 2017
- 7. Letter from occupier of 5, 46 Queens Gardens dated 24 April 2017
- 8. Letter from occupier of unknown flat, 48 Queens Gardens dated 26 April 2017
- 9. Letters from occupiers of 9, 48 Queens Gardens dated 25 April and 15 May 2017
- 10. Letter from occupier of 15, 48 Queens Gardens dated 25 April 2017
- 11. Letter from occupier of unknown flat 48 Queens Gardens dated 25 April 2017
- 12. Letter from occupier of 13, 48 Queens Gardens dated 25 April 2017
- 13. Letter from occupier of 14, 46 Queens Gardens dated 25 April and 3 May 2017
- 14. Letter from occupier of 13, 48 Queens Gardens dated 25 April 2017
- 15. Letter from occupier of 4, 46 Queens Gardens dated 15 May 2017
- 16. Letter from occupier of 24 Queens Gardens dated 15 May 2017

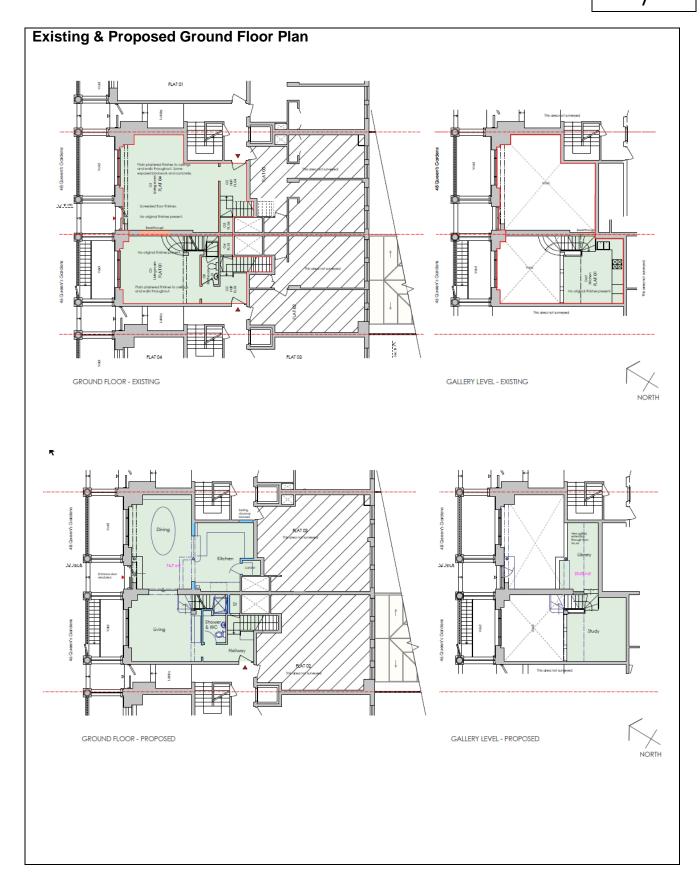
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

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

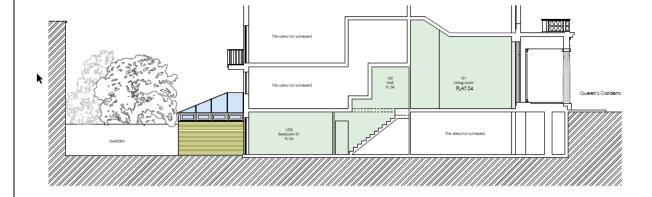
10. KEY DRAWINGS



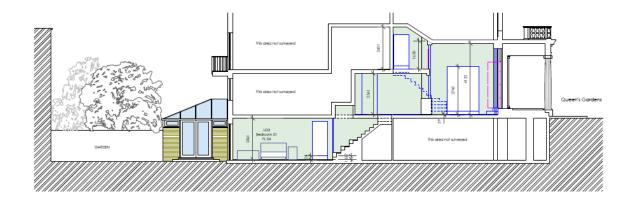


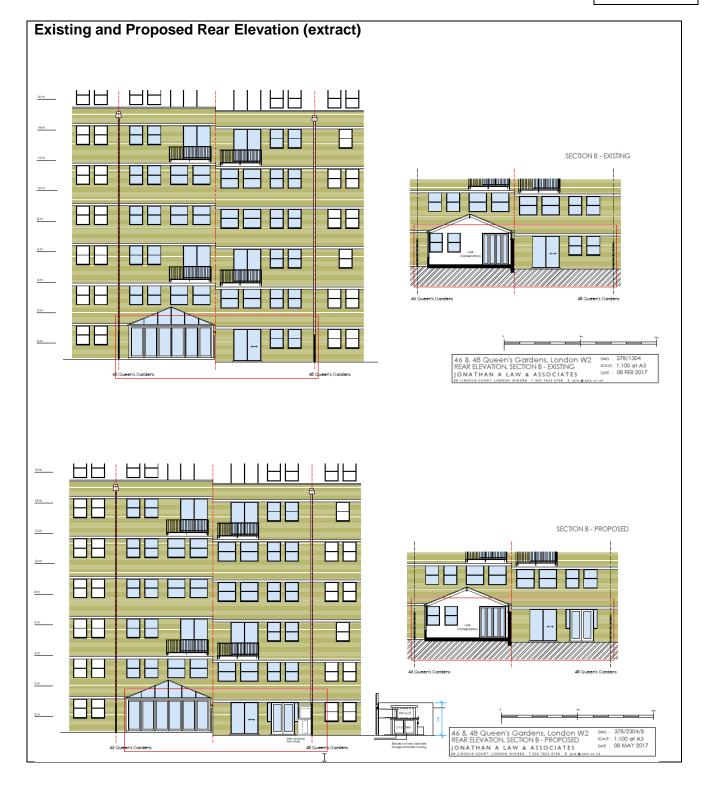
Existing and Proposed Section

SECTION A - EXISTING



X SECTION A - PROPOSED





DRAFT DECISION LETTER - 16/11683/FULL

Address: Flat 1, 46 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Amalgamation of Flat 1 and Flat 4 into a three-bedroom flat over part ground and

part lower ground floor levels, replacement of two windows at rear lower ground floor level with a pair of glazed doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level. (Linked to 16/11682/LBC)

Reference: 16/11683/FULL

Plan Nos: 378/0300; 378/1301; 378/1302; 378/1303; 378/1304; 378/1305; 378/2301 C;

378/2302; 378/2303; 378/2304 B; 378/2305 B; Covering letter dated 9 December 2016; Heritage Statement dated November 2016; Email from Robert Allen dated 7

June 2017.

Case Officer: Kimberley Davies Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s)

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

Item No.
7

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

The windows and doors shall be finished white to match the existing windows and doors and be retained in that condition thereafter.

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

The enclosure to the external boilers and water butt shall be painted to match the existing brickwork of the main building and be retained in that condition thereafter.

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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):

- 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.
- You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

tem	No.
7	

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)

DRAFT DECISION LETTER

Address: Flat 1, 46 Queen's Gardens, Bayswater, London

Proposal: Replacement of two windows at rear lower ground floor level with a pair of glazed

doors with side lights, insertion of glazed doors in side return elevation of lower ground floor conservatory, and installation of two boilers and rainwater butt at rear lower ground floor level, internal alterations at ground and lower ground floor (Flat 1, 46 Queens Gardens and Flat 4, 48 Queens Gardens) (Linked to 16/11683/FULL)

Plan Nos: 378/0300; 378/1301; 378/1302; 378/1303; 378/1304; 378/1305; 378/2301 C;

378/2302; 378/2303; 378/2304 B; 378/2305 B; Covering letter dated 9 December 2016; Heritage Statement dated November 2016; Email from Robert Allen dated 7

June 2017.

Case Officer: Kimberley Davies Direct Tel. No. 020 7641 5939

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

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.

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 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Item No.	
7	

You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

The windows and doors shall be finished white to match the existing windows and doors and be retained in that condition thereafter.

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)

The enclosure to the external boilers and water butt shall be painted to match the existing brickwork of the main building and be retained in that condition thereafter.

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):

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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance:

Item	No.
7	

Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)