



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 28th July, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tony Devenish (Chairman)  
Louise Hyams  
Barbara Grahame  
Robert Rigby

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Joe McBride, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [jmcbride@westminster.gov.uk](mailto:jmcbride@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note that Councillor Tony Devenish has replaced Councillor Andrew Smith.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |   |                          |
|---|--------------------------|
| <b>1. 12-14 WIGMORE STREET, W1</b>      | <b>(Pages 3 - 34)</b>    |
| <b>2. 21 TREVOR PLACE, SW7</b>          | <b>(Pages 35 - 48)</b>   |
| <b>3. 49 MARYLEBONE HIGH STREET, W1</b> | <b>(Pages 49 - 62)</b>   |
| <b>4. 16 REX PLACE, W1</b>              | <b>(Pages 63 - 76)</b>   |
| <b>5. 8 CONNAUGHT SQUARE, W2</b>        | <b>(Pages 77 - 112)</b>  |
| <b>6. 106 HAMILTON TERRACE, NW8</b>     | <b>(Pages 113 - 144)</b> |
| <b>7. 43 ARTESIAN ROAD, W2</b>          | <b>(Pages 145 - 160)</b> |
| <b>8. 69 LISSON STREET, NW1</b>         | <b>(Pages 161 - 192)</b> |

**Charlie Parker**  
**Chief Executive**  
**20 July 2015**

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# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 28 JULY 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
<b>1</b>	RN 14/12813/FULL Marylebone High Street	12-14 WIGMORE STREET, W1	Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.	
	Recommendation Grant conditional permission, subject to no new planning issues being raised before the expiry of the consultation period on 4 August 2015.			
<b>2</b>	RN 15/01773/FULL Knightsbridge And Belgravia	21 TREVOR PLACE, SW7	Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.	
	Recommendation Grant conditional permission.			
<b>3</b>	RN 15/03629/FULL Marylebone High Street	49 MARYLEBONE HIGH STREET, W1	Use of part of the lower ground floor as an exercise/dance studio (Class D2) for a temporary period up until 21 January 2024 between the hours of 06.00-22.00 Monday-Saturday and 09.00-18.00 on Sundays and Bank Holidays.	
	Recommendation Grant conditional permission.			
<b>4</b>	RN 15/02288/FULL West End	16 REX PLACE, W1	Creation of roof terrace to rear fourth floor with rooflight to provide access. Erection of rear two storey extension and alterations to front and rear elevations including the creation of Juliet balconies at rear first floor level and the installation of double glazed windows. Replacement of existing pavement lights at the front of the property.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER  
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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
5	RN 14/11257/FULL RN 14/11258/LBC Hyde Park	8 CONNAUGHT SQUARE, W2	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.	
	Recommendation 1. Refuse permission – on design grounds and insufficient information on ground geology and hydrology. 2. Refuse listed building consent – on design grounds, adverse impact on floor hierarchy and plan form of the listed building, and insufficient information on ground geology and hydrology to ensure structural integrity of listed building.			
6	RN 15/02336/FULL Abbey Road	106 HAMILTON TERRACE, NW8	Excavation of a basement beneath existing building, part of front and rear gardens, demolition of rear facade, extensions to the rear and at roof level in connection with the use of the building as a single house.	
	Recommendation Grant conditional permission.			
7	RN 15/04048/FULL Bayswater	43 ARTESIAN ROAD, W2	Alterations to rear garden walls, increase parapet height to second floor rear extension and erection of rear outbuilding.	
	Recommendation Grant conditional permission.			
8	RN 14/12768/FULL Church Street	69 LISSON STREET, NW1	Demolition of single storey building between the Brazen Head Public House and Lisson Gallery and erection of three storey dwellinghouse with basement on Bell Street frontage with associated alterations to Bell Street frontage of the Brazen Head.	
	Recommendation Grant conditional permission including a condition to secure new paving and tree planting outside the premises.			

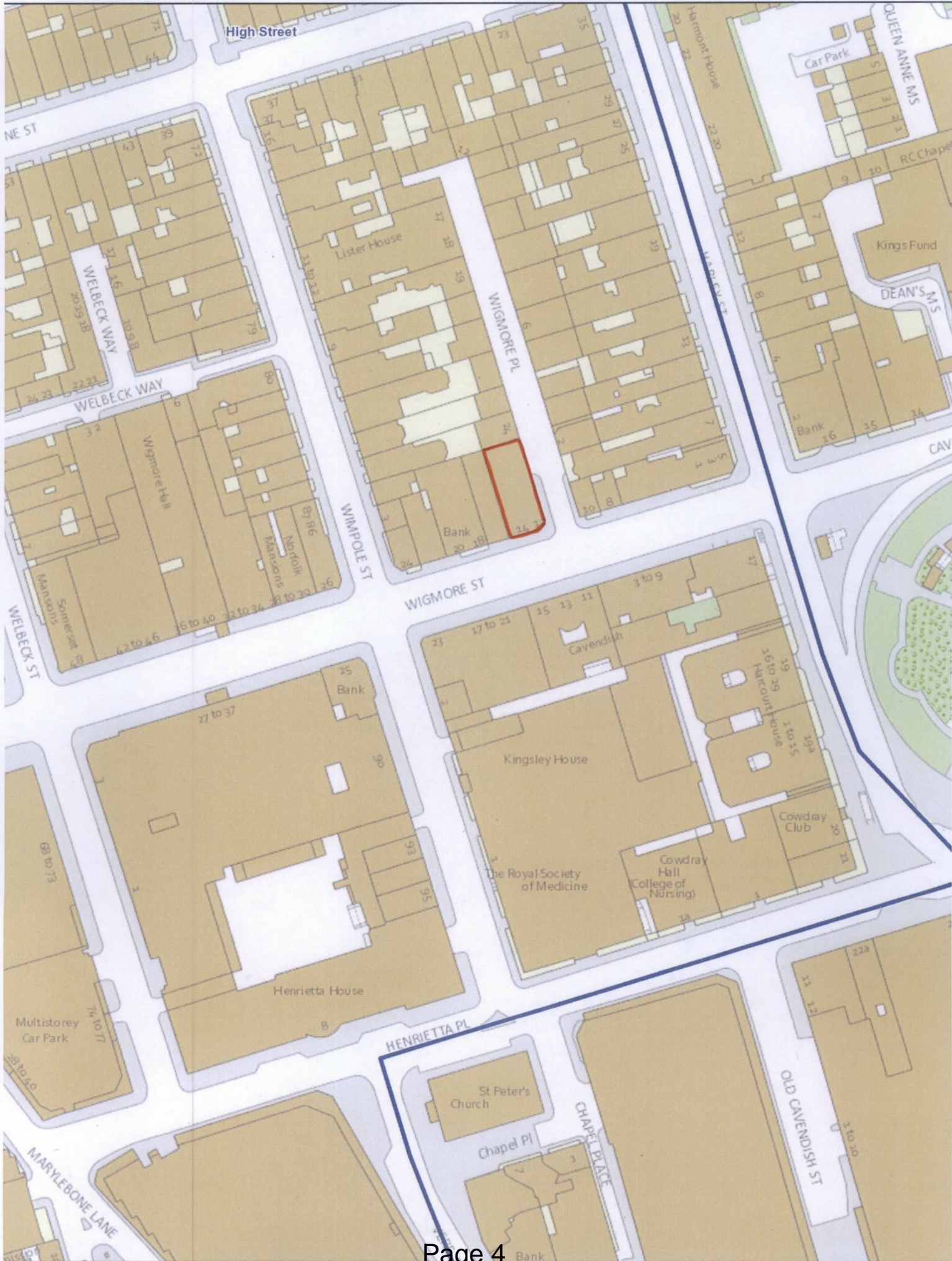
# Agenda Item 1

Item No.
1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>12-14 Wigmore Street, London, W1U 2DU</b>		
<b>Proposal</b>	Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.		
<b>Agent</b>	Quod		
<b>On behalf of</b>	Lewis Central (IOM) Limited		
<b>Registered Number</b>	14/12813/FULL	<b>TP / PP No</b>	TP/12591
<b>Date of Application</b>	22.12.2014	<b>Date amended/ completed</b>	30.12.2014
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Core Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission, subject to no new planning issues being raised before the expiry of the consultation period on 4 August 2015.







12-14 WIGMORE STREET, W1

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## 2. SUMMARY

The application site comprises an unlisted building located within the Harley Street Conservation Area. The building is in lawful use as a building society (Class A2) at ground and basement floor levels, offices (Class B1) at first, second and third floor (front), and three flats (Class C3) at rear third, fourth and fifth floors, with ground level parking for the development.

Permission is sought to enlarge the building by the erection of extensions at first to third floor levels and a two storey roof extension on fourth and fifth floors. The scheme also involves the installation of roof level plant, replacement shopfronts and a replacement garage door. The extensions will provide additional office and residential floorspace. No increase in the number of flats is proposed.

The key issues for determination are:

- Whether the extensions and alterations to this building will preserve or enhance the character and appearance of the Harley Street Conservation Area.
- Whether the extensions will have an unacceptable impact on the amenity of adjoining residents in terms of daylight, sunlight and overlooking.
- Whether the pruning required to the neighbouring London Plane tree is acceptable in arboricultural terms.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

## 3. CONSULTATIONS

Original submission

### MARYLEBONE ASSOCIATION

Initial response - no objection.

Revised response. Objection: (i) Height, bulk and massing constitutes overdevelopment; (ii) Roof extension over-dominant and visually intrusive, to the detriment of the character and appearance of the Harley Street Conservation Area; (iii) The Harley Street Conservation Area Audit states that the building is not suitable for a roof extension; (iv) Introduction of a commercial use deep into the mews is contrary to the Harley Street Conservation Area Audit; (v) Loss of daylight and overlooking to neighbouring residential properties; (vi) Loss of off-street car parking spaces; and (vii) Noise from plant.

### ARBORICULTURAL MANAGER

No objection to the pruning of the neighbouring London Plane tree required to facilitate the proposed extension.

Concern that the development will bring the building closer to the neighbouring London Plane tree which is likely to result in greater post-development pressure to prune the tree. However, as this future pruning would be acceptable in arboricultural terms, no objection raised.

### ENVIRONMENTAL HEALTH

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 9.

Nine (including four letters from one neighbouring occupier and two letters from another) and a 34 signature petition objecting on some or all of the following grounds:

**Land Use:**

- The introduction of retail space is inappropriate in Wigmore Place and will set a dangerous precedent.

**Amenity:**

- Loss of daylight and sunlight.
- Overlooking from additional windows.
- Noise from the proposed roof top plant.

**Design:**

- The roof extension will significantly increase the height disparity between the building and mews properties on Wigmore Place and it fails to have proper regard to the character of the area.
- The replacement shopfronts on Wigmore Place would overly commercialise the character of the predominantly residential mews.
- The detailed design of the replacement shopfront is 'aesthetically displeasing' and relates poorly to windows on the floors above.
- The proposed building height is out of keeping with the 'country feel' to the rear.

**Trees:**

- The Arboricultural Impact Assessment fails to assess whether any further pruning would be required for the safe operation of a crane and has been written without visiting the affected tree.
- Extending the building closer to the neighbouring tree will threaten its natural spread.

**Highways:**

- The loss of existing parking spaces will exacerbate on-street parking demand (scheme amended to retain all parking)

**Other:**

- Disruption during the course of construction.
- Written guarantees required that works will not damage the cobbles in Wigmore Place.
- An assessment is required of the impact of the proposals upon the (recently approved) scheme to convert the upper floors of No. 16 Wigmore Street to flats and to extend the existing flats at Nos. 18-22 Wigmore Street.

ADVERTISEMENT/SITE NOTICE: Yes.

Revised submission

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 111; Total No. of Replies: 1.

One objection on the following ground:

**Amenity:**

- Loss of daylight and sunlight.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

The application site comprises an unlisted building on the north side of Wigmore Street, at its junction with Wigmore Place. The building dates from 1960 and is located within the Harley Street Conservation Area. The site is located within the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area

The basement and ground floors are currently vacant, but were last occupied by a building society (Class A2). The rear part of the ground floor comprises off-street car parking, accessed from Wigmore Place. The first, second and third (front) floor levels are in office (Class B1) use. The rear third, fourth and fifth floors are occupied as three flats (Class C3).

#### 4.2 Relevant History

Permission was granted on 8 September 1958 for the erection of a new building comprising a ground floor (with ancillary storage in the basement), offices on the first to third and part fourth floors and two self-contained flats on the fourth and fifth floors.

Permission was granted on 16 February 1959 for the use of the ground floor as a banking hall. The sole condition restricts the use, "... to a bank only, and no change of use shall take place to any other form of office use...". The City Council subsequently confirmed, in a letter dated 16 March 1959, that the wording of this condition was intended to be interpreted as relating to a banking hall of a building society.

Permission was granted on 8 May 1959 for the redevelopment of the site of the former Nos. 25-26 Wigmore Place to provide an extension to the new building at Nos. 12-14 Wigmore Street comprising basement storage, ground floor car parking, first and second floor offices and a residential flat at third floor level. Condition 3 secures the provision and permanent retention of the car parking and states that it should be used for "... the accommodation of vehicles of occupiers and users of the premises and 12-14 Wigmore Street only and shall not be used for any other purposes".

Permission was granted on 18 December 1975 for alterations at ground floor level in connection with the conversion of part of the existing garage accommodation to provide additional offices. Condition 2 limits the use of the new floorspace, "... for Building Society offices and stores and for no other purpose [including any other office within the same use class]". Condition 3 ensures the provision and permanent retention of the remaining car parking floorspace for the accommodation of vehicles and, "... at least two spaces to be provided for residential occupiers of the building on the basis of one space per residential unit, and the remaining spaces for other occupiers (including employees using the building) and persons calling at the building for the purposes conducting business with the occupiers thereof".

## 5. THE PROPOSAL

Planning permission is sought to:

- Erect rear extensions at first to fourth and roof level to provide additional office and residential floorspace. No change in the number of residential units on site is proposed.
- Install a replacement shopfront and replacement entrance doors.
- Install plant within an acoustic/visual enclosure at main roof level.
- Install a replacement garage door.

During the course of the application, the application has been amended to:

- Reduce the footprint of the plant enclosure at roof level; setting it further back from the Wigmore Place elevation.
- Introduce greater subdivision within the replacement shopfront on both elevations.
- Omit proposals to convert the ground floor parking into commercial floorspace.

A revised daylight and sunlight report has been submitted that assesses the impact of the development on potential future residential windows in an allowed appeal at a property immediately to the west of the application site (Nos. 16-22 Wigmore Street).

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The site's location within the Core CAZ means that the proposed increase in office floorspace (157m<sup>2</sup>) accords with City Plan Policies S6 and S20 and UDP Policy COM 1. Being below the 200m<sup>2</sup> (GEA) threshold, this increase does not trigger a requirement to provide an equivalent amount of residential floorspace under the City Council's mixed use policies.

No change to the number of residential units on site is proposed. Three will remain, albeit that the third floor that would be relocated to the extended fifth floor level, and the fourth floor flat would be extended. The maisonette at fourth and fifth floors is unaffected by the proposal. The increase in residential floorspace is 42m<sup>2</sup> (GEA). This modest increase is welcome under UDP Policy H3 and City Plan Policy S14 and does not trigger the City Council's affordable housing policies.

The reconfigured flats meet the minimum space standards set out within London Plan Policy 3.5, are provided with outdoor amenity space and are dual aspect. The flats are considered to provide a good standard of residential accommodation.

An objection has been received to the introduction of commercial/retail uses further into Wigmore Place. No additional commercial floorspace is proposed at ground floor level and the application does not relate to the use of the existing commercial unit. Furthermore, no additional shopfronts or entrances are proposed in Wigmore Place. Consequently, this objection cannot be supported.

### 6.2 Townscape and Design

Although the building has been highlighted within the Harley Street Conservation Area Audit (2008) as one where a roof extension would not normally be acceptable, it is not proposed to extend above the existing roof level but extend to the side and rear. Notwithstanding objections to the principle of a roof extension from the Marylebone Association and neighbouring occupiers, it is considered that the extension would create a better proportioned and balanced elevation fronting Wigmore Place. The infill extensions from first floor to roof level, adjacent to the boundary with No. 16 Wigmore Place, will not be visually intrusive. Furthermore, the building will continue to step down towards the mews buildings to the north, which is appropriate in townscape terms. As such, the objections to the principle of the extension cannot be supported.

The proposed extensions reflect the character and appearance of the host building, with sash windows, matching brickwork and an extension to the existing mansard roof. Subject to the imposition of suitable conditions, the detailed design of the extension is acceptable.

The roof top plant enclosure has been reduced in size and set back further to the rear corner of the building in order to reduce its visibility in long views from Cavendish Square. This aspect of the scheme is now considered acceptable in design terms.

Objections have been received to the design of the proposed shopfronts and their relationship with windows above. The shopfront design has since been amended to introduce further subdivision. It is considered that the revised design now relates sensitively to the appearance of windows on the upper floors and these objections cannot now be sustained.

The replacement of the unattractive steel roller shutter garage door with a timber door represents an improvement in design and conservation terms and is therefore welcome.

The revised proposals are considered acceptable in terms of their impact upon the appearance of the host building and will preserve the character and appearance of this part of the Harley Street Conservation Area.

### 6.3 Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight or an increased sense of enclosure or significant increase in overlooking to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals will safeguard the amenities of neighbouring residents.

#### 6.3.1 Daylight and Sunlight

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

An objection has been received requesting that the report be amended to assess the impact of the proposed extension upon the level of light received to windows within a development to extend the existing flats within Nos. 18-22 Wigmore Street and the new flats within the upper floors of No. 16 Wigmore Street granted permission at appeal on 4 June 2015. The applicant has now submitted an updated report that includes within its assessment the impact upon these potential future residential windows.

##### 6.3.1.1 Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

The Marylebone Association has objected to the application on the grounds that the proposals would result in an unacceptable loss of light to rear windows at No. 16 Wigmore Street and the mews properties on the east side of Wigmore Place. Objections have also been received from the occupiers of No. 2 Wigmore Place and No. 5 Wimpole Street on the grounds that the loss of daylight to these dwellinghouses would be unacceptable. Finally, a 34 signature petition has been received from occupants of neighbouring properties stating that the rear extension will have an adverse effect on the daylight received within Nos. 16-20 Wigmore Street and the mews properties in Wigmore Place.

The most affected residential property is No. 2 Wigmore Place. The potential flats within No. 16 Wigmore Street could also be affected.

The losses in VSC within 2 Wigmore Place are between 7.54% and 12.18%. This does not exceed the 20% threshold above which these losses of daylight will be noticeable. The objection from the occupants of No. 2 Wigmore Place is therefore unsustainable on daylight grounds, with the maximum loss being 12.18% which is to a second floor bedroom.

The loss of daylight to the rear windows of No. 5 Wimpole Street is negligible. With the exception of one window to the side elevation of No. 16 Wigmore Street, all of the residential windows within Nos. 16-22 Wigmore Street will not see a material loss of daylight as a result of the proposed extensions, with a maximum loss of 9.06% VSC predicted to a first floor bedroom window within No. 22 Wigmore Street.

A new side window within a proposed rebuilt first floor rear extension to No. 16 Wigmore Street that is proposed to be used as a bedroom will see a loss of VSC of 78.10%. However, the main window to this bedroom will still enjoy a VSC level in excess of 27%, the level above which the BRE Guide (2011) states is sufficient. As such, even without the side window, this bedroom will receive sufficient daylight. As such, it is concluded that the impact on the potential future occupier of this flat is acceptable in daylight terms.

### 6.3.1.2 Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The occupiers of No. 2 Wigmore Place and a flat within Nos. 11-15 Wigmore Street (on the opposite side of Wigmore Street) have objected on the grounds of loss of sunlight.

The most affected windows are within 2 Wigmore Place, with annual losses of sunlight between 10.53% and 20.00%. The greatest impact is to a second floor bedroom which would experience a loss of 20% with annual sunlight hours reducing from 30% to 24%. This room would continue to receive reasonable annual sunlight levels. Given the existing enclosed nature of the locality, the available sunlight hours during the winter months are unsurprisingly already low and only the ground floor dining room/kitchen will see any loss during the winter months – a reduction from 2% to 1%. It is considered that within this urban built-up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

All other losses of sunlight are well within acceptable limits and there will be no impact upon the flats within Nos. 11-15 Wigmore Street given that these windows face north.

### 6.3.2 Overlooking

Objections have been received on the ground that the windows within the proposed roof extension facing Wigmore Place will result in overlooking to neighbouring residential properties. The distance between these windows and the affected windows on the opposite side of Wigmore Place and to properties within Wimpole Street, are adequate in the site's context and does not give rise to any material loss of privacy.

The proposed terraces to the flats at fourth and fifth floors, respectively, also raise no overlooking concerns. This is because they replace an existing larger roof terrace to the existing fourth floor flat and because the distance to the neighbouring residents is adequate to not result in a material increase in overlooking.

### 6.3.3 Noise

#### Plant

The proposal involves the installation of plant at roof level to serve both the residential units and the commercial uses. The residential plant is proposed to operate on a 24 hour basis whilst the commercial plant will operate on its lower noise mode between 23.00 – 07.00.

Objections have been received to the principle of providing plant in association with residential uses and on the grounds of noise disturbance from the plant operation.

The submitted acoustic report has been assessed by Environmental Health who are satisfied that the plant would comply with the City Council's noise standards provided that the equipment is housed within the specified acoustic enclosure and that the commercial plant is operated on a lower noise mode at night. Notwithstanding the objections received, subject to appropriate conditions regarding noise output, vibrations and for the commercial plant to operate at reduced night time levels, it is not considered that this aspect of the scheme would have a material impact upon the amenities of neighbouring occupiers.

There are no policies to prevent the installation of plant in association with residential uses as an alternative means of cooling/ventilation is often required in the event that residents choose to keep windows shut to minimise potential noise disturbance. Consequently, the objection to the principle of residential plant cannot be supported.

#### Terraces

Given their domestic use, and the fact that they replace a larger terrace, it is not considered that the use of the new terraces would adversely affect neighbours' amenities in terms of potential noise disturbance.

### 6.4 Highways

Given the modest increase in office floorspace and the fact that no additional residential units will be created, the proposals are considered acceptable in highways terms. It is not considered that the extension of the existing offices would have a significant impact on site servicing.

Given that the scheme has been amended to retain the existing parking accommodation, objections relating to the loss of this parking have been addressed.

The proposed replacement garage door does not open over the public highway and would not result in any highway obstruction.

### 6.5 Trees

To the rear of the site is a large London Plane tree, located within the rear garden of No. 5 Wimpole Street. An objection has been received from the occupier of this property, and others, on the grounds that the proposed development will threaten the tree's natural spread and because the submitted arboricultural report is deficient through failing to assess the impact on this tree during the course of construction.

The site has been visited by the City Council's Arboricultural Manager who raises no objection to the proposed development. Whilst the proposed extension will bring residential properties in closer proximity to the tree, which is likely to result in greater post-development pressure to prune it, both the degree of pruning required in order to construct the proposed extension and any future pruning which may be necessary to maintain the tree at a suitable distance from



the extended building, are considered acceptable in arboricultural terms. The applicant has confirmed that no cranes will be used within the area of the tree canopy. In these circumstances, the impact of the development upon the neighbouring tree is considered acceptable. A condition is recommended requiring the submission and approval of measures to protect the tree during the course of construction prior to the commencement of works on site. As the tree is located within a conservation area, any pruning works will have to be approved by the City Council.

#### **6.5 Access**

Level access to the commercial unit and the upper floors of the building is proposed which, is a welcome improvement. There is a lift within the building serving all floors which, plans indicate, will be replaced with a slightly larger lift car.

#### **6.6 Economic Considerations**

Any economic benefits of the proposals are welcomed.

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

None.

#### **6.8 London Plan**

The application does not raise any strategic issues.

#### **6.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **6.10 Planning Obligations**

Not required.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposal is of insufficient scale to require an Environmental Assessment.

## 6.12 Other Issues

An objection has been received concerning potential damage to cobbles within Wigmore Place during the course of the construction. The respondent is concerned that cobbles have previously been damaged as a result of works within the mews. As this is public highway, any reported damage to the public highway would have to be made good, at the applicant's expense. This is dealt with by Informative.

Objections have been received on the grounds that the proposals would result in unacceptable disturbance to neighbouring residential and commercial occupiers during the course of construction. Various concerns have been expressed including over the maintenance of access to existing flats within the application premises and the impact of the temporary suspension of parking bays to facilitate construction works. Whilst these difficulties are acknowledged, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A CMP condition is proposed and a condition is also recommended restricting hours of construction.

One resident has requested written undertakings that any damage to adjoining properties resulting from building works be appropriately repaired, that there is no obstruction of adjoining garages, that builders do not drop debris in neighbouring gardens etc. These are considered to be private matters between the developer and adjoining occupiers. It is not considered that the development is of sufficient scale to require an undertaking to enter into a Code of Construction Practice, where Council officers liaise between contractors and local residents. The absence of the undertakings requested, could not justifiably form the basis of a recommendation for refusal.

A request has been received from the restaurant operator at 10 Wimpole Street requesting that noisy building works be suspended at lunchtimes. It is not considered that such a request could reasonably be accommodated.

## 7. CONCLUSION

The alterations and extensions to this building are considered acceptable in land use, amenity and design terms and accord with relevant UDP and City Plan policies. The application is therefore recommended for approval subject to appropriate conditions.

## BACKGROUND PAPERS

1. Application form.
2. E-mail from the Marylebone Association dated 11 February 2015.
3. E-mail written on behalf of the Marylebone Association Planning Committee dated 1 May 2015.
4. Memorandum from the Arboricultural Manager dated 4 March 2015.
5. Memorandum from Environmental Health dated 25 March 2015.
6. Letter from the occupants of No. 2 Wigmore Place dated 4 February 2015.
7. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 5 February 2015.
8. Letter from the occupant of No. 10 Wigmore Street dated 6 February 2015.
9. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 9 February 2015.
10. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 10 February 2015.
11. Letter from the occupant of No. 22 Wigmore Place dated 10 February 2015.
12. E-mail from the occupant of No. 5 Wimpole Street dated 11 February 2015.

13. Letter from the occupants of Flat 1, Cavendish Court, 11-15 Wigmore Street dated 12 February 2015.
14. Online response from the occupier of No. 6 Wimpole Street dated 16 February 2015.
15. E-mail from the occupier of the 1st - 2nd floors, No. 16 Wigmore Street dated 17 February 2015.
16. Letter from the Howard de Walden Estate dated 5 March 2015.
17. Petition signed by 34 occupants of neighbouring properties received on 10 March 2015.
18. E-mail from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 20 April 2015.
19. Letter from the occupiers of No. 2 Wigmore Place dated 19 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – [jpalm@westminster.gov.uk](mailto:jpalm@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 12-14 Wigmore Street, London, W1U 2DU

**Proposal:** Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.

**Plan Nos:** P001, P090, P100d, P110, P120, P130, P140, P150, P160a, P210b, P211, P310a, P311b, P312a and P313; and Noise Report (dated 19 December 2014).

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

- (i) Typical sash window.
- (ii) All external doors.
- (iii) Shopfronts.
- (iv) Plant enclosure.
- (v) Typical dormer window.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

**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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must paint all new outside rainwater, soil pipes and railings black and keep them that colour. (C26EA)

**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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must install the plant enclosure in its entirety and in accordance with the drawings approved under Condition 5(iv) and the specification detailed within Appendix G of the Noise Report (dated 19 December 2014) prior to the installation of any of the plant hereby approved. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect neighbouring residents from noise nuisance and 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 Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, 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.

8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 The plant serving the commercial uses must only operate on their low noise modes during the hours of 23.00 - 07.00.

**Reason:**

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 11 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London plane tree in the rear garden of No. 5 Wimpole Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 **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: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 Conditions 7, 8, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will



carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (109AC)

This drawing is intended to be used for planning purposes only. It is not to be used for any other purpose, application and all other matters should be referred to the relevant authorities. The client is responsible for ensuring that the information provided is accurate and up to date. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing.

Drawn	Checked	Date

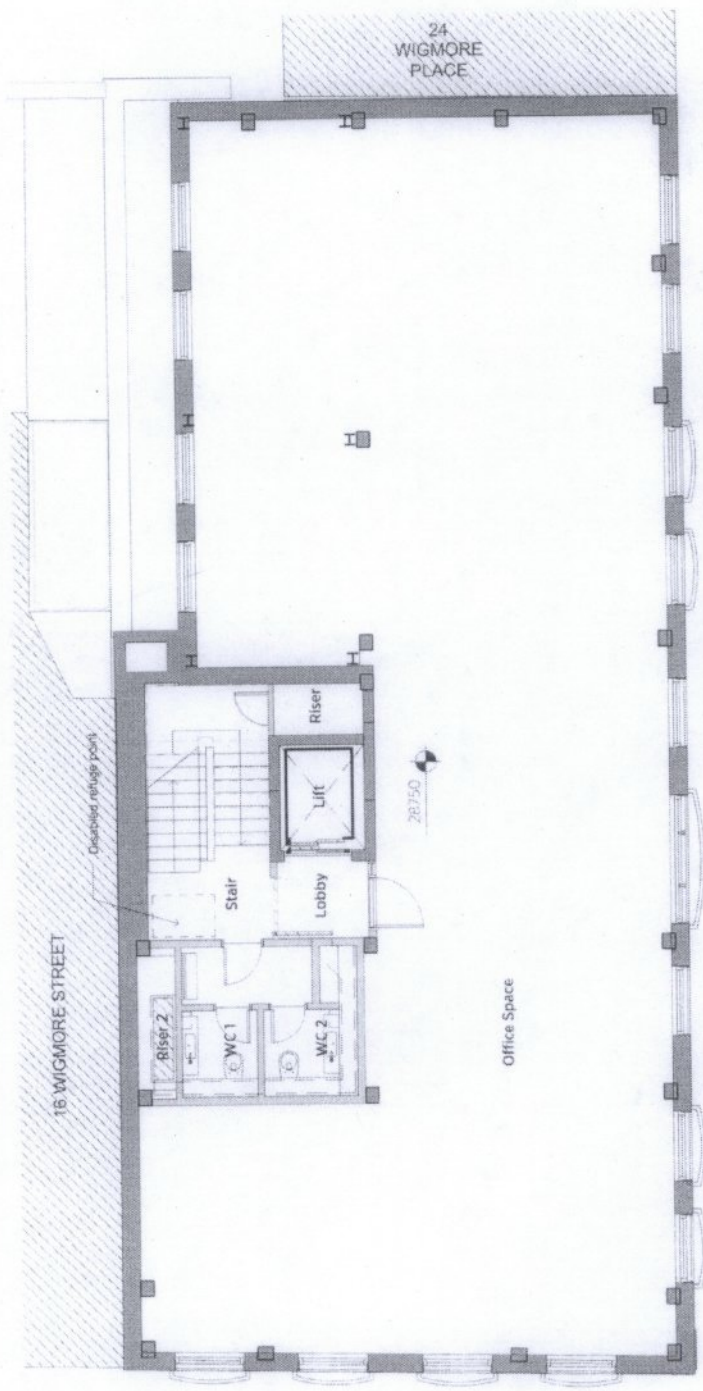
PLANNING SET

**KSRARCHITECTS**

12-14 Wigmore St

Proposed 1st Floor Plan

Scale	1:100
Date	12/12/14
Project No.	14019 P110





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A. Roof Plant Enclosure  
 202518, LV  
 No. Name  
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 Date

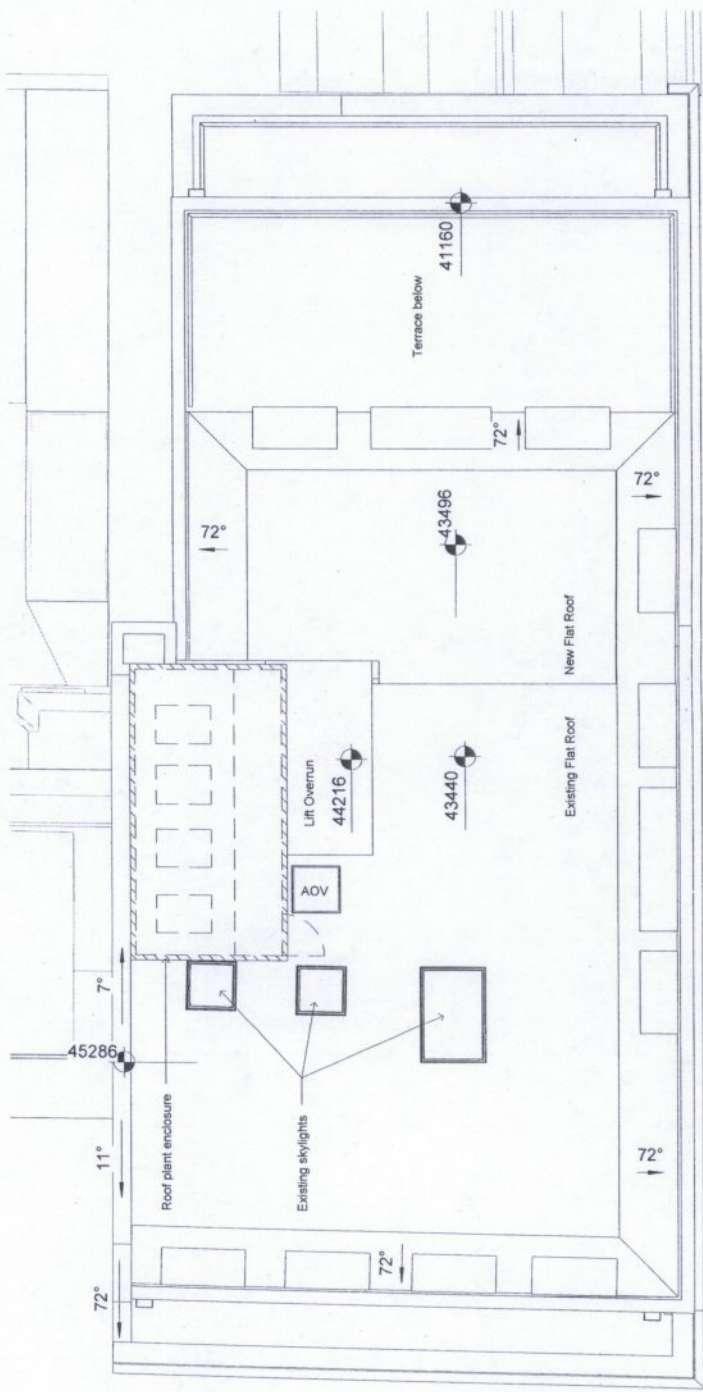
PLANNING SET

**KSR ARCHITECTS**  
 12-14 WIGMORE ST  
 LONDON W1G 0AN  
 TEL: 020 7494 8888  
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Project:  
 12-14 Wigmore St

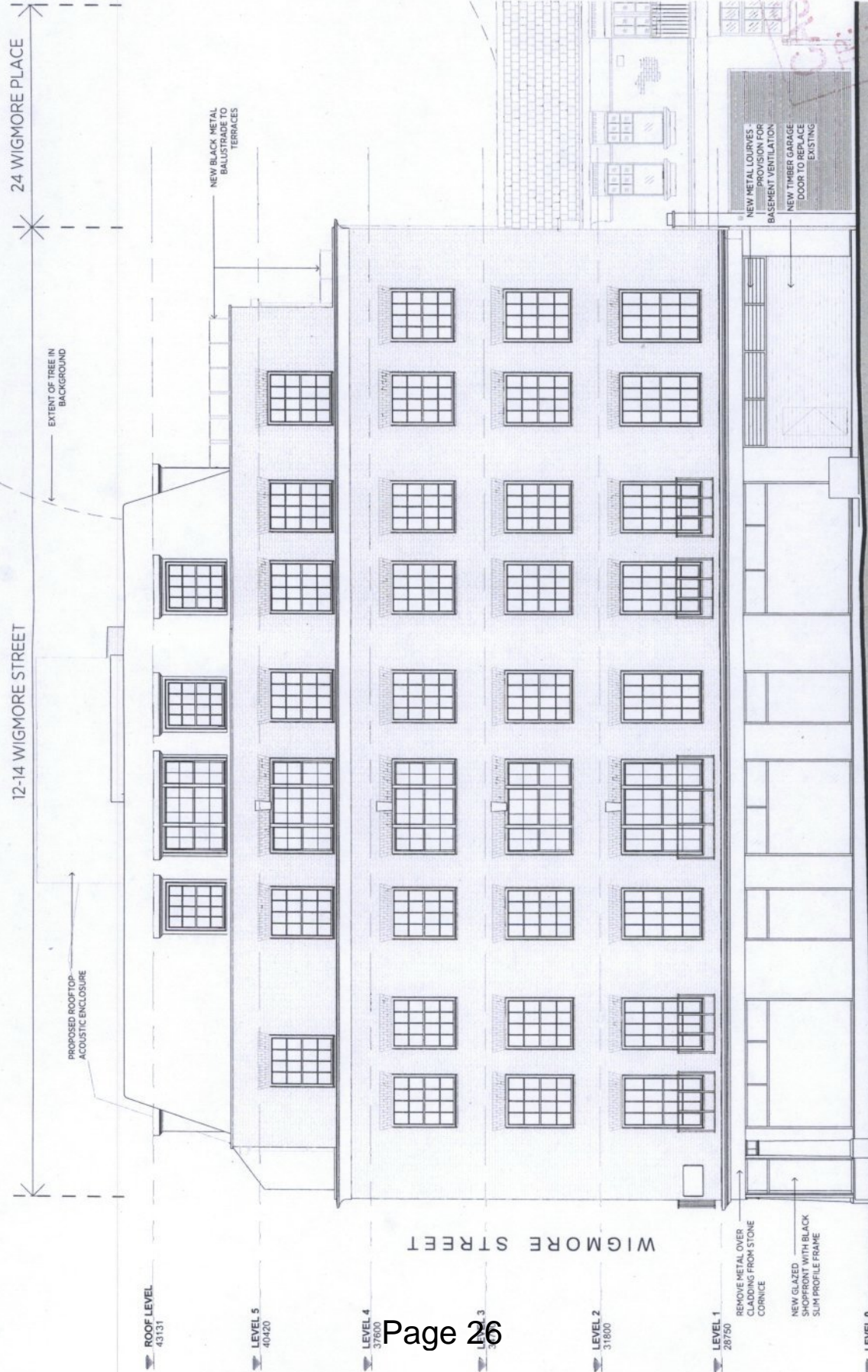
Plan:  
 Proposed Roof Plan

Date:	11/10/2014	Drawn By:	EC	Checked By:	EC
Scale:	1:100 @ A3	Project No.:	14019	Drawing No.:	P160
Revision:					
1					





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 3. Check all dimensions on site prior to carrying out any works.  
 4. Check all dimensions on site prior to carrying out any works.



**PLANNING SET**

**KSR ARCHITECTS**  
 12-14 Wigmore St  
 London W9 1AN  
 Tel: 020 7462 1000  
 Fax: 020 7462 1001  
 Email: info@ksrarchitects.com

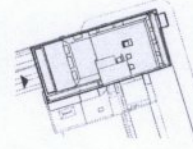
Project: 12-14 Wigmore St  
 Date: 20/05/2015  
 Drawing No: 14019\_P311  
 Drawing: Proposed Elevation East

Scale: 1:500 @ A3  
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 Drawn: B

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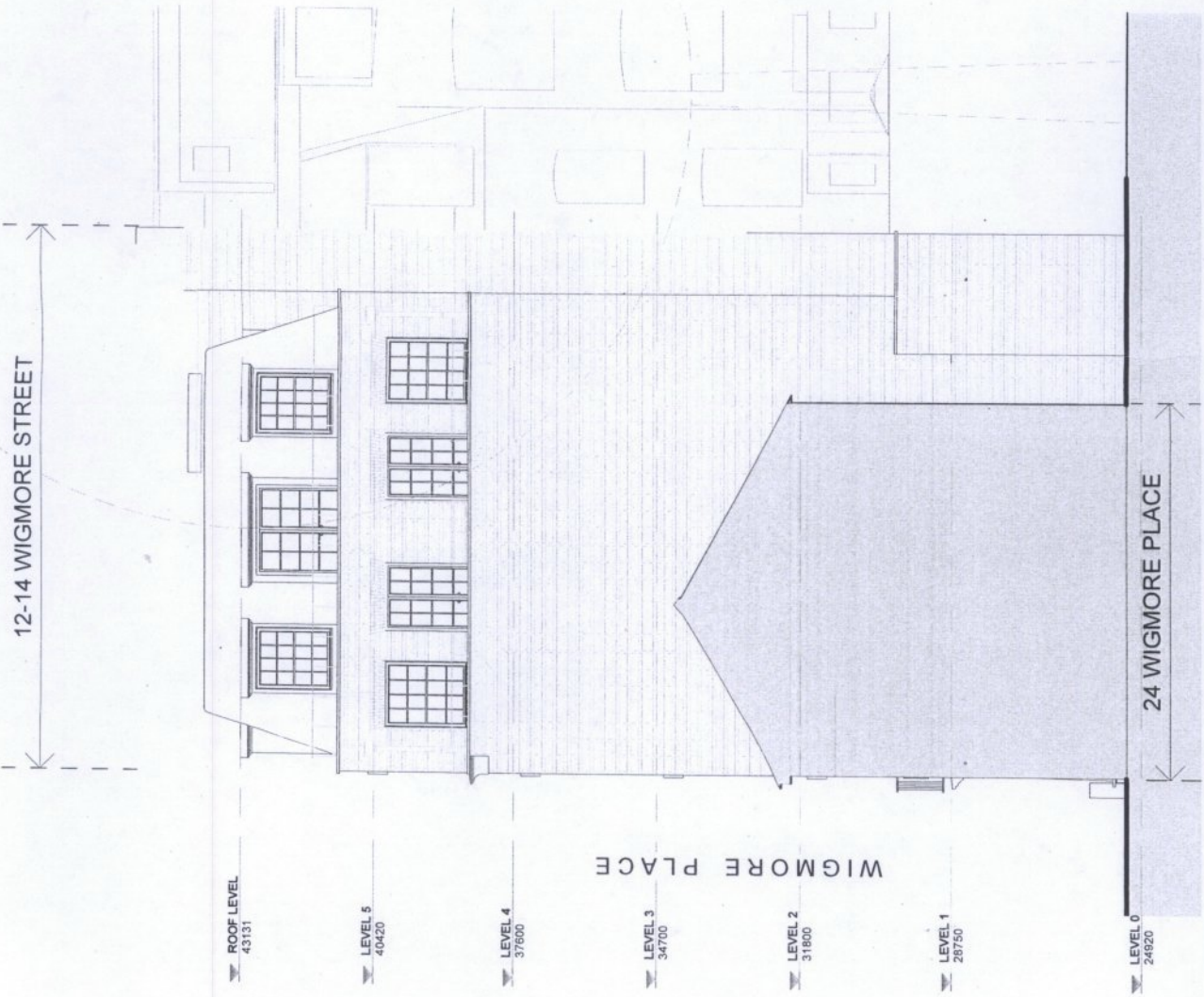


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Project: 12-14 Wigmore St

Proposed Elevation  
 North

Date:	17/02/14	Drawn by:	CA	Checked by:	[ ]
Scale:	1:100 @ A3	Project No.:	14019	Drawing No.:	P312
					Revision:
					A









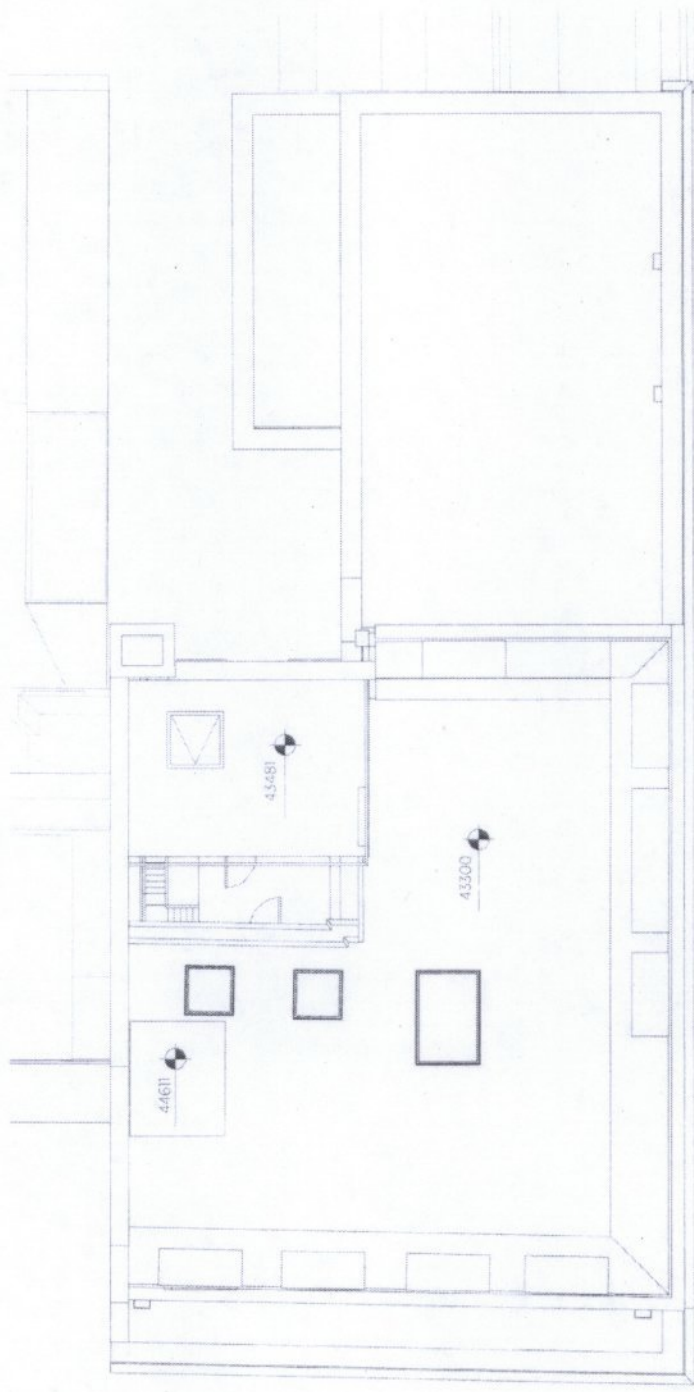
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Author	Checked	Date
Drawn	Reviewed	By
PLANNING SET		
Plan No.		

**KSR ARCHITECTS**  
 12-14 WIGMORE ST  
 LONDON W1G 0AN

Project	12-14 Wigmore St
Date	10/12/2014
Scale	1:100 (A1)
Client	14019
Sheet No.	X160

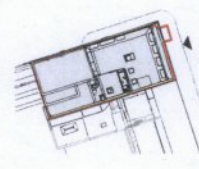
Existing Roof Plan



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 Notes: Appendix

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 Title: 12-14 Wigmore St  
 Date: 11/11/2014  
 Drawn By: CA  
 Checked By: EC

PLANNING SET

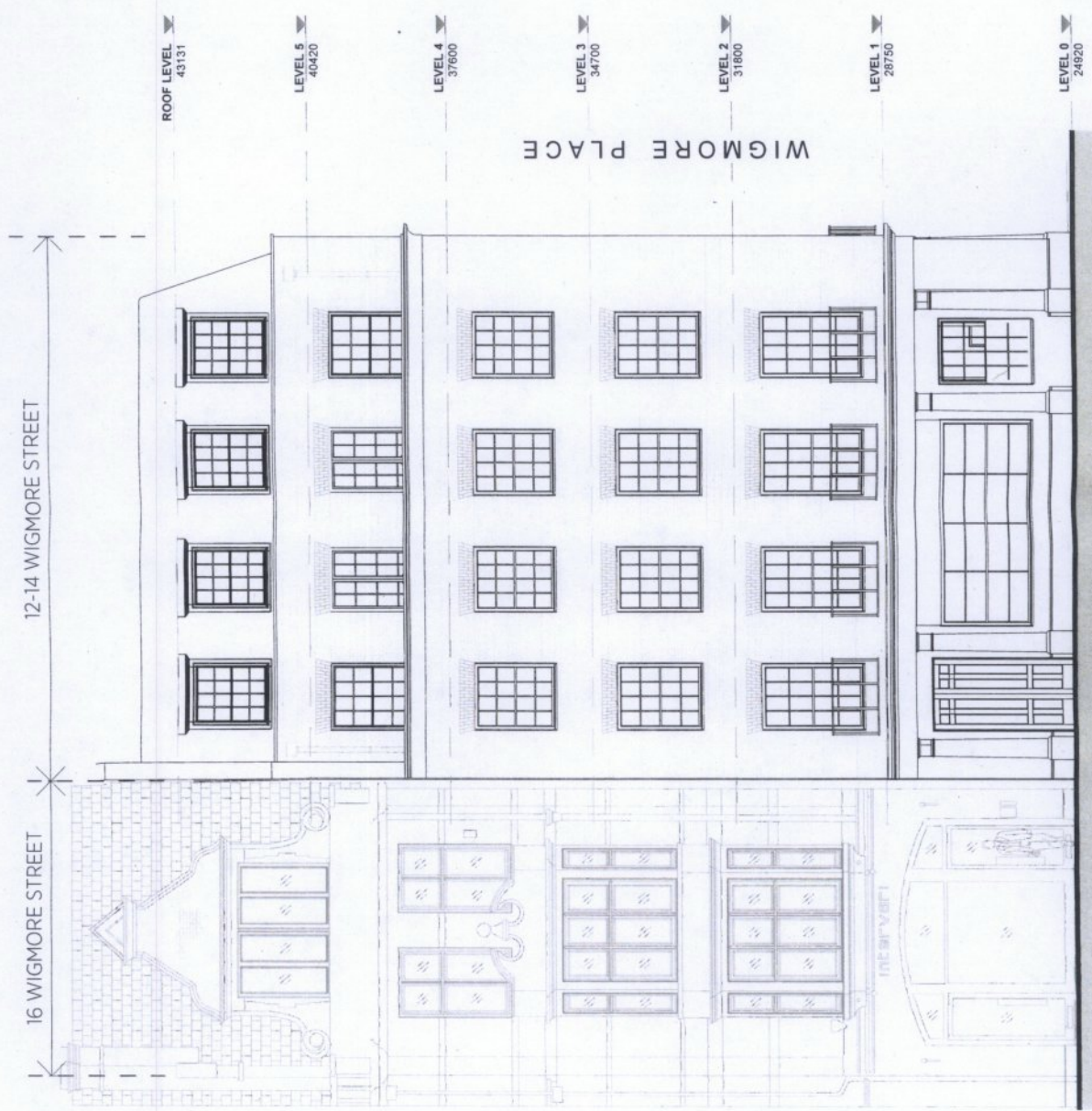


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Project: 12-14 Wigmore St

The Existing Elevation South

Date:	11/11/2014	Drawn By:	CA	Checked By:	EC
Sheet:	14019	Drawn By:	CA	Checked By:	EC
Project No:	14019	Drawn By:	CA	Checked By:	EC
Revision:	X310	Drawn By:	CA	Checked By:	EC







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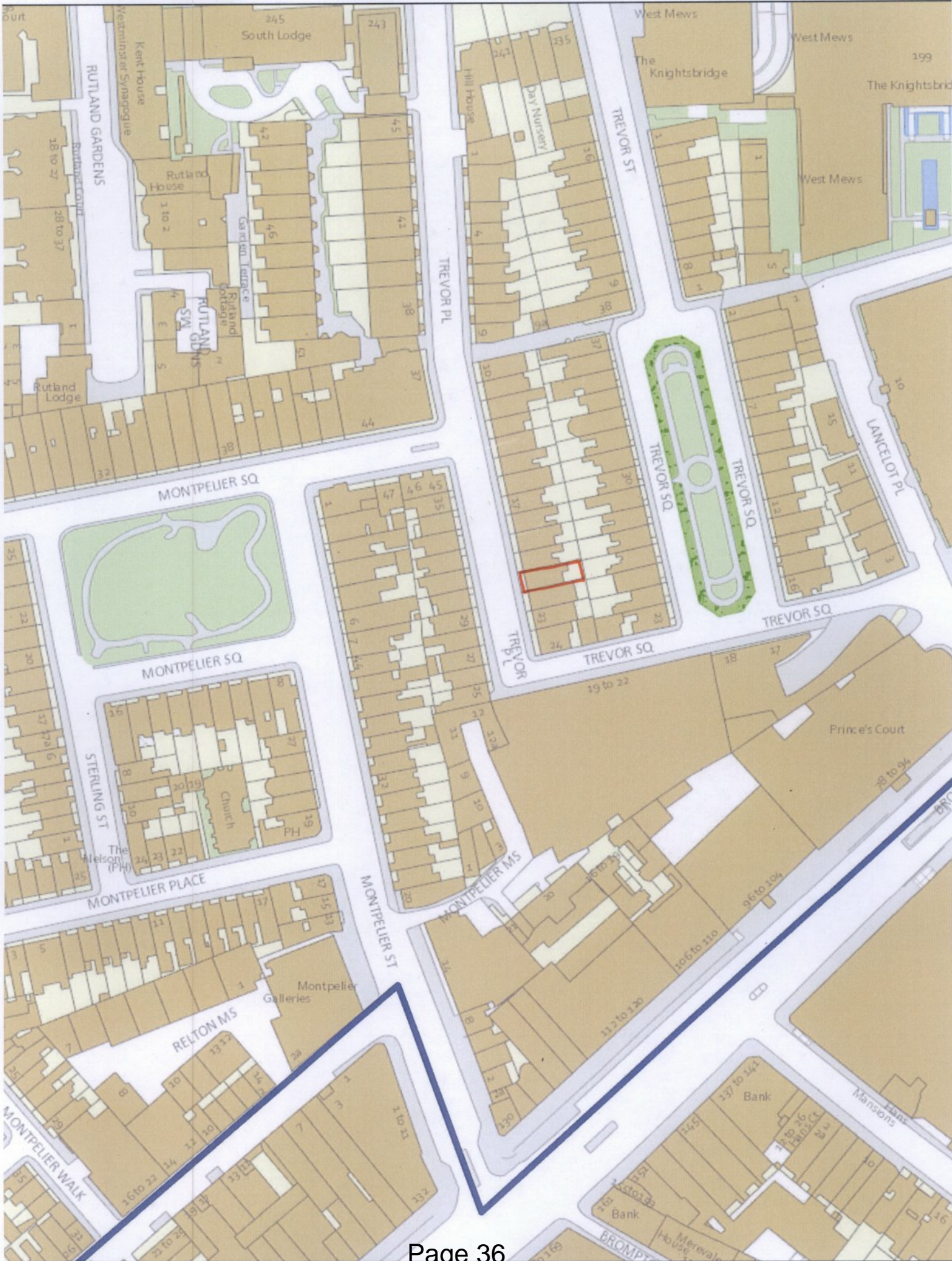
# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>21 Trevor Place, London, SW7 1LB</b>		
<b>Proposal</b>	Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.		
<b>Agent</b>	Richard Mitzman Architects		
<b>On behalf of</b>	Mr Marc Winer		
<b>Registered Number</b>	15/01773/FULL	<b>TP / PP No</b>	TP/20068
<b>Date of Application</b>	03.03.2015	<b>Date amended/ completed</b>	03.03.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Knightsbridge		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.







21 TREVOR PLACE, SW7

## 2. SUMMARY

No. 21 Trevor Place is in use as a single family dwellinghouse. Two permissions have been granted for alterations and extensions to the property including excavation to extend the lower ground floor and extensions at rear ground and first floor levels in April 2012 and April 2013. The works which have taken place on site do not fully reflect the consented schemes and permission is now sought to retain the works as built. A small lightwell has been introduced at rear lower ground floor level, the depth of the extensions at rear ground and first floor level have been reduced which allows an enlarged terrace at ground floor level and alterations have been made to the windows and doors.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of the Knightsbridge Conservation Area.
- The impact of the proposals on neighbouring residential amenity.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is recommended for approval.

## 3. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION

Object to this retrospective application. The three track fully glazed sliding doors are incompatible with this period of house, out of keeping with the style and character of the conservation area and will also result in light pollution to neighbouring properties. The terrace would result in a loss of privacy. The height of the front basement window has been lowered and is out of alignment with the rest of the terrace.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 9; Total No. of Replies: 2

Two neighbouring residents to the rear have raised objections on the following grounds:

#### Amenity

- Loss of privacy from terrace and sliding doors at rear upper ground floor level.
- Light pollution from large sliding doors.
- Trellis darkens the garden.

#### Design

- Large sliding doors at upper ground floor level are unsightly.
- Negatively affects the character of the listed buildings to the rear.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application property is an unlisted single family dwellinghouse located within the Knightsbridge Conservation Area. The building comprises basement, ground and three upper floors.

### 4.2 Relevant History

24 April 2012 – Permission granted for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults; erection of a full width extension at rear ground floor level and half width extension at first floor level;

alterations within the front lightwell including infill extension under front entrance steps; and alterations to fenestration. (11/06569/FULL)

23 April 2013 – Permission granted for variations to the 2012 permission, namely to reduction in size of lower ground floor extension with outdoor area at lower ground floor level, alterations to window design of rear ground floor extension, alterations to first floor extension, change to rooflight above ground floor extension and amendments to profile of mansard roof. (13/01165/FULL)

## 5. THE PROPOSAL

Two permissions have been granted for alterations and extensions to the property including excavation to extend the lower ground floor and extensions at rear ground and first floor levels in April 2012 and April 2013. Both permissions allowed for large openings at rear ground floor level accessing a terrace area in the 2012 permission and set behind a balustrade in the 2013 permission.

The works which have taken place on site do not fully reflect the consented schemes and permission is now sought to retain the works as built. A small lightwell has been introduced at rear lower ground floor level, the depth of the extensions at rear ground and first floor level have been reduced which allows an enlarged terrace at ground floor level and alterations have been made to the windows and doors with the installation of sliding doors at rear ground floor level in place of bi-folding doors and the lowering in height of a window within the front basement lightwell.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposal to extend this single family dwelling to provide additional accommodation is considered acceptable in principle and is in accordance with UDP Policy H3.

### 6.2 Townscape and Design

The extensions as built have been reduced in depth to that granted permission in 2012 and 2013. A lightwell has been created at lower ground floor level and the extensions at ground and first floor level will now align with similar scaled extensions at No. 20 Trevor Place. Three panel sliding doors have been installed at rear ground floor level (as opposed to bi-folding doors granted in 2012 and a large fixed window and a set of doors granted in 2013). The proposals are not considered significantly different from the previously approved schemes in terms of the extent of glazing proposed and the design of the doors.

The lowering in height of the window within the front lightwell is regrettable, however, this could have been undertaken under the permitted development rights for the single family dwellinghouse. A condition is recommended to remove the permitted development rights for the dwelling.

The works are considered acceptable in design and conservation terms, in accordance with S28 of the City Plan and DES1, DES5 and DES9 of the UDP.

### 6.3 Amenity

The extensions as built are of a slightly reduced footprint than that previously permitted and are therefore considered to have a satisfactory relationship with neighbouring properties in terms of light and enclosure.

The ground floor extension is reduced in depth by approximately 1m which has resulted in a

slightly larger terrace area at this level. The height of the terrace is approximately 0.7m above the pre-existing garden level, but is the same height as the terrace approved in 2012. Whilst the extent of the terrace has increased it is no closer to the properties to the rear on Trevor Square due to the introduction of the lightwell at lower ground floor level.

The trellis projects approximately 0.6m above the height of the boundary wall which is similar to the height of the trellis approved under the 2013 scheme. It is considered that the trellis provides an acceptable means to protect the privacy of neighbouring occupiers without resulting in an overly dense screen.

The doors which access the terrace at rear ground floor level have a different fenestration pattern than previously approved, but the size of the opening and extent of glass is very similar, and the doors are set 1m back from those approved in 2012 due to the reduced depth of the extension.

It is considered that the proposals will not materially impact upon the amenity of neighbouring properties in terms of light pollution, loss of privacy, loss of light or increased sense of enclosure and will accord with Policy S29 of the City Plan and ENV13 of the UDP.

#### **6.4 Transportation/Parking**

The retained works will not have any material impact on the surrounding highway network.

#### **6.5 Economic Considerations**

Not relevant.

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

None.

#### **6.7 London Plan**

The proposal does not raise strategic issues.

#### **6.8 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **6.9 Planning Obligations**

Not applicable.

### **6.10 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposal is of an insufficient scale to require an environmental assessment.

### **6.11 Conclusion**

The proposal is considered acceptable in design, conservation and amenity terms in accordance with Policies S28 and S29 of Westminster's City Plan: Strategic Policies and DES1, DES5, DES6, DES9 and ENV13 of the UDP.

## **BACKGROUND PAPERS**

1. Application form.
2. Letter from the Knightsbridge Association dated 1 April 2015.
3. Letter from 27 Trevor Square dated 26 March 2015.
4. Letter from 26 Trevor Square dated 27 March 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 21 Trevor Place, London, SW7 1LB

**Proposal:** Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.

**Plan Nos:** Design Statement; 203\_X\_005\_AA: 203-DWG-100-XX RevPL; 203-DWG-101-XX RevPL; 203-DWG-110-AA RevPL; 203-DWG-111-BB RevPL; 203-DWG-115-E-W RevPL; 203-DWG-260-00 RevP; 203-DWG-261-00 RevP; 203-DWG-262-XX RevP.

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

**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 You must not use the roof of the ground and first floor extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 3 You must not form any windows or other openings add any or extensions to the houses (other than those shown on the plans) in the outside walls of the building or add any extensions to the houses without our permission. This is despite the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

**Reason:**

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

- 4 The new brickwork shall remain unpainted.

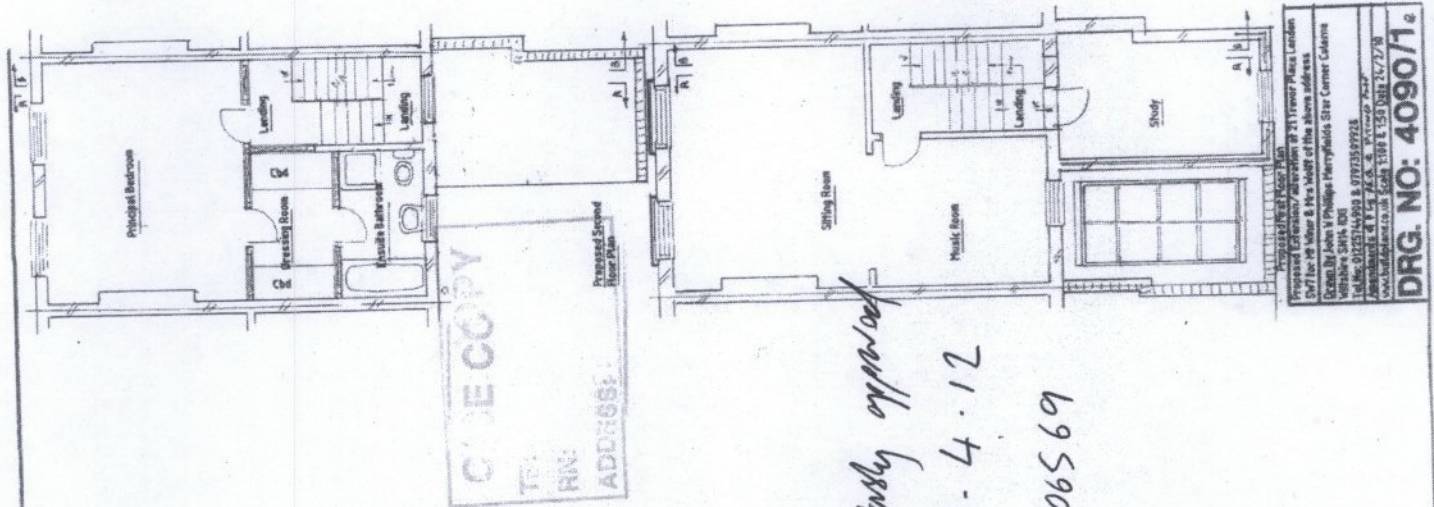
**Reason:**

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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):**

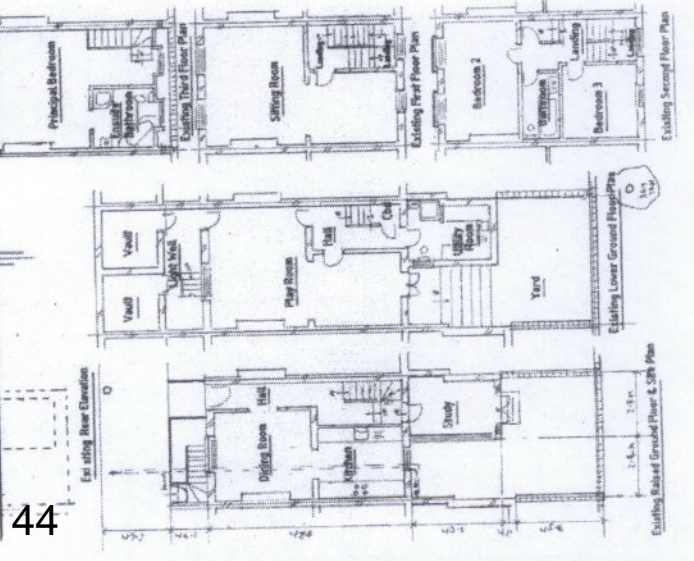
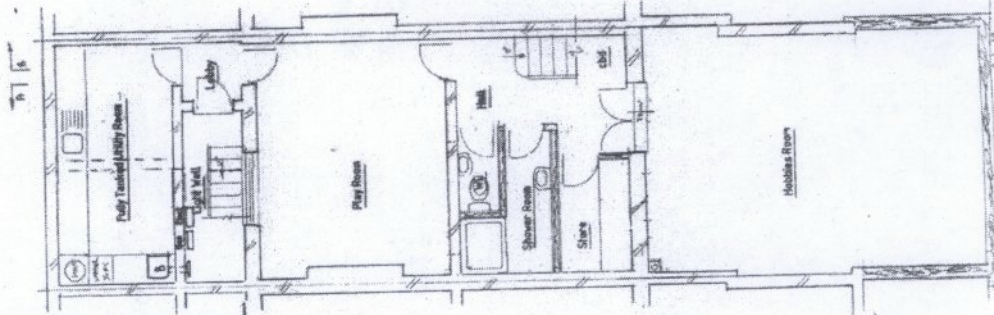
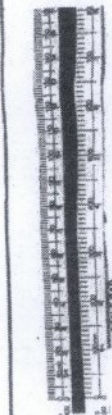
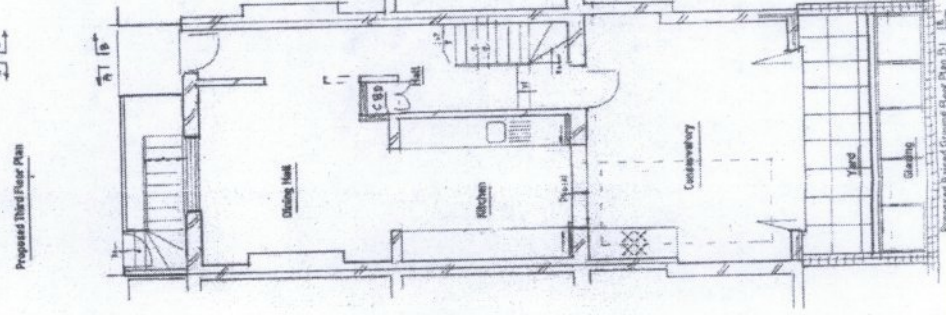
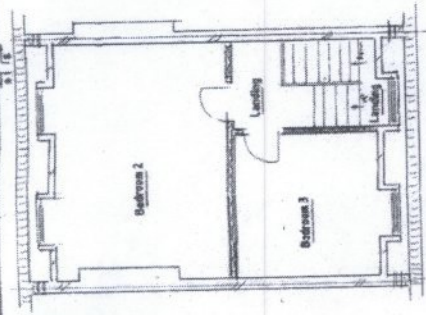
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.



Proposed Second Floor Plan  
 Prepared Exclusively for Submission to the Planning Authority  
 2017 for Mr & Mrs. West of the above address  
 (2000) Dr John V Phillips Merrifields Star Corner Colons  
 Virellia SAHA, 100  
 Adelaide SA 5000  
 Tel No: 0822744993 & 0822759725  
 Fax No: 0822744993 & 0822759725  
 Email: john@jvphillips.com.au  
 DRG. NO: 4090/11

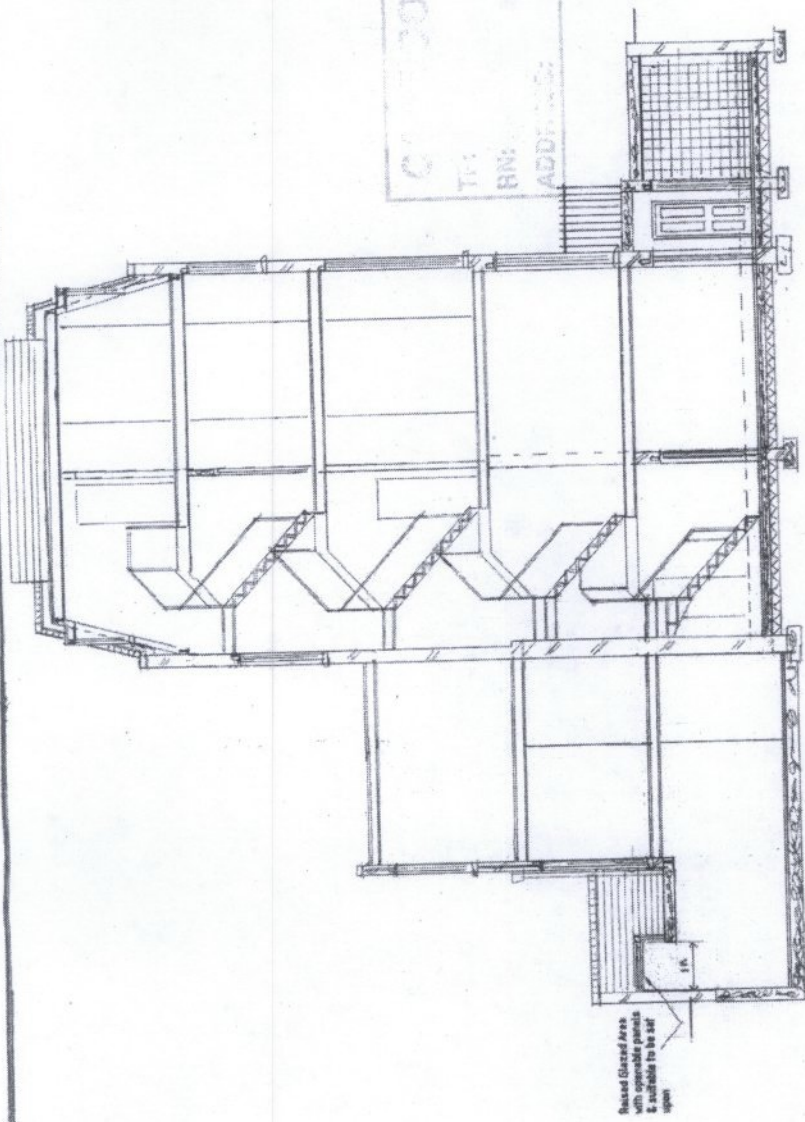
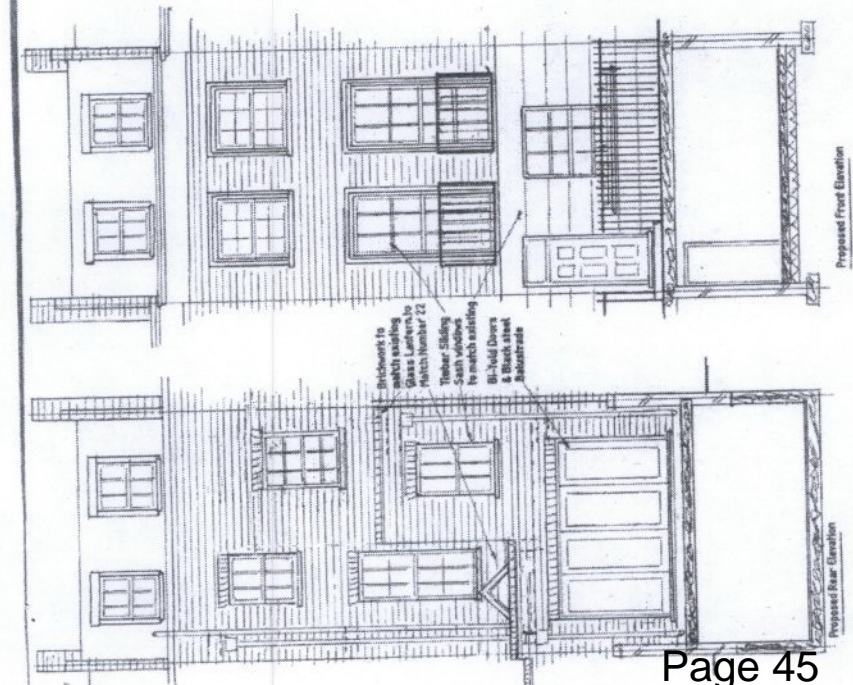
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 TRN:  
 RIN:  
 ADDRESS:

*privately approved*  
 24-4-12  
 11/06569



Approved April 2012



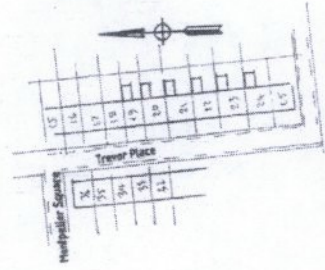


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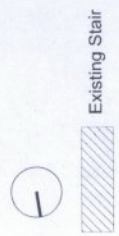
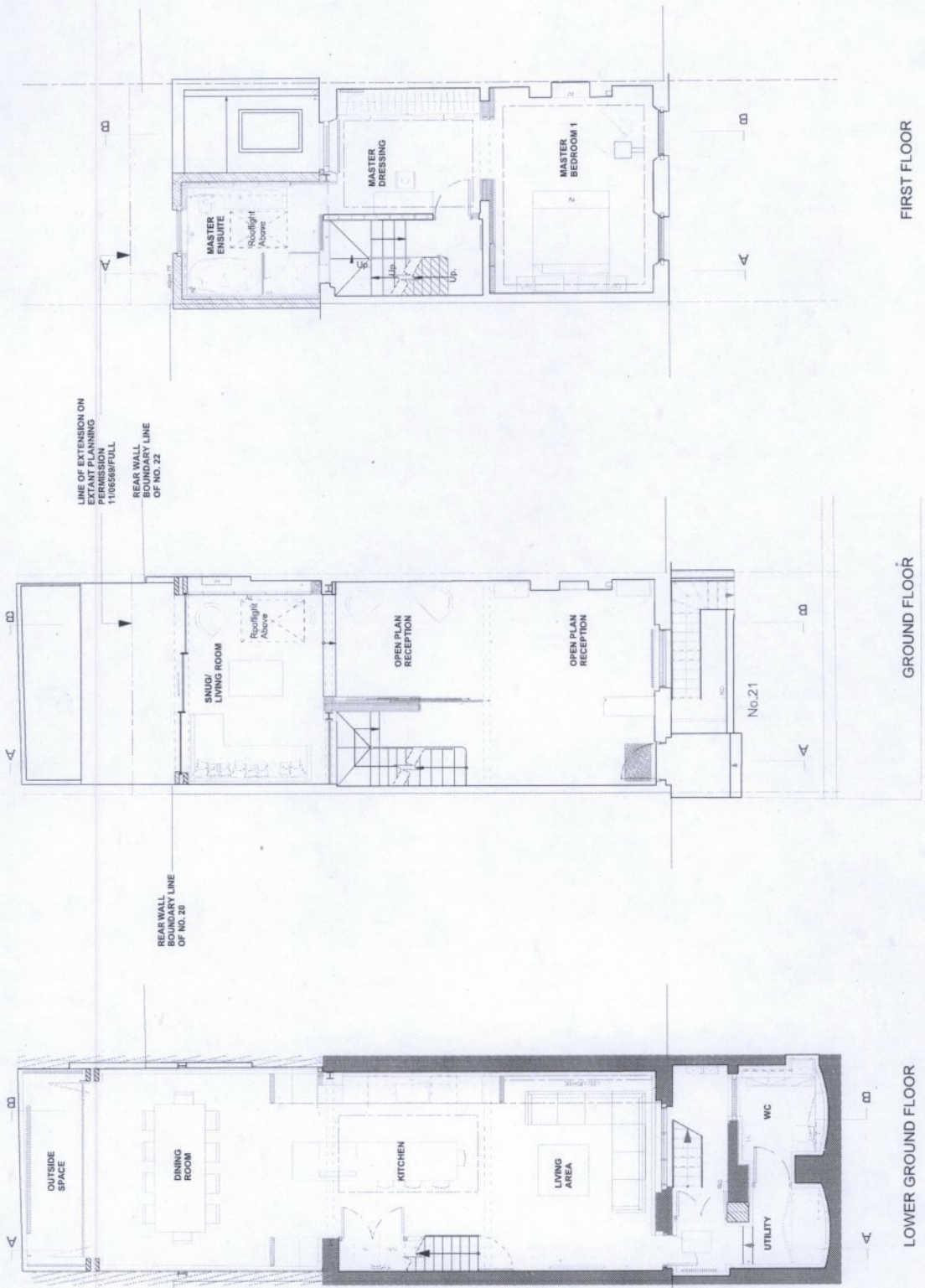


Approved April 2011

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Revisions  
**REV PL 26.02.15 PLANNING ISSUE**



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**Mr & Mrs Winer**

Project  
**21 Trevor Place, Knightsbridge**  
 London, SW7 1LB  
 drawing title  
**Proposed Plans**

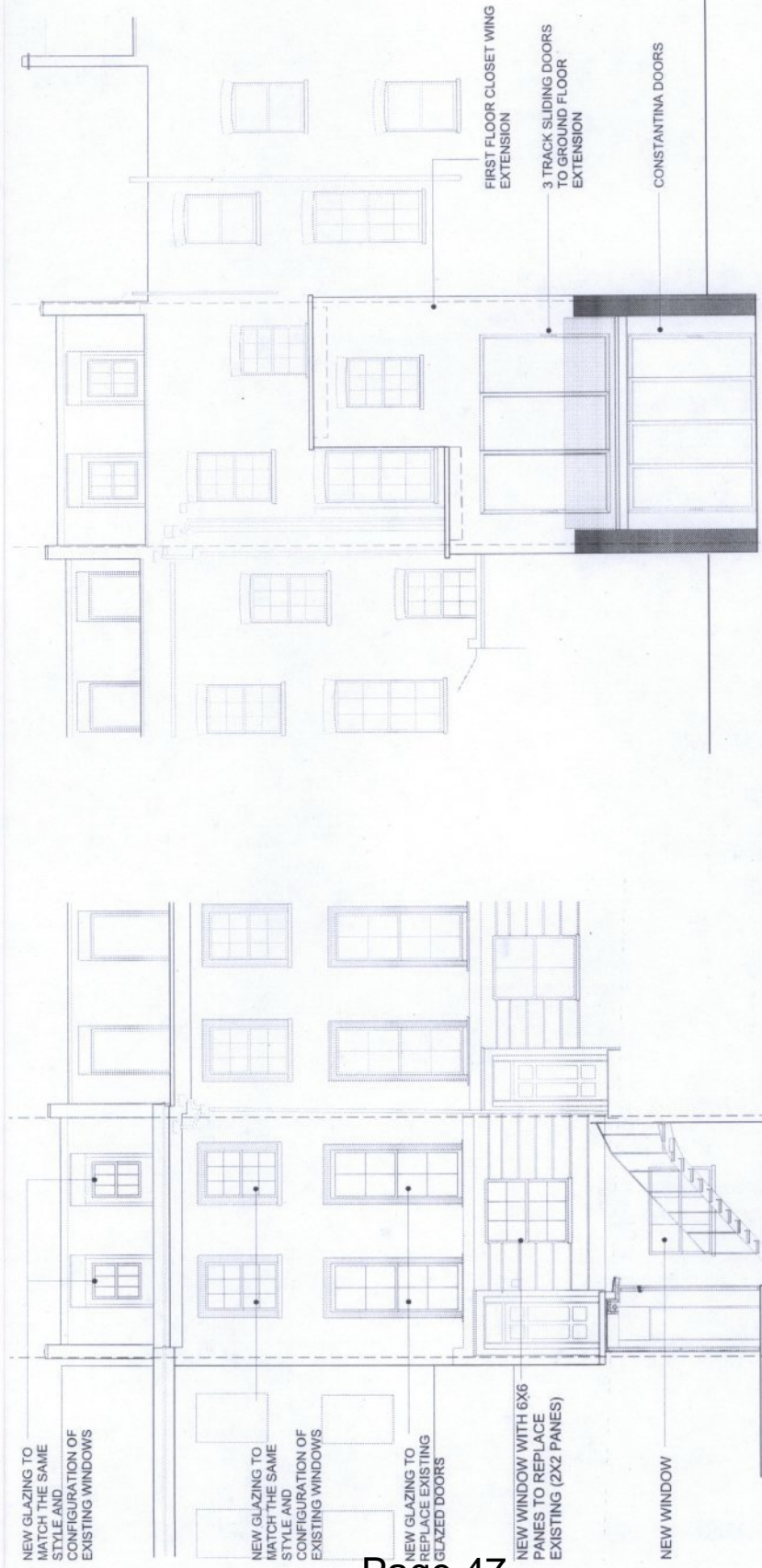
status  
**PLANNING**

scale  
1:100  
BN  
file reference  
203-100-Block  
26.02.15  
drawing no.  
203-DWG-100-XX  
revision  
**PL**

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Revisions  
**REV PL 24.02.15 PLANNING ISSUE**



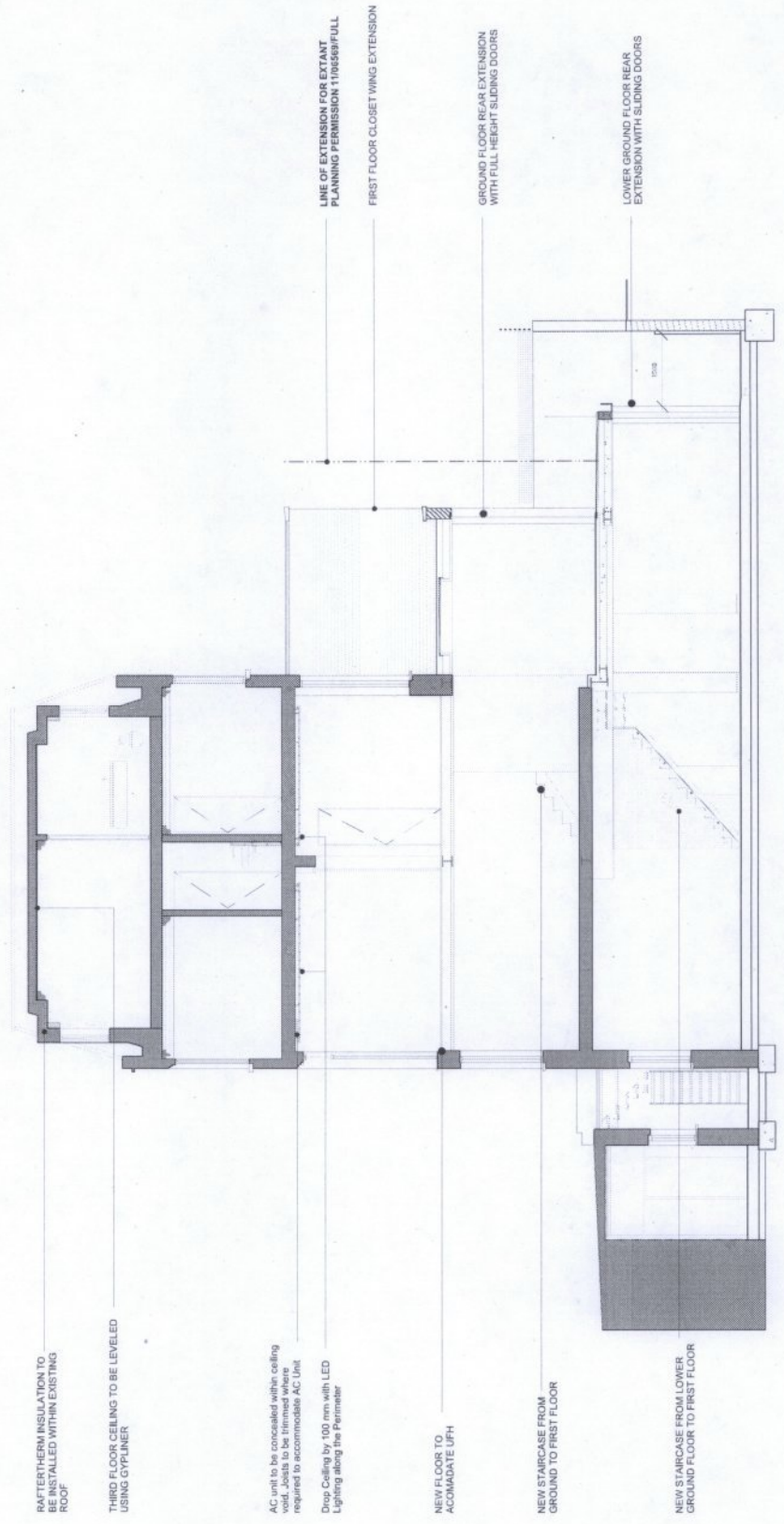
**Richard Mitzman architects llp**  
 Unit 1 Primrose Meadows  
 Sharpshill Street  
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 f: 020 7449 0438  
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 client: Mr & Mrs Winer

project: 21 Trevor Place, Knightsbridge  
 London, SW7 1LB  
 drawing title: Proposed Elevations

status: PLANNING	
scale: 1:100	drawn by: BN
date created: 16.08.13	file reference: 203-100 Bldg
drawing no.:	revision:
203-DWG-115-E-W	PL

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Revisions  
**REV PL 24.03.15 PLANNING ISSUE**



RAFTER/HEM INSULATION TO BE CALLED WITHIN EXISTING ROOF

THIRD FLOOR CEILING TO BE LEVELED USING GYPLINER

AC unit to be concealed within ceiling void. Joints to be trimmed where required to accommodate AC Unit

Drop Ceiling by 100 mm with LED Lighting along the Perimeter

NEW FLOOR TO ACOMAGATE UPH

NEW STAIRCASE FROM GROUND TO FIRST FLOOR

NEW STAIRCASE FROM LOWER GROUND FLOOR TO FIRST FLOOR

LINE OF EXTENSION FOR EXTANT PLANNING PERMISSION 1106589 FULL

FIRST FLOOR CLOSET WING EXTENSION

GROUND FLOOR REAR EXTENSION WITH FULL HEIGHT SLIDING DOORS

LOWER GROUND FLOOR REAR EXTENSION WITH SLIDING DOORS

Existing staircase from First to Third Floor

Existing Building Structure

Richard Mitzman architects llp  
 Unit 1 Princess Moors  
 Skewpall Street  
 London NW1 8TW

Mr & Mrs Winer

Project  
 21 Trevor Place, Knightsbridge  
 London, SW7 1LB

Proposed Section BB

STATUS  
 PLANNING

Scale  
 1:100  
 Date created  
 16.08.13  
 Drawing no.  
 203-111-BBgg



1 PROPOSED SECTION BB  
 SCALE 1:100

drawn by  
 BN  
 Rev reference  
 203-111-BBgg  
 revision  
 PL

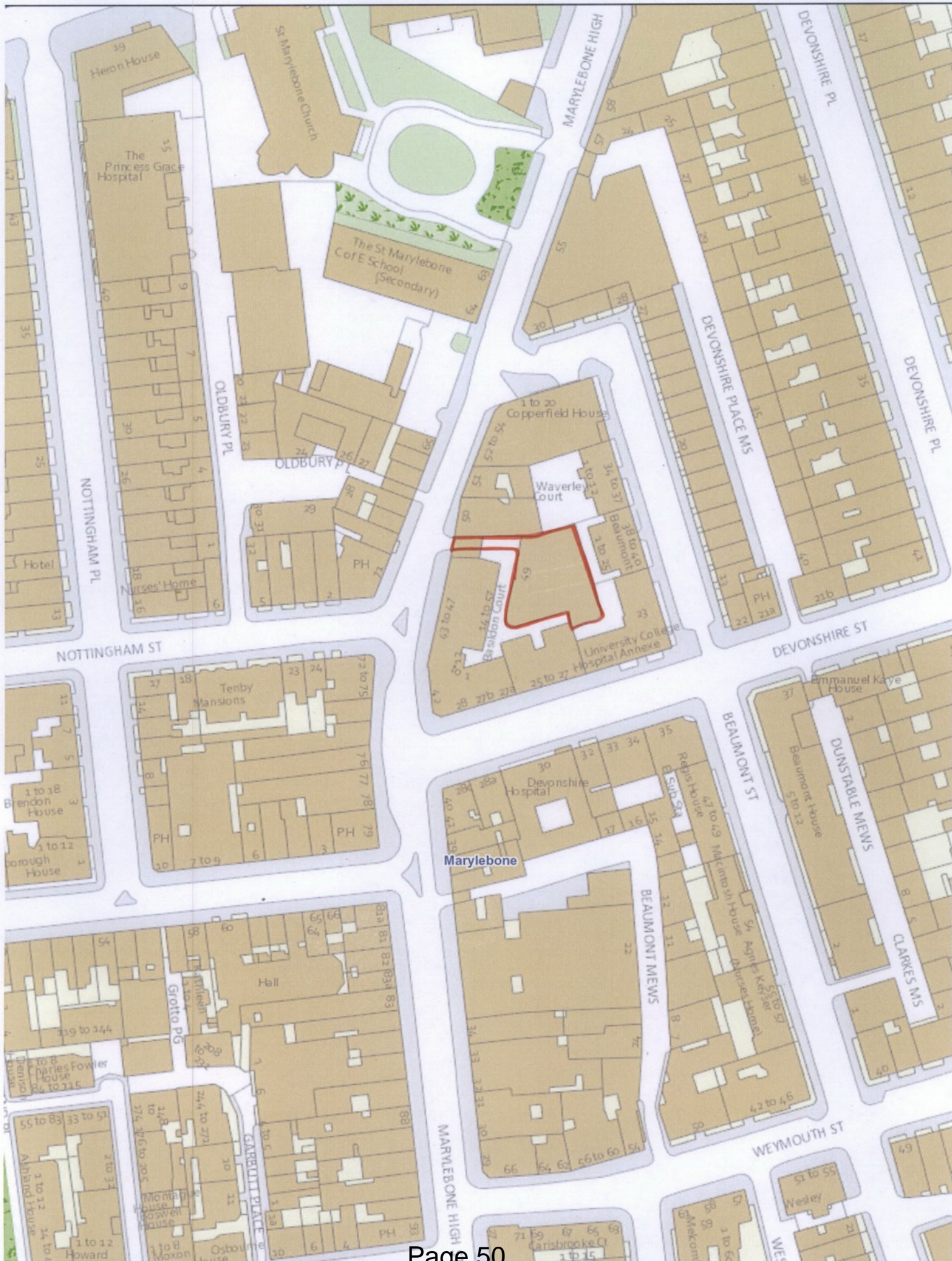
# Agenda Item 3

Item No.
3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>49 Marylebone High Street, London, W1U 5ED</b>		
<b>Proposal</b>	Use of part of the lower ground floor as an exercise/dance studio (Class D2) for a temporary period up until 21 January 2024 between the hours of 06.00-22.00 Monday-Saturday and 09.00-18.00 on Sundays and Bank Holidays.		
<b>Agent</b>	Nicholas Taylor + Associates		
<b>On behalf of</b>	X Barre London Ltd		
<b>Registered Number</b>	15/03629/FULL	<b>TP / PP No</b>	TP/10767
<b>Date of Application</b>	24.04.2015	<b>Date amended/ completed</b>	24.04.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





49 MARYLEBONE HIGH STREET, W1

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## 2. SUMMARY

The application site comprises a three storey backland building comprising basement, ground and first floor levels. The building is unlisted and located within the Harley Street Conservation Area and is currently utilised in its entirety as a medical facility by the London Diabetes and Lipid Centre. The property is surrounded by other buildings which are primarily commercial on the lower floors fronting Marylebone High Street and Devonshire Street with residential flats on the upper floors.

Permission is sought for the temporary use of part of the lower ground floor of the property as an exercise/dance studio (Class D2). No external alterations are proposed as part of this application.

The key issue for consideration is:

- The impact of the proposed use upon the amenity of nearby residential occupiers.

Subject to appropriate conditions, the proposed dance/exercise studio is considered acceptable in land use, highways and amenity terms and accords with the relevant Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) policies.

## 3. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 126; Total No. of Replies: 2.

Two objections on the following grounds:

- Noise disruption from the proposed use.
- Vibration through the building structure.
- Increase in light pollution.

ADVERTISEMENT/SITE NOTICE: Yes

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site is an unlisted property located at the rear of buildings fronting Marylebone High Street in a backland development comprising of basement, ground and first floor levels.

The building is currently used for medical purposes being occupied by the London Diabetes and Lipid Centre. The entire property has lawful use as medical or office accommodation.

### 4.2 Relevant History

A planning application for the 'use of part of the lower ground floor as an exercise/dance studio (Class D2) for a temporary period up until 21 January 2024 between the hours of 06.00



- 22.00 Monday - Saturday and 09.00 - 18.00 on Sundays and Bank Holidays' was withdrawn on the 31 March 2015 following officer concerns with regard potential noise nuisance resulting from the proposed use impacting upon the amenity of residents within the vicinity.

17 October 2014: Permission was granted for the 'dual/alternative use of the property as either office accommodation (Class B1) or as an outpatients clinic (Class D1). Extension to the existing opening hours of the medical use to between 08:00 and 22:00 Monday to Friday and 09:00 and 18:00 on Saturdays, Sundays and Bank Holidays.'

21 March 2011: Permission was granted for the 'replacement of plant behind existing screening at roof level and installation of additional screening.'

31 August 2010: Permission was granted for the 'dual/alternative use of first floor for either offices (Class B1) or outpatient clinic (Class D1) in connection with use of ground and lower ground floors as outpatient clinic.'

22 July 2004: Permission was granted for the use of the ground and lower ground floor for dual use for either office or outpatient clinic.

## 5. THE PROPOSAL

Permission is sought for the change of use of part of the lower ground floor to a dance/exercise studio (Class D2). The proposed use comprises of a reception and merchandise area, changing and shower facilities, two studio rooms and associated office and storage spaces. Internally it is proposed to install secondary glazing but externally there are no works proposed to the building as part of the application.

Planning permission has been previously granted for the installation of air conditioning plant at the property in 2011. The applicant contends that the existing plant provides all the required cooling needs of the property and there is no plant proposed as part of this application for the change of use.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Loss of offices/medical

Whilst the entire building is currently utilised as medical floorspace the dual/alternative use granted in 2014 enables the use of the property to change between the D1 and B1 uses approved for 10 years without further planning permission.

Whilst the Council would seek to protect medical accommodation, the use of the property can currently lawfully change to general office accommodation. The City Council does not currently have any policies seeking the protection or retention of office accommodation within this area of Westminster. This is under review, but at the present time the application is considered acceptable in land use terms.

#### 6.1.2 New dance/exercise studio

The proposed new dance/exercise studio (Class D2) is for a temporary period until 21 January 2024 when the use would revert back to the lawful medical/office use. A facility such as this is considered a social/community use and Policy S34 of the City Plan states that 'new social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.' The proposed social/community facility is therefore considered

acceptable in land use terms and, a condition is proposed as requested by the applicant stating that the change of use is only for a temporary period.

## **6.2 Townscape and Design**

No external alterations are proposed as part of the application.

## **6.3 Amenity**

### **6.3.1 Noise and vibration**

Objections have been received to the application from neighbouring residential occupiers within Basildon Court which is directly to the west of the application site. These flats are in very close proximity to the application building as are other flats on the upper floors in blocks which surround the site.

Policy S32 of the City Plan seeks to ensure that noise pollution and its impacts are reduced by 'ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources.' UDP Policy ENV6 is also relevant and states the City Council will 'require residential developments to provide adequate protection from existing background noise.'

UDP Policy ENV7 considers noise from plant, machinery and internal sources. Part A of the policy states:

'Where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve the following standards in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development.'

A similar application submitted in February this year was withdrawn whilst the applicant gathered evidence to support their assertion that the proposal would not detrimentally impact upon residential amenity. This application is now supported by an acoustic report which assesses the impact of the proposal in terms of noise at the nearest sensitive window (the nearest residential windows were identified as being 5m distant). The submitted acoustic report includes on-site measurements of the existing background noise levels and also assesses the sound insulation properties of the building to determine the potential for noise transmission through the building structure itself.

To accord with Policy ENV7 of the UDP any noise resulting from operation of the use will have to be 10dB below background at the nearest noise sensitive windows. A 24 hour noise survey was carried out and the lowest background noise level was recorded as being 48dB during the hours of 07:00 and 23:00 and 44dB during the hours of 23:00 and 07:00. The proposed opening hours of the premises are from 06:00 – 22:00 Monday to Saturday and 09:00 – 18:00 Sundays.

Acoustic attenuation measures are proposed including the installation of secondary glazing to all the windows serving the use in the basement, loudspeaker isolation and mounting and the installation of a sound limiter system to the speakers. With these measures in place the predicated noise levels are 28dB at the nearest residential windows. These levels would therefore comply with ENV7. The assessment of noise transference through the building itself to the medical accommodation above shows that noise levels will comply with the relevant British Standard.

It should also be noted that the planning permission relating to the use of the upper floors restricts the opening hours of the office use to 08:00 and 19:00 on Monday to Friday and 08:30 and 14:30 on Saturdays and not at all on Sundays or Bank Holidays, whilst the medical use is restricted to between the hours of 08:00 and 22:00 Monday to Friday and between 09:00 and 18:00 hours on Saturdays, Sundays and Bank Holidays for patients. The premises are open to staff between the hours of 07:30 and 22:30 Monday to Friday and 08:30 and 18:30 on Saturdays, Sundays and Bank Holidays.

The proposed unit measures 265m<sup>2</sup> with approximately half of this area being used by the two studios and the remainder used for ancillary purposes (reception, offices, changing facilities etc). It is envisaged that people would enter/leave the facility either on their own or in very small groups. Due to the size of the unit, the nature of its operation and the direct access off Marylebone High Street it is not considered that people entering or leaving the facility would cause a noise nuisance to nearby residents.

The Environmental Health officer has confirmed that the use, subject to conditions relating to maximum noise levels, vibration and the requirement to install the specified acoustic mitigation measures, would be acceptable in amenity terms and compliant with the standard City Council noise criteria. In these circumstances, it is not considered that the scheme could justifiably be refused on the grounds of noise nuisance and the objections from neighbouring occupiers on these grounds could not be sustained.

The mitigation measures proposed within the acoustic report in relation to 'loudspeaker isolation' and 'loudspeaker mounting' will address the issue of vibration from the speakers transferring through the building structure. The standard condition is also proposed with regard acceptable levels of vibration transmission.

### **6.3.2 Light Pollution**

Due to the close proximity of the application building to neighbouring residential properties a condition was attached to the 2014 permission requiring the submission of a strategy to negate possible increased light pollution. A strategy was submitted involving the use of blackout blinds, and the condition was discharged on the 13 February 2015. The approved details considered the extended opening hours until 22:00 on certain days of the week, however, as the current application seeks permission to open earlier in the morning (06:00), it is considered that an updated strategy is required to address these extended opening hours and to ensure the proposal does not result in increased light pollution to surrounding residential occupiers. A condition is proposed requiring the submission of this strategy. It is noted that an objector has commented on the potential for an increase in light pollution and with this condition in place the concerns are considered to have been addressed.

### **6.4 Transportation/Parking**

No off-street car parking is proposed as part of the development, however, the site is located within a Controlled Parking Zone and therefore anyone driving to the site will be subject to those controls. It is not considered the change of use would result in any additional parking pressures in the vicinity compared to the existing use.

Cycle parking is shown as being provided within the demise of the unit at lower ground floor level. The provision is considered consistent with the Further Amendments to the London Plan and the cycle parking is secured by condition.

### **6.5 Economic Considerations**

Any economic benefits generated are welcome.

## **6.6 Access**

Access to the building is via the enclosed passageway running between Marylebone High Street and the building's entrance. There is an existing lift from the ground floor to the lower ground floor.

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

### **6.7.1 Waste Storage**

A condition is proposed requiring the submission of amended drawings to show the provision of waste and recycling storage facilities within the demise of the unit. There is considered sufficient space at lower ground floor level for this to be provided.

## **6.8 London Plan**

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

## **6.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **6.10 Planning Obligations**

The application does not raise a requirement for a planning obligation.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

### **6.12 Conclusion**

The proposals are considered acceptable in land use, transport and amenity terms and accord with the relevant UDP and City Plan policies. The application is therefore recommended for conditional planning approval.

**BACKGROUND PAPERS**

1. Application form.
2. Memorandum from Highways Planning Manager dated 13 May 2015.
3. Memorandum from Environmental Health Consultation Team dated 28 June 2015.
4. Letter from the residential occupier of 31 Basildon Court, 54-57 Devonshire Street, London dated 14 May 2015.
5. Letter from the residential occupier of 24 Basildon Court, 54-57 Devonshire Street, London dated 18 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 49 Marylebone High Street, London, W1U 5ED

**Proposal:** Use of part of the lower ground floor as an exercise/dance studio (Class D2) for a temporary period up until 21 January 2024 between the hours of 06.00-22.00 Monday-Saturday and 09.00-18.00 on Sunday and Bank Holidays.

**Plan Nos:** Site Location Plan, Acoustic Report (12483.NIA.01 RevB), Drawing: 101A.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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 No amplified sound from the gym hereby permitted shall be audible from outside the premises.

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 3 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 4 All windows at lower ground floor level will be fixed shut and retained in this manner permanently.

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 5 You must implement all of the acoustic mitigation measures as detailed in Section 5 of the Noise Impact Assessment (12483.NIA.01 RevB) before the use hereby approved can operate. You must thereafter maintain these measures to the specified standard for as long as the use is in operation.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 6 You must install secondary glazing to all the windows at lower ground floor level as shown on drawing 101 and to the specification detailed in the Noise Impact Assessment (12483.NIA.01 RevB) before the use hereby approved can operate. You must thereafter maintain the secondary glazing in this form for as long as the use is in operation.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 7 The exercise / dance studio (Class D2) use allowed by this permission can continue until 21st January 2024. After that the land must return to its previous condition and use. (C03AA)

Reason:

As requested by the applicant.

- 8 You must use the property only for exercise / dance studios. You must not use it for any other purpose, including any use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 9 Customers shall not be permitted within the exercise / dance studios premises before 06:00 or after 22:00 on Monday to Saturday (not including bank holidays and public holidays) and before 09:00 or after 18:00 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the exercise / dance studio use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the exercise / dance studio use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.



- 13 The whole of the glazing on the east elevation at lower ground floor level shall be permanently maintained with obscure glazing.

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 14 You must apply to us for approval of details of a strategy to mitigate for any increase in light pollution or overlooking of neighbouring sensitive properties associated with the extended opening hours approved in Condition 9 of this permission. Until such time as the City Council has approved these details you can not operate the use hereby approved.

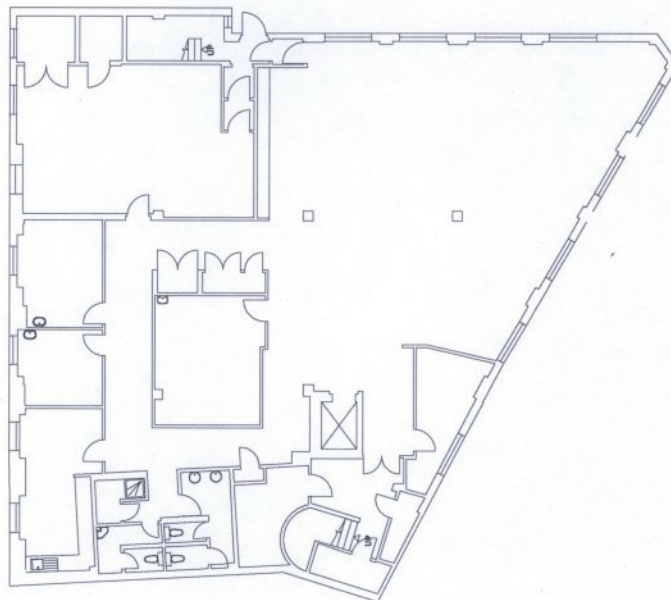
Once these details have been approved the use must operate in accordance with the approved strategy for as long as the exercise / dance studio use is in operation.

**Reason:**

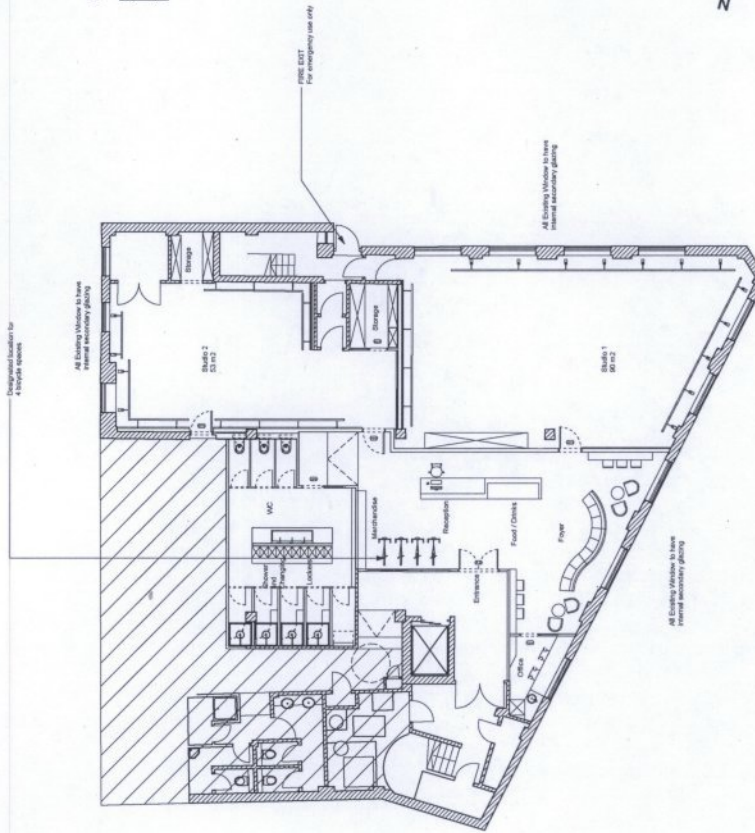
To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Informative(s):**

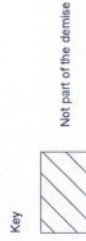
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.



1 Existing Lower Ground Floor Plan  
Scale: 1:100



2 Proposed Lower Ground Floor Plan  
Scale: 1:100



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Buckingham House  
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London EC4N 3DF  
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E info@agarchitects.net  
www.agarchitects.net

project  
Xtend Bare London

existing title  
Existing and Proposed  
Lower Ground Floor Plans

drawn by	TM	scale of A1	1:100	date	April 2015	project number	075	sheet number	101	revision	A
Change of Use											

# Agenda Item 4

Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> West End	
<b>Subject of Report</b>	<b>16 Rex Place, London, W1K 2HB</b>		
<b>Proposal</b>	Creation of roof terrace to rear fourth floor with rooflight to provide access. Erection of rear two storey extension and alterations to front and rear elevations including the creation of Juliet balconies at rear first floor level and the installation of double glazed windows. Replacement of existing pavement lights at the front of the property.		
<b>Agent</b>	FT Architects Ltd		
<b>On behalf of</b>	Mr Theodore Turckheim		
<b>Registered Number</b>	15/02288/FULL	<b>TP / PP No</b>	TP/8011
<b>Date of Application</b>	14.03.2015	<b>Date amended/ completed</b>	24.03.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





16 REX PLACE, W1

Page 65

## 2. SUMMARY

The application relates to a single family dwellinghouse located on the eastern side of Rex Place. The property comprises basement, ground and two upper floors. The building is unlisted, but is situated within the Mayfair Conservation Area. Planning permission was granted in February 2015 for the erection of a two storey rear extension at basement and ground floor, along with external alterations to the front and rear elevations. Planning permission was granted in May 2015 for these works along with the excavation of a new basement level.

Permission is now sought for the creation of a roof terrace to rear fourth floor level and the installation of a rooflight to provide access. As the works to implement the February 2015 permission have not yet commenced, the application includes those works already approved. The application does not include the excavation of a basement.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residents.
- The impact of the works upon the character and appearance of the conservation area.

The application is considered acceptable in land use, amenity, design and conservation terms and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

## 3. CONSULTATIONS

THE RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S  
No objection.

HIGHWAYS PLANNING MANAGER  
No objection subject to Informative

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS  
No. Consulted: 12; Total No. of Replies: 3.  
Three responses received raising the following issues:

- Loss of privacy and overlooking.
- Noise.
- The proposals are an overdevelopment of the site.

ADVERTISEMENT/SITE NOTICE: Yes

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site relates to 16 Rex Place on the east side of Rex Place which is a single family dwellinghouse comprising lower ground, ground and two upper floors. The building is not listed and located within the Mayfair Conservation Area. There is a courtyard to the rear at lower ground floor level.

## 4.2 Relevant History

Permission was granted in February 2015 for the erection of a rear two storey extension at lower ground and ground floor levels and alterations to the front and rear facade and replacement pavement lights to the front.

Permission was granted in May 2015 for the excavation of a new basement level; erection of a rear two storey extension at lower ground and ground floor levels and alterations to the front and rear facade and replacement pavement lights to the front.

## 5. THE PROPOSAL

Permission is sought for the creation of a rear roof terrace and installation of a rooflight to provide access. A rear two storey extension at lower ground and ground floor levels is also proposed with alterations to the front and rear facade and replacement pavement lights to the front of the property, all in connection with the existing use of the property as a single family dwelling.

The permission granted in February 2015 (including a rear two storey extension at lower ground and ground floor levels and alterations to the front and rear facade and replacement pavement lights to the front) has not been implemented and the proposals seek to incorporate these works into this permission.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposal increases the amount of residential floorspace in accordance with UDP Policy H3 and City Plan Policy S14.

### 6.2 Townscape and Design

The new works include the installation of a rooflight to the rear elevation, to provide access onto the proposed roof terrace. Railings are proposed to extend around the existing parapet wall to the roof level. During the course of the application, the rear rooflight has been reduced in size, and is now considered acceptable. The rooflight to be installed on the front of the roof is conservation style and has been revised so that it is the same detail as previously approved and is likewise considered acceptable.

Other than the proposed works to the roof terrace, the main external changes relate to the works that have been previously approved. The proposed alterations to the front and rear fenestration are likely to be permitted development but in any case they are considered acceptable in planning terms. The windows to be replaced are done so on a like for like basis in terms of general appearance and will not harm the character and appearance of the building or the conservation area.

As in the consented schemes, a proposed full width rear extension replaces an existing half width two storey extension on the property. The extension will not rise above the boundary walls that enclose the rear courtyard and will not be visible from public vantage points. It is not considered, given the limited vantage points available, that the works will have a detrimental effect on the area or the building.

The replacement pavement lights are considered acceptable on a like for like basis.

### **6.3 Amenity**

Nos. 12-18 Rex Place have been constructed with a partial rear flat roof, and this is the area the applicant proposes to use as a roof terrace. Neither of the neighbouring properties currently use this area in the same manner that is proposed under this application.

Objections have been received on the grounds of loss of privacy, overlooking and noise. There are rooflights located in the rear roofs of the adjoining properties, the closest being a rooflight serving No. 18 which is located on the shared boundary with the application site. The proposed terrace is only 2m deep and given the acute angle from the terrace to this rooflight it is not considered that the use of the terrace would affect the adjoining properties in terms of overlooking and noise and disturbance.

There are also a number of roof terraces to adjacent properties at the rear in Balfour Mews and there is a high degree of mutual overlooking that exists between adjacent properties. This is a common feature in Central London, given the limited space for gardens, and is considered acceptable in the circumstances of this case.

The other works, which include the rear extension and alterations to the front and rear facade have previously been granted permission. The height of the extension will sit beneath the existing boundary walls and will therefore not have an impact on neighbouring residential amenity. The enlargement of the existing windows at ground and first floor levels and the creation of Juliet balconies, within the existing reveals, are likely to be permitted development.

The proposal is considered to maintain the amenities of neighbouring residents, in terms of overlooking and noise and disturbance.

### **6.4 Transportation/Parking**

The proposals would not result in any increase in residential units and there would therefore be no significant increase in demand for parking in the area.

### **6.5 Economic Considerations**

Not applicable

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

Not applicable.

### **6.7 London Plan**

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

### **6.8 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.



Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **6.9 Planning Obligations**

The proposal is of insufficient scale as to trigger a requirement for planning obligations.

### **6.10 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposal is of insufficient scale as to require an Environmental Assessment.

### **6.11 Access**

Access to the property is to remain unchanged.

### **6.12 Other Issues**

In respect to the objections raised in relation to the overdevelopment of the site, the only additional change that this application involves, compared to the permission already granted, is the addition of a rooflight and railings to an existing flat roof. These additional works are not considered to represent overdevelopment of the site. As this application does not include a basement, the concerns raised regarding basement excavation do not apply in this case. Refusal on this basis could not be substantiated.

### **6.13 Conclusion**

The proposals are considered acceptable in amenity and design grounds, and comply with the policies set out in the UDP and City Plan. The application is recommended for conditional approval.

## **BACKGROUND PAPERS**

1. Application form.
2. Letter from Residents Society of Mayfair and St James's dated 5 May 2015.
3. Letter from David Cooper and Co on behalf of the occupiers of 12A and 12B Rex Place and 21 South Street dated 18 May 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – [jpalm@westminster.gov.uk](mailto:jpalm@westminster.gov.uk)

## DRAFT DECISION LETTER

**Address:** 16 Rex Place, London, W1K 2HB

**Proposal:** Creation of roof terrace to rear fourth floor with roof light to provide access. Erection of rear two storey extension and alterations to front and rear elevations including the creation of Juliette balconies at rear first floor level and the installation of double glazed windows. Replacement of existing pavement lights at the front of the property.

**Plan Nos:** 230\_70\_01; 02A; 03A; 04; 05A. Email dated 26th May 2015 from San Lee (FT Architects Ltd).

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

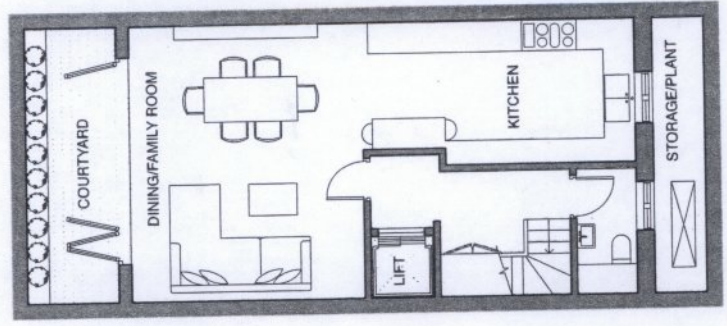
**Reason:**

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

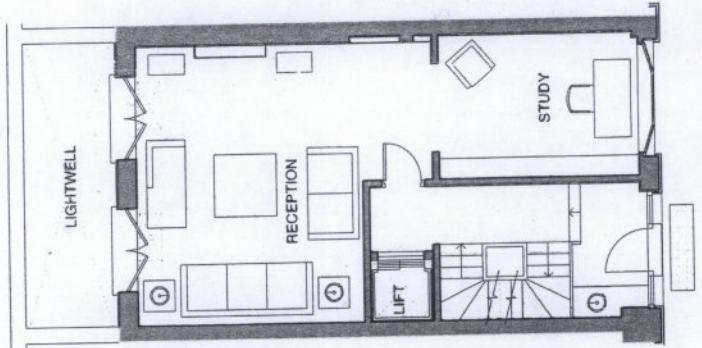
**Informative(s):**

- 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: Strategic Policies adopted November 2013, 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 need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

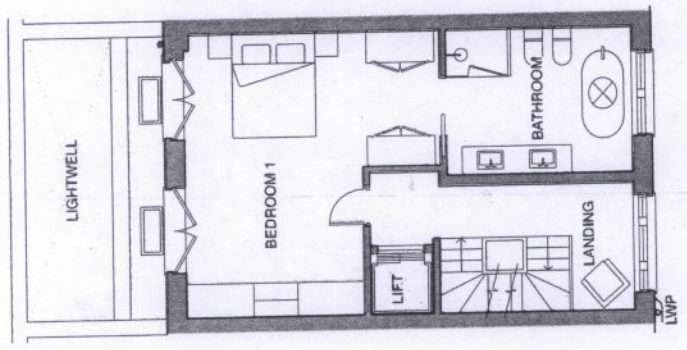
THIS APPLICATION IS FOR  
WORKS AT ROOF LEVEL ONLY:  
EXTENSION AND ALTERATIONS  
APPROVED UNDER REF  
14/10971/FULL



PROPOSED LOWER  
GROUND FLOOR



PROPOSED GROUND  
FLOOR



PROPOSED FIRST FLOOR



GENERAL NOTES:  
DO NOT SCALE FROM THIS  
DRAWING.  
ALL DIMENSIONS MUST BE  
CHECKED ON SITE AND ANY  
DISCREPANCIES VERIFIED WITH  
THE ARCHITECT.

15 MAR 2015  
CASE COPY

CLIENT <b>THEODORE DE TURCKHEIM</b>	JOB TITLE <b>16 REX PLACE LONDON W1K</b>	DRAWING TITLE <b>PROPOSED PLANS</b>	SCALE <b>1:100@A3</b>	DATE <b>03.15</b>	<b>FT ARCHITECTS LTD</b> Hamilton House Mableton Place Bloomsbury WC1H 9BB 020 7953 0388 www.ftarchitects.co.uk	DRAWING No. <b>230_70_01</b>	REVISION

THIS APPLICATION IS FOR WORKS AT REAR ROOF LEVEL ONLY. EXTENSION AND ALTERATIONS APPROVED UNDER REF 14/10971/FULL

GENERAL NOTES:  
DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS MUST BE CHECKED ON SITE AND ANY DISCREPANCIES VERIFIED WITH THE ARCHITECT.

Rev A, 15  
26.05.15  
Revision added to drawing, to clarify approved details. Rear rooflight reduced in height.

CLIENT  
**THEODORE DE TURCKHEIM**

JOB TITLE  
**16 REX PLACE  
LONDON  
W1K**

DRAWING TITLE  
**PROPOSED PLANS**

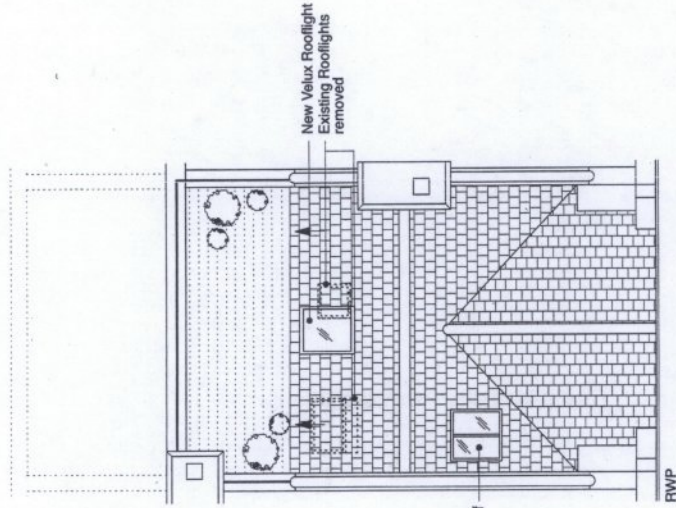
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DATE  
**03.15**

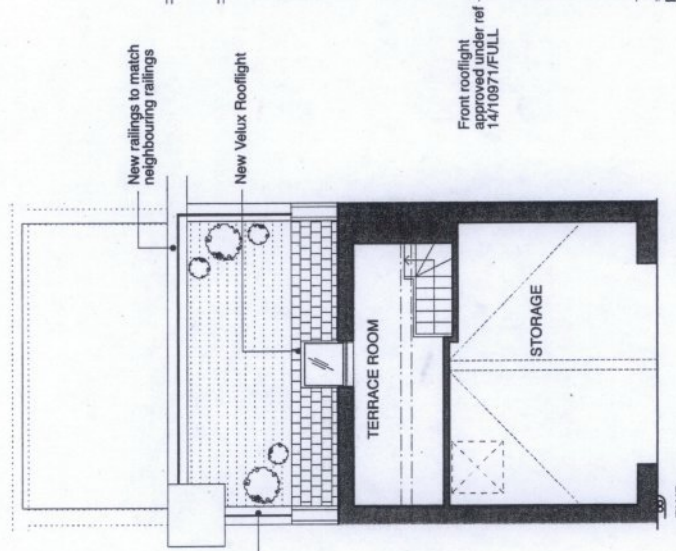
**FT ARCHITECTS LTD**

Hamilton House  
Mabledon Place  
Bloomsbury  
WC1H 9BB  
020 7953 0388  
www.ftarchitects.co.uk

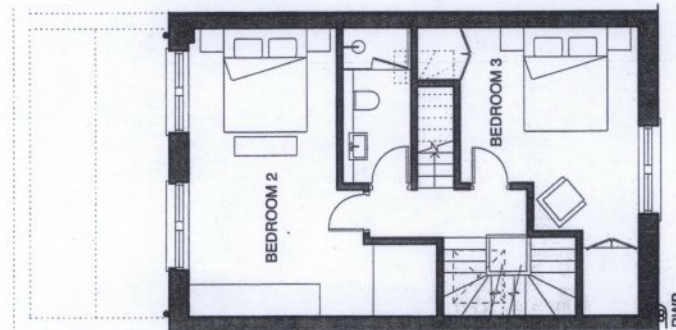
DRAWING No. **230\_70\_02**  
REVISION **A**



PROPOSED ROOF PLAN

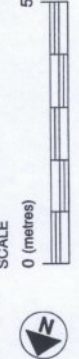


PROPOSED ROOF TERRACE PLAN

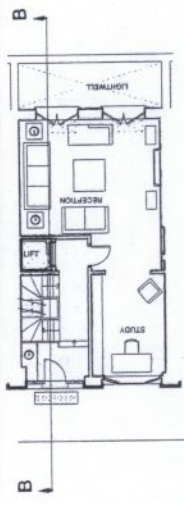


PROPOSED SECOND FLOOR

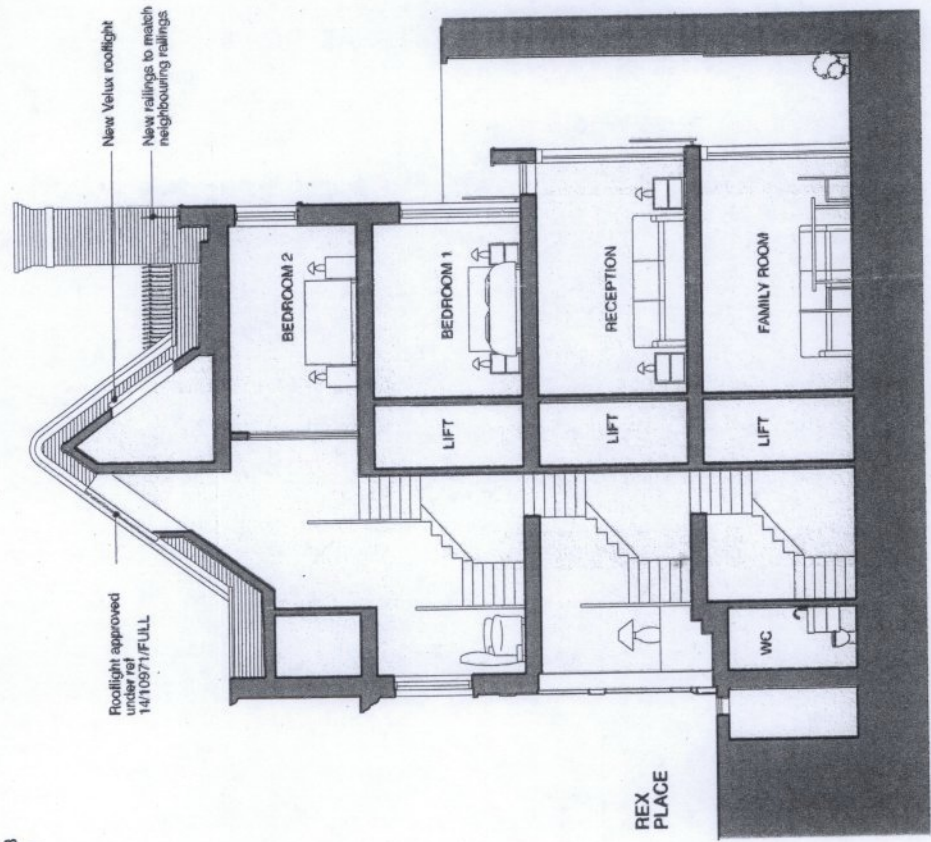
PLEASE COPY  
TP:  
FN:  
ADDRESS:



THIS APPLICATION IS FOR WORKS AT REAR ROOF LEVEL ONLY. EXTENSION AND ALTERATIONS APPROVED UNDER REF 14/10871/FULL



REFERENCE PLAN



PROPOSED SECTION BB

CASE COPY  
 TP: \_\_\_\_\_  
 RN: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

GENERAL NOTES:  
 DO NOT SCALE FROM THIS DRAWING.  
 ALL DIMENSIONS MUST BE CHECKED ON SITE AND ANY DISCREPANCIES VERIFIED WITH THE ARCHITECT.

Rev A  
 26.05.15  
 Annotation added to drawing, to clarify approved details. Rear rooflight reduced in height.

CLIENT  
**THEODORE DE TURCKHEIM**

JOB TITLE  
**16 REX PLACE  
 LONDON  
 W1K**

DRAWING TITLE  
**PROPOSED SECTION  
 BB**

SCALE  
**1:100@A3**

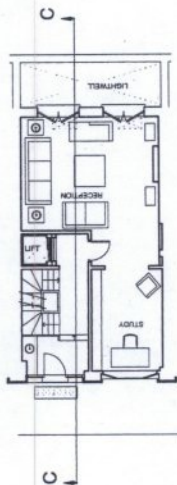
DATE  
**03.15**

FT ARCHITECTS LTD  
 Heather House  
 16 REX PLACE  
 BLOOMSBURY  
 WC1H 9BB  
 020 7953 0388  
 www.ftarchitects.co.uk

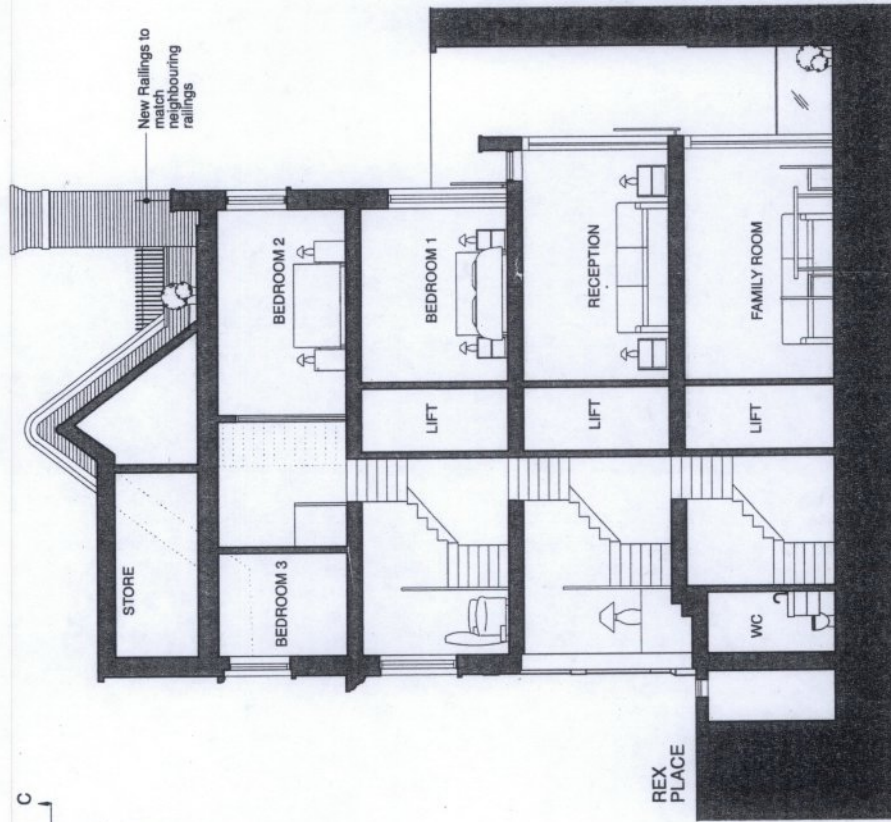
DRAWING No. **230\_70\_03**  
 REVISION **A**



THIS APPLICATION IS FOR  
WORKS AT ROOF LEVEL ONLY;  
EXTENSION AND ALTERATIONS  
APPROVED UNDER REF  
14/10871/FULL



REFERENCE PLAN

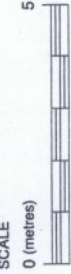


PROPOSED SECTION CC

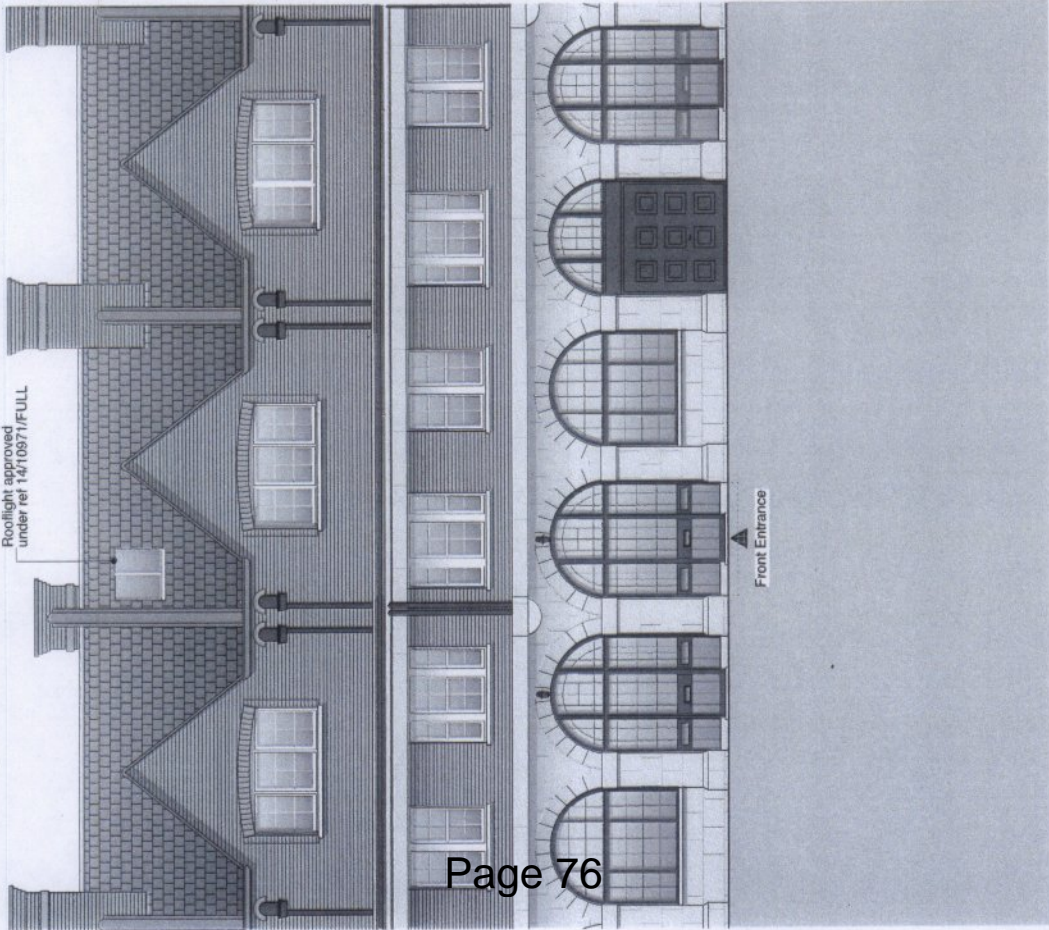
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DO NOT SCALE FROM THIS  
DRAWING.  
ALL DIMENSIONS MUST BE  
CHECKED ON SITE AND ANY  
DISCREPANCIES VERIFIED WITH  
THE ARCHITECT.

ORSE COPY  
16 MAR 2015

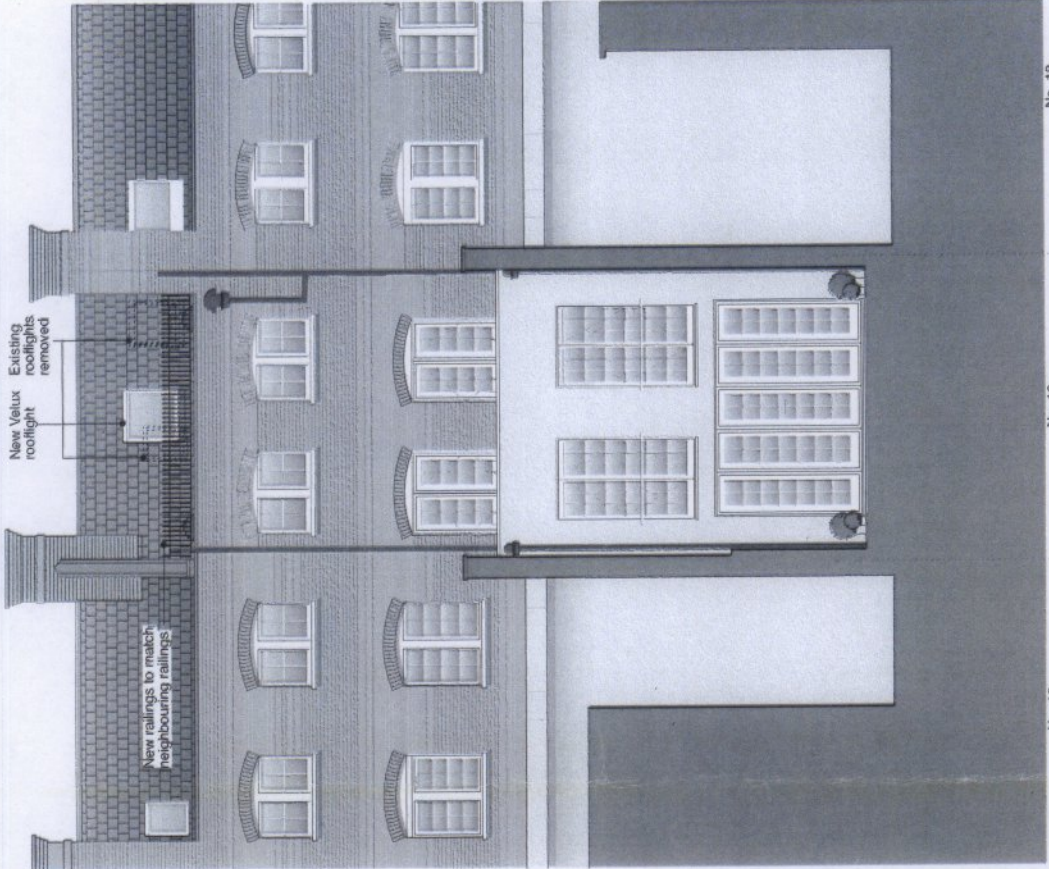
CLIENT <b>THEODORE DE TURCKHEIM</b>	
JOB TITLE <b>16 REX PLACE LONDON W1K</b>	
DRAWING TITLE <b>PROPOSED SECTION CC</b>	
SCALE <b>1:100@A3</b>	DATE <b>03.15</b>
FT ARCHITECTS LTD Hamilton House 16 Rex Place Bloomsbury WC1H 9BB 020 7953 0388 www.ftarchitects.co.uk	
DRAWING No. <b>230_70_04</b>	REVISION



THIS APPLICATION IS FOR WORKS  
AT REAR ROOF LEVEL ONLY.  
EXTENSION AND ALTERATIONS  
APPROVED UNDER REF  
14/10971/FULL



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

REX PLACE  
No. 16  
No. 18

SCALE  
0 (metres)

5

GENERAL NOTES:  
DO NOT SCALE FROM THIS  
DRAWING.  
ALL DIMENSIONS MUST BE  
CHECKED ON SITE AND ANY  
DISCREPANCIES VERIFIED WITH  
THE ARCHITECT.

Rev A  
28.05.15  
Annotation added to drawing, to  
clarify approved details. Rear  
rooflight reduced in height.

CLIENT  
**THEODORE DE  
TURCKHEIM**

JOB TITLE  
**16 REX PLACE  
LONDON  
W1K**

DRAWING TITLE  
**PROPOSED FRONT  
AND REAR  
ELEVATIONS**

SCALE	DATE
<b>1:100@A3</b>	<b>03.15</b>

**FT ARCHITECTS LTD**  
Hamilton House  
Bibleborn Place  
Barnes, London W14 9BB  
020 7953 0388  
www.ftarchitects.co.uk

DRAWING No.  
**230\_70\_05**

REVISION  
**A**



# Agenda Item 5

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Hyde Park	
<b>Subject of Report</b>	<b>8 Connaught Square, London, W2 2HG</b>		
<b>Proposal</b>	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
<b>Agent</b>	Obsidian London Ltd		
<b>On behalf of</b>	Obsidian London Ltd		
<b>Registered Number</b>	14/11257/FULL 14/11258/LBC	<b>TP / PP No</b>	TP/22363
<b>Date of Application</b>	12.11.2014	<b>Date amended/ completed</b>	10.04.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Grade II Listed Building		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

1. Refuse permission - on design grounds and insufficient information on ground geology and hydrology.
2. Refuse listed building consent - on design grounds, adverse impact on floor hierarchy and plan form of the listed building, and insufficient information on ground geology and hydrology to ensure structural integrity of listed building.





8 CONNAUGHT SQUARE, W2

## 2. SUMMARY

The application site comprises a five storey late Georgian mid terrace Grade II listed building, which is located within the Bayswater Conservation Area. Planning permission and listed building consent are sought for the use of the building as a single dwellinghouse, excavation of a new basement floor below the existing lower ground floor of the main house and later rear extensions, erection of an infill extension at lower ground level within the rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

The key issues in this case are:

- The impact on the special architectural and historic interest of the Grade II listed building and the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of the level of basement excavation in terms of its impact on the structural integrity of the listed building and the listed terrace of which it forms a part.

The proposed development would harm the special interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area. Additionally, insufficient information has been submitted to demonstrate that the basement extension can be carried out without harm occurring to the heritage asset. Accordingly, it is recommended that planning permission and listed building consent are refused.

## 3. CONSULTATIONS

### CONSULTATION ON INITIALLY SUBMITTED SCHEME (DECEMBER 2014)

#### COUNCILLOR COX

Double basement with swimming pool is inappropriate development below a listed terrace. Council operated swimming pool is available in Seymour Place. Proposal would increase the gross internal area of the building by more than 50% creating a volume out of proportion with the existing property and will significantly change its overall character and hierarchy of spaces. Basement excavation may harm historic building and its neighbours. Potential precedent for similar development. Note that Kensington and Chelsea do not permit basements below listed buildings. Provision of private swimming pool seems unsustainable development. Potential for increased flood risk and harm to trees in the Square. Original features were removed without permission by previous owner so reinstatement should not be used to justify further inappropriate extensions. Concerned at failure of applicant to consult neighbours prior to application and considers that this does not bode well for construction period.

#### COUNCILLOR FLORU

Object to a basement of this size in this location. House is of exceptional architectural value. Basement would be out of proportion with host listed building and would extend it from five to seven floors. Existing house is already of substantial size and is a single family dwelling. Proposal will have adverse impact on neighbouring residents. Disruption to neighbours during construction. Applicant should have consulted with neighbours before submitting the application.

#### COUNCILLOR ACTON

Objection. Overdevelopment and unnecessary development of the site. Loss of original features, adverse impact on Connaught Square (in terms of balance of uses, impact on amenity and potential structural damage), risk to trees and surrounding properties,

requirement for mechanical ventilation and high energy needs of proposed use leading to noise and air pollution.

#### HYDE PARK ESTATE ASSOCIATION

Objection. Gross overdevelopment of Grade II listed building. Proposal would result in unacceptable changes to a significant listed building in an important London Square. Basement extension is excessive and unnecessary. Basement would be out of proportion with rest of this Georgian house. Noise and disruption from construction works. Precedent for similar development within the same London Square.

#### ARBORICULTURAL MANAGER

No objection. Site is sufficiently distant from trees in Connaught Square.

#### BUILDING CONTROL

Further information required. The structural method statement, although brief, would be acceptable for the soil if it comprises gravel over clay, as is indicated on the Council's geology maps. A geological report and hydrology report should be provided to confirm the soil type.

#### CLEANSING MANAGER

No objection, subject to condition to secure details of waste and recycling storage.

#### ENVIRONMENT AGENCY

No requirement for consultation given the site is within Flood Zone 1, is less than a hectare in size and not within 20m of a main river.

#### ENVIRONMENTAL HEALTH

No response to date.

#### HIGHWAYS PLANNING MANAGER

Undesirable, but can be considered acceptable. Cycle storage and waste and recycling storage should be provided.

#### THAMES WATER

No objection. General advice provided on water and waste water connections.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 30; Total No. of Replies: 14.

Fourteen emails/letters from 13 respondents raising objection on all or some of the following grounds:

##### Design

- Overdevelopment (building would be 50% larger) and would include infill of rear lightwell at lower ground floor level.
- Substantial demolition of historic fabric.
- Loss of hierarchy of space within the building.
- Double basement (in terms of height to accommodate pool and gym) would cause damage to neighbouring listed buildings.
- Double basement with lift and swimming pool below a listed building is inappropriate development.
- Basements should not be permitted under listed buildings.
- Proposal would significantly harm the character of the listed building.
- Reinstatement of original features removed by previous owner without consent should not justify new development.
- Lift should not be extended within the building as would harm listed building.

**Amenity**

- Noise from proposed mechanical plant.

**Other Issues**

- Proposal is unsustainable due to energy demand and requirement for mechanical ventilation and artificial light.
- Noise and disruption from construction works.
- Construction period would be longer than stated in application.
- Disruption to traffic and parking during construction.
- Precedent for similar inappropriate development.
- Adverse impact on trees in Connaught Square.
- Increased risk of flooding and note Tyburn water course running below terrace.
- Structural damage to neighbouring buildings.
- Scheme is being proposed for commercial profit.
- Condensation from the swimming pool would harm building fabric
- Applicant did not consult neighbours prior to the submission of the application.
- Description of development is misleading and should refer to a part single, part double basement.
- Geo-hydrology report should be required.
- CIL liability form should be submitted.

ADVERTISEMENT/SITE NOTICE: Yes.

CONSULTATION ON REVISED SCHEME - OMISSION OF BASEMENT UNDER VAULTS AND FRONT LIGHTWELL, REDUCED BASEMENT FLOOR TO CEILING HEIGHT, RELOCATION OF MECHANICAL PLANT AND INTERNAL AMENDMENTS (JULY 2015)

**WARD COUNCILLORS**

Any response to be reported verbally.

**HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 30; Total No. of Replies: 0.

Any responses to be reported verbally.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

The application site comprises a five storey late Georgian mid terrace Grade II listed building, which is located within the Bayswater Conservation Area. The building is currently in use as a lower ground floor flat with a large maisonette on the ground and upper floors.

**4.2 Relevant History**

13 November 1996 – Permission and listed building consent granted for repair/renewal of existing butterfly roof to main terrace and roof to rear two storey extension, repointing of roof parapets and chimneys and defective areas, repair of front elevation render (96/07993/FULL and 96/07994/LBC).

- 15 July 1997 – Permission and listed building consent granted for removal of existing double hung sash window and installation of double doors in door opening (97/04538/FULL and 97/04539/LBC).
- 2 July 1998 – Permission and listed building consent granted for renovation and refurbishment of existing residential accommodation including installation of new domestic lift at rear up to second floor (98/02388/FULL and 98/02389/LBC).
- 23 March 2000 - Permission and listed building consent granted for alterations during the course of construction for reconfiguration of pergola roof from sloped to horizontal (99/12036/FULL and 99/12037/LBC).
- 29 May 2014 – Planning permission and listed building consent applications were withdrawn in response to officer concerns. Applications proposed the use of the building as a single dwellinghouse, excavation underneath existing building to create three level basement including mezzanine and swimming pool, construction of two storey rear extension at second and third floors to existing closet wing to accommodate lift shaft, construction of infill rear single storey conservatory at lower ground floor level, demolition of roof and construction of full width mansard roof extension, installation of mechanical plant and associated internal and external alterations (14/01538/FULL and 14/01539/LBC).

## 5. THE PROPOSAL

Planning permission is sought for the use of the building as a single dwellinghouse. Planning permission and listed building consent are sought for excavation of a new basement floor below the existing lower ground floor of the main house and later rear extensions, erection of an infill extension at lower ground level within the rear lightwell, installation of mechanical plant on rear first floor level terrace and associated external alterations. Listed building consent is sought for internal alterations to all floors.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The existing arrangement of the building as a lower ground floor flat and maisonette on the ground and upper floors was permitted in the late 1990s. The return of the building to use as a single dwellinghouse is acceptable in land use terms and would accord with Policy S14 in the City Plan.

### 6.2 Design and Townscape

The application site forms parts of a Grade II listed terrace within the Bayswater Conservation Area. The terrace forms the east side of Connaught Square and dates from 1828-30. It comprises lower ground floor, ground floor and three upper storeys and to the rear is a small four storey closet wing, which links to a two storey rear wing, forming an L-shaped arrangement of extensions which enclose a small courtyard/lightwell. The small closet wing may be an original part of the property (albeit modified), but the two storey rear wing is a 20th century addition, the roof of which was heavily modified in the late 1990s to form the current roof terrace. At the current time the lower ground floor has been separated off from the main house and serves as a separate flat from the rest of the house. The staircase which formerly connected the lower ground floor and ground floor was removed when the separation occurred in the late 1990s.

The interior of the property has undergone considerable alteration and while the historic floor plan remains discernible, particularly to the principal floors (ground and first) and also the

original staircase survives, much of the original joinery (internal doors, skirtings etc.) and plasterwork has been replaced and often the replacements are modern or poorly detailed, which has eroded the significance of the listed building. It is unclear when some of this work took place, although much of it appears to be relatively recent i.e. within the last 20-30 years and it is unclear whether all of the changes took place with consent.

During the course of consideration the scheme has been amended to address a number of items of concern. However, there remain elements of the proposal which are considered to be harmful to the special interest of this listed building. The first and main issue is the introduction of a basement extension. Although now reduced in extent from the initial proposal, this extension is proposed beneath the whole of the main house (excluding the front lightwell and vaults) and extends to the very rear of the building plot. The new floor, which would be largely open plan, will contain a media room, 'lounge area' (including sauna and jacuzzi), pool and gym. It would have a finished floor to ceiling height of 3.15 metres, which compares with the existing floor to ceiling height of the lower ground floor of 2.33 metres, the existing ground floor of 3.6 metres and the existing first floor of 3.35 metres (the upper floors are 2.82 metres and 2.29 metres, although in places the ceiling to the top floor ceiling has been removed and opened up to the underside of the roof). The new basement storey would be accessed via a new staircase which would run beneath a new stair from lower ground to ground floor. Access would also be provided by a lift, with the existing lift shaft location being extended down to the new floor.

The construction of the basement will also involve the removal of the floor of the lower ground floor as well as a number of walls at this level.

The Council's recently adopted supplementary planning document, 'Basement Development in Westminster' (October 2014) reaffirms the Council's statutory duty to have special regard to the desirability of preserving listed buildings, their settings and any features which they possess. The guidance goes on to identify that the plan form and hierarchy of spaces in a listed building can be elements which contribute to the building's special interest or significance. Furthermore, it indicates that terraced houses of the Georgian and Victorian period were designed with a clear hierarchy of spaces, and where this contributes to significance and where the basement extension would imbalance the overall hierarchy of spaces, the principle of a basement extension may be unacceptable.

In the case of the application property, the plan form and hierarchy of spaces are considered to be contributory factors to its significance and the introduction of a basement storey of the size and volume proposed would have an adverse impact on this significance. The degree of harm caused is assessed to be less than substantial and as such the NPPF indicates that in such circumstances this harm should be weighed against the public benefits of the proposal. In this case there are no public benefits delivered by the proposal and as such the harm outweighs the benefit. As special regard must be given to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, it is therefore concluded that the proposed basement is unacceptable and is contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period. The recommended ground for refusal would accord with the objections raised on design and listed building grounds by Ward Councillors, the Hyde Park Estate Association and neighbouring residents.

Because the listed building has undergone a degree of change, with some modern additions and alterations, it is considered that there is some potential to extend at basement level, but that this extension should be confined to the main rear wall line of the main house,



effectively beneath the rear extensions. This would have the effect of reducing the scale and volume of the extension and also confine it to beneath the later parts of the site and thus minimising any impact on the historic plan form and spatial hierarchy of the building. This has been suggested to the applicant but they have not chosen to accept this suggested option.

Other elements of the scheme, such as the glazed enclosure of the rear yard at lower ground floor level and the installation of air conditioning condensing equipment on the rear first floor terrace are acceptable in design and listed building terms, subject to further details, which would have been secured by condition had the applications been recommended favourably. Similarly with respect to the interior alterations, in terms of partition changes and the introduction of new plasterwork and joinery, this is acceptable in principle, although issues of detail are not resolved, but could have been dealt with by conditions had the scheme been recommended favourably overall.

There is a discrepancy in the drawings where they relate to the first floor rear window. On the submitted demolition plan and the proposed elevation no change is shown to the existing situation, whereas on the proposed first floor plan the drawing is drawn and annotated such that it indicates the removal of the window and introduction of French doors and (presumably, although one is not shown) a balcony. The loss of this window is considered to be harmful to the character and appearance of the listed building and the Bayswater Conservation Area. It is recommended that the planning permission and listed building consent are refused on this ground.

Overall, the proposal is considered unacceptable due to its adverse impact on the historic building, which would be contrary to Policies S25 and S28 in the City Plan and Policies DES 1, DES5, DES9 and DES 10 of the UDP. The proposal would also fail to accord with the Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in the Supplementary Planning Document 'Basement Development in Westminster' (2014). Furthermore, the development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage) guidance document 'London Terrace Houses 1660-1860' and paragraph 134 of the National Planning Policy Framework.

### **6.3 Amenity**

Given the subterranean nature of the proposed basement extension and the limited extent of external manifestations, the basement floor when built would not result in a significant impact on residential amenity. Similarly, the glazed roof over the existing rear lightwell at lower ground floor level would be contained within the lightwell and would not cause a loss of amenity to neighbouring residents.

Following revision the proposed air conditioning condenser units have been relocated from main roof level to the existing roof terrace at rear first floor level. Given the distance to neighbouring windows, the location of mechanical plant in this location is likely to be capable of according with the Council's adopted noise and vibration policies; namely, Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, provided that suitable acoustic screening/attenuation measures are specified. Therefore, had the applications been recommended for approval, conditions would have been recommended to secure a detailed acoustic report and details of any necessary noise attenuation measures.

The formation of French doors at rear first floor level would not give rise to any additional overlooking to neighbouring windows.

In summary, subject to the conditions that would have been imposed had the scheme been recommended favourably, the proposal would comply with Policies ENV6, ENV7 and ENV13 in the UDP, and Policies S29 and S32 in the City Plan.

**6.4 Transportation/Parking**

Not applicable.

**6.5 Economic Considerations**

Not applicable.

**6.6 Equalities and Diversities (including Access)**

No alteration to the existing means of access to this private dwellinghouse is proposed.

**6.7 Other City Plan/ UDP/ Westminster Considerations**

None relevant.

**6.8 London Plan**

The applications do not raise strategic issues.

**6.9 Central Government Advice**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

**6.10 Planning Obligations**

The proposal is of insufficient scale to generate the need for planning obligations.

**6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The Arboricultural Manager has confirmed that the proposed basement excavation would not have any adverse impact on the mature trees located in Connaught Square to the front of the site and there are no other trees in the vicinity of the site.

The site is already entirely developed or hard landscaped and therefore the provision of a basement without 1.2 metres of soil depth provided over it is not objectionable in this case.

## 6.12 Other Issues

### 6.12.1 Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice and clarification on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining Grade II listed properties in this terrace. 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 endeavor and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the 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.

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.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to

adjoining structures, particularly where the buildings in question are heritage assets, as is the case with this site. To seek to address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The District Surveyor has assessed the submitted report and considers that the proposed basement methodology is deficient in this case due to the absence of a geological or hydrological assessment of the ground underneath the application site. In the absence of this information the District Surveyor advises that it is not possible to be certain that the method of construction proposed would not have adverse implications for the structural integrity of the listed building and the wider Grade II listed terrace of which it forms a part. As such, it is recommended that permission and listed building consent are withheld on grounds of insufficient information in respect of the level of information provided to evidence the geology and hydrology of the ground beneath the application site. In the absence of this information, the proposed basement extension would be contrary to Policies DES 1, DES 9 and DES 10 in the UDP and Policies S25 and S28 in the City Plan due to the risk it poses to the retention of the listed building and its neighbours. The level of information provided would also be contrary to the detailed guidance set out in Appendix 1 of our Supplementary Planning Document 'Basement Development in Westminster' (2014).

#### **6.12.2 Construction Management**

A draft Construction Management Plan (CMP) has been submitted by the applicant. Had the applications been considered favourably a condition would have been imposed requiring the submission of a more detailed CMP that mitigates so far as is possible the impact of the proposed development on the amenity of neighbours and the operation of the local highway network. Hours of construction works would also have been restricted by condition to protect the amenity of neighbours.

### **7. CONCLUSION**

In summary, the proposed development would harm the special interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area. Additionally, insufficient information has been submitted to demonstrate that the basement extension can be carried out without harm occurring to the heritage asset. Accordingly, it is recommended that planning permission and listed building consent are refused for the reasons set out in the respective draft decision letters appended to this report.

**BACKGROUND PAPERS**

1. Application forms.
2. Email from Councillor Cox dated 12 December 2014.
3. Email from Councillor Floru dated 25 December 2014.
4. Email from Councillor Acton dated 13 January 2015.
5. Email from the Hyde Park Estate Association dated 18 December 2014.
6. Emails from Thames Water dated 28 November 2014 and 1 December 2014.
7. Email from the Environment Agency dated 1 December 2014.
8. Memo from the Cleansing Manager dated 9 December 2014.
9. Memo from the Arboricultural Manager dated 30 December 2014.
10. Memo from the Highways Planning Manager dated 28 January 2015.
11. Email from Building Control dated 10 March 2015.
12. Letter from English Heritage dated 18 March 2015.
13. Email from the occupier of Flat 2, 14 Connaught Square dated 10 December 2014.
14. Email from the occupier of 37 Connaught Square dated 8 December 2014.
15. Email from the occupier of 5 Connaught Square dated 8 December 2014.
16. Email from the occupier of 45 Connaught Square dated 10 December 2014.
17. Email and letter from the occupier of 9 Connaught Square dated 11 December 2014 and 15 December 2014.
18. Email from the occupier of 17 Connaught Square dated 11 December 2014.
19. Email from the occupier of 7 Connaught Square dated 12 December 2014.
20. Email from the occupier of 11 Connaught Square dated 15 December 2014.
21. Email from the occupier of 18 Connaught Square dated 16 December 2014.
22. Email from the occupier of 30 Connaught Square dated 17 December 2014.
23. Email from the occupier of 6 Connaught Square dated 17 December 2014.
24. Email from the occupier of 24 Connaught Square dated 22 December 2014.
25. Email from the occupier of 36 Connaught Square dated 4 January 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 8 Connaught Square, London, W2 2HG

**Proposal:** Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

**Plan Nos:** (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.A, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 10 Rev.C, (PL) 11 Rev.B, (PL) 12 Rev.C, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow, Environmental Noise Assessment dated 25 November 2014 and Construction Method Statement and Sequence of Works by Martin Redston Associates dated 30 January 2014 (including structural drawings 1A, 2A, 3A, 4A, 5A, 6A, 7C, 8B, 9A, 10A, 11A and 12A).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Reasons for Refusal:**

- Reason:
- 1 Because of the loss of fabric and change in design and appearance, the introduction of French doors and balcony to the rear at first floor level would harm the special interest (significance) of this grade II listed building. It would also 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: Strategic Policies that we adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 2 Insufficient information has been provided to demonstrate that the new basement structure has been appropriately designed, having regard to the site specific ground conditions below the listed building on this site in terms of geology and hydrology. In the absence of site specific geology and hydrology information it is unclear whether a subterranean development can be constructed on this site without harm occurring to the host listed building and neighbouring grade II listed buildings in the same terrace. Accordingly, in the absence of this information, the proposed basement extension would be contrary to Policies DES 1, DES 9 and DES 10 of our Unitary Development Plan that we adopted January 2007 and Policy S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted in November 2013. The level of geology and hydrology information submitted also fails to accord with the guidance set out in Appendix 1 of our Supplementary Planning Document 'Basement Development in Westminster' (2014).

**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: Strategic Policies adopted November 2013, 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. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable were not submitted in response to that advice. 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:**

- (a) Reduction in footprint and location of basement extension so that it is confined to below the later rear extensions and not below the original building.
  - (b) Reduction of floor to ceiling height of basement so that it maintains the hierarchy of rooms within the building in terms of their volumetric proportions.
  - (c) Omission of French doors and Juliet balcony to rear at first floor level and retention of original window.
  - (d) Provision of geology and hydrology reports that support the structural methodology for the construction of the basement extension.
  
- 2 Following revision of the proposed development during the course of the application there are a number of inconsistencies in the application drawings. These are listed below for the avoidance of doubt:
  - (a) The proposed front and rear elevations ((PL)11 Rev.B and (PL)12 Rev.C) have not been amended to omit the air conditioning condensing units at roof level that were relocated to the rear at first floor level.
  - (b) The proposed first floor plan and proposed sections and elevations are inconsistent in terms of whether the existing window is to be removed and replaced with French doors.
  - (c) The detailed drawings (drawing numbers starting (22)... and the KUT mechanical services drawings) are inconsistent with the revised scheme and have therefore been superseded.
  - (d) The submitted structural report and associated drawings relate to the larger basement initially proposed.

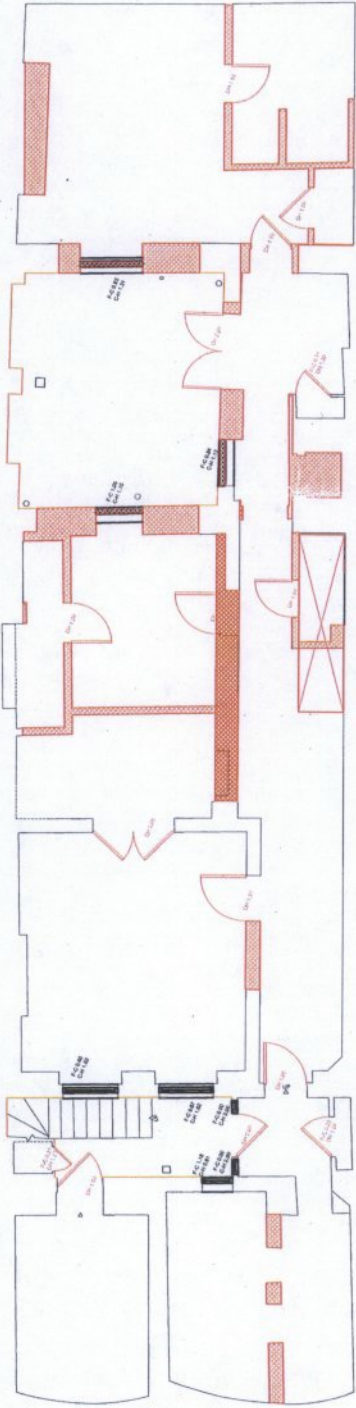
**DRAFT DECISION LETTER**

- Address:** 8 Connaught Square, London, W2 2HG
- Proposal:** Excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.
- Plan Nos:** (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.A, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 10 Rev.C, (PL) 11 Rev.B, (PL) 12 Rev.C, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow, Environmental Noise Assessment dated 25 November 2014 and Construction Method Statement and Sequence of Works by Martin Redston Associates dated 30 January 2014 (including structural drawings 1A, 2A, 3A, 4A, 5A, 6A, 7C, 8B, 9A, 10A, 11A and 12A).
- Case Officer:** Oliver Gibson **Direct Tel. No.** 020 7641 2680

**Recommended Reason(s) for Refusal:**

- Reason:
- 1 Because of its size, location and extent, the proposed basement extension would harm the special interest (significance) of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would fail to accord with the advice set out in paragraphs 2.4, 6.18, 6.19 and 20 of our Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in paragraphs 6.5.2 and 6.5.4 to 6.5.8 of our Supplementary Planning Document 'Basement Development in Westminster' (2014). Your development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage's) guidance document 'London Terrace Houses 1660-1860' and the National Planning Policy Framework, specifically paragraph 134.
- Reason:
- 2 Because of the loss of fabric and change in design and appearance, the introduction of French doors and balcony to the rear at first floor level would harm the special interest (significance) of this grade II listed building. It would also 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: Strategic Policies that we adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 3 Insufficient information has been provided to demonstrate that the new basement structure has been appropriately designed, having regard to the site specific ground conditions below the listed building on this site in terms of geology and hydrology. In the absence of site specific geology and hydrology information it is unclear whether a subterranean development can be constructed on this site without harm occurring to the host listed building and neighbouring grade II listed buildings in the same terrace. Accordingly, in the absence of this information, the proposed proposed basement extension would be contrary to Policies DES 1, DES 9 and DES 10 of our Unitary Development Plan that we adopted January 2007 and Policy S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted in November 2013. The level of geology and hydrology information submitted also fails to accord with the guidance set out in Appendix 1 of our Supplementary Planning Document 'Basement Development in Westminster' (2014).



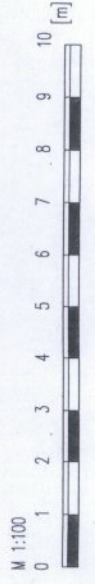


PROPOSED DEMOLITION LOWER GROUND FLOOR

CASE COPY

TP  
RN  
ADDRESS

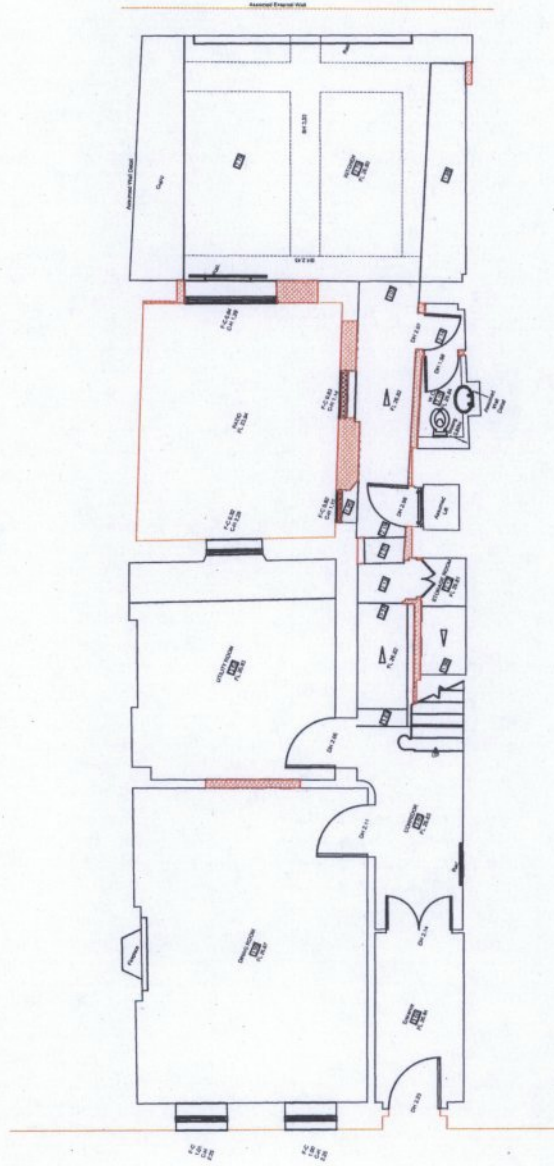
NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS AND DIMENSIONS OF SITE ARE APPROXIMATIONS ONLY. REPORT TO BE USED AS A GUIDE ONLY.



Revision	rev	date	by	Client:
revised: basement layout & demolition	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Date: Title: DEMOLITION - Lower Ground Floor Drawing: (DD) 01

**PLANNING & LISTED BUILDING CONSENT**

**monza interiors**  
194-196 Finchley Road, London, NW3 6BX Tel: 020 7431 8006

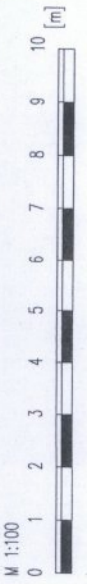


EXISTING GROUND FLOOR

**CASE COPY**  
 TP  
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 ADDRESS

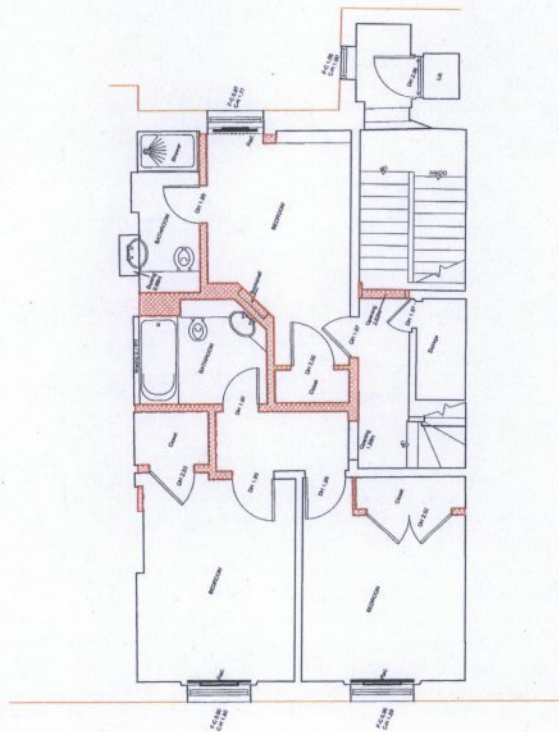
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 RECORDED AND REPORTED TO THE ARCHITECT IMMEDIATELY.

Revision	rev	date	by	Client:
revised layout	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Date: Title: Demolition - Ground Floor Drawing: (DD) 02



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 BUILDING CONSENT**  
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 194-196 Finchley Road, London, NW3 6BX Tel: 020 7451 6008





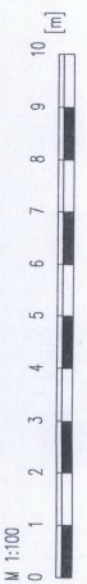
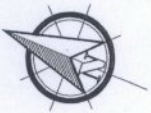
EXISTING SECOND FLOOR

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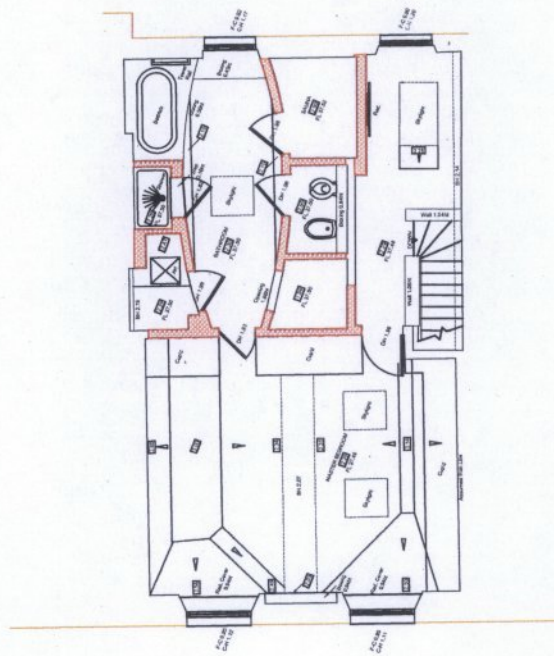
Revision	rev	date	by	Client:
new proposed site to third floor removed	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Date: Title: Demolition - Second Floor Drawing: (DD) 04



M 1:100

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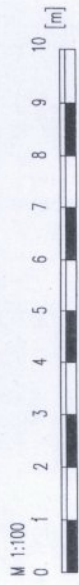


EXISTING THIRD FLOOR

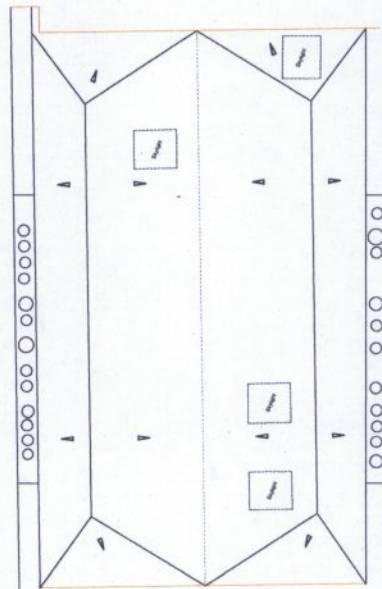
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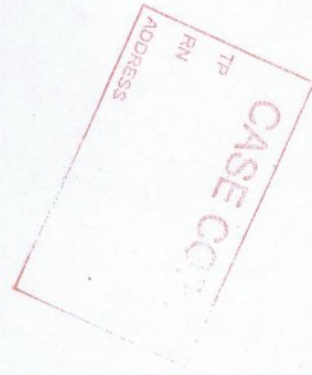
Revision	rev	date	by	Client:
revised layout	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Title: Demolition - Third Floor Drawing: (DD) 05



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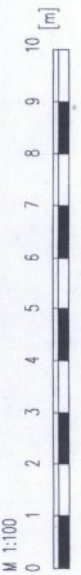


EXISTING ROOF PLAN



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Revision	rev	date	by	Client:
Roof surveyed	a	15/04/14	tb	Project: 8 Connaught Sq
amended demolition	b	03/11/14	aa	Scale: 1:100 @ A3
				Date:
				Title: Demolition - Roof Plan
				Drawing: (DD) 06



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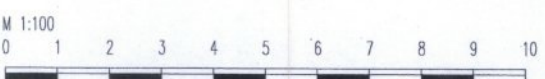
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Elevation 1



Revision		Date		Client:	
amended demolition proposal		03/11/14	aa	Project: 8 Connaught Sq	
				Scale: 1:100 @ A3	Date:
				Title: Demolition - Front elevation	
				Demolition: (DD) 00	

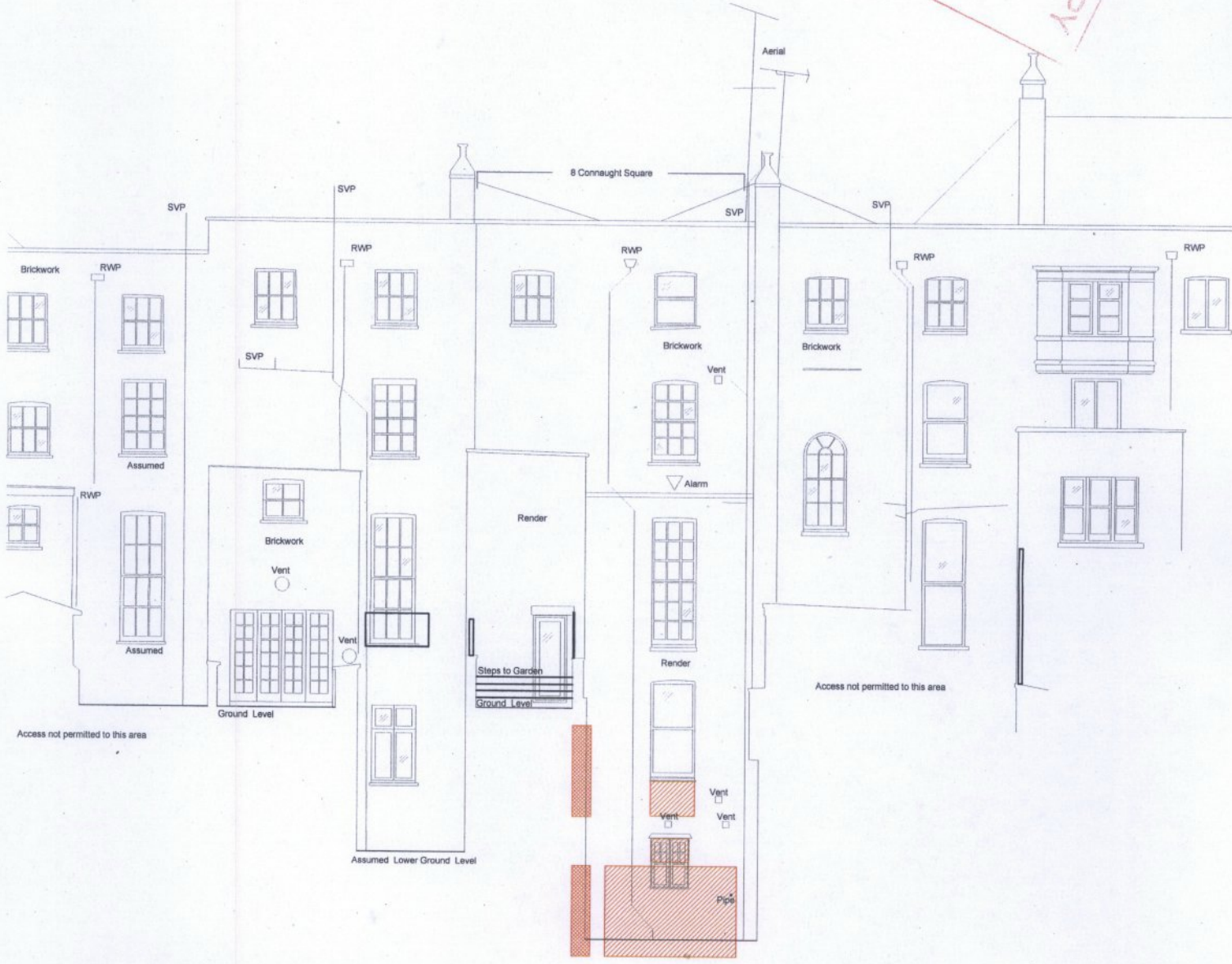
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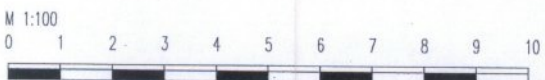
NOTE: DO NOT SCALE FROM THIS DRAWING. CHECK ALL AREAS AND DIMENSIONS ON SITE ANY



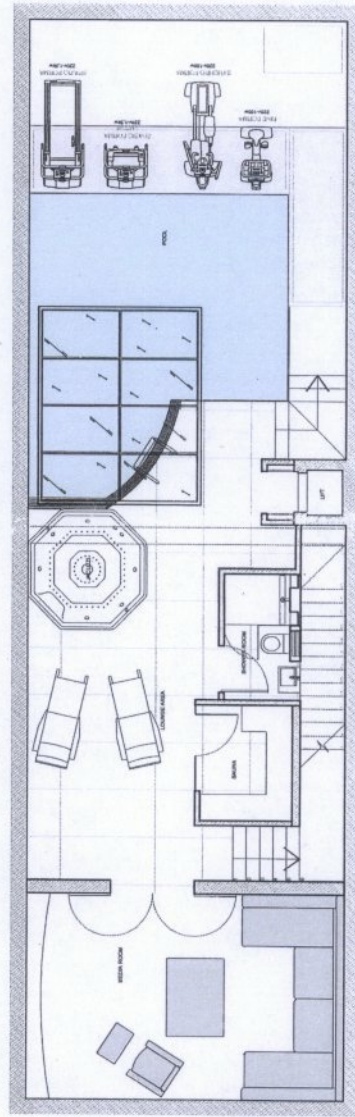
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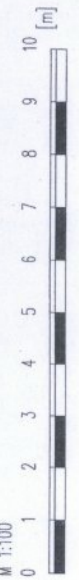
Elevation 2



Revision		rev	date	by	Client	<b>PLANNING &amp; LISTED BUILDING CONSENT</b>  <b>monza interiors</b> 194-196 finchley road, london, NW3 6BX tel: 020 7431 8008
amended demolition proposal		a			Project: 8 Connaught Sq	
					Scale: 1:100 @ A3 Date;	
					Title: Demolition - Rear elevation	
<small>NOTE: DO NOT SCALE FROM THIS DRAWING. CHECK ALL AREAS AND DIMENSIONS ON SITE. ANY DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO MONZA INTERIORS LTD</small>						
Drawing: (DD) 09						



PROPOSED NEW BASEMENT



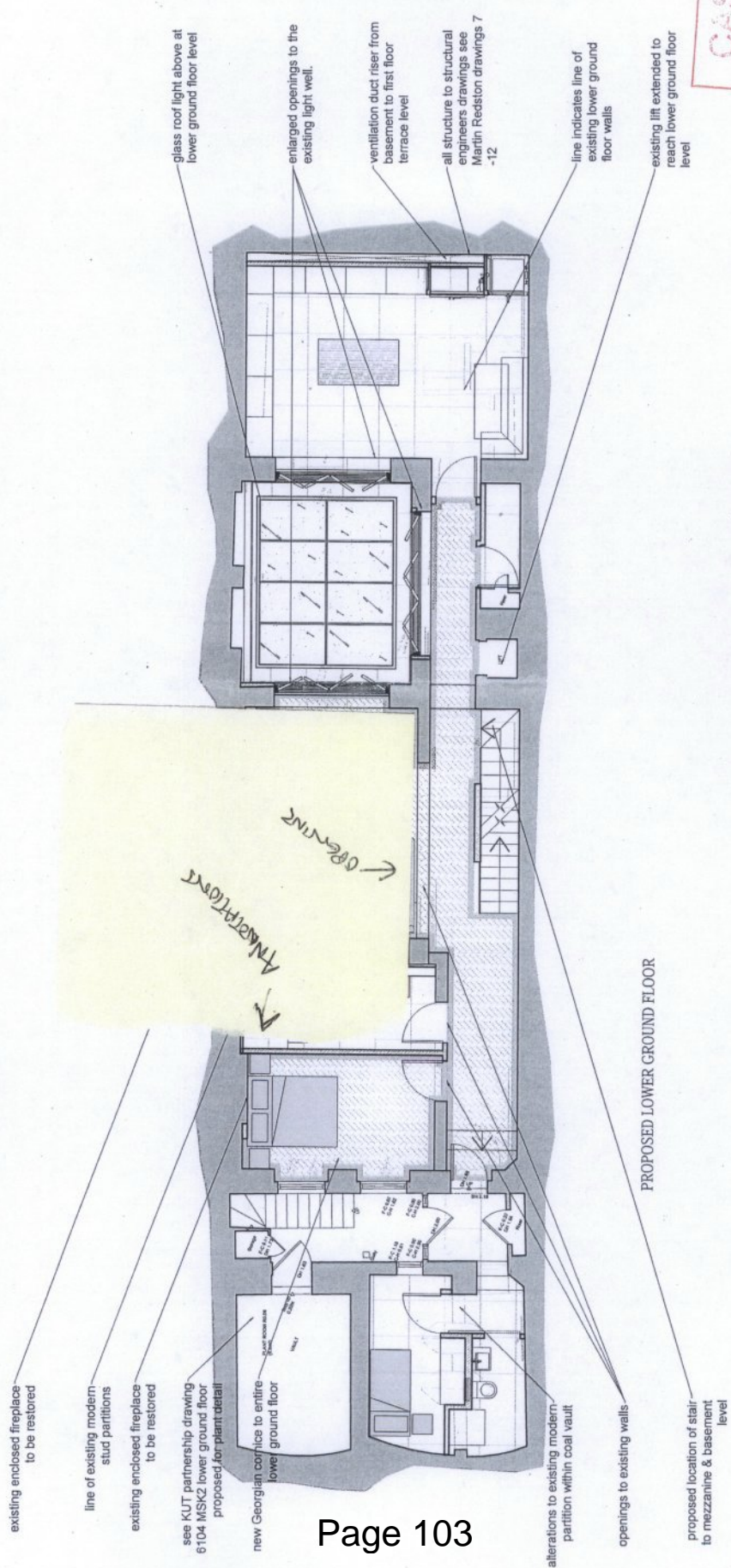
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Revision	rev	date	by	Client:
revised layout reduced submission to under level of house	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Title: Proposed - Basement Drawing: (P1) 01
				Date:

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BUILDING CONSENT**

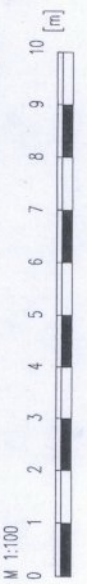
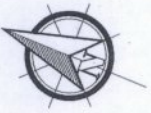
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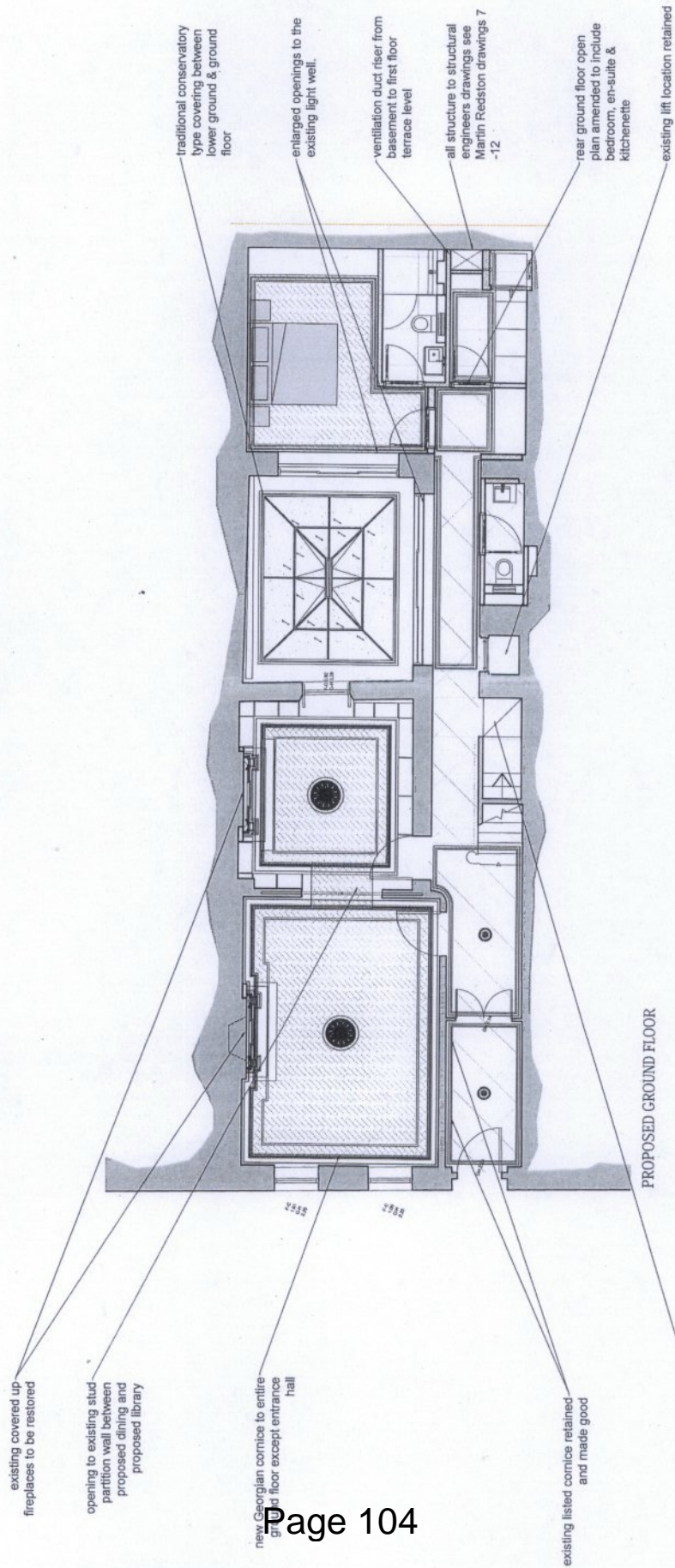


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Revision	rev	date	by	Client:
revised layout	A	2003.5	AA	Project: 8 Connaught Sq
				Scale: 1:100 @ A3
				Date:
				Title: Proposed - Lower Ground Floor
				Drawing: (PI) 03



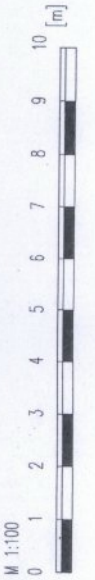
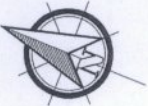


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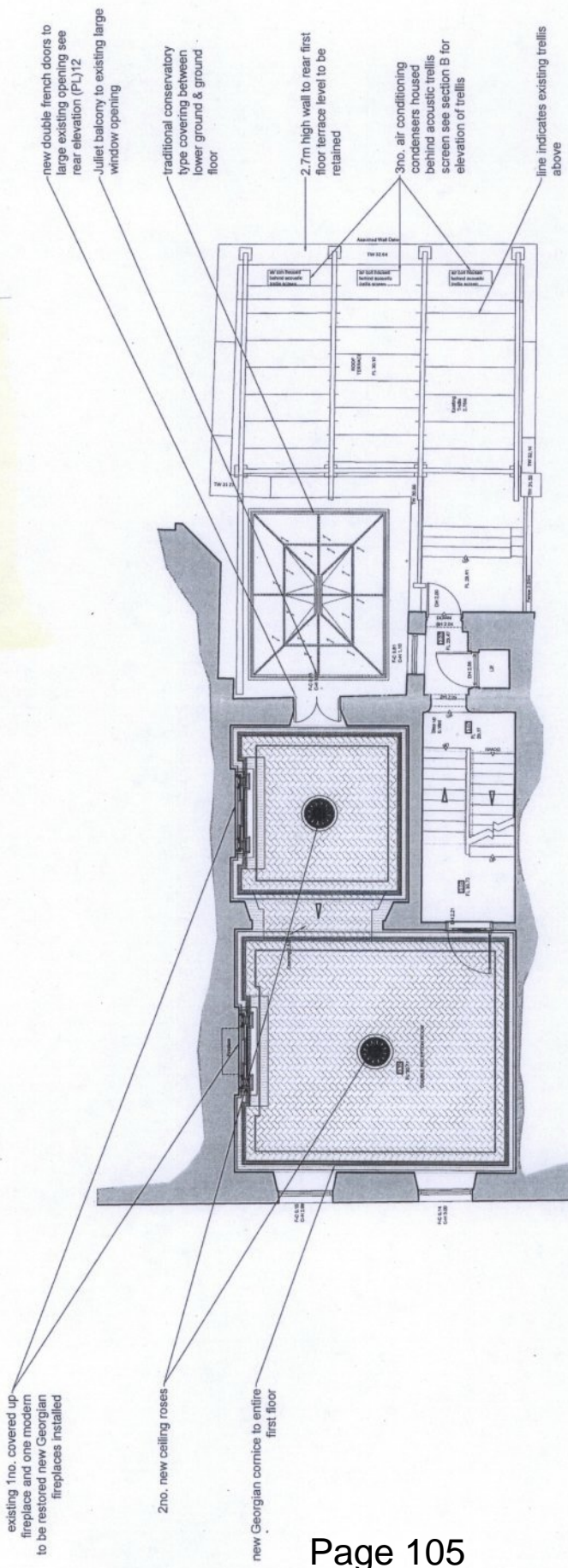
Revision	rev	date	by	Client:
revised door sizes as shown	A	200315	AA	Project: 8 Connaught Sq Scale: 1:100 @ A3 Title: Proposed - Ground Floor Drawing: (P1) 04



**PLANNING & LISTED BUILDING CONSENT**

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1st floor  
to be inserted?

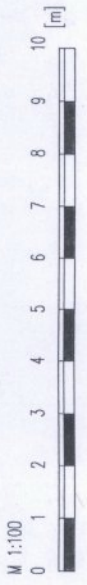


PROPOSED FIRST FLOOR

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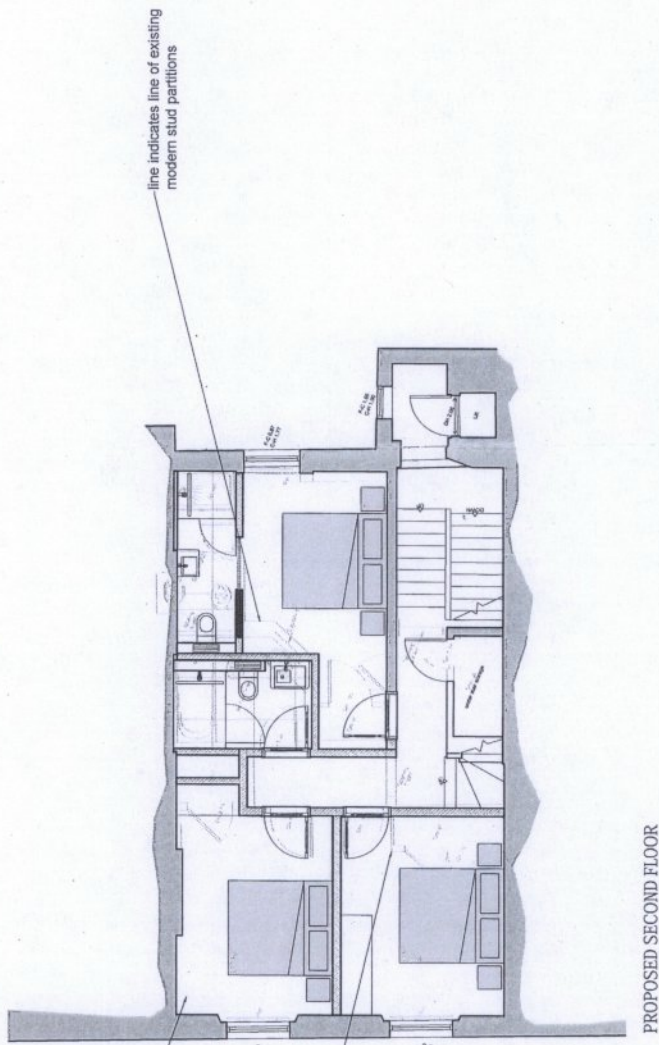
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Revision	rev	date	by	Client:
revised door opening size & air con to first floor terrace	A	200315	AA	Project: 8 Connaught Sq
				Scale: 1:100 @ A3
				Title: Proposed - First Floor
				Date:
				Drawing: (PL) 05



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BUILDING CONSENT

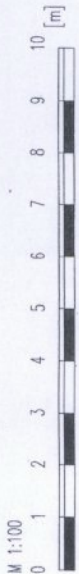
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Revision	rev	date	by	Client:
existing data retained	A	200315	AA	Project: 8 Comaught Sq
				Scale: 1:100 @ A3
				Title: Proposed - Second Floor
				Date:
				Drawing: (PL) 06

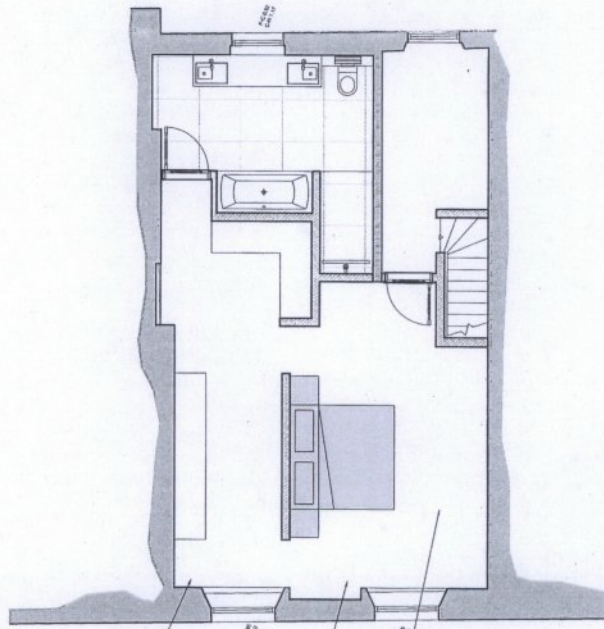


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 RN \_\_\_\_\_  
 ADDRESS \_\_\_\_\_



new Georgian cornice to entire second floor

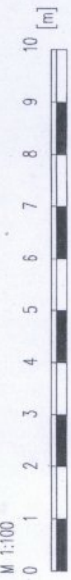
modern layout amended to accommodate master ensuite

dashed line indicates existing brick structure to be removed to add further floor above see drawings (PL) 10, 11 & 12 for further detail

PROPOSED THIRD FLOOR

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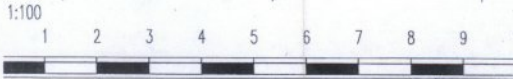
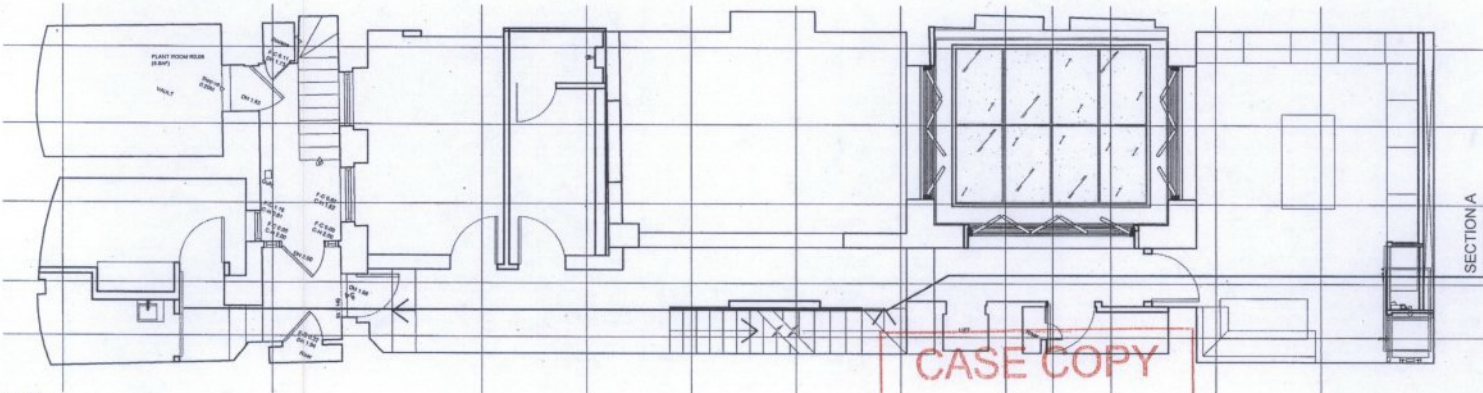
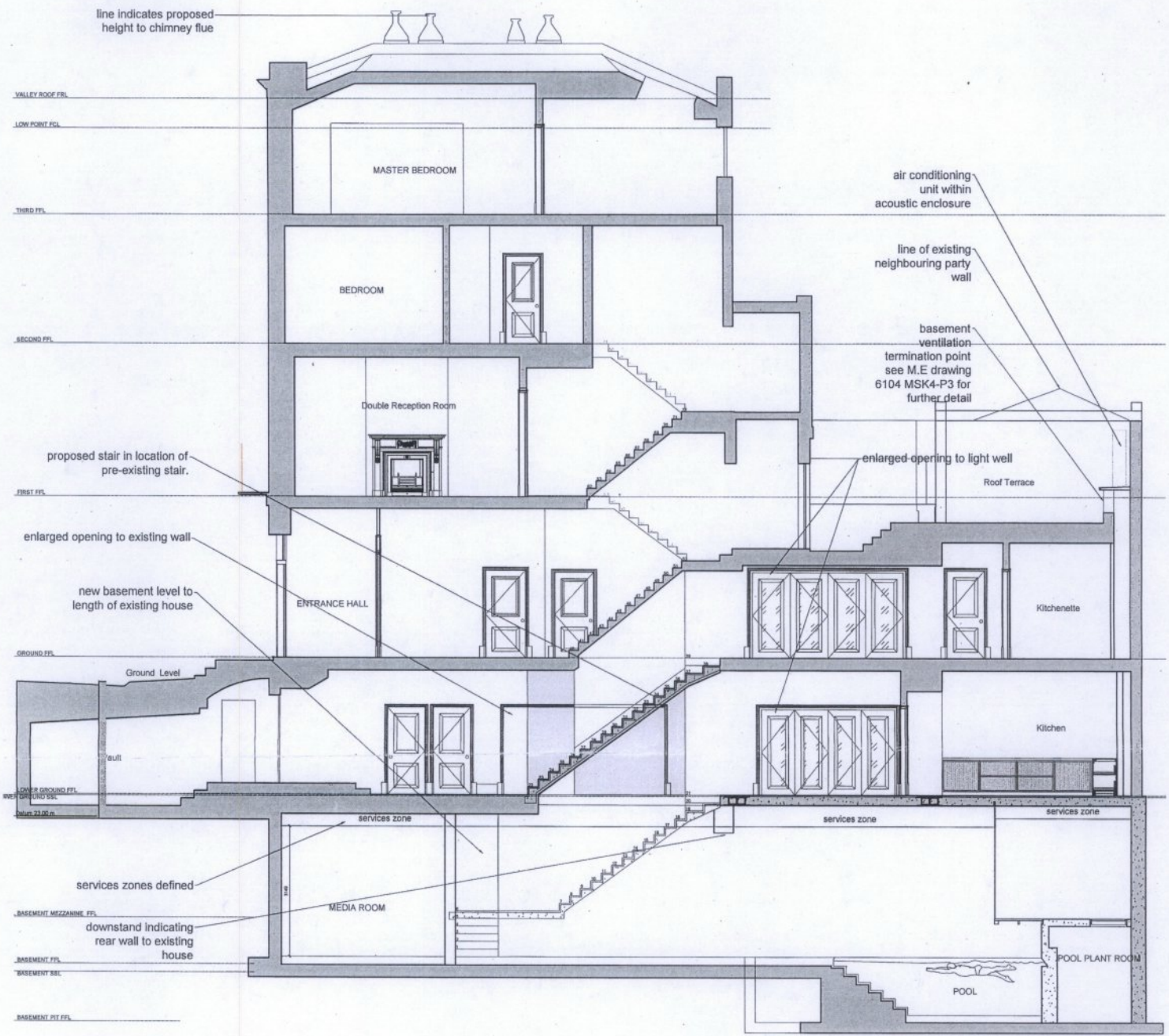
Revision	rev	date	by	Client:
new extension outlined	A	18/11/14	AA	Project: 8 Commaught Sq
existing staircase retained	B	26/01/15	AA	Scale: 1:100 @ A3
				Title: Proposed - Third Floor
				Date:
				Drawing: (PL) 07



M 1:100

**PLANNING & LISTED  
 BUILDING CONSENT**

**monza interiors**  
 194-196 Finchley road, London, NW3 6BX. tel: 020 7431 8008



Revision	type	date	by
pv panels shown	B	18.11.14	aa
air conditioning condensers shown	C	200315	AA
air conditioning condensers removed basement extent redesigned, depth of basement reduced			

Page 108

Client: TP  
 Project: 8 Connaught Sq  
 Scale: 1:100 @ A3  
 Title: Proposed - Section A  
 Drawing: (PI) 10

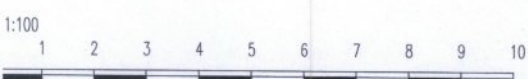
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 BUILDING CONSENT

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 194-196 finchley road, london, NW3 6BX tel: 020 7431 8008





Elevation 1



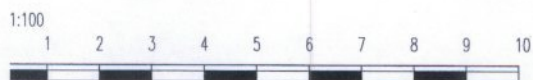
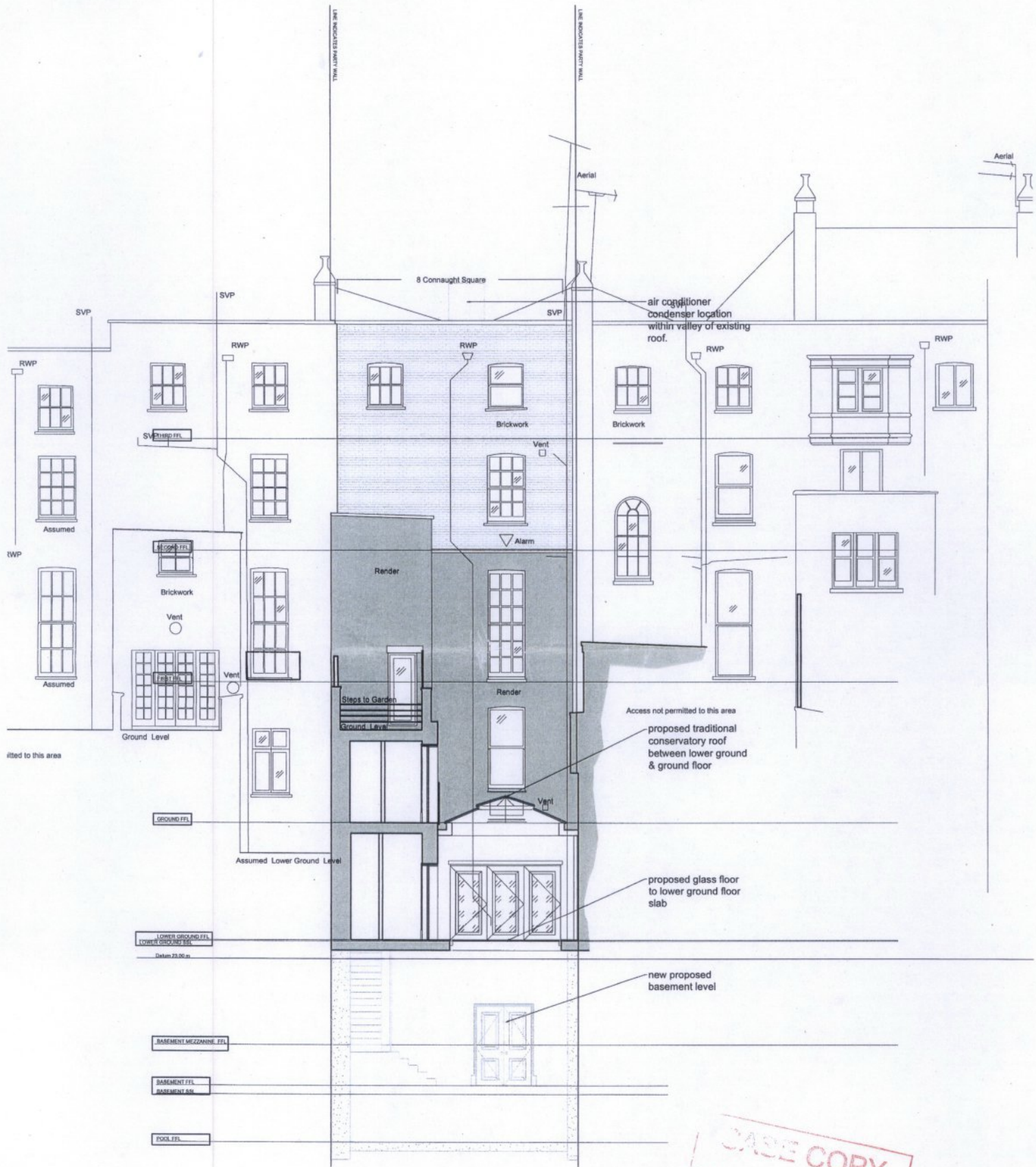
Revision	rev	date	Client
neighbours building measured	A	03.04.14	as
air conditioner condenser shown	B	18.11.14	as

Project: 8 Connaught Sq  
 Scale: 1:100 @ A3 Date:  
 Title: Proposed - Front elevation

**PLANNING & LISTED  
BUILDING CONSENT**

monza interiors

RIN ADDRESS CASE COPY



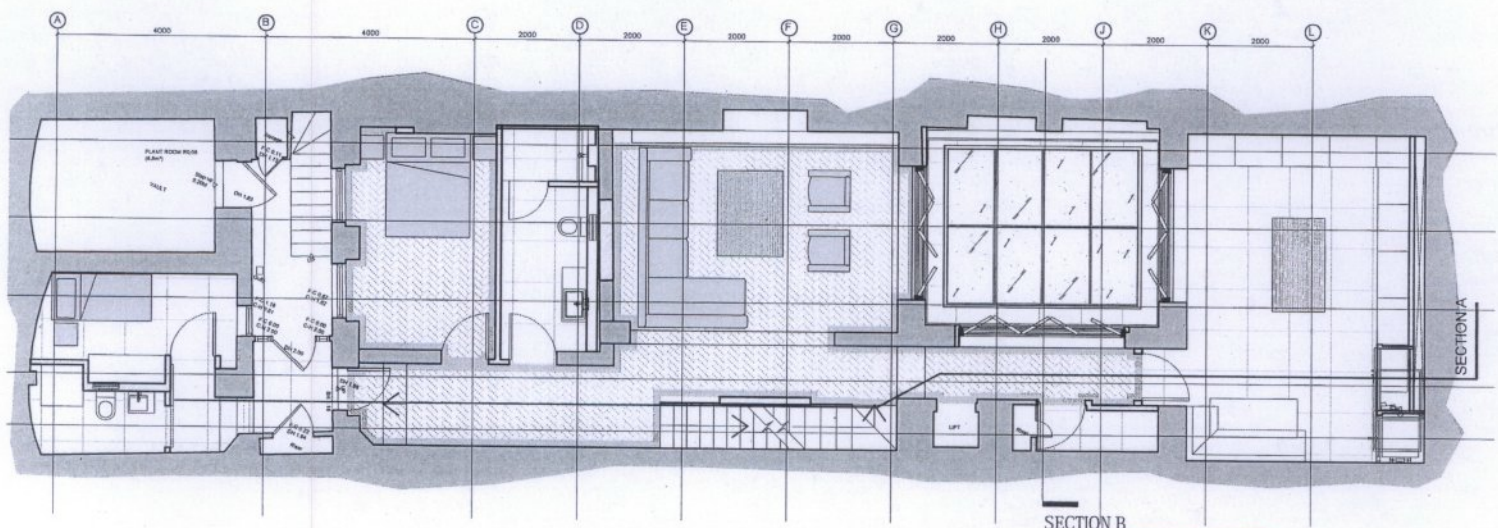
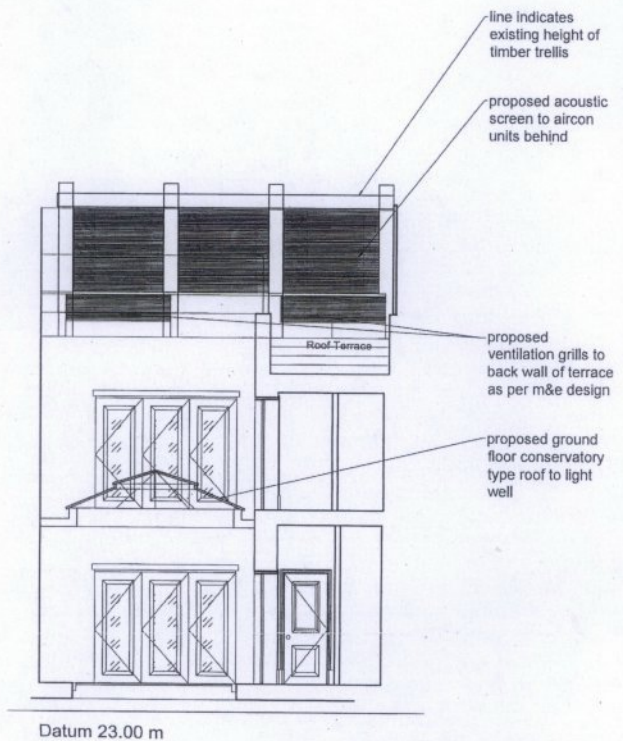
Revision	By	Date	Notes
A	sa	03.04.14	title changed, PV panels indicated
B	aa	03.04.14	neighbours building measured
C	aa	16.11.14	air conditioning condensers shown

Page 110

Client: Project: 8 Connaught Sq  
 Scale: 1:100 @ A3 Date:  
 Title: Proposed - Rear elevation  
 Drawing: (PI) 12

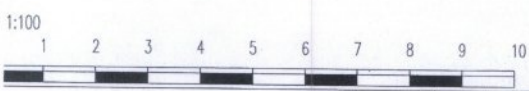
**PLANNING & LISTED  
 BUILDING CONSENT**

monza interiors  
 194, 195 Finchley Road, London NW3 6BX. Tel: 020 7431 8708



**CASE COPY**

TP  
RN  
ADDRESS



Revision	rev	by	date
aircon repositioned behind screens	A	200315	

NOTE: DO NOT SCALE FROM THIS DRAWING. CHECK ALL AREAS AND DIMENSIONS ON SITE. ANY DISCREPANCY WILL BE AT THE RESPONSIBILITY OF THE ARCHITECT AND/OR CLIENT.

Project: 8 Connaught Sq  
Scale: 1:100 @ A3  
Title: Proposed - Section B  
Drawing: (PI) 13

**PLANNING & LISTED BUILDING CONSENT**

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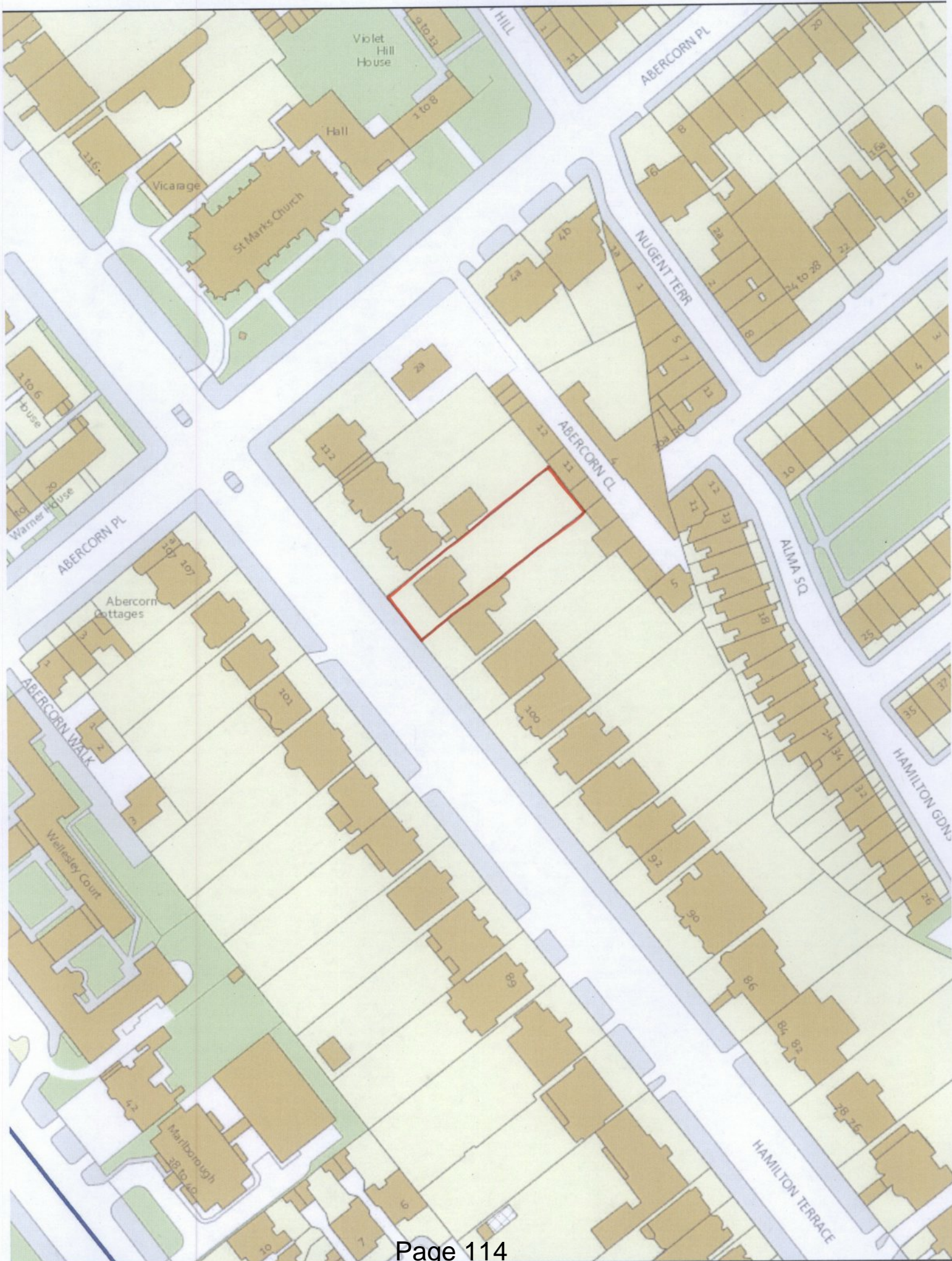
# Agenda Item 6

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Abbey Road	
<b>Subject of Report</b>	<b>106 Hamilton Terrace, London, NW8 9UP</b>		
<b>Proposal</b>	Excavation of a basement beneath existing building, part of front and rear gardens, demolition of rear facade, extensions to the rear and at roof level in connection with the use of the building as a single house.		
<b>Agent</b>	Nathaniel Lichfield & Partners		
<b>On behalf of</b>	Mrs Wendy Alamouti		
<b>Registered Number</b>	15/02336/FULL	<b>TP / PP No</b>	TP/3574
<b>Date of Application</b>	16.03.2015	<b>Date amended</b>	12.06.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.





Front elevation (top) and rear elevation (bottom)

106 HAMILTON TERRACE, NW8

## 2. SUMMARY

This proposal is for the conversion of this unlisted detached building from four flats to a single house, the excavation of a basement under the main house and part of the rear and front gardens, the demolition of the rear facade and its rebuilding, the additions to the rear and at roof level.

The St John's Wood Society object to the proposed basement on overdevelopment grounds and loss of rear garden, the impact on trees and to the alterations at roof level. Three objections have been received from neighbours to the cumulative impact of a number of basements taking place in the street, the adverse impact on amenity, further risk of structural damage and loss of on street parking during construction.

The key issues are:

- The conversion of this building back to a single house;
- The impact of the proposed extensions and basement excavation on the appearance of this house and on the appearance and character of this part of the St John's Wood Conservation Area;
- The impact on the amenities of surrounding residents;
- The impact of the proposed basement on the trees in the existing and adjoining rear gardens.

The proposal does result in a net loss of three flats, however, returning the building back to use as a single family house in this part of the City is acceptable in land use terms and accords with Policy S14. Despite the objections received the proposed rear extensions and the basement are considered to be in scale with the host building, will preserve the conservation area and will not harm the amenities of neighbours. Raising the front roof slope is not ideal, but the applicant has demonstrated that its overall visual impact will be limited and a similar proposal to increase the roof pitch was granted next door at No. 108. The proposal results in the removal of a number of trees in the rear garden which are considered to be of low value and their loss can be compensated by new planting. The scheme has been amended to address the concerns raised by the Arboricultural Manager regarding modifications to layout to show piling locations ensuring these are located outside root protection areas. The formal views of the Arboricultural Manager will be reported verbally to Committee.

## 3. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY

Object - unacceptable overdevelopment of the site. This double basement represents an unacceptable excessive basement excavation under more than 50% of the historic garden space. The piling is not indicated on the plans so the basement will be greater than indicated. There are a number of trees and street trees which will be impacted by this development and request the Tree Officer inspects the site.

Object to front rooflight and to the raised roof level which will be overly dominant and visible from the street.

### ARBORICULTURAL MANAGER

Within the rear garden of No. 106, trees T1 (Holm Oak), T4 (Birch), T5 (Cork Oak), T6 (Loquat) and T10 (Yew) can be removed. The applicant's report refers to the recently removed Hawthorn tree in the rear garden of No. 108 but the Council has not agreed to the removal of this tree and concerned that the proposed basement should be reduced slightly in this location to ensure that the piling rig can operate without affecting this tree. At 104 Hamilton Terrace, T3 (Holly) may be affected and suggest a minor reduction in the size of the



basement. Also concerned about the impact on the Purple Leaf Plum (T2) and recommend reductions in the footprint so the rig can operate. Request additional information regarding soil depths in the front and rear gardens.

#### BUILDING CONTROL

The structural method statement is considered to be acceptable.

#### ENVIRONMENTAL HEALTH

To be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Acceptable in transportation terms.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 39; Total No. of Replies: 3.

Three objections received to date.

#### Amenity

- The cumulative impact of basements being carried out at No. 102 and 108 Hamilton Terrace and the impact on residents' amenities of another large basement in the street.

#### Other Matters

- Works at No. 102 have caused structural damage to No. 104 forcing a resident to move out and concerned that the proposed basement at No. 106 will cause further structural damage.
- When works start on site, parking bays get suspended which affects residents, the crane/mixers/loading vehicles should not be allowed on weekdays from 07.00 to 09.00 and the evening between 17.00 to 19.00 as this disrupts the free flow of traffic. Electricity supply cut off as a result of other works at the rear and the noise of drillers/excavation.
- Request more time to comment as consultations sent out over the Easter weekend.

ADVERTISEMENT/SITE NOTICE: Yes

#### REVISED SCHEME

#### ARBORICULTURAL MANAGER

To be reported verbally.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

No. 106 Hamilton Terrace is an unlisted detached building located on the east side of Hamilton Terrace within the St John's Wood Conservation Area. The building is in use as four flats and is designated as an unlisted building of merit in the St John's Wood Conservation Audit.

### 4.2 Planning History

In 2008 a Certificate of Lawfulness was issued in respect of internal alterations to combine the lower ground floor flat and the upper floor flat into one unit. It appears that this work has not taken place.

## 5. THE PROPOSAL

Planning permission is sought for alterations and extensions to the existing building in connection with its conversion back to a single house. The proposal includes the demolition of the rear elevation of the building, the addition of a full width and full height four storey rear extension, the creation of a single storey rear extension at ground floor level and the creation of a basement under the main house and under parts of the front and rear gardens. A central projecting bay is also proposed at first floor level on the rear elevation. At roof level, a mansard roof extension is proposed to the rear part of the roof with projecting rear dormers, and this scheme also involves raising slightly the front roof pitch and the side chimney stacks.

At the front of the property, the existing lightwells are shown to be increased and a new lightwell at the rear to serve the lower ground floor and basement levels.

A number of trees are proposed to be removed in the existing rear garden.

The application has been amended to address the comments made by the Council's Arboricultural Manager.

## 6. DETAILED CONSIDERTIONS

### 6.1 Land Use

The proposal is for the conversion from four flats into a single house. This proposal does represent a reduction in the number of units, but in this case, the proposal seeks to reinstate the original use as a single house, which in St John's Wood accords with Policy S14.

The St John's Wood Society objects to the proposal on the grounds that it represents an overdevelopment of the site and that the basement covers more than 50% of the historic garden space. The St John's Wood Society refers to a double basement, but this scheme is for a single basement and enlarging the lower ground floor.

In the context of recent decisions in Hamilton Terrace, given the size of this house, its rear garden and the footprint of adjacent houses, the proposed extensions are not considered to represent an overdevelopment of the site. Therefore, the objection raised by the local amenity society cannot be supported.

According to the agent, the existing rear garden is approximately 526m<sup>2</sup> in area and the proposed basement extension into the garden is less than 50% of this area in the region of 240m<sup>2</sup>. It is recognised that the basement does extend some distance into the rear garden, but the external manifestations associated with the basement is a rear lightwell, which is located next to the main house, are relatively modest.

### 6.2 Townscape and Design.

The proposal involves fairly extensive alterations and extensions to the existing building including works to demolish the existing rear elevation of this unlisted building of merit.

This property is an attractive mid Victorian villa with a painted stucco front façade with full height projecting bays either side of the main entrance rising to first floor level. The rear elevation by comparison is brickwork with a small addition. Unlike other houses in Hamilton Terrace, this property has not been significantly altered or extended at the rear. There is a large rear garden, mostly laid to lawn with a number of trees. Towards the end of the garden, there is a Birch tree (T4) which has major decay in the lower trunk.

The proposed works of demolition to the rear façade and extending the footprint of the building with extensions at the rear may sound excessive, but the proposed full height rear extension will bring the rear extension in line with its neighbour at No. 104. The proposal is considered to be in scale with the host building and will not extend as far as the rear elevation of No. 108 Hamilton Terrace. Although the full height rear extension is technically contrary to Policy DES5, in this context, the extensions are considered acceptable in townscape terms and will preserve the appearance and character of this part of the St John's Wood Conservation Area.

The St John's Wood Society objects to the raised roof level which they consider to be overly dominant and visible from the street and to the front rooflight.

The alterations at roof level, involve raising the height of the front pitch, the installation of a small 'conservation' rooflight and adding a mansard with three dormers at the rear.

The existing roof is screened by the existing parapet and pediment. The proposal to increase the front pitch will make the main roof structure and the raised chimney stacks more visible from street level. The agent has submitted marked up photographs to show the proposed raised roof position from a number of locations on the other side of Hamilton Terrace.

Whilst it is regrettable that the original roof form which was designed not to be seen from street level (as screened by a parapet and a pediment) is being raised, the increase in height when seen from the other side of the street is considered to be marginal and the City Council recently gave permission to raise the front roof pitch of No. 108.

The proposed rooflight to the front slope is considered to be small and its visual impact will be limited. Overall, it is not considered that the works to the front slope will be so harmful to the appearance of the property or to this part of the St John's Wood Conservation Area to warrant refusal of permission.

The alterations to enlarge the front lightwells and the rear lightwell are considered to be acceptable in design terms.

### **6.3 Residential Amenity**

There is a single storey extension at the rear of No. 104 which has two rooflights in the roof. It is not considered that the proposed extensions at the rear will harm the amenities of the adjoining residents at either 104 and 108 Hamilton Terrace or the residents at the rear in Abercorn Close.

A condition is recommended to ensure that the new windows in the side elevations are obscured glazed and fixed shut to protect the amenities of adjoining residents.

It is recognised that the construction of the basement will be disruptive for neighbours and that a large basement next door at No. 108 was only recently completed a few months ago and other developments taking place in Hamilton Terrace. The applicant has submitted a fairly detailed CMP, but it does not include the contractors details at this stage, therefore it is recommended to reserve details of an updated CMP and to control the hours of basement excavation is recommended by condition.

### **6.4 Transportation/Highways**

The Highways Planning Manager raises no objection to the proposed development.

One of the objectors raises the loss of residents parking bays during the construction period. The submitted CMP identifies that a number of street spaces will be suspended to create a

loading area and to accommodate a skip in front of the site, but this loss of bays will be temporary and be subject to Highways Licensing approval.

### **6.5 Equalities and Diversities**

No change to access arrangements into this building.

### **6.6 Economic Considerations**

Not relevant in the determination of this householder application.

### **6.7 Other Westminster/UDP Considerations**

#### **Plant/Noise**

The basement includes plant rooms that are externally vented and the applicant's noise report confirms that the plant will comply with the Council's standard noise conditions. The formal views of Environmental Health are awaited and will be reported verbally to Committee. Conditions are proposed to ensure that the plant complies with the Council's noise conditions and to reserve the details of the external intake/extract points.

### **6.8 London Plan**

This proposal raises no strategic issues.

### **6.9 Central Government Advice**

Regard has been had to the advice in Central Government's National Planning Policy Framework (NPPF) which came into effect on 27 March 2012.

### **6.10 Planning Obligations**

Not relevant in the determination of this householder application.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

#### **Biodiversity/Trees**

The applicant states that two Grade C trees and one Grade U tree will be removed and two unclassified trees will be removed from the rear garden and transplanted in the site. One of the trees to be removed is a mature Birch tree in the rear garden which appears at first glance to be in good condition, but this tree has major decay in the lower trunk. It is proposed that this tree be removed and replaced with another Birch.

The Arboricultural Manager raises no objections to the removal of the existing trees, but has raised concerns about the extension of the basement excavation on the health of trees in adjoining gardens at Nos. 104 and 108 Hamilton Terrace and the two street trees and has requested further information from the applicant's arboriculturist.

The applicant's original arboricultural report refers to a Hawthorn tree in the rear garden of No. 108 being removed. The Arboricultural Manager advised that the Council has not agreed to this tree being felled, and this matter has been passed onto the Planning Enforcement Team to investigate.

The applicant has submitted a revised arboricultural report and made modifications to the layout to show piling locations to ensure these are located outside the root protection areas,

and supplied sections to show the levels and soil depth above the constructed basement. The formal views of the Arboricultural Manager will be reported to Committee.

A condition will reserve landscaping including replacement planting for the trees to be removed.

## **6.12 Other Matters**

### **Basement Excavation**

Objections have been received from neighbours concerned about structural implications and damage. Building Control state that the structural approach for the construction of the proposed basement is acceptable. A hydrology report has also been submitted to demonstrate that the proposal will have no undue impact on ground water flows nor increase the risk of localised flooding.

In respect of the comments made regarding structural damage to No. 102, whilst this is unfortunate, this application is supported by a qualified structural engineer's report which demonstrates that the works can be undertaken without damage to adjacent properties.

Residents' concerns about the cumulative impact of a number of similar developments in the street are understood. If Committee agrees to grant permission the applicant will have three years to start the work, and it is recommended to impose a condition to secure a CMP. In respect of the comments made to loss of electricity as a result of another development, again this is not a planning ground to refuse this application.

### **Consultation Period**

In addition to consultation letters, the application has been advertised in the local newspaper and a site notice erected on site, therefore residents have been given adequate time to make comments.

## **6.13 Conclusion**

It is therefore recommended to grant conditional permission.

## **BACKGROUND PAPERS**

1. Application form.
2. Email from St John's Wood Society dated 15.4.2015.
3. Memorandum from Highways Planning Manager dated 8.4.2015.
4. Email from Building Control dated 16.4.2015.
5. Memorandum from the Arboricultural Manager dated 6.5.2015.
6. Email from 104 Hamilton Terrace, London, NW8 dated 19.4.2015.
7. Email from 102 Hamilton Terrace, London, NW8 dated 19.4.2015.
8. Email from 104 Hamilton Terrace, London, NW8 dated 20.4.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** 106 Hamilton Terrace, London, NW8 9UP
- Proposal:** Excavation of a basement beneath existing building, part of front and rear gardens, demolition of rear facade, extensions to the rear and at roof level in connection with the use of the building as a single house.
- Plan Nos:** Covering letter dated 16 March 2015; Design and Access Statement. Photo Report House.  
1404-PL\_001 A; 002B;003B;006A; ,007 B; 008A; 009A ; 010 A; 021A; 022 A;023A; 031 A; 032 A .106 A; 107A, 108A, 109A; 110A; 126;127;128;129;130 ;201E; 202E;203E;205-1 E; 205-2 E ; 206 D ,207D; 208C;209C; 210B; 211B; 221 B; 222 C ;223D ; 224 C ; 231 D; 232 B. 233 A,  
Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan dated 12 June 2015 ;  
Structural Engineering Report and Subterranean Construction Method Statement Rev P4 dated 11/6/2015 (for information only) Construction Traffic Management Plan: Environmental Performance Statement; Environmental Noise Survey and Plant Assessment and Environ Selection Matrix.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - new windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

**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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 The glass that you put in the windows in the north and south (side) elevation of the house must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out

in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 The slate to be used at roof level shall be a natural grey slate.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 9 All new windows and doors shall be timber framed unless otherwise shown on the approved plans.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;



- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - details of intake /extract ducts to serve plant room. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

**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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 14 You must implement the tree protection measures as set out in your Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan dated 12 June 2015. You must maintain the protection measures until the completion of the construction work.

If you wish to alter or vary the tree protection measures, technical details or specifications which are set out in that report, you must apply for our approval.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 15 Pre-Commencement Condition :You must arrange for an Arboricultural Consultant who is registered with the Arboricultural Association, or has the level of qualifications or experience (or both) needed to be registered to supervise the tree protection works as set out in Condition for the duration of the development as set out in paragraph 5.7 of your Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan dated 12 June 2015 .You must apply to us for approval of the details of such supervision including:
- i) identification of the individual responsibilities and key personnel
  - ii) induction and personnel awareness of arboricultural matters
  - iii) supervision schedule , indicating timing and frequency of site visits
  - iv) method of reporting supervision to the City Council and record keeping procedures for dealing with variations and incidents

You must not carry out any demolition of the rear elevation or start any excavation works or take any equipment/machinery into the site until we have approved what you have sent us. The development shall be carried out in accordance with the approved supervision schedule.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 16 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 17 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013, 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 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)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 5 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 6 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 7 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the tree referred to in condition \*\*\*\*. (I34AA)
- 8 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)
- 9 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

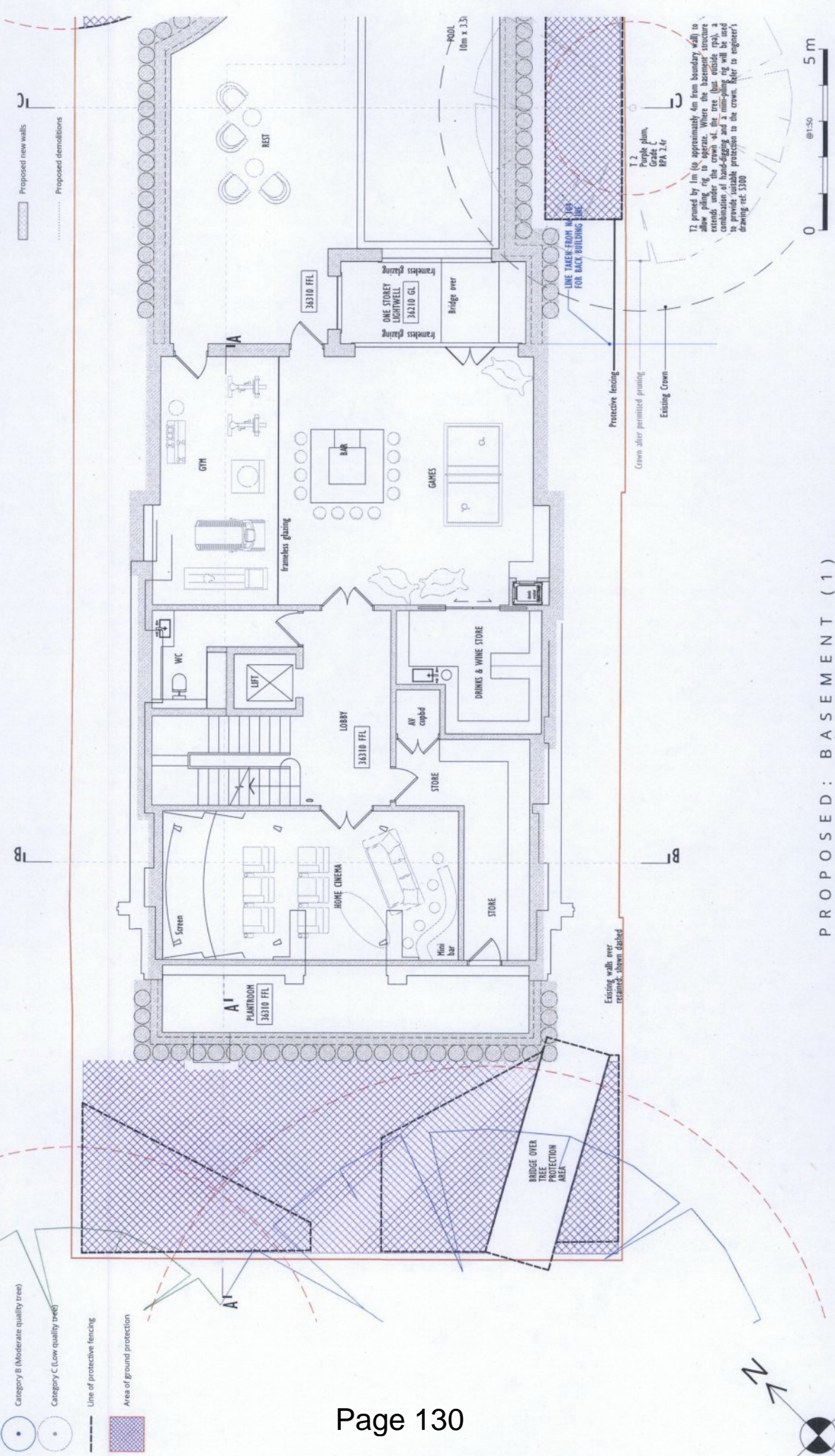


LEGEND - PROPOSED

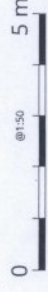
- Existing retained walls
- Proposed new walls
- Proposed demolitions

LEGEND - TREES

- Category A (High quality tree)
- Category B (Moderate quality tree)
- Category C (Low quality tree)
- Line of protective fencing
- Area of ground protection



T2 pruned by him (to approximately 4m from boundary wall) to allow piling rig to operate. Where the basement structure extends under the crown of the tree (but outside spa), a combination of hand-digging and a mini-piling rig will be used to provide suitable protection to the crown. Refer to engineer's drawing ref. 3300



PROPOSED: BASEMENT ( 1 )

**client:**

A House solicitor

B Tree protection updated

C Planning application submitted

D Planning Committee comments added

E Town Planning & consultant comments added

**by / lead date:**

NS DW 12.09.14

NS DW 22.10.14

AB DW 18.02.15

AB DW 10.06.15

**no / revision:**

by / lead date:

**Project:** PLANNING

**Date:** 12.09.14

**Scale:** 1:50

**Drawn by:** 1404-PL-205-1

**Revision:** E

**Proposed:** Basement (1)

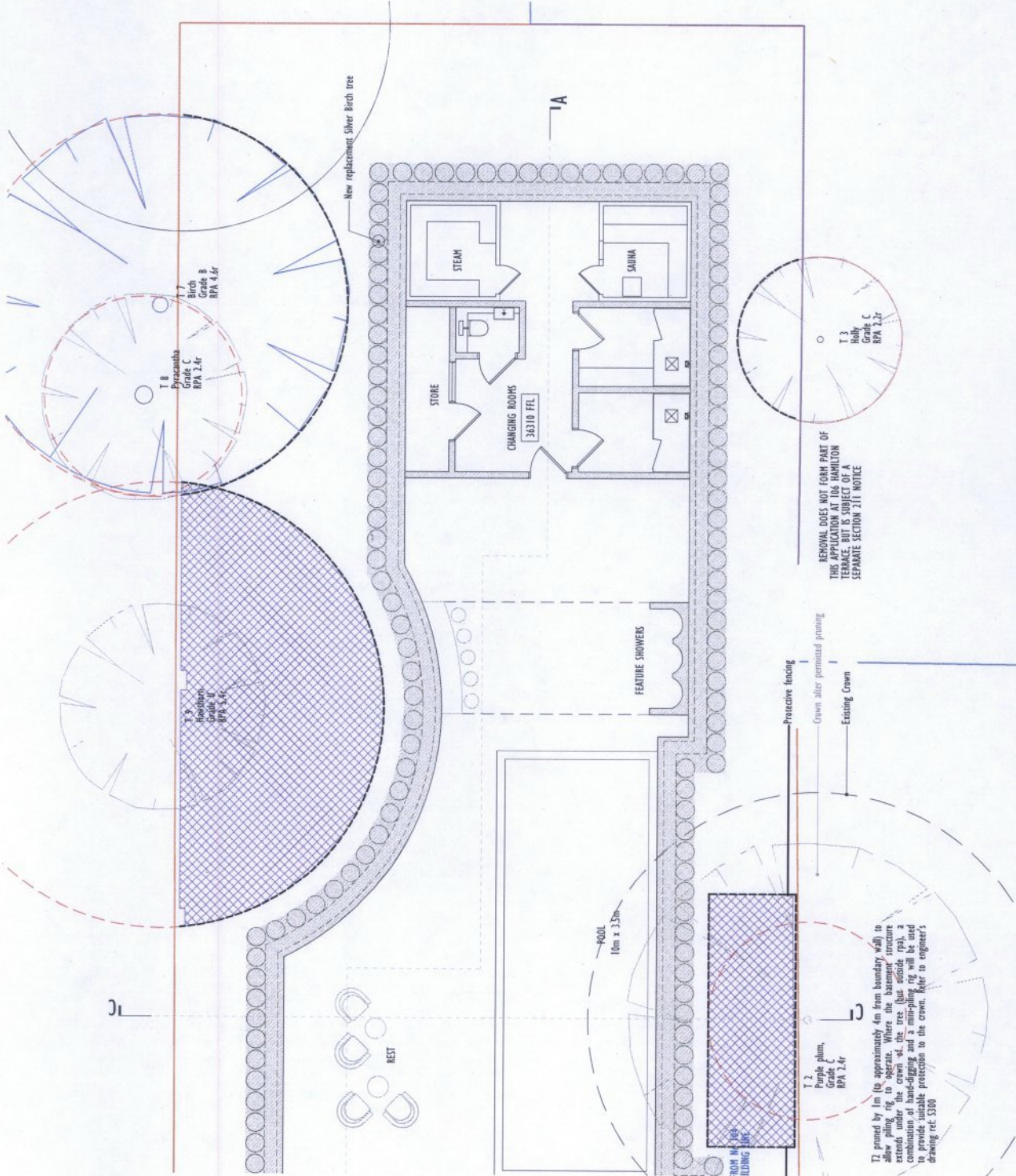
**Address:** 106 Hamilton Terrace London NW6 5UP

LEGEND - TREES

- Category A (High quality tree)
- Category B (Moderate quality tree)
- Category C (Low quality tree)
- Line of protective fencing
- Area of ground protection

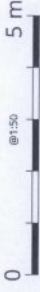
LEGEND - PROPOSED

- Existing retained walls
- Proposed new walls
- Proposed demolitions

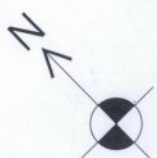


T1 pruned by 1m (to approximately 4m from boundary wall) to allow piling rig to operate. Where the basement structure exceeds under the crown of the tree (but outside rpa), a tree-protecting and a mounding rig will be used to provide suitable protection to the crown. Refer to engineer's drawing ref. S300

REMOVAL DOES NOT FORM PART OF THIS APPLICATION AT THIS HAMILTON SEPARATE SECTION 211 NOTICE



PROPOSED: BASEMENT ( 2 )



no.	revision:	by:	date:	no.	revision:	by:	date:
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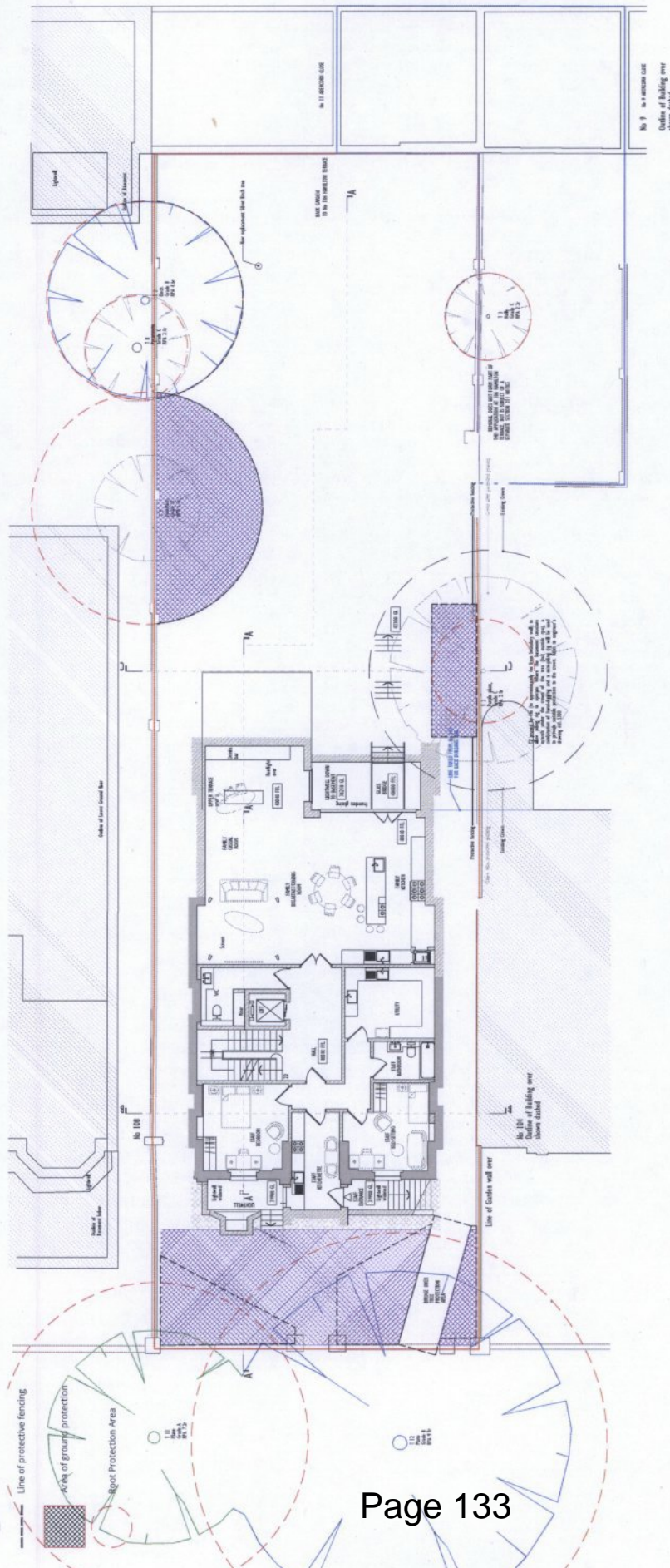


LEGEND - TREES

- Category A (High quality tree)
- Category B (Moderate quality tree)
- Category C (Low quality tree)
- Line of protective fencing
- Area of ground protection
- Root Protection Area

LEGEND - PROPOSED

- Existing retained walls
- Proposed new walls
- Proposed demolitions



PROPOSED: SITE PLAN, LOWER GROUND

**GDwolff architects**

106 Hamilton Terrace  
London NW8 9UP

Project: 12.09.14  
Scale: 1:100 @BAT

Proposed: Site plan,  
Lower ground

DWG No: 1404-PI-202

Revision: E

Revisions:

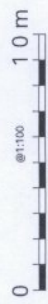
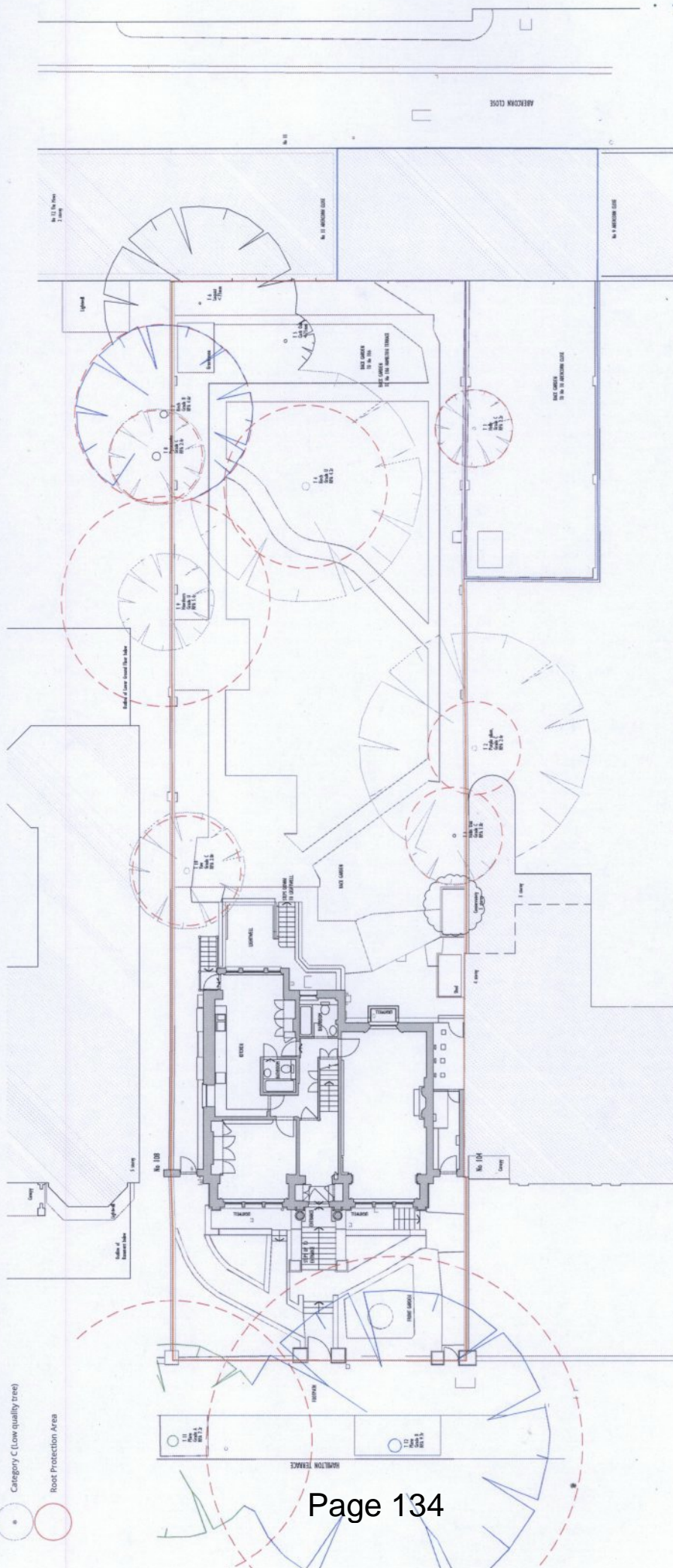
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LEGEND - TREES

- Category A (High quality tree)
- Category B (Moderate quality tree)
- Category C (Low quality tree)
- Root Protection Area

LEGEND

Boundary of site ownership



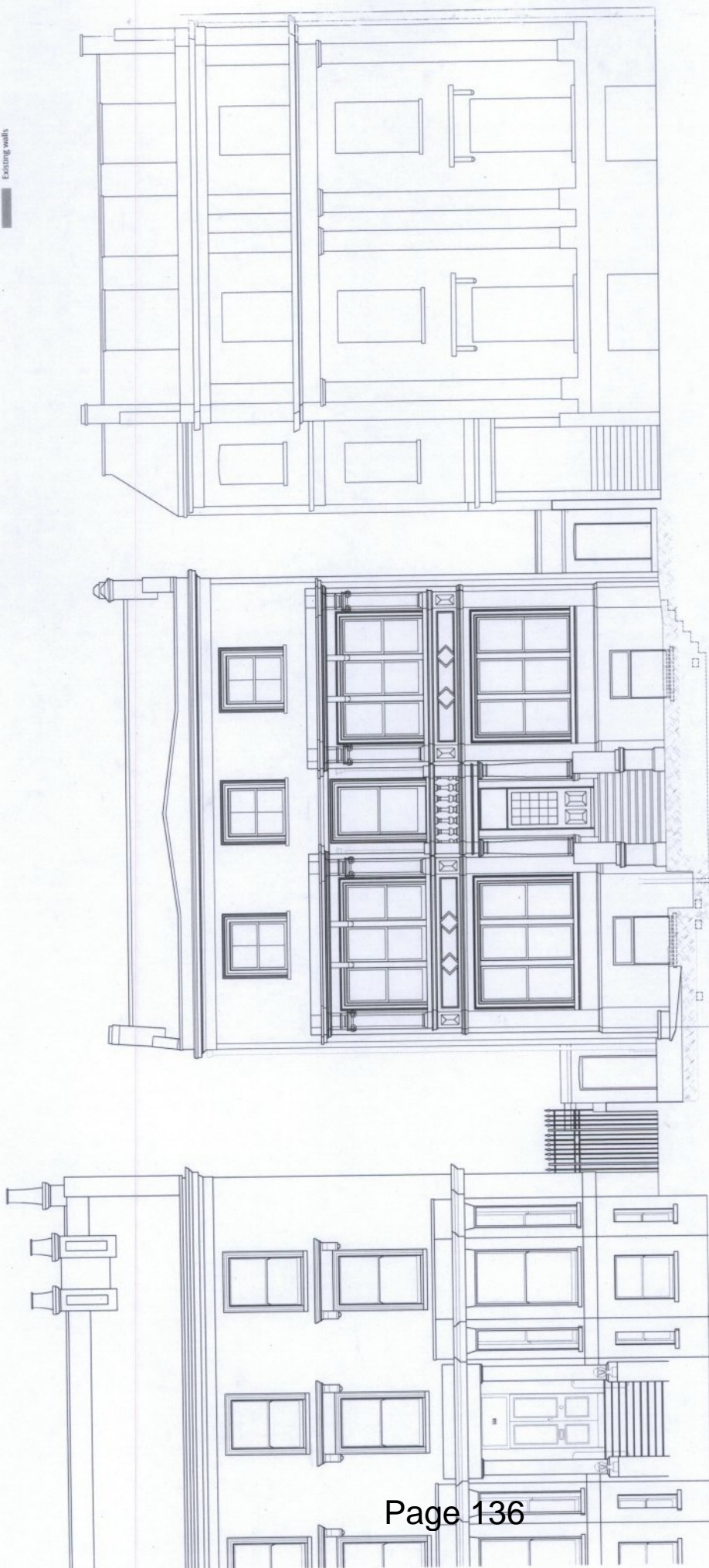
EXISTING: SITE PLAN, GROUND

NO.:	revision:	by:	date:	no.:	revision:	by:	date:
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1	Revised	AB	10.09.15	2	10.09.15	AB	10.09.15
2	Town Planning comments added						
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LEGEND - EXISTING

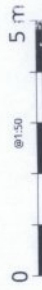
Existing walls



No 104

No 105

No 108



EXISTING: FRONT ELEVATION

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PLANNING		DATE	12/09/14	BY	NS	SCALE	1:50						
DATE	12/09/14	BY	NS	SCALE	1:50								
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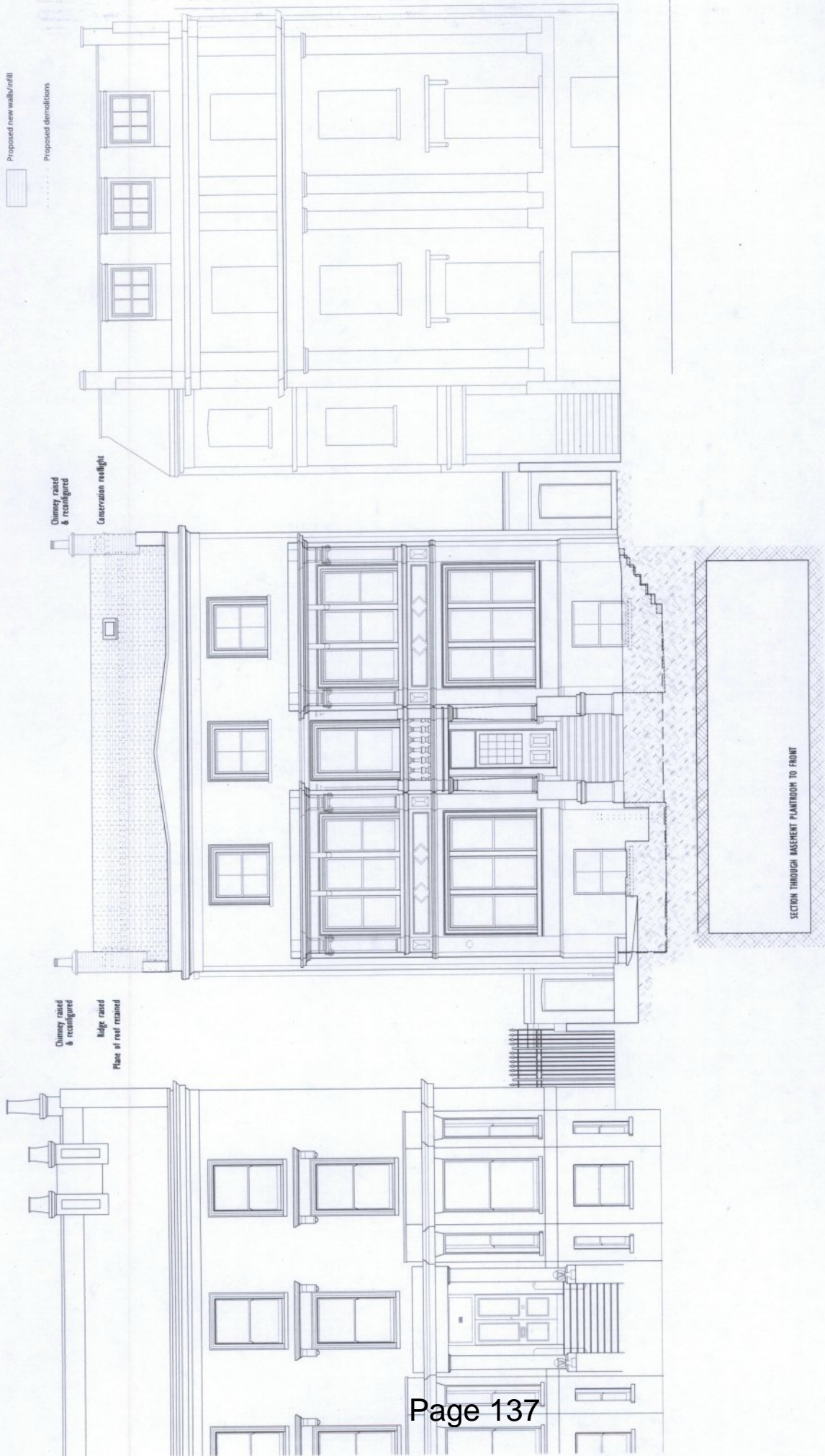
106 Hamilton Terrace  
London NW6 9UP  
House application  
A



LEGEND - PROPOSED

Proposed new walk-infill

Proposed demolitions



0 @1:50 5 m

PROPOSED: FRONT ELEVATION No 104

No 108

Project:	106 Hamilton Terrace London NW8 9UP	Proposed:	Front elevation
Date:	12.08.14	Scale:	1:50 @A1
Project:	PLANNING	DWG no.:	1404-PL-221
Client:		Sheet:	B

Rev:	1	Date:	12.08.14
By:	NS	Drawn:	DW
Check:	AD	Date:	18.11.14

Notes:  
 A House application  
 B Town Planning comments add





LEGEND - PROPOSED

Proposed new walkway

Proposed demolitions

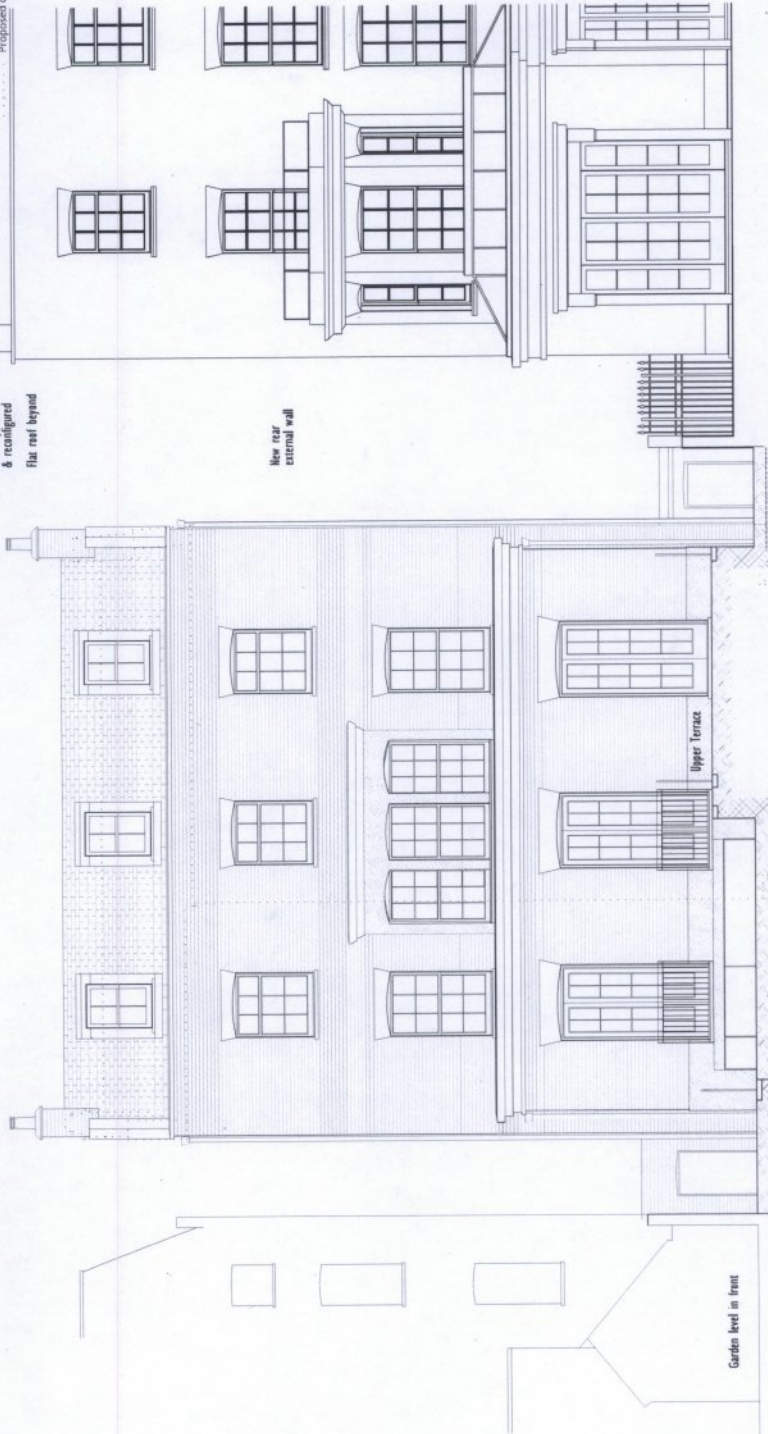
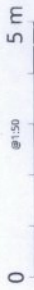
Chimney raised & reconfigured flat roof beyond

New rear external wall

Coping on retaining wall

Upper terrace

Garden level in front

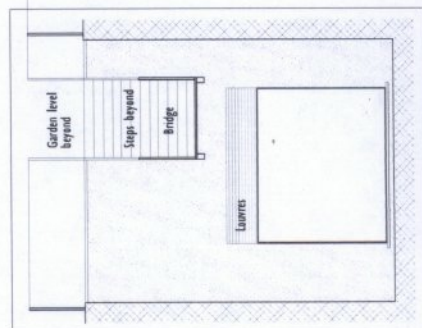


PROPOSED: REAR ELEVATION

No 106

No 104

No 108



Project	105 Hamilton Terrace London NW8 5UP	Client	1.50 @A1	Project	1404-PL-223
Date	12.05.14	Scale	@A1	Drawn by	D
Drawn status	PLANNING	By		Checked by	
Issue		Issue date		Issue	
A	Final issue	NS	12.05.14		
B	House application	NS	DW 12.05.14		
C	Open planning comments added	AB	DW 15.02.15		
D	Town planning comments added	AB	DW 06.03.15		




105 HAMILTON TERRACE, LONDON NW8 5UP  
 1:50 @A1  
 12.05.14  
 1404-PL-223  
 1:50 @A1  
 12.05.14  
 1404-PL-223

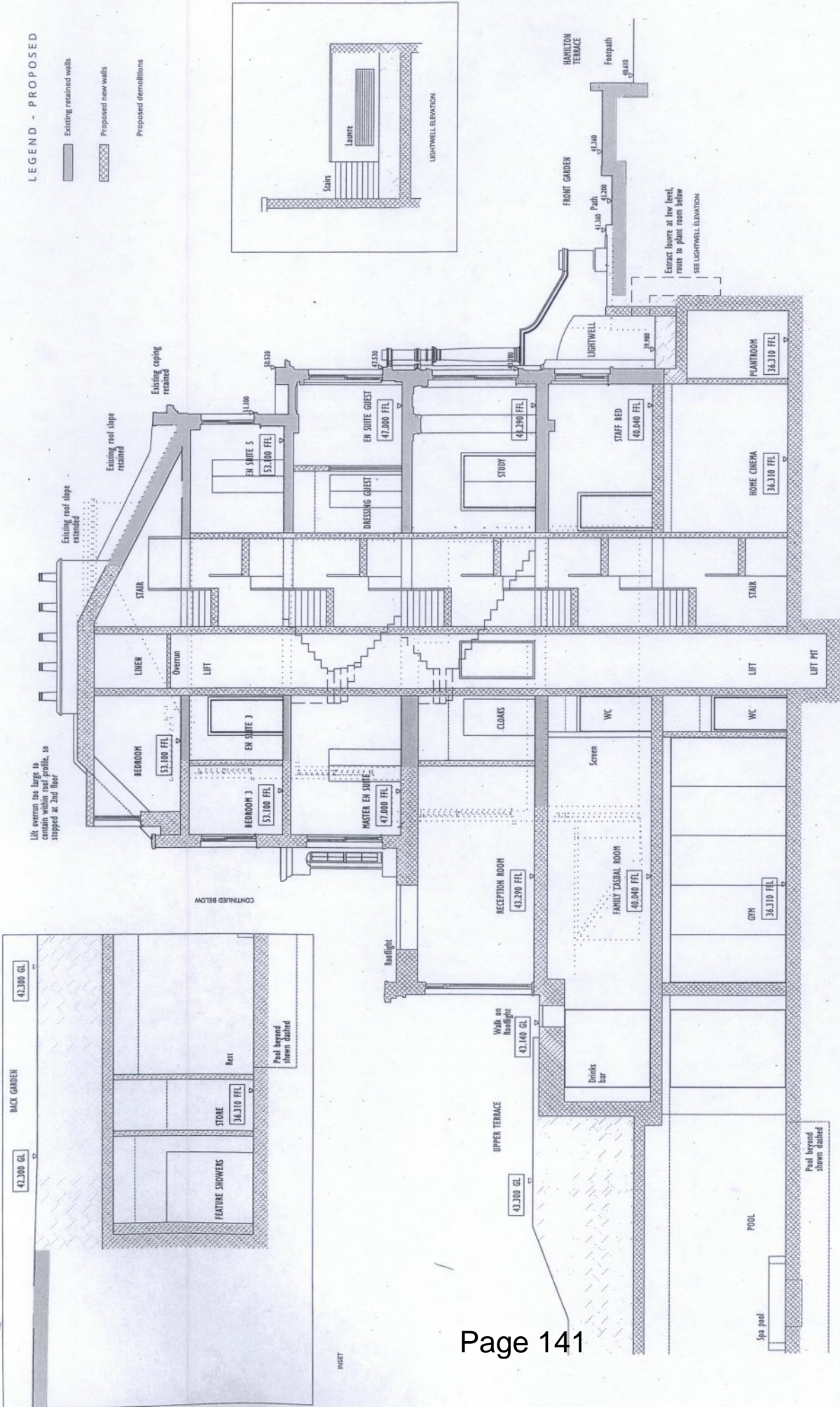




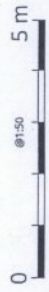


LEGEND - PROPOSED

-  Existing retained walls
-  Proposed new walls
-  Proposed demolitions




PROPOSED: SECTION A - A



Project	105 Hamilton Terrace London NW8 9UP	Proposed: Section A-A
Client	1:50	1:404-PL-231
Scale	@A1	D
Drawn	12.05.14	
Checked		
Approved		
Discipline		
Author		
Issue		
Revision		
by:	Lead: [Name]	rev: [Number]
date:	12.05.14	
discipline:	AB DW	
notes:	First Issue	
	Town Planning Comments added	
	Planning Consultant comments added	
	AB DW	
	Town Planning Comments added	
	AB DW	

SEE INSET FOR CONTINUATION









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Directors Mr D P Wolff BArch(Rand) RIBA, Mr A C Goodchild BSc(Hons) March RIBA, Mr N R Pritchett BA(Hons) BArch RIBA  
Registered in England No. 5113405 Registered Office 16 Lambton Place, London, W11 2SH

1404-PL-DAS-WORKING



# Agenda Item 7

Item No.
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7
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Bayswater		
<b>Subject of Report</b>	<b>43 Artesian Road, London, W2 5DB</b>		
<b>Proposal</b>	Alterations to rear garden walls, increase parapet height to second floor rear extension and erection of rear outbuilding.		
<b>Agent</b>	Potter & Holmes Architects		
<b>On behalf of</b>	Ms Deborah Bartlett		
<b>Registered Number</b>	15/04048/FULL	<b>TP / PP No</b>	TP/25593
<b>Date of Application</b>	08.05.2015	<b>Date amended</b>	19.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.





43 ARTESIAN ROAD, W2



View of rear garden and view of closet wing from No.45



## 2. SUMMARY

Permission is sought for alterations to rear garden walls, increasing the parapet height to closet wing and the erection of rear outbuilding at the end of the garden. The application has been amended to delete the new wall and balustrade to the closet wing addition in order to address the objections raised on overlooking grounds. Objections have been received to the increase in the height of the garden walls, the height and scale of the outbuilding at the end of the garden which is considered to be overdevelopment and have an adverse impact on neighbours.

The key issues in this case are:

- The impact of the proposal on the amenities of adjoining residents.
- The impact of the proposal on the appearance of this house and on the character and appearance of this part of the Westbourne Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design and amenity, and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

## 3. CONSULTATIONS

### NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object to the application due to the loss of privacy. The proposed drawings are too fragmented and question why the whole house is not drawn.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 29; Total No. of Replies: 5.

Five responses received objecting on all or some of the following grounds:

#### Land Use

- Overdevelopment of the site.

#### Design

- The outbuilding is out of character with neighbouring gardens and character and appearance of the conservation area.

#### Amenity

- Creation of a roof terrace at second floor level will overlook and result in a loss of privacy to Nos. 39, 41 and 45 Artesian Road.
- Raised parapet wall will result in loss of light and overshadowing to No. 41.
- Change of use of the flat roof to a terrace is not consistent with other houses in the terrace, and this flat roof has not been used as a terrace.
- Use as a terrace will cause noise and disturbance to residents.
- Terraces to the rear of these houses have been consistently refused by the City Council.
- Applicant's Design and Access Statement refers to a second floor terrace with a balustrade at No. 45, but this is misleading, as there is a condition that prevents this roof being used as a terrace.
- The proposed new summer house at the end of the garden will have an overbearing impact given the small scale of the existing garden. The structure will tower over the garden fences.
- Conditions could be attached for a smaller non full width outbuilding structure which does not extend above the existing 2.6m boundary fence.

- The scale and height of the garden walls, misleading information on the submitted drawings, increase in height of garden walls will result in loss of light to Nos. 39 and 41 Artesian Road, incorrect measurements.

ADVERTISEMENT/SITE NOTICE: Yes

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The application site is a three storey mid terrace unlisted house located on the south side of Artesian Road, situated within the Westbourne Conservation Area. The rear garden backs onto the side elevation of a commercial office building and there is a small shed at the end of the garden.

##### 4.2 Planning History

Permission was granted for the erection of a mansard roof extension on 14.1.2015.

#### 5. THE PROPOSAL

Permission is sought for alterations to rear garden walls and to erect a full width outbuilding at the end of the rear garden.

The application originally proposed the erection of new wall and balustrading around the second floor flat roof in order to create a roof terrace. The new wall and balustrading have been deleted, and the revised proposal now seeks to increase the height of the parapet walls by 400mm.

The works to the garden walls include removing the existing brick wall with No. 45 and building a new brick wall with render to both sides to a height of 2655mm. In respect of the boundary with No. 41, it is proposed to build a new wall off the existing wall to 2420mm high, which will be rendered finish.

#### 6. DETAILED CONSIDERATIONS

##### 6.1 Land Use

There are no objections in land use terms to the proposed alterations and outbuilding to this house.

##### 6.2 Townscape and Design

###### Outbuilding

Objections have been received to the scale and the impact of the summer house/outbuilding located at the end of the garden and that it represents overdevelopment.

The proposal is for a brick built structure with a single timber door, located at the end of the garden abutting the side brick wall of the office building. The outbuilding is shown to 2675mm high, 1500mm deep and spans the full width of the garden

Although it covers the full width of the garden, it is considered to be acceptable in terms of its footprint and design. During the course of the application, the height of this structure was reduced to address the concerns of neighbours (as set out in Section 6.3 below), and the

proposal is considered in keeping with the host building and will not harm the appearance and character of this part of the Westbourne Conservation Area.

The proposal therefore complies with Policies S25 and S28 in the City Plan and DES1, DES5 and DES9 in the UDP.

### **Other Alterations**

It was originally proposed to erect a solid boundary wall on the east side and balustrading on the south and western sides of the closet wing at second floor to create an enclosed roof terrace. This element attracted a number of objections and has now been deleted from the application.

The applicant needs to address drainage issues on the flat roof and it is now proposed to raise the parapet walls by 400mm to accommodate additional insulation and flashing. In design terms, there are no objections to these alterations.

### **6.3 Residential Amenity**

#### **Loss of Light/Enclosure**

Despite the objections received, it is not considered that the outbuilding at the end of the rear garden will result in any material loss of light to neighbours. The height of this structure has been reduced in order to address a number of the concerns raised.

It is recognised that the existing rear garden is small, and this brick built structure at 2.675m high will be visible above the height of the garden walls from neighbouring houses and gardens. However, it is not considered to result in such a material increase in the sense of enclosure to warrant refusal of permission.

This outbuilding at 2.675m is just marginally taller than what can be built under permitted development rights (2.5m in the case of a building/enclosure within 2m of a boundary) under Class E of the General Permitted Development Order 2015.

#### **Overlooking**

The objections related to the roof terrace at second floor level, and this aspect has now been deleted.

There is a door leading onto the existing flat roof, but use of this flat roof is very limited by the lack of any safety balustrading.

The revised scheme, whilst it does involve raising the parapet, is not high enough to require satisfying Building Regulations which require a height of 1.1m and a condition is being imposed to ensure that the flat roof is not used as a terrace.

It is not considered that the slight increase in the parapet will result in any material loss of light to Nos. 41 and 45 Artesian Road.

### **6.4 Transportation /Parking**

Not relevant in the determination of this householder planning application.

**6.5 Economic Considerations**

Not relevant in the determination of this householder planning application.

**6.6 Equalities and Diversities**

Not relevant in the determination of this householder planning application.

**6.7 Westminster City Plan /UDP Considerations**

The proposal does not raise any other policy issues.

**6.8 London Plan**

Not relevant in the determination of this householder planning application.

**6.9 Central Government Guidance**

Regard has been had to the relevant advice in the National Planning Policy Framework (NPPF).

**6.10 Planning Obligations**

Not relevant in the determination of this householder planning application.

**6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

Not relevant in the determination of this householder planning application.

**6.12 Other Matters**

One of the objectors has questioned the accuracy of the plans and the garden wall is higher. The proposal seeks to increase the height of the garden walls to a maximum height of 2420 mm on the east side (measured from the ground level of No. 43). It would appear that the objector has taken the measurements from their side of the boundary where the ground level is lower.

**BACKGROUND PAPERS**

1. Application form.
2. Response from Notting Hill East Neighbourhood Forum undated.
3. Response from 39 Artesian Road, London W2.
4. Response from 41 Artesian Road, London W2.
5. Response from 53 Artesian Road, London W2.
6. Response from 53 Artesian Road, London W2.
7. Response from 55 Artesian Road, London W2.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 43 Artesian Road, London, W2 5DB

**Proposal:** Alterations to rear garden walls, increase parapet height to second floor rear extension, erection of rear outbuilding.

**Plan Nos:** EX-001 Rev D, EX-002 Rev C, PL-010 Rev E, PL-011 Rev E, PL-012 Rev G, PL-013 Rev E. Design and Access Statement.

**Case Officer:** Rebecca Mason

**Direct Tel. No.** 020 7641 7540

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

**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 Westbourne Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roof of the rear closet wing for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

**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: Strategic Policies adopted November 2013, 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.

Check all dimensions on site before application or setting out.  
The contractor is responsible for any and all measurements without permission of the architect.

D Green Wall Locations (top) 10/06/15 SDJ / FY  
 G Garage Down, Update to Internal 22/04/16 SDJ / FY  
 B Update to secondary walls and corner lines 18/03/15 SDJ / FY  
 A Markers: Transfer & Unlink to Apartment Floor Condition 11/08/15 SDJ / FY  
 Approved for Planning 21/11/14 NY / JZ  
 Date: 11/08/15

**INFORMATION**

DEBORAH BARTLETT  
 43 ARTESIAN ROAD  
 LONDON W2 5DB  
 Floor Plans  
 As Existing  
 L1422 EX-001 D  
 1:100 @ A3

Potter & Holmes architects  
 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 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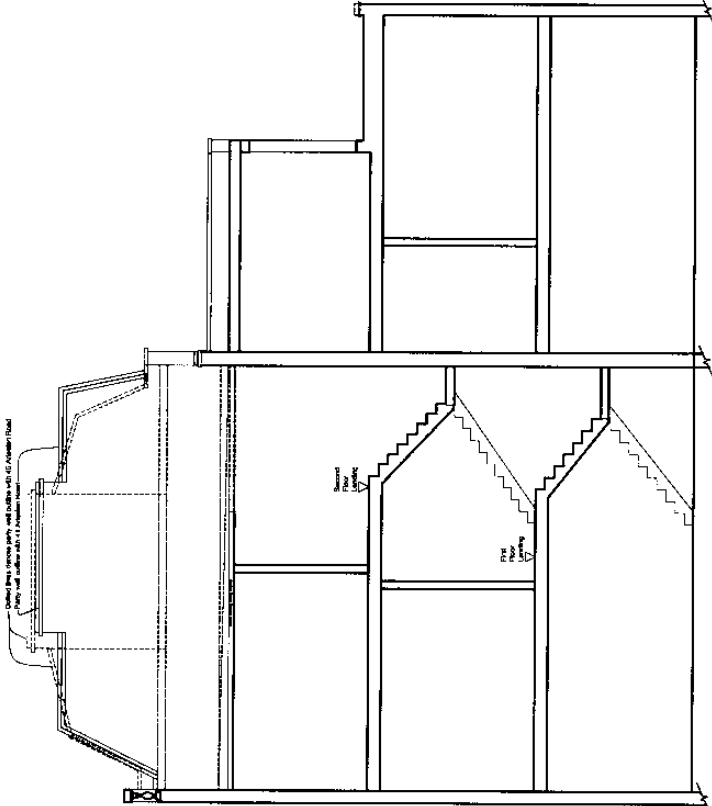
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 Date:

C. Update to Rear Elevation after 22.04.15 SJJ JV  
 B. Revise to July 15 15.03.15 SJJ JV  
 A. Issued for Construction 11.03.15 SJJ JV  
 Issued for Planning 21.11.14 JV JOK  
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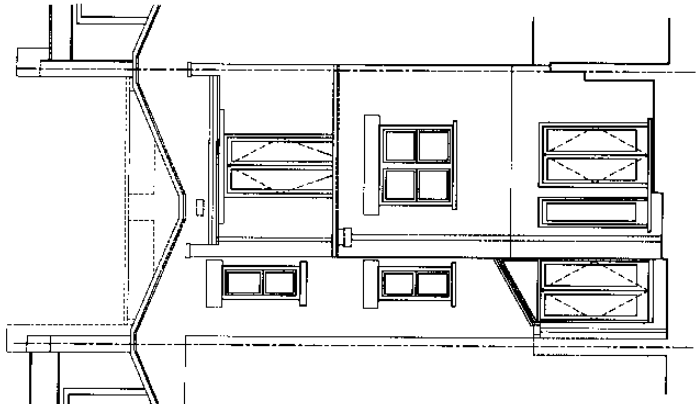
**INFORMATION**

Architect: DEBORAH BARTLETT  
 Project: 43 ARTESIAN ROAD  
 LONDON W2 5DB  
 Drawing: Elevations and Section  
 As Existing  
 Title: L1422 EX-002 C  
 Scale: 1:100 @ A3

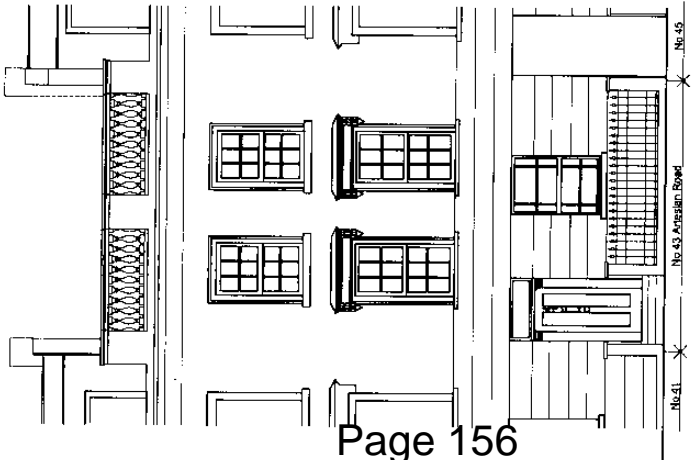
Potter & Holmes  
 architects  
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3 Section  
 Scale: 1:100



2 Rear Elevation  
 Scale: 1:100



1 Front Elevation  
 Scale: 1:100

Scale 1:100  
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1:50 @ A3

18.07.15 SDJ / Y  
 18.05.15 SDJ / Y  
 14.03.15 SDJ / Y  
 07.03.15 SDJ / Y  
 22.04.15 SDJ / Y  
 18.07.15 SDJ / Y

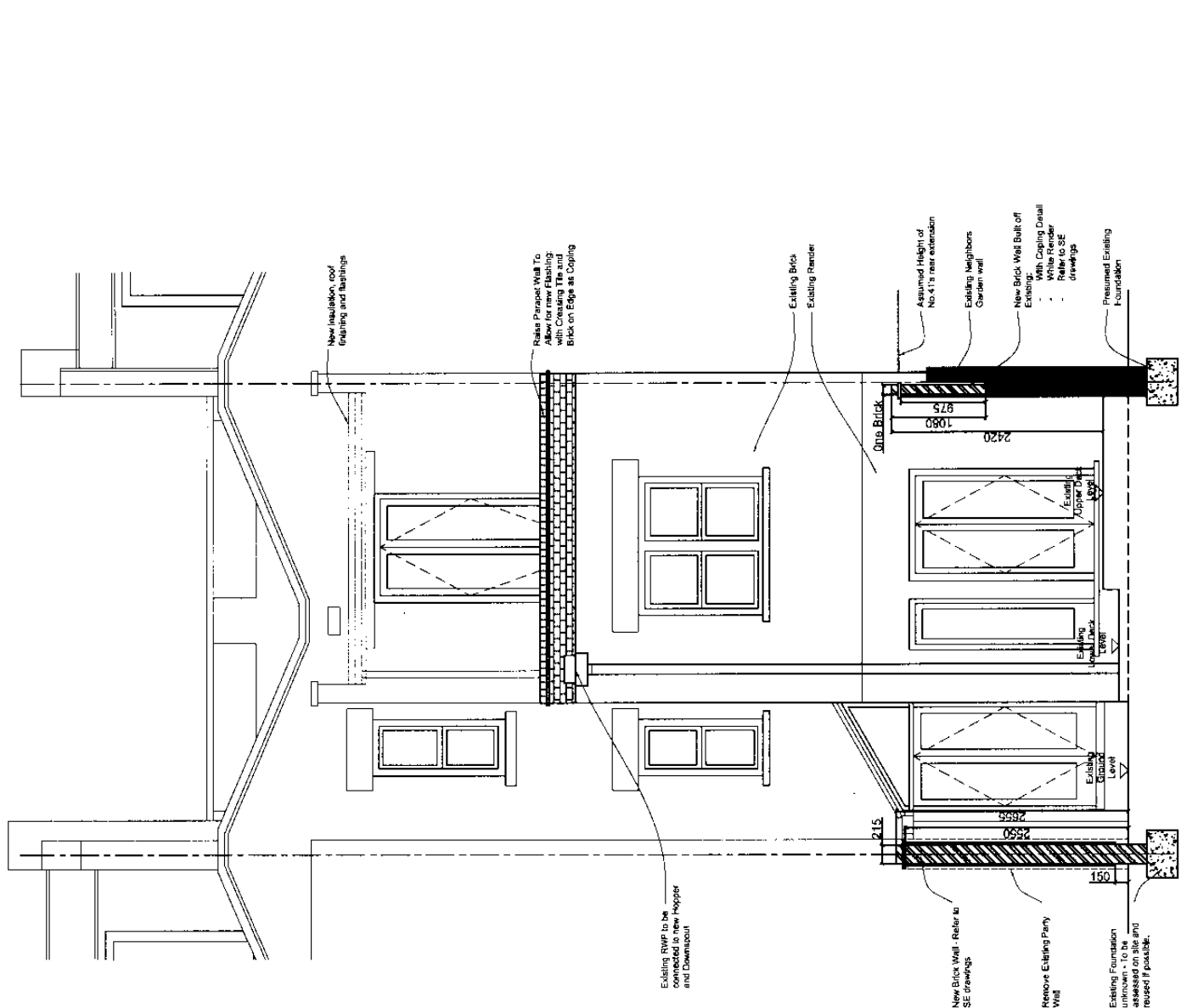
**PLANNING**

DEBORAH BARTLETT  
 43 ARTESIAN ROAD  
 LONDON W2 5DB

Garden & Second Floor Terrace  
 Proposed Rear Elevation & Garden  
 Wall Section

L1422 PL-011 E

Potter & Holmes  
 architects



Scale: 1:50  
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1 Rear Elevation  
 Scale: 1:50

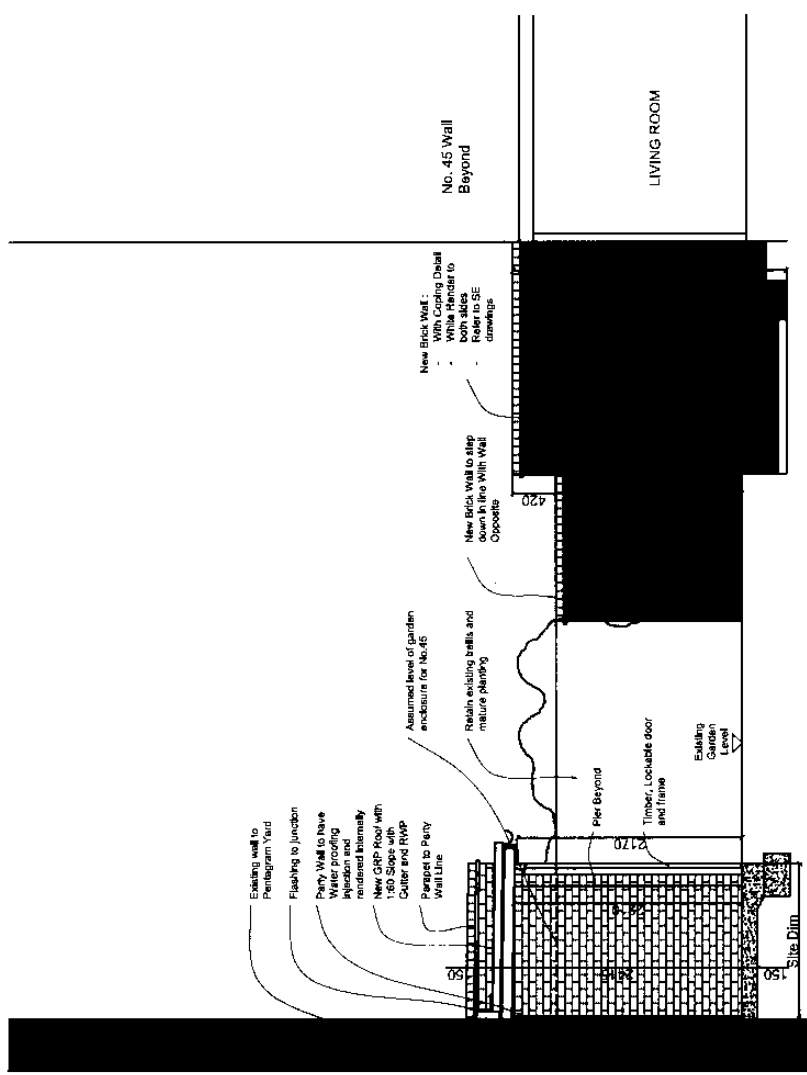
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<p>E. Issued for PLANNING 03.07.15 S.D.J. / Y.          D. Issued for PARTY WALL 02.06.15 S.D.J. / Y.          C. Issued for PLANNING 14.05.15 S.D.J. / Y.          B. Issued for PARTY WALL 14.05.15 S.D.J. / Y.          A. Issued for PLANNING - Shed          - Issued for Party Wall Consent          - Issued for Party Wall Consent</p>	<p>03.07.15 S.D.J. / Y.          02.06.15 S.D.J. / Y.          14.05.15 S.D.J. / Y.          14.05.15 S.D.J. / Y.          07.05.15 S.D.J. / Y.          22.04.15 S.D.J. / Y.</p>
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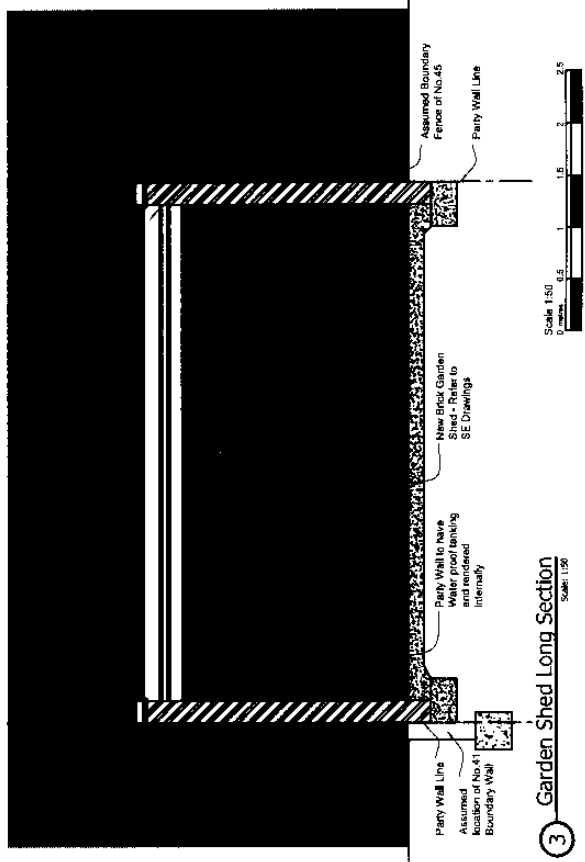
**PLANNING**

Client: DEBORAH BARTLETT  
 Address: 43 ARTESIAN ROAD LONDON W2 5DB  
 Project: Garden & Second Floor Terrace Proposed Garden Wall Elevation 02  
 App No: L1422 PL-013 E  
 Scale: 1:50 @ A3

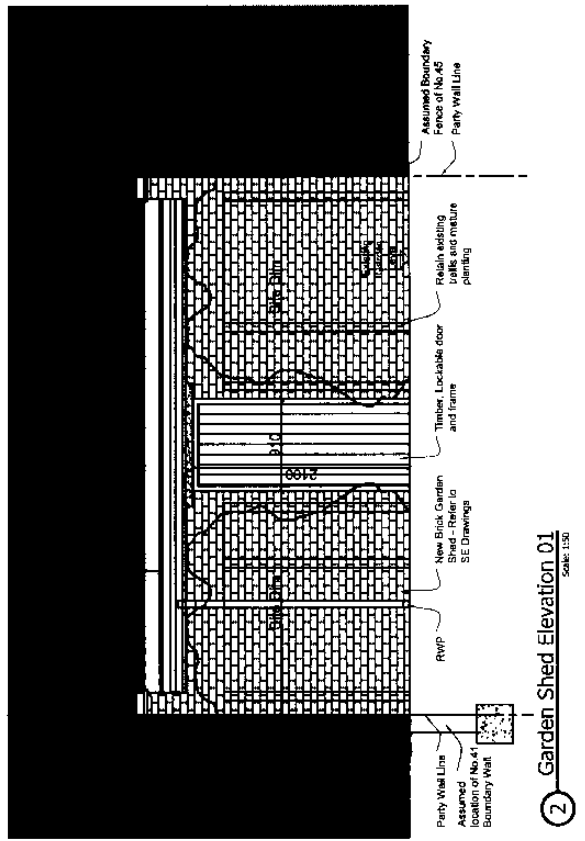
Potter & Holmes architects  
 24-26 Abchurch Lane, London EC4A 3DF  
 Tel: 020 7460 1400  
 Email: info@potterandholmes.com



1 Garden Wall Elevation 02  
 Scale: 1:50

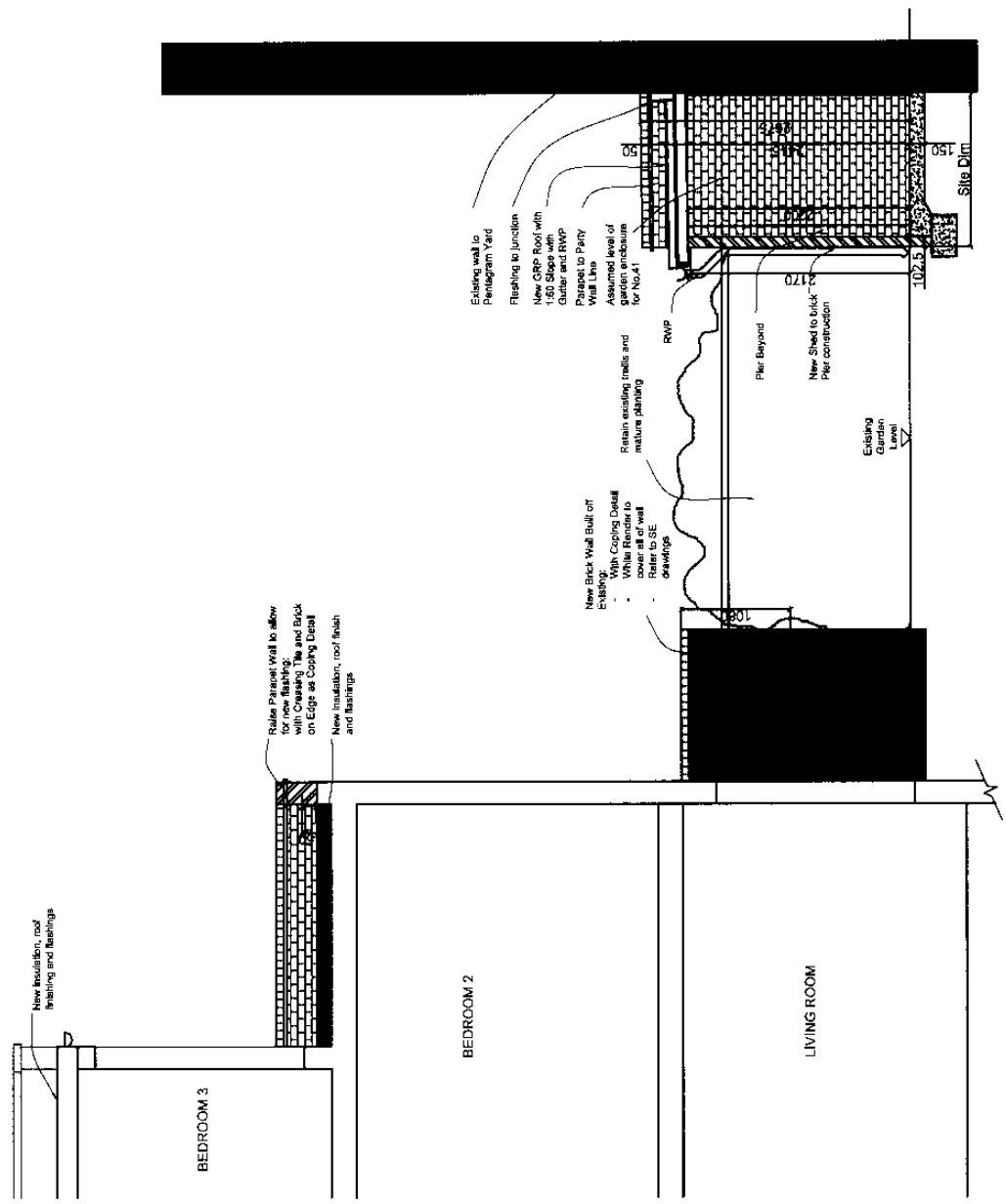


3 Garden Shed Long Section  
 Scale: 1:50



2 Garden Shed Elevation 01  
 Scale: 1:50

Check all dimensions on this before fabrication of walling etc.  
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1 Garden Wall Elevation 01  
 Scale: 1:50

Date	Issue	Drawn	Checked
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02.06.15	SDJ, IV		
02.06.15	SDJ, IV		
19.05.15	SDJ, IV		
14.05.15	SDJ, IV		
27.05.15	SDJ, IV		
22.04.15	SDJ, IV		
19.03.15	SDJ, IV		

**PLANNING**

DEBORAH BARTLETT  
 43 ARTESIAN ROAD  
 LONDON W2 5DB  
 GARDEN & SECOND FLOOR TERRACE  
 PROPOSED GARDEN WALL ELEVATION 01

Client: DEBORAH BARTLETT  
 Project: GARDEN & SECOND FLOOR TERRACE  
 Drawing: PL-012 G  
 Scale: 1:50 @ A3

**Potter & Holmes architects**  
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

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# Agenda Item 8

Item No.
8

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 July 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Church Street		
<b>Subject of Report</b>	<b>69 Lisson Street, London, NW1 5DA</b>		
<b>Proposal</b>	Demolition of existing building between the Brazen Head Public House and Lisson Gallery and erection of three storey dwellinghouse with basement on Bell Street frontage with associated alterations to Bell Street frontage of the Brazen Head.		
<b>Agent</b>	Brooks/Murray Architects		
<b>On behalf of</b>	Mr Vasco Sa Fernandes		
<b>Registered Number</b>	14/12768/FULL	<b>TP / PP No</b>	TP/22285
<b>Date of Application</b>	19.12.2014	<b>Date amended</b>	15.07.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Lisson Grove		

## 1. RECOMMENDATION

Grant conditional permission including a condition to secure new paving and tree planting outside the premises.





69 Lisson Street (top) and looking west from Bell Street (bottom)

69 LISSON STREET, NW1  
Page 163

## 2. SUMMARY

This planning application seeks approval for the demolition of part of an unlisted building of merit in the Lisson Grove Conservation Area which is attached to the now vacant Brazen Head Public House to create a three storey house plus basement. This new house infills the existing townscape gap.

The application has been amended in respect of the detailed design of the new house, and to pull back the upper floors. The applicant is offering public realm improvements to repave the footway outside the premises and new tree planting.

Objections have been received from the St Marylebone Society, the Church Street Ward Group and the adjoining owner on the grounds of the crude design of the new house and its impact on the Lisson Grove Conservation Area, the proposed repaving work may have implications for the Church Street 'Green Spine' project, loss of light and the impact on the operation of the adjoining art gallery.

The key considerations are:

- The loss of part of the Class A4 public house and the acceptability of the new house in land use terms.
- The principle of demolition of the existing building which is identified as an unlisted building of merit and the form and design quality of the replacement building and whether it preserves or enhances this part of the Lisson Grove Conservation Area.
- The impact on the amenities of adjoining properties.

The revised scheme which sets the two upper floors back behind the projecting ground floor shopfront is now considered to be a suitable replacement building which will enhance the character and appearance of this part of the Lisson Grove Conservation Area and the public benefits of the scheme justify the demolition of the existing structure. Although there is a small loss of Class A4 public house floorspace, the public house has not been nominated as an asset of community value and the loss of this floorspace is not considered to prejudice its future use. The proposed residential use accords with the NWEDA policies. It is not considered that the new building will harm the amenities of future residents next door or adjoining commercial operators. Therefore, the scheme is considered acceptable and is recommended for approval.

The applicant is offering to pay the costs to repave the area outside the premises and for new street trees. This work is not required by Council policy and therefore this offer cannot be taken into consideration in assessing the planning merits of this planning application.

## 3. CONSULTATIONS

### ENGLISH HERITAGE

(now known as Historic England)

No comments to make.

### ENGLISH HERITAGE ARCHAEOLOGY

(now known as Historic England)

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.



**THAMES WATER**

Identified an inability of the existing wastewater infrastructure to accommodate the needs of this application and request a Grampian style condition to ensure that no development is commenced until a Drainage Strategy has been approved.

**ST MARYLEBONE SOCIETY**

Object, overall poor design qualities and generally confusing application. A three bed house is a better use of the land than the tiny laundrette which was for the exclusive use of the Brazen Head Hostel, but the new house is not well designed, the facade looks crude and could do better.

**CLEANSING MANAGER**

Request a condition is imposed to secure waste/recycling storage.

**ENVIRONMENTAL HEALTH**

No objection.

**HIGHWAYS PLANNING MANAGER**

Refuse on transportation grounds. No car parking is being provided for the new house and no waste storage. The proposed landscaping/planter on the corner of the public house is positioned on the public highway and is contrary to policy. Such a structure would require a stopping up order. The tree to be planted outside the building on the public highway will also need further assessment, and condition exact location and species at a later date. If the applicant wishes to make good the footway, need to comply with the palette of materials as set out in the Westminster Way.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 24; Total No. of Replies: 1.

One objection received to date from the adjoining Lisson Art Gallery.

**Design**

- The impact of the proposal on the appearance and character of this part of the Lisson Grove Conservation Area.

**Transportation**

- No parking is being provided for the new building.

**Amenity**

- The applicant's daylight and sunlight report fails to take into account the impact on the Lisson Art Gallery.

**Other Matters**

- Believe that the application is extending over land owned by No. 52-54 Bell Street.
- Request further information on the appearance of the rear elevation and there are party wall matters that need to be addressed.
- There is an inconsistency in the footprint of the Gallery building in the existing and proposed - the latter includes a small extension.
- Not clear if the outside space proposed is double height or roofed over and how this will be used.
- There will be a significant impact on the Gallery's ability to undertake business should this development proceed.
- Significant noise issues.

ADVERTISEMENT/SITE NOTICE: Yes

Revised Scheme

#### ST MARYLEBONE SOCIETY

Defer to the Planning Officer and the Church Street Planning and Licensing Group. Note no internal access to the basement is shown on the proposed plans which would affect the possibility of keeping this pub. Housing will be a better use than a dedicated laundrette. Note an objection from a neighbour in Bell Street on loss of light, but after looking at the plans cannot see that there would be an impact of this sort.

#### CHURCH STREET WARD PLANNING AND LICENSING GROUP

Note that the proposed plans for this building include the empty Brazen Head Public House and the proposed alterations to the front of the building. The Victorian frontage of the Brazen Head is scheduled to act as a focal point in the overall regeneration plans for a 'green spine,' across the ward, these are already approved and request that this aspect of the proposal be reconsidered. The exterior of the building should not be altered as it will supply the necessary historical link with the blocks such as Morris House (1904) and Fisherton Estate (1942) along the route of the projected 'green spine' which will be one of the main achievements of the vast regeneration area. Whilst do not oppose the idea for 69 Lisson Street, but the risks to the approved Church Street Ward Regeneration Plan are very great and must not be ignored.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 1; Total No. of Replies: 0.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

No. 69 Lisson Street is the former Brazen Head Public House, and this planning application relates to the single storey building with the blue painted shopfront attached to the public house, which projects beyond the front building line facing onto Bell Street. Behind this projecting shopfront is a raised parapet wall, with a small courtyard at the rear and a two storey addition which forms part of the public house.

The front part of this building was last used as an unauthorised launderette which was ancillary to the unauthorised hostel use on the upper floors of the public house. The unauthorised hostel use ceased last year and works are currently in progress to convert the upper floors of the public house into residential use.

The Class A4 public house use ceased earlier this year. Planning permission was granted last year to convert the upper rear floors into three flats and to build a rear extension and works are in progress.

The existing building is not listed but lies within the Lisson Grove Conservation Area. The Council's adopted Conservation Area Audit highlights the Brazen Head as an unlisted building of merit, which includes this single storey projecting shopfront structure. Adjoining the application site is the Lisson Art Gallery, a modern contemporary building which is approximately 25 years old.

The application site lies within an area of Special Archaeological Priority. Opposite is the King Solomon Academy which is Grade II listed.

The application site lies within the North Westminster Economic Development Area (NWEDA).

#### **4.2 Planning History**

Permission granted on 17 September 2014 for the extension and conversion of the upper floors of the Brazen Head Public House into three self-contained flats.

Permission refused for the continued use as a short-term lets hostel (sui generis) and appeal dismissed on 4 April 2011.

A Certificate of Lawfulness application for the change of use of the public house to Class A2 use was withdrawn in 2014 (14/04320/CLEUD)

### **5. THE PROPOSAL**

The proposal is for the demolition of the existing single storey building and the two storey structure behind and the erection of new house of basement, ground and two upper floors. The proposed new house will read as a three storey building when viewed from the street.

The footprint of the new house has been subject to revisions, as originally it was proposed to follow the current existing projecting building line extending beyond the front elevation of the public house. The revised scheme now sets the two upper floors back, so it sits just behind the front elevation of the Brazen Head.

The new house is shown to be constructed of brick with a timber and glass shopfront detail on the ground floor. The rear elevation is also brick with a large full height glazed element and there is a small courtyard rear garden. The proposed new house will be in the region of 150m<sup>2</sup> in area and provide three bedrooms.

The applicant is proposing to improve the public space in front of the building to seek to introduce new high quality paving and street furniture, add planters and two new street trees.

### **6. DETAILED CONSIDERATIONS**

#### **6.1 Land Use**

The front part of the application site was last used as a small launderette in association with the unauthorised use of the upper floors of the Brazen Head Public House as a hostel. This launderette is now a facility open to the general public and provided local residents a service, but was unauthorised. Therefore, this use was not protected by shopping policy.

There are no recent planning decisions regarding the lawful use of this front part of the building, but the rear part forms part of the public house (Class A4).

This property is not located outside a designated shopping frontage and the principle of a residential use is in accordance with the NWEDA policy. The density of the proposed development is in the region of 643 hrh, which is higher than the City Council's range in the UDP (250-500 hrh) but within the London Plan figure of 650-1100 hrh given its high PTAL rating.

#### **Loss of A4 floorspace**

The application involves the loss of the toilets which used to serve the public house on the ground floor and storage at basement level and a small courtyard area.

The public house closed last year, and no planning applications have been made to date for its change of use. Under the terms of the changes to the General Permitted Development Order which came into force on 6 April 2015, the applicant would need to apply for prior approval to ascertain whether the public house has been nominated as a 'community asset' before applying for a change of use.

Whilst the proposal will result in a small loss of ancillary Class A4 floorspace, it is not considered that this would prejudice the re-use of the premises as a public house, or an alternative use (subject to planning).

## **6.2 Townscape and Design**

### **Demolition of existing building**

The Conservation Area Audit identifies this building and the Brazen Head Public House as an unlisted building of merit and as such demolition is normally resisted under Policies S25, S28 and DES9. Regard therefore needs to be had on the significance of the heritage asset affected in the light of the advice in the NPPF.

It is recognised that the single storey building with its blue shopfront is a distinctive feature in the local townscape and as an unlisted building of merit its demolition would normally be resisted. In this case, the loss of this existing building needs to achieve substantial public benefits.

The existing building is exceptionally small in size and has had a long history of vacancy. Its very small size does limit its reasonable use by another commercial occupier both in the short and medium term. It is recognised that the creation of a residential house suitable for a family is a benefit to the housing stock, and therefore it is considered that a case can be made for its demolition.

### **Replacement Building**

The design of the new house is predominantly brick with timber sash windows, and replicates the shopfront detail on the ground floor. The initial design to bring the whole building forward was considered to be too visually prominent and diminished the architectural integrity of the adjoining building. The revised scheme setting the building line of the upper floors back is a more appropriate solution, being subservient to the public house.

In terms of infilling the townscape gap, the new house seeks to follow the terraced properties along this section of Bell Street, with brick facade with ground floor shopfronts and sash windows above. Overall, the new building accords with Policy DES4 in terms of its height, scale and detailed design.

The rear elevation of the house is more contemporary in design to reflect its constrained location and also to protect the amenities of future residents. The large area of glazing will not be visible from any public views within the conservation area.

Overall, the proposed new house accords with Policies S25 and S28 in the City Plan and Policies DES1, DES4 and DES9 in the UDP.

## **6.3 Residential Amenity**

### **Loss of Light/Enclosure and Privacy**

The owner of the adjoining art gallery has raised objections on the grounds of loss of light and that no daylight/sunlight report has been submitted with this planning application which assesses the impact on this property.

The gallery is a commercial use and in terms of losses of light is not afforded the same degree of protection as residential accommodation, hospital or schools. There is no requirement for the applicant to submit such a report.

The impact on the art gallery has been fully assessed on site. The new house lines up with the rear wall of the art gallery in Bell Street and therefore there will be no appreciable loss of light or sense of enclosure to their rear windows and roof terraces. Therefore, this objection cannot be supported.

There are a number of existing windows in the side elevation of the upper floors of the adjoining public house which will be affected by the proposed new house. The applicant has submitted a Daylight and Sunlight Report which has assessed these future flats and surrounding residential buildings. There is a valid planning permission to convert the upper floors into three flats, and the new house will result in a number of these windows being blocked up. These affected windows are generally secondary windows to these proposed new flats. Therefore there will be no material loss of light. There will be an increased sense of enclosure to these future flats, but this is not considered to be so material.

#### **Standard of Residential Accommodation for the Future Occupants**

The daylight and outlook of the occupants of the new house will be affected by the proposed new rear extension to the Brazen Head (which will accommodate the staircase to serve the new flats) and this will also result in the small rear courtyard and the rear of the proposed house being very enclosed. However, there is considered to be sufficient natural light and ventilation to serve the new house.

The new house will be adjacent a public house and it is recognised that such a use may have implications on the amenities of future occupants of this house in terms of noise and disturbance especially late at night. The design of the new house will incorporate sound insulation to address noise transmission between the walls and floors.

#### **6.4 Transportation/Parking**

No car parking is being provided for the new house. The Highways Planning Manager objects to the proposal on the grounds that it will be contrary to Policy TRANS 23 and this will have an adverse impact on car parking levels in the area and this may lead to a reduction in road safety and operation.

The Council's night time parking survey in 2011 indicates a parking occupancy of Res Park bays within 200 metre radius of the site is 90% and if all legal spaces are included this stress level reduces to 67%. Daytime occupancy is 92%.

The objections of the Highways Planning Manager are well understood, but given this site's high PTAL score (6b) and the housing benefits of creating a family house, it is not considered reasonable to refuse permission on parking grounds. Cycle storage is being provided.

#### **6.5 Economic Considerations**

Whilst it is recognised that this unit could be occupied by another commercial user, its small size does limit any future occupier.

#### **6.6 Equalities and Diversities**

Disabled access is being provided for the new house and these accord with policy.

## 6.7 Other UDP/Westminster Considerations

### Archaeology

This site is located inside the Paddington and Lilestone Village Area of Special Archaeological Priority.

There is already a basement level, and whilst there will be some additional excavation to accommodate the foundations of this new house, Historic England (Archaeology) raise no objections.

### Waste

Refuse storage for the new house will be reserved by condition.

## 6.8 London Plan

This application raises no strategic issues

## 6.9 Planning Obligations

The creation of a single house does not normally trigger planning obligations. The applicant has indicated a willingness to pay for improvements to the footpath outside the new house and in front of the Brazen Head and to also pay for tree planting.

Given there is no policy requirement for public realm benefits, this offer must be given no weight in the assessment of the planning merits of this scheme.

The Church Street Ward Planning and Licensing Group has raised concerns about these works and they may prejudice the Church Street 'Green Spine' proposals. The Highways Planning Manager also objects to the planters on the basis that they are sited on the highway and pose a danger to pedestrians.

Consultants are currently working on the detailed design of the Green Spine, and there are no objections in principle to the works in front of the Brazen Head. The proposal should not conflict with the Green Spine but will enhance this area.

The applicant's offer will need to be secured by a Grampian condition and a Unilateral Undertaking.

## 6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The applicant has submitted an Environmental Performance Statement which sets out the energy efficiency performance of the new house. Mechanical ventilation with heat recovery (MVHR) will be installed, and a condition is recommended to reserve the details of extract /intake vents.

On 27 March 2015 the Government announced a new approach to the setting of technical housing standards in England. This was accompanied by the publication of a new set of streamlined national technical standards which have replaced the Code for Sustainable Homes.

This application does not affect any trees. In terms of greening, it is regrettable that the design does not accommodate a green roof or a green wall. The applicant is offering to pay for two street trees.

## 6.11 Other Matters

### Certificate B Notification

The adjoining owner of the Lisson Art Gallery has queried the certificate of notification submitted with the application (Certificate A). As a result an amended Certificate B has been submitted serving notice on the owner of this adjoining building.

The objector considers that the construction of this house will adversely affect the day to day business of the gallery, but this is not a ground to refuse permission.

A condition is suggested to reserve the Drainage Strategy for the new house as requested by Thames Water.

## 6.12 Conclusion

The revised design is now considered acceptable and it is recommended to grant conditional permission.

## BACKGROUND PAPERS

1. Application form.
2. Response from English Heritage (now known as Historic England) dated 2.2.2015.
3. Response from English Heritage Archaeology (now known as Historic England Archaeology) dated 16.2.2015.
4. Email from Thames Water dated 9.2.2015.
5. Memorandum from Highways Planning Manager dated 3.2.2015.
6. Memorandum from Cleansing Manager dated 6.2.2015.
7. Memorandum from Environmental Health dated 20.2.2015.
8. Response from St Marylebone Society dated 11.2.2015.
9. Response from 52-54 Bell Street London NW1.
10. Response from the St Marylebone Society dated 26.3.2015.
11. Email from Church Street Ward Planning and Licensing Group dated 25.3.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 69 Lisson Street, London, NW1 5DA

**Proposal:** Demolition of existing building between the Brazen Head Public House and Lisson Gallery and erection of three storey dwellinghouse with basement on Bell Street frontage with associated alterations to Bell Street frontage of the Brazen Head.

**Plan Nos:** Existing : 985.10.0100, 0101, 0102, 0103, 0104, 0106 , 0201-A , 0202 -A, 0601-A,0602; 0603-A ; 0604,  
Proposed :985.10.101-A, 102-A, 103-A ,104-A, 106-A , 201-B ,601-B, 602- B , 603-A , 604-A.604-B Proposed Section DD ) 7001 , 702 ,703 .

Design and Access Statement , Supplementary Information , Daylight and Sunlight Assessment , Internal Daylight Assessment ( part superseded by later revisions) Environmental Performance Statement dated 20 December 2014 , Planning Statement on behalf of Springcroft Construction dated December 2014 Site Suitability Assessment -Noise .

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)



## 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 Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - new shopfront. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

## 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 Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 All new windows to the front elevation and the shopfront at ground floor shall be 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 Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

## Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must not use the front flat roof of the house for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

## Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 You must provide the waste store shown on drawing 985.10.101 A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the new house. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 You must not use any part of the development until we have approved appropriate arrangements to secure the following.

new paving and tree planting

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 12 Details of a drainage strategy for the new house shall be submitted to and approved by the city Council in consultation with Thames Water before any work start on site. The development shall be carried out in accordance with the approved strategy.

**Reason:**

To ensure that the proposal does not adversely affect the existing waste water in infrastructure.

**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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary

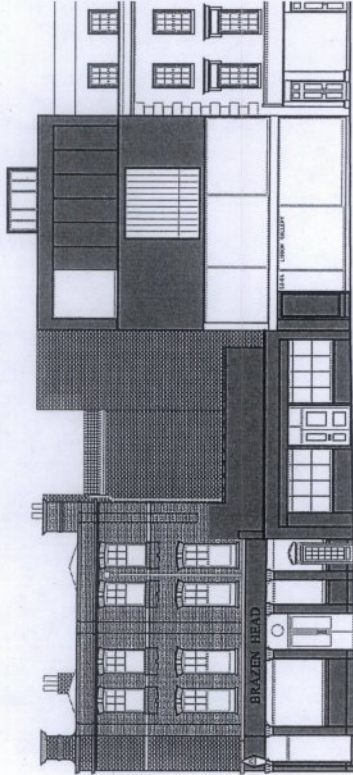
Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
  
- 3 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)
  
- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.  
  
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
  
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.  
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
  
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed

on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)

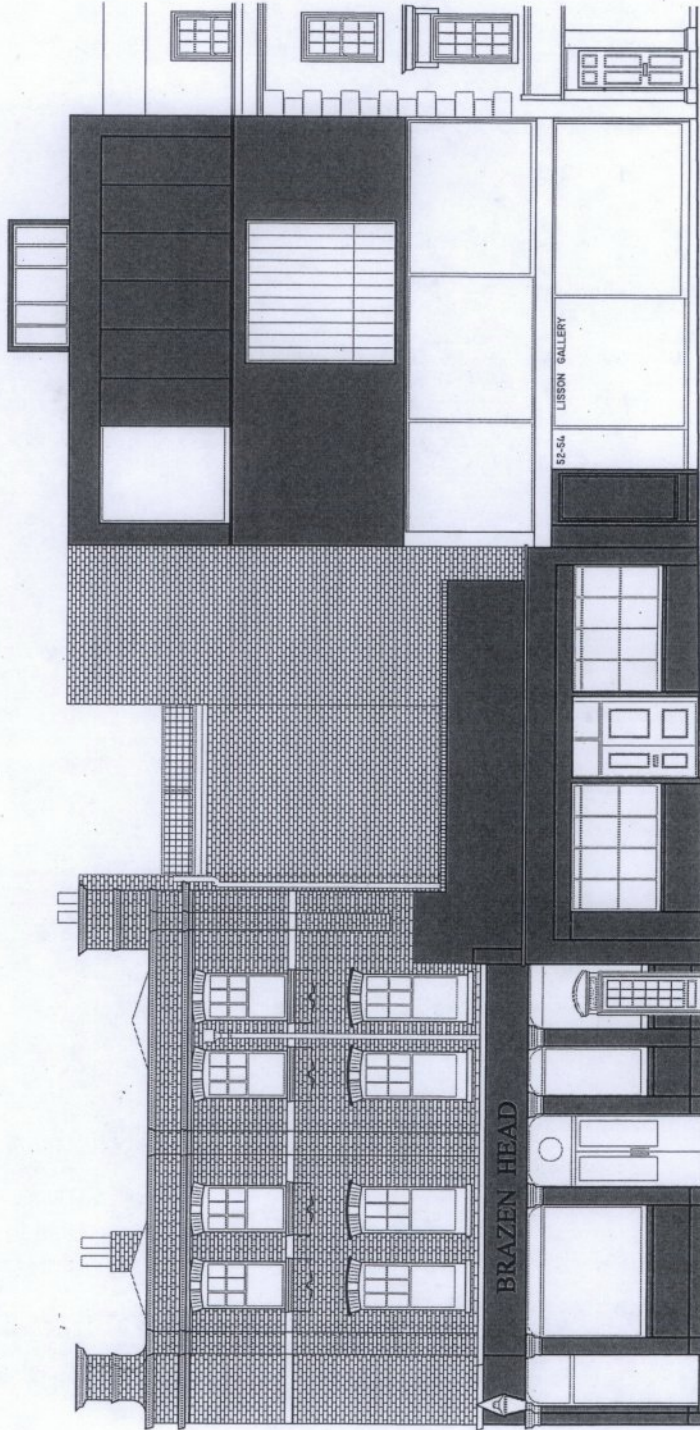
- 8 Under condition 11, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure paving and tree planting, as set out in the letter dated March 2015 from Brooks /Murray Architects Supplementary Information. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 9 In respect of Condition 12, you should be aware that Thames Water has identified an inability of the existing Waste water infrastructure to accommodate the needs of this application.

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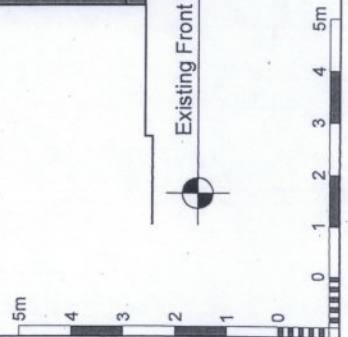


LISSON STREET

Bell Street Elevation  
1:200



Existing Front Elevation



REV.	AMENDMENT	BY:	DATE
<b>BROOKS / MURRAY</b> ARCHITECTS 8-10 NEW NORTH PLACE LONDON EC2A 4JA TEL. 020 7739 9955 FAX. 020 7739 9944 architects@brooksmurray.com			
CLIENT: <b>Springcroft Construction</b>			
JOB: <b>The Brazen Head</b> 69 Lisson Street, NW1 5DA			
DRAWING TITLE: <b>Existing Front Elevation</b>			
SCALE: <b>1:100 @ A3</b>			
DATE: <b>Dec 2014</b>			
STATUS: <b>Planning</b>		DRAWN BY: <b>VF</b>	
DRAWING NUMBER: <b>985.10.0201</b>		REV. ISSUED BY: <b>- VF</b>	

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**LEGEND**

DP	Downpipe
FL	Floor level
FRL	Flat Roof Level
G	Gully
HL	Head level
Lintel	Lintel level
MH	Manhole
RH	Room height
Sill	Sill level
Soff	Soffit level
VP	Vent pipe

A	REV.	AMENDMENT	BY:	DATE
---	------	-----------	-----	------

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ARCHITECTS

8-10 NEW NORTH PLACE  
LONDON EC2A 4JA  
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FAX 020 7739 9944  
architects@brooksmurray.com

CLIENT:

Springcroft Construction

JOB:

The Brazen Head  
69 Lisson Street, NW1 5DA

DRAWING TITLE:

Existing  
Basement Floor

SCALE:

1:100 @ A3

DATE:

Dec 2014

STATUS:

Planning

DRAWN BY:

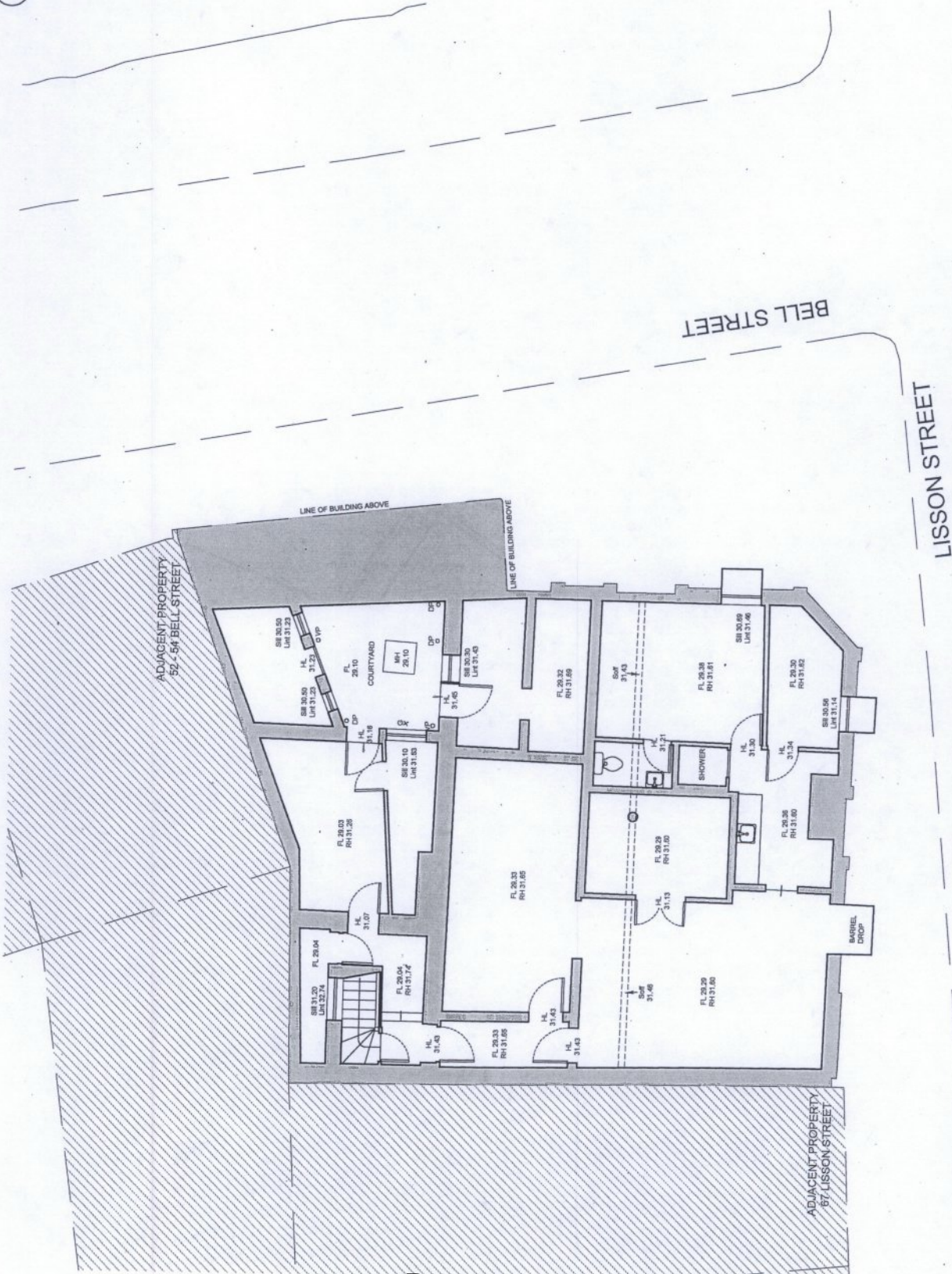
VF

ISSUED BY:

VF

DRAWING NUMBER: REV.

985.10.0101 -



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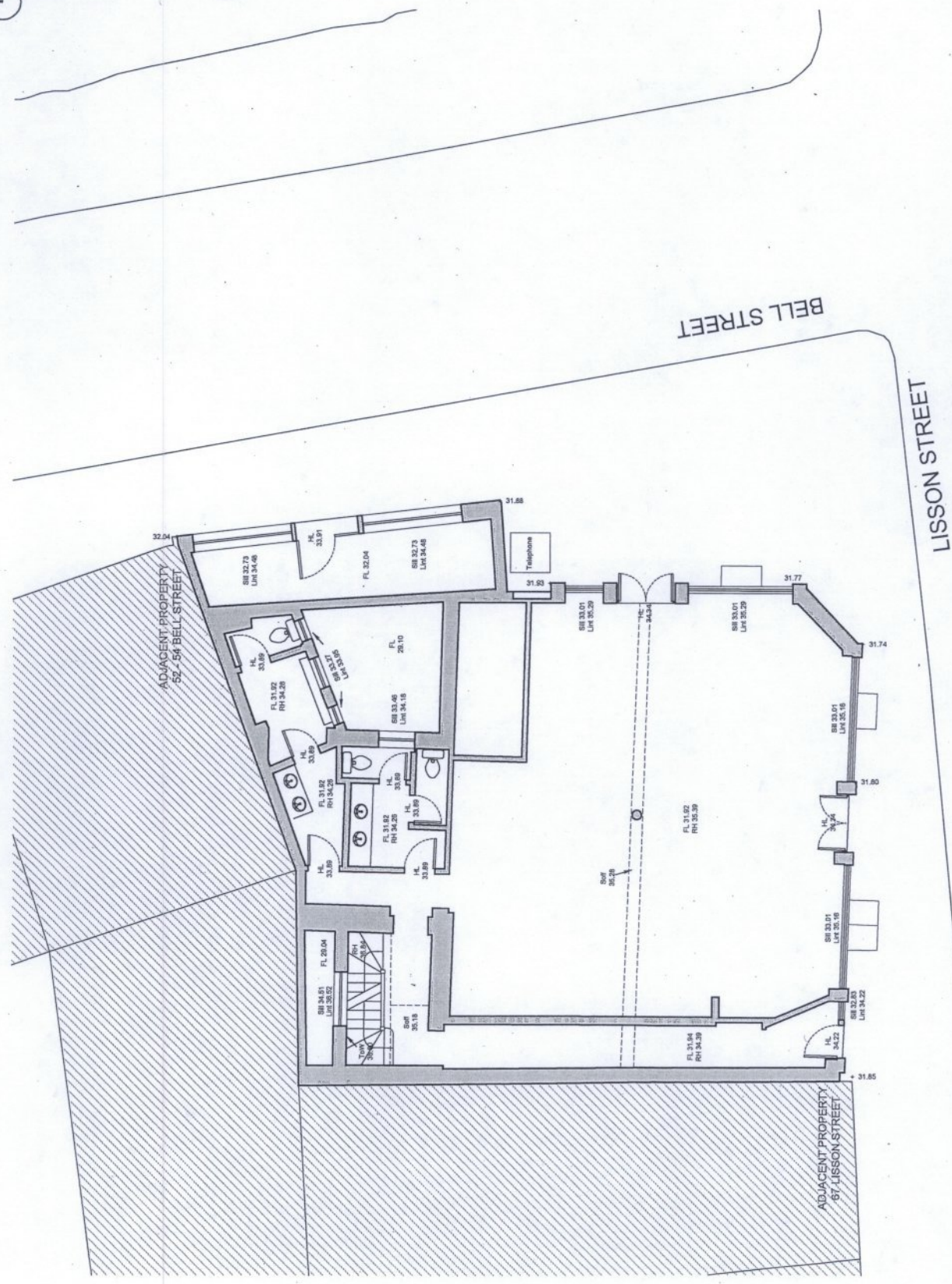
LEGEND	
DP	Downpipe
FL	Floor level
FRL	Flat Roof Level
G	Gully
HL	Head level
Lint	Lintel level
MH	Manhole
RH	Room height
Sill	Sill level
Soff	Soffit level
VP	Vent pipe

REV	AMENDMENT	BY	DATE
A			

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FAX 020 7739 8944  
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CLIENT:  
Springcroft Construction  
JOB:  
The Brazen Head  
69 Lisson Street, NW1 5DA  
DRAWING TITLE:  
Existing  
Ground Floor  
SCALE:  
1:100 @ A3  
DATE:  
Dec 2014  
STATUS:  
Planning  
DRAWING NUMBER:  
985.10.0102  
DRAWN BY:  
VF  
ISSUED BY:  
VF

1



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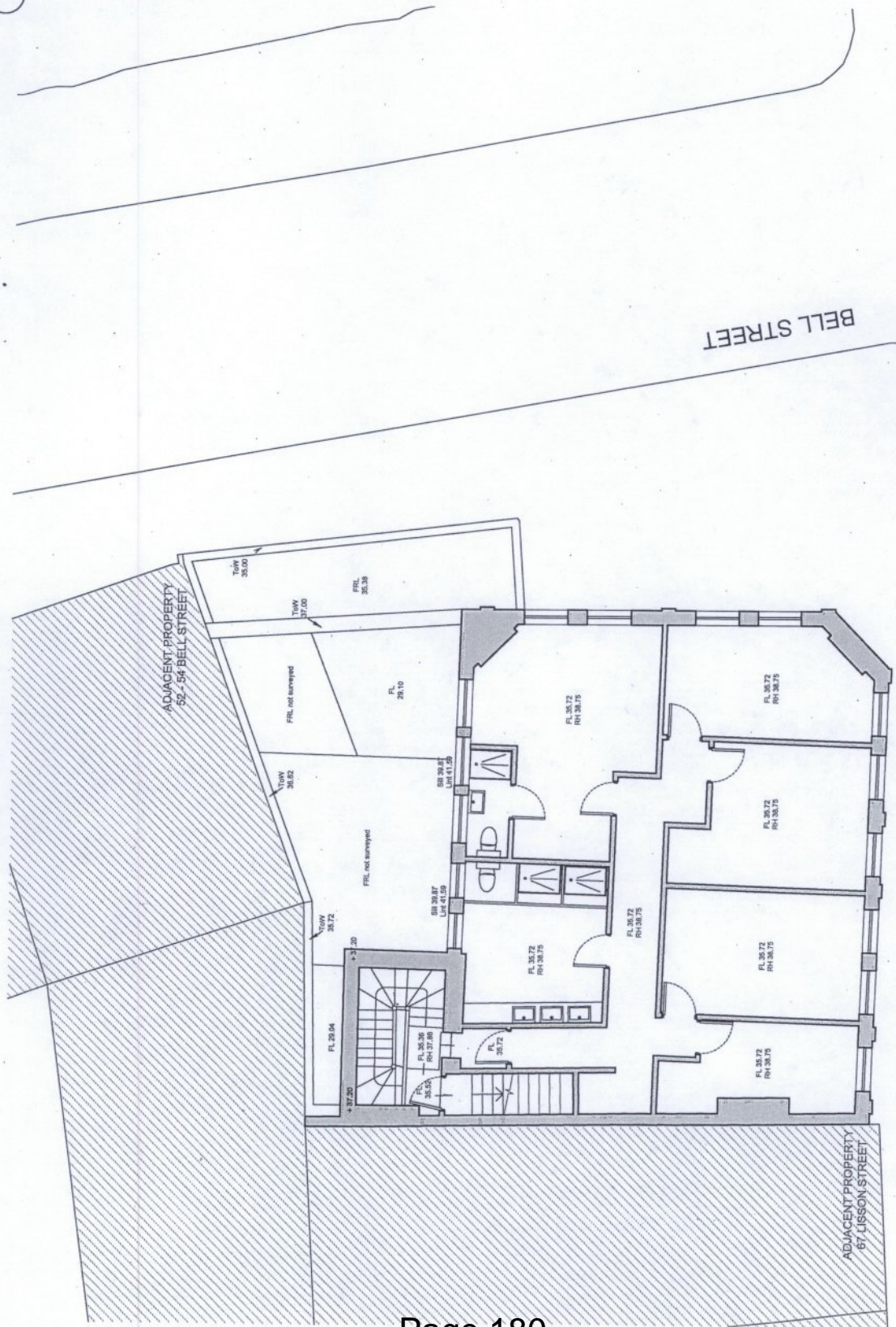


LEGEND	
DP	Downpipe
FL	Floor level
FRL	Flat Roof Level
G	Gully
HL	Head level
Lint	Lintel level
MH	Manhole
RH	Room height
Sill	Sill level
Soff	Soffit level
VP	Vent pipe

REV.	AMENDMENT	BY:	DATE
A			

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CLIENT:	Springcroft Construction
JOB:	The Brazen Head 69 Lisson Street, NW1 5DA
DRAWING TITLE:	Existing First Floor
SCALE:	1:100 @ A3
DATE:	Dec 2014
STATUS:	Planning
DRAWING NUMBER:	985.10.0103
ISSUED BY:	VF
REV:	VF





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**LEGEND**

DP	Downpipe
FL	Floor level
FRL	Flat Roof Level
G	Gully
HL	Head level
Lint	Lintel level
MH	Manhole
RH	Room height
Sill	Sill level
Soff	Soffit level
VP	Vent pipe

A	REV.	AMENDMENT	BY:	DATE

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FAX 020 7739 9944  
architects@brooksandmurray.com

CLIENT:  
Springcroft Construction

JOB:  
The Brazen Head  
69 Lisson Street, NW1 5DA

DRAWING TITLE:  
Existing  
Second Floor

SCALE:  
1:100 @ A3

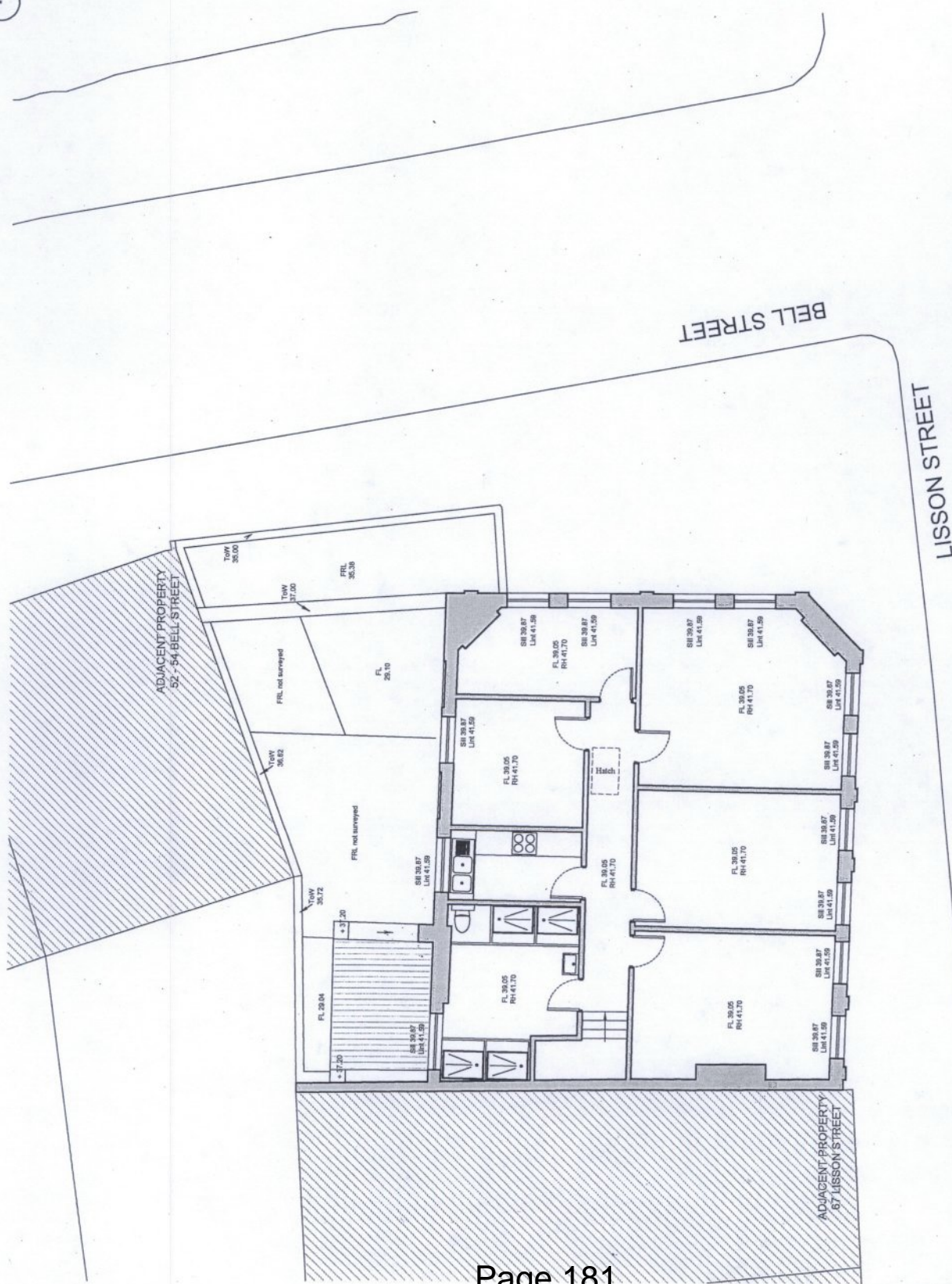
DATE:  
Dec 2014

STATUS:  
Planning

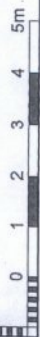
DRAWN BY:  
VF

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VF

DRAWING NUMBER:  
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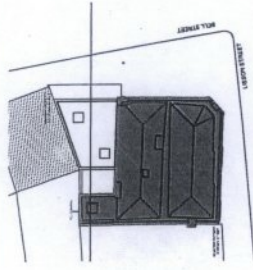
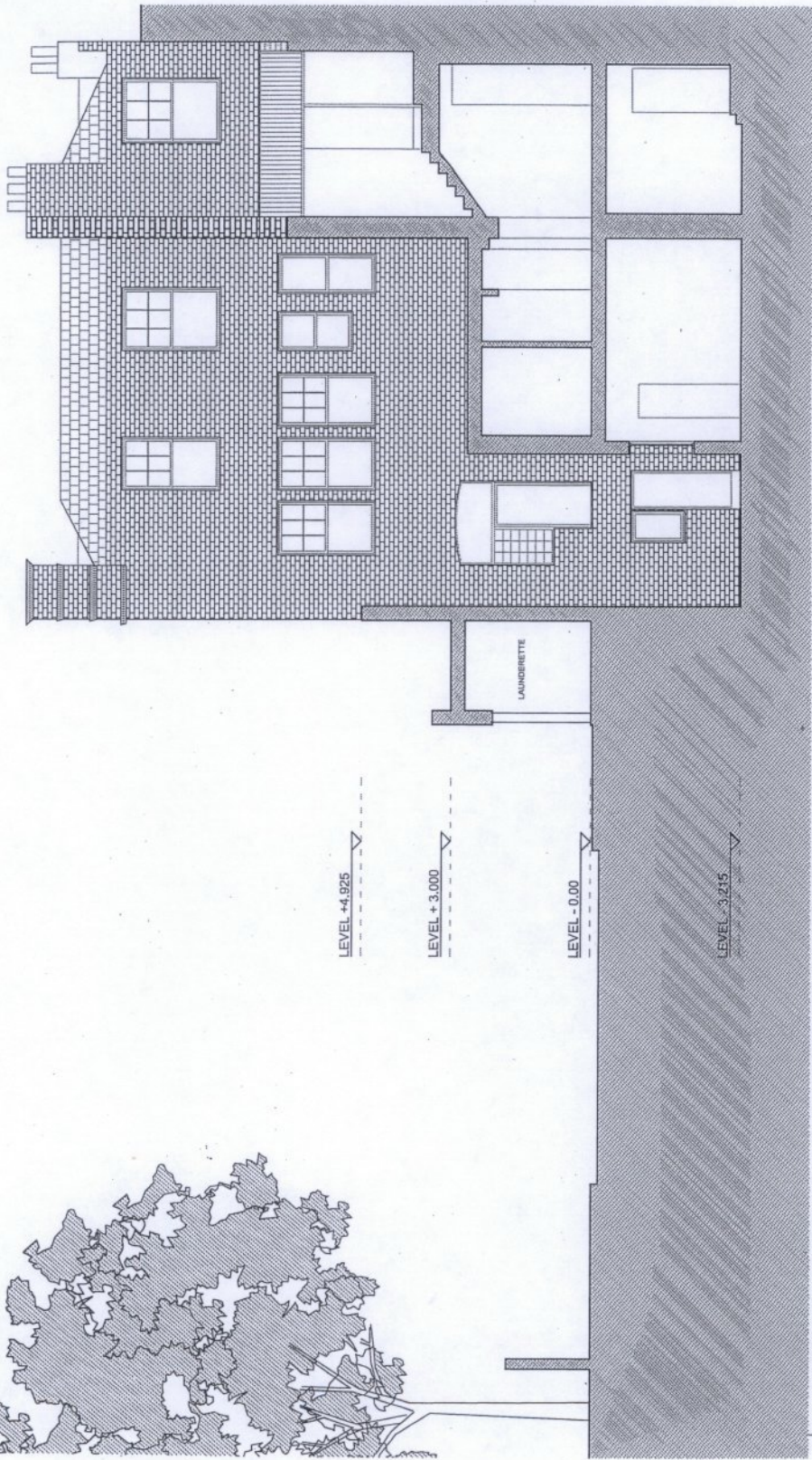


Existing Second Floor



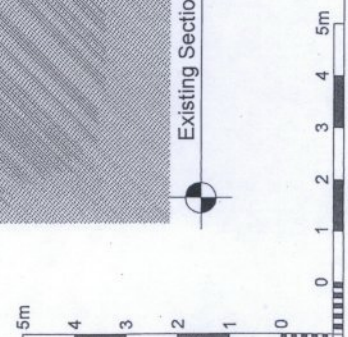
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CLIENT: <b>Springcroft Construction</b>			
JOB: <b>The Brazen Head</b> <b>69 Lisson Street, NW1 5DA</b>			
DRAWING TITLE: <b>Existing</b> <b>Section AA</b>			
SCALE: <b>1:100 @ A3</b>			
DATE: <b>Dec 2014</b>			
STATUS: <b>Planning</b>		DRAWN BY: <b>VF</b>	
DRAWING NUMBER: <b>985.10.0601</b>		ISSUED BY: <b>VF</b>	



Section Location

Existing Section AA



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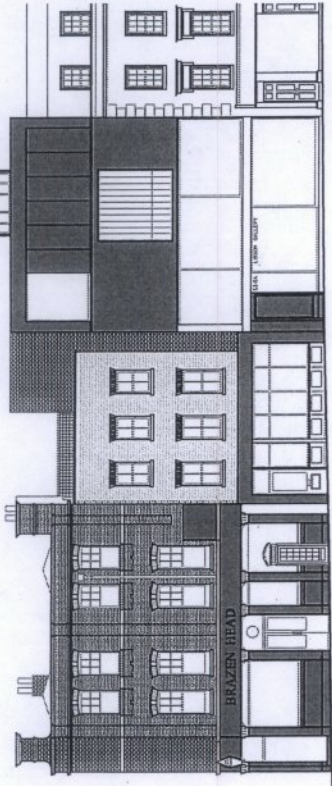
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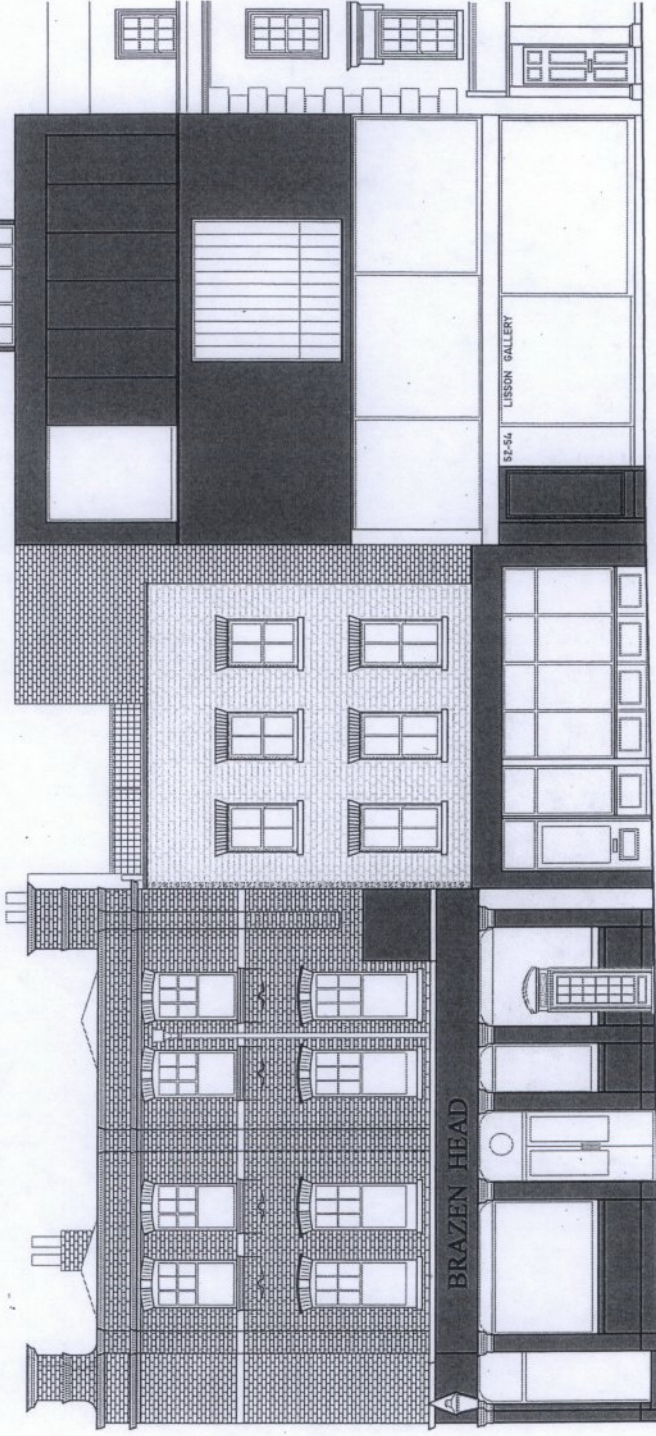
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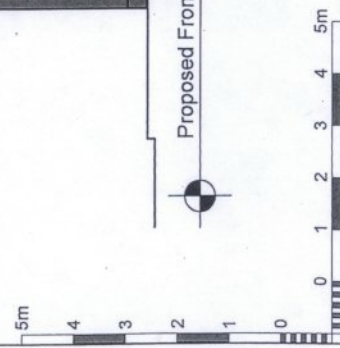
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Bell Street Elevation  
1:200



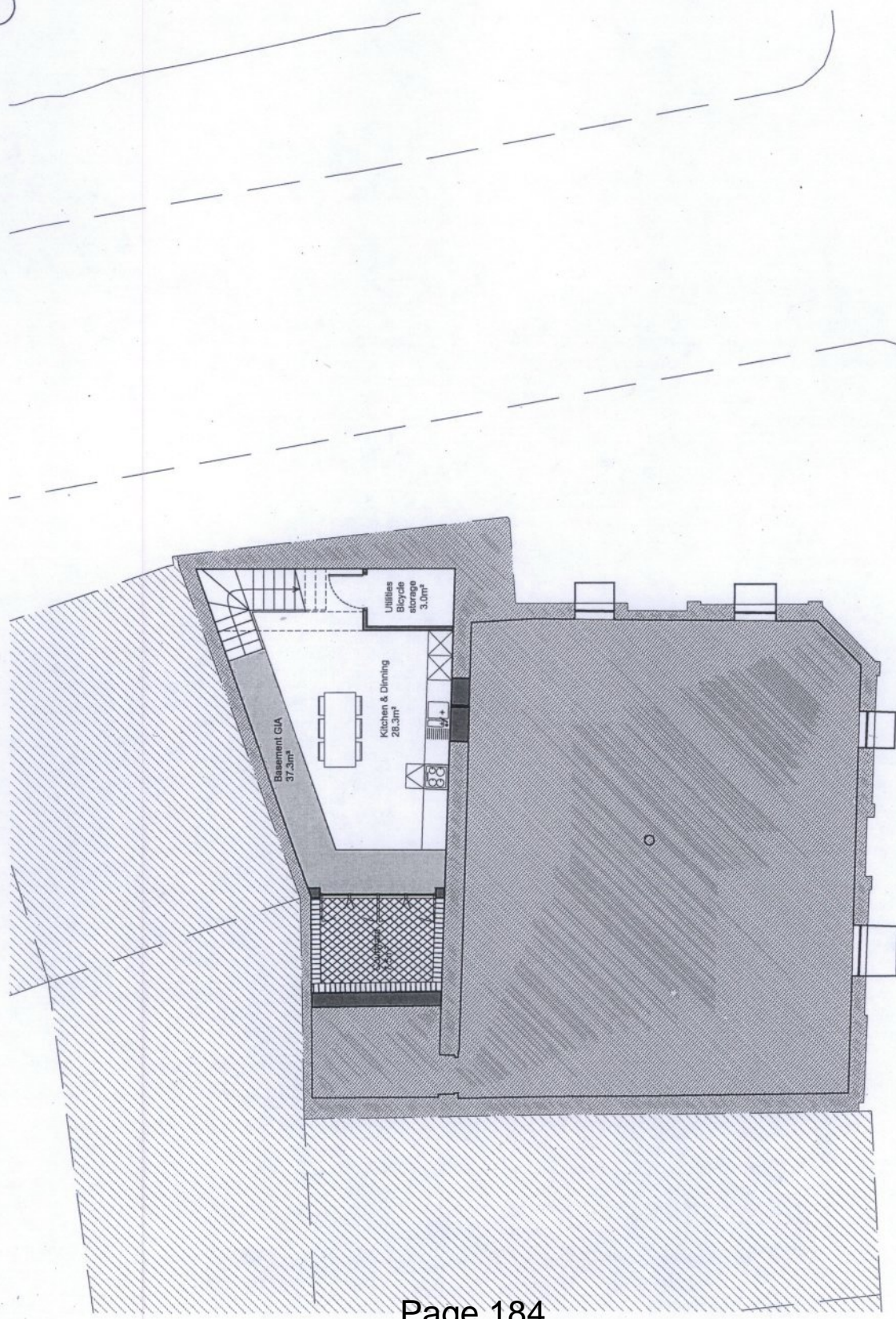
Proposed Front Elevation



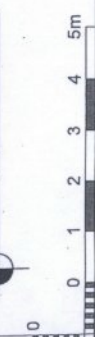
A	Planning Request	VF	15.07.15
REV.	AMENDMENT	BY:	DATE
<b>BROOKS / MURRAY</b> ARCHITECTS			
8-10 NEW NORTH PLACE LONDON EC2A 4JA			
TEL 020 7739 9955 FAX 020 7739 9944 architects@brooksmurray.com			
CLIENT:		Springcroft Construction	
JOB:		The Brazen Head 69 Lisson Street, NW1 5DA	
DRAWING TITLE: Proposed Front Elevation			
SCALE:		1:100 @ A3	
DATE:		Dec 2014	
STATUS:		Planning	
DRAWING NUMBER:		REV:	ISSUED BY:
985.10.201		A	VF

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Proposed Basement



REV.	AMENDMENT	BY:	DATE
A			

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CLIENT:  
Springcroft Construction

JOB:  
The Brazen Head  
69 Lisson Street, NW1 5DA

DRAWING TITLE:  
Proposed  
Basement Floor

SCALE:  
1:100 @ A3

DATE:  
Dec 2014

STATUS:  
Planning

DRAWING NUMBER: 985.10.101

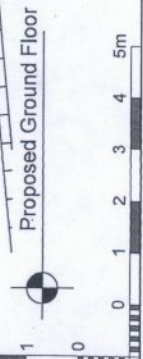
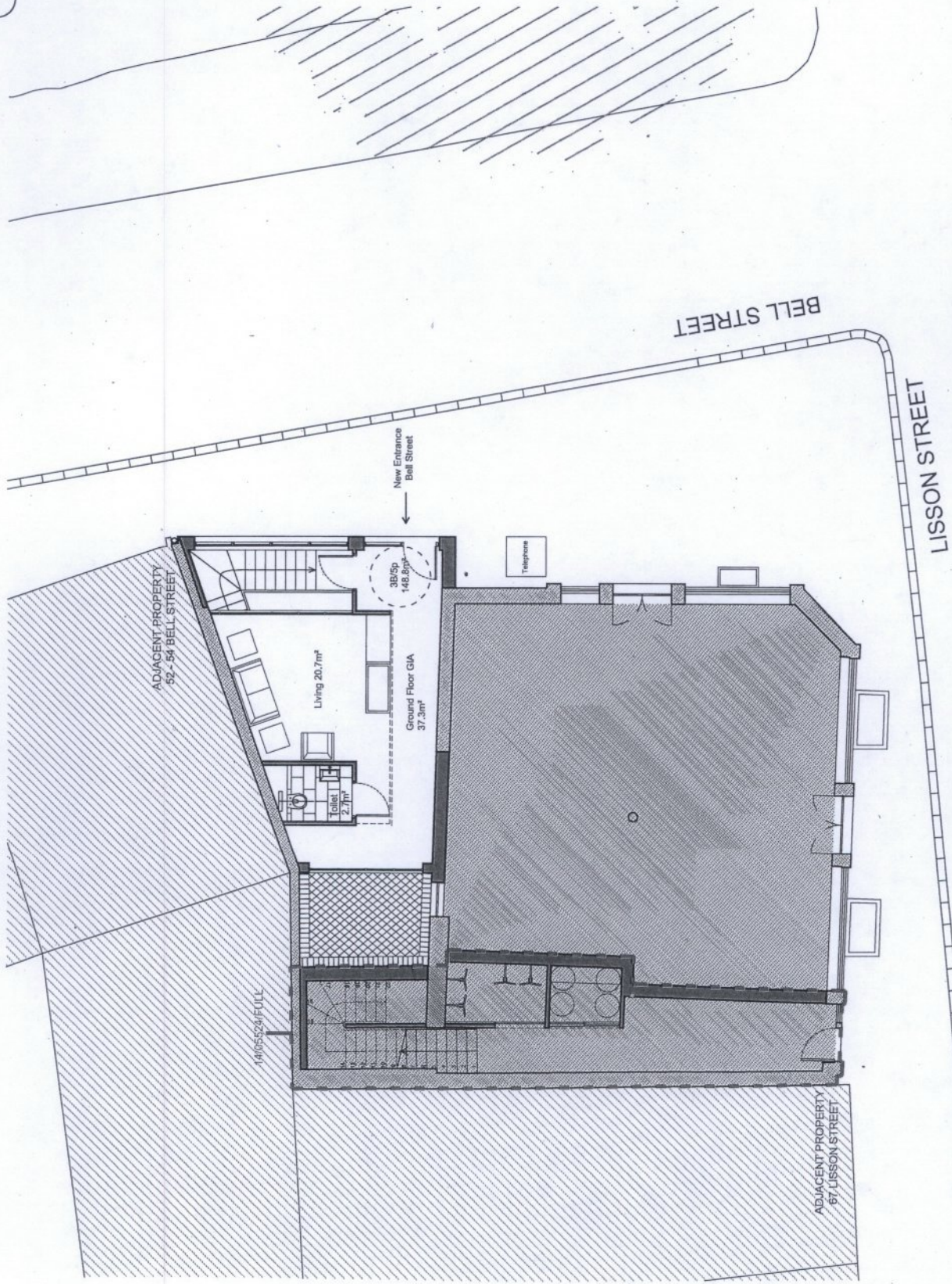
REV: -

ISSUED BY: VF

DRAWN BY: VF

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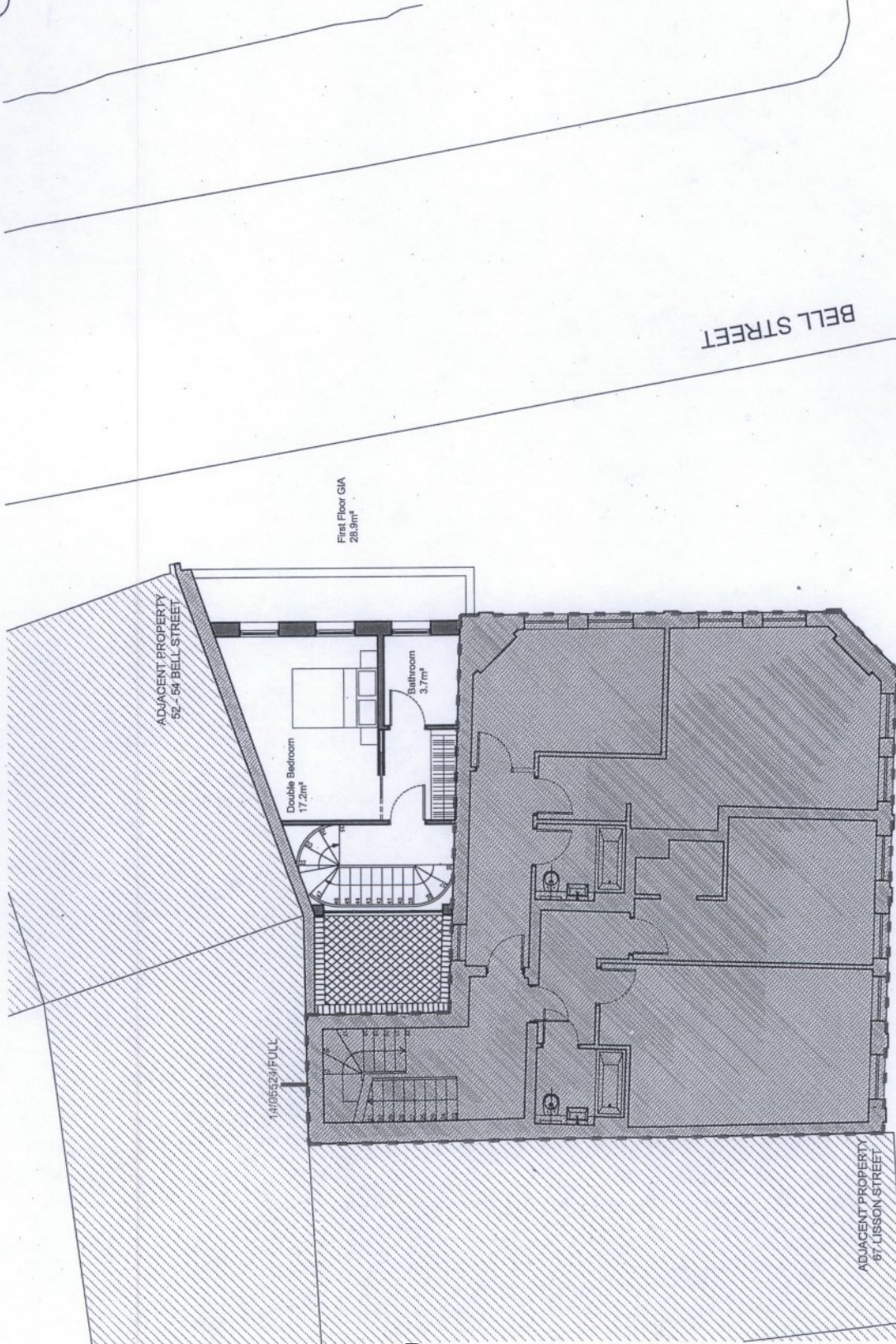
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CLIENT: Springcroft Construction				
JOB:				
The Brazen Head 69 Lisson Street, NW1 5DA				
DRAWING TITLE: Proposed Ground Floor				
SCALE: 1:100 @ A3				
DATE: Dec 2014				
STATUS: Planning		DRAWN BY: VF		
DRAWING NUMBER: 985.10.102		ISSUED BY: VF		

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CLIENT:  
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JOB:  
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69 Lisson Street, NW1 5DA

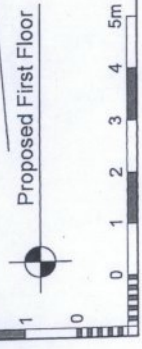
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Proposed  
First Floor

SCALE:  
1:100 @ A3

DATE:  
Dec 2014

STATUS:  
Planning

DRAWN BY:	VF
ISSUED BY:	VF
DRAWING NUMBER:	REV: A
985.10.103	



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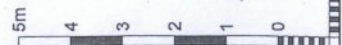
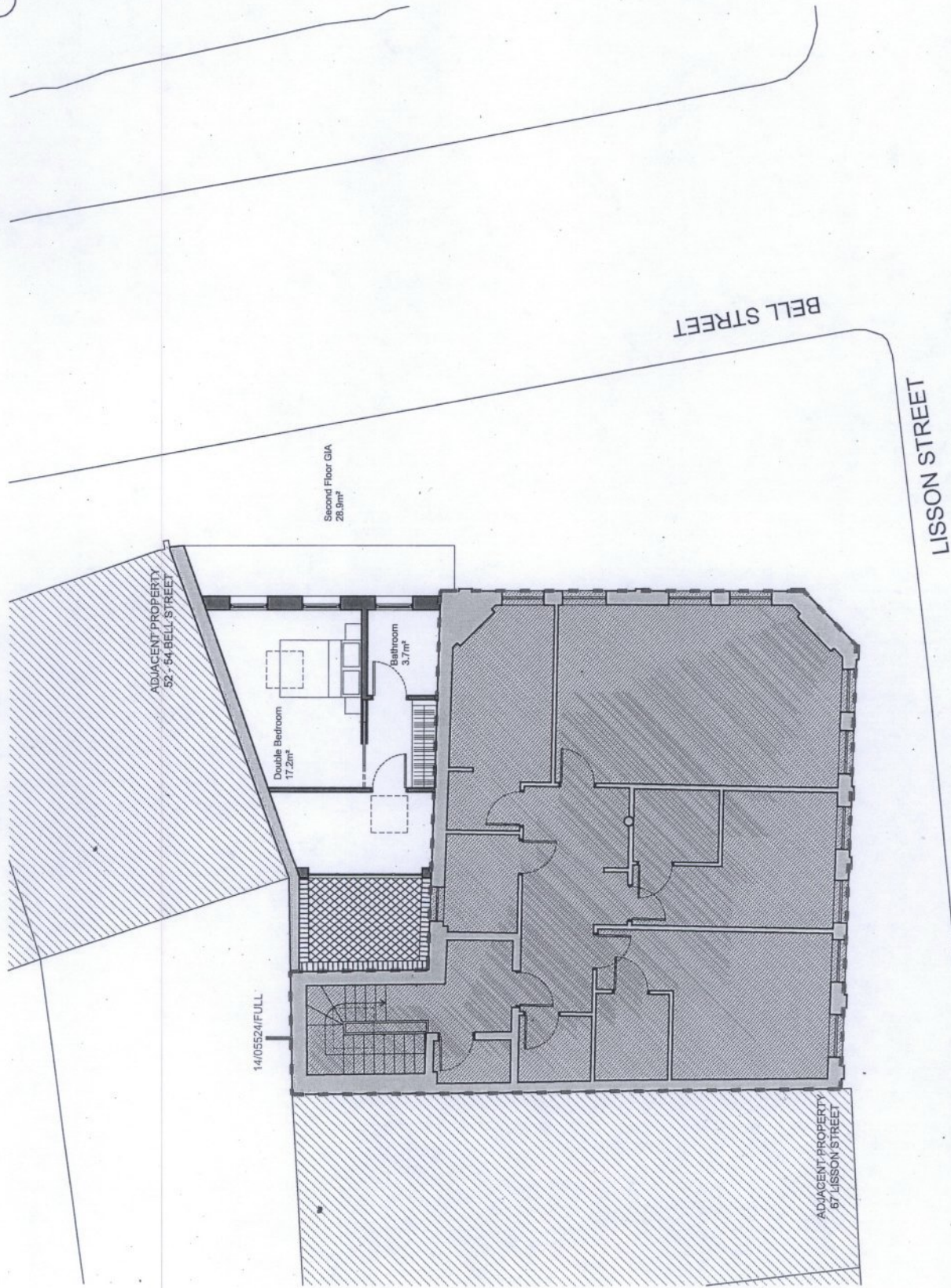
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CLIENT:		Springcroft Construction	
JOB:		The Brazen Head 69 Lisson Street, NW1 5DA	
DRAWING TITLE: Proposed Second Floor			
SCALE:		1:100 @ A3	
DATE:		Dec 2014	
STATUS:		DRAWN BY: VF	
DRAWING NUMBER:		REV: A	
985.10.104		ISSUED BY: VF	



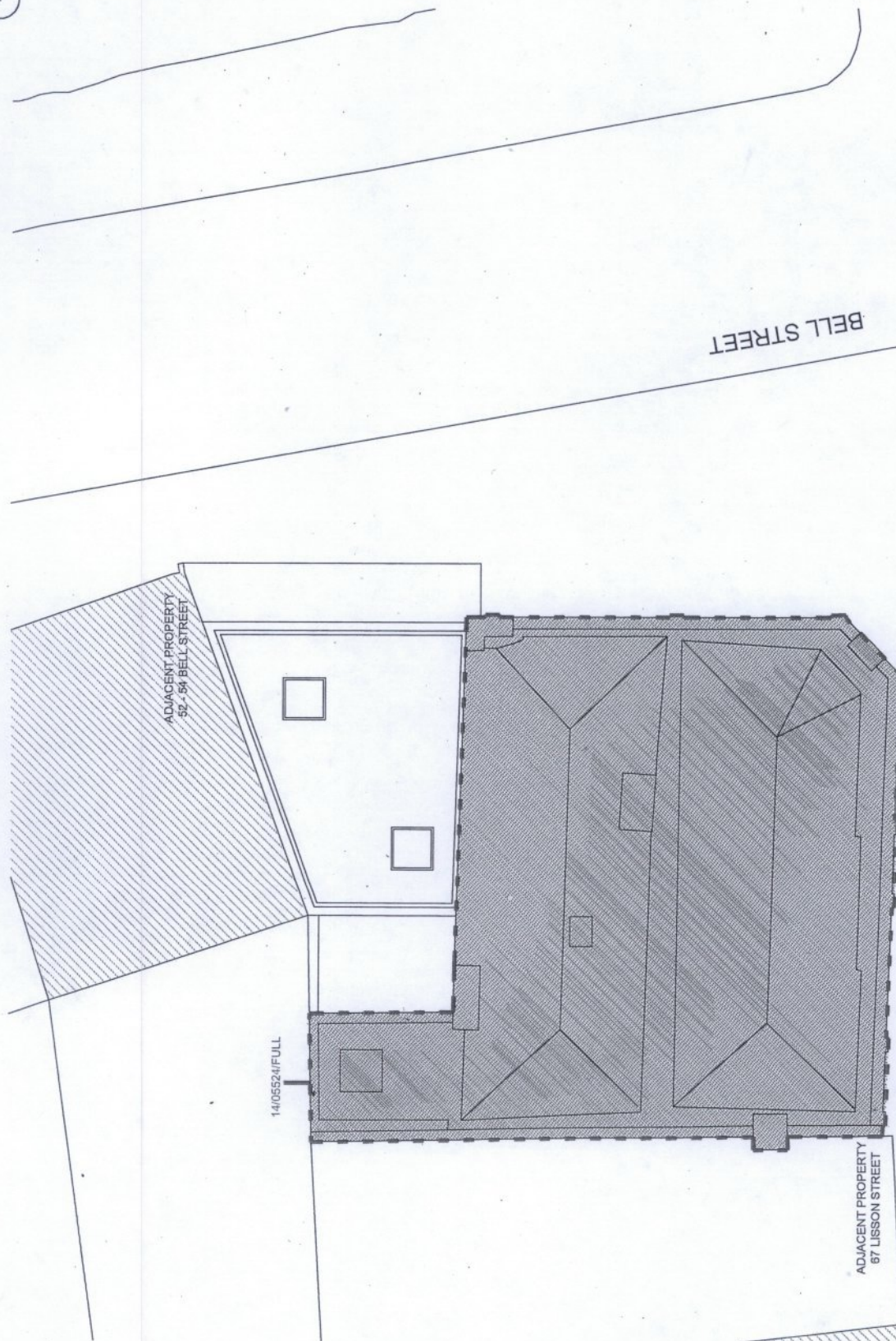
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REV:	AMENDMENT	BY:	DATE

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FAX: 020 7739 9944

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CLIENT:

Springcroft Construction

JOB:

The Brazen Head  
69 Lisson Street, NW1 5DA

DRAWING TITLE:

Proposed  
Roof Plan

SCALE:

1:100 @ A3

DATE:

Dec 2014

STATUS:

Planning

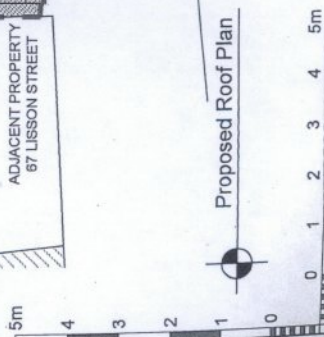
DRAWING NUMBER:

985.10.105

REV:

A

Proposed Roof Plan





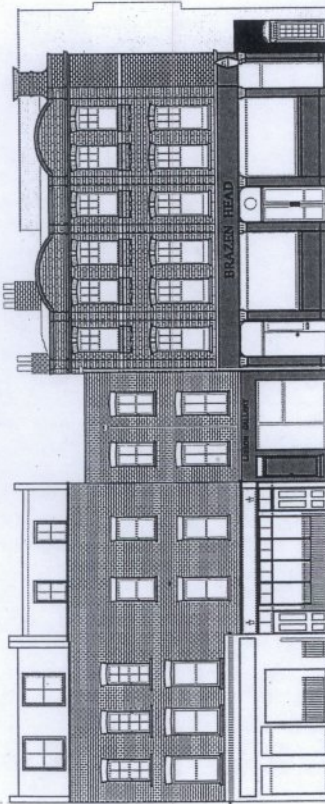
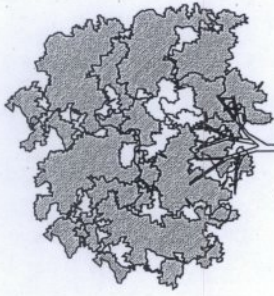
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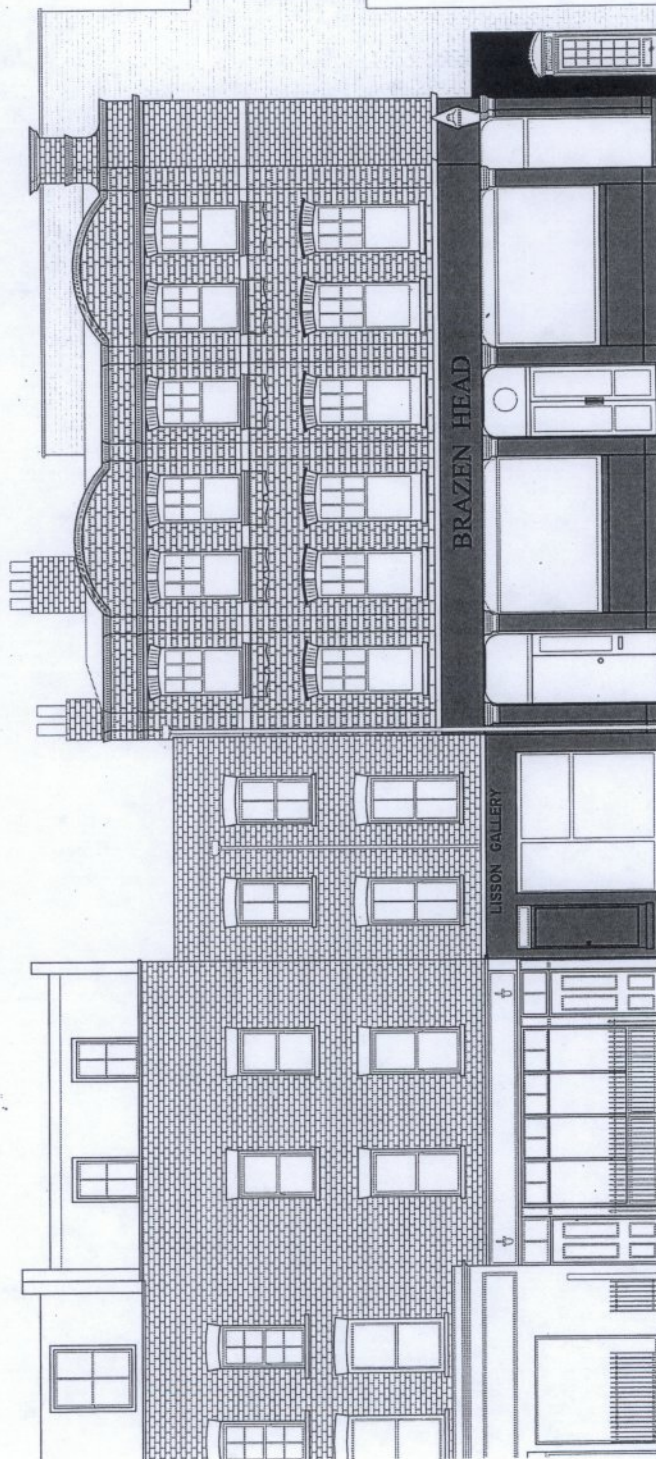
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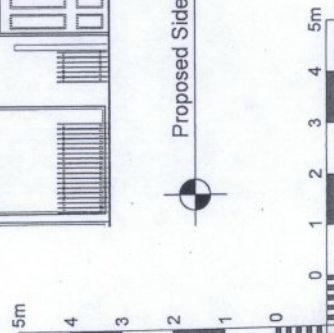
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Lisson Street Elevation  
1:200



Proposed Side Elevation



A	Planning Request	VF	15.07.15
REV.	AMENDMENT	BY:	DATE

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LONDON EC2A 4JA

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FAX: 020 7739 9944

architects@brooksmurray.com

CLIENT:

Springcroft Construction

JOB:

The Brazen Head  
69 Lisson Street, NW1 5DA

DRAWING TITLE:

Proposed  
Front Elevation

SCALE:

1:100 @ A3

DATE:

Dec 2014

STATUS:

Planning

DRAWN BY:

VF

DRAWING NUMBER: REV.

985.10.202 A

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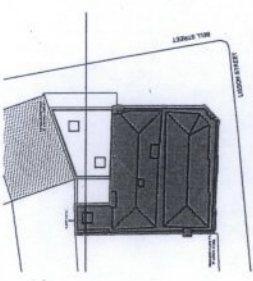
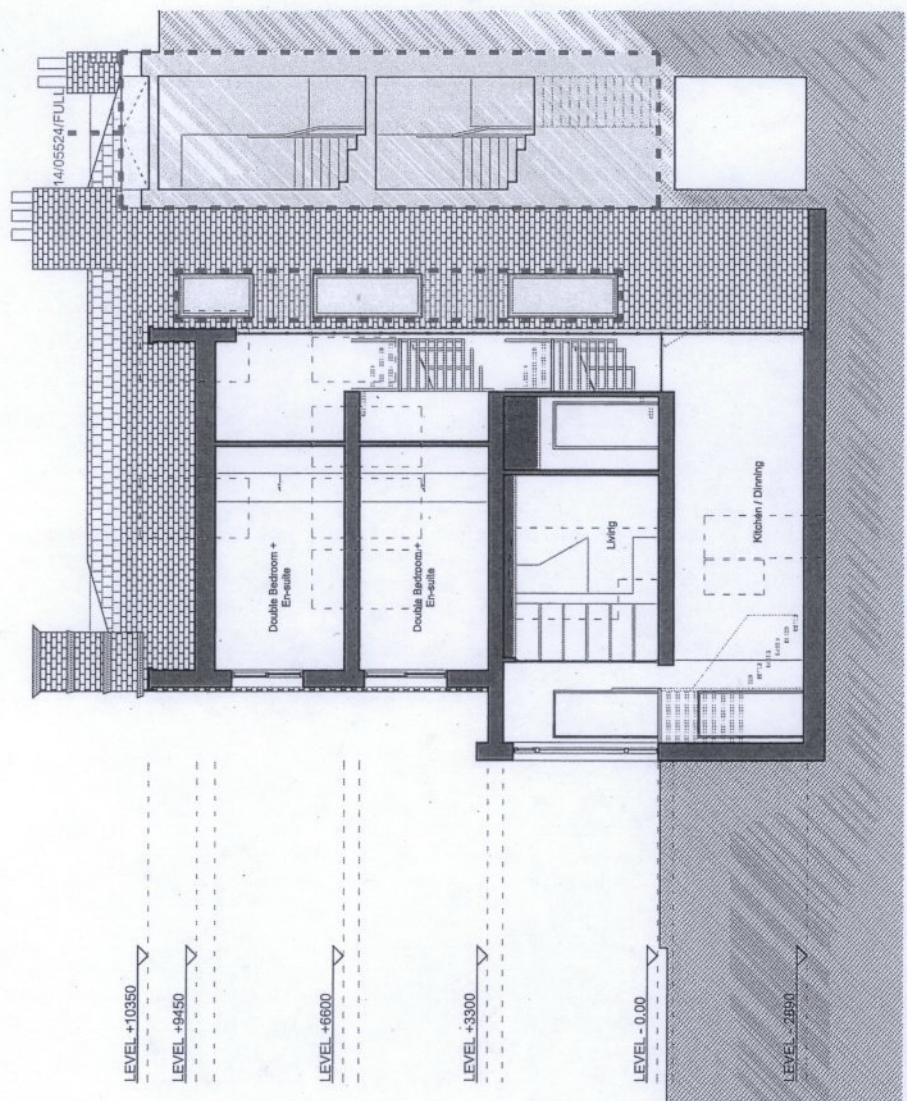
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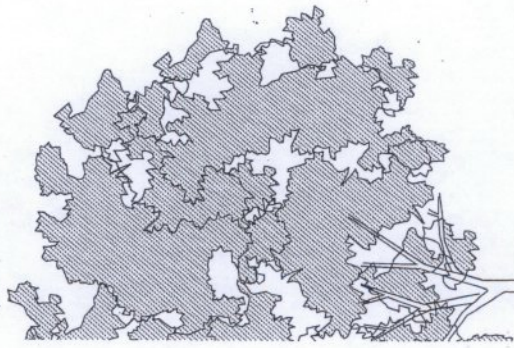
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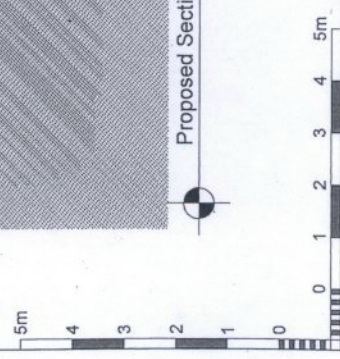
A	Planning Request	VF	15.07.15
REV.	AMENDMENT	BY:	DATE
<b>BROOKS / MURRAY</b> ARCHITECTS 8-10 NEW NORTH PLACE LONDON EC2A 4JA TEL 020 7739 9665 FAX 020 7739 9944 architects@brooksmurray.com			
CLIENT: Springcroft Construction			
JOB: The Brazen Head 69 Lisson Street, NW1 5DA			
DRAWING TITLE: Proposed Section AA			
SCALE: 1:100 @ A3			
DATE: Dec 2014			
STATUS: Planning		DRAWN BY: VF	
DRAWING NUMBER: 985.10.601		REV: A	
		ISSUED BY: VF	



Section Location



Proposed Section AA



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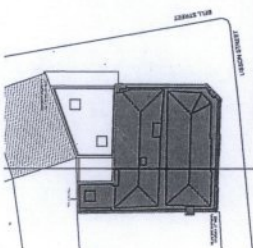
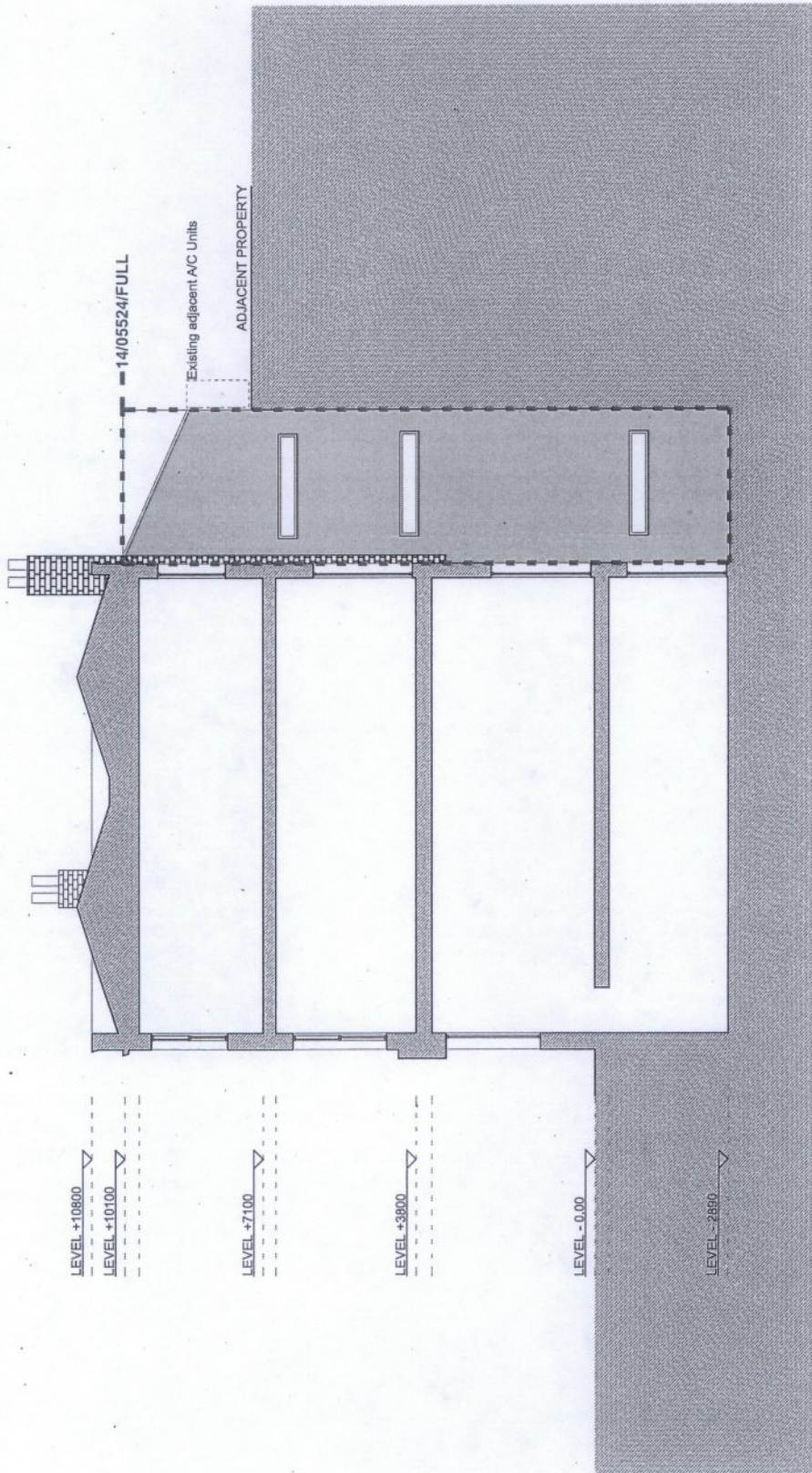
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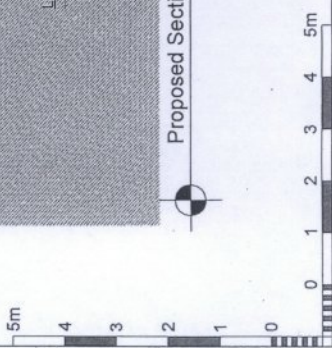
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CONSTRUCTION.

A	Planning Request	VF	15.07.15
REV.	AMENDMENT	BY:	DATE
<b>BROOKS / MURRAY</b> ARCHITECTS 8-10 NEW NORTH PLACE LONDON EC2A 4JA TEL 020 7739 9955 FAX 020 7739 9944 architects@brooksmurray.com			
CLIENT: Springcroft Construction			
JOB: The Brazen Head 69 Lisson Street, NW1 5DA			
DRAWING TITLE: Proposed Section CC			
SCALE: 1:100 @ A3			
DATE: Dec 2014			
STATUS: Planning		DRAWN BY: VF	
DRAWING NUMBER: 985.10.603		ISSUED BY: VF	



Section Location

Proposed Section CC



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