



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (4)**

Meeting Date: **Tuesday 25th October, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Tony Devenish (Chairman)  
Christabel Flight  
Jonathan Glanz  
Barbara Grahame

**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, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@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 any changes to the membership.

#### **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. 75 WIGMORE STREET, LONDON, W1U 1QD</b>                         | <b>(Pages 3 - 14)</b>  |
| <b>2. 12A EATON MEWS SOUTH, LONDON, SW1W 9HP</b>                     | <b>(Pages 15 - 36)</b> |
| <b>3. 11A CASTELLAIN ROAD, LONDON, W9 1EY</b>                        | <b>(Pages 37 - 52)</b> |
| <b>4. 9 BURTON MEWS, LONDON, SW1W 9EP</b>                            | <b>(Pages 53 - 72)</b> |
| <b>5. FLAT 2, DUDLEY MANSIONS, 17 HANSON STREET, LONDON, W1W 6TJ</b> | <b>(Pages 73 - 90)</b> |

**Charlie Parker**  
**Chief Executive**  
**17 October 2016**

# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS COMMITTEE – 25th October 2016  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN NO(s) :</b> 16/06747/FULL  Marylebone High Street	75 Wigmore Street London W1U 1QD	Use of ground and basement of 75 Wigmore Street as a mixed use restaurant (Class A3) and retail (Class A1) use (sui generis) in connection with the existing restaurant at 77 Wigmore Street.	
	<b>Recommendation</b> Grant conditional permission.			
2.	<b>RN NO(s) :</b> 16/06048/FULL  Knightsbridge And Belgravia	12A Eaton Mews South London SW1W 9HP	Partial demolition and replacement of the existing mews house, including a roof terrace on top and excavation works to create a single storey basement.	
	<b>Recommendation</b> Grant conditional permission.			
3.	<b>RN NO(s) :</b> 16/07049/FULL  Little Venice	11A Castellain Road London W9 1EY	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.	
	<b>Recommendation</b> Grant conditional permission.			
4.	<b>RN NO(s) :</b> 16/05457/FULL  Knightsbridge And Belgravia	9 Burton Mews London SW1W 9EP	Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations.	
	<b>Recommendation</b> Grant conditional permission.			
5.	<b>RN NO(s) :</b> 16/01644/FULL  West End	Flat 2 Dudley Mansions 17 Hanson Street London W1W 6TJ	Erection of rear extension at lower ground floor level and excavation of new basement floor below new rear extension.	
	<b>Recommendation</b> Grant conditional permission			

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# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Marylebone High Street		
<b>Subject of Report</b>	75 Wigmore Street, London, W1		
<b>Proposal</b>	Use of ground and basement of 75 Wigmore Street as a mixed use restaurant (Class A3) and retail (Class A1) use (sui generis) in connection with the existing restaurant at 77 Wigmore Street.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	SCP Estate Ltd		
<b>Registered Number</b>	16/06747/FULL	<b>Date amended/ completed</b>	18 July 2016
<b>Date Application Received</b>	18 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Stratford Place		

## 1. RECOMMENDATION

Grant Conditional Permission
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## 2. SUMMARY

The application site involves No.75 Wigmore Street which is an unlisted building in the Stratford Place Conservation Area. The immediate surrounding area is characterised by a vibrant mix of commercial and residential uses and is well known for its shops and eating establishments.

The property forms part of a larger redevelopment site at 71-77 Wigmore street and 15-19 St Christopher's Place which is currently under construction. No.75 has historically been in use as a sandwich shop and the redevelopment scheme granted in 2013 retained this A1 use with 22m<sup>2</sup> at ground floor and 63m<sup>2</sup> at basement level (85m<sup>2</sup> in total). The upper floors are being fitted out for residential use in accordance with 2013 permission. The basement and ground floors of No. 77 are lawfully in use as a restaurant.

In June 2016, planning permission was refused for the use of No.75 as an extension to the existing restaurant at No. 77 Wigmore Street and associated alterations to the ground floor shopfront. The application was refused as it was considered that the use would result in the loss of retail which contributes to the character and function of this part of the CAZ.

Permission is now sought to use the retail unit at 75 Wigmore Street as a restaurant to be used in

connection with the existing restaurant at the adjoining property No.77 Wigmore Street from 17:00 daily. This proposal differs from the previous application as it is proposed to operate as a retail unit during core shopping hours and it retains a separate independent retail entrance.

The key issues in this case are the loss of the retail floorspace and the impact of the extended restaurant use.

UDP Policy SS 5 seeks to protect retail use at ground and basement level, only allowing non-A1 uses if they are not detrimental to the character and function of an area, do not lead to a concentration of three or more consecutive non-A1 uses or increase an overconcentration of entertainment uses in a street or area. City Plan Policy S21 protects existing retail uses except where the unit is no longer viable.

In support of the application, the applicant argues that the approved retail unit provides a very small retail trading area at ground floor level, and once a staircase is installed claims that this would effectively create a small kiosk unit, making a very difficult space for most retailers to trade from. The application therefore seeks to retain the basement and ground floor of No. 75 as retail floorspace during daytime hours only. The retention of a 'retail' element within the unit, albeit ancillary to the adjoining restaurant use is considered an acceptable solution in this case and will be secured by condition. Whilst there is no known occupier at present, the applicant envisages a cafe/restaurant occupier with a retail area selling food products. The entrance to the premises will provide independent access to the retail area. Therefore customers can access the retail space without entering the restaurant area. In light of this, it is considered that the proposed arrangement would help ensure the ongoing viability of the retail unit during core trading and will continue to contribute to the character and function of this part of the Central Activities Zone. On this basis it is not considered that there would be a detrimental loss of retail floorspace.

As the occupier of the premises is not yet known, the layout of the unit has not yet been finalised. As such, it is difficult to ascertain how the retail function of the floorspace will be retained during daytime hours and therefore a condition has been imposed securing an Operational Management Plan requiring the submission of retail fit out plans. The applicant has referred to recent permissions at 11 and 23 Charlotte Street where similar arrangements have been secured.

However, during night time hours, the intention is that No. 75 would be used in connection with the adjoining restaurant at 77 Wigmore Street. The existing restaurant measures 211m<sup>2</sup> and the combined units would create a restaurant of 296m<sup>2</sup>. This increase in restaurant floorspace needs to be considered under Policy TACE 8 of the UDP. This states that permission for restaurant uses between 150m<sup>2</sup> and 500m<sup>2</sup> of gross floor area will generally be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and is similarly worded.

The nearest residential is located on the upper floors of the application site and therefore the principle of extending the existing restaurant needs careful assessment. The authorised opening hours of the lawful restaurant at No.77 are from 08.00 to 23.30 Monday to Saturday, and 10.00 to 22.30 on Sundays. These hours are considered acceptable, in line with the hours set out in the UDP and a condition will be imposed to ensure the terminal hour of the restaurant function ties in with the permitted restaurant use. The impact of an additional floorspace of 85m<sup>2</sup> for Class A3 purposes is not considered to significantly change the operation of the restaurant in this location and it is not considered that, subject to conditions, the proposal would have a detrimental impact on the living

conditions of neighbouring residents nor local environmental quality.

The existing extract duct at the rear of No. 77 would be used and conditions have been imposed to ensure that the design and structure of the development shall be of such a standard that it will protect residents within the same building from noise and vibration from the development.

The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site and given the size of the unit it is not expected that there will be a significant increase in servicing traffic associated with the potential use.

The proposed application does not include cycle parking. Despite the objections of the Highways Planning Manager given the small size of the unit (which is below the 100m<sup>2</sup> threshold identified in the London Plan) it is not considered to be necessary or practicable for a cycle space to be provided here. Details for the storage of waste have been secured by condition.

With the imposition of appropriate conditions it is considered that the proposal is acceptable in highways, land use, and amenity terms, therefore is recommended for approval.

### 3. LOCATION PLAN





#### 4. PHOTOGRAPHS



#### 5. CONSULTATIONS

MARYLEBONE ASSOCIATION:  
No response to date.

HIGHWAYS PLANNING MANAGER:  
No objection subject to conditions.

ENVIRONMENTAL HEALTH:  
No objection subject to conditions.

CLEANSING:  
No objection subject to condition.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 40

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**6. BACKGROUND PAPERS**

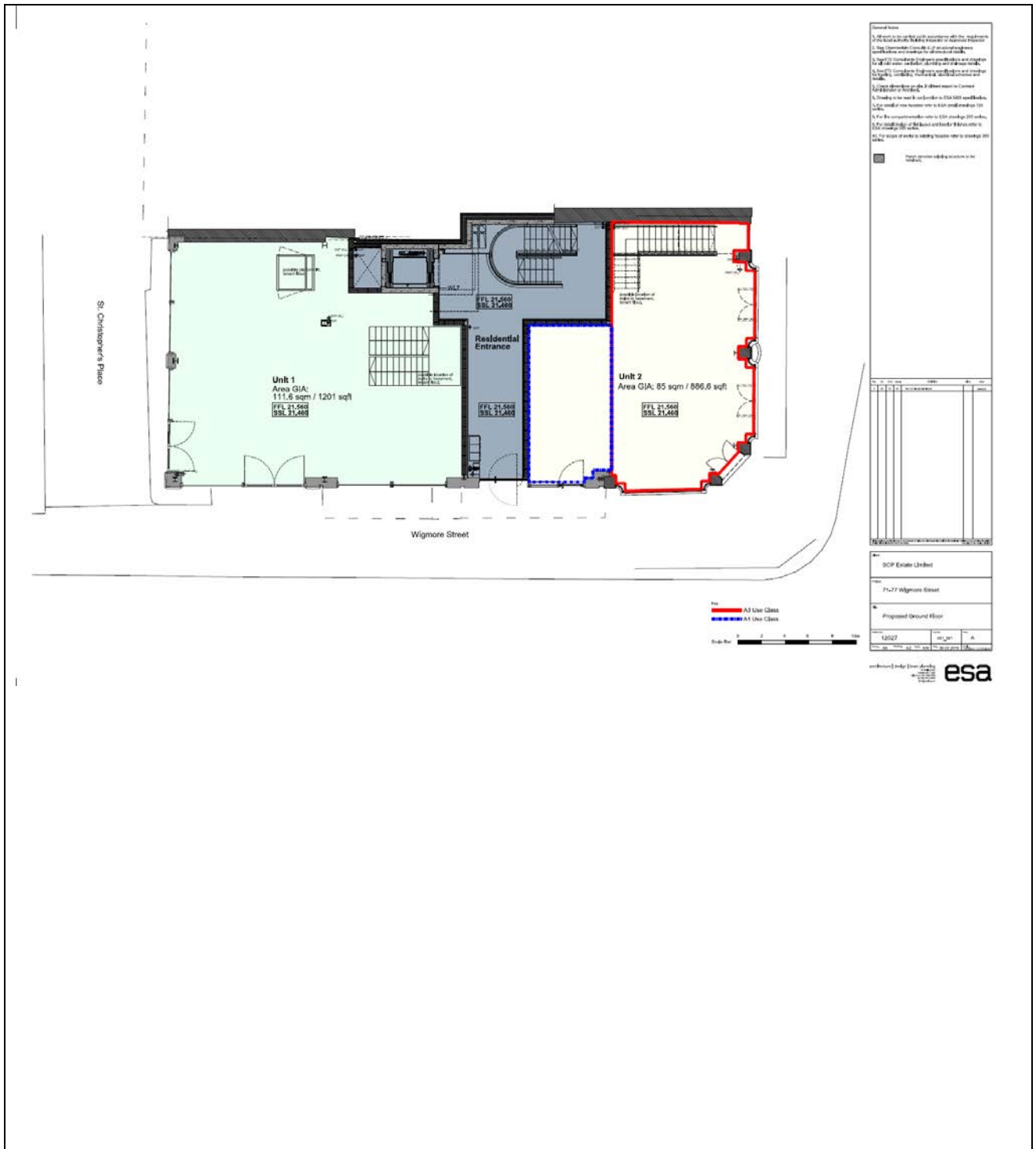
1. Application form
2. Response from Environmental Health dated 18 August 2016
3. Memorandum from Highways Planning Manager dated 09 August 2016
4. Memorandum from Cleansing dated 12 August 2016

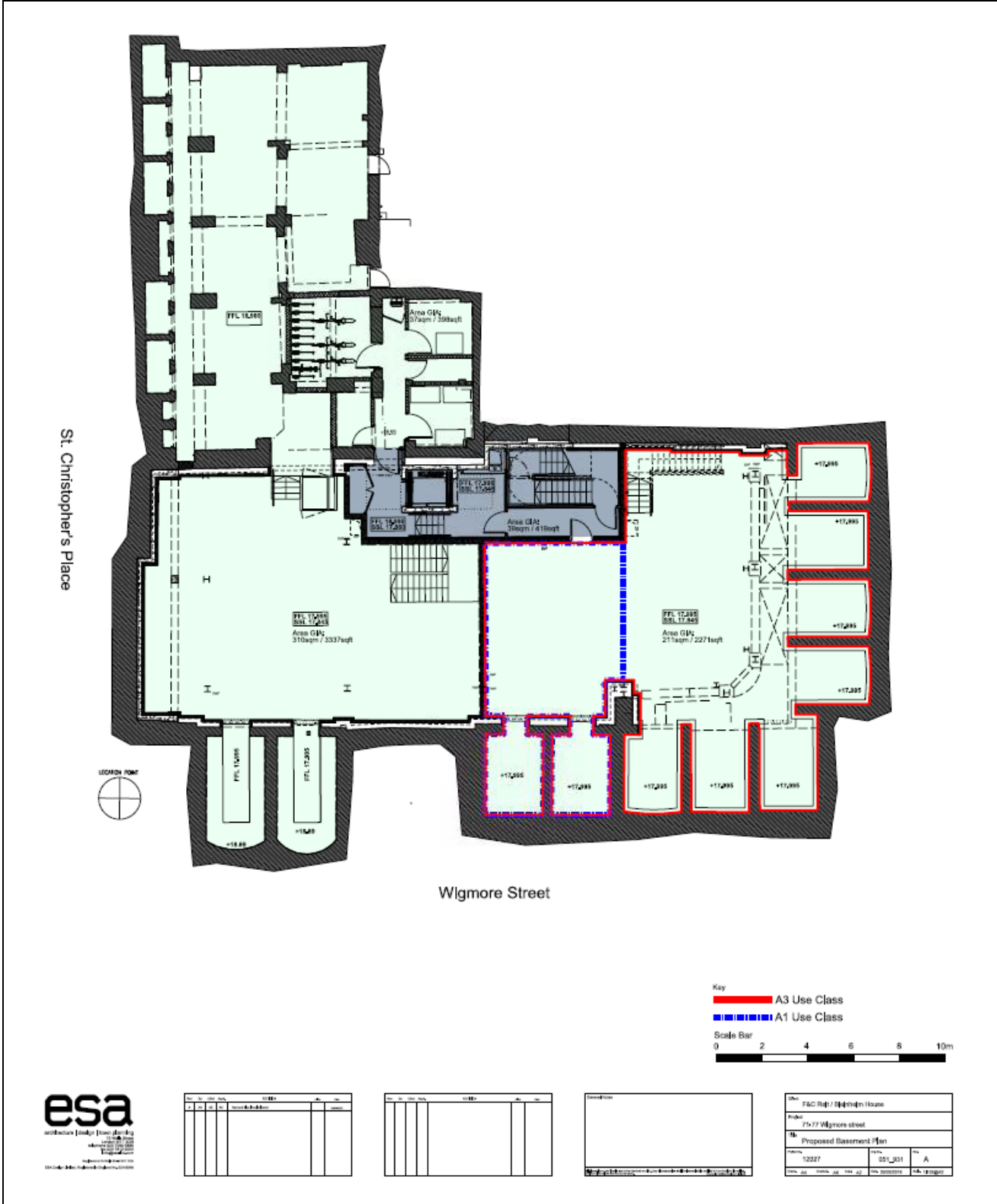
**Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [JPALME@WESTMINSTER.GOV.UK](mailto:JPALME@WESTMINSTER.GOV.UK).

7. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 75 Wigmore Street, London, W1U 1QD,

**Proposal:** Use of ground and basement of 75 Wigmore Street as a mixed use restaurant (Class A3) and retail (Class A1) use (sui generis) in connection with the existing restaurant at 77 Wigmore Street.

**Reference:** 16/06747/FULL

**Plan Nos:** Drawings 051\_921/A (Proposed Basement Plan) and 051\_921/A (Proposed Ground Floor Plan)

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 Customers shall only be permitted within the premises between 08:00 to 23:30 on Monday to Saturday (not including bank holidays and public holidays) and between 10:00 and 22:30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 The restaurant function of the basement and ground floors hereby approved must only operate in conjunction with the restaurant at No. 77 Wigmore Street.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 4 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

## Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 5 The retail area marked in blue within 75 Wigmore Street outlined in drawings 051\_921/A (Proposed Basement Plan) and 051\_921/A (Proposed Ground Floor Plan) must be used for retail (Class A1) purposes from the time the unit opens each day until 17.00

## Reason:

To ensure the retention of a retail character and function to the unit during the daytime to support the retail vitality and character and function of the area in accordance with Policies S6 and S21 of our City Plan that we adopted in July 2016 and Policy SS5 of our Unitary Development Plan that we adopted in January 2007.

- 6 Notwithstanding the provisions of Class A1 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) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket, unless otherwise agreed in writing by the City Council as local planning authority.

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 You must submit a plan to the City Council indicating proposals for the storage of general waste, food waste and recyclable materials which must be approved prior to occupation. You must clearly mark them and make them available at all times to everyone using the commercial units. 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 stores for any other purpose.

## Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 You must submit an Operational Management Plan accompanied by retail fit out plans which must be approved prior to occupation of the sui generis use hereby approved, to fully detail and identify how the retail function of the floorspace will be retained during the hours required by Condition 5 of this permission. You must thereafter carry out the measures included in the approved management plan at all times that the retail use is in operation.

## Reason:

To ensure the retention of a retail character and function to the unit during the daytime to support the retail vitality and character and function of the area in accordance with Policies S21 of our City Plan that we adopted in July 2016 and Policy SS5 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

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

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>12A Eaton Mews South, London, SW1W 9HP</b>		
<b>Proposal</b>	Demolition and replacement of the existing mews house, including a roof terrace on top and excavation works to create a single storey basement.		
<b>Agent</b>	Ms Kasia Freyer		
<b>On behalf of</b>	Mr & Mrs R & L Devlin		
<b>Registered Number</b>	16/06048/FULL	<b>Date amended/ completed</b>	8 September 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

12A Eaton Mews South is a three storey building with a roof terrace and appears to date from the 1960's. The proportions of the windows and doors to the front elevation are atypical of mews properties. Planning permission is sought for the partial demolition and replacement of the existing mews house, including excavation works to create a single storey basement and the re-provision of a terrace on the main roof.

The key issues in this case are:

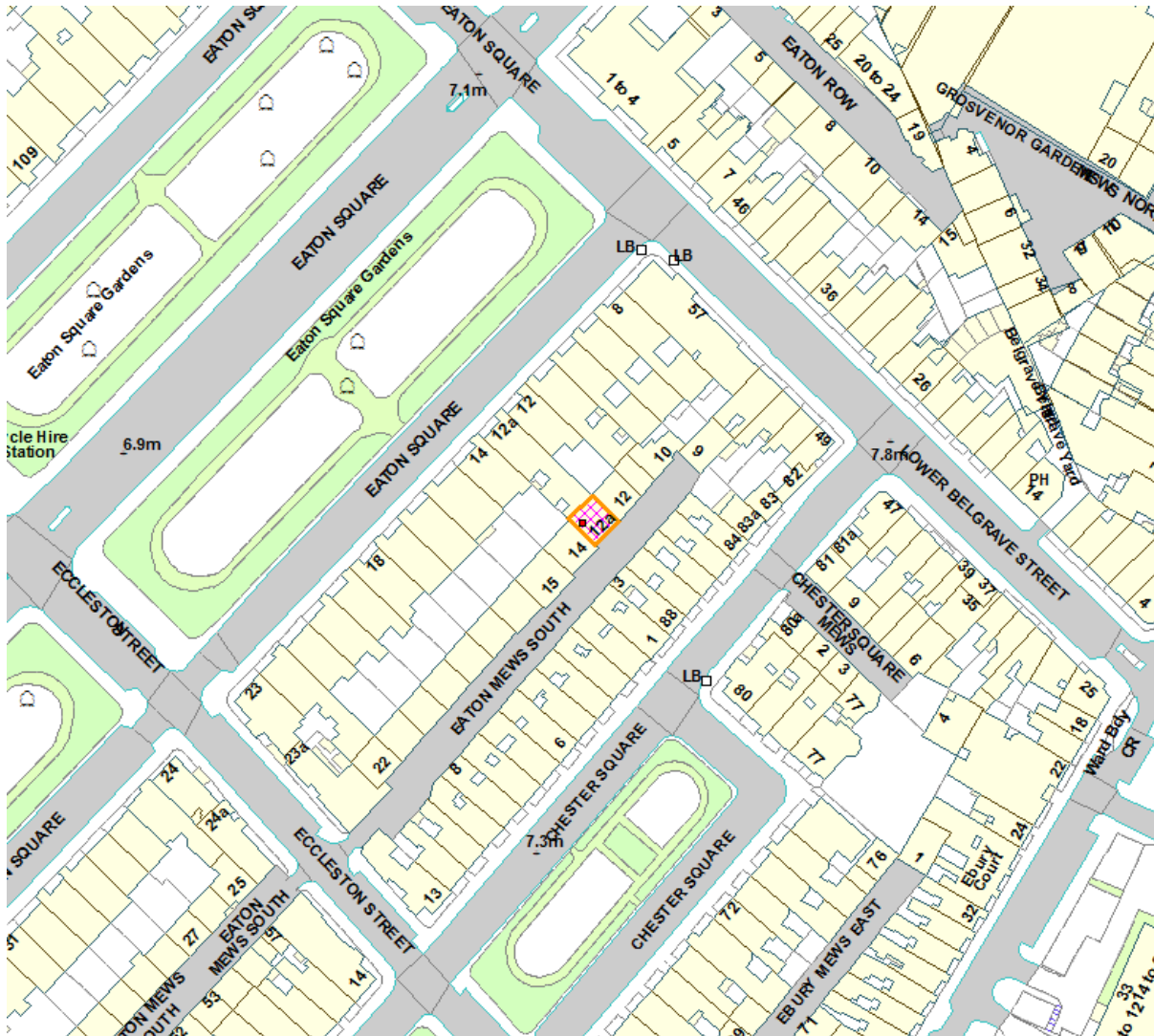
- The impact of the proposals on the character and appearance of the Belgravia Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

The proposals are considered acceptable in land use, amenity, design and conservation terms and

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comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) July 2016.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

AMENITY SOCIETY (Belgravia Neighbourhood Forum):  
No response to date.

AMENITY SOCIETY (Belgravia Society):  
No response to date.

AMENITY SOCIETY (Belgravia Residents Association):  
No response to date.

HIGHWAYS PLANNING MANAGER:

Objection: loss of off-street residential car parking space, no cycle parking proposed, no waste store proposed.

BUILDING CONTROL:

No objection.

ENVIRONMENTAL HEALTH:

Objection: inadequate means of escape in case of fire.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

No. of objections: 3 raising some or all of the following concerns:

- Overlooking from the roof terrace;
- Disturbance from building work, including construction traffic and site access problems.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

12A Eaton Mews South is a three storey building with a roof terrace, and appears to date from the 1960's. The building is located within the Belgravia Conservation Area. It is not listed. The proportions of the windows and doors to the front elevation are atypical of mews properties within the conservation area. The application site includes an integral garage space, and adjacent to this is another garage space connected to 12A Eaton Square which is outside the application site. The upper floors of 12A Eaton Mews South fly over this separate garage.

### 6.2 Recent Relevant History

None

## **7. THE PROPOSAL**

Planning permission is sought for the demolition and replacement of the existing mews house, including excavation works to create a single storey basement and the re-provision of a roof terrace on top. The proposals have been amended during the course of the application to improve the front elevation by reducing the size, altering the position and design of the openings to front elevation and removing a roof level storage structure from the proposal.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing single family dwelling house would be replaced with a larger single family dwelling house. This results in additional habitable accommodation and is considered to be in accordance with policies H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land in residential use.

### **8.2 Townscape and Design**

The acceptability of demolition within a conservation area is dependent on the contribution the current building makes to the conservation area and what benefit the replacement building may have. In this case the existing mews building is of little architectural or historic significance, appearing to date from the 1960's. The proportions of the existing fenestration are uncharacteristic of mews properties.

The proposed new building is considered to enhance the character and appearance of the conservation area. The front elevation would be rebuilt with a rendered finish. The proposed fenestration takes cues from the front elevation of the neighbouring mews properties which incorporate traditional proportions and dimensions. Whilst the doors at first floor level would be slightly larger than those to neighbouring buildings, these would improve on the existing situation significantly. The rear elevation would be retained as existing but with replacement windows of a more traditional design, and this is considered acceptable also. It is recommended detailed drawings of the openings and railings are secured by condition to ensure an acceptable detailed design.

The existing roof is currently used as a roof terrace and includes an existing roof level structure which negatively impacts on the character and appearance of the building and conservation area. The replacement mews building would not include a roof level storage structure and this is welcomed. The re-provided roof terrace would be accessed through a raised sliding rooflight which would not rise higher than the parapet walls, and would therefore be discreet. The existing roof terrace is enclosed by fencing to the side and rear elevations which it is proposed to replace like for like but with a cut back from the front elevation to lessen its visibility from the mews. Whilst the entire removal of the fencing would enhance the character and appearance of the building and conservation area, the existing fencing has become lawful by virtue of the length of its existence. Therefore, opposing its replacement with a similar fence is considered unreasonable.

The proposed basement has no external manifestations and therefore has no impact on the character or appearance of the conservation area.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. The new building above ground floor would be no larger than the existing and the existing building includes a roof terrace. In these circumstances, the replacement building would have no noticeable impact on neighbours over the existing situation. The basement, once completed, would have no impact on the amenity enjoyed by neighbours. A condition recommending that the windows in the rear elevation be obscure glazed is recommended.

### 8.4 Transportation/Parking

Eaton Mews South is a private mews without footways and many of the properties along the mews still incorporate garages. The proposal results in the loss of an existing residential garage space which is contrary to UDP policy TRANS 23 which resists the loss of off-street residential car parking spaces, and as such has resulted in an objection from the Highway Planning Manager. However, the existing garage is an internal space which has not been controlled by any planning condition requiring its permanent retention as a garage for car parking, so it could be lost to use as a habitable room without planning permission. Therefore, it is considered unsustainable to refuse this planning application on the grounds of its loss.

The Highways Planning Manager has also objected on the grounds of insufficient cycle parking and waste storage areas. Given the proposal would not result in an additional residential unit, it is not considered sustainable to refuse the application on these grounds.

### 8.5 Economic Considerations

Not applicable.

### 8.6 Access

Access arrangements are unchanged by these proposals.

### 8.7 Other UDP/Westminster Policy Considerations

#### **Basement:**

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (adopted July 2016) as follows:

#### *Part A. 1-6*

Studies have been undertaken which advise that subterranean development in a dense urban environment is often a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

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 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 and Policy CM28.1.A of the City Plan seek to 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. 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 construction methodology statement provided as part of the application has been reviewed by City Council's Building Control Surveyors who have raised no concern. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity.

The City Council adopted the Consolidated Version of the City Plan 13 July 2016 and the Code of Construction Practice (CoCP) on the 26 July 2016. This application was validated



19 July 2016 during a period when the CoCP part of the basement policy had yet to apply. Therefore, the applicant has not been required to confirm they will comply with the CoCP. As required at the time of validation, the applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the demolition, excavation and construction process. This is considered appropriate and reasonable at this stage. However, a condition is recommended to secure an up to date construction management plan prior to the commencement of works as the applicant has indicated the plan submitted maybe subject to change. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays.

*Part B:*

1 & 2) The basement would be retained underneath the footprint of the existing building and would not result in harm to trees.

3) The proposals do not include any details in relation to ventilation. However, no mechanical ventilation is proposed and the basement is modest in scale. An informative is recommended to advise the applicant that should they require mechanical ventilation; a separate application for planning permission will be required.

4 & 7) The basement would be retained underneath the footprint of the existing building and therefore would not have a significant impact in terms of sustainable urban drainage.

5 & 6) The proposals are considered to be discreet and would not negatively impact on the conservation area (see section 7.2 of this report).

*Part C*

1 & 2) The basement would not extend under any garden land.

3) Only a single storey basement is proposed which is considered acceptable.

*Part D:*

The basement does not extend under the highway.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### 8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an EIA.

### 8.12 Other Issues

#### Means of Escape:

Environmental Health objects to the proposals on the grounds that there is unsatisfactory means of escape in the event of fire. Planning permission deals with the use of land, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment. Building Regulations are concerned with how a building is constructed, including fire safety, and this would be separate to planning permission. The applicant has indicated that the concerns raised by the Environmental Health can be overcome by either a mist system with enhanced fire sensors and alarms, or a 'fire-curtain' alongside the stair. Neither option requires planning permission.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 17 August 2016
3. Response from Building Control, dated 19 August 2016
4. Response from Highway Planning Manager, dated 1 September 2016
5. Letter from occupier of 84 Chester Square, London, dated 10 August 2016
6. Letter from occupier of 84 Chester Square, London, dated 11 August 2016
7. Letter from occupier of 2 Chester Square, London, dated 15 August 2016

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

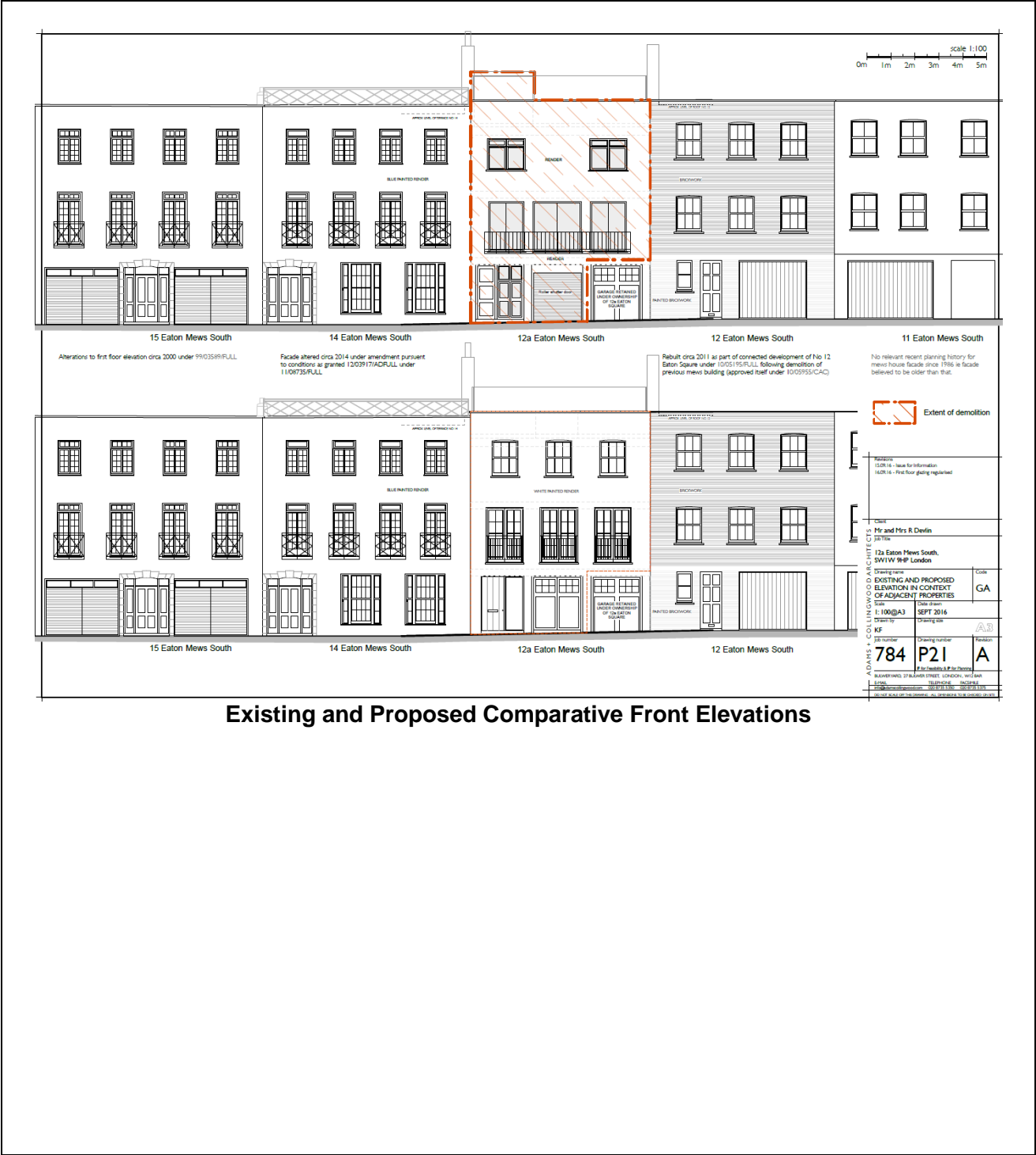
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

10. KEY DRAWINGS

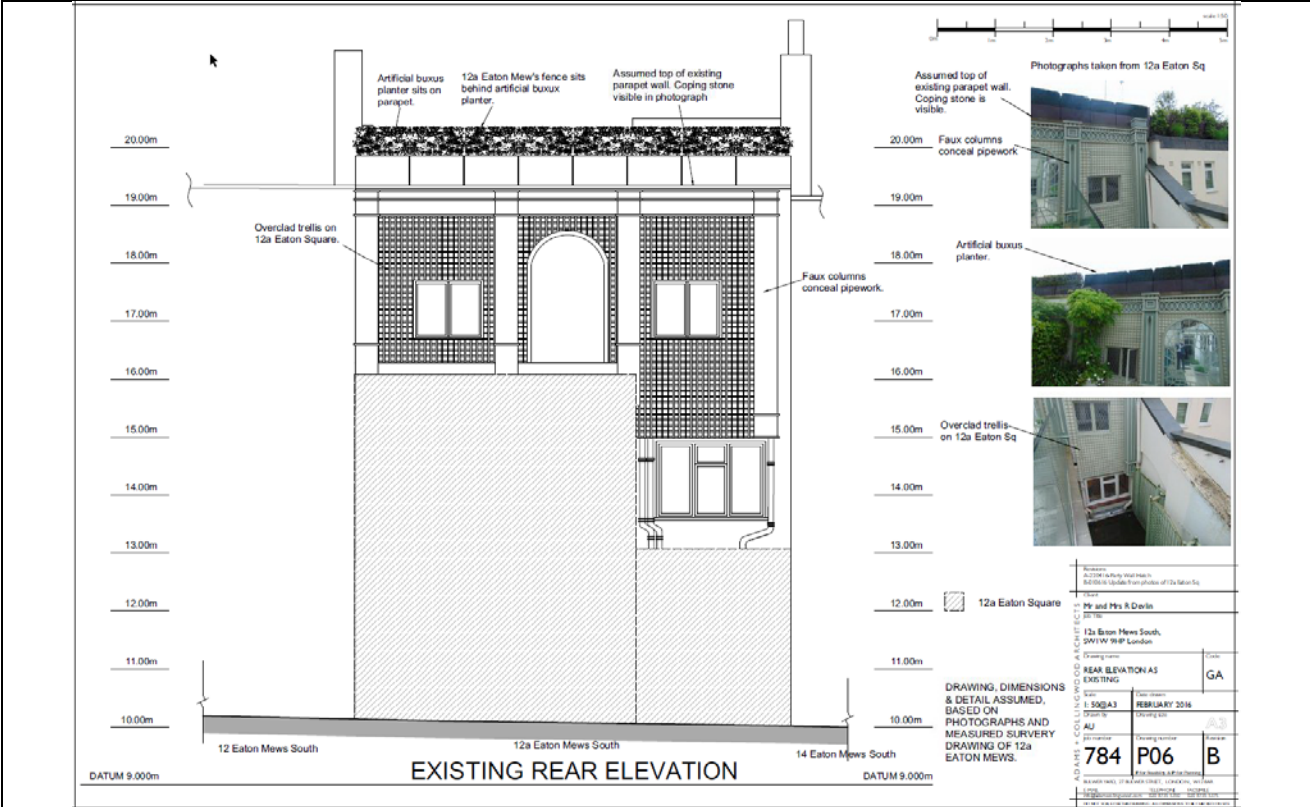


Existing and Proposed Front Elevation

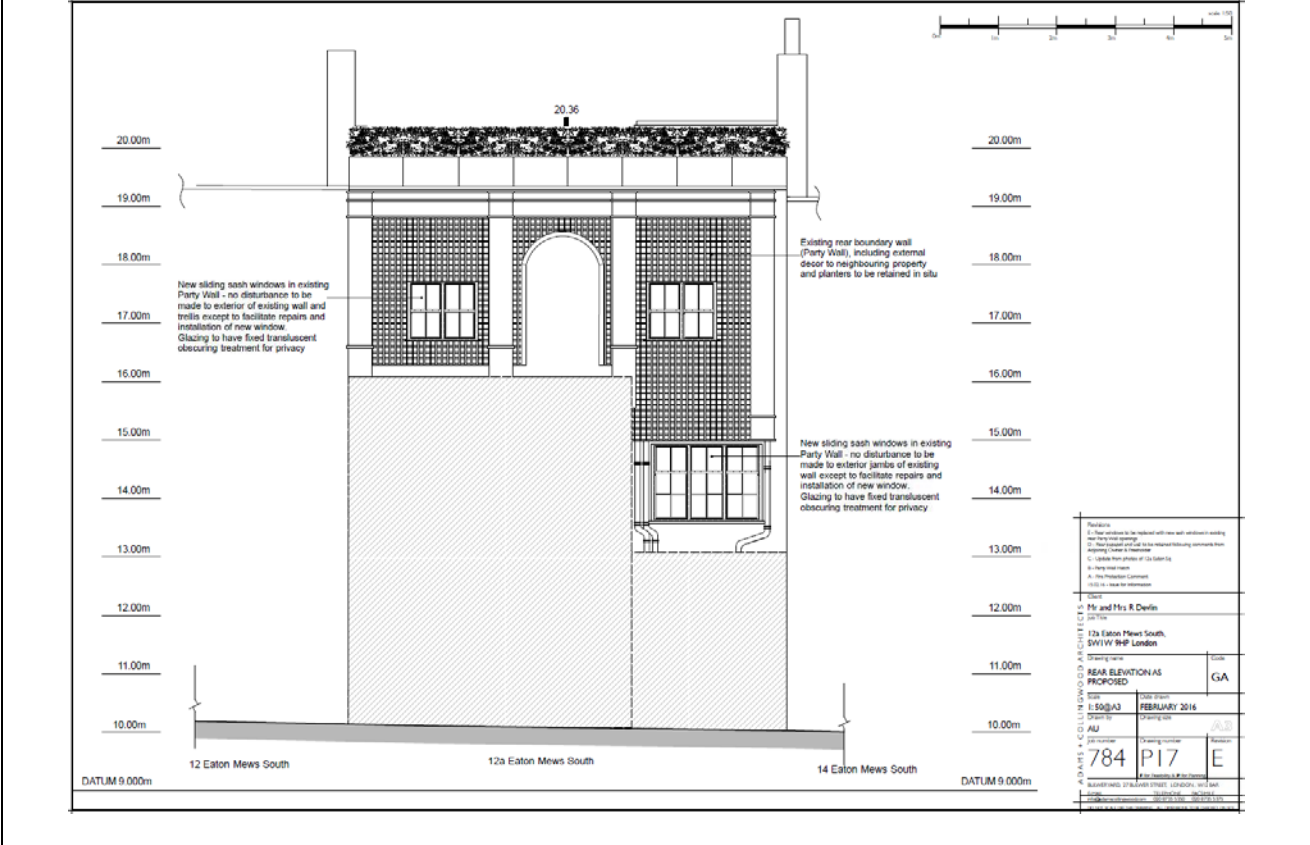


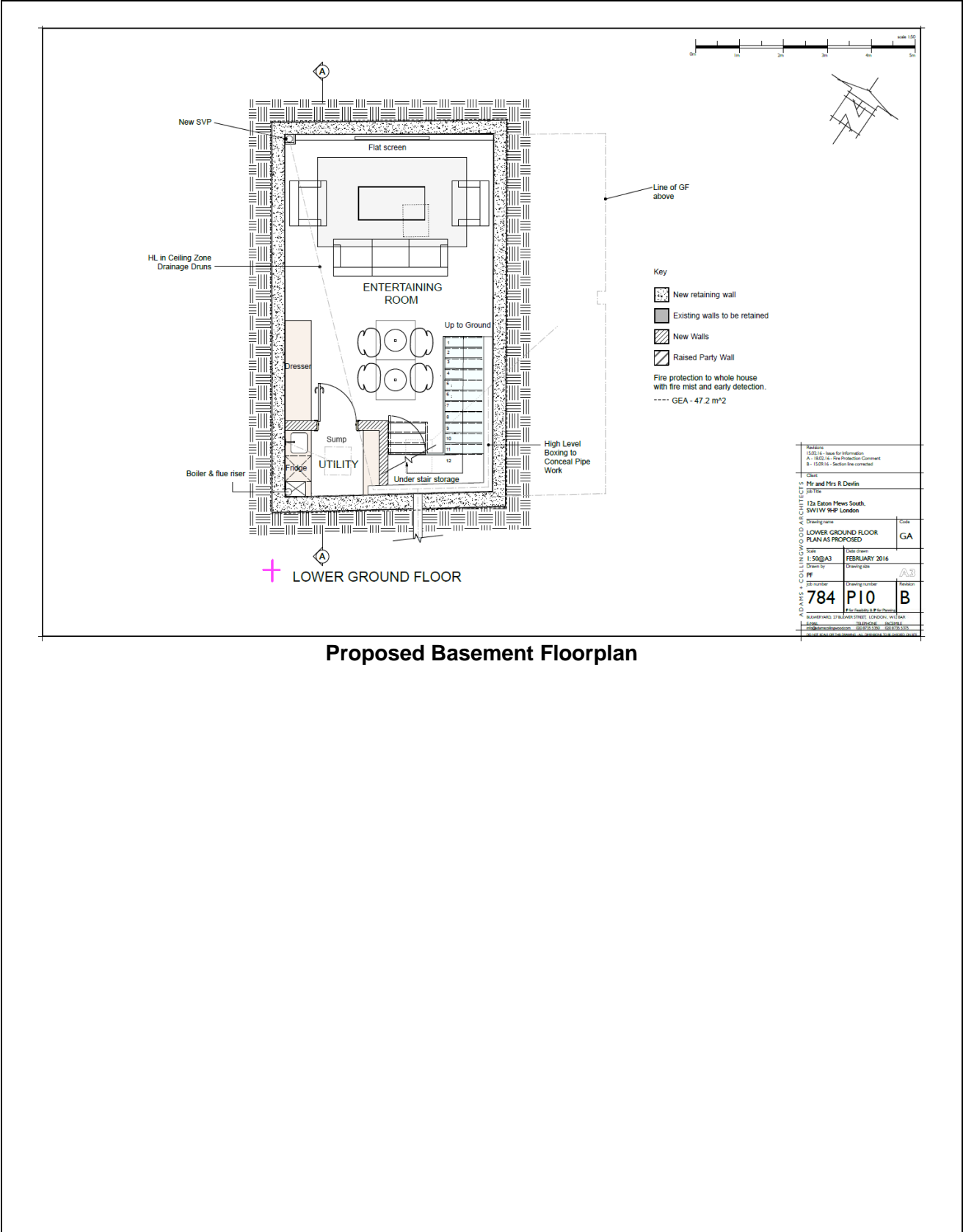


**Existing and Proposed Comparative Front Elevations**



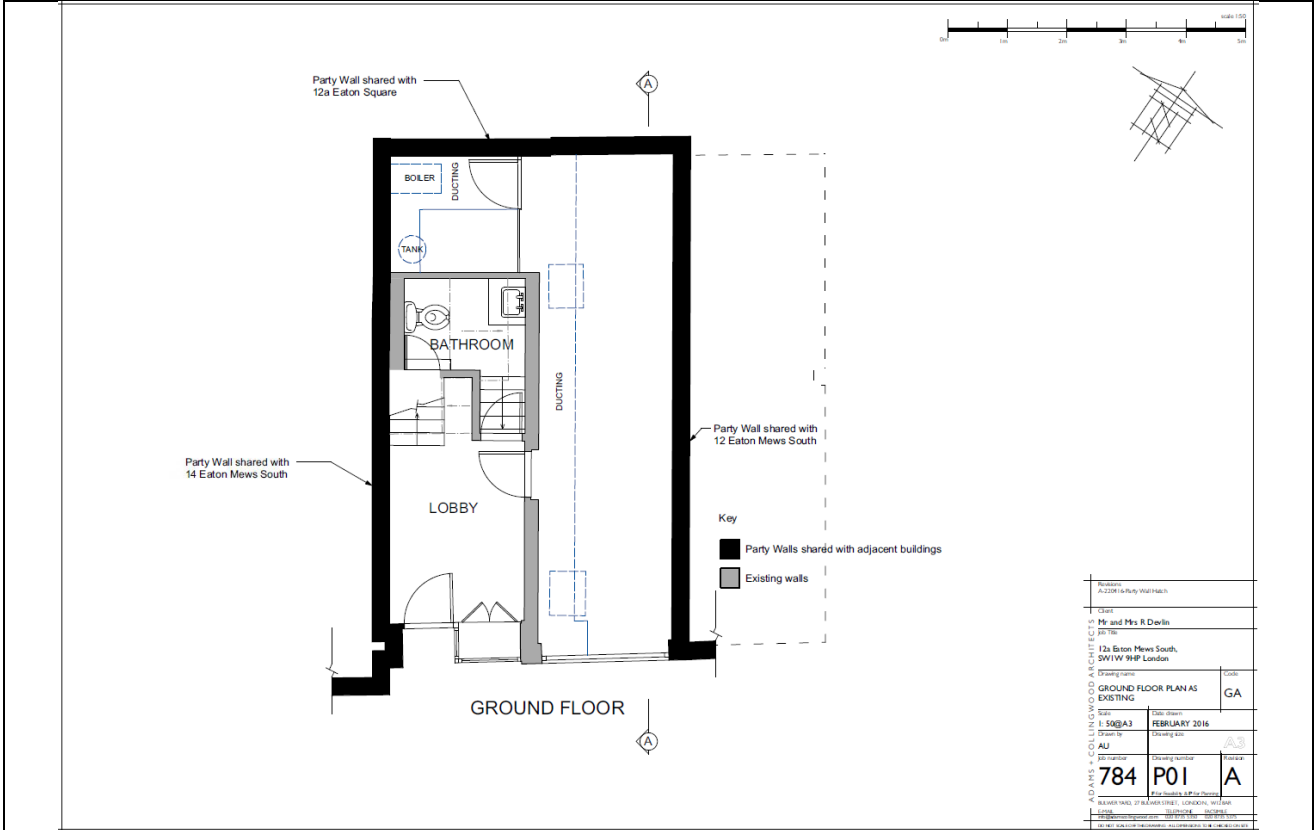
**Existing and Proposed Rear Elevation**



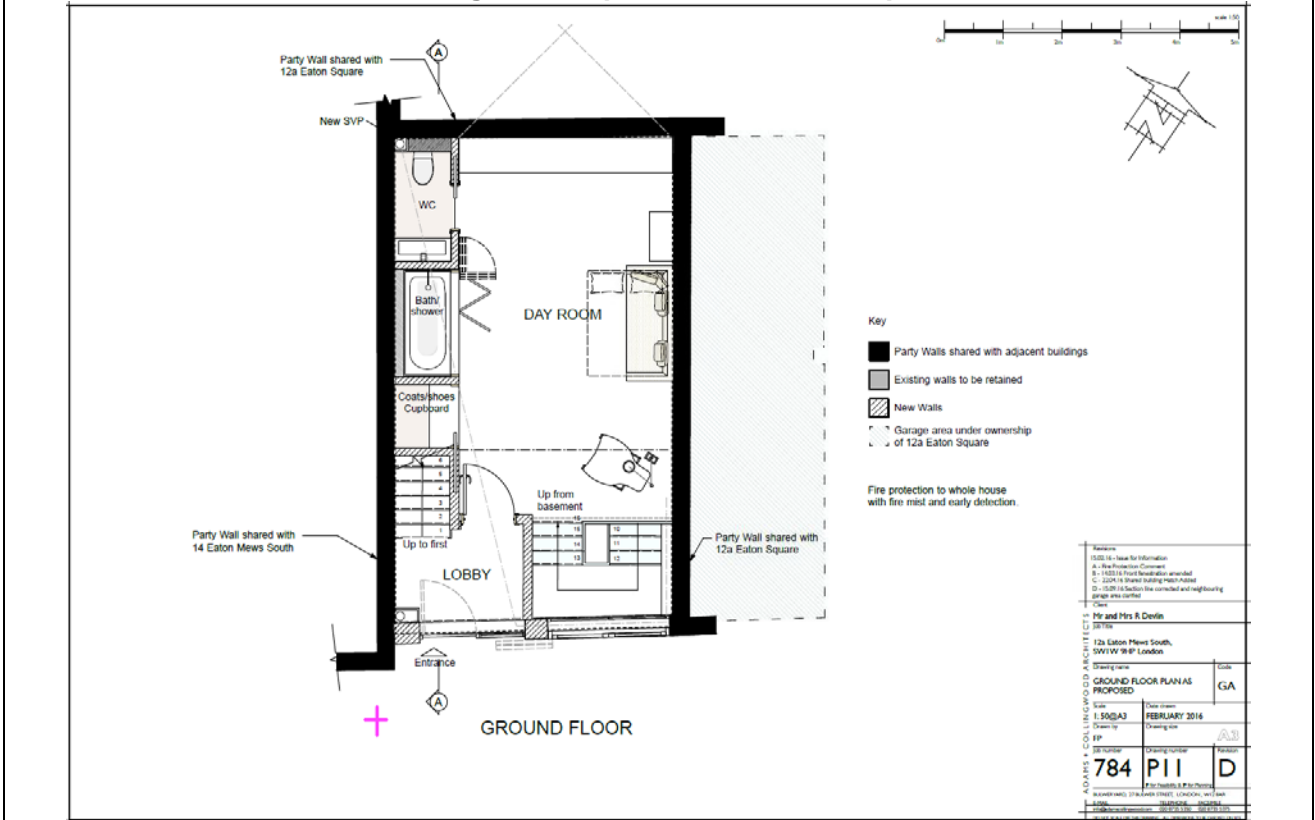


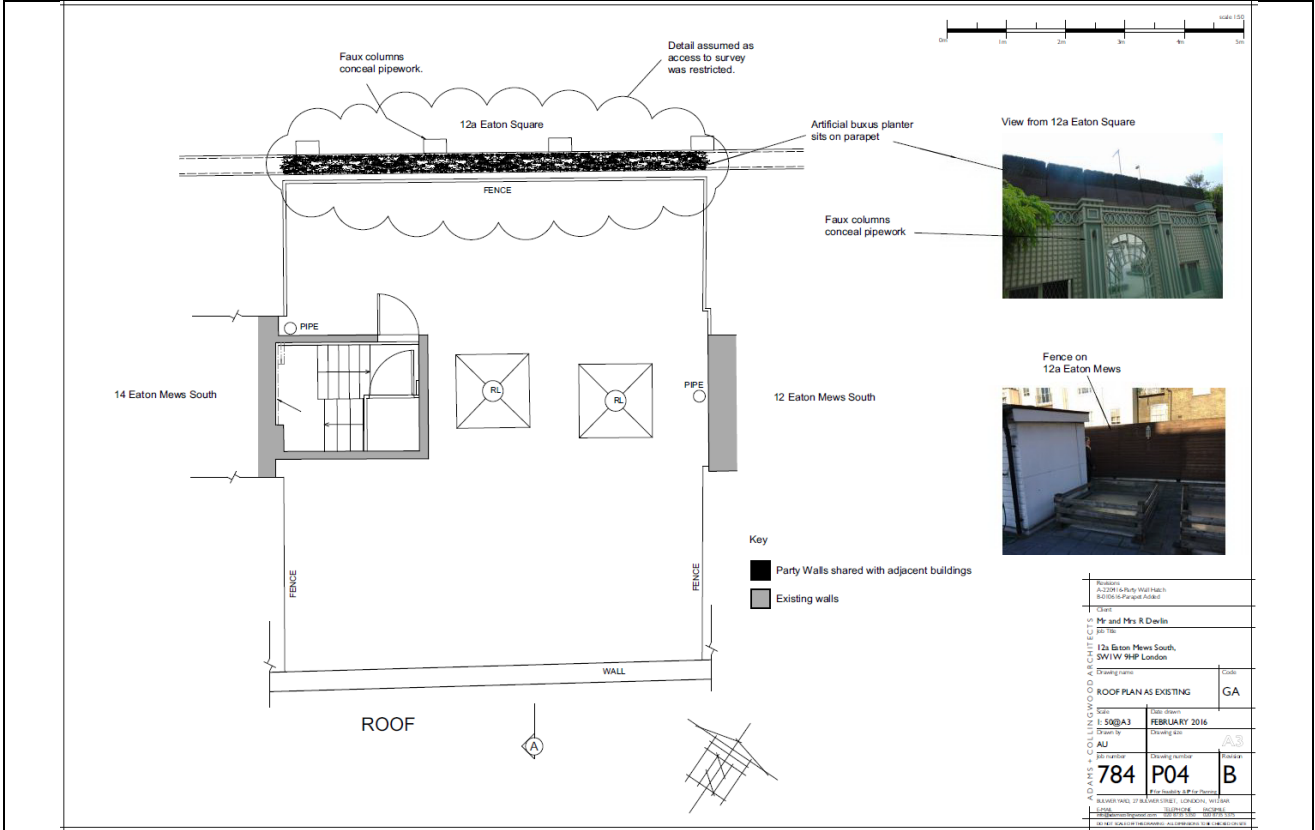
**Proposed Basement Floorplan**

Address: 122a, 124a, 126a, 128a, 130a, 132a, 134a, 136a, 138a, 140a, 142a, 144a, 146a, 148a, 150a, 152a, 154a, 156a, 158a, 160a, 162a, 164a, 166a, 168a, 170a, 172a, 174a, 176a, 178a, 180a, 182a, 184a, 186a, 188a, 190a, 192a, 194a, 196a, 198a, 200a, 202a, 204a, 206a, 208a, 210a, 212a, 214a, 216a, 218a, 220a, 222a, 224a, 226a, 228a, 230a, 232a, 234a, 236a, 238a, 240a, 242a, 244a, 246a, 248a, 250a, 252a, 254a, 256a, 258a, 260a, 262a, 264a, 266a, 268a, 270a, 272a, 274a, 276a, 278a, 280a, 282a, 284a, 286a, 288a, 290a, 292a, 294a, 296a, 298a, 300a, 302a, 304a, 306a, 308a, 310a, 312a, 314a, 316a, 318a, 320a, 322a, 324a, 326a, 328a, 330a, 332a, 334a, 336a, 338a, 340a, 342a, 344a, 346a, 348a, 350a, 352a, 354a, 356a, 358a, 360a, 362a, 364a, 366a, 368a, 370a, 372a, 374a, 376a, 378a, 380a, 382a, 384a, 386a, 388a, 390a, 392a, 394a, 396a, 398a, 400a, 402a, 404a, 406a, 408a, 410a, 412a, 414a, 416a, 418a, 420a, 422a, 424a, 426a, 428a, 430a, 432a, 434a, 436a, 438a, 440a, 442a, 444a, 446a, 448a, 450a, 452a, 454a, 456a, 458a, 460a, 462a, 464a, 466a, 468a, 470a, 472a, 474a, 476a, 478a, 480a, 482a, 484a, 486a, 488a, 490a, 492a, 494a, 496a, 498a, 500a, 502a, 504a, 506a, 508a, 510a, 512a, 514a, 516a, 518a, 520a, 522a, 524a, 526a, 528a, 530a, 532a, 534a, 536a, 538a, 540a, 542a, 544a, 546a, 548a, 550a, 552a, 554a, 556a, 558a, 560a, 562a, 564a, 566a, 568a, 570a, 572a, 574a, 576a, 578a, 580a, 582a, 584a, 586a, 588a, 590a, 592a, 594a, 596a, 598a, 600a, 602a, 604a, 606a, 608a, 610a, 612a, 614a, 616a, 618a, 620a, 622a, 624a, 626a, 628a, 630a, 632a, 634a, 636a, 638a, 640a, 642a, 644a, 646a, 648a, 650a, 652a, 654a, 656a, 658a, 660a, 662a, 664a, 666a, 668a, 670a, 672a, 674a, 676a, 678a, 680a, 682a, 684a, 686a, 688a, 690a, 692a, 694a, 696a, 698a, 700a, 702a, 704a, 706a, 708a, 710a, 712a, 714a, 716a, 718a, 720a, 722a, 724a, 726a, 728a, 730a, 732a, 734a, 736a, 738a, 740a, 742a, 744a, 746a, 748a, 750a, 752a, 754a, 756a, 758a, 760a, 762a, 764a, 766a, 768a, 770a, 772a, 774a, 776a, 778a, 780a, 782a, 784a, 786a, 788a, 790a, 792a, 794a, 796a, 798a, 800a, 802a, 804a, 806a, 808a, 810a, 812a, 814a, 816a, 818a, 820a, 822a, 824a, 826a, 828a, 830a, 832a, 834a, 836a, 838a, 840a, 842a, 844a, 846a, 848a, 850a, 852a, 854a, 856a, 858a, 860a, 862a, 864a, 866a, 868a, 870a, 872a, 874a, 876a, 878a, 880a, 882a, 884a, 886a, 888a, 890a, 892a, 894a, 896a, 898a, 900a, 902a, 904a, 906a, 908a, 910a, 912a, 914a, 916a, 918a, 920a, 922a, 924a, 926a, 928a, 930a, 932a, 934a, 936a, 938a, 940a, 942a, 944a, 946a, 948a, 950a, 952a, 954a, 956a, 958a, 960a, 962a, 964a, 966a, 968a, 970a, 972a, 974a, 976a, 978a, 980a, 982a, 984a, 986a, 988a, 990a, 992a, 994a, 996a, 998a, 1000a	
Client: Mr and Mrs R. Devlin	
Drawing name: LOWER GROUND FLOOR PLAN AS PROPOSED	
Scale:	Date drawn:
1:50 @ A3	FEBRUARY 2016
Sheet no:	Drawing no:
PF	
Job number:	Drawing number:
784	P10
	Revision:
	B
# for details & P. No.	
Prepared by: J. B. [Signature]	
Checked by: [Signature]	
Date: [Date]	

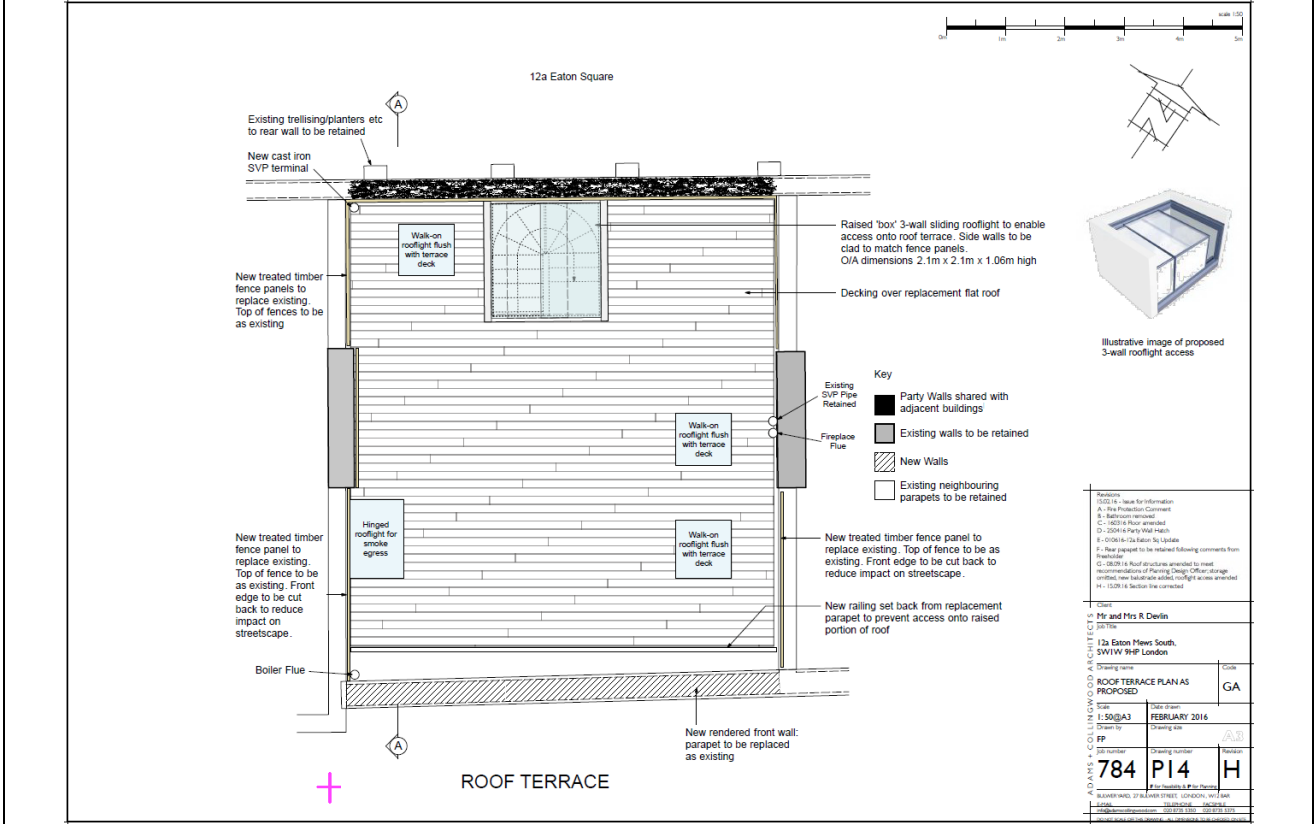


**Existing and Proposed Ground Floorplan**

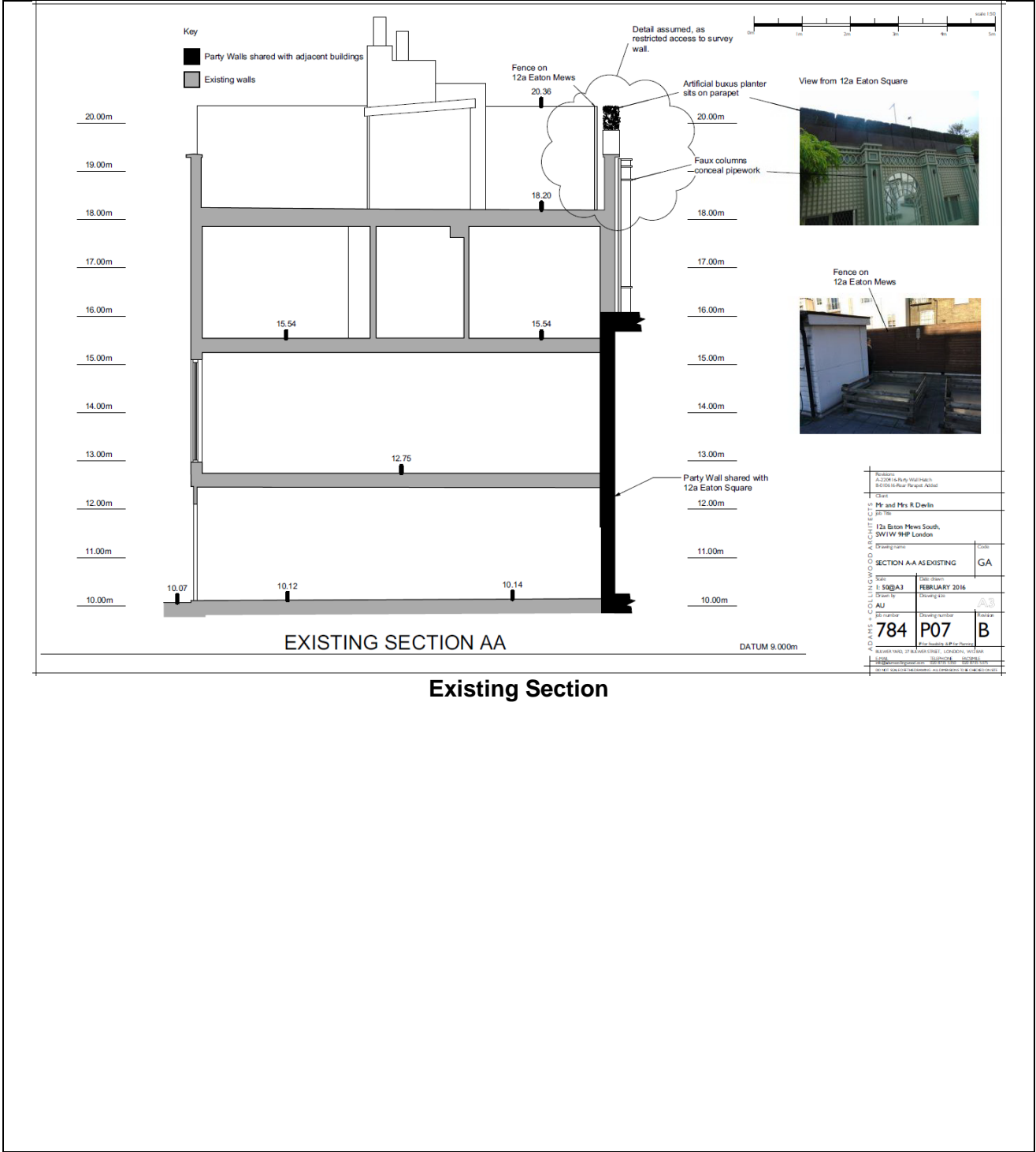


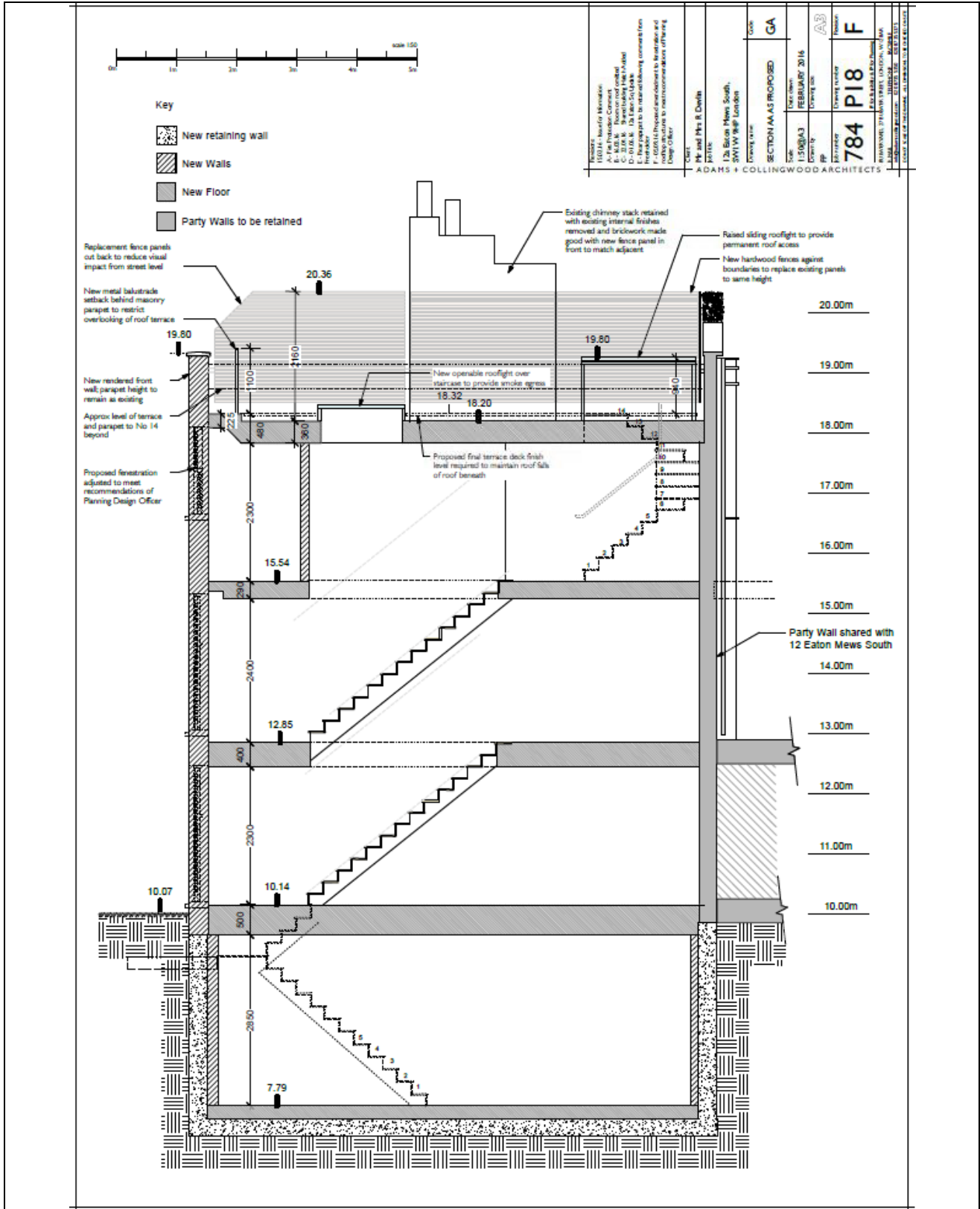


Existing and Proposed Roof Plans









**DRAFT DECISION LETTER**

- Address:** 12A Eaton Mews South, London, SW1W 9HP
- Proposal:** Demolition and replacement of the existing mews house, including a roof terrace on top and excavation works to create a single storey basement.
- Reference:** 16/06048/FULL
- Plan Nos:** Location Plan; Site Plan; P01 rev A; P02 rev B; P03 rev A; P04 rev B; P05 rev A; P06 rev B; P07 rev B; P10 rev B; P11 rev D; P12 rev H; P13 rev E; P14 rev H; P16 rev G; P17 rev E; P18 rev F; P21 rev A; Design and Access Statement (Adams + Collingwood Architects); Traffic Management Plan (Noble).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been

submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows, including terrace level access,
- ii) Doors, including garage doors,
- iii) Balustrades/ railings,

You must not start work until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and

paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)

- 6 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 7 The glass that you put in the windows in the rear elevation of the mews house must not be clear glass. 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.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Item No.
<b>2</b>

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

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	11A Castellain Road, London, W9 1EY,		
<b>Proposal</b>	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.		
<b>Agent</b>	deDraft		
<b>On behalf of</b>	Mr Melvyn Orton		
<b>Registered Number</b>	16/07049/FULL	<b>Date amended/ completed</b>	25 July 2016
<b>Date Application Received</b>	25 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

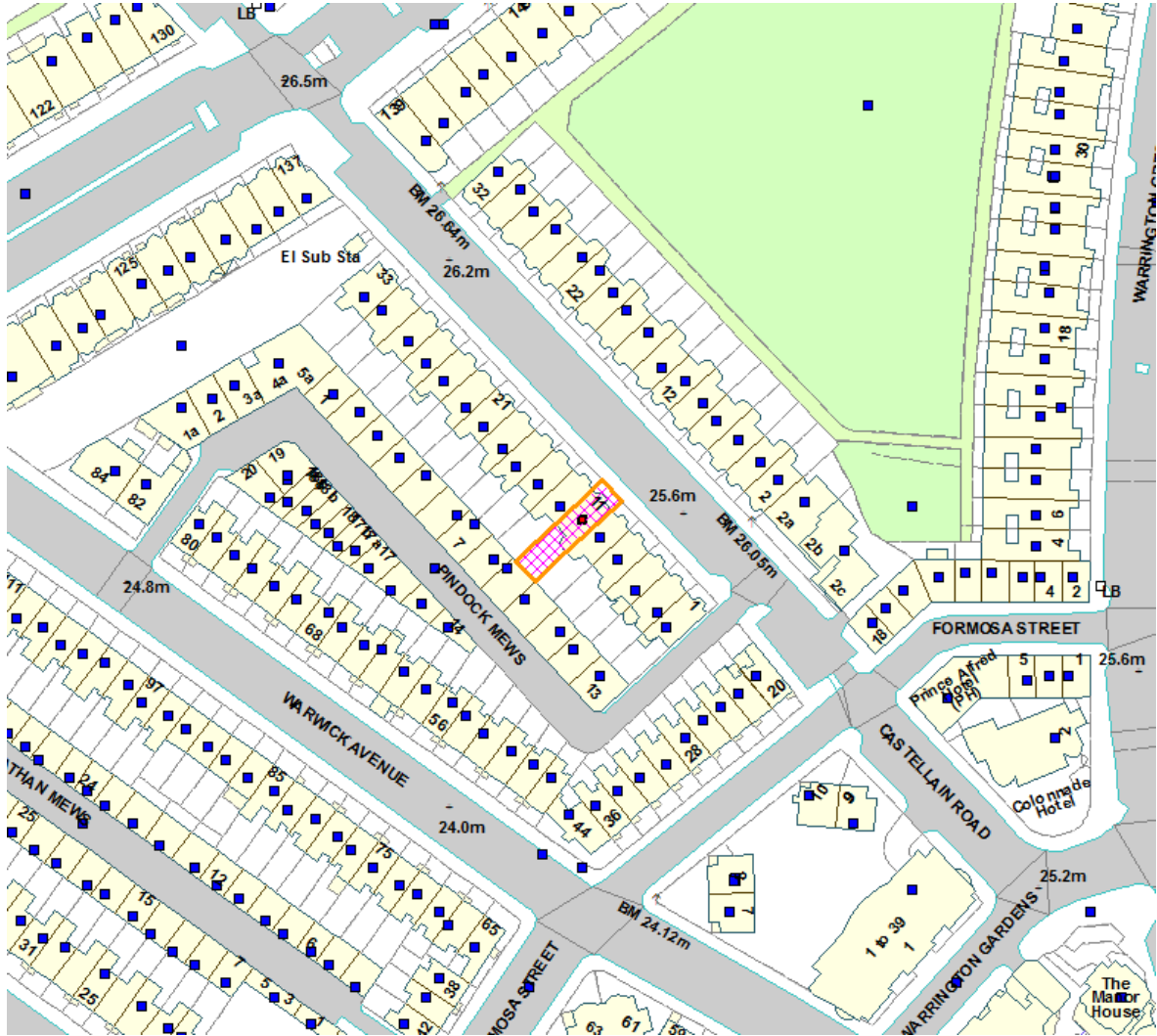
The application relates to a maisonette at ground and lower ground floor level within this unlisted building located within the Maida Vale Conservation Area. Planning permission is sought for the erection of rear single storey extension at lower ground floor level and alterations to the front lightwell.

The key issues are:

- The impact of the proposed extension and alterations on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.
- The impact of the proposed extension on the amenity of neighbouring residents.

For the reasons set out in the report, it is not considered that permission could reasonably be refused on amenity grounds and that the proposed development is acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster’s City Plan: Strategic Policies adopted in July 2016 (the City Plan). As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and existing rear elevation of application site at lower ground floor level (bottom).



View over boundary wall towards rear French doors and window of No.13 Castellain Road at lower ground floor level.

## 5. CONSULTATIONS

### COUNCILLOR CAPLAN

Asks that the application is reported to committee.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection. Materials should be sympathetic to the host building. Ask that neighbours' views are taken into consideration.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 23; Total No. of Responses: 5 emails received from 3 respondents raising objection on all or some of the following grounds:

#### Amenity

- Loss of daylight to windows serving neighbouring properties.
- There is potential for the bedrooms within the basement flat at no. 13 Castellain Road to be moved downstairs, which would mean that the rooms would lack natural light.
- Loss of sunlight.
- Loss of privacy.
- The proposal will also impact the amount of daylight received at the application site.

#### Other Matters

- The applicant's are impacting neighbouring properties without having moved in.
- Lack of consultation from the applicant could have resulted in the respondent having no recourse to object.
- Query as to whether the applicant intends to move in or re-sell the property.
- Civil action will be taken against both the applicant and those responsible for the loss of light to the basement flat at No.13 Castellain Road.
- Question if neighbours would be compensated.
- The proposal will impact the value of the basement property at no.13 Castellain Road.

### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a ground and lower ground floor flat in an unlisted mid-terraced Victorian building. The building is located on the southwest side of Castellain Road and is located within the Maida Vale Conservation Area.

### 6.2 Recent Relevant History

#### 6.2.1 Application Site

19 August 2010 – Certificate of Lawful Proposed Use or Development issued for use of lower and upper ground floors as one maisonette (10/05671/CLOPUD).

### **6.2.2 No.9 Castellain Road**

17 July 2014 – Permission granted for the erection of single storey rear extensions at basement level in connection with use as two maisonettes and alterations to increase size of rear window (14/04866/FULL).

## **7. THE PROPOSAL**

This application seeks permission for the erection of a single storey rear extension at lower ground floor level and for alterations within the front lightwell; namely, to replace the tiling on the stairs and floor, install new lighting and replace the timber doors.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal is assessed against Policy H 3 in the UDP and Policy S14 in the City Plan, which seek to encourage the provision of more residential floorspace, including the creation of new residential units. The development would result in the increase of residential floorspace and is therefore acceptable in principle in land use terms.

### **8.2 Townscape and Design**

Policy DES 5 in the UDP seeks to ensure the highest level of design in alterations and extensions. The policy specifically states that permission will generally be granted for development that is confined to the rear of the building, does not visually dominate the building, is of a scale and detailed design that reflects the host building and the use of materials is consistent with those present on the building and in the wider setting.

As proposed the rear extension will not project beyond the building line of the closet wing, with the new bi-fold doors set back from the rear elevation. As submitted the proposed extension proposes a projecting angled canopy/ parapet and is proposed to be finished in contrasting brickwork to the host building. These detailed design elements of the proposed extension would not accord with Policy DES5 and would harm the appearance of the building and the character and appearance of the conservation area. However, the applicant has agreed to the imposition of conditions requiring the omission of the angled canopy/ parapet in favour of a parapet that is flush with the elevation (as approved and now built at No.9 Castellain Road) and to require the extension and associated alterations to the rear elevation at lower ground floor level to be constructed in stock brickwork of a colour and texture to match the rest of the rear elevation of the building.

Subject to the aforementioned conditions, given its scale, form and detailed design the extension is not considered to compete with the host building and its setting. As the extension does not project beyond the depth of the buildings existing bay, the rhythm of rear bay projections within this terrace will be maintained and the existing chamfered corner to the original closet wing is still evident above. The replacement of the window at lower ground floor level is not contentious as the existing appears to be a later addition and the replacement is in keeping with the design approach of the extension. The new

larger opening to accommodate bi-folding doors is considered to be acceptable in this relatively discrete location on the building.

The works in the front lightwell principally seek to upgrade the existing materiality and detailing; this is not contentious in design terms and will preserve or enhance the character and appearance of the Maida Vale Conservation Area. However, a condition is recommended to secure further details of the proposed slip resistant tiling.

In summary, the proposed extension and alterations are considered to be acceptable in design terms and subject to the recommended conditions they would be in accordance with UDP policies DES 1, DES 5 and DES 9 and policies S25 and S28 in the City Plan.

### 8.3 Residential Amenity

Objection has been received on grounds that the proposed rear extension would result in a material loss of daylight and sunlight to the rear French doors and side light windows serving the lower ground floor living room and kitchen of the maisonette at lower ground and ground floor levels in No.13 Castellain Road. To assess the impact on the amenity of the occupiers of this neighbouring flat a site visit to the objectors' property was carried out during the course of this application on 14 September 2016 by the case officer.

The proposed extension would increase the height of the application property at the boundary with No.13 by approximately 1 metre and the proposed extension would project approximately 2.5 metres from the existing rear elevation. It was apparent from the site visit to the objector's property at No.13 that the proposed extension would be visible in views from the windows and doors to the rear of his property at lower ground floor level, particularly in more oblique views from within the room that the windows and doors serve.

The City Council's amenity policies (ENV13 in the UDP and S29 in the City Plan), advise that the impact of development should be assessed having regard to the guidance provided in the Building Research Establishment's (BREs) guidance document 'Site Layout for Daylight and Sunlight' (2011). The BRE advise that for domestic extensions that would be perpendicular to a neighbouring window the impact on diffuse daylight reaching the neighbouring window can be assessed by a method known as the '45 degree approach'. This method of assessment involves drawing a 45 degree line from the parapet of the extension on the proposed elevation and from the rear wall of the extension on the proposed floorplan. The BRE guidelines advise that if the centre of the window (or a point 1.6 metres above ground level in the case of patio doors) of the next door property lies on the extension side of the 45 degree line, then the proposed extension may well cause a significant reduction in the skylight received by the window.

In this case, the affected window opening at No.13 comprises a patio doors with side and top light windows. As such, the point 1.6 metres above ground level on this window would fall outside of the 45 degree line in elevation, but would fall within the 45 degree line when measured on the floorplan. Therefore it is likely that the proposed extension would cause a minor material loss of daylight to the neighbouring patio doors and side and top light windows at No.13. However, given the size of the affected window and door opening and as the affected flat is a maisonette with other habitable rooms served by unaffected windows, it is not considered that the loss of daylight that would be caused would be so significant so as to warrant withholding permission.

With regard to sunlight, the proposed extension would sit alongside the existing closet wing of No.11, to the south east of both the new extension and the neighbouring patio doors and windows at No.13. As a result, whilst there would be some increased loss of sunlight falling on the patio doors and windows at lower ground floor level to No.13 in the early afternoon, the majority of the additional bulk of the proposed extension would be located behind the existing larger closet wing and as a result would not have any additional impact in terms of sunlight loss. In this context, it is not considered that the degree of sunlight loss that would be caused would be sufficient to reasonably withhold planning permission.

In terms of increased sense of enclosure, as previously noted, the extension would be appreciable in views from the rear windows and doors of No.13. However, whilst this change in outlook would not amount to a significant increase in enclosure as the windows and doors would still afford a largely unaltered outlook to the south west.

No windows are proposed in the flank elevation of the proposed extension and as such, there would be no increase in overlooking to neighbouring properties or their gardens.

A condition is recommended to prevent the future use of the roof of the extension as a terrace to prevent overlooking to neighbouring windows and gardens.

The alterations to the front lightwell are not considered to raises any amenity issues.

In summary, for the reasons set out in this section of the report the impact of the proposed development in amenity terms would not be so significant as to warrant withholding permission and it is considered that the application would accord with policy ENV 13 in the UDP and policy S29 in the City Plan.

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

The proposals will not result in an increase in the number of residential units therefore there are no highways issues to consider.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The application does not adversely affect the existing means of access to this private residential property.

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

None relevant.

#### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

### **8.12 Other Issues**

Objections have been raised on grounds that the applicant has yet to occupy the application site, that neighbours were not consulted by the applicant prior to submission of the application, that the applicant may be a property developer who will not occupy the property and that the neighbours should be compensated for the impact of the proposed extension.

The identity of the applicant, the length of time they have occupied the application site (if at all) and their future intentions for the application property are not valid grounds on which to withhold planning permission. The application must be assessed on its planning merits having regard to all relevant development plan policies and other material considerations. This is the assessment that has been carried out elsewhere in this report.

Whilst it is good practice to consult with and forewarn neighbours of future development proposals, there is not a legal requirement under planning legislation to serve notice on the occupiers of neighbouring properties who do not have an interest in the ownership of the application site. As such, permission could not be withheld on the basis that the applicant did not consult with neighbouring residents prior to submission of the planning application.

One objector also cites that legal recourse and compensation will be sought if planning permission is granted for the proposed extension. However, there is no compensation payable under planning legislation for loss of light that may occur as a result of development; rather, recourse of this nature is a civil matter for resolution between the respective land owners under the separate right to light legislation. The assessment in planning terms is made having regard to adopted planning policies in the development plan, as set out in Section 8.3.1 of this report.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Email from Councillor Caplan dated 20 September 2016.
3. Letter from the Paddington Waterways and Maida Vale Society dated 9 September 2016.

4. Emails from an occupier of the Basement Flat, 13 Castellain Road dated 24 August 2016 and 16 September 2016.
5. Email from an occupier of 13 Castellain Road dated 16 September 2016.
6. Emails (x2) from the occupier of Flat 1,11 Castellain Road dated 17 September 2016.

**Selected relevant drawings**

Existing and proposed plans and elevations.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).



# 10. KEY DRAWINGS

The drawings consist of two sets of floorplans and two sets of elevations. The top set shows the 'Existing Lower Ground Floor Plan' and 'Existing Ground Floor Plan'. The bottom set shows the 'Existing Front Elevation' and 'Existing Rear Elevation'. Each drawing includes a north arrow, a scale bar, and a title block with project information.

**Notes:**  
 1. All work shall be in accordance with the Building Regulations and the Building Control Authority's requirements.  
 2. The drawings shall be used for the purpose of obtaining planning permission.  
 3. The drawings shall not be used for any other purpose without the written consent of the architect.

**Architectural Information:**  
 Studio 5, The Architects,  
 214 Fitzroy Street,  
 London E1 1DN  
 020 7554 7714  
 info@studio5.co.uk  
 @studio5architects

**Project:** 305  
**114 Cavendish Road**  
 Makhyn and Eva Odeh

**Drawing No.:** S002  
**Existing Plans**  
 Scale: 1:100 at A3 = 1:50 at A1

**Drawn:** 22.07.16  
 Man Yee Li

**Revisions:**  
 A: 16.05.16 No.12 new site plan

**Notes:**  
 1. All work shall be in accordance with the Building Regulations and the Building Control Authority's requirements.  
 2. The drawings shall be used for the purpose of obtaining planning permission.  
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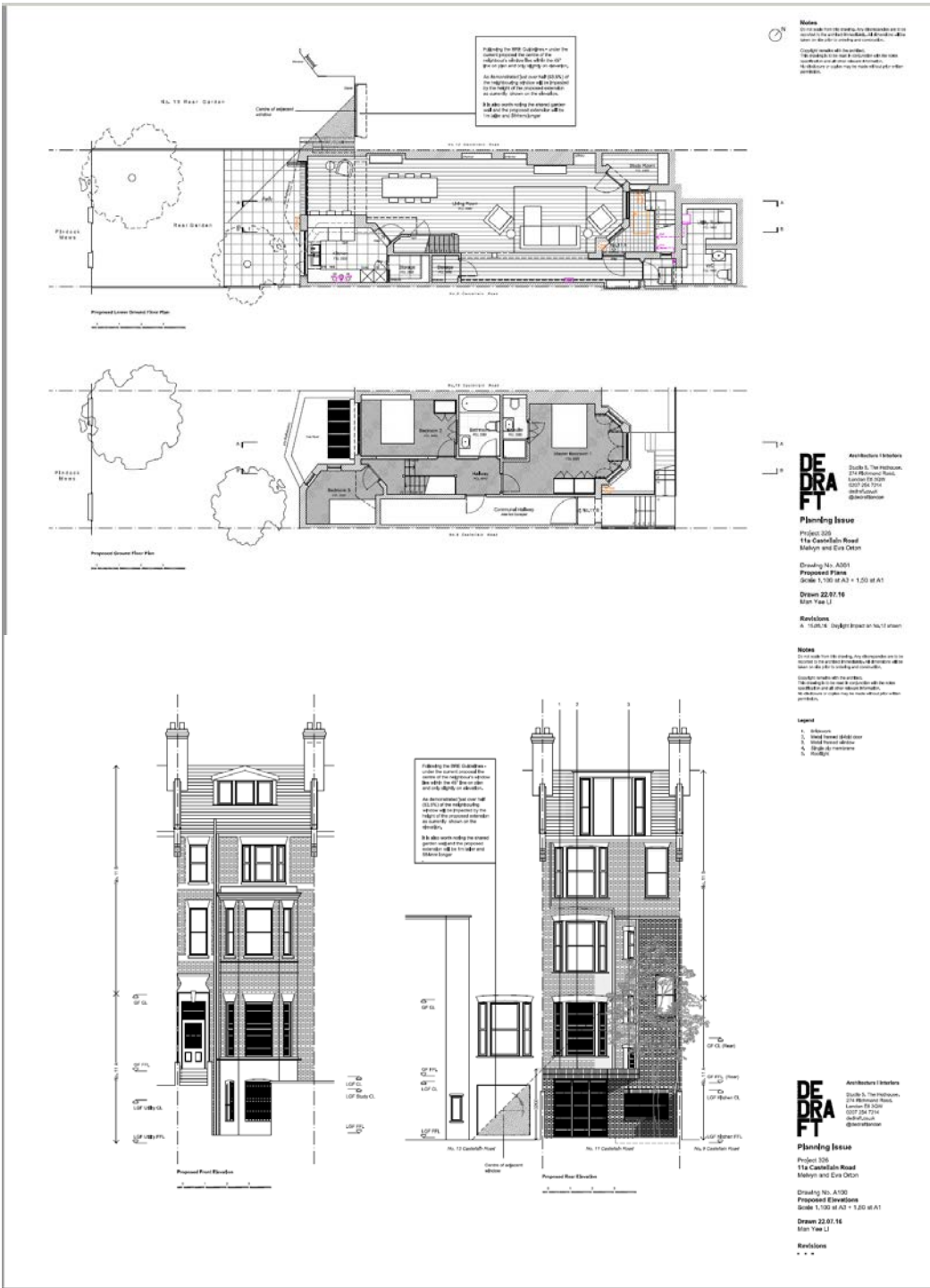
**Project:** 305  
**114 Cavendish Road**  
 Makhyn and Eva Odeh

**Drawing No.:** S100  
**Existing Elevations**  
 Scale: 1:100 at A3 = 1:50 at A1

**Drawn:** 22.07.16  
 Man Yee Li

**Revisions:**  
 A: 16.05.16 No.12 new elevation sheet

Existing floorplans (top) and existing elevations (bottom).



Proposed floorplans (top) and proposed elevations (bottom).

**DRAFT DECISION LETTER**

**Address:** 11A Castellain Road, London, W9 1EY,

**Proposal:** Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

**Plan Nos:** Site location plan, Design and Access Statement, S002 Rev.A, S100 Rev.A, S200, S201, A001 Rev.A, A100, A200, A201, A250 and A900.

**Case Officer:** Agnes Hagan

**Direct Tel. No.** 020 7641 5651

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the following parts of the development - slip resistant tiling within the front lightwell. 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 details. (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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roof of the extension 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, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 Notwithstanding the content of the submitted Design and Access Statement, the rear lower ground floor extension and associated alterations to the closet wing hereby approved shall be constructed in unpainted stock brickwork to match the colour, texture and bond of the existing stock brickwork to the rear elevation of the building.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: Omission of the projecting angled canopy/ parapet to the rear elevation of the rear lower ground floor extension and its replacement with a parapet that is flush with the rear elevation of the extension. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Maida Vale Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)
- 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).

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# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>9 Burton Mews, London, SW1W 9EP</b>		
<b>Proposal</b>	Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations.		
<b>Agent</b>	Mr Andrew Marshall		
<b>On behalf of</b>	Mr Kumar and Gautam Patel		
<b>Registered Number</b>	16/05457/FULL	<b>Date amended/ completed</b>	10 June 2016
<b>Date Application Received</b>	10 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

9 Burton Mews is an unlisted building within the Belgravia Conservation Area. The building is located at the southern end of Burton Mews, backing onto Ebury Street to the east and South Eaton Place to the south. It is a single family dwellinghouse comprising two storeys with a single-storey side extension.

Permission is sought for the erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations.

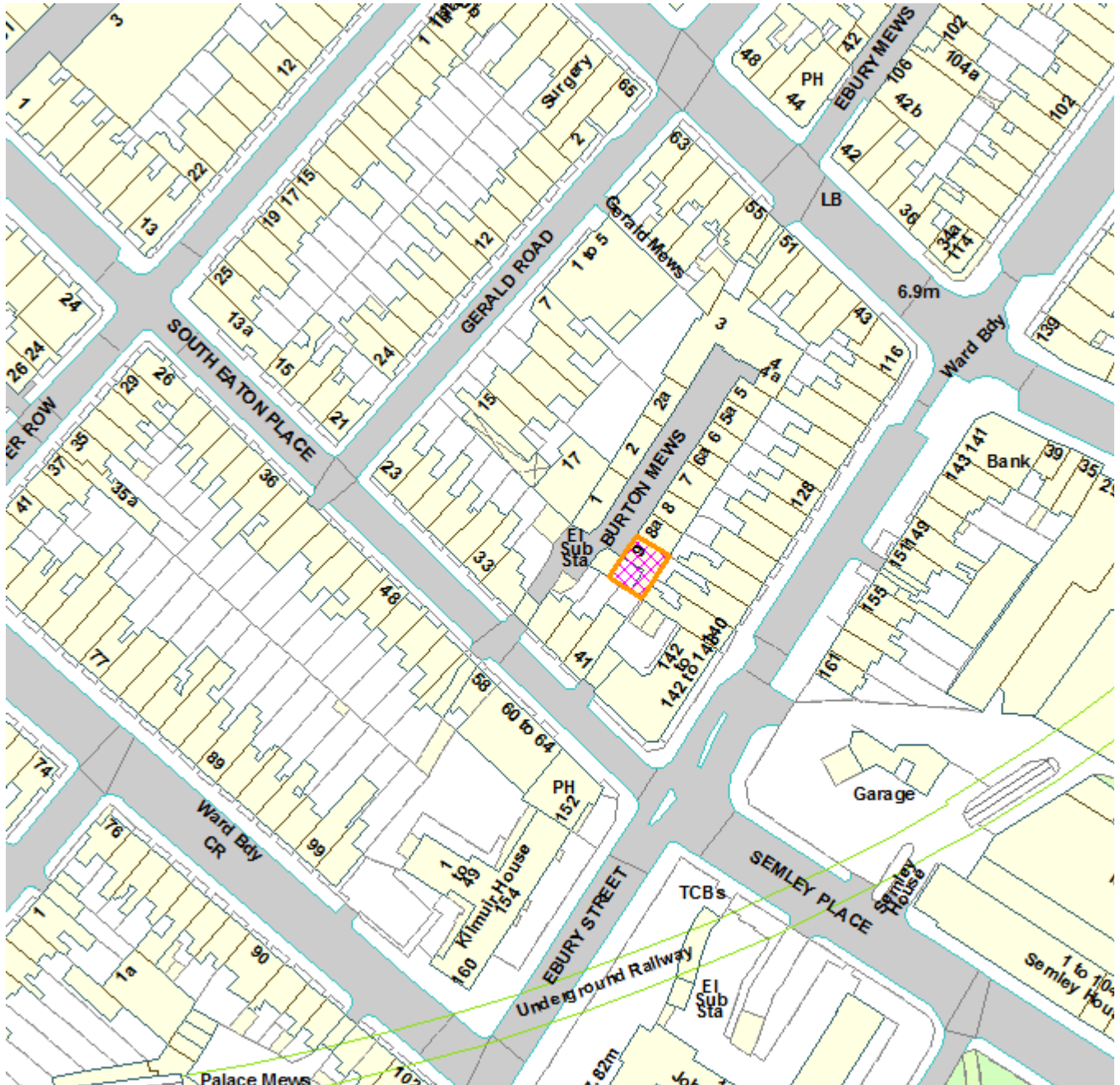
The key issues are:

- \*Impact upon the appearance of the building
- \*Impact upon the character and appearance of the Belgravia Conservation Area
- \*Impact on neighbouring amenity

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.



3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### BELGRAVIA NEIGHBOURHOOD FORUM

No comment.

### BELGRAVIA RESIDENTS ASSOCIATION

No comment.

### BELGRAVIA SOCIETY

Loss of residential amenity to the neighbours and particularly 138 Ebury Street and adjoining properties on Ebury Street. Loss of courtyard and the building over it will cause overshadowing, household noise and loss of privacy.

Seems most likely that the provision of flat roofs to both front and rear part of the mews house will ultimately result in a further application to use that space as an external terrace.

Overdevelopment of the site involving loss of the external courtyard open space.

There will be an adverse visual impact on the neighbours at the rear and a sense of increase in bulking and loss of light, given the dark nature of the materials for roof covering.

It appears that some of the drawings suggest using a party wall for support. Our understanding is that the neighbours have not given consent for this and it would be a trespass.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25; Total No. of replies: 4; No. of objections: 3; No. in support: 0

No. neutral: 1

Objections received from neighbouring residential occupiers on some or all of the following grounds;

#### Design:

- The proposed dormers are not in keeping with any of the other windows in the mews.
- Replacement of any of the casement windows must be by windows of the same size, aspect and character to be in keeping with the casements in adjacent houses.

#### Amenity:

- Proposed roof extension would block light and sunlight into rear ground floor rooms, basement rooms, courtyard and rear terrace at 140 Ebury Street.
- Proposed roof extension would cause a sense of enclosure to users of roof terrace at 140 Ebury Street.
- Request that the entirety of the bathroom window on the rear elevation be obscure glazing to protect privacy.

#### Other

- Potential loss of parking and restriction of access to the private mews during construction
- Objection to building on party walls
- The proposals will create difficulties when maintaining the party walls.
- There is a mature tree in the mews courtyard, which is not shown in the drawings and will be removed.
- Concerns about the discovery of asbestos.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

9 Burton Mews is an unlisted building within the Belgravia Conservation Area. The building is located at the southern end of Burton Mews, backing onto Ebury Street to east and South Eaton Place to the south. It is a single family dwellinghouse comprising two storeys with single-storey side extension.

### 6.2 Recent Relevant History

None Relevant.

## 7. THE PROPOSAL

Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations. The scheme has been revised to ensure the mansard roof complies with our SPG on Roof Extensions.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The extension would enlarge the existing dwellinghouse, creating an additional bedroom within the side extension. In land use terms the creation of a larger single family dwelling house is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

### 8.2 Townscape and Design

The property forms part of a wider terrace of comparable mews properties which collectively positively contribute to the character and appearance of the Belgravia Conservation Area.

Proposals also include the reconstruction of the single-storey side extension, which is of limited architectural or aesthetic quality, and a mansard. The additional storey will remain subservient to the main mews property, will be scarcely visible from street views and given its traditional design, would not appear at odds with its surroundings. In design terms the roof extension is not opposed.

In relation to the ground floor extension to the side wing, the additional volume will be barely discernible and the reserved contemporary elevation treatment appropriate for what is clearly a later extension.

Fenestration changes to the rear of the mews are of a minor nature and will not diminish the appearance of the building. The replacement of the existing windows with double glazed units is Permitted development.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

#### **Sunlight and Daylight**

Objections have been received from the adjoining residential occupiers at 140 Ebury Street and the Belgravia Society on the grounds that the proposals would result in a loss of daylight and sunlight to the adjoining properties (particularly 138 Ebury Street). Accordingly, the applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice" by P J Littlefair 2011.

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight. All the windows tested, at 1 Burton Mews, 37 to 41 South Eaton Place and 138 and 140 Ebury Street, are fully compliant with BRE guidance.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. All windows which face within 90 degrees of due south have been tested (138 and 140 Ebury Street) and found to be fully compliant with BRE guidance.

#### **Sense of Enclosure**

The adjoining residential occupiers at 140 Ebury Street have also objected on the grounds that the increase in height of the side extension would cause a sense of enclosure when viewed from their roof terrace at first floor level. However, as the proposed mansard extension would only project 0.7m above the parapet of the roof terrace, it is considered that this would not cause an unacceptable loss of amenity and it would not be sustainable to withhold planning permission for this reason.

**Privacy**

The adjoining residential occupiers at Flat 2 138 Ebury Street have requested that, in the interest of their privacy, the entirety of the rear bathroom window at first floor level of the main house be obscure glazed. The applicant has amended the proposals accordingly and this will be secured by condition. The dormer windows, on the proposed mansard, would be at an oblique angle to 139 South Eaton Place and are not considered to cause overlooking or a material loss of privacy to any of the adjacent properties

**8.4 Transportation/Parking**

The dwelling has no off street car parking spaces. It is not considered that the creation of a larger house would not have a material impact on traffic generation or on-street parking pressure in this area.

**8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

**8.6 Access**

The application does not propose any alteration to the existing means of access to this private residential dwelling.

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

The proposals involve the loss of a fig tree, which is regrettable as there will not be any space to replace it with the curtilage of the property. But the tree is a vigorous specimen, of below average form, and dominates what is already a small courtyard garden. It would not be reasonable to refuse planning permission on the basis of the loss of this specimen.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

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

**8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

**8.11 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a scheme of this size.

## 8.12 Other Issues

### Construction impact

Objections have been made in relation to the potential loss of parking and access to the private mews during construction. It is a requirement of the Town and Country Planning Act 1990 (as amended) and the NPPF that applications are determined in accordance with the development plan. Disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be disruptive. The extent of works are not significant enough to warrant a condition requiring a construction management plan, however the contractors are encouraged to become a member of the Considerate Constructors Scheme.

### Party Walls

A number of objections were received relating to the party walls, however party wall matters are subject to separate legislation are not a material planning consideration.

### Flat Roof

The Belgravia Society has objected to the possible use of the flat roof of the mews being used as an external terrace. A condition has been added to prevent the roof being used for sitting out or for any other purpose.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Belgravia Society dated 28 July 2016
3. Letter from occupier of Flat 2, 138 Ebury Street, dated 1 August 2016
4. Letter from occupier of 140 Ebury Street, London, dated 13 July 2016
5. Letter from occupier of 39 South Eaton Place, Belgravia, dated 1 July 2016
6. Letter from occupier of 8a Burton Mews, London, dated 2 August 2016

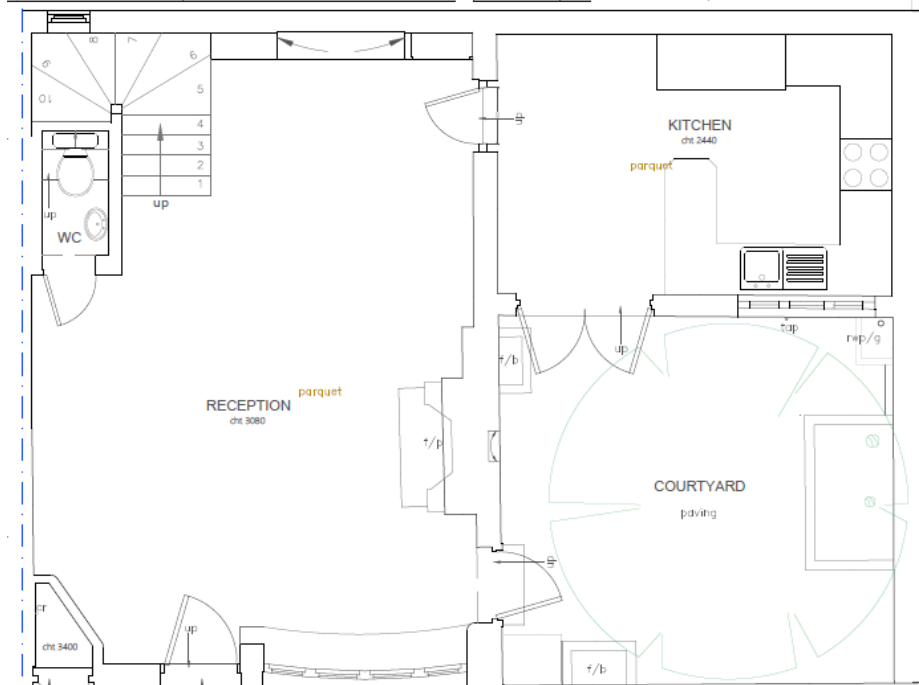
### Selected relevant drawings

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

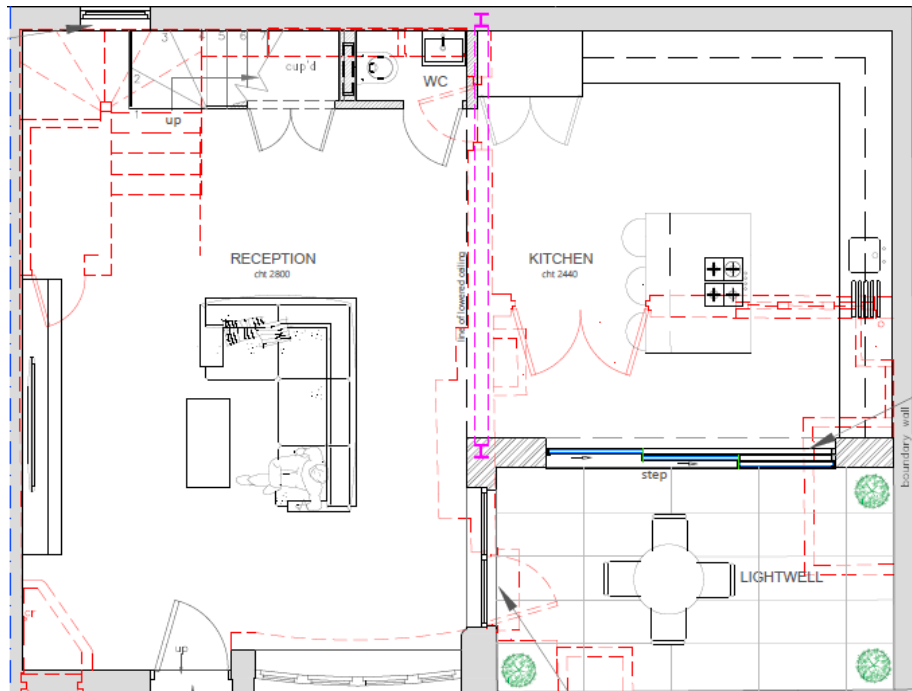
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [MMASON@WESTMINSTER.GOV.UK](mailto:MMASON@WESTMINSTER.GOV.UK)

10. KEY DRAWINGS

Existing Ground Floor Plan

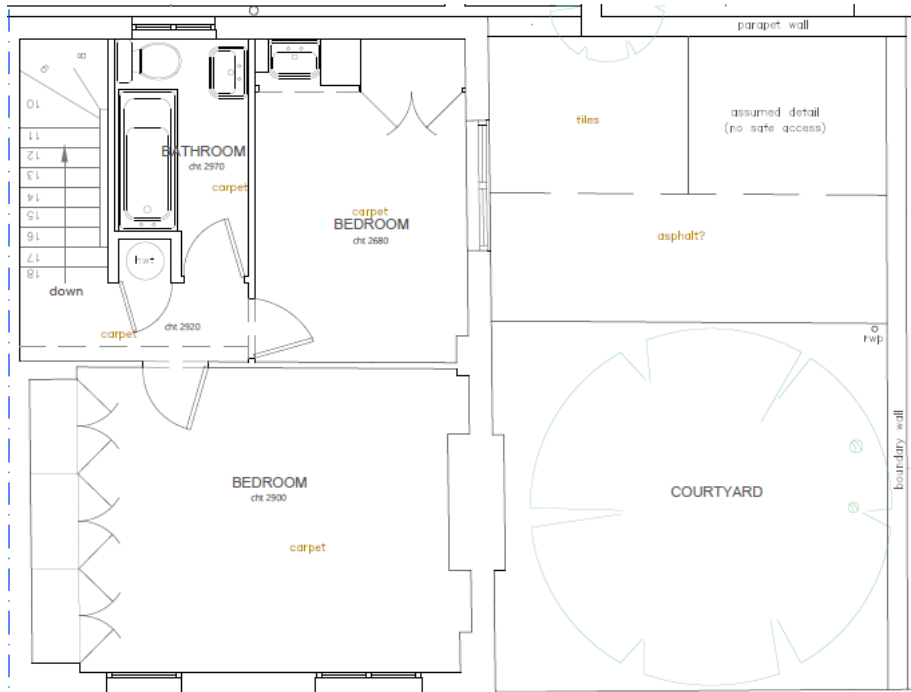


Proposed Ground Floor Plan

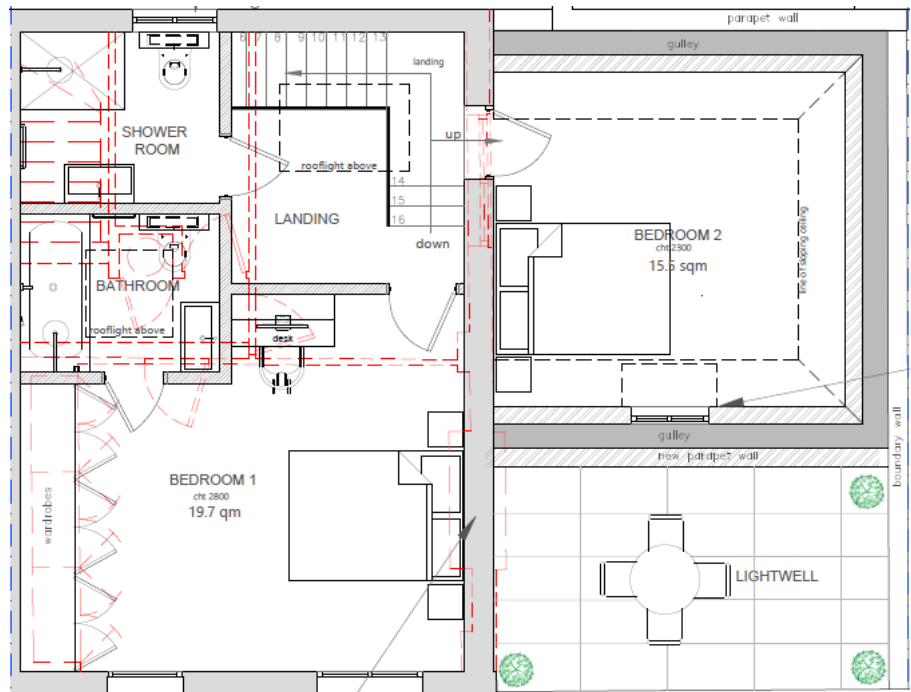




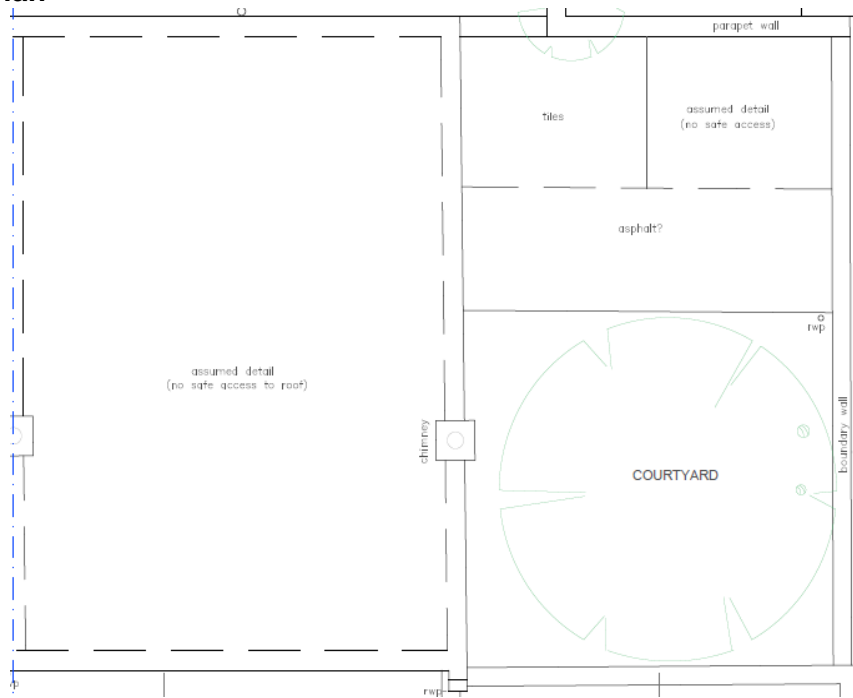
**Existing First Floor Plan**



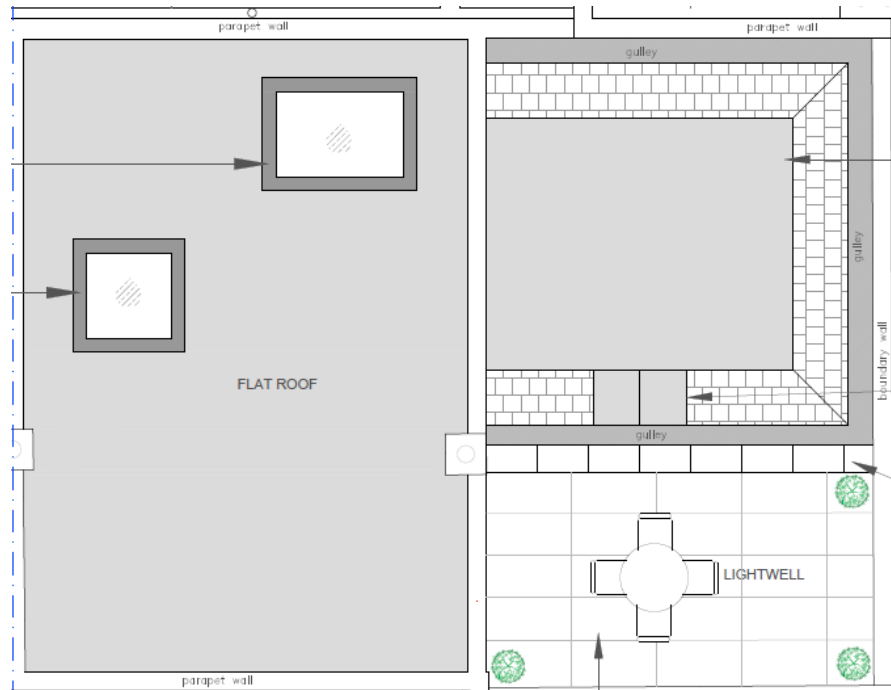
**Proposed First Floor Plan**



**Existing Roof Plan**



**Proposed Roof Plan**



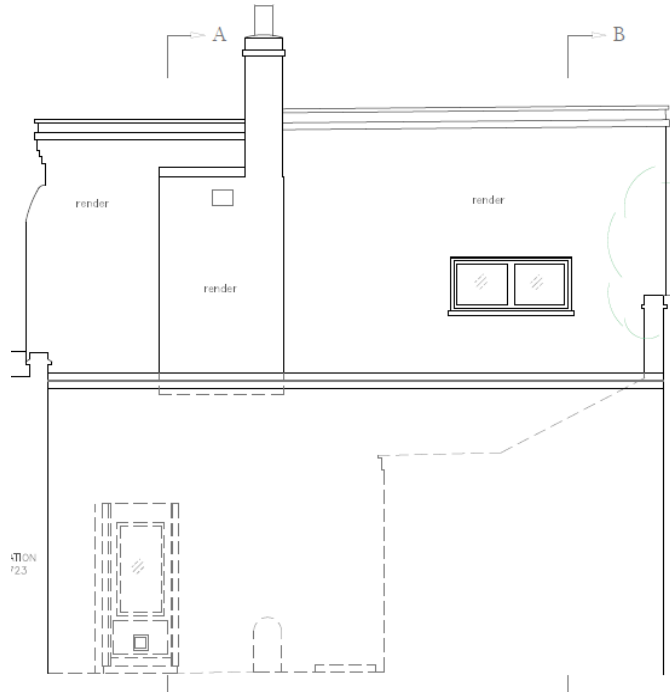
**Existing Front Elevation**



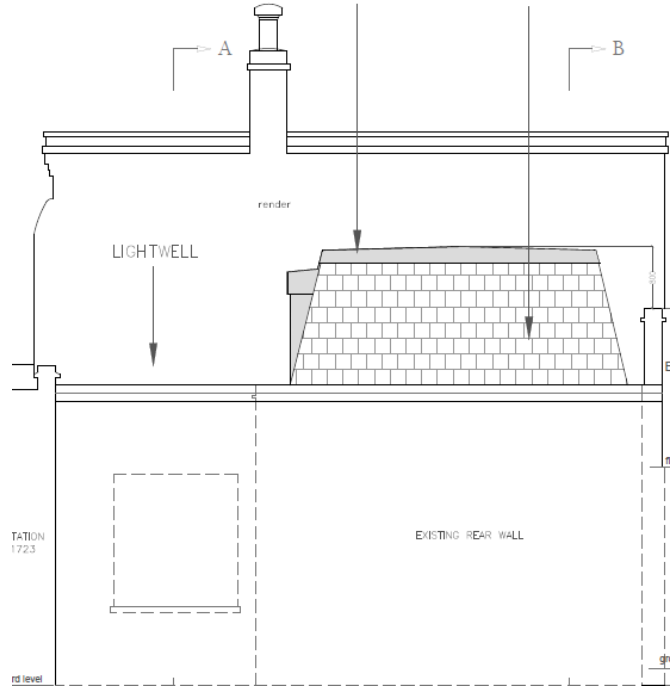
**Proposed Front Elevation**



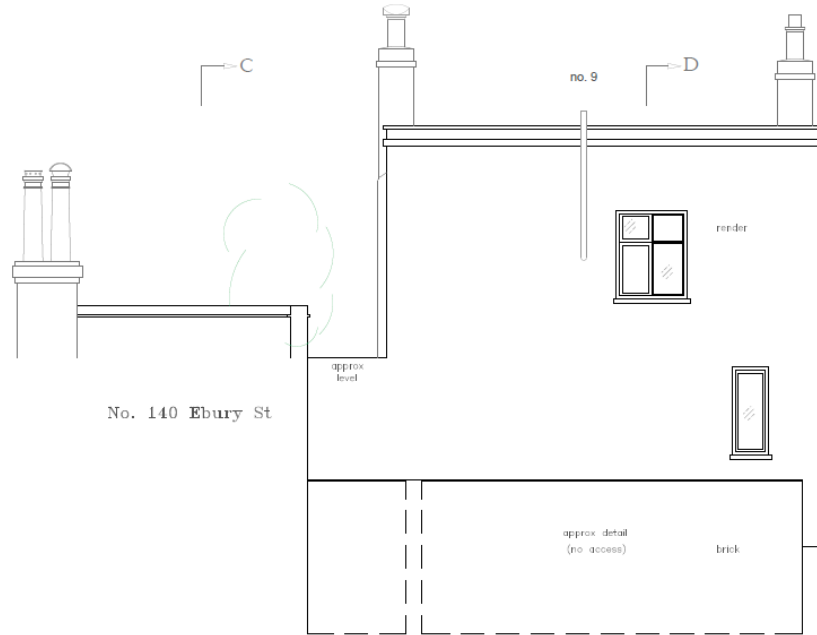
**Existing Flank Elevation**



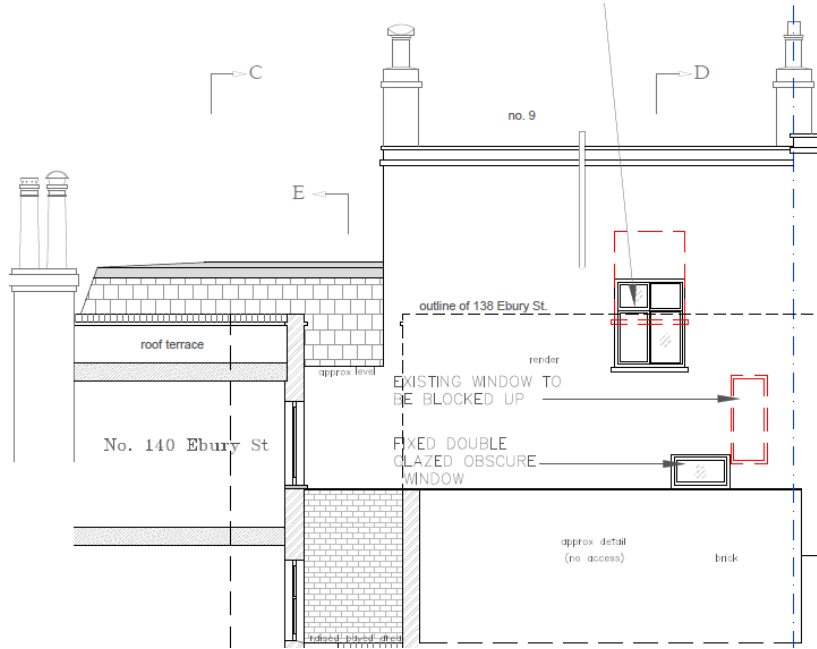
**Proposed Flank Elevation**

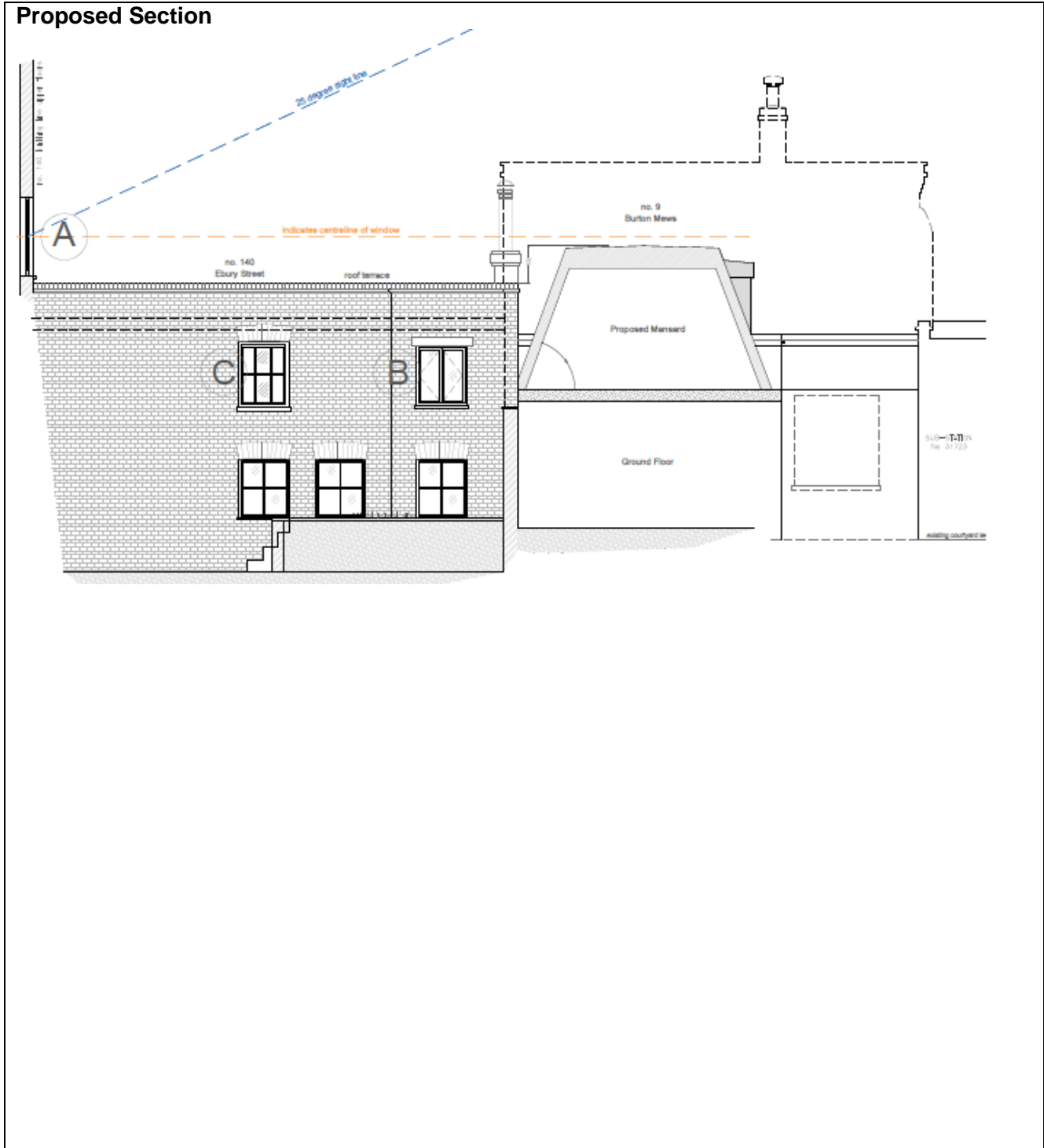


**Existing Rear Elevation**



**Proposed Rear Elevation**





**DRAFT DECISION LETTER**

**Address:** 9 Burton Mews, London, SW1W 9EP

**Proposal:** Erection of side extension at first floor level with mansard roof, demolition of flank wall, formation of roof lights and alterations to fenestration on front and rear elevations

**Reference:** 16/05457/FULL

**Plan Nos:** 15684/101 Rev.C; 15684/102 Rev.C; 15684/103 Rev.C; 15684/104 Rev.A;  
15684/105 Rev.A

For information purposes:

Daylight and Sunlight Study dated 15 September 2016; Planning, Design and Access Statement, Ref. DS/15684-1 dated June 2016.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The glass that you put in the windows on the rear elevation of the main mews property must not be clear glass, and you must fix them 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 parts 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, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 You must not use the roof of the building 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, as set out in S29 of Westminster's City Plan (July 2016) 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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You 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 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

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

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Item No.
5

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

## 1. RECOMMENDATION

Grant conditional planning permission

## 2. SUMMARY

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

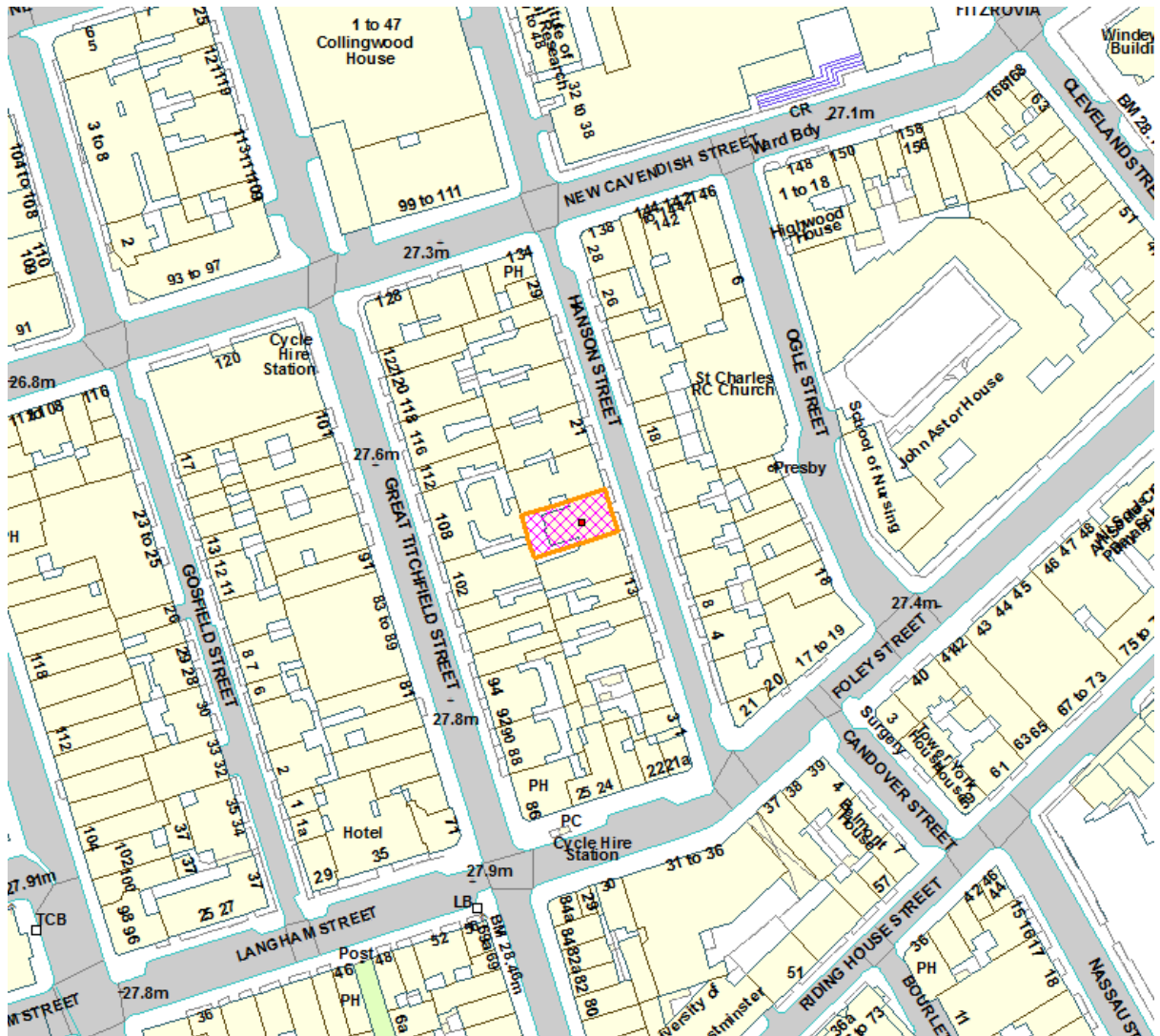
The key issues for consideration are:

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

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

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear yard/area



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date

### BUILDING CONTROL

No objection

### HIGHWAYS PLANNING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 7

No. of objections: 7

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

#### Amenity

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

#### Design

- Impact on the Conservation Area

#### Highways

- Impact of construction traffic on the highway

#### Construction Issues

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

#### Other

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

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

### **6.2 Recent Relevant History**

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

## **7. THE PROPOSAL**

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

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The increase in residential floorspace (43m<sup>2</sup>) is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan.

### **8.2 Townscape and Design**

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

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

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

### **8.3 Residential Amenity**

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

#### **Sunlight and Daylight**

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

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

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

#### **Sense of Enclosure**

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

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

#### **Loss of Garden Land**

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

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



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

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

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

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Not applicable

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

##### **Basement Development**

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

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of

ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The application has been assessed against Policy CM28.1 of the City Plan. To address the policy requirements, the applicant has provided a structural method statement explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

Building Control have assessed the report provided and consider that, the proposed construction methodology appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

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

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

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

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

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

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

Not applicable

### **8.12 Other Issues**

#### **Construction impact**

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

#### **Other Planning Considerations**

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

## **9. BACKGROUND PAPERS**

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

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

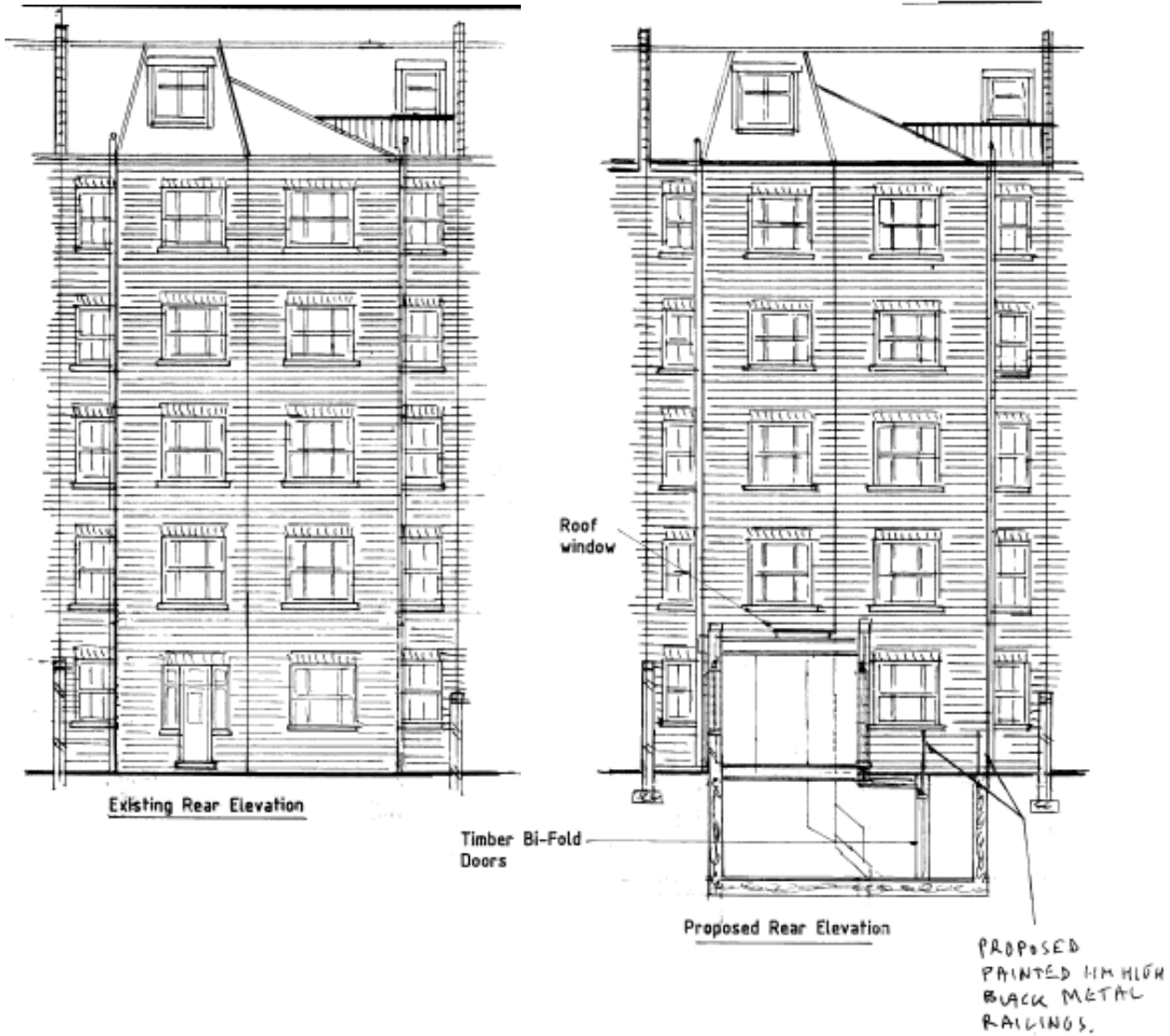
### **Selected relevant drawings**

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

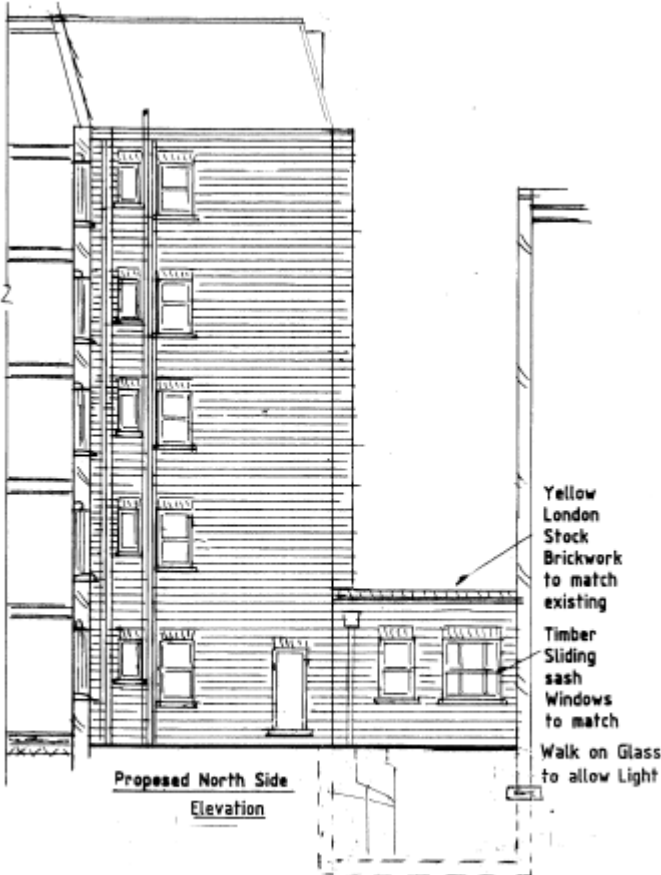
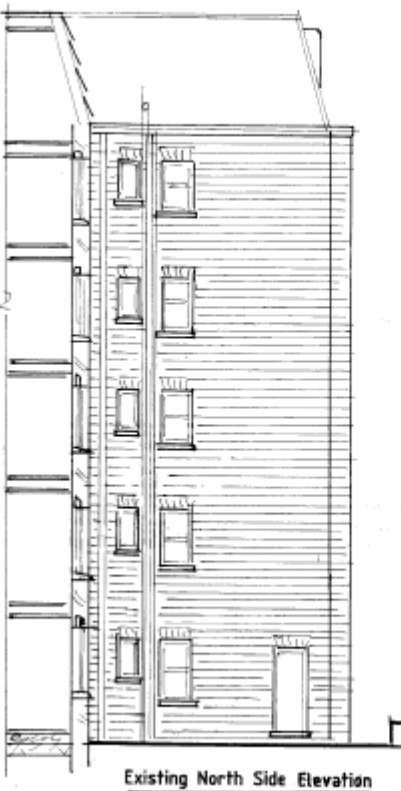
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: Jo Palmer BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

10. KEY DRAWINGS

Existing and Proposed Rear Elevation

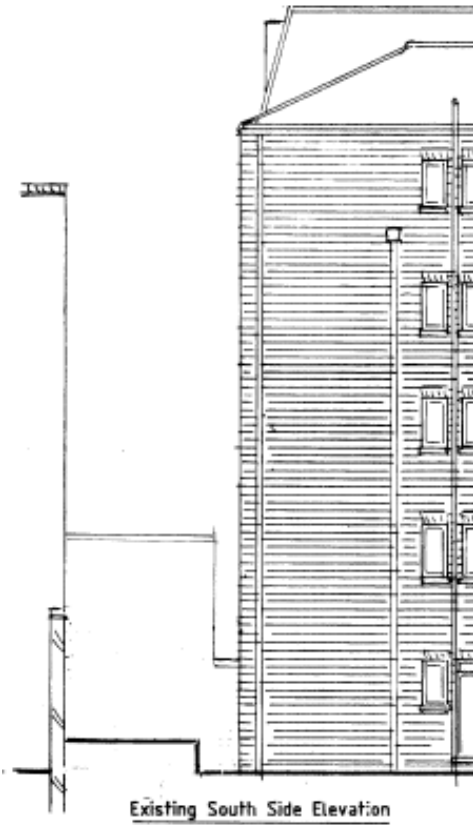


**Existing and Proposed North Side Elevation**

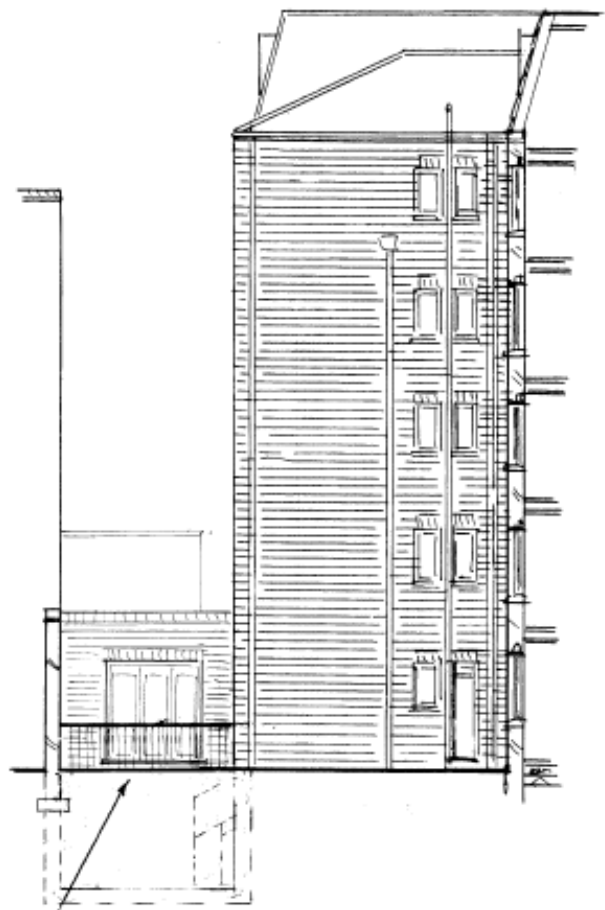


Yellow London Stock Brickwork to match existing  
Timber Sliding sash Windows to match  
Walk on Glass to allow Light

**Existing and Proposed South Side Elevations**



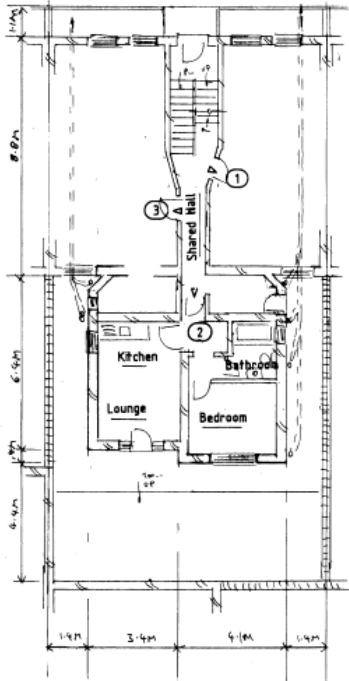
Existing South Side Elevation



Proposed South Side Elevation

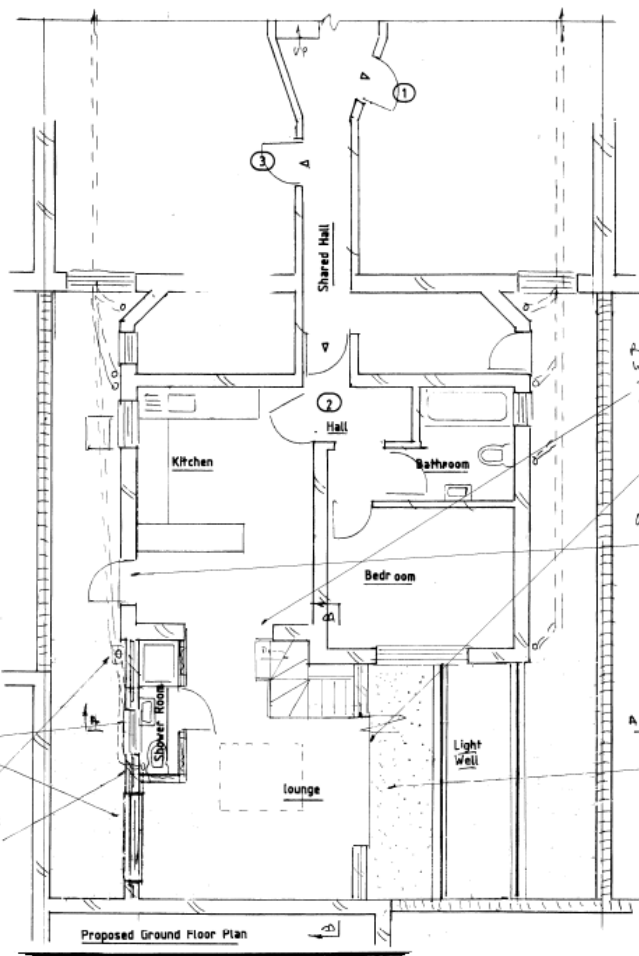
PROPOSED  
PAINTED 1M HIGH  
BLACK METAL  
RAILINGS.

### Existing and Proposed Lower Ground Floor Plans



Existing Ground Floor & Site Plan

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



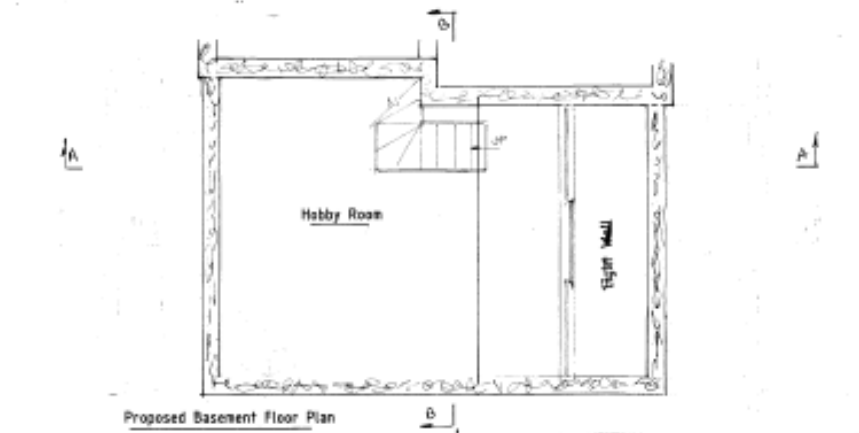
REMOVE EXISTING DOOR WINDOW & BRICK WORK TO GILL & RETAIN EXISTING CABLES.

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

0.8 X 2M HIGH DOOR WITH 203 X 203mm X 46 Kg/m<sup>2</sup> U.C OVER

Walk on Obscured Glass

### Proposed Basement Floor Plan





**DRAFT DECISION LETTER**

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

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

**Reference:** 16/01644/FULL

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

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

**Reason:**

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

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

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

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

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

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 All new windows and doors shall be formed in painted timber

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)