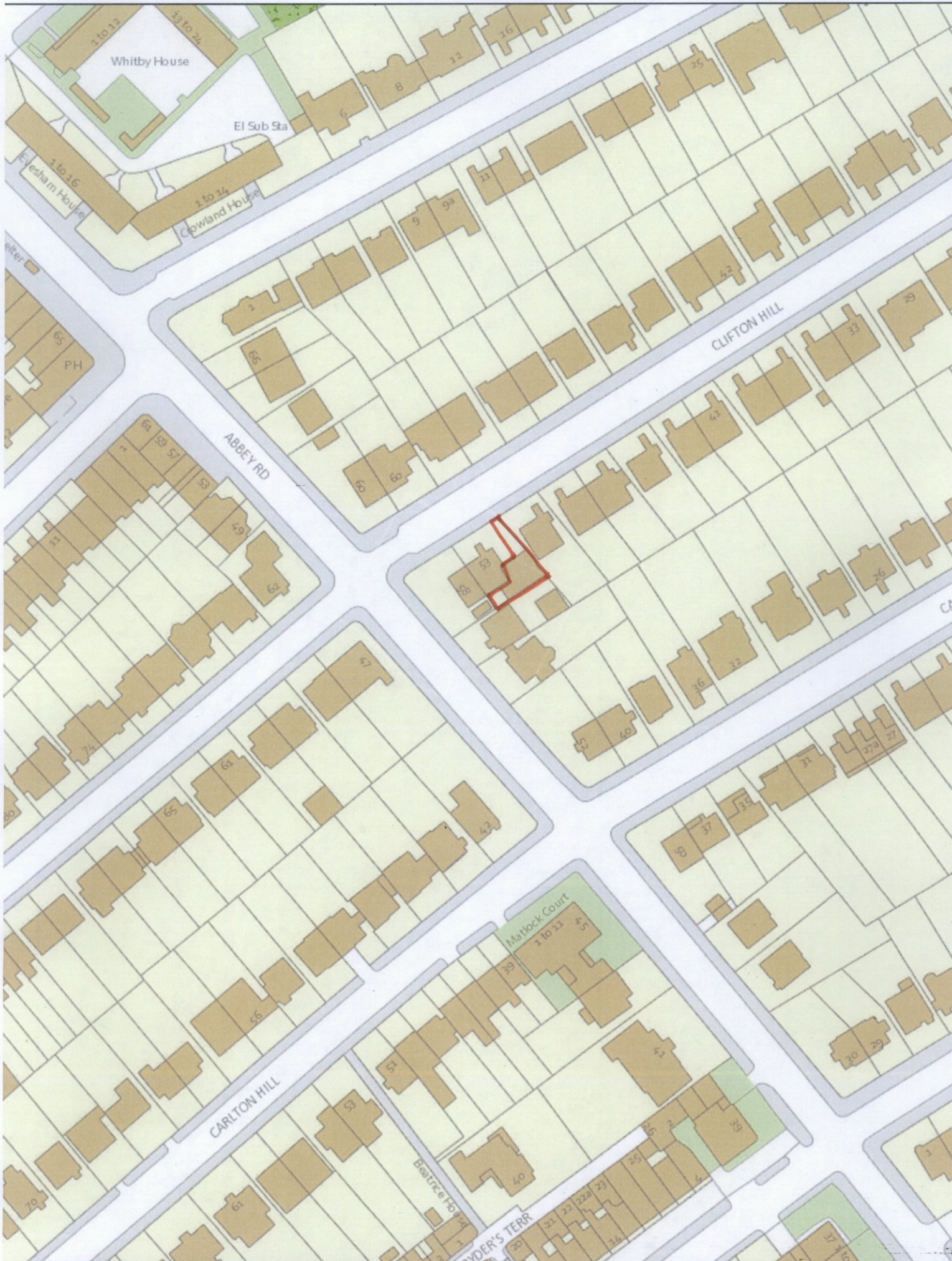


<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 1 December 2015	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Wards involved</b> Abbey Road	
<b>Subject of Report</b>	<b>53B Clifton Hill, London, NW8 0QE</b>		
<b>Proposal</b>	Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
<b>Agent</b>	Alastair Howe Architect		
<b>On behalf of</b>	Mr & Mrs Sam Green		
<b>Registered Number</b>	15/01668/FULL	<b>TP / PP No</b>	TP/12048
<b>Date of Application</b>	24.02.2015	<b>Date amended/ completed</b>	09.10.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

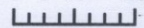
Grant conditional permission.



N



0 5 10 20 Metres





Front elevation (top) and rear elevation from No.56 Abbey Road (bottom).

53B CLIFTON HILL, NW8

## 2. SUMMARY

This application was reported to the Planning Applications Committee on 6 October 2015. At that meeting, the Committee resolved to defer a decision on the application to allow the applicant to remove the glazing on the rear elevation as the Committee considered that this glazing would have an adverse impact on the amenity of the occupiers of No.56 Abbey Road. The applicant was also advised that the Committee was likely to accept the provision of three rooflights if the application drawings were revised to show these rooflights, which have already been installed on site.

In response to the reasons for deferral of the decision, the applicant has amended the drawings to show the three rooflights to the rear roofslope of the building that have been installed on site. In terms of the dormer windows to the rear, the applicant has declined to remove the glazing to the proposed rear dormer and instead has re-stated that this glazing will be 'opaque glass panels'. The applicant advises that the opaque glass panels proposed '...are now completely obscured (no light in or out)'. The applicant considers that this would alleviate concerns regarding light spill.

In this context, the application is being reported back for the Committee's further consideration of the applicant's response to the earlier reasons for deferral.

## 3. CONSULTATIONS

### ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 6 OCTOBER 2015

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

One letter received raising objection on all or some of the following grounds:

- What has been built on site is a permanent structure and not a mock up. These works are unauthorised.
- Applicant has provided false promises in respect of the size of the dormer.
- Committee report for 6 October 2015 committee meeting does not cover all material considerations.
- Revised drawings do not address the initially raised concerns of occupiers of No.56 Abbey Road.

### CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 6 OCTOBER 2015 - AMENDMENT TO ADD TWO ROOFLIGHTS AND CONFIRM WINDOWS IN DORMER WILL BE OPAQUE GLAZED (OCTOBER 2015)

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 11; Total No. of Replies: 1.

One letter from the occupier of No.56 Abbey Road raising objection on the following grounds:

- All reasons specified in the previous objections remain valid and revised design does not address these.
- Revised drawings do not address the requirements of the Committee resolution.
- Ask that the drawings submitted show dimensions of the proposed dormer.
- Revised drawings are less informative than those previously submitted.
- Email on behalf of applicant dated 9 October 2015 should be disregarded.
- Note that the dormer that has been built on site is larger than that for which permission is sought and believe internal floor level is higher than shown on submitted drawings.
- Not convinced applicant will comply with the City Council's decision on this application.

**BACKGROUND PAPERS**

1. Representations and report to Planning Applications Committee on 30 June 2015 and 6 October 2015.

**ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE 6 OCTOBER 2015 COMMITTEE**

2. Letter from the occupier of 56 Abbey Road dated 1 October 2015.

**REPRESENTATIONS RECEIVED FOLLOWING DEFERRAL OF APPLICATION ON 6 OCTOBER 2015 IN RESPONSE TO RECONSULTATION ON REVISIONS**

3. Letter from the occupier of 56 Abbey Road dated 15 November 2015.

4. Email on behalf of the applicant dated 9 October 2015.

5. Email on behalf of the applicant dated 16 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

**Planning Applications Committee (2)  
6 October 2015**

**6 53B CLIFTON HILL, NW8**

Erection of dormer and rooflight to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

An additional representation was received from Petr Medvedev (01.10.2015).

The presenting officer tabled the following conditions and an informative in the draft decision letter:

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

Reason:

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

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

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

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

Reason:

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

3. The windows must be timber-framed and painted white. They must then be maintained that colour.

Reason:

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

4. The roof must be covered in natural slate with the exception of the lower rear roof slope which must be covered in zinc.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November

2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5. You must apply to us for approval of samples of the following parts of the development:

- (i) the natural slate for the pitched roof;
- (ii) zinc cladding for the rear roof.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved samples. (C26DB)

Reason:

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

6. The rooflights in the front and rear roof slope must be "Conservation style" rooflights.

Reason:

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

7. The windows in the rear dormer must be obscure glazed. A sample of the obscure glass shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development. The dormer windows shall also be fitted with restrictors to limit the extent of opening. Details of the restrictors and size of the opening shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development.

Reason:

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

**Informative(s):**

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

**RESOLVED:**

That the application be deferred to allow the applicant to remove the glazing on the rear elevation on amenity grounds and to inform the applicant that the rooflights already constructed are considered acceptable.



# APPENDIX

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 6 October 2015	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Wards involved</b> Abbey Road	
<b>Subject of Report</b>	<b>53B Clifton Hill, London, NW8 0QE</b>		
<b>Proposal</b>	Erection of dormer and rooflight to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
<b>Agent</b>	Alastair Howe Architect		
<b>On behalf of</b>	Mr & Mrs Sam Green		
<b>Registered Number</b>	15/01668/FULL	<b>TP / PP No</b>	TP/12048
<b>Date of Application</b>	24.02.2015	<b>Date amended/ completed</b>	24.07.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	No. 53 Grade II Listed Building		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application which seeks permission for the erection of a dormer and one rooflight to rear roof slope, installation of new rooflights to the front roof slope and alterations to the front elevation was reported to the Planning Applications Committee on 30 June 2015. The Committee resolved to defer the application to enable the applicant to consider revisions to the dormer windows on the boundary of the site with No.56 Abbey Road to address the Committee's concerns that the dormer would be un-neighbourly and give rise to an increased sense of enclosure and perceived sense of being overlooked for occupiers of this neighbouring property.

Since the Planning Applications Committee on 30 June 2015 the applicant has revised the scheme as follows in response to the Committee's resolution:

- (i) The rear dormer has been set back from the eaves of the rear roof slope by 550mm to either side of the central glazed section, which is set back by 250mm (previously the set back across the entire length of the dormer was 250mm).
- (ii) A conservation rooflight has been added to the rear roofslope above the rear dormer.
- (iii) The drawings have been annotated to make clear that the rear dormer windows will be fitted with opaque glass.

The form and detailed design of the revised dormer window is similar to that previously considered by the Committee in June 2015. The amendments to address the Committee's amenity concerns have resulted in the dormer being set back further from the existing roof edges and rear elevation, which forms the boundary with the garden of No.56 Abbey Road and as such, following revision the dormer would become slightly more recessive than was initially proposed. The objector has queried the height of the revised dormer above the garden wall of No.56 Abbey Road; however, this would be no higher than previously proposed; namely 900mm. The additional conservation rooflight set within the rear roof slope is not objectionable in design terms. In this context, it is not considered that permission could reasonably be withheld on the design grounds for objection that have been raised in response to consultation on the revised scheme.

The Committee's previous concerns were principally concerned with the impact the proposed dormer would have on the occupiers of No.56 Abbey Road in terms of increased sense of enclosure and overlooking. The revisions to the scheme, set out in detail earlier in this report have set the dormer windows further back from the roof edge at the boundary with No.56 Abbey Road, by approximately 300mm either side of a projecting central section of the dormer. Additionally the applicant has now confirmed by annotation of the drawings that the dormer windows will be obscure glazed. A condition is recommended requiring the windows to be obscure glazed and fitted with restrictors to prevent overlooking towards the windows and rear garden of No.56 Abbey Road. The occupiers of No.56 Abbey Road do not consider the amendments to have overcome their amenity concerns and their representations in relation to the revised scheme are summarised in this report with the full copy of their letter included in the background papers. However, notwithstanding these sustained objections, it is considered that the recommended condition would ensure that the proposed rear dormer would not give rise to an unacceptable loss of amenity for the occupiers of No.56 Abbey Road.

Concern has been raised in response to consultation on the revised scheme that works are being undertaken on the application site without the benefit of planning permission. These matters have been reported to the Planning Enforcement Team and they are in the process of investigating these alleged breaches of planning control.

### 3. CONSULTATIONS

#### ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 30 JUNE 2015

##### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

2 emails/ letters received raising objection on all or some of the following grounds:

- The report fails to acknowledge previous application 12/01980/FULL and 12/02006/LBC involving 'Extension of time for the commencement of development granted on 5 March 2009 (extant permission 08/04431) for demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level'. Its refusal is a material consideration.
- The report incorrectly refers to the height of the dormer above the boundary wall of 500mm.
- Report does not address the loss of skyline when viewed from the ground floor conservatory and annex. This point was made extensively in initial representations.
- Request that the draft condition requiring opaque glass to be changed so that it is also opaque and does not allow interior lighting to be seen externally to prevent light pollution.
- Committee report recommends restrictors to be fixed to the windows however this was not included in the draft decision notice.
- Concerned that construction works have commenced on site without planning permission. No survey or party wall and it is understood from conveyance report there was an uncertainty/ dispute regarding this matter that still remains unresolved. If this matter is outside of the Councils controls guidance from the Council as to which of Westminster's authorities should be contacted is requested.

#### CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 30 JUNE 2015 - AMENDMENT TO REAR DORMER AND ADDITIONAL ROOFLIGHT (AUGUST 2015)

##### ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

##### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 10; Total No. of Replies: 1.

One email from the occupier of No.56 Abbey Road raising objection on the following grounds:

##### Design

- All reasons specified in the previous objections remain valid and revised design does not address these.
- Poor design and choice of materials. Partial zinc covering does not respect character of Conservation Area.
- Proposed alterations are not in keeping with existing urban grain of this part of St John's Wood.

##### Amenity

- Proposed dormer reduces the amount of visible sky thus reducing the quality of living space.

##### Other Matters

- Sceptical that conditions requiring glass to be opaque will be adhered with. This is due to construction works being undertaken presently without buildings regulations approval, planning approval, and boundary wall agreements. Photographs supplied.

- Design of the roof being erected presently is not in compliance with revised drawings as per letter of 14 August 2015.
- Lack of clarity of the drawings still. Dormer appears to be 1.2m above height of rear wall compared to 900mm in scheme considered by the Committee 30 June 2015 so is taller.
- Revised drawings do not include details of west elevation containing the existing window, even though works are evidently being carried out in relation to this window facing No. 53 Clifton Hill.
- No fire escape route planned.

Letter received from the applicant in support of the application, which makes the following observations:

- Acknowledge the objections received from adjoining occupiers.
- Confirm that works have been undertaken involving the removal of the roof which does not require planning permission.
- Note that they intend to erect a "mock up" of the dormer for parties to see and invite the case officer and adjoining occupiers to come and view the mock up to understand the impact.

## BACKGROUND PAPERS

1. Representations as report to the Planning Applications Committee on 30 June 2015.
2. ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE 30 JUNE 2015 COMMITTEE
3. Emails (x3) from occupier of 56 Abbey Road dated 12 June and 30 June 2015 and email responses from the case officer.
4. Email on behalf of the occupier of 56 Abbey Road dated 29 June 2015.
5. Historic email received by Westminster Council requesting the withdrawal of their 2012 applications RN:12/01980/FULL and 12/02006/LBC dated 3 April 2014.
6. REPRESENTATIONS RECEIVED FOLLOWING DEFERRAL OF APPLICATION ON 30 JUNE 2015 IN RESPONSE TO RECONSULTATION ON REVISIONS
7. Email from the occupier of 56 Abbey Road dated 28 June 2015, including attached letter and photographs.
8. Letter from the owners of 53B Clifton Hill (the applicants) dated 8 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

RESOLUTION

**Planning Applications Committee Minute – 30 June 2015**

**ITEM 353B CLIFTON HILL, NW8**

*Erection of dormer to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.*

Late representations were received from Petr Medvedev (29.06.15 and 30.06.15) and Robert Bullock (29.06.15).

**RESOLVED:**

That the application be deferred, to enable the applicant to consider revisions to the dormer windows on the boundary.

# APPENDIX

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 June 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Abbey Road		
<b>Subject of Report</b>	<b>53B Clifton Hill, London, NW8 0QE</b>		
<b>Proposal</b>	Erection of dormer to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.		
<b>Agent</b>	Alastair Howe Architect		
<b>On behalf of</b>	Mr & Mrs Sam Green		
<b>Registered Number</b>	15/01668/FULL	<b>TP / PP No</b>	TP/12048
<b>Date of Application</b>	24.02.2015	<b>Date amended/ completed</b>	24.02.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	No. 53 Grade II Listed Building		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.

Item No.
3

## 2. SUMMARY

This application was due to be considered by Committee on 2 June 2015 but was withdrawn from the agenda by officers in the light of late representations received. This application relates to a full width rear dormer window to this two storey house which is attached to the Grade II listed house at No. 53 Clifton Hill. Other alterations include three new rooflights to the front slope and relocating the front door and new window.

Objections have been received from neighbours on the grounds that the rear dormer will result in loss of privacy, loss of light and enclosure, and out of keeping with the existing building and conservation area. Objections also raised to alterations to the front of the building on design and land ownership grounds.

The main issues are:

- The impact on adjoining residents' amenities.
- The impact on the appearance of this building, the setting of the adjoining listed buildings and on this part of the St John's Wood Conservation Area.

The principle of adding a rear dormer (which included a small recessed external terrace) has been previously agreed by the City Council in 2009 when permission was granted for a new house, albeit this permission has now lapsed.

In design terms, the proposed dormer and external alterations are considered acceptable. It is recognised that the location of the rear dormer on the garden boundary (which is not a good neighbour) with No. 56 Abbey Road has the potential to cause overlooking, but it is recommended that a condition be imposed to ensure the use of obscure glazing to the windows in the dormer. It is not considered that the proposal will result in such a material loss of light or increased sense of enclosure to neighbouring houses or gardens to warrant refusal of permission.

## 3. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 10; Total No. of Replies: 5.

Five objections received from Nos. 51 and 53 Clifton Hill and No. 56 Abbey Road.

### Land Use

- Creating a three bedroom house fails to comply with the Mayor's space standards. The proposal seeks to increase the property into a three double bedroom house with less living space and without complying with internal space standards or outdoor amenity space.

### Amenity

- Dormer windows would result in overlooking, and perceived overlooking, of neighbouring properties given windows are located in close proximity to boundary.
- Conservatory which dormer faces at No. 56 Abbey Road now contains a kitchen compared to the 2009 permission where the conservatory was not a main habitable room.
- Development would result in daylight/sunlight deficiencies for adjoining properties. The Council should request that the applicant submit a BRE Daylight analysis as officers have made a finger in the air judgement.

Item No.
3

- Proposal will result in loss of light and overshadowing to the small rear yard of No. 53 which is their only outside space. Loss of light to rear facing windows at first floor to No. 53.
- Report fails to address the objections made by No. 56 to loss of skyline.
- Request more updated and detailed plans be provided.
- Request that if opaque glass is a condition, the glass should not allow any interior lighting to be seen externally to address light pollution to the upper floors of No. 56. The draft decision letter does not include a condition to impose restrictors to be fitted to the dormer windows.

#### Design

- The application has failed to explain how it has been considered in terms of the conservation area or listed buildings context. The proposed changes alter the existing subservient relationship to the main house.
- Construction of windows on the boundary is a poor design.
- Alterations to the fenestration of the front elevation disrupts the subservient relationship between the host building, No. 53 Clifton Hill, and the application site.
- Proposal fails to comply with Policies DES 1, DES 5 and DES 6 in the UDP.

#### Other Matters

- Relocated door on front elevation results in access over land which is not in the application site demise and is impractical - applicant has no legal right of access.
- Section AA and proposed east elevation show different roof height in relation to host building (No. 53) therefore it is difficult to assess impact and the Committee report dated 2 June 2015 fails to consider this.
- Question how construction works will take place given it is such a tight site.
- No Construction Method Statement provided.
- The Committee report in the Planning History section is mute that an application to extend the 2009 permission was denied by the Council.
- Report is incorrect in relation to the increase in height and this needs to be corrected.
- Construction works have already started on site.

ADVERTISEMENT/SITE NOTICE: Yes

ADDITIONAL INFORMATION RECEIVED

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 3; Total No. of Replies: 0.

A 14 day consultation letter has been sent out and any responses received will be reported verbally to Committee.

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The application site at 53B Clifton Hill is a converted former coach house/garage which is currently in use as a single family dwelling. It comprises open plan accommodation on the ground floor with two bedrooms in the roof space. Although the building is not listed, it is physically attached to the Grade II listed building at No. 53 Clifton Hill and is also within the St John's Wood Conservation Area.



Item No.
3

## 4.2 Planning History

Planning permission and listed building consent were granted on 5 March 2009 for the demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level.

This permission resulted in a new dwelling that mirrored the form of the existing building and incorporated a new rear dormer. The approved drawings indicated that the windows in the rear dormer (serving a bedroom and shower room) would be fitted with translucent glass (which was conditioned). The plans also indicated a small recessed terrace as part of the new dormer. These approvals have now expired but are material considerations in the determination of this latest planning application, albeit the weight which can be attached is less.

Applications were submitted in 2012 for an extension of time of the 2009 planning permission and listed building consent for a new house, but were withdrawn by the applicant.

## 5. THE PROPOSAL

Permission is sought for the erection of a full width rear dormer. It will be 0.9m above the height of the existing garden wall parapet, 8.1m in length and 1.2m below the apex of the roof. Other alterations include the installation of three 'conservation' rooflights to front roof slope and alterations to front elevation which include new window and repositioning the front door. Internally it is proposed to lower the first floor level in the rear part of the house.

This application was due to be considered by Committee on 2 June 2015. In the light of late representations received regarding the accuracy of the submitted drawings and land ownership, the application was withdrawn by officers from the agenda.

As a result, the agent submitted additional drawings, and confirms that the apex to the roof is not changing height. There is a difference between the east elevation and the section due to the fact that this elevation forms a parapet which is significantly higher than the roof itself as examination of the north and south elevations and the submitted photographs show.

The applicant has confirmed that the location plan submitted with the application is correct according to the land registry. There is a strip of land in front of the north elevation which is in the applicant's ownership, and the applicant states that the proposed front door location does not require access over land not in the ownership of the applicant. The objectors have been consulted on these additional changes and any responses received will be reported verbally to Committee.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The works are proposed in connection with the creation of more internal floor area in connection with the existing single dwelling. There are no objections therefore in land use terms. An objection has been received that the resulting three bedroom house fails to meet the Mayor's space standards and has no outdoor amenity space. This proposal is for an extension to an existing house rather than a new build or conversion and therefore it would be unreasonable for the Council to refuse permission on these grounds.

## 6.2 Townscape and Design

The existing building has the appearance of a converted garage as it is clearly subordinate to the attached listed house at 53 Clifton Hill. The proposed external alterations would consist of a full width dormer with a zinc covered roof that is located on the rear roof slope. The height of the dormer would be 500mm above the back rear wall. The form would be similar to that which was granted in 2009, albeit its detailed design is now different.

Objections have been raised on the grounds that the full width dormer would not be in keeping with the character of the area and that the party wall upstand be visible from Abbey Road. It is acknowledged that the party wall upstand will be visible from public views from Abbey Road and the dormers will be visible from private views from adjoining houses and gardens. Nevertheless, the proposal is not considered to materially harm the special architectural and historic interest of the adjoining Grade II listed houses and preserve the character and appearance of this part of the St John's Wood Conservation Area.

In terms of the front alterations, these consist of reorganization of the fenestration and relocation of the door. The objector from No. 53 states these alterations increase the prominence of No. 53B to the detriment of the historically subservient relationship between the converted garage and host building at No. 53. These comments are acknowledged, however, this relationship is not considered to be altered to an extent which would disrupt the hierarchy of the two buildings or harm the special architectural and historic interest of the main building.

An objection has been raised that the applicant has not provided a Heritage Statement explaining the alterations within the conservation area and listed building setting. The agent subsequently provided a Design and Access Statement at the request of officers. It describes the proposed alterations but does not expand on the rationale in terms of the impact upon the surrounding heritage assets, other than explaining that the proposed materials consisting of zinc roof and powder coated aluminum windows are of good quality with an attractive appearance that would take account of the adjoining buildings. It is acknowledged that the supporting statement is brief in its consideration of the neighbouring context. Notwithstanding this, the impact on the special architectural and historic interest on the adjoining listed buildings and the wider conservation area has been fully assessed on site by officers.

The proposals therefore comply with Policies S25 and S28 in the City Plan and DES1, DES5, DES6, DES9 and DES10 in the UDP.

## 6.3 Residential Amenity (Light /Enclosure and Privacy)

### Loss of light

The adjoining neighbours all object on grounds that the proposal will result in daylight/sunlight deficiencies at their respective properties and request that the Council insist that the applicant submit a detailed analysis using the BRE guidelines. It is not considered that such a detailed report is required in this instance as the proposal has been assessed by officers on site.

With regard to No. 56 Abbey Road, given that the application site lies to the north of the objector's property, in accordance with the BRE guidelines, a sunlight test is not required. In terms of daylight, it is acknowledged by the previous decision that the increase in height is likely to lead to a reduction in daylight to the annexe and conservatory. However, this property is a single family dwelling with well-lit rooms to the majority of the house whilst the annexe is dual aspect with windows facing north and west. Furthermore, the conservatory where the kitchen is now located lies in front of the dormer for less than half of its length. It is not considered therefore that a small reduction in daylight to the north facing windows to the studio annexe and a small portion of the kitchen would be material.

With regard to the courtyard at No. 53 Clifton Hill, it is acknowledged that this area is sensitive given the existing enclosed character due to the flank wall of the application site and garden wall of No. 56 Abbey Gardens. In terms of daylight, there will be some loss, but again not so severe to justify refusal of permission. In terms of sunlight, given the sunken nature of the courtyard already, the proposed dormer is not likely to interfere with sunlight in this location. There may be some minor impact upon the rear elevation in the morning, however, the rear elevation has a south east orientation with windows on the upper floors that would remain well sunlit, which, in accordance with the BRE guide, is an indication of a reasonably sunlit building.

With regard to No. 51 Clifton Hill, given that the rear elevation of the application site is approximately 5m forward of the rear facade of No. 51 Clifton Hill, the impact of the dormer upon daylight and sunlight levels is considered to be negligible. Furthermore, the rear elevation of No. 51 also has a south east orientation with windows across three floors that would continue to receive good levels of sunlight.

#### Sense of Enclosure

It is recognised that the rear dormer, because of its size and location, will result in an increased sense of enclosure to the rear garden of No. 53 Abbey Road and affect outlook from the studio annexe. There will also be an increase in the sense of enclosure to the occupiers at No. 53 and No. 51 Clifton Hill, but again the loss of amenity is not considered to be so severe to warrant the refusal of permission.

#### Overlooking

Objections have been received on overlooking grounds from No. 56 Abbey Road, whose garden directly abuts the rear wall of the application property, and similar concerns have been raised by No. 51 Clifton Hill.

With regards to No. 56 the objector has a kitchen conservatory which has a direct view of the rear elevation of the application site. Both objectors are concerned that their properties will be overlooked from the proposed windows in the rear dormer, the former also citing a perceived overlooking.

The proposed windows in the dormer are 1.6m above floor level of No. 53B which may limit direct views into neighbouring houses and gardens, however, given the dormer is located on the boundary, the concerns of the neighbours are well understood.

It is recommended that a condition be imposed to ensure that these windows are obscure glazed and given they serve two bedrooms and a shower, it is recommended that restrictors be fitted to limit the degree which these windows can open. The applicant has confirmed that these windows open inwards.

An objector requested that the windows be obscure glazed to prevent any internal light to be visible from neighbouring properties. It is not considered that the proposal would result in unacceptable light pollution to neighbours, and it is considered that the use of obscure glazing and restrictors are reasonable in the circumstances.

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

Not relevant in the determination of this householder application.

Item No.
3

#### **6.5 Equalities and Diversities (including Disabled Access)**

The proposal is not considered to raise equality and diversity issues.

#### **6.6 Economic Considerations**

The proposal does not raise specific economic considerations.

#### **6.7 Other UDP and Policy Considerations**

The proposal raises no additional policy issues.

#### **6.8 London Plan**

The proposal raises no London Plan issues.

#### **6.9 National Policy Considerations**

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

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

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

#### **6.10 Planning Obligations**

The proposal is not of sufficient scale to require a planning obligation.

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

The proposal is not of sufficient scale to require a planning obligation.

#### **6.12 Other Matters**

Representations from No. 53 highlight that the repositioned front door will align with the driveway of No. 53 over which the owner/occupiers of No. 53B have no legal right of way. This, however, is a private matter and is not a material planning consideration that could form grounds for withholding planning permission.

Objectors have stated there are discrepancies in the plans that have made it difficult to assess. Officers have visited the site, and adjoining sites of No. 53 Clifton Hill and No. 56 Abbey Gardens, and have been able to clearly see the proposal within the context of the site.

Revised plans were submitted at the request of officers to better demonstrate any differences in height that are proposed. The east (side) elevation indicates with a dashed line the pitch of the existing roof and proposed dormer. The two solid lines show the existing parapet line which is raised at the party wall to accommodate the dormer behind it. The dormer rises above the garden wall by 900mm. This is the same as was proposed in the 2009 permission. The plans therefore are considered to be legible and accurate for the purposes of determining the application.

Given this is a household application, there is no need for the Council to insist that a Construction Management Plan is submitted.

## 7. CONCLUSION

The proposal is acceptable in design and amenity terms and is recommended for approval.

## BACKGROUND PAPERS

1. Application form.
2. Letter from agent on behalf of occupier of 53 Clifton Hill London NW8 dated 26 March 2015.
3. Letter from agent on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
4. Email from agent on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
5. Letter from Barrister on behalf of occupier of 56 Abbey Road London NW8 dated 24 March 2015.
6. Letter from agent on behalf of occupier of 51 Clifton Hill London NW8 dated 24 March 2015.
7. Letter from agents acting on behalf of 53 Clifton Hill c/o Smith Jenkins 30 A High Street Stoney Stratford Milton Keynes dated 2 June 2015.
8. Email from 56 Abbey Road, London NW8 dated 11 June 2015.
9. Copy of 2009 permission and plans.

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

**DRAFT DECISION LETTER**

**Address:** 53B Clifton Hill, London, NW8 0QE

**Proposal:** Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

**Plan Nos:** Letter from DP9 dated 24 July 2015, A-01c, A-02a, A-03a, A-04c, A-05d, SK-10a, Land registry Plan dated 3/5/77.

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

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

**Reason:**

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

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

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

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

**Reason:**

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

- 3 The windows must be timber framed and painted white. They must then be maintained that colour.

**Reason:**

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

- 4 The roof must be covered in natural slate with the exception of the lower rear roof slope which must be covered in zinc.

**Reason:**

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

5 You must apply to us for approval of samples of the following parts of the development:

- (i) the natural slate for the pitched roof;
- (ii) zinc cladding for the rear roof.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved samples.  
(C26DB)

Reason:

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

6 The rooflights in the front and rear roof slope must be "Conservation style" rooflights.

Reason:

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

7 All of the windows in the rear dormer must be opaque glazed and permanently fixed shut. A sample of the opaque glass shall be submitted to and approved by the City Council as local planning authority prior to occupation of the development. The development shall be carried out in accordance with the sample of opaque glazing that we approve. The obscure glass shall then be fitted prior to occupation of the enlarged dwellinghouse and shall not be removed, unless approved in writing by the City Council.

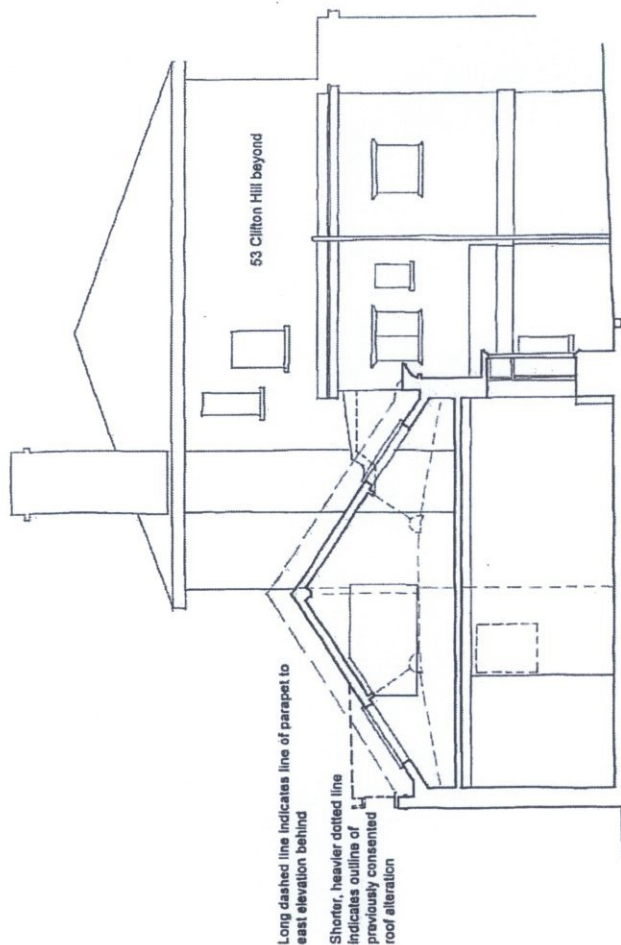
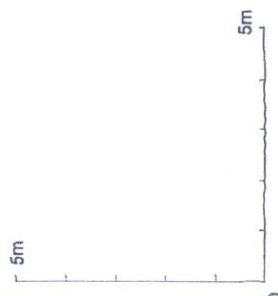
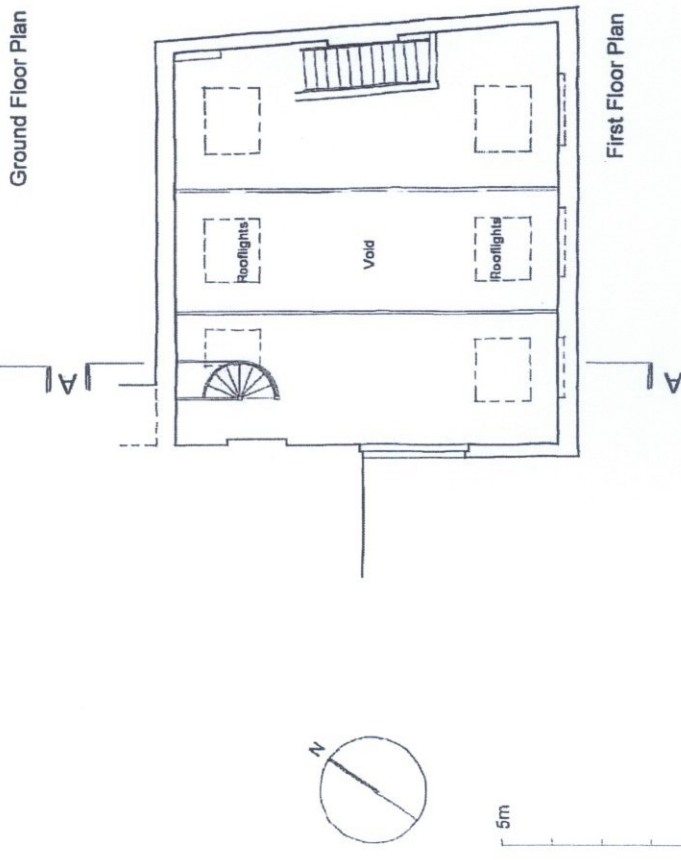
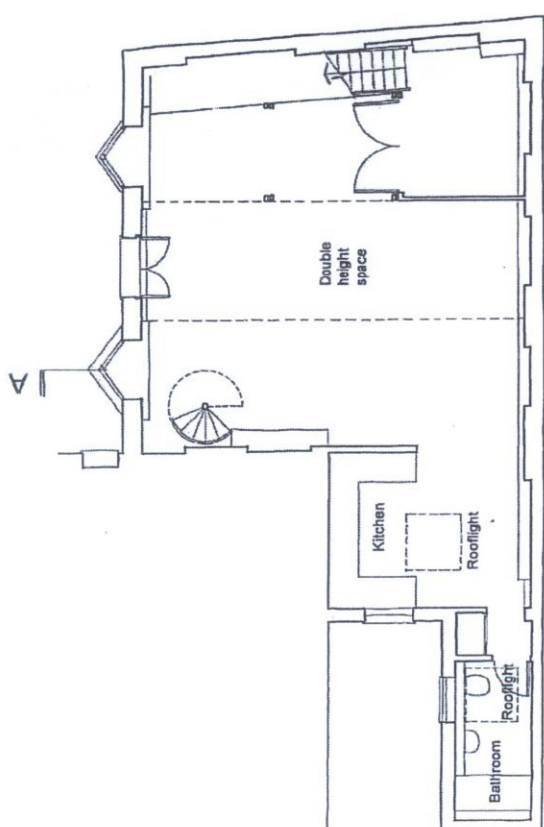
Reason:

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

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

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

# EXISTING



Revisions:  
 A - 6.5.15 - Line of parapet to east elevation added to section.

Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK. Dimensions in millimetres.

Drig No Project: 53b Clifton Hill, London NW8 0QE

Title Existing Plans & Section

Scale 1:100 FS@A3 Date Feb 2015

A-02a

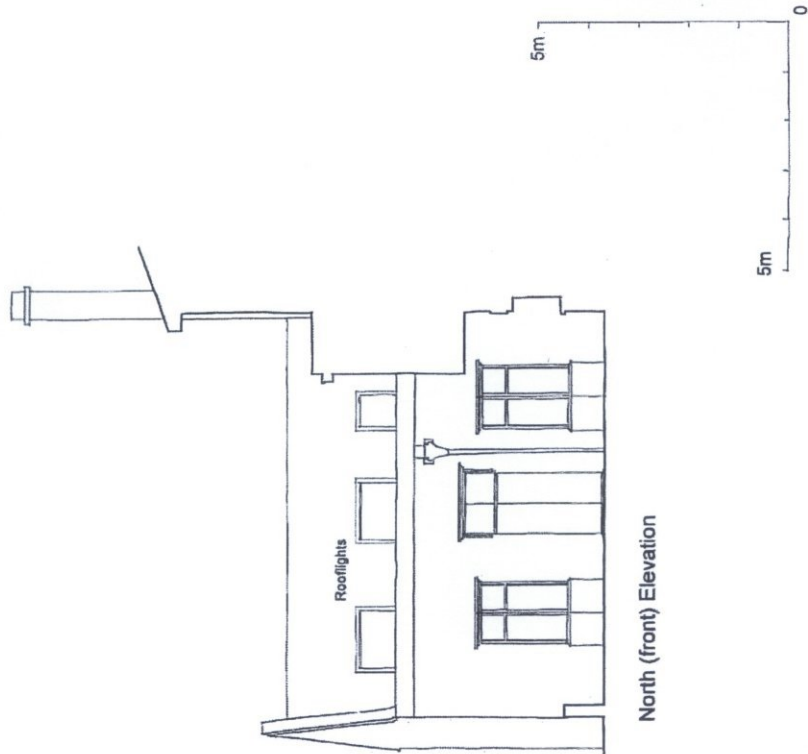
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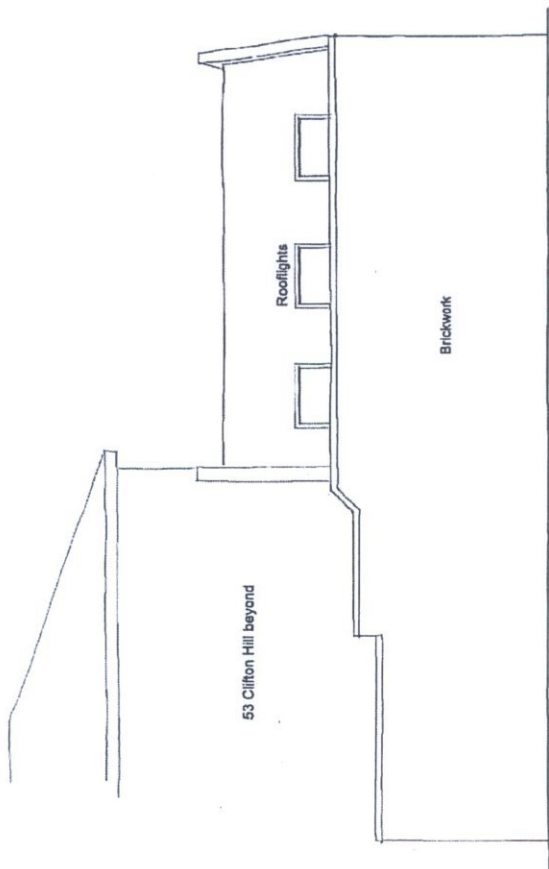
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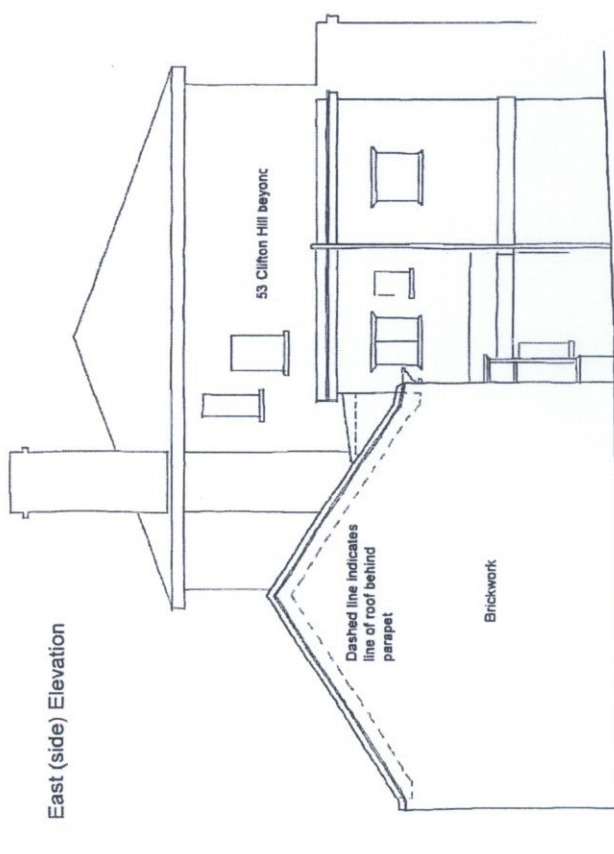
# EXISTING



North (front) Elevation



South (rear) Elevation



East (side) Elevation

Revisions  
 A - 6.6.15 - Line of roof behind parapet added to east elev.  
 Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK. Dimensions in millimetres.

Dwg No Project: 53b Clifton Hill, London NW8 0QE

Title Existing Elevations

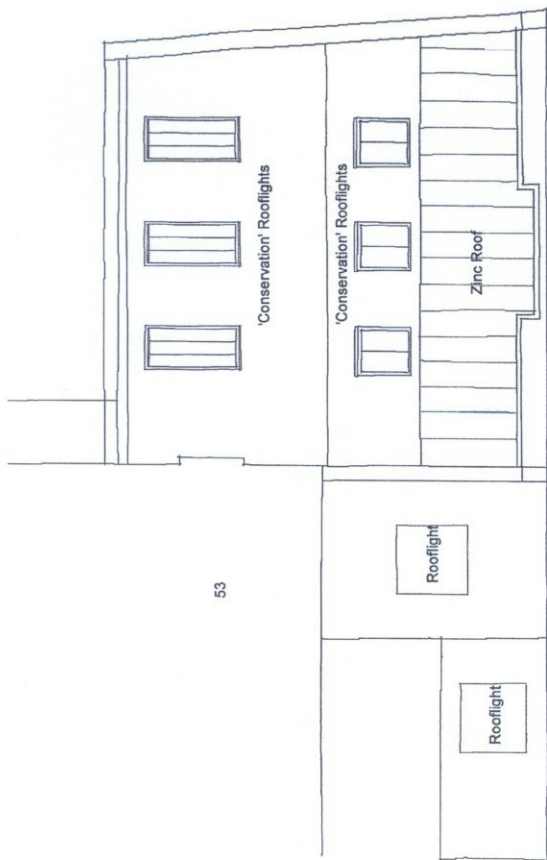
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A-03a

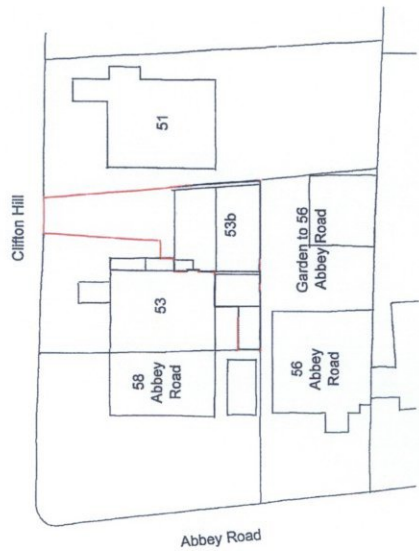
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Roof Plan - Proposed



Block Plan

Scale 1:500



Location - 1:1250 Scale

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- Revisions
- A - 6.6.15 - 56 Abbey Road labeled
  - B - 23.7.15 - Volume to eaves reduced
  - C - 9.10.15 - Additional rear rooflights added

Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK Dimensions in millimetres.

Dwg No Project: 53b Clifton Hill, London NW8 0QE

Title Location, Block & Roof Plans

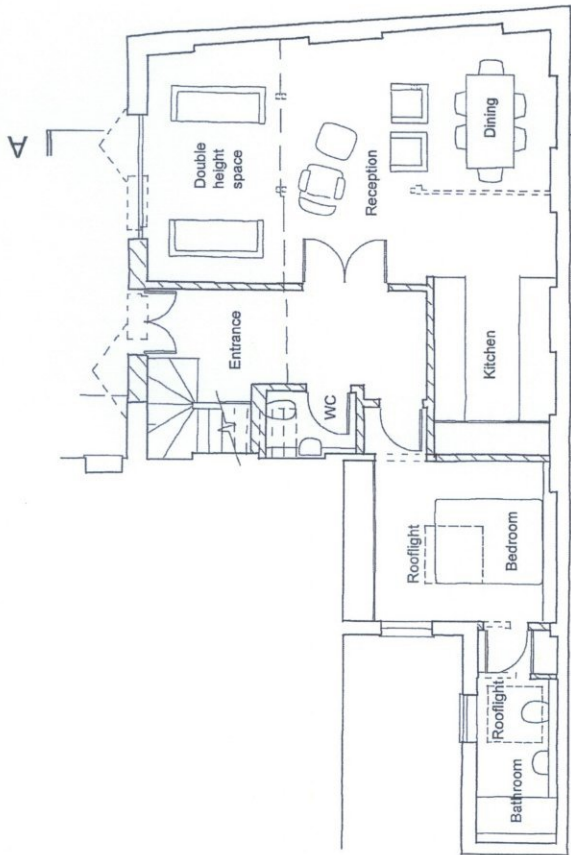
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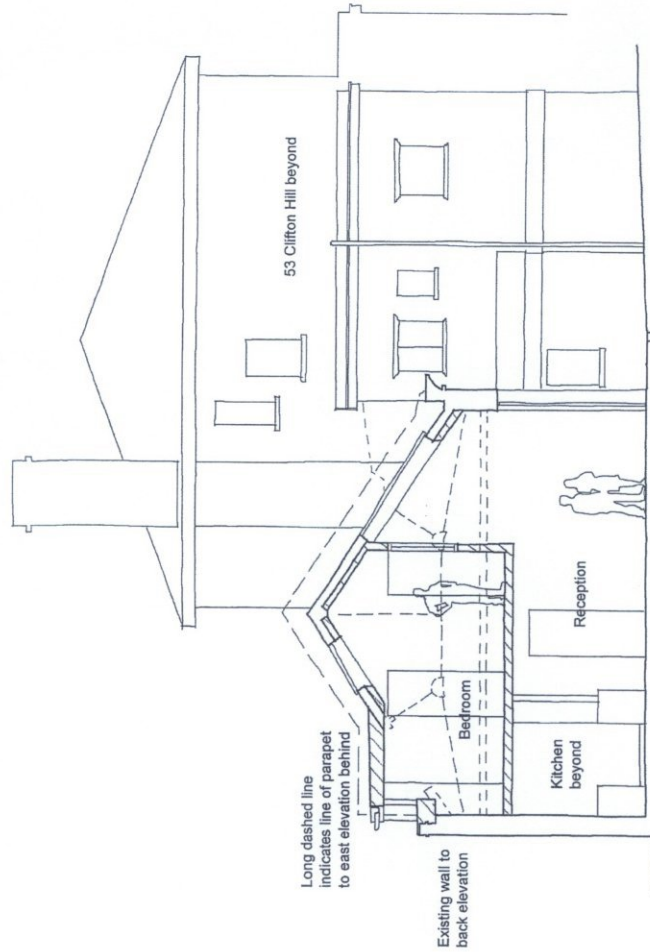
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CASE COPY



Ground Floor Plan

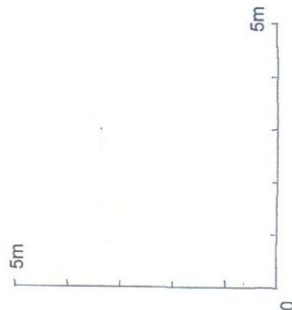
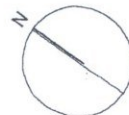
Hatched areas indicate new walls



Section A-A



First Floor Plan



CNS COSM

Revisions  
 A - 6.6.15 - Parapet to east elevation indicated on section  
 B - 23.7.15 - Volume reduction to eave  
 C - 8.10.15 - Additional rooflights to rear elev  
 Do not scale from drawing. Work to figured dimensions only. In event of discrepancy contact architect for clarification before proceeding. If in doubt ASK Dimensions in millimetres.

Drg No Project: 53b Clifton Hill, London NW8 0QE

Title Proposed Plans & Section

Scale 1:100 FS @ A3 Date Feb 2015

A-04c

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