

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 2 February 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Connaught Square, London, W2 2HG,		
Proposal	Use as a single dwellinghouse, excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.		
Agent	Obsidian London Ltd		
On behalf of	Mr Mubashir Mukadam		
Registered Number	14/11257/FULL & 14/11258/LBC	Date amended/ completed	10 April 2015
Date Application Received	12 November 2014		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission and listed building consent - on grounds of adverse impact on floor hierarchy and plan form of the listed building.

2. SUMMARY

This application was reported to the Planning Applications Committee on 28 July 2015 with a recommendation by officers that planning permission and listed building consent should be refused. The Committee resolved to defer determination of the application to allow revisions to be sought from the applicant to address officer's concerns regarding the impact of the scheme in design terms and the impact it would have on the floor hierarchy and plan form of the listed building. The applicant was also invited to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and a ground geology and hydrology report to ensure that the development would not adversely affect the structural integrity of the listed building.

In terms of the impact of the scheme on the external appearance of the listed building, the applicant has revised the proposals to omit the initially proposed French doors at rear first floor levels. This amendment, which will see the retention of the original rear window at first floor level, has addressed officer's previous concerns regarding the loss of historic fabric and will ensure that the development will not have an adverse impact on the character and appearance of the listed building.

In terms of the acceptability of the proposed basement extension under this grade II listed building,

officer's previously advised in the committee report dated 28 July 2015 that:

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

'Because the listed building has undergone a degree of change, with some modern additions and alterations, it is considered that there is some potential to extend at basement level, but that this extension should be confined to beyond the main rear wall line of the main house, effectively beneath the rear extensions. This would have the effect of reducing the scale and volume of the extension and also confine it to beneath the later parts of the site and thus minimising any impact on the historic plan form and spatial hierarchy of the building. This has been suggested to the applicant but they have not chosen to accept this suggested option.'

Following the committee meeting on 28 July 2015, the applicant was invited to again consider reducing the extent of the basement extension so that it is confined to below the rear of the site beyond the main rear wall line of the main house. However, the applicant has declined to reduce the size of the proposed basement floor and the proposed basement remains below the main house and its rear extensions and rear lightwell. In the absence of any amendment to the extent of the proposed basement, the harm to the listed building in terms of the erosion of its historic plan form and hierarchy of spaces would remain as set out in the preceding paragraphs and it is considered that this element of the scheme remains unacceptable.

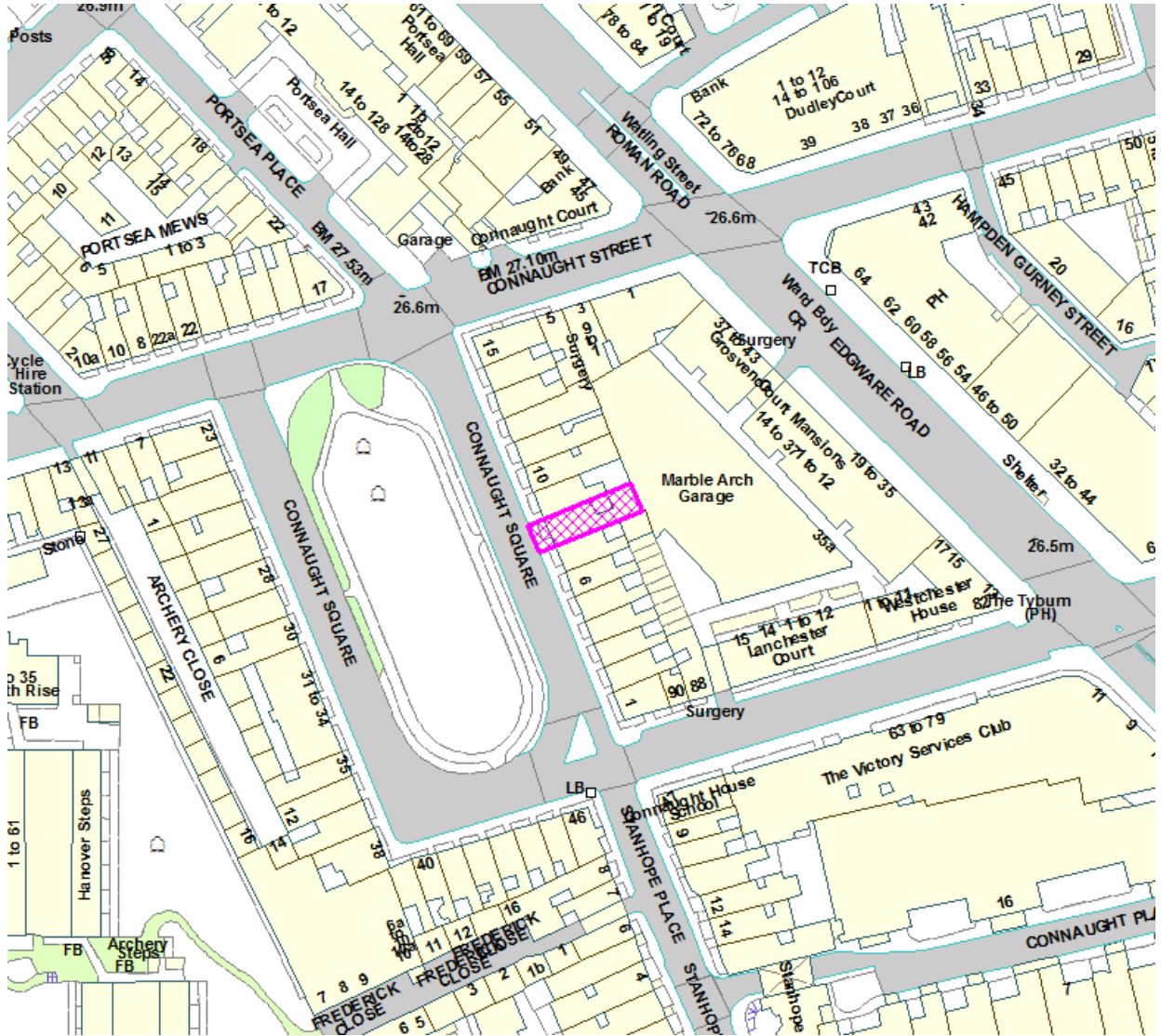
A number of objectors refer to the Publication Draft Basement Revision to Westminster's City Plan, which the Cabinet Member statement dated 23 October 2015 confirms will be used for the purpose of determining planning applications from 1 November 2015. However, this emerging policy is only applied in respect of applications received on or after that date. This application was received significantly in advance of 1 November 2015. As such, it has been assessed under adopted policy in the UDP and City Plan, and the guidance set out in the 'Basement Development in Westminster' SPD (2014). Notwithstanding this, as set out in the preceding paragraphs, the proposed basement is considered to be harmful to the character and special interest of this listed building and contrary to the aforementioned policies and guidance.

The applicant has submitted a revised acoustic report and this concludes that, subject to the inclusion of noise attenuation measures in the form of noise absorbent materials applied to the surface of the enclosure around the plant at rear 1st floor level terrace level, the mechanical plant would not cause noise disturbance to neighbouring occupiers. The comments of Environmental Health on the content and conclusions of the submitted acoustic report will be reported verbally to the committee. Subject to the comments of Environmental Health, had the application been considered acceptable in all regards, conditions would have been recommended to secure further details of the noise attenuation measures proposed to ensure their appearance is appropriate in listed building terms and to ensure that the mechanical plant continues to operate in accordance with adopted plant noise policies in the UDP and City Plan following its initial installation.

Since the previous committee meeting, the applicant has provided a significant amount of additional structural information, including a Ground Investigation Report, a Basement Impact Assessment and a Construction Method Statement. These documents have been assessed in detail by Building Control officers and they no longer raise objection to the scheme on structural grounds. In this context the concerns raised by objectors on structural impact, geology and hydrology grounds can no longer be supported as grounds on which to withhold permission and listed building consent.

In summary, subject to the comments of Environmental Health, the previous concerns relating to the external appearance of the listed building, the impact of the mechanical plant and the suitability of the method of basement excavation to the particular circumstance geological and hydrological conditions of this site have been addressed, despite the concerns that continue to be expressed by objectors. However, the significant concerns regarding the impact the proposed development would have on the special interest of this Grade II listed building remain, as the extent of the basement below the main volume of the original building remains as previously reported in July 2015. The proposed basement would harm the plan form and volumetric proportions of this listed building, contrary to Policies S25 and S28 of the City Plan; DES 1 and DES 10 of the UDP; the guidance within the SPD 'Basement Development in Westminster' (2014) and the guidance in the SPG 'Repairs and Alterations to Listed Buildings' (1996). The proposal would also be contrary to national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period. Accordingly it is recommended that planning permission and listed building consent are refused on this ground.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

COUNCILLOR COX

Concerned that mechanical plant would be closer to rear windows of neighbouring properties than when it was previously proposed at roof level.

COUNCILLOR ACTON

Welcomes officer recommendation for refusal. Considers proposal to be overdevelopment of the site, damaging to the conservation area, damaging to the character of the building and its setting and potentially damaging to the structure of this wonderful square. Reduction in size and depth does not address my initial concerns and the removal of plant from the roof and relocation to the terrace does not alleviate concerns regarding the amenity of neighbouring properties, indeed impact may be worse.

HYDE PARK ESTATE ASSOCIATION

Extremely concerned by application, which is considered to be unacceptable and gross overdevelopment of this grade II listed building. Unacceptable impact on the listed building in terms of its character and style. Adverse impact on unique square. Additional roof structures, conservatory and rear extensions are not necessary. Flagrant attempt to maximise value with no regard to heritage impact. Strongly opposed to extravagant and unnecessary excavation of basements. Georgian houses were designed with proportionate basement spaces, in keeping with the construction of the terrace. Would set an unacceptable precedent for similar development in this listed terrace.

ENVIRONMENTAL HEALTH

A revised acoustic report is required to demonstrate that relocated plant (from roof level to rear roof terrace) would meet the design criteria set by adopted noise policies. Suggest that this could be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Replies: 1 letter on behalf of the applicant responding to the officer report dated 28 July 2015 and recommended reasons for refusal and 9 emails raising objection on all or some of the following grounds:

Land Use

- Front vault should not be used as living accommodation.

Design

- Adverse impact on listed building and Bayswater Conservation Area.
- Internal alterations would have adverse impact on the special interest of the listed building.
- Out of scale with domestic scale architecture of Connaught Square.
- Little or no heritage benefit in current application.

Amenity

- Adverse impact on amenity.
- Revised location for mechanical plant would be closer to the windows of neighbours.
- Noise disturbance from mechanical plant.

Other Matters

- Revisions consulted on in July 2015 do not overcome original concerns and ask that original comments are still considered.
- Proposals are inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals inconsistent with the Council's emerging basement policy.
- Adverse impact on structural integrity of listed terrace.
- Material risk of harm to neighbouring listed buildings.
- Risk of precedent for similar development elsewhere in the vicinity.
- Adverse impact on square from air conditioning and water treatment services.
- Proposal would not be permitted under Kensington and Chelsea policies.
- Concur with officer's recommended reasons for refusal.
- Disruption on highway during construction works.
- Noise and general disturbance from construction works.

**CONSULTATION ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)
(AMENDMENTS COMPRISING OMISSION OF FRENCH DOORS TO REAR, REVISED ACOUSTIC REPORT AND ADDITIONAL STRUCTURAL, GEOLOGY AND HYDROLOGY REPORTS - NO AMENDMENT TO EXTENT OF BASEMENT)**

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

No objection. The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Undesirable, but could be considered acceptable. Cycle storage and waste storage provision recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 48; No. of Replies: 14 letters/ emails raising objection on all or some of the following grounds:

Design

- Adverse impact on appearance of historic structure and terrace.
 - Creation of large space under listed building out of keeping with original property.
 - Basement proposed is a double basement.
 - Adverse impact on historic floor hierarchy and architectural fabric with no public benefit.
 - Drawings appear to show stone cladding to front elevation - this should not be allowed.
- Buildings are finished in painted render and brickwork.

Amenity

- Noise disturbance from mechanical plant on rear terrace.
- Plant will still be audible to neighbours using their external spaces/ terraces, even if plant complies with plant noise policies.
- Submitted acoustic report should not be relied upon as not an independent or detailed assessment.
- Plant will cause more noise as it ages.

Other Matters

- Maintain previous grounds for objection, which have not been overcome by additional information/ revisions.
- Proposals are still inconsistent with the advice in the Basement Development in Westminster SPD (2014).
- Proposals still inconsistent with the Council's emerging basement policy.
- Adverse structural impact.
- Basement will be below ground water level.
- Basement would not be sustainable.
- Noise and disturbance from construction works.
- Some of basement is actually a double basement.
- Structural report misrepresents the depth of the basement as 3m, but is actually deeper.
- Concern regarding the proximity of the basement excavation to Tyburn Brook.
- Structural report asserts there will be no adverse structural impact, but with limited evidence.
- Structural report erroneously refers to other sites.
- Damp caused to neighbouring properties as a result of swimming pool.

Email from the applicant's agent dated 9 December 2015 responding to the reasons for deferral of the application at the Planning Applications Committee on 28 July 2015.

6. BACKGROUND PAPERS

1. Representations as reported to the Planning Applications Committee on 28 July 2015.

LATE CONSULTATION RESPONSES REPORTED VERBALLY TO THE PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015

2. Email from Councillor Cox dated 16 July 2015.
3. Email from Councillor Acton dated 23 July 2015.
4. Email from Environmental Health dated 22 July 2015.
5. Email from the occupier of 30 Connaught Square dated 23 July 2015.
6. Email from the occupier of 9 Connaught Square dated 24 July 2015.
7. Email from the occupier of 11 Connaught Square dated 24 July 2015.
8. Letter from Mishcon de Reya Solicitors on behalf of the applicant dated 27 July 2015.
9. Email from the occupier of 7 Connaught Square dated 24 July 2015.
10. Email from the occupier of 37 Connaught Square dated 24 July 2015.
11. Email from the occupier of Flat 2, 14 Connaught Square dated 25 July 2015.
12. Email from the Hyde Park Estate Association dated 24 July 2015.
13. Email from the occupier of 45 Connaught Square dated 25 July 2015.
14. Email from the occupier of 36 Connaught Square dated 26 July 2015.
15. Email from the occupier of 44 Connaught Square dated 26 July 2015.

CONSULTATION RESPONSES ON REVISED SCHEME FOLLOWING PLANNING APPLICATIONS COMMITTEE ON 28 JULY 2015 (DECEMBER 2015)

16. Memo from the Highways Planning Manager dated 5 January 2016.
17. Email from Building Control dated 20 January 2015.
18. Email from the occupier of 11 Connaught Square dated 4 January 2016.
19. Email from the occupier of 9 Connaught Square dated 8 January 2016.
20. Email from the occupier of 5 Connaught Square dated 11 January 2016.
21. Email from the occupier of 45 Connaught Square dated 11 January 2016.
22. Letter from the occupiers of 7 and 9 Connaught Square dated 11 January 2016.
23. Email from the occupier of 30 Connaught Square dated 12 January 2016.
24. Email from the occupier of 36 Connaught Square dated 12 January 2016.
25. Email from the occupier of Flat 2, 14 Connaught Square dated 13 January 2016.
26. Email from the occupier of 6 Connaught Square dated 13 January 2016.
27. Email from the occupier of 37 Connaught Square dated 13 January 2016.
28. Email from the occupier of 7 Connaught Square dated 13 January 2016.
29. Email from the occupier of 24 Connaught Square dated 13 January 2016.
30. Email from the occupier of 17 Connaught Square dated 14 January 2016.
31. Email from the occupier of 44 Connaught Square dated 17 January 2016.
32. Email from Aray Architects on behalf of the 7 Connaught Square dated 9 December 2016.

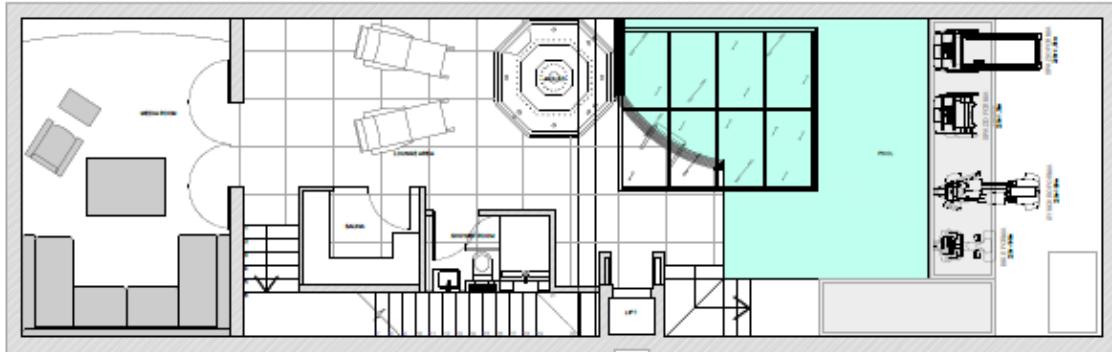
Selected Relevant Drawings

Existing and proposed plans, elevations and sections.

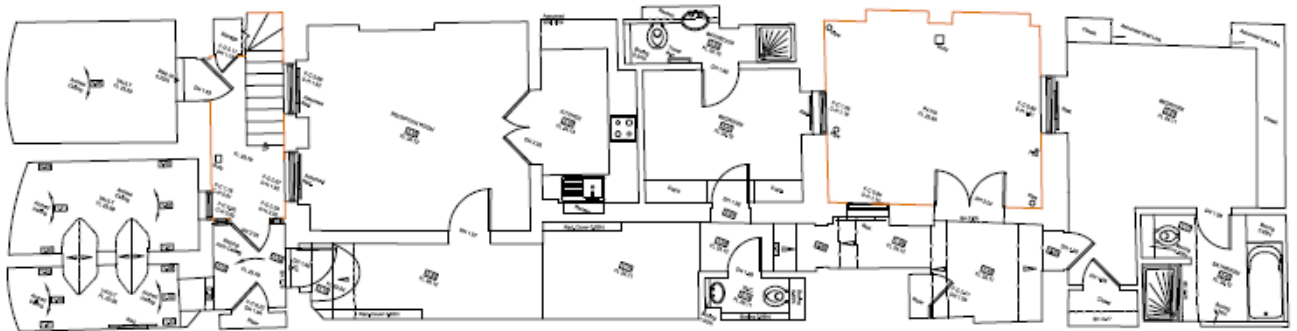
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

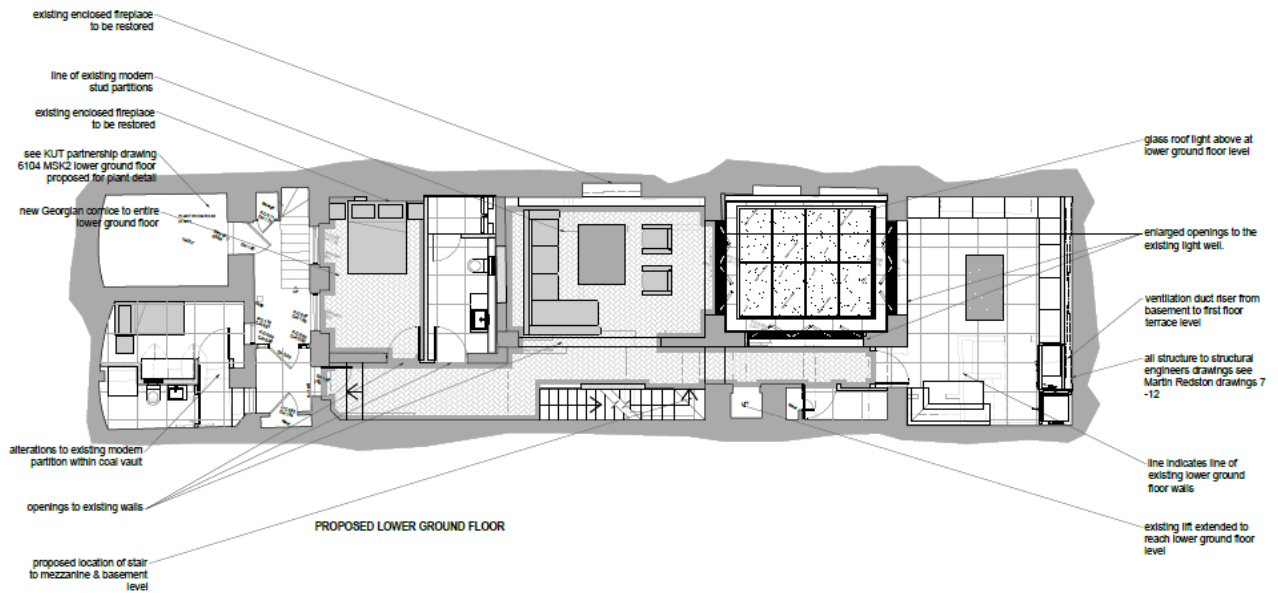
7. KEY DRAWINGS



PROPOSED NEW BASEMENT



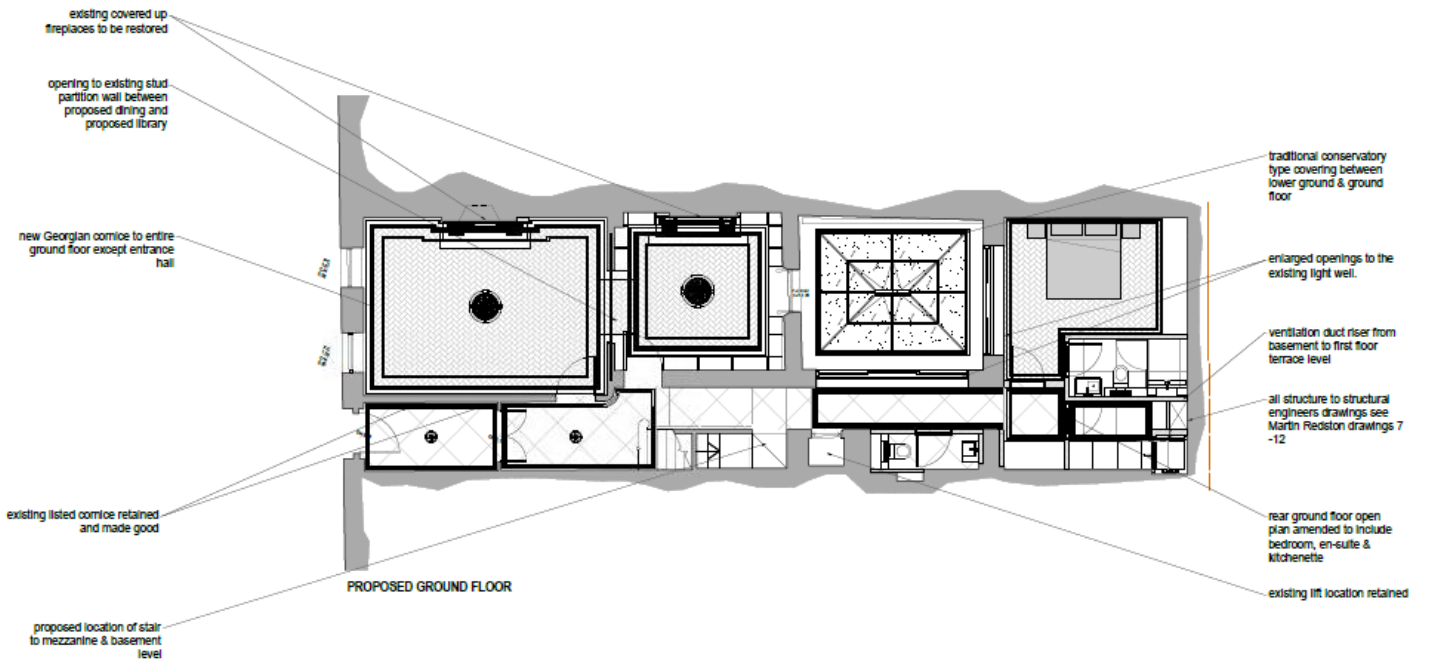
EXISTING LOWER GROUND FLOOR

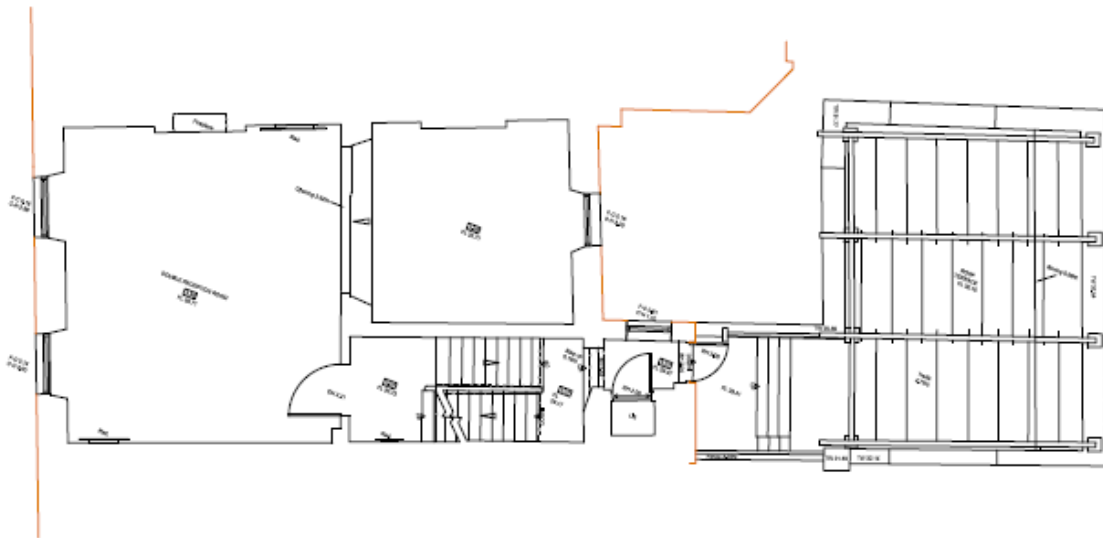


PROPOSED LOWER GROUND FLOOR



EXISTING GROUND FLOOR



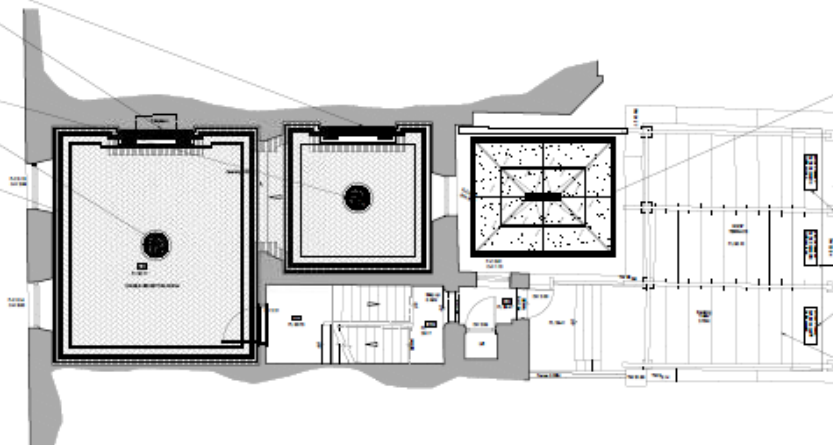


EXISTING FIRST FLOOR

existing 1no. covered up fireplace and one modern to be restored new Georgian fireplaces installed

2no. new ceiling roses

new Georgian cornice to entire first floor



traditional conservatory type covering between lower ground & ground floor

2.7m high wall to rear first floor terrace level to be retained

3no. air conditioning condensers housed behind acoustic trillium screen see section B for elevation of trillium

line indicates existing trillium above

PROPOSED FIRST FLOOR



Elevation 1

Existing Front Elevation

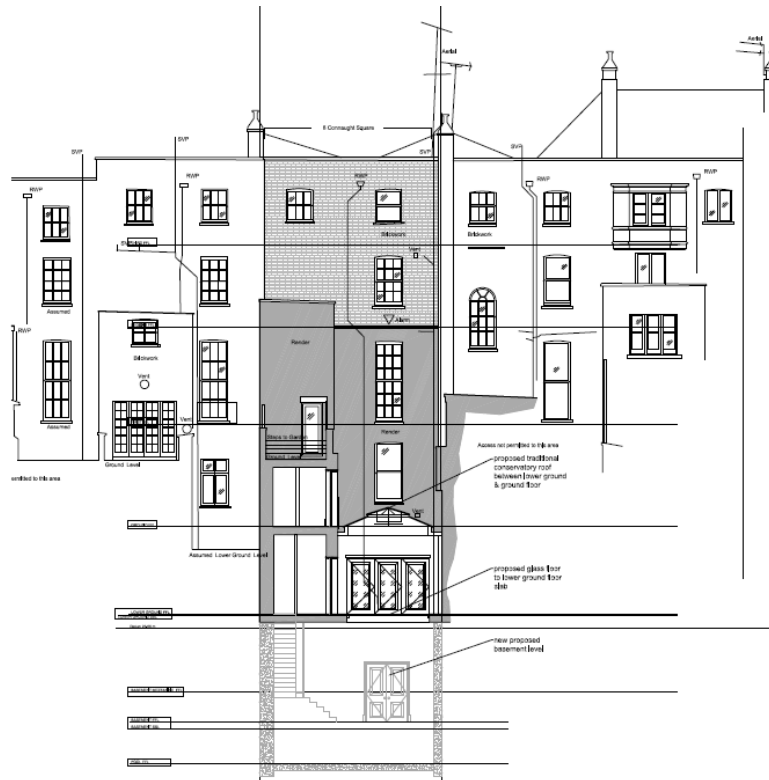


Elevation 1

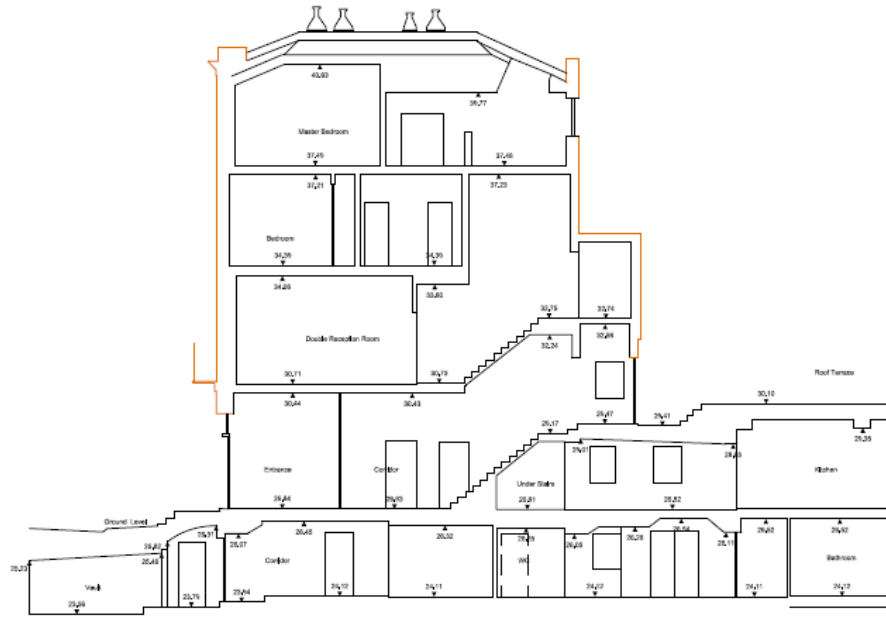
Proposed Front Elevation



Existing Rear Elevation

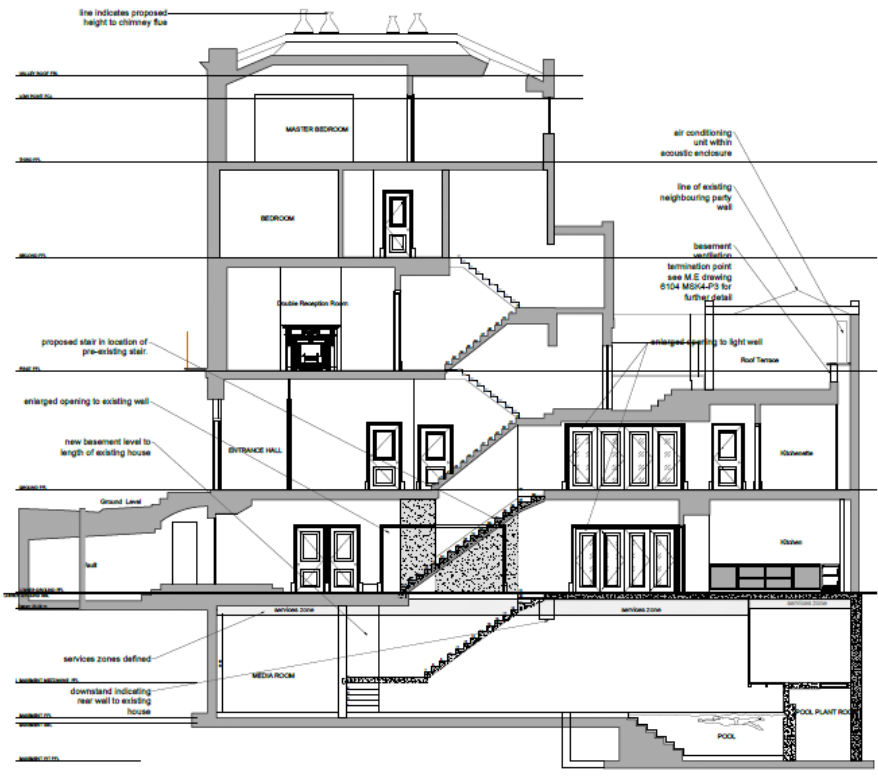


Proposed Rear Elevation



Section A
Datum 23.00 m

Existing Section



Proposed Section

DRAFT DECISION LETTER – 14/11257/FULL

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

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

Reference: 14/11257/FULL

Plan Nos: (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.C, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 26 November 2015 (including structural drawings 1A, 2B, 3B, 4B, 5B, 6B, 7D, 8C, 9B, 10B, 11B and 12B), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s):

Reason:

- 1 Because of its size, location and extent, the proposed basement extension would harm the special interest (significance) of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would fail to accord with the advice set out in paragraphs 2.4, 6.18, 6.19 and 20 of our Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in paragraphs 6.5.2 and 6.5.4 to 6.5.8 of our Supplementary Planning Document 'Basement Development in Westminster' (2014). Your development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage's) guidance document 'London Terrace Houses 1660-1860' and the National Planning Policy Framework, specifically paragraph 134.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in

Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable were not submitted in response to that advice. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- (a) Reduction in footprint and location of basement extension so that it is confined to below the later rear extensions and lightwell and not below the original building, with access within the rear additions.
 - (b) Reduction of floor to ceiling height of basement so that it maintains the hierarchy of rooms within the building in terms of their volumetric proportions.
- 2 For the avoidance of doubt, the application for planning permission has been refused as, although the basement development would not be visible in external views of the listed building, it would harm the special architectural and historic interest of the listed building. In such circumstances, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

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.

DRAFT DECISION LETTER – 14/11258/LBC

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

Proposal: Excavation of basement floor below lower ground floor of main house and rear extensions, infill extension at lower ground level within rear lightwell, installation of mechanical plant on rear first floor level terrace and associated internal and external alterations.

Plan Nos: (EX) 01 Rev.A, (EX) 02, (EX) 03, (EX) 04, (EX) 05, (EX) 06, (EX) 07 Rev.A, (EX) 08 Rev.A, (EX) 09 Rev.A, (EX) 10 Rev.A, (DD) 01 Rev.A, (DD) 02 Rev.A, (DD) 03 Rev.A, (DD) 04 Rev.A, (DD) 05 Rev.A, (DD) 06 Rev.B, (DD) 07 Rev.B, (DD) 08 Rev.A, (DD) 09 Rev.A, (PL) 01 Rev.A, (PL) 03 Rev.A, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.C, (PL) 11 Rev.C, (PL) 12 Rev.D, (PL) 13 Rev.A, Planning, Design and Access Statement dated November 2014 (as amended by revised drawings provided with email from Turleys dated 10 April 2015), Heritage Supporting Statement by Turleys dated October 2014, Heritage Assessment by Ettwein Bridges Architects dated October 2014, Construction Management Plan by Addstow (for information only), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 26 November 2015 (including structural drawings 1A, 2B, 3B, 4B, 5B, 6B, 7D, 8C, 9B, 10B, 11B and 12B), Structural Calculation by Martin Redston Associates and Basement Impact Assessment dated November 2015 (Ref: 15/24237-2), including Factual Report on Ground Investigation dated November 2015 (Ref: 15/24237).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

Reason:

- 1 Because of its size, location and extent, the proposed basement extension would harm the special interest (significance) of this grade II listed building. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies that we adopted November 2013 and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would fail to accord with the advice set out in paragraphs 2.4, 6.18, 6.19 and 20 of our Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (1996) and the advice set out in paragraphs 6.5.2 and 6.5.4 to 6.5.8 of our Supplementary Planning Document 'Basement Development in Westminster' (2014). Your development is also considered to be contrary to the guidance within Historic England's (formerly English Heritage's) guidance document 'London Terrace Houses 1660-1860' and the National Planning Policy Framework, specifically paragraph 134.