

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	14 Clarendon Mews, London, W2 2NR		
Proposal	Excavation of a basement and revised fenestration to rear elevation, new roof covering, creation of integral garage and alterations to front elevation including new windows.		
Agent	Mr Philip Pealman		
On behalf of	Mr & Mrs Edward & Victoria Harley		
Registered Number	15/12082/FULL	Date amended/ completed	19 February 2016
Date Application Received	21 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought to extend this unlisted mews house within the Bayswater Conservation Area, by way of excavation of a basement beneath the house, together with alterations to the front and rear elevations including installation of new windows and the creation of an internal garage.

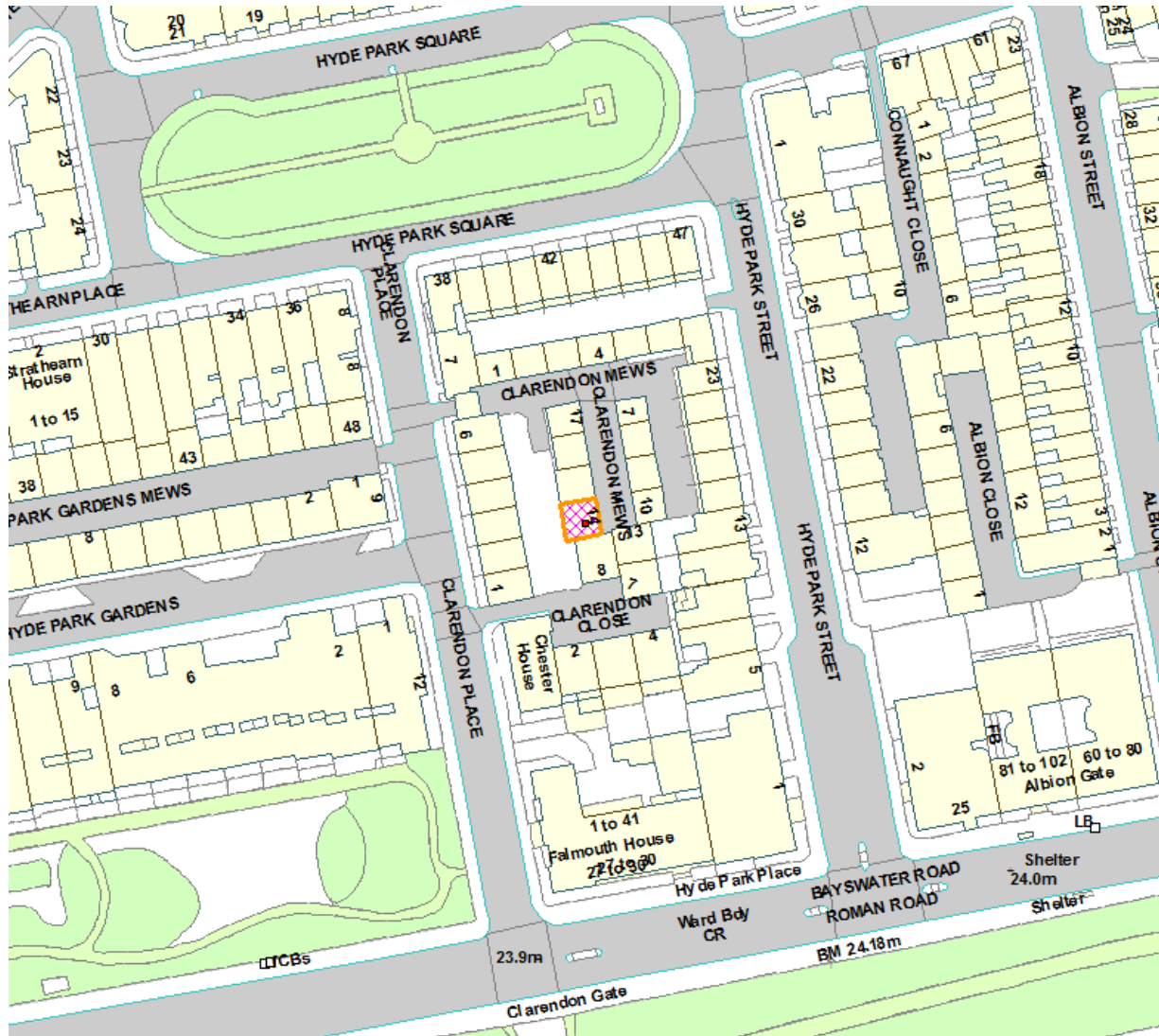
The Hyde Park Estate Association and three local residents have raised objection on a number of grounds including with respect to the principle of a basement to the mews house, over-development and the impact of excavation and construction.

The key issues are:

- Impact on the appearance of the character and appearance of the building and conservation area.
- Impact on the amenity of neighbouring residents.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use, design and amenity terms. 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



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION:

Objection

- Disruption during works, insufficient construction management plan (CMP).
- Overdevelopment.
- Structural implications.
- Alterations to front and rear elevations are welcomed

HIGHWAYS PLANNING:

No objection.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 3

No. of objections: 3, 1 on behalf of occupiers of 4 properties

No. in support: 0

In summary, the following issues were raised:

- Overdevelopment.
- Construction traffic.
- Inadequate construction management plan.
- Impact on character and appearance of Bayswater Conservation Area.
- Detrimental impact on outlook
- Light spill.
- Loss of privacy.

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.14 Clarendon Mews is a two-storey unlisted mews house, located within the Bayswater Conservation Area. It is in use as a single family dwelling house.

6.2 Recent Relevant History

15/10537/FULL

Proposed revised fenestration to rear elevation, new roof covering, creation of Integral garage and alterations to front elevation including new windows.

Application Permitted 22 December 2015

7. THE PROPOSAL

Planning permission is sought for the excavation of a basement beneath the existing mews building to create additional floorspace to this single family dwelling house. Associated alterations to the fenestration to the front and rear elevations is also proposed including the installation of new windows and garage doors to create an integral parking spa.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The increase in floor space to this single family dwelling house is acceptable in land use terms as it complies with Policy H3 of the Unitary Development Plan (UDP) and S14 of Westminster's City Plan: Strategic Policies (City Plan).

8.2 Townscape and Design

The proposal is uncontentious in terms of design as the proposed new windows (the only external manifestation of the basement) will match the existing and the other changes to the windows are complimentary and there are similar examples of garage doors within the mews. The proposals satisfy policies DES 1, DES 5 and DES 9 of our UDP and S25 and S28 of our City Plan. It is of note that with minor amendments the substantive part of the proposal would be capable of being permitted development.

8.3 Residential Amenity

The proposal includes the replacement of windows in the front elevation and the replacement, enlargement and insertion of new window openings in the rear elevation, at basement ground and first floor levels. The window in the front elevation at ground floor level will be replaced with a garage door in association with the creation of an integral garage.

In terms of residential amenity, the elements of the proposal that need to be considered are the additional windows proposed in the bathrooms and kitchen and the window that will serve the stair case. The proposed windows are lower ground floor level also should be considered.

The windows in the bathrooms will not lead to increased overlooking as they will be obscure glazed and the window serving the staircase does not serve a habitable room and is no larger than the existing and are therefore considered to be acceptable. Given their location, the windows proposed to serve the basement are not considered to give rise to amenity issues. The proposed windows that will serve the kitchen, although bigger than existing, mirror those in the adjacent property, and are not considered to cause harm in terms of loss of privacy.

The proposal is acceptable amenity terms and complies with policy ENV 13 of our UDP and S29 of our City Plan.

8.4 Transportation/Parking

The introduction of an integral garage associated with a single family dwelling house is acceptable in principle in transportation terms. Whilst the Highways Planning Manager has indicated that the width of the garage falls short of our recommended dimensions, this is a matter for the applicant. The proposal does not represent an increase in residential units or the loss of off street parking and therefore complies with policy TRANS 23 of our UDP.

8.5 Economic Considerations

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

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

There are no other policy considerations.

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 was not required for a development of this scale.

8.12 Other Issues

Basement

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions.

Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The letters of objection received refer specifically to the impact on construction management and the structural impact of the development on adjoining properties.

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.

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 advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in 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.

Building Control has assessed the reports provided and considers the structural method statement to be acceptable and the proposals to safeguard adjacent properties during construction to also be acceptable. It is noted that the site investigation has not been carried out but a desk study has been undertaken. The geology and existence of groundwater, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports 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.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted.

The Council is attributing weight to parts of its basement policy for all applications submitted after 1 November 2015. This application, which was validated 19th February 2015, is therefore expected to comply with the relevant parts of the policy. As it would extend one storey beneath the building, the proposal is considered to be acceptable and in accordance with this policy.

Given the above, and in these circumstances, though noting the objections which have been received, the objections on these grounds are not considered sustainable

Construction impact

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

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan has been submitted with the application. This is considered appropriate and reasonable at application stage.

However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation.

8.13 Conclusion

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore recommended favourably subject to the conditions set out in the draft decision letter.

9. BACKGROUND PAPERS

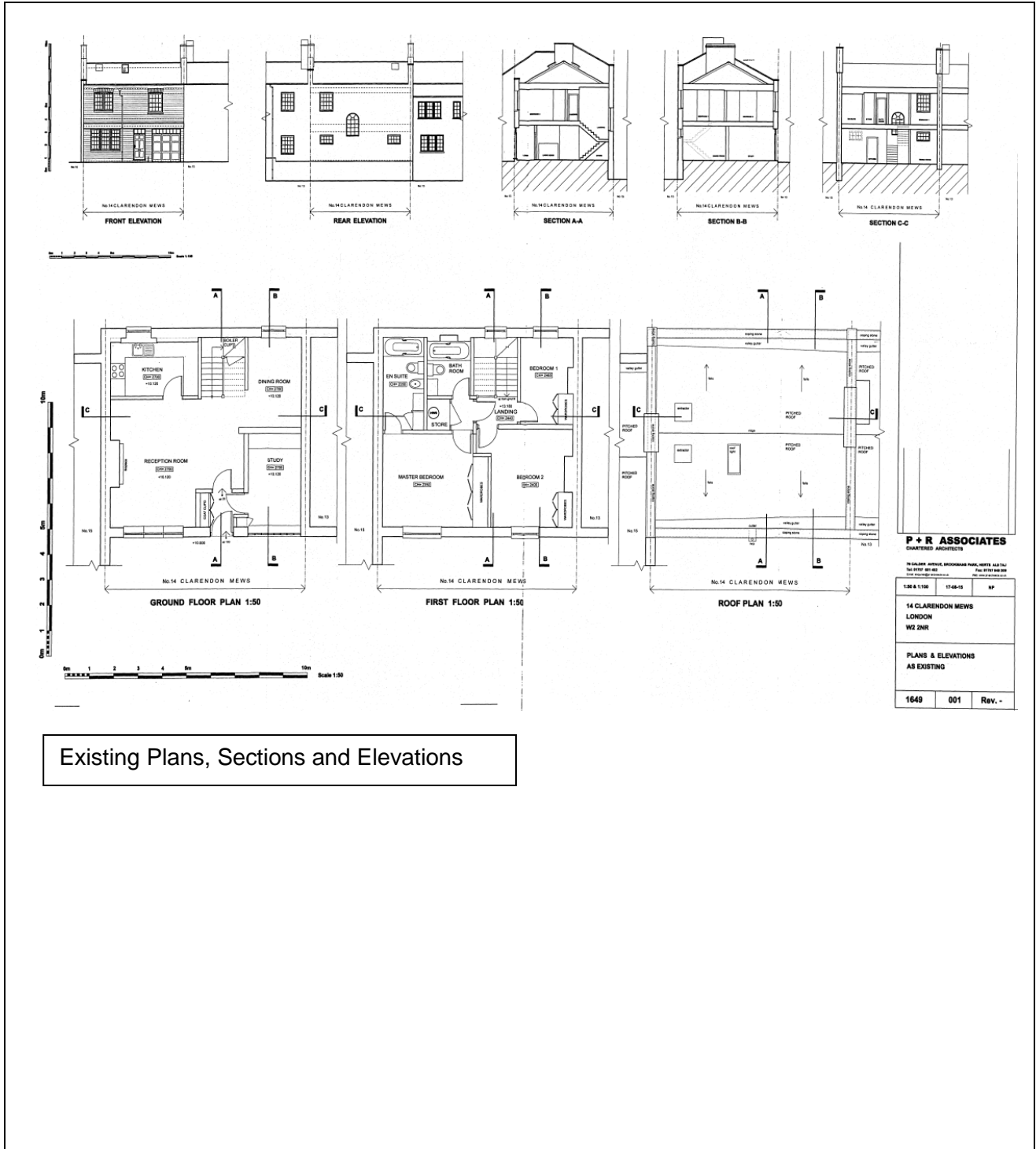
1. Application form
2. Response from Highways Planning, dated 14 March 2016
3. Response from Building Control dated 28 April 2016
4. Response from the Hyde Park Estate Association dated 24 February 2016.
5. Letter from occupier of 2 Clarendon Mews, London, dated 17 March 2016
6. Letter from occupier of 7 Clarendon Place, London, dated 10 March 2016
7. Letter on behalf of the occupiers of 9,10,11 and 15 Clarendon Mews, dated 1 April 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 VICTORIA COELHO ON 020 7641 6204 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

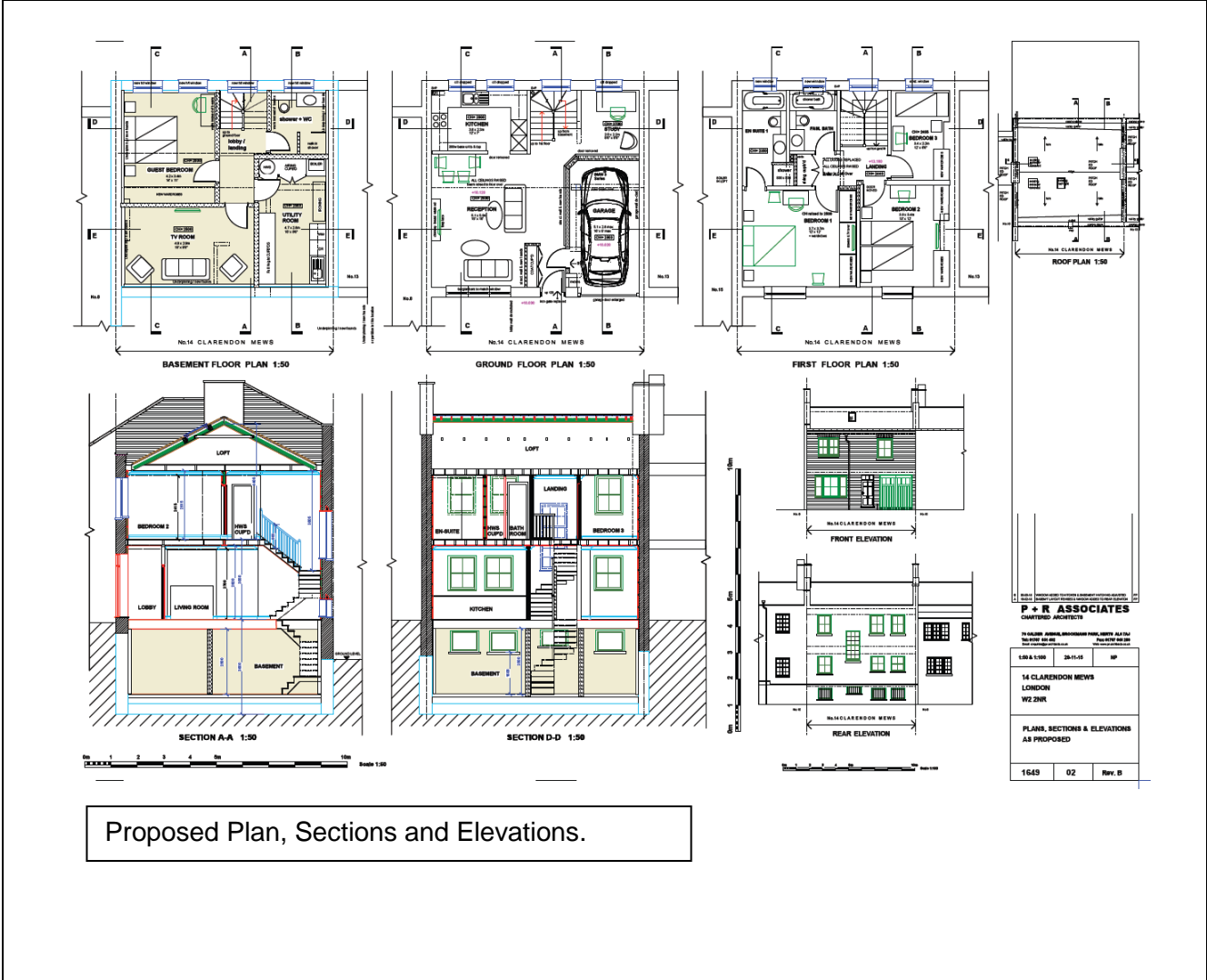


P + R ASSOCIATES
 CHARTERED ARCHITECTS

15 CALDWAY AVENUE, BROMHAM PARK, WIMBORNE, DORSET, BA12 9JL
 TEL: 01202 861485 FAX: 01202 861486
 WWW.PRARCHITECTS.CO.UK

150 & 1100	17-08-15	HP
14 CLARENDON MEWS LONDON W2 2NR		
PLANS & ELEVATIONS AS EXISTING		
1649	001	Rev. -

Existing Plans, Sections and Elevations



P + R ASSOCIATES
 CHARTERED ARCHITECTS

14 CLARENDON MEWS
 LONDON
 W2 2NR

PLANS, SECTIONS & ELEVATIONS
 AS PROPOSED

1649 02 Rev. B

Proposed Plan, Sections and Elevations.

DRAFT DECISION LETTER

Address: 14 Clarendon Mews, London, W2 2NR,

Proposal: Excavation of a basement and revised fenestration to rear elevation, new roof covering, creation of integral garage and alterations to front elevation including new windows.

Reference: 15/12082/FULL

Plan Nos: Plans, Sections & Elevations as Proposed - 1649-02 Rev. B; Plans & Elevations as Existing - 1649-001.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:, * between 08.00 and 18.00 Monday to Friday;,, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , You must carry out basement excavation work only:, * between 08.00 and 18.00 Monday to Friday; and, * not at all on Saturdays, Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11BA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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 Pre Commencement Condition.

No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details;

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);,
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;,,
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);,
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and,
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works. , You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 2 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.

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.