

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 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	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	25 May 2016
Date Application Received	12 November 2014		
Historic Building Grade	II		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

1. Grant conditional permission and listed building consent.
2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

This application was originally 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.

The applicant initially revised the application in late 2015 to omit the French doors that had been proposed at rear first floor level and to provide additional supporting acoustic, structural and geology and hydrology information. However, the applicant declined at that time to modify the extent of the basement extension so that it accorded with the officer advice contained within the committee report dated 28 July 2015. On this basis the application was included on the agenda for the Planning Applications Committee on 2 February 2016 with a recommendation to refuse planning permission and

listed building consent. However, the application was withdrawn from that agenda, prior to being considered by the Committee, as the applicant provided a written undertaking in advance of the committee meeting that he was willing to amend the application in accordance with the earlier committee resolution and the guidance offered by officers.

The applicant has now revised the application to reduce the extent of the basement extension so that it would now be confined to a single storey located below the rear closet wing and rear extensions to the main body of the grade II listed building. As set out in the committee report dated 28 July 2015, which is appended to this addendum report, this listed building has undergone a degree of change, with some modern additions and alterations and therefore it is considered that there is scope for the provision of a basement extension below the rear extensions and the rear lightwell. This is because a basement restricted to below the rear closet wing and rear extensions would not result in the loss of significant historic fabric and would be a discreet addition that would not disrupt the spatial hierarchy or the historic plan form of the host listed building.

The objections received in response to the latest revisions consider the revised basement to remain a two storey basement and excessive in terms of the floor to ceiling height. However, the basement is a single storey, albeit with some additional excavation within the floor of the single storey to accommodate a small swimming pool and associated plant enclosure. Whilst the floor to ceiling height would be more generous than at lower ground floor level, the proposed basement would be accessed from within the rear additions to the listed building and would consequently be read as an annex to the original building and would not disrupt the plan form and volumetric proportions of the principle spaces within the listed building. Therefore following amendment, the basement extension now proposed is acceptable in design and listed building terms and would accord with Policies S25 and S28 in the City Plan; Policies DES 1 and DES 10 in 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 now accord with the national policy and guidance in the NPPF and the guidance of Historic England for alteration and extension of buildings of this period.

A number of objectors have referred to the Draft Basement Policy (CM28.1), which is now included in the Consolidated Draft Version of Westminster's City Plan: Strategic Policies. However, as this application was submitted in advance of 1 November 2015, in accordance with the Cabinet Member statement dated 23 October 2015, the application stands to be determined under the policy context as it stood at the time that it was submitted. Significant weight is only to be attributed to the Draft Basement Policy where applications were submitted on or after 1 November 2015. This application was received significantly in advance of 1 November 2015. As such, it has been assessed under adopted policies 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 not considered to be harmful to the character and special interest of this listed building and given that the site does not contain any garden land, (it is entirely developed already) it would accord with the design criteria for basement extensions set out in Part C of the Draft Basement Policy.

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.

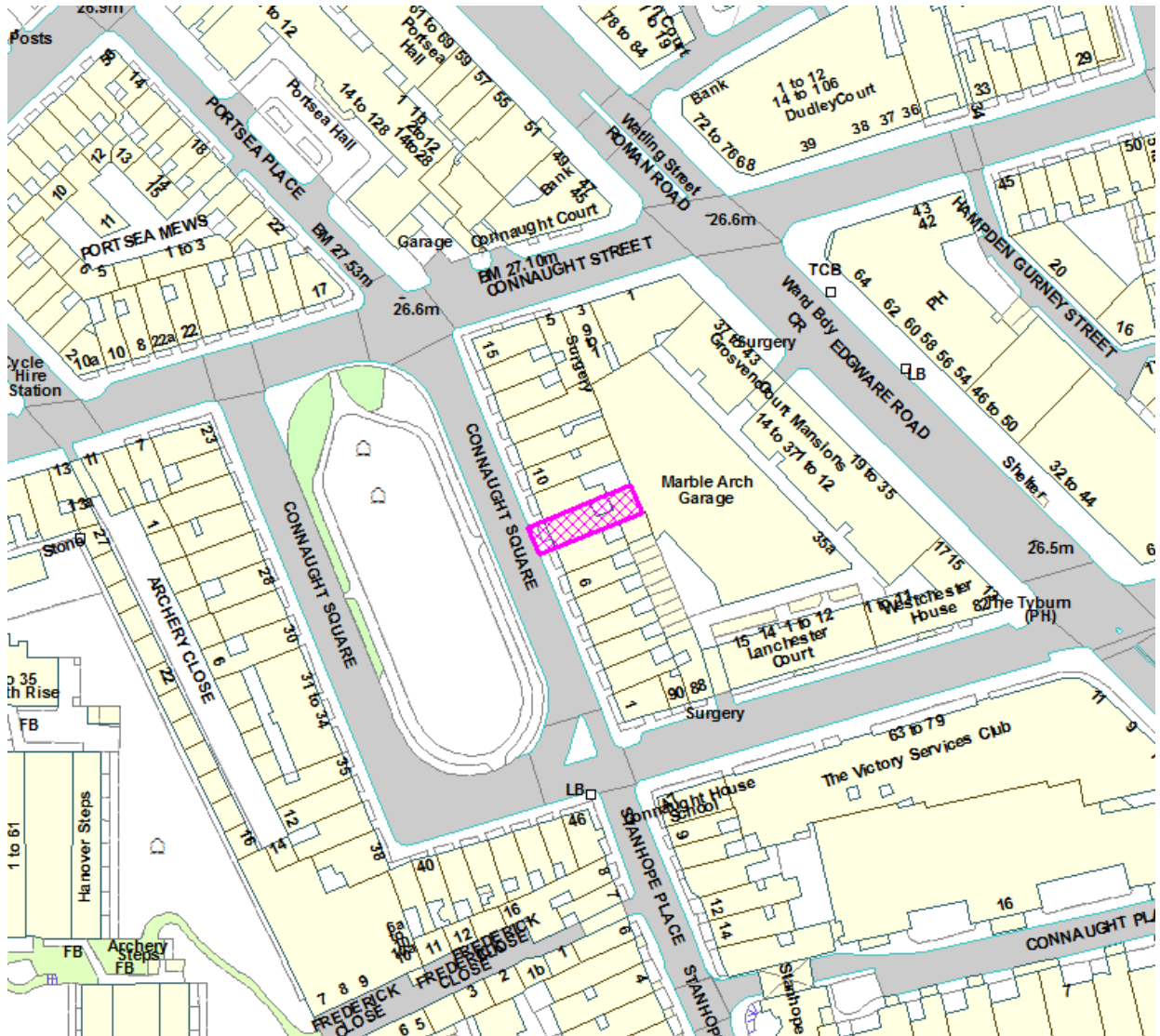
The applicant has submitted a revised acoustic report and this concludes that, subject to the inclusion of noise attenuation measures in the form of noise absorbent materials applied to the surface of the enclosure around the plant at rear 1st floor level terrace, the mechanical plant proposed on the terrace would not cause noise disturbance to neighbouring occupiers. Environmental Health are satisfied that

the mechanical plant proposed is capable of complying with adopted plant noise policies in the City Plan and UDP, but recommend conditions to ensure compliance. The conditions recommended include a requirement to submit a post commissioning noise survey that demonstrates that the mechanical plant is policy compliant in terms of its noise output following installation. Further conditions are recommended to ensure on going compliance with the plant noise policies and to secure details of the acoustic enclosure to be erected around the condenser units on the rear first floor terrace and details of the noise attenuation measures to be installed.

Concerns have been expressed regarding the impact of construction on neighbouring residents and the fact that the applicant has not updated the construction management plan to reflect the revised application. Given the revised basement is substantially smaller than the initially proposed basement, it is considered that a condition can be used to secure a revised construction management plan that demonstrates how the construction of the smaller basement now proposed will be carried out so as to minimise the impact on the amenity of neighbouring residents and the operation of the local highway network. A further condition is recommended to control the hours of construction works, including prevention of any noisy excavation works at weekends.

In summary, the Committee's previous concerns regarding the impact of the proposed development on the significance of this listed building, the impact on the structure of this and neighbouring listed buildings and the noise amenity of neighbouring residents have been overcome by the amendments and additional information submitted by the applicant. As such, despite the continued concerns expressed by neighbouring residents in response to consultation in early 2016, it is considered that the proposals are now acceptable and accord with the relevant policies in the UDP and City Plan and the guidance set out in the SPD 'Basement Development in Westminster' (2014) and the SPG 'Repairs and Alterations to Listed Buildings' (1996).

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### **CONSULTATION ON REVISED SCHEME FOLLOWING WITHDRAWAL FROM AGENDA FOR PLANNING APPLICATIONS COMMITTEE ON 2 FEBRUARY 2016 (JUNE 2016) (AMENDMENTS COMPRISING REDUCTION IN EXTENT OF BASEMENT)**

**HYDE PARK ESTATE ASSOCIATION**  
Any response to be reported verbally.

**BUILDING CONTROL**  
No objection.

**ENVIRONMENTAL HEALTH**  
No objection subject to conditions to control plant noise and require the submission of a post installation and commissioning noise monitoring condition.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**  
No. of Consultations: 57; No. of Replies: 2 emails raising objections on all or some of the following grounds:

**Design:**

- Development would harm the architectural integrity of the listed building.
- Greater floor to ceiling height within basement than existing lower ground and ground floors and this will change the flow and character of the listed building.
- Damage to listed features of the building as a result of all construction access being from the front of the house.

**Amenity:**

- Altered lower ground floor and new basement would lack natural light.
- Noise disturbance from operation of mechanical plant.

**Basement Impact:**

- Basement would still be in excess of a single storey.
- Swimming pool likely to cause damp and is not necessary given availability of swimming facilities in the vicinity.
- Structural impact on neighbouring listed properties.
- Extent of excavation exceeds that recommended by structural engineers advising the City Council on its basement policy.
- Increased risk of flooding.

**Other Matters:**

- Request that a fresh application is submitted so that it can be determined under current policy and guidance.
- Construction Management Plan does not reflect revised proposal.
- Noise and disturbance from construction works.
- Development would not be sustainable as requires mechanical plant.

One email received from applicant undertaking to revise the application in accordance with the committee resolution of 28 July 2015.

## 6. BACKGROUND PAPERS

1. Representations as reported to the Planning Applications Committee on 28 July 2015 and 2 February 2016.

CONSULTATION RESPONSES ON REVISED SCHEME FOLLOWING WITHDRAWAL FROM PLANNING APPLICATIONS COMMITTEE AGENDA ON 2 FEBRUARY 2016 (JUNE 2016)

2. Memo from Environmental Health dated 26 January 2016.
3. Email from Building Control dated
4. Email from the applicant dated 1 February 2016.
5. Email from the occupier of 7 Connaught Square dated 29 June 2016.
6. Email from the occupier of 37 Connaught Square dated 30 June 2016.

### Selected Relevant Drawings

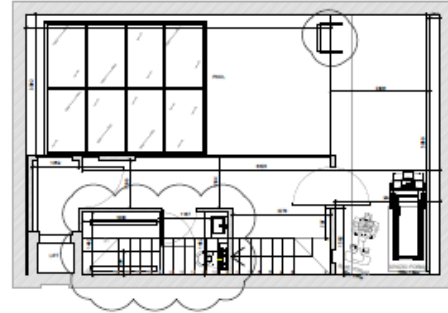
Existing and proposed plans, elevations and sections.

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

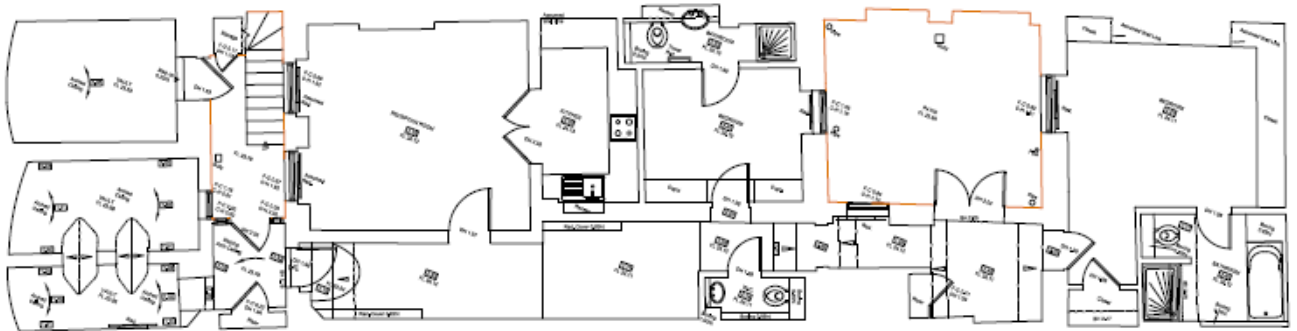
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)



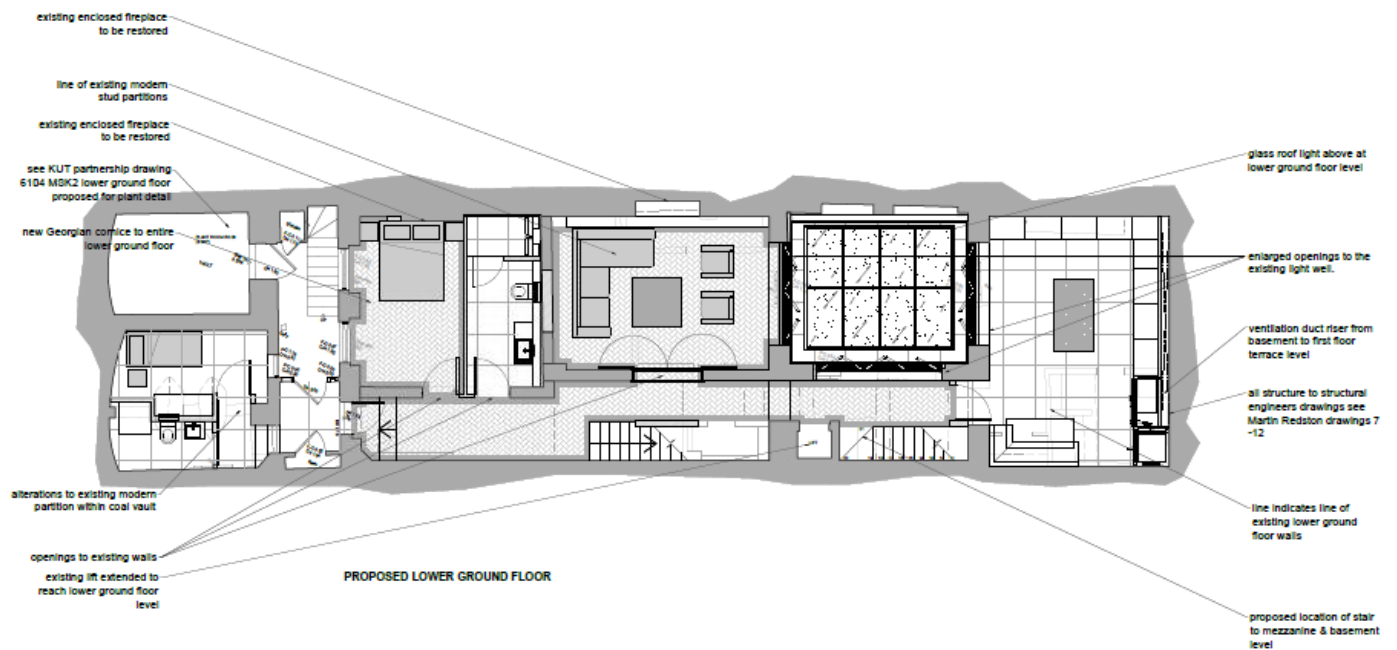
## 7. KEY DRAWINGS



PROPOSED NEW BASEMENT

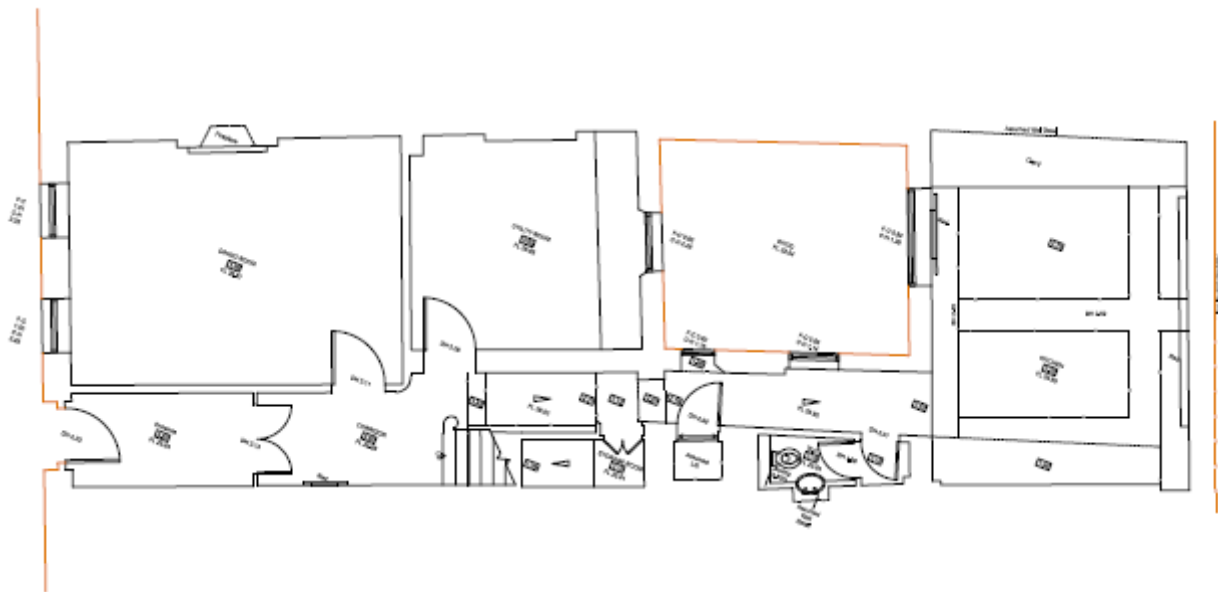


EXISTING LOWER GROUND FLOOR

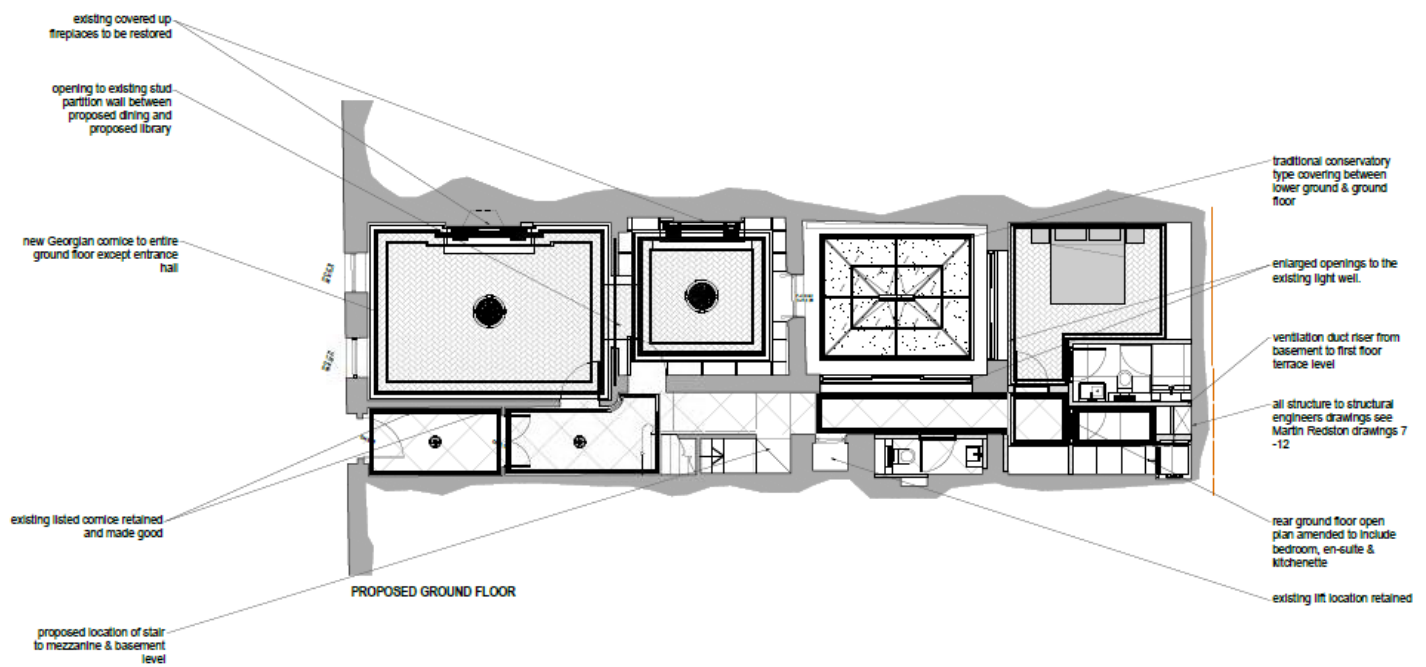


PROPOSED LOWER GROUND FLOOR

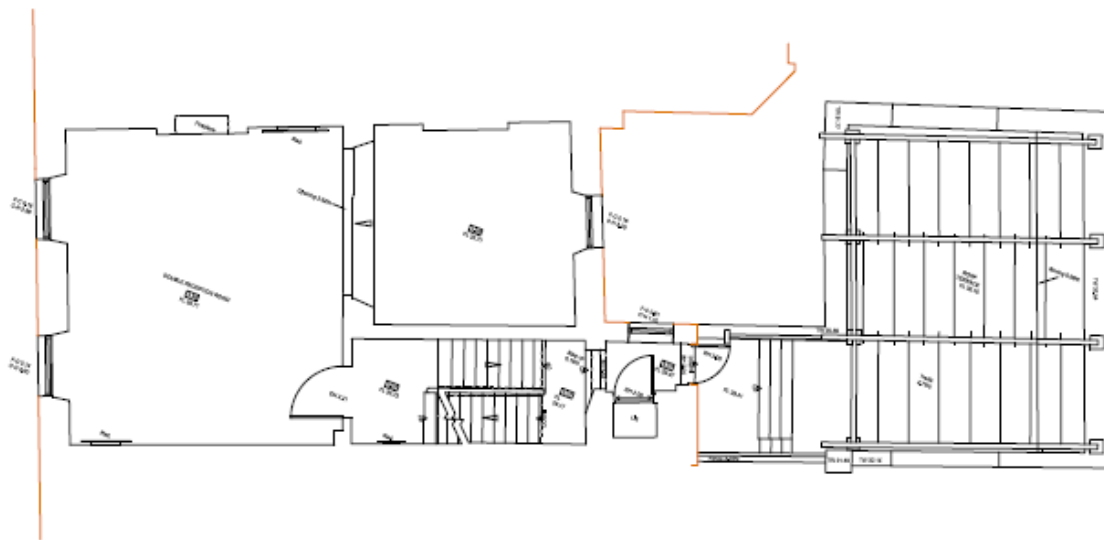




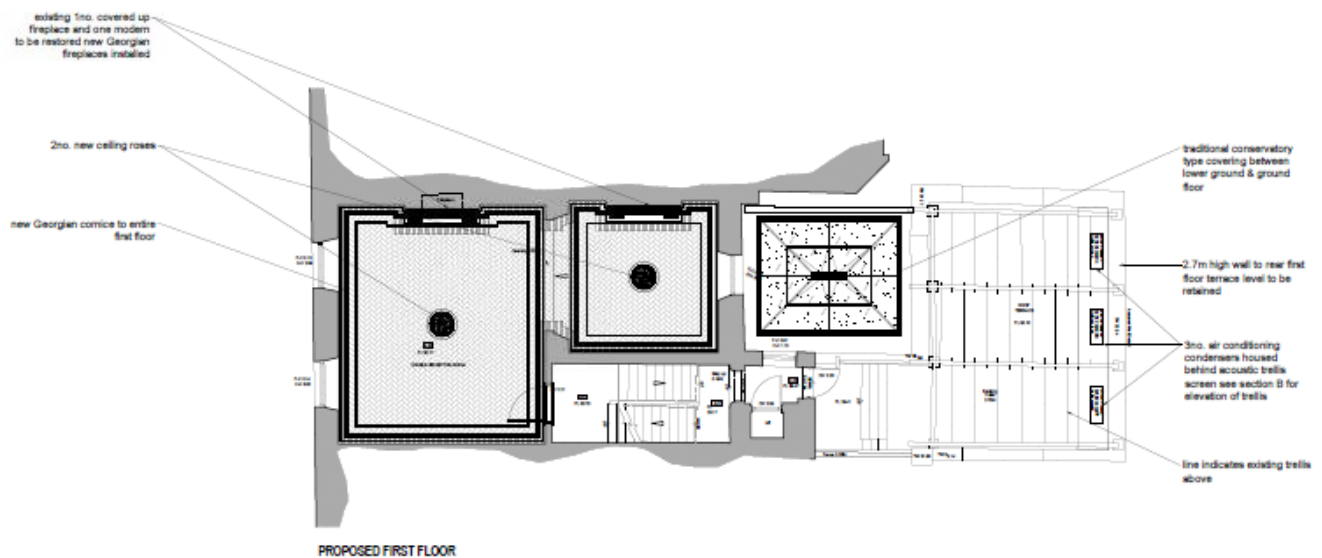
EXISTING GROUND FLOOR



PROPOSED GROUND FLOOR



EXISTING FIRST FLOOR



PROPOSED FIRST FLOOR

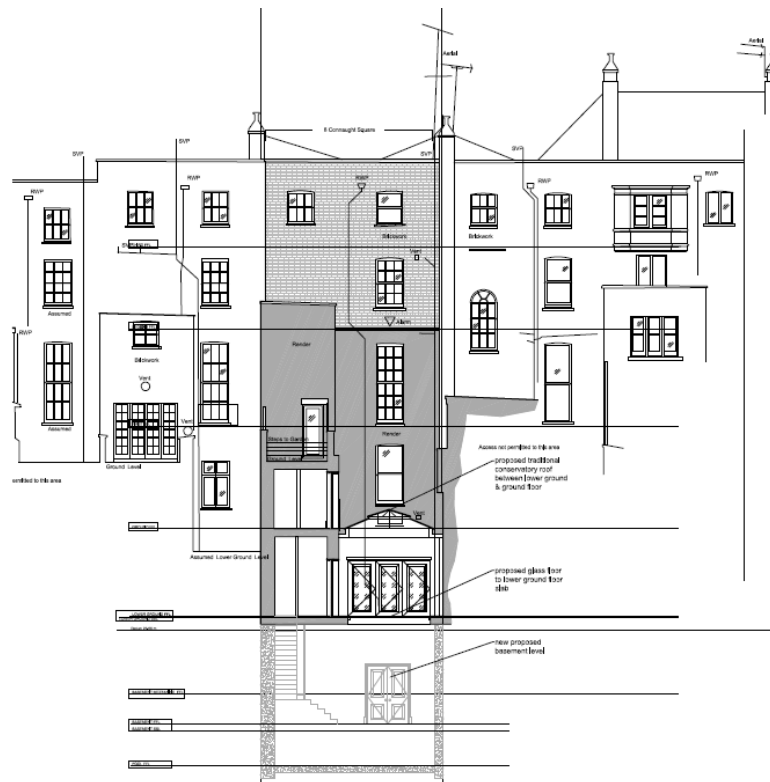


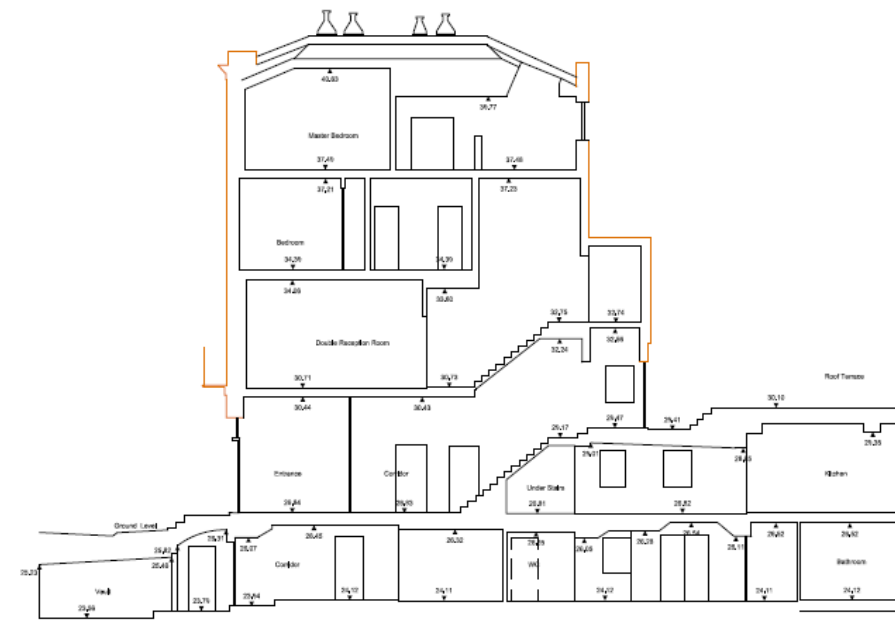
Elevation 1

**Existing Front Elevation**

Elevation 1

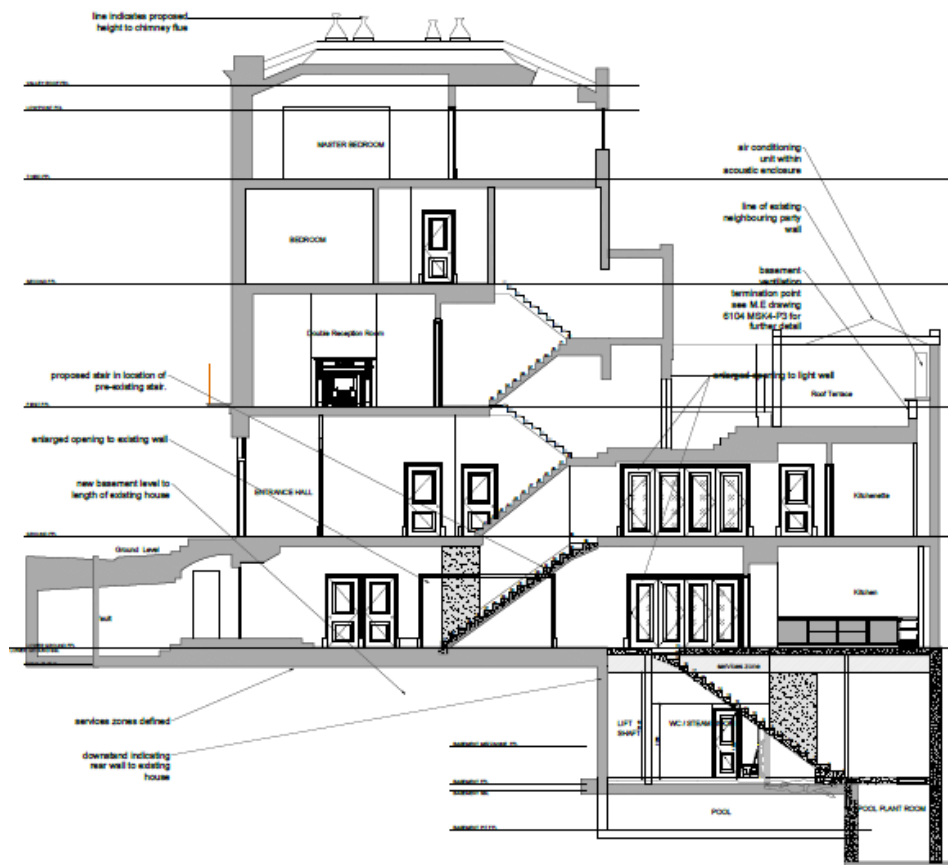
**Proposed Front Elevation**

**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 rear extensions and rear lightwell, erection of 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.D, (PL) 03 Rev.B, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.D, (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 here listed), 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 - see Condition 3), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 24 May 2016 (including structural drawings 2C, 3C, 4C, 5C, 6C, 7E, 8D, 9C, 10C, 11C and 12C) (for information - see Informative 2), 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) (for information - see Informative 2). Mechanical Services drawings SK1/P4, SK2/P4, SK3/P4, SK4/P4 (as corrected by (PL) 05 Rev.B in terms of location of external mechanical plant), SK5/P4, SK6/P4 and SK7/P1 (approved in respect of mechanical services shown only).

**Case Officer:** Oliver Gibson

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

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

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

**Reason:**

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

- 2 Except for 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 **Pre Commencement Condition.** Notwithstanding the submitted construction management plan, no development shall take place, including any works of demolition, until a detailed 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.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) Elevations and sections at a scale of 1:20 of new conservatory roof over rear lightwell.
  - (b) Plan and elevation at a scale of 1:20 of screen/ trellis around mechanical plant on rear first floor terraces.
  - (c) Elevations and sections of new doors to front lightwell (elevations at 1:20 and sections at 1:5).
  - (d) New external light fittings.



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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

## Reason:

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

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

## Reason:

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

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

- Provision of the mechanical plant noise attenuation measures set out in Part 6 of the Environmental Noise Assessment dated 8 September 2015 (102625.ad Issue 3).

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 detailed drawings prior to operation of the mechanical plant and vents located on the first floor rear terrace and thereafter you must not remove the noise attenuation measures unless or until the mechanical plant at first floor level has been permanently removed. (C26DB)

## Reason:

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

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 6 and 7 of this permission.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in

ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This 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.
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423,

siteenquiries@ccscheme.org.uk or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 8 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.
- Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.
- It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
- 9 Conditions 6, 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

**DRAFT DECISION LETTER - 14/11258/LBC**

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

**Proposal:** Excavation of basement floor below rear extensions and rear lightwell, erection of 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.D, (PL) 03 Rev.B, (PL) 04 Rev.A, (PL) 05 Rev.B, (PL) 06 Rev.A, (PL) 07 Rev.B, (PL) 09 Rev.A, (PL) 10 Rev.D, (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 here listed), 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 - see Condition 3), Environmental Noise Assessment dated 8 September 2015 (Issue 3), Construction Method Statement by Martin Redston Associates dated 24 May 2016 (including structural drawings 2C, 3C, 4C, 5C, 6C, 7E, 8D, 9C, 10C, 11C and 12C) (for information - see Informative 2), 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) (for information - see Informative 2). Mechanical Services drawings SK1/P4, SK2/P4, SK3/P4, SK4/P4 (as corrected by (PL) 05 Rev.B in terms of location of external mechanical plant), SK5/P4, SK6/P4 and SK7/P1 (approved in respect of mechanical services shown only).

**Case Officer:** Oliver Gibson

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

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

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

**Reason:**

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- (a) Elevations and sections at a scale of 1:20 of new conservatory roof over rear lightwell.
- (b) Plan and elevation at a scale of 1:20 of screen/ trellis around mechanical plant on rear first floor terraces.
- (c) Elevations and sections of all new internal and external doors (elevations at 1:20 and sections at 1:5).
- (d) Plans and elevations of all air conditioning fan coil units and associated joinery enclosures, ducting and pipe runs.
- (e) All restored fireplaces and new chimney pieces.
- (f) All new cornices.
- (g) New opening between front and rear rooms at ground floor level.
- (h) New opening between hallway and rear room at lower ground floor level.
- (i) New structural glazed floor between basement and lower ground floor level.
- (j) New staircase between ground floor and lower ground floor.
- (k) External light fittings.

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 detailed drawings. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 2 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.



## Planning Applications Committee (3) – 2 February 2016

### ITEM 6      8 CONNAUGHT SQUARE, W2

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

#### **RESOLVED:**

Application withdrawn by officers.



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.



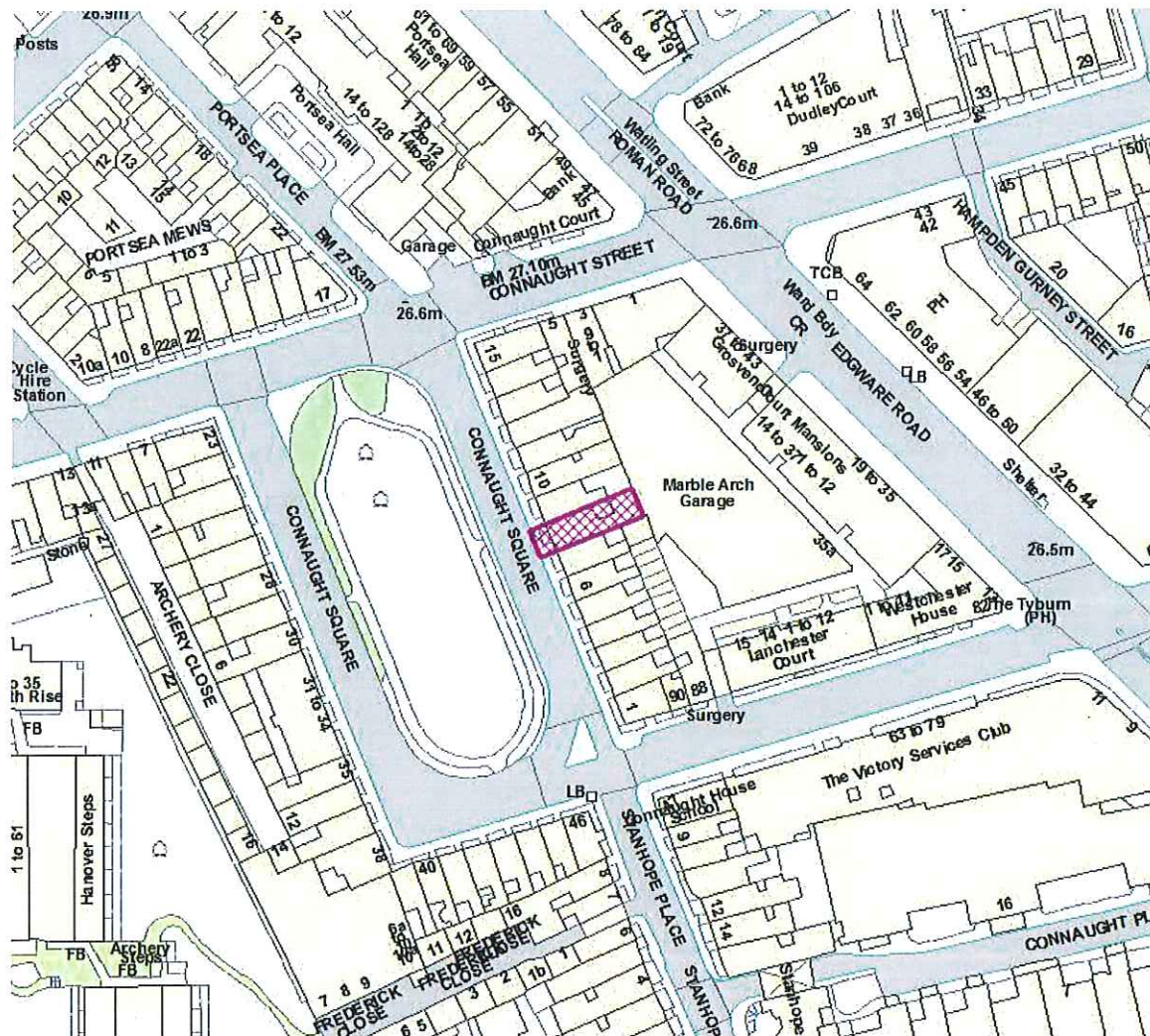
Since the previous committee meeting, the applicant has provided a significant amount of additional structural information, including a Ground Investigation Report, a Basement Impact Assessment and a Construction Method Statement. These documents have been assessed in detail by Building Control officers 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.



Item No.

### 3. LOCATION PLAN



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Item No.



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 it's 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)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT <a href="mailto:NorthPlanningTeam@westminster.gov.uk">NorthPlanningTeam@westminster.gov.uk</a></p>
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Planning Applications Committee (3) – 28 July 2015

**5      8 CONNAUGHT SQUARE, W2**

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

Additional representations were received from Councillor Heather Acton (23/7/15), Councillor Antonia Cox (16/7/15) and Sally Thomas, Environmental Health Consultation Team (22/7/15).

Late representations were received from Anne Larkey (23.7.15); Michael Freeman (24.7.15); Rachel Boser (24.7.15); Mischon de Reya (27.7.15); John Shailer (24.7.15); Mark Davison (24.7.15); Donald Angel (25.7.15); Dr Nick Johnson on behalf of the Hyde Park Estate Association (24.7.15); Karen Scarborough (25.7.15); Susan Balgarnie (26.7.15); John Outram (26.7.15) and Andrea von Schilling (26.7.15).

**RESOLVED:**

That the application be deferred to seek revisions from the applicant on the design, floor hierarchy and plan form of the listed building, for the applicant to submit a revised acoustic report to demonstrate that the plant in its revised location will not cause a noise nuisance to neighbours and to receive sufficient information from the applicant on ground geology and hydrology to ensure the structural integrity of the listed building.

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

# 1. RECOMMENDATION

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



## 2. SUMMARY

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

The key issues in this case are:

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

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

## 3. CONSULTATIONS

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

#### COUNCILLOR COX

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

#### COUNCILLOR FLORU

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

#### COUNCILLOR ACTON

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

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

#### HYDE PARK ESTATE ASSOCIATION

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

#### ARBORICULTURAL MANAGER

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

#### BUILDING CONTROL

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

#### CLEANSING MANAGER

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

#### ENVIRONMENT AGENCY

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

#### ENVIRONMENTAL HEALTH

No response to date.

#### HIGHWAYS PLANNING MANAGER

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

#### THAMES WATER

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

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

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

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

#### Design

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



#### Amenity

- Noise from proposed mechanical plant.

#### Other Issues

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

ADVERTISEMENT/SITE NOTICE: Yes.

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

#### WARD COUNCILLORS

Any response to be reported verbally.

#### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

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

Any responses to be reported verbally.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

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

### 4.2 Relevant History

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



15 July 1997 – Permission and listed building consent granted for removal of existing double hung sash window and installation of double doors in door opening (97/04538/FULL and 97/04539/LBC).

2 July 1998 – Permission and listed building consent granted for renovation and refurbishment of existing residential accommodation including installation of new domestic lift at rear up to second floor (98/02388/FULL and 98/02389/LBC).

23 March 2000 - Permission and listed building consent granted for alterations during the course of construction for reconfiguration of pergola roof from sloped to horizontal (99/12036/FULL and 99/12037/LBC).

29 May 2014 – Planning permission and listed building consent applications were withdrawn in response to officer concerns. Applications proposed the use of the building as a single dwellinghouse, excavation underneath existing building to create three level basement including mezzanine and swimming pool, construction of two storey rear extension at second and third floors to existing closet wing to accommodate lift shaft, construction of infill rear single storey conservatory at lower ground floor level, demolition of roof and construction of full width mansard roof extension, installation of mechanical plant and associated internal and external alterations (14/01538/FULL and 14/01539/LBC).

## **5. THE PROPOSAL**

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

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

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

### **6.2 Design and Townscape**

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

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





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

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

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

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

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

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

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

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

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

### 6.3 Amenity

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

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

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

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

**6.4 Transportation/Parking**

Not applicable.

**6.5 Economic Considerations**

Not applicable.

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

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

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

None relevant.

**6.8 London Plan**

The applications do not raise strategic issues.

**6.9 Central Government Advice**

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

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

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

**6.10 Planning Obligations**

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

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

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

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



## 6.12 Other Issues

### 6.12.1 Basement Excavation

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

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

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

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining Grade II listed properties in this terrace. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

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



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

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

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

#### **6.12.2 Construction Management**

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

### **7. CONCLUSION**

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

**BACKGROUND PAPERS**

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

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