

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>9 Chapel Side, London, W2 4LG,</b>		
<b>Proposal</b>	Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.		
<b>Agent</b>	Joanna Espin-Silvester		
<b>On behalf of</b>	Mr Luke Quinn		
<b>Registered Number</b>	16/05301/FULL	<b>Date amended/ completed</b>	13 June 2016
<b>Date Application Received</b>	6 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

<p>The application site is a two storey mid terraced single family dwelling located on the west side of Chapel Side. The property is not listed but lies within the Bayswater Conservation Area.</p> <p>Permission is sought for the excavation of a basement beneath the entire footprint of the building, for the replacement of the roof, which will have a slightly steeper pitch (and increased height) and for alterations to the front elevation windows and doors.</p> <p>The key considerations are:</p> <ul style="list-style-type: none"> <li>- Impact on the character and appearance of this building and the wider conservation area.</li> <li>- Impact on the residential amenity of the occupants of neighbouring properties; and</li> <li>- Impact of the basement excavation on the structural stability of this and neighbouring buildings.</li> </ul> <p>Subject to conditions the proposed development would be consistent with the Unitary Development Plan (UDP) and Westminster's City Plan policies. The application is therefore recommended for approval.</p>
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### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**Views from Chapel Side**



**5. CONSULTATIONS**

WARD COUNCILLORS FOR LANCASTER GATE  
Any comments to be reported verbally.

**BAYSWATER RESIDENTS ASSOCIATION**

Objects on grounds of the adverse structural impact, narrow mews means that there will be severe disruption for neighbours, shall foundations will require underpinning and the submission of an engineers report, the applicants works timetable is considered to underestimate the time it will take to complete the works and the setting of an undesirable precedent.

**BUILDING CONTROL**

No objection. The submitted structural information is considered to be acceptable.

**HIGHWAYS PLANNING**

No objection.

**ENVIRONMENTAL HEALTH**

No objection subject to a condition in relation to external noise.

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

No. Consulted: 53

Total No. of replies: 6 objections from 3 residents raising some or all of the following points:

- Application building is historically important forming part of a terrace of workers housing.
- It is not clear what services application site shares with neighbours, there is a shared chimney.
- Obstruction to road, and existing parking, particularly give it is a narrow single lane.
- Considerable disruption, noise, dirt, vibration which is likely to be amplified by the narrow nature of the mews.
- Potential for structural damage to application buildings and neighbouring properties.
- Works timetable provided by applicant is unrealistic.
- Precedent set for other such developments

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is a two storey, mid-terrace single family dwelling house located on the west side of Chapel Side. The building is not listed but lies within the Bayswater Conservation Area. Built in the mid-nineteenth century the property and the terrace it forms part of are likely to have formed part of the first phase of the development of this part of Bayswater. The property has a rendered ground floor, exposed brick first floor and a tiled roof. The property shares a rear party wall with the larger residential building, Palace Court. The area is predominantly residential in character with buildings of a variety of styles in the immediate vicinity.

**6.2 Recent Relevant History**

Planning permission was refused on the 10<sup>th</sup> July 2013 for the demolition of no's 8, 9 and 10 Chapel Side to allow replacement with 4 single family houses consisting of basement and two upper floors. This application was refused on the grounds that the buildings due to their age, scale and design positively contribute to the character and appearance of the conservation area and their demolition would be contrary to policy. (07/06466/FULL) The subsequent appeal was dismissed.

## **7. THE PROPOSAL**

Permission is sought for the excavation to form a basement beneath the buildings entire footprint including an internal lightwell to provide light down to the basement floor. The works also include the replacement of the existing front elevation windows and for the replacement of the roof. The new roof will include vents for an internal heat recovery system, new rooflights and a slightly steeper roof pitch which will increase the roof by approximately 20cm.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan.

### **8.2 Townscape and Design**

The existing building dates from the mid 19<sup>th</sup> century and appears to have been originally constructed as a single dwelling house, a use it still retains. The building is considered to make a positive contribution to the character and appearance of this part of the conservation area, and it forms part of a short run of similar properties to the east side of Chapel Side which all retain much of their original mid Victorian character.

The subterranean development is lit only by an internal lightwell set within the ground floor room, and as such it will have no visual impact on the building and is therefore considered acceptable in design terms.

There are two existing rooflights located on the rear roofslope of the building, and their removal and replacement with two new rooflights of matching size and to a matching location will not adversely affect the building. The slight increase in height of the roof is uncontentious, and the cladding of it in natural slates which are to be secured by condition is considered acceptable. The two vents associated with the MVHR system are small in size and a section drawing is to be secured by condition to demonstrate that they will not be visible from street level.

The four windows to the front elevation are proposed to be enlarged, however the existing windows are relatively small later additions to the building and they are generally smaller in scale than those existing original Victorian windows to the adjoining buildings. The new windows will have appropriate brick arches above which are to be secured by condition, and appropriate sliding sash windows and this work would not be harmful to the character and appearance of the building. One further new window is proposed to be added to first floor level however, and this particular window is considered inappropriate as it would clutter the elevation with an awkwardly small window and it would break the harmony to this run of Victorian buildings which all have a consistent rhythm of two windows each to ground and first floor levels. As such, an amending condition is added requiring this window to be removed from the scheme.

Subject to the conditions recommended, in design terms the proposals are considered to be acceptable and in accordance with policies DES1, DES5, DES 6 and DES9 of the UDP as well as policies CM28.1, S25 and S29 of the City Plan.

### **8.3 Residential Amenity**

The increased size of the front elevation windows is modest so the impact on overlooking is not material. Similarly the new rear rooflights will not worsen the existing situation for neighbouring residents. The roof is to be increased in height by approximately 20cm, while there are some windows located behind the property to the rear of Palace Court, this small increase in height is not considered to have a significant material impact.

The subterranean nature of the development means that once complete there is no significant amenity impact on neighbouring properties.

The proposals would therefore comply with policy ENV13 of the UDP as well as policy S29 of the City Plan.

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

There is no increase in the number of residential units. The property does not have an off street parking space at present and this will not be altered by this application. The impact of construction on vehicle movement will be addressed later in this report. The Highways Planning Manager raises no objection to the application.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposals would not affect access to the property.

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied to applications received after the date of publication of the Code of Construction Practice document. As this application was received prior to the 17<sup>th</sup> July 2016, the CoCP does not apply to this application.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

#### **8.8 London Plan**

This application raises no strategic issues.

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

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



## 8.10 Planning Obligations

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

## 8.11 Environmental Impact Assessment

The application is of an insufficient size to trigger the requirement for the submission of an EIA.

## 8.12 Other Issues

### *Basement Excavation*

Objections have been raised to potential instability resulting from basement excavation. However, the applicant has submitted a Structural Methodology Statement by a suitably qualified engineer. The application site is also not located within a flood risk area and this development is not considered high risk. Accordingly, the requirements of emerging policy CM28.1 of the City Plan have been met insofar as they relate to structural stability.

### *Construction Management*

Objectors are concerned about noise and disruption as a consequence of construction and the implications for vehicle movement within the road. The narrowness of the road is felt by objectors to worsen the impact. The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process. Objectors are concerned that the construction timetable is overly optimistic.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number. Concerns about vehicular access to and movement within the road are valid concerns but are not grounds for withholding planning permission, highways licensing will control the placement of skips.

### *Other Objections*

An objector expressed concerns about the precedent that allowing this development would set. However all future applications would be assessed on their merits and with regard to adopted policy at the time.

### *Plant and Noise*

The proposals include the provision of a heat recovery ventilation system. This does not include any external plant equipment, with the only external manifestation being small vents located within the roof pitch. The unit is installed internally in the attic space, it is understood that this does not create any noise. No objection has been received from Environmental Health in relation to these proposals, however an informative is recommended to advise the applicant that, should they wish to install plant in the future, they would require a further application for planning permission.

Environmental Health has requested a condition to ensure that noise from external sources kept to acceptable limits. As the application relates to an existing single family dwelling, it is not considered that such a condition could be justified.

### *Refuse /Recycling*

No change to existing situation.

## 9. BACKGROUND PAPERS

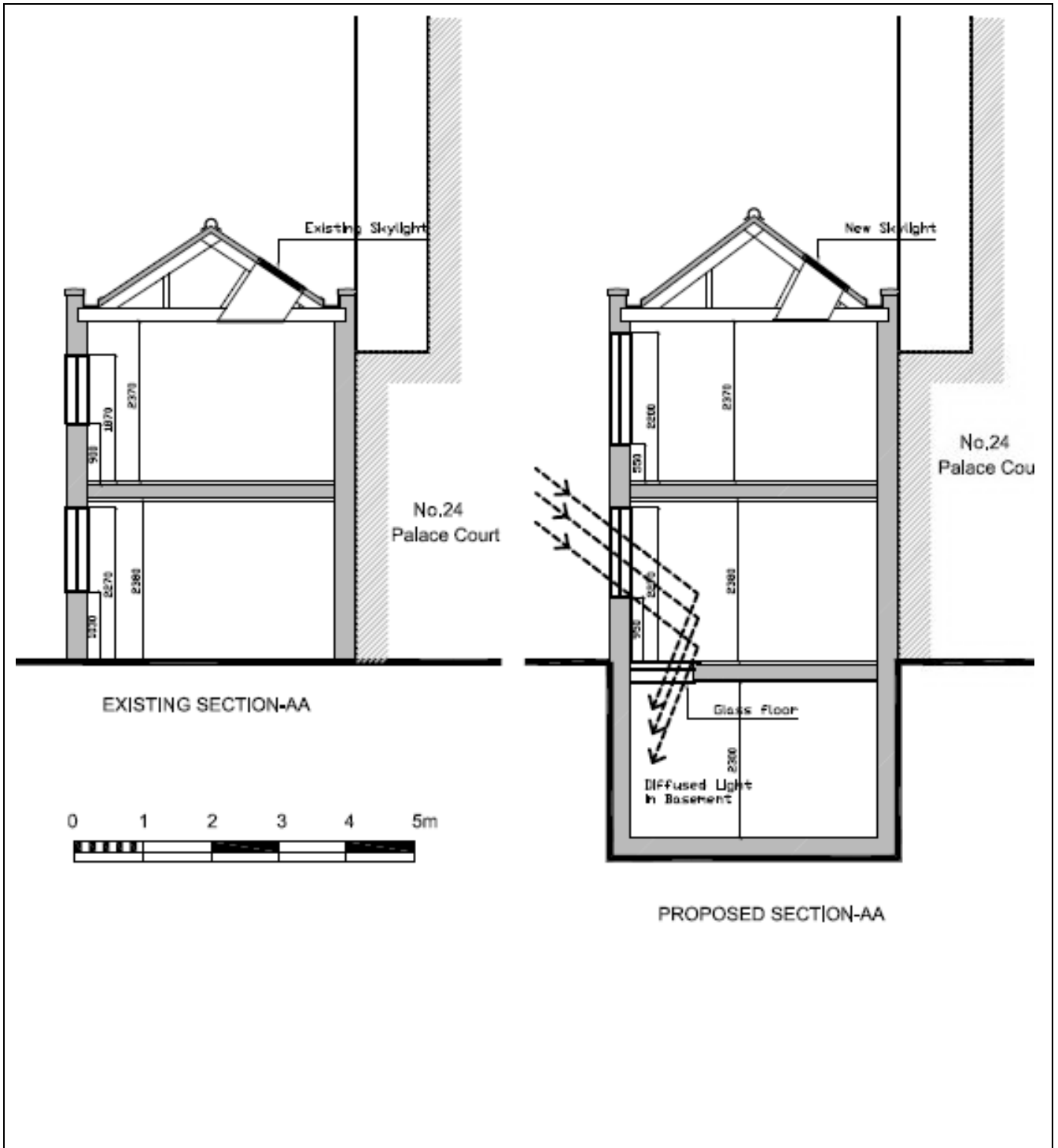
1. Application form
2. Letter from Bayswater Residents Association, dated 27 July 2016.
3. Email from Building Control, dated 1 July 2016.
4. Memorandum from The Highways Planning Manager, dated 5 July 2016.
5. Response from Environmental Health, dated 13 July 2016
6. Email from occupier of 27 Chapel Side, dated 25 July 2016
7. Letter and emails from occupier of 28 Chapel Side, off Moscow Road, Bayswater, dated 7 & 26 July and 6 August 2016
8. Letter from occupier of 26 Chapel Side, London, dated 13 July 2016

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

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

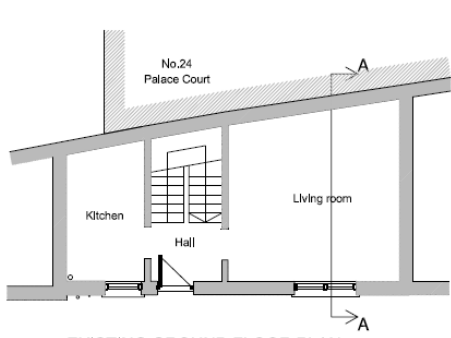


10. KEY DRAWINGS

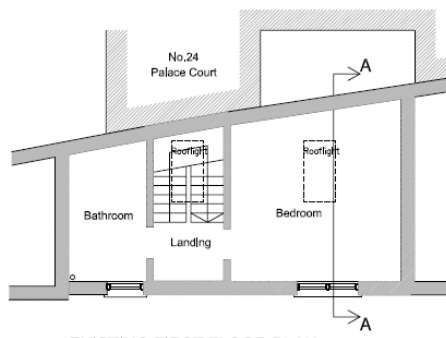




EXISTING EAST ELEVATION NO.9 CHAPEL SIDE



EXISTING GROUND FLOOR PLAN

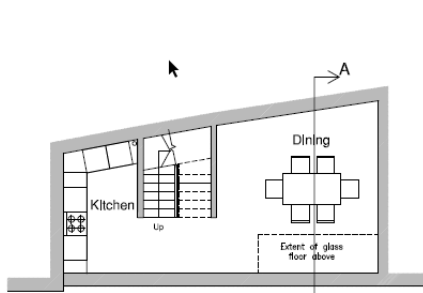


EXISTING FIRST FLOOR PLAN

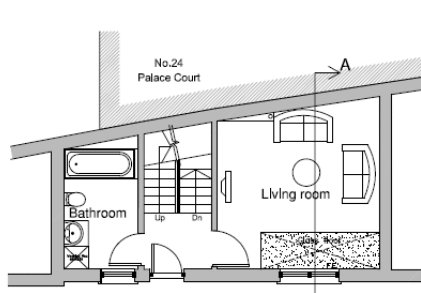
EXISTING ABOVE – PROPOSED BELOW



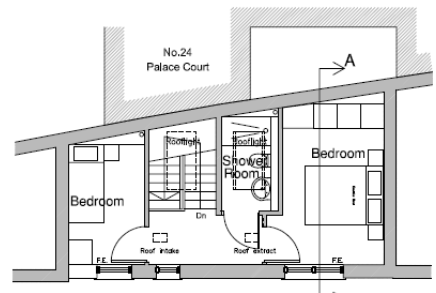
PROPOSED EAST ELEVATION NO.9 CHAPEL SIDE



PROPOSED BASEMENT PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

**DRAFT DECISION LETTER**

- Address:** 9 Chapel Side, London, W2 4LG,
- Proposal:** Excavation of a basement beneath the footprint of the original dwelling incorporating an internal lightwell; alterations to windows and doors in the front elevation; replacement of roof, including increased roof pitch, new tiles, rooflights and vents.
- Plan Nos:** Acoustic Statement, Construction Management Plan, Construction Health and Safety Plan, Design and Access Statement, Existing Ground and First Floor Plans and East Elevation(A\_001), Existing and Proposed AA Section and Site Photographs (A\_4000A), Foul Sewage and Utilities Assessment, Location Plan and Site Plan 1, Location Plan and Site Plan 2, Mechanical Ventilation Heat Recovery System, Proposed Basement, Ground and First Floor Plans and East Elevation (A\_2001B), Site Deliveries and Waste Storage. For information only: Structural Methodology Statement.

**Case Officer:** Anna Mayers

**Direct Tel. No.** 020 7641 5966

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

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

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

Reason:

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

- 4 The new windows shall be constructed from timber, painted white and maintained that colour unless otherwise shown on the approved drawings.

Reason:

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

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

- Removal of the additional first floor front elevation window and addition of rooflight if required.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

(R26BE)

- 6 You must apply to us for approval of a detailed drawing of the following parts of the development - the roof vents. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

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

(R26BE)

- 7 The roof shall be clad in natural slates.

Reason:

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

(R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The installation of external mechanical ventilation plant would require a further application for planning permission.
- 3 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.

- 4 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. (150AA)

- 5 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

- 7 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)