

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	77 Westmoreland Terrace, London, SW1V 4AH		
Proposal	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floor space including an additional residential flat (Use Class C3).		
Agent	Turley		
On behalf of	Mr Martin Osborne		
Registered Number	16/12041/FULL	Date amended/ completed	8 May 2017
Date Application Received	20 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was considered by Planning Applications Committee on 14 March 2017. The application was deferred to permit the objector and adjoining owner to study the daylight and sunlight data and have an opportunity to make further representations on it.

The applicant had conducted a daylight and sunlight assessment for a previously refused scheme which assessed the impact of that proposal on neighbouring residential occupiers and it concluded that that proposal would not result in a noticeable reduction in light. The current proposal reduces the scale and height of the development compared to the refused scheme, and it was considered that the current proposal would correspondingly be acceptable in terms of light.

Late representations received prior to the March 2017 committee meeting noted that the relevant data tables for 75 and 79 Westmoreland Terrace were not available in that assessment. The data tables were provided by the applicant before the meeting. However, committee resolved that the objector and adjoining owner should have a further opportunity to review this data, and as such the application was deferred.

The applicant took the opportunity to provide an updated daylight and sunlight assessment based on the current proposals, and included an assessment on overshadowing. The report concludes that proposals meet BRE guidelines. Below are brief explanations of the daylight, sunlight and overshadowing methodologies used and a summary of the results.

DAYLIGHT:

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The report assesses both the VSC and NSL for adjacent properties. The data provided demonstrates there would be no reductions in excess of 20%.

SUNLIGHT:

In respect of sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The report assesses the sunlight hours for adjacent properties. The data provided demonstrates there would be no breaches of BRE guidelines. Whilst there would be reductions in sunlight hours, the analysis shows the rooms affected will remain reasonably sunlit.

OVERSHADOWING:

The method for assessing overshadowing of amenity spaces is the sun-on-ground indicator. This has been conducted in respect of the roof terraces at 75 Westmoreland Terrace. The BRE guide recommends that for it to appear adequately sunlit throughout the year, at least half of the area should receive at least 2 hours of sunlight on 21 March.

The data provided demonstrates the roof terraces would continue to be sunlit in excess of this criterion. 87% of the second floor roof terrace would receive more than 2 hours of direct sunlight and the 92% of the third floor roof terrace continue to receive more than 2 hours of direct sunlight.

CONCLUSION:

Given the proposal would result in no breaches of BRE guidelines, and that the evidence base to demonstrate this has been provided, there would be no significant reduction in light or increased overshadowing.

The objector has had the opportunity to review the updated report and the data associated with it, and they maintain their objection. It is argued that the daylight and sunlight assessment should be considered as part of a wider assessment of the impact on their amenity, and that committee should take a real-world view.

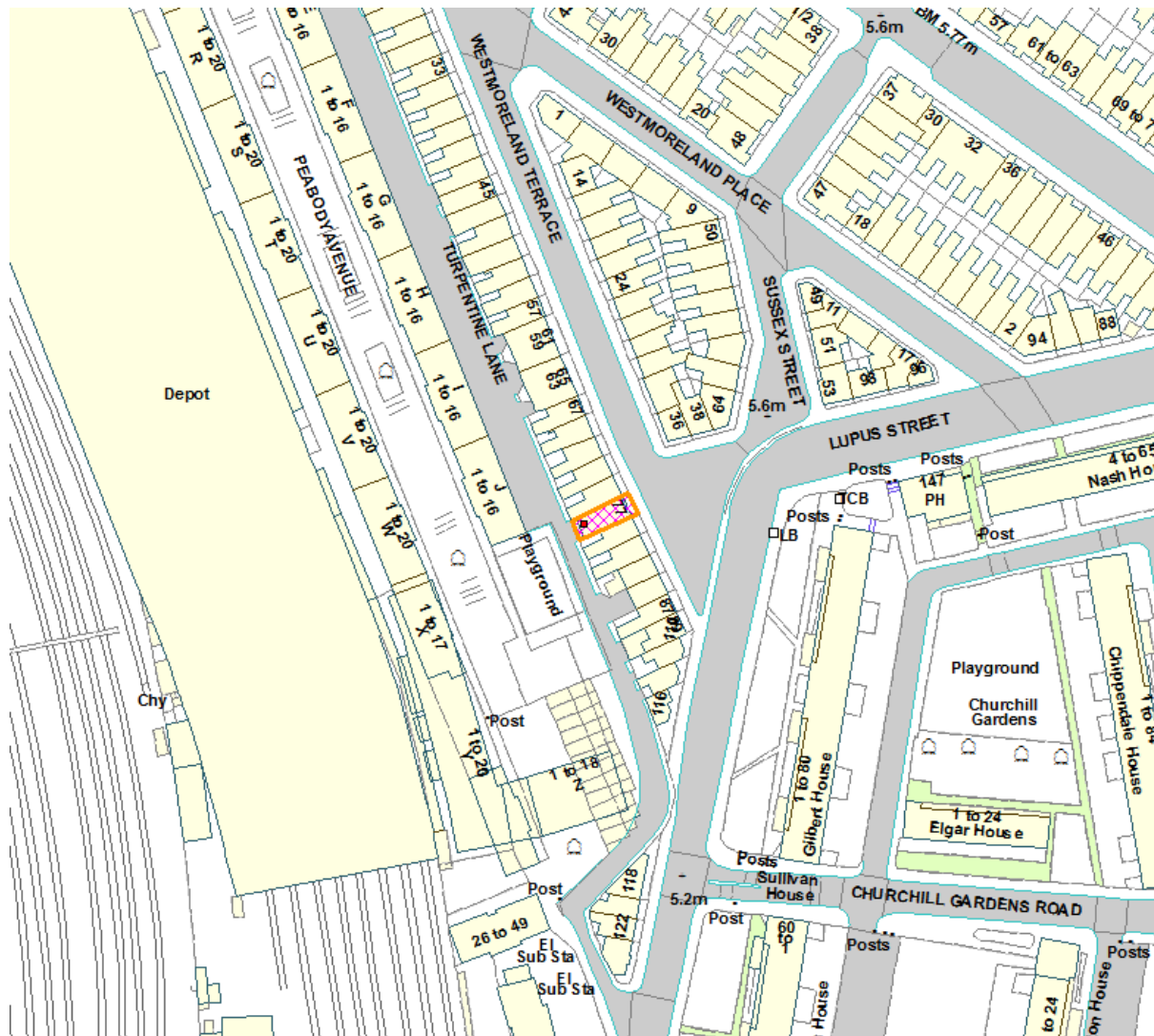
An assessment of the impact of the proposals has been conducted, and the officer report for March

2017 committee is included in the background papers.

ADDITIONAL COMMENT:

Since the application was deferred, Councillor Gassanly and 22 neighbouring owners/ occupiers have made further representations objecting to the proposals. The objectors have reiterated concerns relating to the impact on neighbours, the appearance of the area, the use of the building, the impact on the highway and other concerns as set out in section 5 of this report. These issues have been considered and are addressed in the officer report for March 2017 committee, and the circumstances have not changed.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

ADDITIONAL RESPONSES FOLLOWING COMMITTEE'S RESOLUTION TO DEFER:

TURLEY (On behalf of the applicant):

The updated daylight and sunlight report demonstrates there would be no noticeable loss of light or harmful overshadowing, and this addresses the reason for deferral.

WARD COUNCILLOR (Councillor Gassanly):

Objection: the proposals would constitute an over development which would harm the amenity enjoyed by adjoining residential occupiers, and would harm the character and appearance of the area, because of its bulk and size. On-street parking has not been adequately addressed.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 61

Total No. of replies: 22

No. of objections: 22

Objections from local residents on some or all of the following grounds:

Amenity:

- The proposed extensions would result in a loss of light to the roof terraces and windows of 75 Westmoreland Terrace;
- The new rear windows would allow overlooking of the existing roof terraces at 75 Westmoreland Terrace and the roofs may be used as roof terraces; and
- The development would result in increased numbers of people living in the building and this would harm neighbours in terms of increased noise and disturbance associated with increased comings and goings.

Design:

- The scale, height, massing and detailed design of the extensions would harm the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area.

Land use:

- The development appears to propose accommodation for student House in Multiple-Occupation / short term letting which would harm existing residents.

Highway:

- The additional residential unit would increase car parking pressures in the area – car club membership is not considered sufficient to overcome this and it is not explained why officers consider it is. The condition to secure arrangements for car club membership is not considered enforceable; and
- Deficiency in cycle parking storage.

Cleansing:

- The intensification of residential use would increase refuse generated which would worsen the existing situation where there is a lack of suitable refuse storage.

Other:

- The proposals constitute an over-development of the site;
- The proposals are similar to those previously refused and subsequently dismissed at appeal;
- If permitted the proposal would set a precedent allowing similar development to be permitted in the area to its detriment;
- The proposed rear extensions may not be possible to build in accordance with building regulations because the sloped roof reduces floor to ceiling heights;
- The veracity of the inspector's appeal decision questioned; and
- The drawings and supporting information misrepresent the proposals and adjoining buildings.

6. BACKGROUND PAPERS

1. Application Form.

Additional representations received after Planning Applications Committee 14 March 2017

2. Letter from Turley dated 28 April 2017.
3. Letter from Point Surveyors and Daylight and Sunlight Report dated March 2017.
4. Responses (x2) from Councillor Gassanly dated 7 April 2017 and 17 April 2017.
5. Response from owner/ occupier of 32 Westmoreland Terrace dated 31 March 2017.
6. Response from owner/ occupier of 15 Westmoreland Terrace dated 1 April 2017.
7. Response from owner/ occupier of 26 Clarendon Street dated 1 April 2017.
8. Response from owner/ occupier of 10 Westmoreland Terrace dated 1 April 2017.
9. Responses (x2) from owner/ occupier of 41 Westmoreland Terrace both dated 3 April 2017.
10. Response from owner/ occupier of 19 London dated 3 April 2017.
11. Response from owner/ occupier of 14 Westmoreland Terrace dated 3 April 2017.
12. Response from owner/ occupier of 8 Westmoreland Terrace dated 5 April 2017.
13. Response from owner/ occupier of 22 Westmoreland Place dated 5 April 2017.
14. Response from owner/ occupier of 16 Westmoreland Terrace dated 5 April 2017.
15. Response from owner/ occupier of 71 Westmoreland Terrace dated 10 April 2017.
16. Response on behalf of owner/ occupier of 75 Westmoreland Terrace dated 13 April 2017.
17. Response from owner/ occupier of 48 Malcomson House dated 16 April 2017.
18. Response from owner/ occupier of 81 Westmoreland Terrace dated 16 April 2017.
19. Responses (x2) from owner/ occupier of 79 Westmoreland Terrace dated 16 April 2017 and 17 April 2017.
20. Response from owner/ occupier of 1 Westmoreland Place dated 18 April 2017.
21. Responses (x3) from owner/ occupier of 53 Westmoreland Terrace dated 18 April 2017, 19 April 2017 and 20 April 2017.
22. Response from owner/ occupier of 71 Westmoreland Terrace dated 20 April 2017.

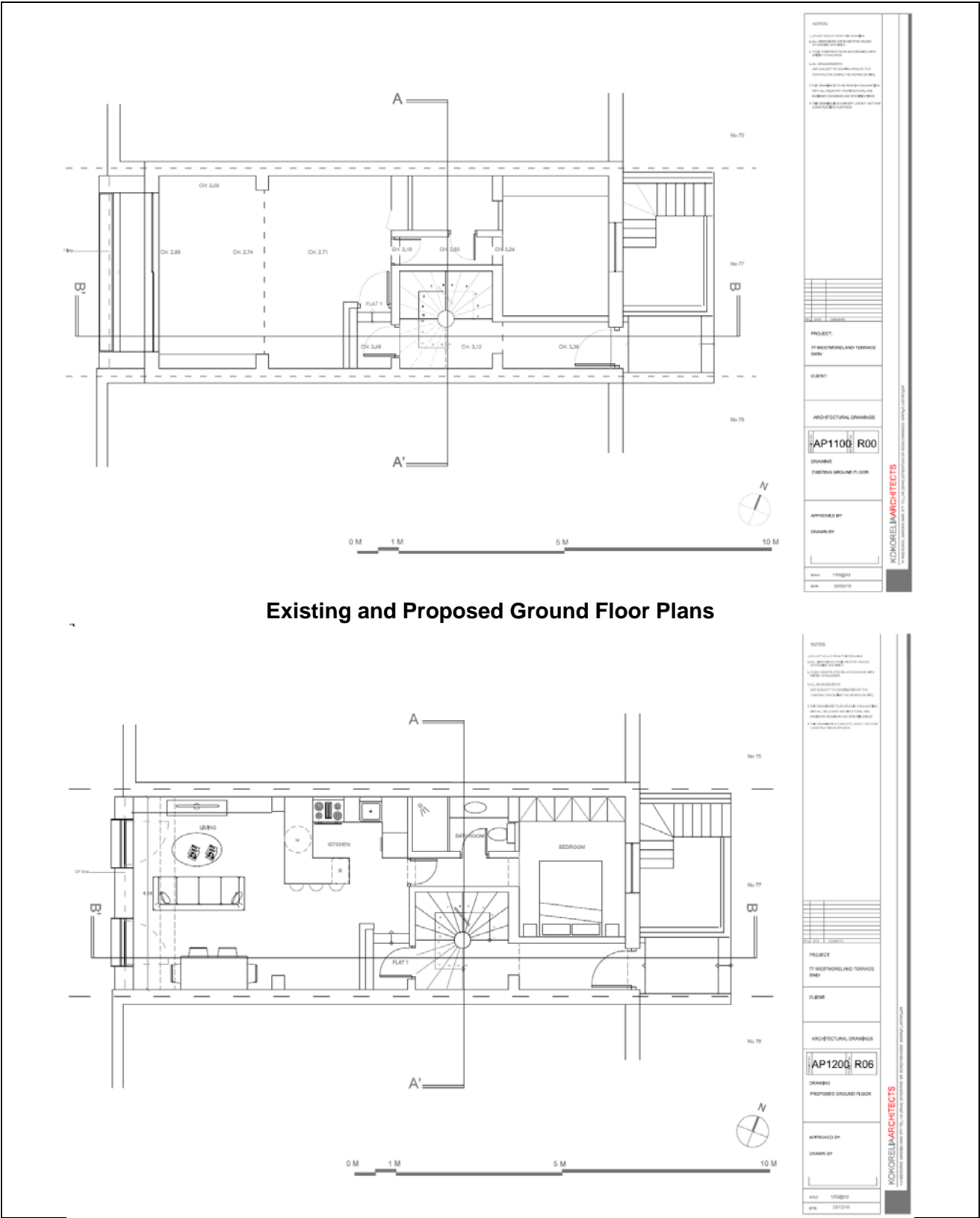
Original representations reported to Planning Applications Committee 14 March 2017

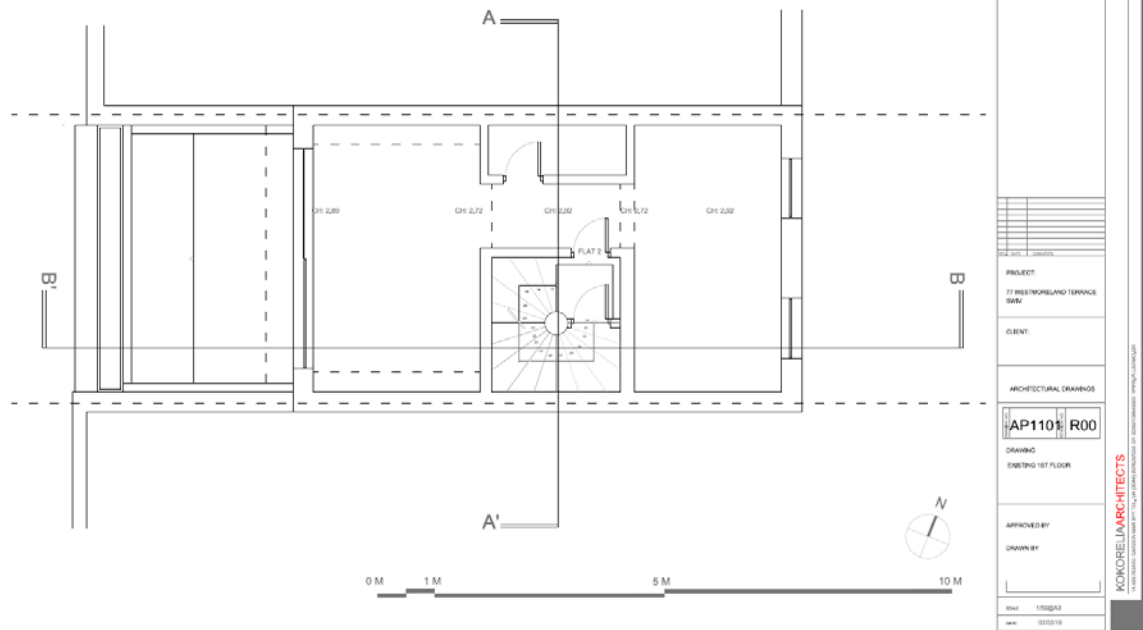
23. Email and letter from Turley dated 14 March 2017.
24. Response (x2) from owner/ occupier of 75 Westmoreland Terrace dated 13 March 2017 and 9 March 2017.
25. Response from owner/ occupier of 79 Westmoreland Terrace dated 9 March 2017.
26. Appeal decision dated 12 July 2016.
27. Email from Cllr Williams dated 8 February 2017.
28. Memo from Westminster Society dated 10 January 2017.
29. Memo from Highways Planning Manager dated 17 January 2017.
30. Memo from Cleansing Manager dated 10 January 2017.
31. Email from Building Control dated 17 February 2017.
32. Response from owner/ occupier of 75 Westmoreland Terrace dated 24 January 2017.
33. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017.
34. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017.
35. Response from owner/ occupier of 81 Westmoreland Terrace dated 27 January 2017.
36. Response from owner/ occupier of 48 Malcolmson House dated 29 January 2017.
37. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 8 February 2017.
38. Response from Chairman of Westmoreland Triangle Residents' Association dated 8 February 2017.
39. Response from owner/ occupier of 75 Westmoreland Terrace dated 13 February 2017.

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

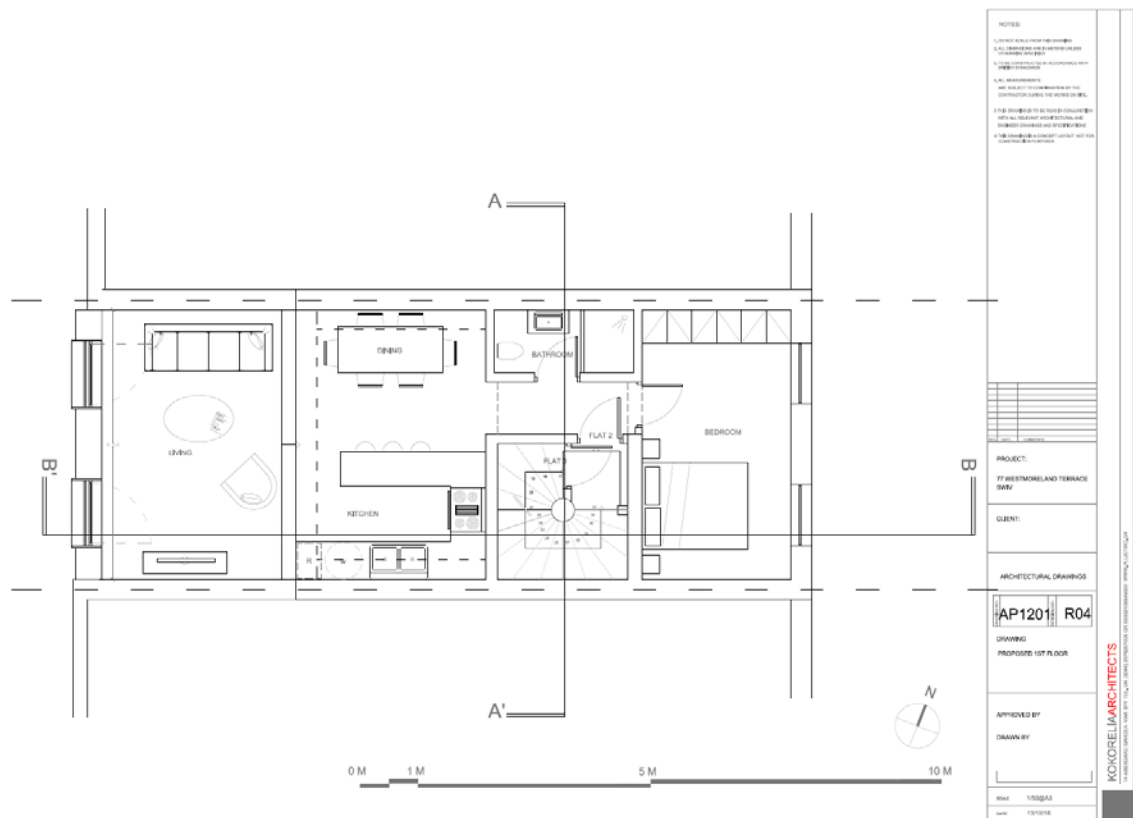
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

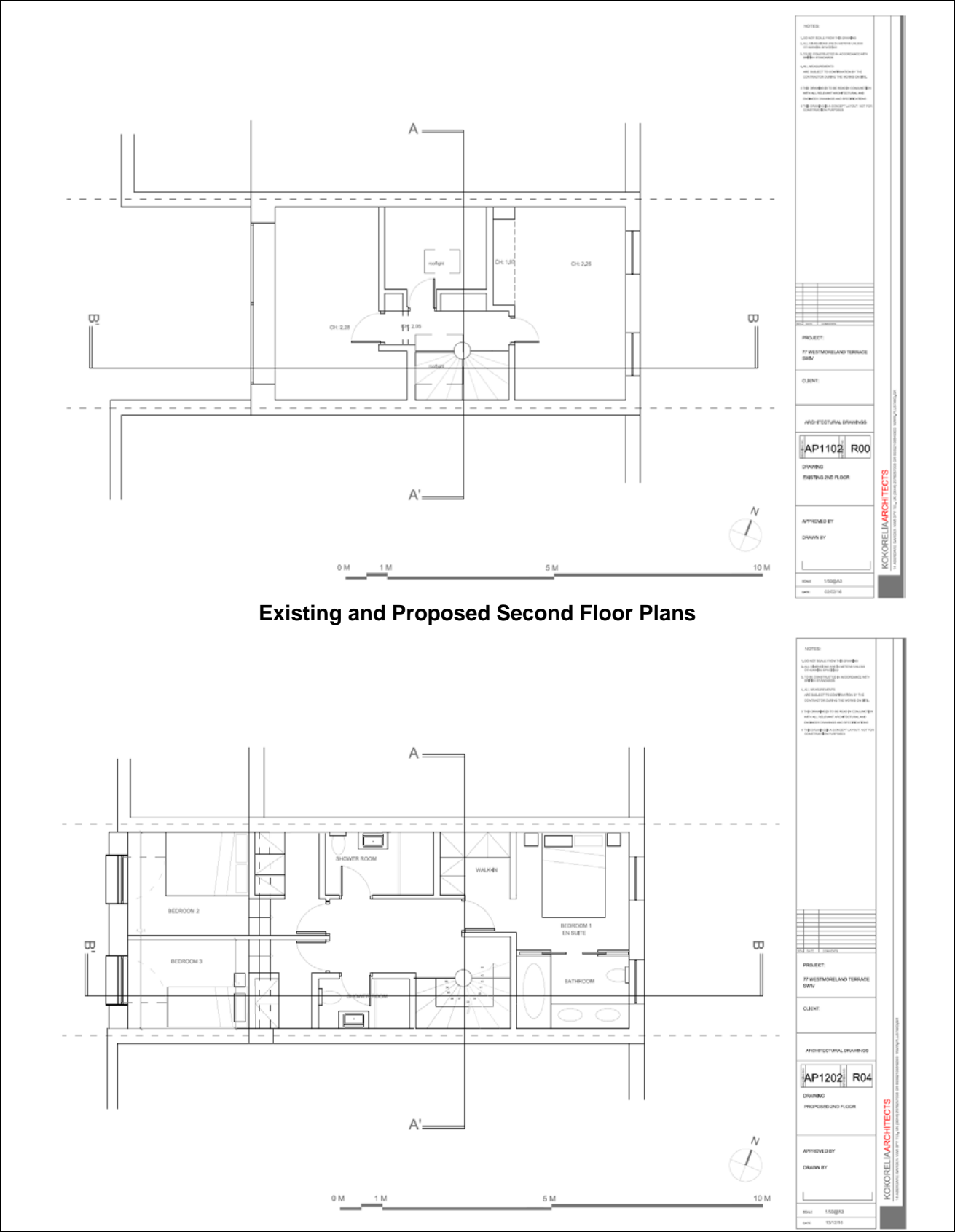
7. KEY DRAWINGS

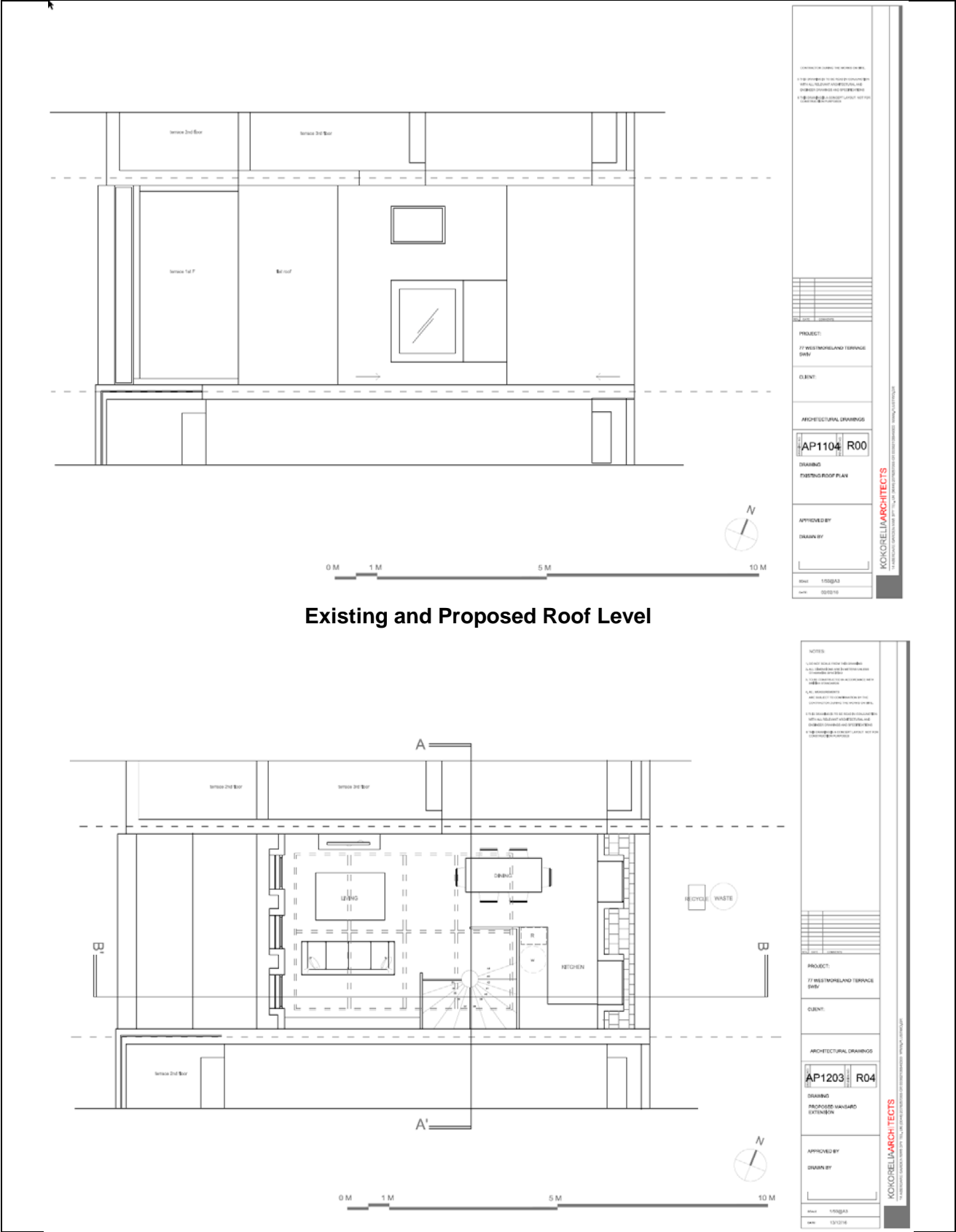




Existing and Proposed First Floor Plans











DRAFT DECISION LETTER

Address: 77 Westmoreland Terrace, London, SW1V 4AH

Proposal: Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floorspace including an additional residential flat (Use Class C3).

Reference: 16/12041/FULL

Plan Nos: Location Plan; Existing Site Plan; Proposed Site Plan; AP1100 rev R00; AP1101 rev R00; AP1102 rev R00; AP1104 rev R00; AP1110 rev R00; AP1111 rev R00; AP1120 rev R00; AP1121 rev R00; AP1200 rev R06; AP1201 rev R04; AP1202 rev R04; AP1203 rev R04; AP1204 rev R04; AP1210 rev R00; AP1211 rev R4; AP1220 rev R4; AP1221 rev R04; Design and Access Statement; Daylight and Sunlight Report and Overshadowing Addendum dated March 2017; Cover Letter dated 20 December 2016; Letter dated 28 April 2017.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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

- i) Window details, including a material sample of the finish. Sections and elevations scaled 1:10;
- ii) Details of the garage doors including materials; and
- iii) You must submit to us a sample of zinc for approval.

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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 a sample panel of brickwork which shows the colour, texture, face bond and pointing. This must be provided on site for inspection. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Pimlico Conservation Area. This is as set out in S25

and S28 of Westminster's City Plan (November 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 not use the roofs of the extensions for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must not use any part of the development until we have approved appropriate arrangements to secure the following

- i) Lifetime Car Club Membership for the residential occupiers of the flat at second and mansard floor levels.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AP1200 rev R06, AP1201 rev R04 and AP1203 rev R04. You must clearly mark them and make them available at all times to everyone using the flats. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of

more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 10 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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 (November 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 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 3 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 or visit www.ccscheme.org.uk.
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 7

PREVIOUS REPORT

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	77 WESTMORELAND TERRACE, LONDON, SW1V 4AH		
Proposal	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).		
Agent	Turley		
On behalf of	Mr Martin Osborne		
Registered Number	16/12041/FULL	Date amended/ completed	23 February 2017
Date Application Received	20 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

77 Westmoreland Terrace is an unlisted building located in the Pimlico Conservation Area. The building comprises basement, ground and two upper floors and is divided into three self-contained residential flats. This application relates to the ground and upper floors which are in use as two flats.

Permission is sought for the erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat.

The main issues are:

- The impact on the character and appearance of the building and the Pimlico Conservation Area;
- The impact on the amenity of neighbouring residents; and
- The impact on on-street car parking pressures.

On 30 March 2016 permission was refused for 'erection of a mansard roof extension; rear extensions at ground, first and second floor levels; in association with the creation of an additional flat.' The reasons for refusal were as follows: harm to the character and appearance of the Pimlico Conservation Area; increase in a sense of enclosure to the people living in 75 Westmoreland Terrace and increase in on-street car parking pressure.

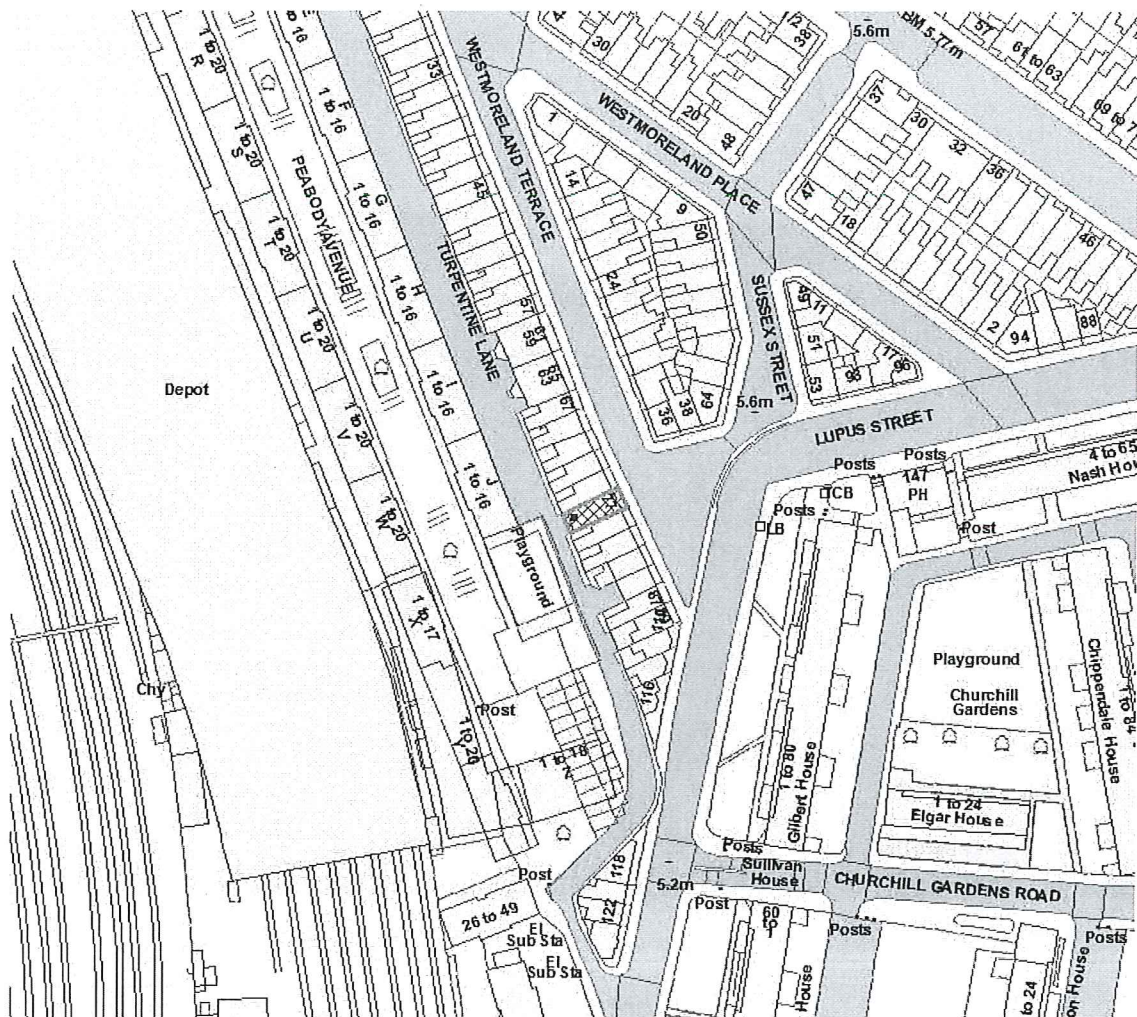
On 27 July 2016 an appeal against the Council's decision to refuse planning permission on 30 March 2016 was dismissed. The inspector agreed the proposal would harm the character and appearance of the Pimlico Conservation Area and would adversely impact on-street car parking pressure. The Inspector did not agree that the proposal would have an unacceptable impact on the people living in 75 Westmoreland Terrace in terms of an increase in sense of enclosure.

In comparison to the previously refused scheme, the rear extension at second floor level has been reduced in height and bulk and the detailed design has been reconsidered. The applicant has also offered to provide Lifetime Car Club Membership for the occupiers of the additional residential flat.

Objectors raise concerns primarily on the grounds of harm to residential amenity and harm to the character and appearance of the Pimlico Conservation Area. Supporters favour the proposals primarily on the grounds the proposal would enhance the appearance of the building and conservation area.

The latest proposal complies with the Council's policies in relation to design, conservation, residential amenity and highways as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). The application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

COUNCILLOR WILLIAMS:

Agrees with officer's recommendation to approve.

WESTMINSTER SOCIETY:

No objection.

HIGHWAY PLANNING MANAGER:

Objection: no off-street car parking provided and proposed cycle parking locations are unacceptable. Lifetime Car Club Membership is the strongest mechanism likely to reduce car ownership, but is not sufficient to overcome the Highway Planning Manager's objection.

CLEANSING MANAGER:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36

Total No. of replies: 8

No. of objections: 6

No. in support: 2

Support from the Federation of Pimlico Residents Associations Limited (Pimlico FREDA) and the Chairman of the Westmoreland Triangle Residents' Association on some or all of the following grounds:

- The extensions would enhance the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area;
- The three bedroom unit would provide a flat of a welcomed size and type;
- The proposals would not harm the amenity of neighbours who benefit from similar extensions; and
- Cycle parking has been provided and the deficiency in off-street car parking is outweighed by the benefits of the scheme, and the applicant has offered Lifetime Car Club Membership.

Objections from local residents on some or all of the following grounds:

Amenity:

- The proposed extensions would result in a loss of light to the roof terraces and windows of 75 Westmoreland Terrace;
- The new rear windows would allow overlooking of the existing roof terraces at 75 Westmoreland Terrace.

- The roofs of the proposed extensions could be used as amenity spaces which would allow overlooking of residents living at both 75 and 79 Westmoreland Terrace; and
- The development would result in increased numbers of people living in the building and this would harm neighbours in terms of increased noise and disturbance associated with increased comings and goings.

Design:

- The scale, height, massing and detailed design of the extensions and the location of cycle storage to the front railings would harm the character and appearance of Westmoreland Terrace and the Pimlico Conservation Area.

Land use:

- The development appears to propose accommodation for student House in Multiple-Occupation which would harm existing residents.

Highways:

- The additional residential unit would increase car parking pressures in the area. The loss of garage spaces to the basement flat has already occurred.

Cleansing:

- The intensification of residential use would increase refuse generated which would worsen the existing situation where there is a lack of suitable refuse storage.

Other:

- The proposals constitute an over-development of the site;
- The proposals are similar to those previously refused and subsequently dismissed at appeal;
- If permitted the proposal would set a precedent allowing similar development to be permitted in the area to its detriment;
- The proposed rear extensions may not be possible to build in accordance with building regulations because the sloped roof reduces floor to ceiling heights;
- Party wall issues have occurred in the past and may/ are more likely to occur in future if this proposal is permitted; and
- The extensions would increase chances of crime because the roofs of the extensions could be used as a route to gain access into adjoining buildings.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

77 Westmoreland Terrace is an unlisted building located in the Pimlico Conservation Area. The building comprises basement, ground and two upper floors and is divided into three self-contained residential flats. This application relates to the ground and upper floors which are in use as two flats.

6.2 Recent Relevant History

On 30 March 2016 permission was refused for 'erection of a mansard roof extension; rear extensions at ground, first and second floor levels; in association with the creation of an additional flat.' The reasons for refusal were as follows:

1. Because of its height and bulk the rear extensions would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area.
2. The rear extensions would make the people living at 75 Westmoreland Terrace feel too shut in. This is because of its bulk and height and how close it is to windows in that property.
3. Your plans do not include enough on-site car parking to serve the new housing according to the standards set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

On 27 July 2016 an appeal against the Council's decision to refuse planning permission on 30 March 2016 was dismissed. The inspector agreed the proposal would harm the character and appearance of the Pimlico Conservation Area and would adversely impact on-street car parking pressure. The Inspector did not agree that the proposal would have an unacceptable impact on the people living in 75 Westmoreland Terrace in terms of an increase in sense of enclosure.

7. THE PROPOSAL

Permission is sought for the erection of a mansard roof extension and rear extensions at ground, first and second floor levels to provide additional residential floorspace including an additional residential flat (Use Class C3).

In comparison to the previously refused scheme, the rear extension at second floor level has been reduced in height and bulk, and the detailed design has been reconsidered. The applicant has also offered to provide Lifetime Car Club Membership for the occupiers of the additional residential flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

At present, there is a one bedroom flat at ground floor level and a two bedroom flat on the upper floors. There is an existing flat at basement level but this is not affected by the proposals. The proposal is to enlarge the existing ground floor flat and reconfigure the upper floors to provide two flats (one additional unit). The proposal would provide the following mix:

Ground floor:	1 x one bedroom flat (45.2sqm)
First floor:	1 x one bedroom flat (48.3sqm)
Second and new mansard floors:	1 x three bedroom flat (94.6sqm)

Objectors raise concern on the grounds the building could be used as either student accommodation or as a 'House in Multiple-Occupation' (HMO). Supporters favour the proposal on the grounds the development would provide a new family sized residential unit.

Policy S14 of the City Plan and H3 of the UDP seek to maximise the amount of land or buildings in housing use.

Policy S14 of the City Plan and H5 of the UDP aim to protect existing family sized housing units due to the limited numbers of larger dwellings in the borough, and seek to ensure an appropriate mix of unit sizes is provided in housing developments.

The provision of additional residential floorspace and the creation of a family sized residential unit are welcomed. The proposal is considered to contribute toward housing delivery and would provide an acceptable mix of unit sizes.

With regards to concerns raised by neighbours who suspect the building may be used as either student accommodation or as a 'House in Multiple-Occupation' (HMO). The proposal is for Class C3 residential flats, a house or flat in use by a single person or by people forming a single household. It is not proposed to use the building as either student accommodation or as a HMO.

Standard of accommodation

The proposed residential flats are considered to provide an adequate internal living environment for prospective occupiers. London Plan Policy 3.5, and the 'nationally described space standard' (DCLG), requires a minimum floorspace of 37 sqm for a one person/ one bedroom flat, and a minimum floorspace of 74 sqm for a three bedroom flat. All the flats exceed the floorspace standards. All flats are also dual aspect and would provide prospective occupiers with good levels of natural light. Conditions are recommended to ensure occupiers are not harmed by noise transfer between the flats.

8.2 Townscape and Design

Objectors raise concern on grounds the proposed alterations and extensions would harm the character and appearance of the building and the Pimlico Conversation Area. Supporters favour the proposals on the grounds they would enhance the appearance of the building and Pimlico Conversation Area.

Polices DES 1, DES 5, DES 6 and DES 9 of the UDP; and S25 and S28 of the City Plan seek to ensure high design standards across the city and that the character and appearance (visual amenity) of the city's conservation areas are maintained and enhanced.

The application site forms part of a wider terrace of mid-nineteenth century, stucco fronted townhouses along Westmoreland Terrace. The front of the property retains a wholly traditional appearance. In contrast, the rear is of concrete construction, likely post war in date. The site is within the Pimlico Conservation Area and to the rear is adjacent to the Peabody Avenue Conservation Area.

In July 2016 the Inspector dismissed an appeal against the City Council's decision to refuse permission in March 2016. The Inspector agreed the height and bulk of the rear extensions were harmful to the character and appearance of the Pimlico Conservation Area.

The current proposals have sought to overcome the Inspector's concerns by reducing the height and bulk of the rear extension at second floor level. In addition the detailed design of the development has been reconsidered.

Between ground and second floor levels, the proposed new rear façade displays a balanced arrangement of two-bays of vertically proportioned windows with black metal casings and frames. The brick is proposed to be in two patterns, stretcher bond with dentil patterned panels alongside the windows. The new mansard would have a traditional front and more contemporary rear. The front would replicate the general form and detailed design of mansards within the terrace, the rear would be clad in zinc and include three tall windows. Whilst this would be a hybrid design which would generally be opposed, in light of the existing contrasting architectural styles of the front and rear, this approach is not considered harmful to the overall character of the terrace which has been severely diminished by previous developments.

It is considered that the height of the rear extensions would sit comfortably within the terrace and addresses the City Council's previous concerns. The mansard is striking; however it is set back to allow for some relief. As a whole, the design approach to the redevelopment of the rear is a vast improvement to the existing. The schemes quality will lie in the materials and details which are recommended to be secured by condition. The proposals are acceptable in design terms.

8.3 Residential Amenity

Policies S29 and S32 of the City Plan, and ENV6, ENV7 and ENV13 of the UDP seek to protect residential amenity in terms of noise pollution, light, privacy, sense of enclosure, overlooking and essentially encourage development which enhances the residential environment.

The site is bounded by the adjacent residential properties of nos. 75 and 79 Westmoreland Terrace, and the Peabody Buildings to the rear.

The neighbour at no. 75 Westmoreland Terrace has roof terraces at both second and third floors, with the terrace at third floor stepped behind the second floor terrace. The extensions at second and new mansard floor levels would increase the height of the party wall with no. 75. Objections have been raised on grounds the proposals would have an adverse impact on the occupiers of no. 75 in terms of loss of light and increase in sense of enclosure.

Sense of Enclosure

Planning permission was previously refused in March 2016 on grounds that the proposed rear extensions would make the people living at no. 75 Westmoreland Terrace feel too shut in because of its bulk and height and how close it is to windows in that property.

On 27 July 2016, it was noted by the Inspector at appeal against the Council's decision to refuse planning permission, that the effect of the rear extensions on those living at no.75 would be acceptable in terms of any perceived sense of enclosure. The Inspector did not agree that the height of the proposed party walls would result in an excessive degree of enclosure, particularly given that the windows concerned are sited at the highest points of the building and therefore have a more open aspect than windows on the lower levels.

Given that the revised rear extension is lower in height than the one considered by the Inspector at appeal, it is not considered a reason for refusal could be sustained in terms of harm to the amenity of neighbouring residents as a result of an increase in sense of enclosure.

Sunlight and Daylight

The applicant provided a daylight and sunlight assessment with the previously refused scheme in March 2016. In comparison to the previously refused scheme, the proposed extensions have been reduced in scale at second floor level. The daylight and sunlight assessment previously submitted demonstrated that the development would not have an adverse impact on the daylight and sunlight reaching neighbouring properties. As the latest proposals have been reduced in scale, it is accepted that this is the case.

Privacy

Objectors raise concern on grounds the new window openings as well as the roof at second floor level, if used as an amenity space, would allow for overlooking of neighbours.

Given the orientation of adjoining neighbours' windows relative to those proposed, the extensions would not allow for views into neighbouring rooms. The mansard extension's windows would allow for some views of the adjoining roof terraces. However, these views would be oblique and the relationship would be comparable to situations elsewhere in the terrace. It is also not proposed to use the roof of the extensions as amenity spaces. A condition restricting such a use is recommended. For these reasons, it is not considered that the proposal would have an adverse impact on neighbours in terms of overlooking/loss of privacy.

8.4 Transportation/Parking

Car Parking

Objectors raise concern on grounds the proposals would increase on-street car parking pressures. Supporters consider the applicant's offer of Lifetime Car Club Membership overcome these concerns.

The proposal would create an additional residential unit, which would likely require use of a car; particularly considering a family sized unit would be provided and that a third of households within the Churchill Ward have 1 or more cars (according to census figures).

Policy TRANS 23 of the UDP details an 80% on-street car parking occupancy threshold above which the provision of additional cars will result in an unacceptable level of deficiency. The Highway Planning Manager notes the on-street occupancy rates within the area are 85% at night and 79% during the day. Given the night time occupancy rates are over the threshold level the proposal does not comply with TRANS 23.

Planning permission was previously refused in March 2016 on grounds the creation of an additional unit would increase on-street car parking pressure.

On 27 July 2016, the Inspector dismissed the appeal on these grounds, stating whilst there are good transport links nearby, no mitigation measures, such as car club membership, were made.

Policy TRANS 23 of the UDP states that where additional demand would result in 80% or more of available legal on-street parking spaces being occupied during the day or night, the City Council "will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated."

The applicant now offers Lifetime Car Club Membership for the new family sized flat at second and mansard level. Lifetime Car Club Membership is considered to be the strongest mechanism that is likely to reduce car ownership of future residential occupiers. Whilst Lifetime Car Club Membership is not considered by the Highway Planning Manager as sufficient to remove their objection, given that the Inspector was conscious that no mitigation measures were previously offered, it is considered that this mitigation measure is sufficient to overcome the car parking concern. A condition is recommended to secure Lifetime Car Club Membership for the new family sized flat.

Cycle Parking

London Plan policy 6.9 requires one cycle parking space for a one bedroom residential unit and two spaces per residential unit of two or more bedrooms.

The proposal originally included cycle parking provision within the ground floor flat, within the ground floor communal hallway and to the front railings. The Highway Planning Manager considered these locations unsuitable as they would not be appropriately accessible, weatherproof and secure. The applicant has revised the scheme and no cycle parking is proposed.

There are constraints associated with the site that make cycle parking difficult to achieve and this is a material planning consideration. The flats are accessed by stairs leading from street level and through a ground floor hallway, which are both too narrow to realistically accommodate bicycle storage. Whilst the absence of cycle parking is unfortunate and regrettable, in this case it is considered that the constraints of the site are such that an exception to policy can be made.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There are no access issues arising from this proposal.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Objectors raise concern on grounds the proposals would result in increased refuse generation which would worsen the existing situation where there is a lack of suitable refuse storage.

Waste and recycling stores are marked on the drawings and are located within the kitchen areas of each flat. The Cleansing Manger considers this arrangement to be suitable. A condition is recommended to secure this provision.

Noise and Disturbance/ Increase in Number of Residents

Objectors raise concern on grounds the proposals would increase the number of residents within the building which would harm neighbours in terms of noise and disturbance from increased comings and goings. It is not considered that the creation of one additional unit would significantly increase the number of residents living in the building to justify refusing the proposals on these grounds.

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 proposals are of insufficient scale to require an environmental assessment.

8.12 Other Issues

Crime and Security

Objectors raise concern on grounds the proposals pose a security risk as the roofs of the proposed extensions could be used as a route to gain access into adjoining buildings. Whilst concerns of neighbours are understood, it is not considered that permission could be withheld on these grounds. The roofs are not to be used for any purpose other than roofs and, given their position, access from the street would not be possible.

Building Regulations and Party Walls

Objectors raised concern on grounds the proposals may not comply with building regulations. This is because of the floor to ceiling heights within the rear rooms with the sloped roof at second floor, and also because there could be party wall issues.

Building regulations and party wall issues are separate to planning. The District Surveyor has confirmed the proposed floor to ceiling heights (which slope in the rear rooms at second floor) would not represent an issue in terms of building regulations.

The Party Wall Act provides a framework for preventing or resolving disputes in relation to party walls. Party Wall matters are private between the building owner and adjoining owner(s).

Over-Development and Existing Basement Flat

Objectors raise concern on grounds the proposals would constitute over-development of the site. The proposals include alterations and extensions as well as the creation of an additional unit, and are considered acceptable for the reasons outlined in this report.

9. BACKGROUND PAPERS

1. Application form
2. Email from Cllr Williams dated 8 February 2017
3. Memo from Westminster Society dated 10 January 2017
4. Memo from Highways Planning Manager dated 17 January 2017
5. Memo from Cleansing Manager dated 10 January 2017
6. Email from Building Control dated 17 February 2017
7. Response from owner/ occupier of 75 Westmoreland Terrace dated 24 January 2017
8. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
9. Response from owner/ occupier of 79 Westmoreland Terrace dated 27 January 2017
10. Response from owner/ occupier of 81 Westmoreland Terrace dated 27 January 2017
11. Response from owner/ occupier of 48 Malcolmson House dated 29 January 2017
12. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 8 February 2017
13. Response from Chairman of Westmoreland Triangle Residents' Association dated 8 February 2017
14. Response from owner/ occupier of 75 Westmoreland Terrace dated 13 February 2017

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk