

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Development Site At, 110-126 Westbourne Terrace Mews, London, W2 6QG,		
Proposal	Variation of Condition 3 of planning permission dated 14 July 2015 (RN: 15/01694) for erection of extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses; NAMELY to apply obscure film and restrict the opening panes of 7 rear casement windows to the rear at second floor level.		
Agent	Fraher Architects LTD		
On behalf of	Westbourne Terrace Mews Collective		
Registered Number	17/10172/FULL	Date amended/ completed	14 November 2017
Date Application Received	14 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission was granted in July 2015 for a mansard roof extension to all nine properties between Nos.110 and 126 Westbourne Terrace Mews. This application to vary the July 2015 permission specifically relates to seven out nine properties that form part of the originally approved scheme.

In granting permission in July 2015, it was resolved that the proposed roof extensions were acceptable in design and amenity terms, subject to certain conditions regarding privacy and overlooking and that the all the mansard roofs were concurrently as a single programme of construction. In terms of the conditions imposed on the July 2015 permission, the case officer's committee report stated that all rear elevation windows were to be obscure glazed and remain fixed

shut. However, Condition 3 of that permission only stated that the dormer windows in the rear elevation of the roof extensions must be obscure glazed and fixed shut. As a result, the casement windows at second floor level to the rear elevation of seven properties in the terrace have been installed without obscure glazing and are openable (note, that Nos.110 and 112 Westbourne Terrace Mews only have dormer windows to the rear elevation).

Subsequent to permission being granted in 2015, complaints have been made to the Planning Enforcement team by residents of properties to the rear of the 120 Westbourne Terrace Mews on the basis that the unobscured and openable window within the sheer part of the new second floor at No.120 Westbourne Terrace Mews causes increased overlooking to their properties. This current application seeks to overcome the concerns raised by neighbours and proposes that obscure glazed film is applied to all seven windows in the seven properties between Nos.114 and 126 Westbourne Terrace Mews. It is also proposed that the windows are fitted with a restrictor to allow minimal opening for ventilation purposes.

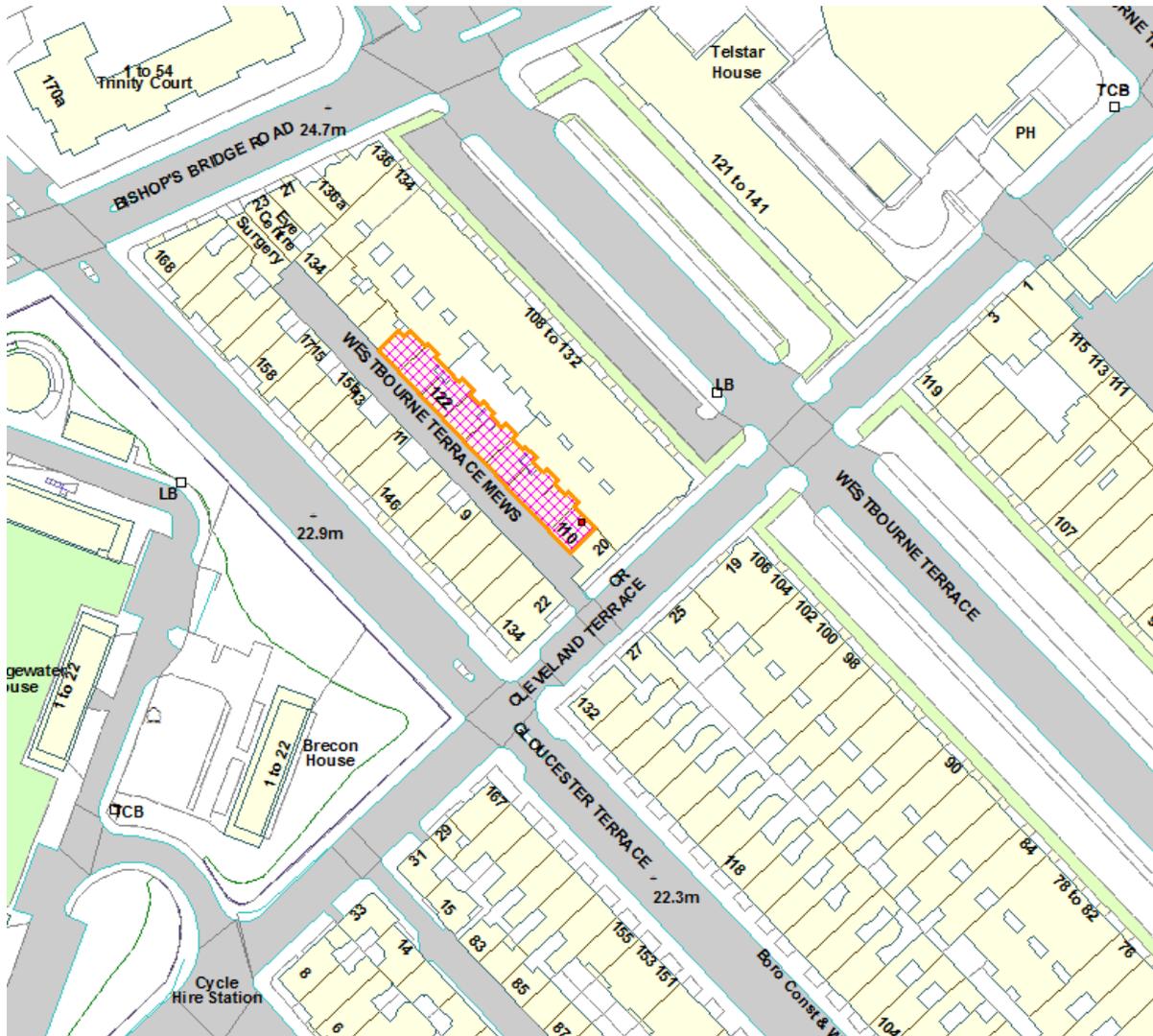
Objections to the current application have been received on amenity grounds, principally raising concerns regarding overlooking.

The key issue in the determination of this application is:

- The impact of the proposed development on the amenity of neighbouring residents to the rear of the site in Westbourne Terrace.

Subject to conditions, including the amended Condition 3 referred to above, the proposals are considered to be acceptable in amenity terms and the application would accord with Policy S29 in the City Plan and Policy ENV13 of the UDP.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of Nos. 110-126 Westbourne Terrace Mews (top) and sheer second floor window openings to Nos.118 and 120 Westbourne Terrace Mews (bottom).

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection subject to a condition regarding the obscure film and the opening restrictor. A comment is also made as to the lack of an application for the retention of an authorised windows at 120 Westbourne Terrace Mews.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 267; No. of Responses: 5 objections received on behalf of occupiers of 3 properties.

Objections raised on all or some of the following grounds:

Amenity:

- Overlooking will occur to residents in Westbourne Terrace.
- The windows should not open at all.
- Lack of details regarding the obscure film and size of restrictor in the application so an assessment cannot be made accurately.
- If the works have to proceed then a robust obscure film is required and should be conditioned.
- How will conditions regarding the obscure film and the opening restrictor be enforceable.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a run of seven two storey, plus newly constructed mansard roof storey, unlisted 1950's mews dwellinghouses. The mews houses are located on the north east side of Westbourne Terrace Mews. The site is located within the Bayswater Conservation Area and the terraces to the north east and south west facing Westbourne Terrace and Gloucester Terrace respectively are grade II listed.

6.2 Recent Relevant History

15/01694/FULL

Erection of extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses.

Application Permitted 14 July 2015

16/06583/ADFULL

Details of appropriate arrangements to ensure that the roof extensions are completed as a single construction contract and the works are carried out in their entirety pursuant to Condition 6 of planning permission dated 14 July 2015 (RN: 15/01694).

Application Permitted 22 September 2016

16/11026/ADFULL

Details of a sample of obscure glazing and dormer windows pursuant to Conditions 3 and 9 of planning permission dated 14 July 2015 (15/01694/FULL).

Application Permitted 19 January 2017

17/08054/FULL

Addition of a window opening at second floor level (retrospective).

Application to be presented to 6 February Planning Applications Sub-Committee and recommended for approval.

7. THE PROPOSAL

Permission is sought to vary Condition 3 of the planning permission dated 14 July 2015 (RN: 15/01694/FULL) for the erection of an extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses.

Condition 3 states:

'The glass that you put in the dormer windows in the rear elevation of the roof extensions hereby approved must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.'

This condition should have stated that all windows in the rear elevation of the roof extension be obscure glazed and fixed shut, rather than just relating to the dormer windows. The seven casement windows installed to properties 114-126 Westbourne Terrace Mews (nine properties were approved a mansard roof; however, 110-112 Westbourne Terrace Mews only have dormer windows to the rear), have been installed with opening windows and consist of clear glazing. This has attracted objection from residents in properties to the rear in Westbourne Terrace.

In acknowledgement of the concerns of neighbours and to seek to address these concerns, the applicant proposes to vary the wording of Condition 3 to require the casement windows in properties at Nos.114-126 Westbourne Terrace Mews, which have already been installed in accordance with the original permission, to be obscure glazed with obscure film and fitted with restrictors to limit the extent to which they can be opened.

Whilst the latest version of the City Plan has been adopted since the original planning permission was granted in July 2015, the version of the City Plan adopted in November 2016 does not materially alter the policies relevant to the determination of the proposed development and the relevant policies within the Unitary Development Plan adopted in January 2007 (UDP) remain unaltered. As such, this report focuses on the amendment proposed to the originally approved development.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any land use issues. The mansard roofs that were previously approved were to provide additional accommodation to the existing dwelling house and this was accepted under the 2015 permission. The obscure glazing of the rear windows would not have a significant impact on the quality of accommodation that is to be provided, as the windows either serve non-habitable bathrooms or rooms with other non-obscured windows.

8.2 Townscape and Design

The proposed amendments to fit obscure film and restrictors to the rear second floor windows would not harm the appearance of the rear elevations of these mews houses and would not harm the character or appearance of the Bayswater Conservation Area or the setting of the adjacent listed buildings.

8.3 Residential Amenity

Policy S29 in the City Plan and Policy ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly to gardens, public open space or on adjoining buildings, whether in residential or public use.

The approved mansard roof extensions to the properties at Nos.114-126 Westbourne Terrace Mews include one dormer window and one casement window to the rear elevation.

The July 2015 officer's committee report stated the following:

'To avoid overlooking of properties to the rear at Westbourne Terrace a condition is recommended requiring the new windows to be constructed in the rear elevation to be made of obscure glass and fixed shut. A condition is also recommended to prevent the flat roof of the roof extension being used as a terrace. A further condition preventing plant or other structures being built on the roof in question has been added in line with normal practice.'

However, the wording of the related condition imposed on the decision letter did not replicate the officer's assessment and stated:

*'The glass that you put in **the dormer windows in the rear elevation of the roof extensions** hereby approved must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.'*

To address the concerns raised by neighbours, the applicant proposes to install an obscure film to the casement windows and restrictors to limit the degree to which the windows can be opened, whilst allowing natural ventilation to the rooms served by the casement windows. Objections to the proposals have been made on amenity grounds and that the windows should never have been installed like this in the first instance. Whilst exact details of the obscure film to be used have not been submitted with the application, an issue that has attracted objection, the applicant has confirmed during the course of the application that the film proposed is intended to be the same as that applied to the dormer windows, which was approved in January 2017. The applicant has also confirmed that the restrictor allows the window to open 40mm and the case officer has witnessed the operation of the restrictor on site at No.120 Westbourne Terrace Mews.

Subject to revision of Condition 3 to require a sample of the obscure film to be applied to the casement windows and requiring the approved film to be applied to the windows within one month of the City Council's written approval of the obscure film sample, the proposals are considered to overcome any overlooking issue to the properties to the rear in Westbourne Terrace when the windows are shut.

In terms of the opening of the casement windows, the installation of restrictors, which allow a maximum opening of 40mm, would ensure that no detrimental overlooking to any of the properties in Westbourne Terrace would occur, whilst also allowing for natural ventilation to the rooms served by the windows. The permanent retention of the restrictors and the limiting of the extent of opening to no more than 40mm is to be ensured by the varied Condition 3.

In conclusion, despite the objections raised the proposed measures are considered to overcome the neighbour's amenity concerns and the proposal would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

A final point to note is that one of the objectors asks how the permanent retention of the obscure film and restrictor mechanisms is to be ensured. Should the film be removed or any of the residents note that the casement windows are open wider than they should be, then a breach of the recommended conditions will have occurred and they are encouraged to make a report the matter to the City Council's Planning Enforcement team who will then be able to take appropriate measures to seek to remedy the breach of planning control that may have occurred.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable.

8.7 Other UDP/ Westminster Policy Considerations

Not applicable.

8.8 London Plan

The application does not raise any 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

Not applicable.

8.12 Other Issues

The South East Bayswater Residents Association note in their consultation response that no application has been submitted for the retention of an unauthorised side elevation window in the mansard roof that has been constructed at No.120 Westbourne Terrace Mews. However, this is incorrect and an application has been submitted (17/08054/FULL) and is included on the same Sub-Committee agenda as this application

9. BACKGROUND PAPERS

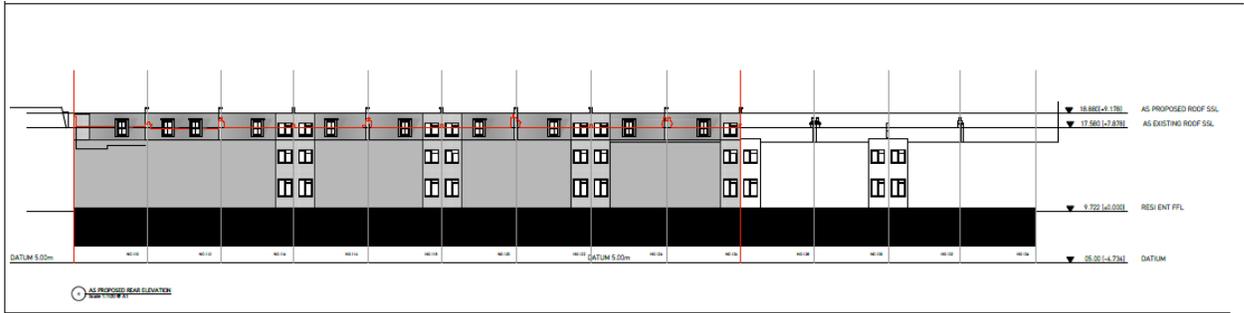
1. Application form.
2. Letter from South East Bayswater Residents Association dated 7 December 2017.
3. Letter from occupier of 120A Westbourne Terrace dated 28 November 2017.
4. Letters from occupiers of 118A Westbourne Terrace dated 3 and 4 December 2017.
5. Letter from occupier of 112a Westbourne Terrace dated 7 December 2017.

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

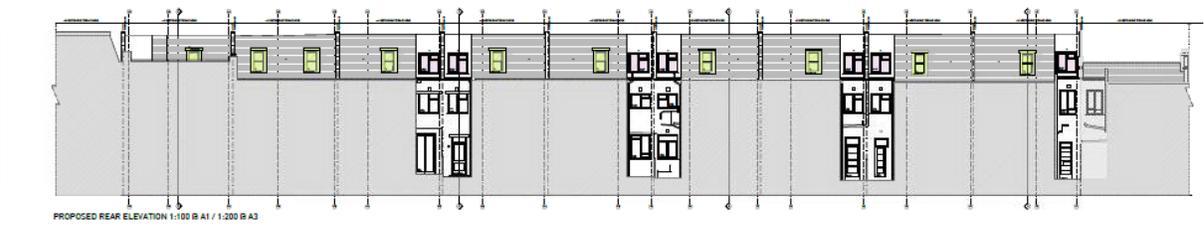
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

10. KEY DRAWINGS

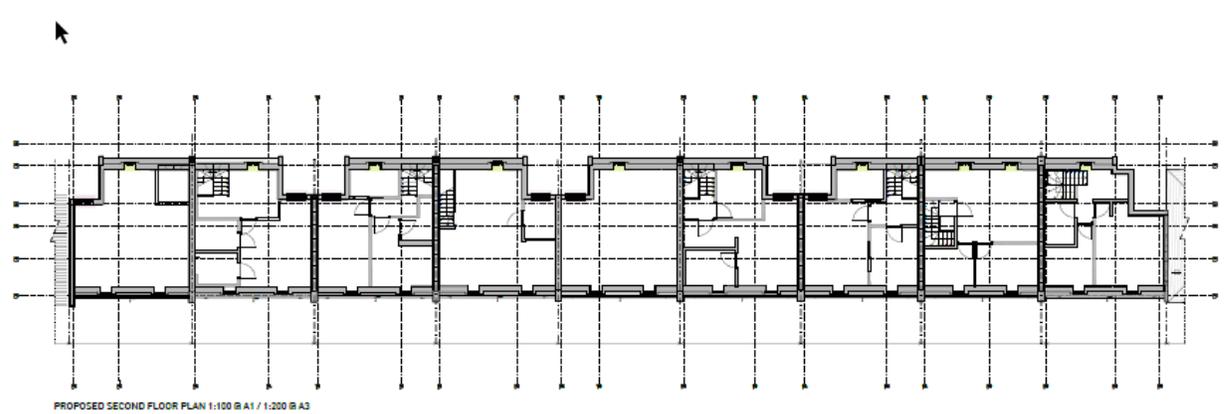
As approved rear elevation



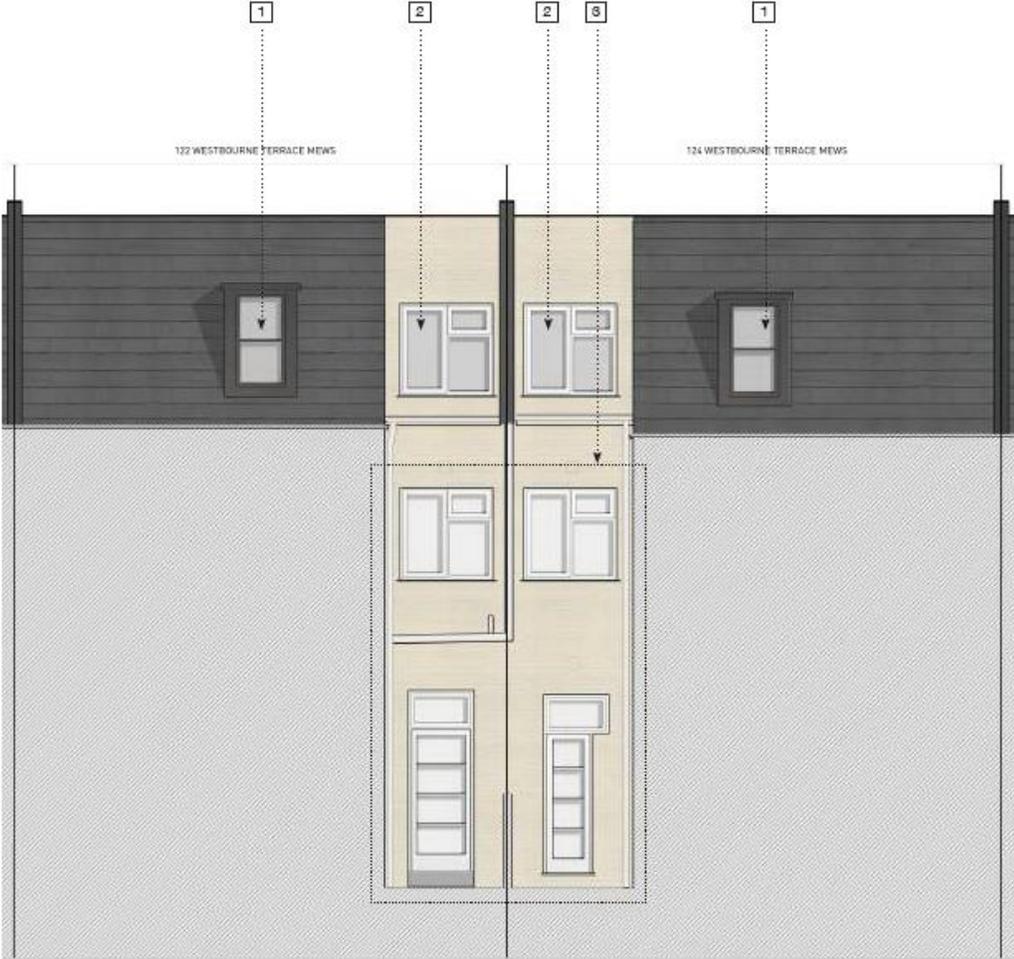
As proposed rear elevation



As built second floor level



Rear elevation detail



DRAFT DECISION LETTER

Address: Development Site At, 110-126 Westbourne Terrace Mews, London, W2 6QG

Proposal: Variation of Condition 3 of planning permission dated 14 July 2015 (RN: 15/01694) for erection of extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses; NAMELY, to apply obscure film and restrict the opening panes of seven rear casement windows at second floor level.

Plan Nos: **Drawings and Documents Previously Approved Under RN: 15/01694/FULL:** 3748 001, 3748 010, 3748 020, 3748 030, 3748 100D, 3748 120 D, 3748 130 B. Heritage Statement dated February 2015, Design and Access Statement dated February 2015, Draft Construction Management Plan and Daylight and Sunlight report by GIA dated 24th February 2015.

As Amended By Drawings Hereby Approved:
1513PL002 P01; 1512PL003 P01; 1513SK02 P02.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 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.

Noisy work must not take place outside these hours. (C11AA)

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 (a) The rear second floor level dormer windows shall not contain clear glass and they must be fixed shut permanently. The obscure glazing to these windows must accord with the details we previously approved on 19 January 2017 (RN: 16/11026/ADFULL), unless or until we approve alternative obscure glazing for these windows in writing. The obscure glazing to the dormer

windows must be fitted prior to the occupation of the second floor roof extensions and you must not change it without our permission.

(b) Within two months of the date of this decision letter, you must apply to us for approval of a sample of the obscure film attached to a glass sample that you intend on installing to the second floor level rear casement windows and a manufacturer's specification or drawing of the restrictors to be fitted to these windows. You must then install the obscure film and restrictors to the second floor level rear casement windows in accordance with the details that we approve within one month of the date on which we give our written approval and the r. The restrictors shall be installed to all of the opening panes of the windows and shall not allow the windows to be opened more than 40mm. Following installation, the obscure film and restrictors shall be permanently retained in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 (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 The roof extension must be carried out in accordance with the details contained within the unilateral undertaking that we previously approved on 22 September 2016 (RN: 16/06583/ADFULL).

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 (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)

- 7 You must not form any windows or other openings (other than those shown on the plans) in the front or rear roof slopes of the roof extension hereby approved without our permission. This is despite the provisions of Classes A and B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and maintain the appearance of the buildings and the character and appearance of the Bayswater Conservation Area, as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES1, DES6, DES9 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 Notwithstanding the annotations on the drawings hereby approved, the front and rear roof slopes of the roof extension must be clad in natural slate and maintained as such thereafter.

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 (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)

- 9 The dormer windows to the mansard roof shall be constructed in accordance with the detail we previously approved on 19 January 2017 (RN: 16/11026/ADFULL) or in accordance with any alternative details that may be submitted to and approved in writing by the City Council.

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 (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)

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.