

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 27th April 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	25 and 26 Ivor Place, London, NW1 6HR		
Proposal	Use as a single dwellinghouse (Class C3), demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement below rear of the existing building to be used as part of single family dwelling and associated alterations, increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation.		
Agent	Mr Simon Miller		
On behalf of	Mr Edmund Grower		
Registered Number	19/06766/FULL	Date amended/ completed	3 September 2019, 21st November 2019, 19th October 2020, 3rd February 2021.
Date Application Received	28 August 2019		
Historic Building Grade	Unlisted Building of Merit		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission- failure to optimise provision of residential units.

2. SUMMARY

Permission is sought for the use of the building as a 404m² 6 bedroom single dwelling house (amalgamating the upper floor offices with the existing basement level flat) together with extensions and alterations including a basement.

Representations of objection have been received from The St Marylebone Society and 58 neighbours objections from 20 addresses across four rounds of consultation On harm to the amenity of neighbouring buildings from overlooking, sense of enclosure, noise and disturbance during the course of the works, overdevelopment of the site, the impact of the basement, inaccurate drawings,

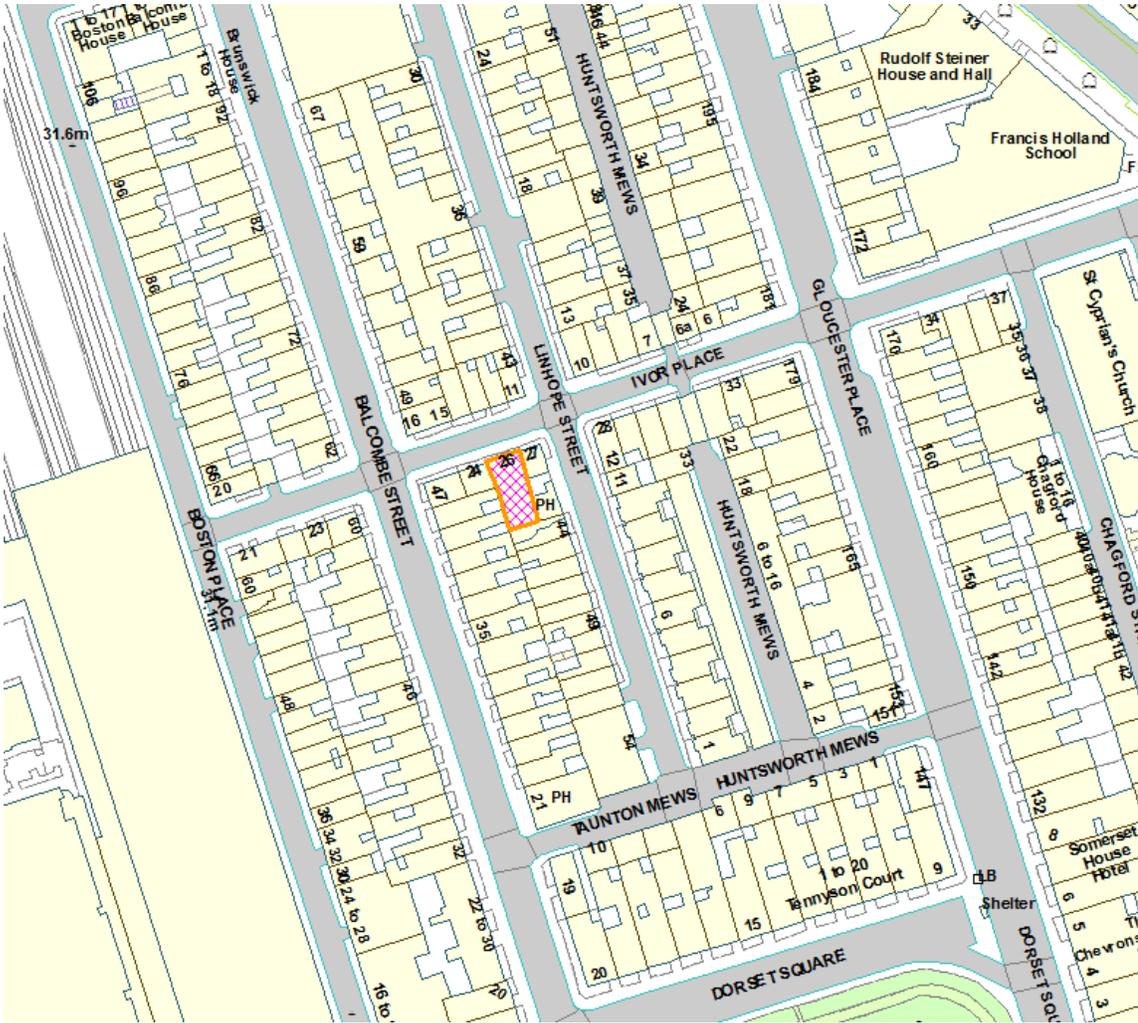
harm to the conservation area and the host building and the quality of accommodation.

The Key issues are:

- Whether the proposal optimises the number of residential units on the site
- The impact of the increased height on the west boundary on Balcombe Street properties
- Whether the proposal results in the over development of the site
- The impact of the development on the Dorset Square Conservation Area

For the reasons set out in this report, the proposal is considered to fail to optimise the number of residential units on the site and consequently, the site is not used efficiently to maximise housing delivery in the borough consequently the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of the site taken from Ivor Place



Side elevation taken from Linhope Street (east elevation of the application site)



Photos provided by the applicant from the roof of the application site of the west boundary and showing relationship between the application site and properties on Balcombe Street



Photo of application site from terrace of No. 45 Balcombe Street



5. CONSULTATIONS

First Consultation

THE ST MARYLEBONE SOCIETY:

Objection. Overdevelopment, air conditioning, future potential for a roof terrace, parking.

WASTE PROJECT OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection. The surrounding area has the capacity to absorb additional residential parking and the cycle parking provided is acceptable. Recommend condition to secure the cycle parking.

BUILDING CONTROL:

No objection. The details provided are acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 18 from 14 addresses

No. of objections: 18 letters of objection received on one or more of the below grounds.

Land use

- Overdevelopment and increased volume of the site
- Not an appropriate site for a basement
- Loss of commercial floorspace

Design

- Harm to adjoining listed buildings
- Removal of wall facing Linhope Street harms streetscape and Dorset Square Conservation Area

Amenity

- Noise disturbance for neighbours from within the building
- Noise from retained plant
- Light pollution from glazed stair and new windows
- Potential for future roof terrace
- Overlooking
- Loss of privacy
- Loss of light
- Standard of accommodation at basement level

Other

- Structural damage to neighbouring property and listed buildings
- Lack of detail in the drawings
- Flooding of neighbouring buildings from basement excavation (based on previous basement excavation in Balcombe Street)

- Noise and disturbance during construction works (specifically for elderly neighbours)
- Non-compliance with basement policy
- Basement is not below less than 50% of garden land
- Lack of consideration for neighbours
- Sqm of property not given
- Noise from proposed air conditioning
- Impact on parking and traffic

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Second consultation carried out following the amendment of the description of development to include demolition (21st November 2019)

THE ST MARYLEBONE SOCIETY:

Objection Overdevelopment of the site, air conditioning, future potential for a roof terrace, parking pressure

WASTE PROJECT OFFICER:

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

HIGHWAYS PLANNING MANAGER:

No objection. The surrounding area has the capacity to absorb additional residential parking and the cycle parking provided is acceptable. Recommend condition to secure the cycle parking.

BUILDING CONTROL:

No objection. The details provided including the addendum relating to hydrology are acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

No. of objections: 11 from 9 addresses

NB/The objections received did not raise any issues which were not raised in the initial consultation

Third consultation carried out following the amendment of the description of development to include 'increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation' (19th October 2020).

THE ST MARYLEBONE SOCIETY:

Objection. Noise and disturbance to neighbours. Concerns also raised with regards to ventilation needed to the basement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

No. of objections: 17 from 13 addresses

Below are the objections raised which have not been raised in previous responses (summarised above)

Other

- Comment that the revisions aren't easily to read and the amendments should be 'bubbled up'
- Lack of updated drawings from 2019 to support application

Fourth consultation carried out following the receipt of revised drawings to correct an inconsistency in the building and boundary height on the west elevation (3rd February 2021)**THE ST MARYLEBONE SOCIETY:**

Objection. Reiterations of objections previously made on the grounds of overdevelopment of the site, the building could be used as flats, air conditioning, future potential for a roof terrace, parking pressure

WASTE PROJECT OFFICER:

No objection, subject to condition to require inadequate details.

HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally

BUILDING CONTROL:

No objection. The alterations do not impact the previous assessment of the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58

No. of objections: 9 from 8 addresses

Additional Issues raised (not raised in previous comments):

- It is highly unlikely that the roof will be retained
- Loss of light to basement flat of 45 Balcombe Street

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

25-26 Ivor Place is a mid terraced four storey unlisted building located within the Dorset Square Conservation Area. The building is designated in the Dorset Square Conservation Area as an unlisted building of merit. The property is currently divided into a self-contained residential flat at lower ground floor level with office use on the ground, first and second floors.

The site does not have any outside space and the building abuts the boundary walls of the properties and rear gardens of Linhope Street and Balcombe Street. As existing, there are windows to a staircase in the centre of the building, in the existing sloped roof facing west, in the east facing elevation in Linhope Street and to the front elevation on Ivor Place.

6.2 Recent Relevant History

14/00181/FULL

Excavation of basement level and additional sub-basement level to be used as cellar, with formation of full height lightwells and use of entire building as single family dwelling. Construction of roof terrace with rooflights and associated alterations at roof level and elevations.

Application Refused 3 September 2014

Refused on the grounds of size and location of balustrades and air con to the roof, Design of east elevation, Insufficient information relating to plant, Harm to amenity from terrace, overlooking

14/00182/FULL

Excavation of extended basement level and full sub-basement, formation of full height lightwells and use of entire building as single family dwelling. Construction of roof terrace with rooflights and associated alterations at roof level and elevations.

Application Refused 3 September 2014

Refused on the grounds of size and location of balustrades and air con to the roof, Design of east elevation, Insufficient information relating to plant, Harm to amenity from terrace, overlooking

14/01877/FULL

Change of use from office on upper floors and studio flat at basement level to single family dwelling, excavation of extension to existing basement and addition of sub-basement level, mansard roof extension, balustrading and air conditioning units at existing roof level, formation of two lightwells and extension of stairwell enclosure.

Application Refused 16 September 2014

Refused on the grounds of size and location of the roof extension, balustrades and air con to the roof, design of east elevation, insufficient information relating to plant, harm to amenity from terrace, overlooking, loss of daylight/sunlight from roof extension and stairwell.

15/01725/CLEUD

Installation of five air conditioning units.

Application Permitted 23 April 2015

15/10364/FULL

Use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, excavation of sub-basement level across whole of site, extension of existing basement level plus creation of lightwells, and relocation of rooftop air conditioning units and other associated alterations.

Application Refused 6 November 2015
 Refused on the grounds of design and location of air conditioning on roof, design of large external lobby to lower ground floor, two storey basement.
 Appeal Ref: APP/X5990/W/15/3138041
 Dismissed

15/04131/FULL
 Change of use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, excavation of sub-basement level across whole of site extension of existing basement level plus creation of lightwells, creation of roof terrace and relocation of rooftop air conditioning units and other associated alterations.
 Non-det - Refusal recommended 21 December 2015
 Refusal recommended on the grounds of design and location of air conditioning on roof, design of large external lobby to lower ground floor, two storey basement.

Appeal Ref: APP/X5990/W/16/3146500
 Dismissed

17/00971/P3JPA
 Change of use from office (Class B1) to single family dwelling house (Class C3).
 Application for prior approval under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 Prior Approval Approved 28 March 2017

17/11113/FULL
 Use from office (Class B1) to residential (Class C3), demolition and rebuilding of building behind retained facade, further excavation of existing basement level plus creation of lightwells, and other associated alterations.
 Application Withdrawn 12 June 2018

7. THE PROPOSAL

Permission is sought to convert the existing building from ground to second floor into residential floor space, amalgamate it with the existing basement level flat and extend the existing basement level out below the whole of the existing building to all be used as residential floor space. The site would provide a single 6 bedroom single family dwelling measuring 404 sqm.

The existing front façade, majority of the roof and party walls would be retained. Part of the east facing exterior wall fronting Linhope Street would be demolished as well as the west facing pitched glazed roof in association with the creation of two new lightwells and new glazed pitched roof.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-	
Residential	26	404	+ 378	
Offices	322	0	- 322	
Total	348	404	+ 56	

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office accommodation:

The proposal would result in the loss of office space (Class E), outside of any special policy area. As such there is no policy protection for the office floorspace, and its loss is considered to be acceptable in land use terms. The objections raised to the loss of the commercial floorspace and mixed-use character of the building/area are therefore not able to be sustained.

Existing and Proposed residential accommodation:

The existing residential accommodation at lower ground floor level is single aspect onto a lightwell and is significantly smaller in size than the minimum size for a one bedroom flat required in the London plan and the Technical housing standards – nationally described space standard. Accordingly, the existing flat is considered to be of poor quality.

The proposed use of the building would be as a single-family dwelling-house which would result in a significant increase in residential floorspace on site from 26m² (existing basement flat), to 552m² as a single family dwelling house.

The principle of a wholly residential use of the site is acceptable as residential use is a priority in this location. However, our housing policies seek to optimise the number of residential units created in order to maximise housing delivery in the borough. Whilst policy S14 of our City Plan 2016 seeks optimisation in general terms. Policy 8 of our City Plan 2019 - 2040: Intend to Adopt version (March 2021) goes further by restricting the size of new homes to 200m², stating “*This size restriction is needed because Westminster’s position in the global housing market can create demand for super-size properties do not optimise development density on our scarce land.*”

Due to its status, due for adoption shortly, the City Plan 2019 - 2040: Intend to Adopt version (March 2021) is now being given significant weight. Accordingly, the proposed dwelling of 552sq m is contrary to Policy 8 of the City Plan and is therefore unacceptable. The objections raised on this ground are therefore supported by officers.

Standard of accommodation

The proposed single family dwellinghouse would comprise of six bedrooms over 552m² of floorspace, within basement, ground, first and second floors. It would provide a good quality internal living environment for future occupiers with significant floorspace and whilst limited light to the basement, overall an acceptable level of natural light and ventilation to the house.

Timeline of the Application

The application was submitted in September 2019 initial neighbour consultation was carried out in September 2019.

A second round of consultation was carried out in November 2019 as the demolition to the roof and east elevation was not included in the description of development or application form.

Following the second consultation the applicant was asked to provide additional information relating to the geology report and objections raised relating to inconsistencies and inaccurate information. The applicant was asked for the additional information on the 11th December 2019. The applicant accepted the information was incorrect and provided revised details on the 16th March 2020.

A third round of consultation was carried out in October 2020 to include the location of alterations to the pitch of the roof and creation of a lightwell at the west facing elevation' which had not been included on the application form.

On the 9th November 2020 following a neighbour objection relating to an inconsistency in the drawings on the west elevation the applicant was asked to provide revised details which correctly showed the heights on the west elevation. The applicant was sent this request on the 9th November 2020. The revised drawings were sent to officers on the 12th January 2021.

A Fourth consultation was carried out on the 3rd February 2021 following the receipt of revised drawings to correct an inconsistency in the building and boundary height on the west elevation.

On the 15th March the application was accepted onto committee agenda for the 30th March. Following the council receiving the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021 the new City Plan was given significant weighting. As a result, the application had to be assessed against policy 8 which does not allow new dwellings of in excess of 200sq m. Accordingly the application was taken of the agenda for the committee on the 30th March as the recommendation was contrary to the City Plan 2019-2040.

The application is now put forward with a recommendation for refusal on land use grounds in accordance with policy 8 of the City Plan 2019-2040.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic*

interest which it possesses.”

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The building is proposed to be largely demolished behind a retained front, part side facades and roof. Though a Victorian building of some grandeur to Ivor Place, the interior and rear of the building appears to have undergone some significant rebuilding and extension over the years, with a large full height rear wing, and the side (east facing) lightwell elevation looking out towards Linhope Street apparently faced in brickwork which from its appearance could imply a rebuilding of this elevation (which if so would likely have been carried out at the time of the large scale extension of the building). The west elevation has also had some more modern alterations.

It is disappointing that the applicants have not sought to give a detailed account, based on the National Planning Policy Framework, of a justification for the large scale demolition proposed, however on the basis of what information is available regarding the existing building, this proposal is considered acceptable in principle in this case. The principle of the demolition and rebuilding behind a retained front façade were not referred to as concerns of the Inspector in conservation terms in his comments set out on the previous appeal decision of 21 July 2016.

The voids cut into the new floor structure between ground and first floors just inside the line of the retained front elevation are unwelcome in terms of the appearance of the interior through the retained front elevation windows, however the impact is not considered so significant as to warrant an inclusion as part of a reason for refusal on the rebuilding of the building behind the front facade.

A large new lightwell is being carved out into the existing footprint of the building on its eastern side which faces onto the existing lightwell fronting onto Linhope Street. The elements of the main east facing elevation onto this lightwell will incorporate two sash windows. There are fewer clear details of the windows on the north and south sides of the lightwell, however a condition is also attached requiring details of these and an informative advising of an approach towards smaller window openings incorporating sash windows which would be considered appropriate. The lightwell will be faced in

exposed brickwork to match existing, which is considered appropriate.

The small bin store structure in the front lightwell is not shown on section drawing, however the principle of a small structure to this lightwell underneath the bridge to the main front entrance at ground floor level could be considered acceptable and further details will be secured by condition to ensure that this structure remained well below pavement level in height to minimise its visual impact.

The excavation of the existing basement floor would have its clearest external visual impact in the form of the courtyard to the east side of the building extending down to lower ground floor level, and this in itself would not harm the character and appearance of the building or conservation area. The basement is otherwise considered separately in this report.

The front lightwell is being deepened by approximately 0.3m from its existing depth, however this work in itself is considered acceptable. The new windows and doors within the front lightwell closely resemble the existing and as such are considered uncontentious.

To roof level, though the various rooflights are not in a neat arrangement lined up with each other, nonetheless these by virtue of their very low profile will not be readily visible from surrounding buildings and are features commonly found to roof levels. The new section of west elevation will replace the existing quite modernised elevation currently in place which already in place, and as such this work which involves the inclusion of a relatively large rooflight over the staircase and lightwell is considered acceptable.

Given the small section of additional bulk, the works to the west elevation would have minor visual impact and are not considered to materially affect the setting of the listed buildings located to the immediate west of the application property on Balcombe Street.

Objections have been received to the change of the use on the basis that it would result in the loss of the mixed-use character of local conservation area and that the loss of the part of the wall facing Linhope Street would Harm the Conservation Area. As detailed above, the works are considered acceptable on design and conservation grounds, and the objections cannot be sustained.

Objections have been received on the grounds the proposed works would result in overdevelopment of the site and would harm the appearance of the Dorset Square Conservation Area. The density of the site would be similar to the neighbouring buildings and given there are limited alterations to the front elevation. The objections on over development therefore cannot be sustained.

As such, and given the particular circumstances of this case, the proposals are considered in line with policies DES 1, DES 5, DES 6, DES 9 and DES 10 in the UDP and S25 and S28 in the City Plan, Policies 38, 39, 40 of the City Plan 2019-2040: Intend to Adopt version and is acceptable in design terms.

The recommendation is considered in line with the statutory duties in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990.

8.3 Residential Amenity

Policy ENV 13 of the UDP and S29 of the City Plan and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021) seek to protect the amenity of existing residential dwellings. Policy 7 specifically seeks to prevent unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, and seek to protect residential amenity and environmental quality. Policy ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight.

The majority of the proposed works above ground floor level are within the envelope of the existing building. To the east elevation, facing Linhope street a section of the building is proposed to be demolished to create a lightwell from basement to roof level. New windows are proposed in the three elevations surrounding the courtyard/lightwell at all levels.

To the west elevation the existing pitched glazed roof above the staircase will be demolished, to be replaced by a lightwell and smaller pitched roof with glazing above a staircase. There is an increase in height of the sheer wall to the northern most part of the west facing elevation, directly opposite the terrace to the rear of 45 Balcombe Street, supporting the new glazed roof enclosure. The increased height of the wall is 1.32 metres together with a slightly steeper pitch. The new west facing wall and pitched roof remain below the existing roofline of the of the host building.

Rear windows in the lower ground, ground and first floor levels of 45 Balcombe Street already look directly onto the sheer west facing wall of the application site, with the existing pitched roof of the rear infill extension beyond the sheer wall. Due to the location of the additional section of sheer wall which sits above the existing first floor terrace of No. 45 Balcombe Street, whilst this will inevitably result in some increase in sense of enclosure it is not considered that this increase would result in a significantly harmful impact warrant withholding permission.

Due to the location of the works and the relationship with the existing surrounding buildings there will be no increased sense of enclosure or loss of light for the other neighbouring buildings. An objection has been raised on the grounds that the lightwell and glazed roof to the west of the building will increase light pollution. A significant part of the existing roof is glazed and while it is recognised that the office may be less likely to have a light on at night, it is not considered that the glazed roof, which is reduced in size under this proposal would significantly increase any potential for light pollution..

Objections have been received on the grounds of overlooking from the new windows facing the lightwells and the glazing to the stairs.

Lightwell on east facing elevation

There are windows to the upper floors of 43 Linhope Street facing north and windows in the rear of No 27 Ivor Place facing south as well as existing windows on the east elevation of the application site. As such there is already a level of mutual overlooking between the buildings.

The proposals create a new lightwell carved out of the east part of the building with windows facing onto it at ground, first and second floors. Due to the section of the building being removed, the proposed windows will be further away from the existing windows of the adjoining buildings. Accordingly, it is not considered that there would be a greater level of overlooking than there is as existing. Objections received on the grounds of loss of privacy are not supported by officers.

Basement construction

Objections have been received on the grounds that the works, specifically the basement excavation, would result in significant harm to neighbouring residents. Had the application been considered acceptable, conditions would have been recommended to control hours of noisy construction work and the applicant has agreed to sign up to our Code of Construction Practice and noise and disturbance during construction works is not a valid reason to withhold planning permission.

Air conditioning units

Objections have been received on the grounds that the air conditioning units being retained on the roof of the building would harm the amenity of neighbouring residential properties due to noise and disturbance. The applicant has stated that the systems that are currently in place are going to be retained and not replaced. On the grounds the air conditioning units are existing it is not considered an acoustic report is required for their continued operation.

The proposed works are considered to be in accordance with ENV13 of the UDP and S29 of the City Plan and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version and are therefore acceptable on amenity grounds.

8.4 Transportation/Parking

A single family dwelling house is proposed without any off street carparking. However, the existing use of the site as a basement flat and offices does not benefit from any off street carparking. Furthermore, the City Council's Highway's Planning Manager has advised that there is capacity within the surrounding street network to absorb any increase in demand for parking generated by the single family dwelling house. This is based on the evidence of the City Council's most recent daytime and night time parking surveys in 2018 (Buchanan's) which indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 76% and 78% respectively which is below the threshold of 80%.

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. However, on the basis of the Council's data and car ownership levels any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore, the development is considered consistent with policy TRANS23 of our UDP S41 of the City Plan 2016 and Policies 24 and 27 of the City Plan 2019 – 2040 intended to adopt version.

Had the application been considered acceptable, a condition would have been recommended to secure the cycle storage in accordance with the above policies.

8.5 Economic Considerations

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

8.6 Access

The site will retain the existing access from Ivor Street.

8.7 Other UDP/Westminster Policy Considerations

Basement

Objections have been received on the grounds of the proposed basement works; its impact on flooding; structural stability; noise and disruption during any works and the level of information that has been submitted with the application regarding the excavation and investigations.

There is an existing flat at lower ground floor level at the front part of the building. The proposal includes excavation below the rear of the building which would create a lower ground level the whole depth of the existing building.

The 'Basement Development' policy, CM28.1 in the City Plan, is relevant to the assessment of this aspect of the scheme. The Policy is broken down into Parts A to D. In this case, only Parts A to C are relevant as the proposed basement would not extend below the public highway. Assessment of proposed development against Parts A to C of Basement Development policy is set out in the following paragraphs. Policy 46 of the City Plan 2019 - 2040: Intend to Adopt Version retains the same requirements.

Part A

In respect of Part A of the Basement Development policy, the applicant has provided a structural engineer's report prepared by a qualified engineer explaining the likely methodology of excavation and the expected impact on neighbouring properties. Objections have been raised by neighbouring residents in respect of potential harm from the proposed structural works.

The submitted structural method statement has been assessed by Building Control who have raised no objection to the structural works, which they consider to be appropriate for the ground conditions at the application site. It is important to note that at planning application stage the purpose of the structural method statement is to demonstrate that a subterranean development can be constructed on the site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. In this context, and given that Building Control do not object to the proposal, it is not considered that the objections raised on structural grounds can be reasonably sustained a ground on which to withhold permission.

The applicant has submitted the 'Pro-forma Appendix A' document and this provides an undertaking that they will carry out the construction of the proposed basement in accordance with the City Council's Code of Construction Practice (CoCP). The applicant

has agreed to a pre-commencement condition to ensure the basement is carried out in accordance with the CoCP and to ensure the applicant bears the cost of the Environmental Inspectorate monitoring the site during construction. A condition is also recommended to control the hours of construction works, including additional controls to prevent any works of noisy basement excavation on Saturdays and Sundays.

The site is not within a Surface Water Flooding Hotspot, as identified in the 'Basement Development in Westminster' SPG and is in Flood Zone 1. Consequently, the proposed basement would not exacerbate existing flood risk on the site or in the vicinity. The site is not within an Archaeological Priority Area, as designated by Historic England, and therefore the proposed basement would not have a significant impact on archaeological deposits.

In light of the considerations set out in the preceding paragraphs, it is considered that the proposed development would be compliant with Part A of the Basement Development Policy.

Objections have been received on the grounds the works would result in flooding for neighbouring residential properties and that the details submitted in the hydrology report were incorrect. The application has provided an addendum to the hydrology report which has been assessed by the building control officer who has raised no objection to the details. The objections cannot therefore be sustained.

Part B

The basement is below the existing building only and does not extend beneath any garden land as the building does not have a garden. As such, there is no requirement for landscaping. The building does not have a garden and neither do the buildings directly to the east or south, there are no trees in the rear gardens of the properties on Balcombe Street which would be impacted by the development.

Given the construction of the proposed basement would meet current building regulations requirements, it will be more energy efficient than the existing building to which it would be attached. The provision of a new lightwell to the east of the building along with the existing front lightwell would enable the proposed basement to be naturally ventilated, a concern raised by the St Marylebone Society.

For the reasons set out in Section 8.2, the proposed basement and its external manifestations would not harm the character and appearance of the building or its garden setting. Similarly, it would not adversely affect the wider appearance of this part of the City.

In this case sustainable urban drainage systems (SUDS) are not necessary as the proposed basement would be wholly below the existing building. The applicant has confirmed that a pumped device and non-return valve will be installed to ensure the proposed basement is resilient in the event of future storm events and to prevent sewer flooding.

Given the above considerations, it is considered that the proposed development accords with the seven criteria set out in Part B of the Basement Policy.

Part C

In terms of Part C of the Basement Policy, it requires basements to not extend below more than 50% of the original garden land. In this case the proposed basement would be compliant with this requirement as it is below the existing building. Due to the nature of the site there is no requirement for a margin of undeveloped land or 1.2 meters of soil clearance. The basement is single storey only.

Accordingly, the proposed basement would be consistent with the objectives of Part C of the Basement Development policy.

Waste Storage

Whilst provision is made for waste and recycling, this requires further refinement to satisfy the City Council's Waste Project Manager. Given the size of the property and the lower ground floor front lightwell it is considered the applicant would be able to satisfy the requirement. Had the application been considered acceptable, this would have been secured by condition .

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021.

After an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council on the 21st April 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

Due to the above, this report contains references to policies in the Unitary Development plan, City Plan as amended 2016 and the City Plan 2019-2040: Intend to Adopt version as at the time of writing all three documents formed the development plan.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

8.12 Planning Obligations

The estimated CIL payment is: £210,400

8.13 Environmental Impact Assessment

Not required.

8.14 Other Issues

Construction impact

As noted above, objections have been received on the grounds that the proposed basement would cause flooding in the basements of neighbouring buildings, specifically to those on Balcombe Street and would harm the structure of adjoining residential listed buildings.

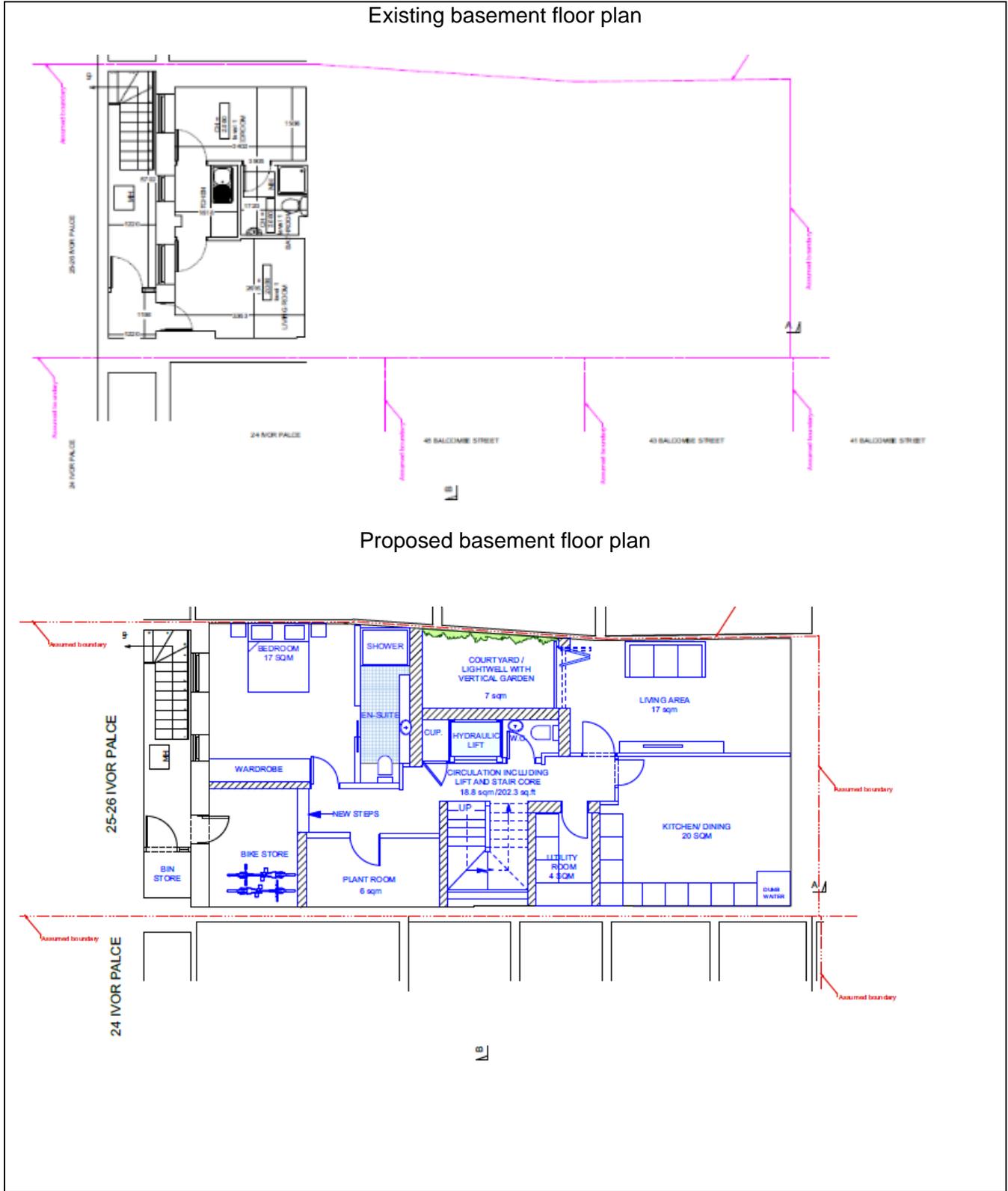
The objections disputed the original details included in the basement impact assessment relating to bore holes and the geology report. Following the objections comments, revised details have been received and the Building Control officer has been consulted.

The Building Control Officer has stated that the details provided are adequate for a planning application of this nature. No objection is raised and the objections received on structural, geology and harm to adjoining buildings from construction cannot be sustained.

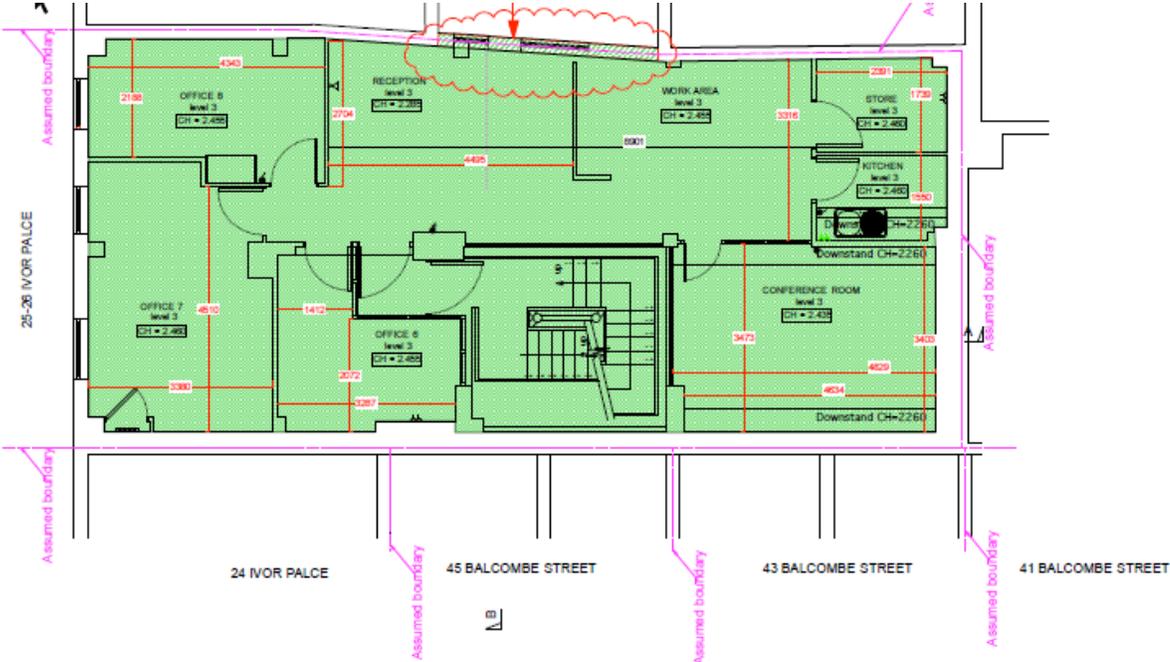
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

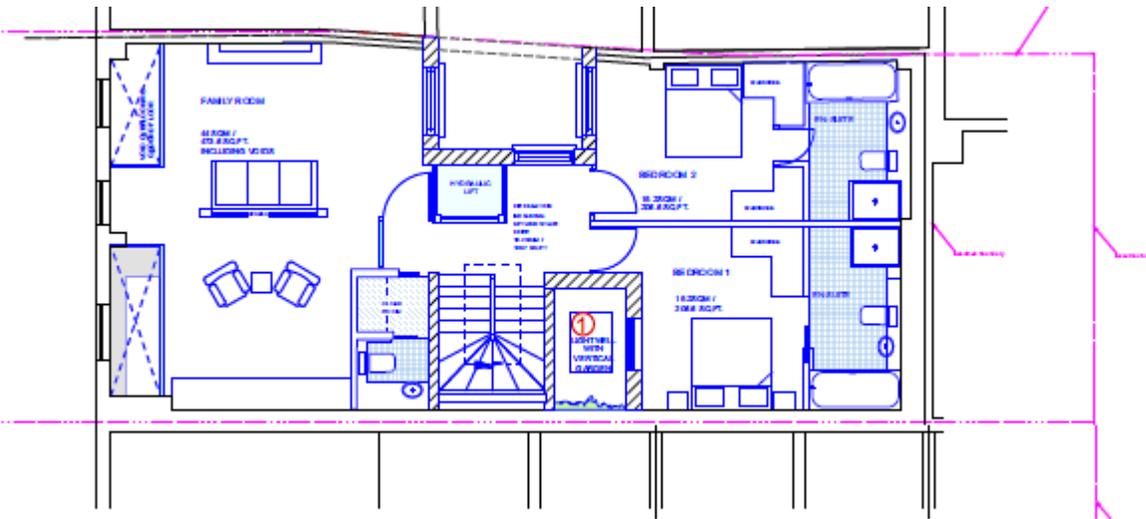
9. KEY DRAWINGS



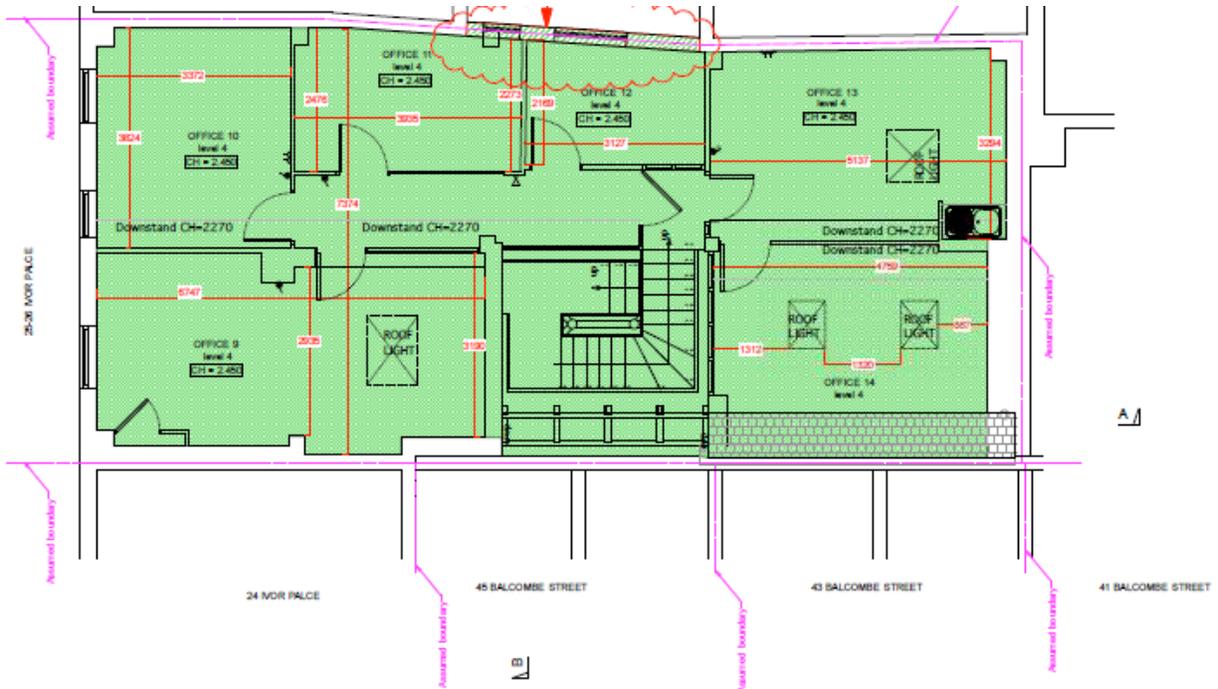
First floor demolition



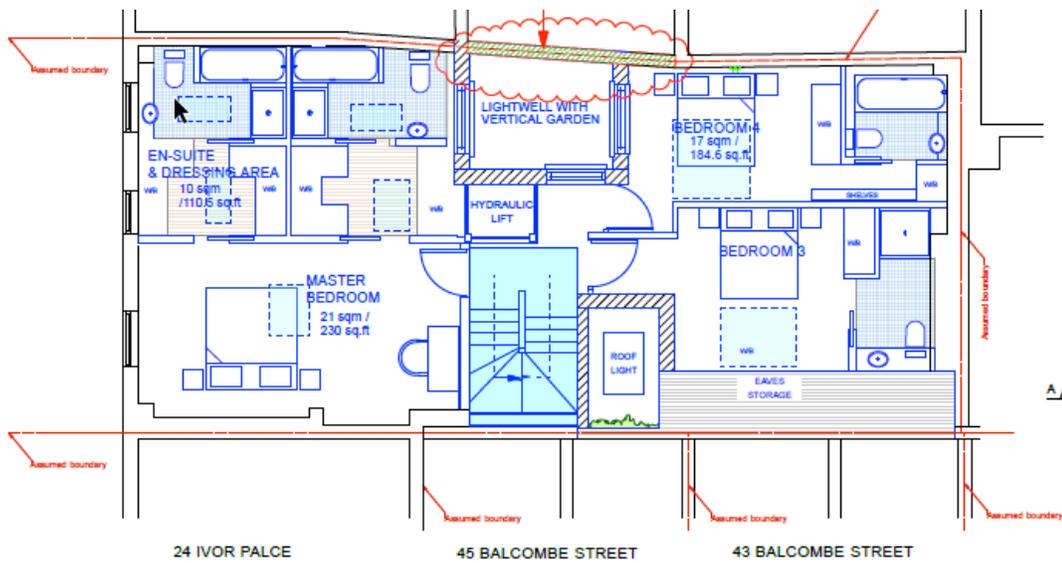
Proposed first floor plan



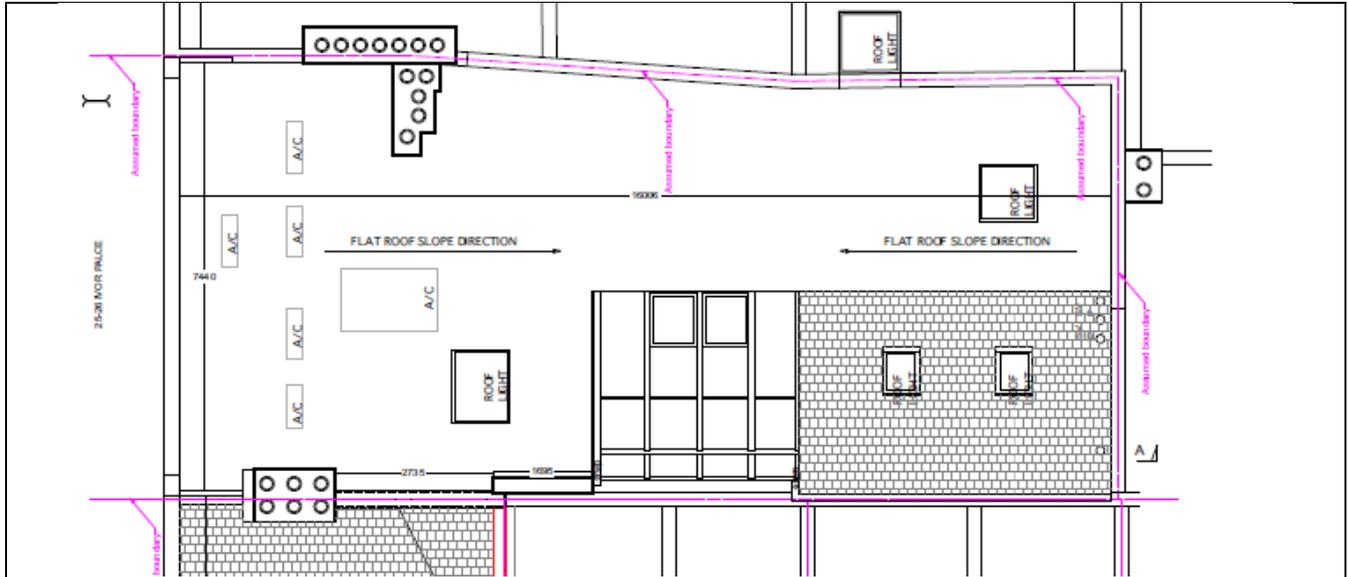
Second floor demolition plan



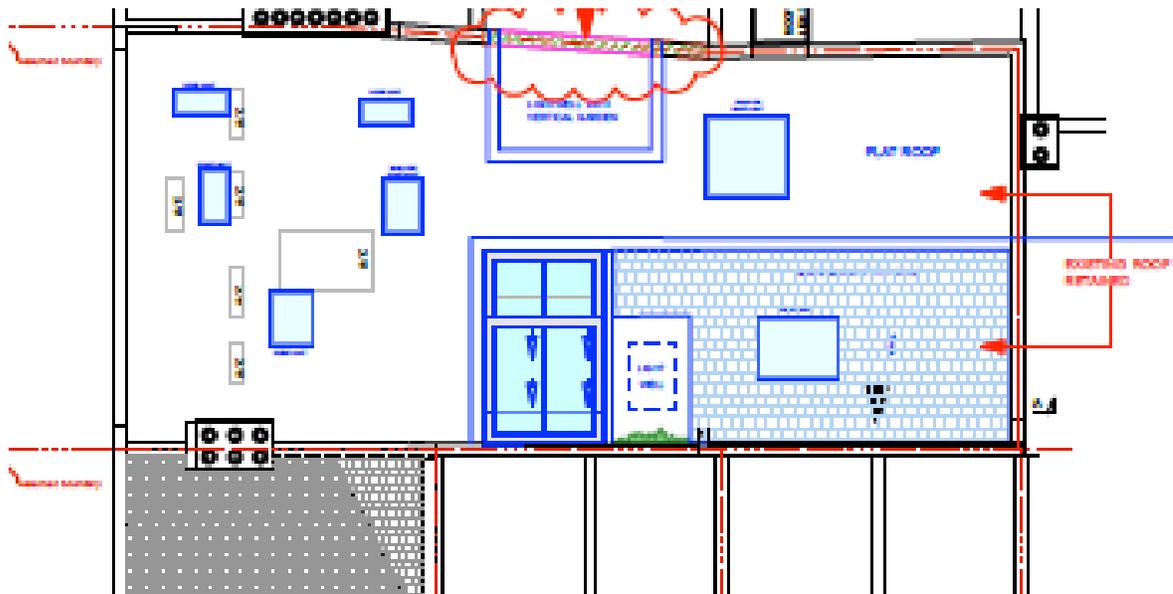
Proposed second floor plan



Existing roof plan



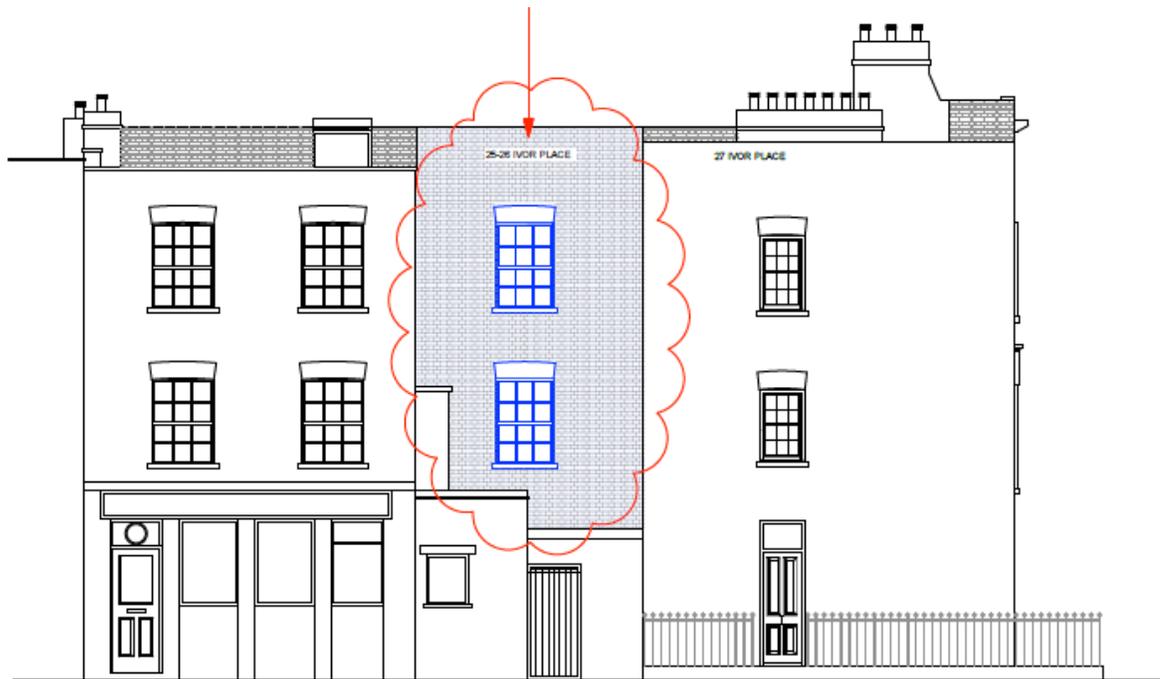
Proposed roof plan



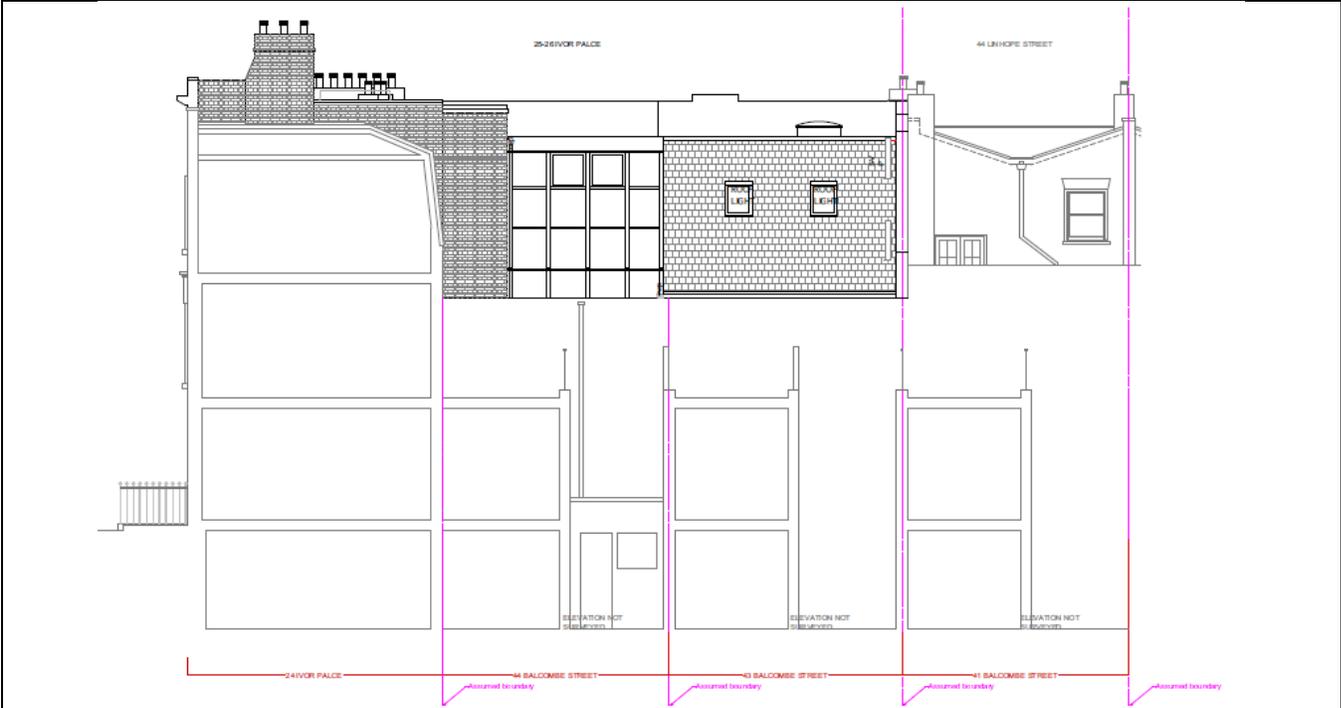
Existing west elevation



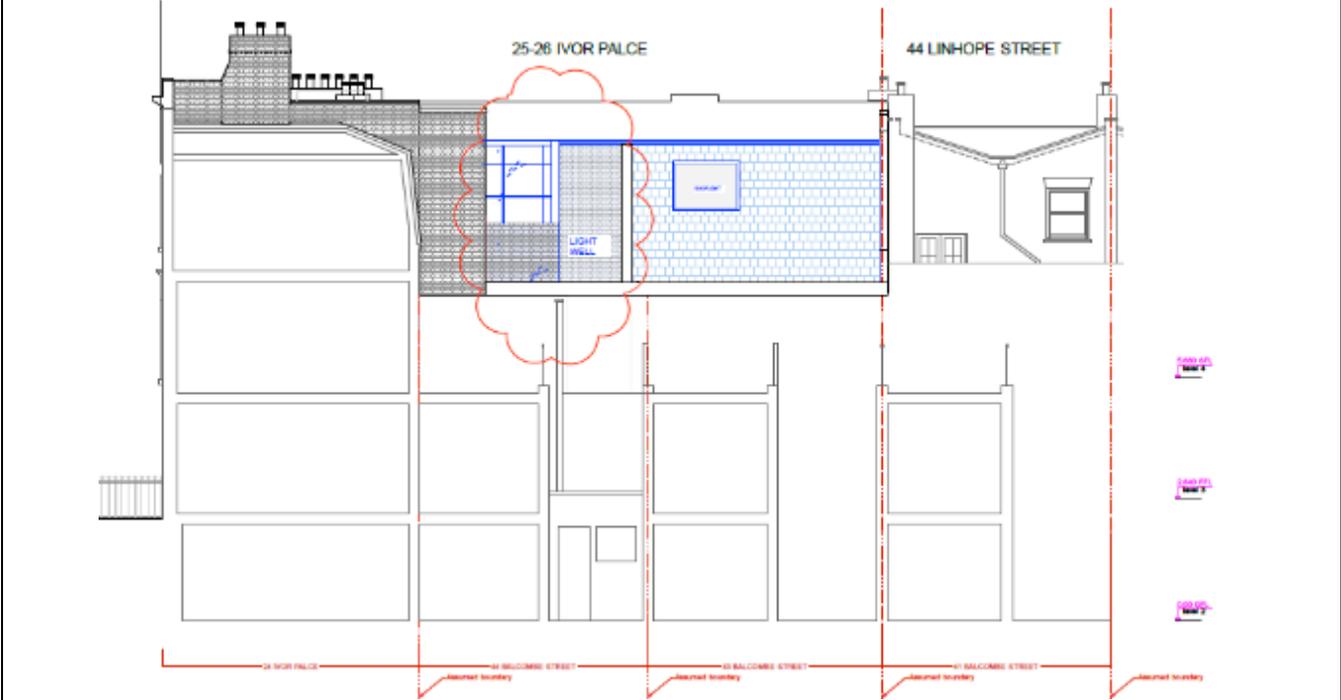
Proposed west elevation (Linhope Street)



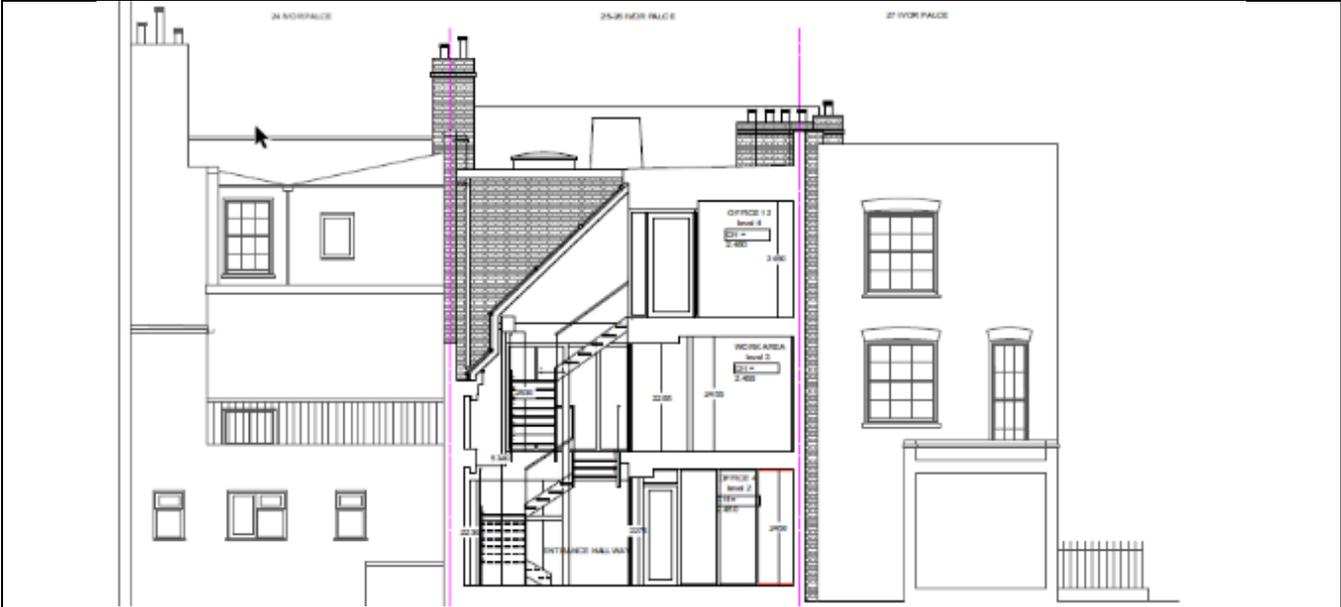
Existing east elevation



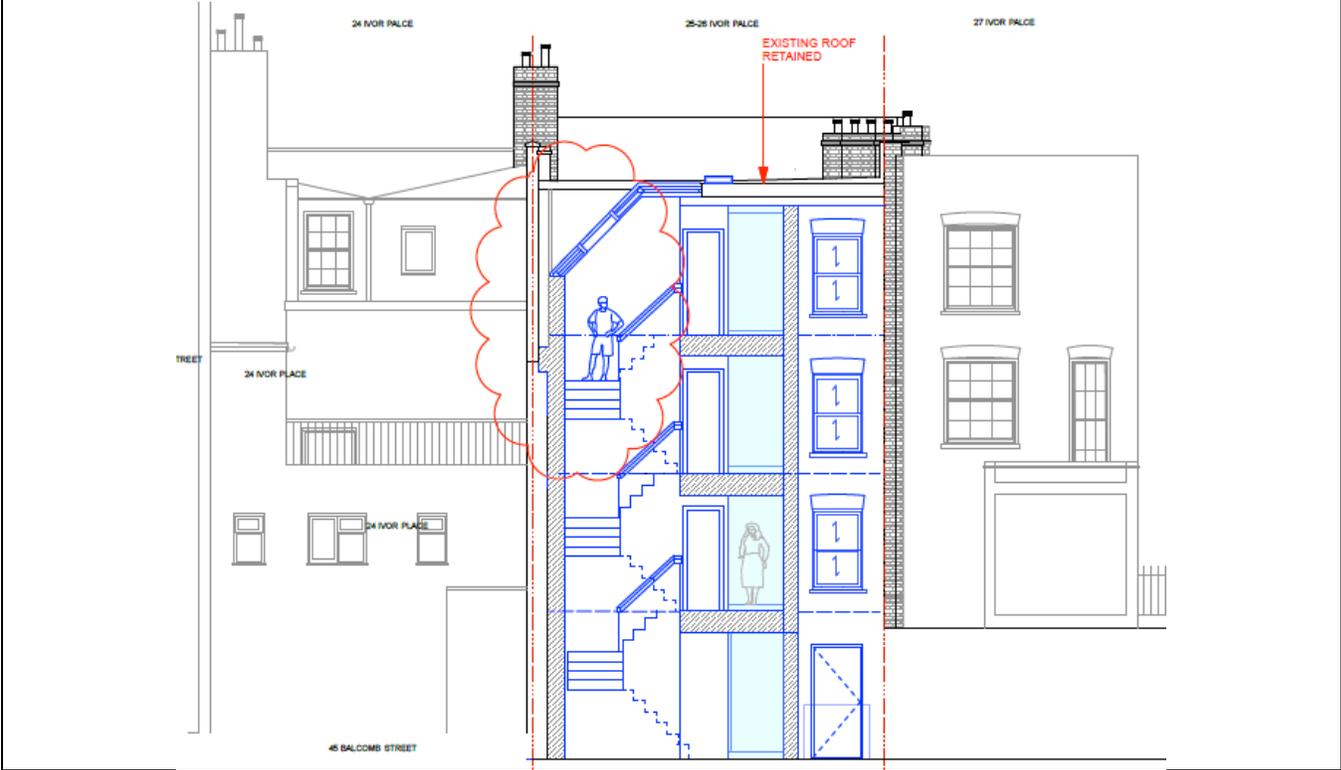
Proposed West elevation



Existing section BB



Proposed section BB



Address: 25 Ivor Place, London, NW1 6HR

Proposal: Use as a single dwelling house (Class C3), demolition of the east facing external wall to create a lightwell from basement to roof level, excavation of basement at the rear of the existing building to be used as part of single family dwelling and associated alterations, increased height and location of the west facing boundary wall with alterations to the pitch of the roof and creation of a lightwell at the west facing elevation.

Reference: 19/06766/FULL

Plan Nos: Site location plan, 337/3DM01, 337/3DM02, 337 3CL 01, 337 3CL 02, 337 3CL 03, 337 3CL 04, 337 3DL 02, 337 3PL 01, 337 3PL 02, 337 3PL 06, 337 3PL 07, 337 3PL 11, 337 EX01, 337 EX 02, 337 EX03, 337 EX04, 337 EX05, 337 EX06, 337 EX07, 337 EX08, 337 EX09, 337 EX10, 337 EX11, 337 3PL 05, 337/3DM04, 337/3DM05 Rev A, 337 3PL 03 Rev A, 337 3PL 04 Rev A, 337 3PL 10 Rev A, 337/3DM03 Rev A, 337 3PL 09 Rev B, 337 3CL 05 Rev A, 337 3PL 09 Rev B

Case Officer: Max Jones

Direct Tel. No. 07866036849

DRAFT DECISION LETTER

Recommended Condition(s) and Reason(s)

Reason for refusal

1. The proposed 6 bedroom single dwelling of 404m², fails to optimise the number of residential units on the site. Consequently, the site is not used efficiently to maximise housing delivery in the borough, contrary to the Policy 8 of our City Plan 2019-2040 Intend to Adopt version (March 2021), Policy S14 in the City Plan that we adopted in November 2016.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, the City Plan 2019 - 2040: Intend to Adopt version (March 2021), neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.