

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 December 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	19 UPBROOK MEWS, LONDON, W2 3HG		
Proposal	Conversion of garage into habitable space and erection of a mansard roof extension with raising the height of the party wall with 18 Upbrook Mews.		
Agent	Nuspace		
On behalf of	Mr Sammy Li		
Registered Number	21/00155/FULL	Date amended/ completed	6 October 2022
Date Application Received	11 January 2021		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application site forms part of an unlisted mews terrace located within the Bayswater Conservation Area. The site backs onto Grade II listed properties in Chilworth Street and Gloucester Terrace.

This application was reported to Planning Sub-Committee on 12 July 2022 where permission was originally sought to construct a basement under the footprint of the existing house, a flat topped hipped mansard roof level, and conversion of the garage to living accommodation with associated elevation changes. The committee report can be found in the background papers.

The application was deferred at that committee for the applicant to provide further information on flood risk and the proposed construction methodology with regard to the mitigation of any risk. The minutes of the Planning-Sub Committee can also be found in the background papers.

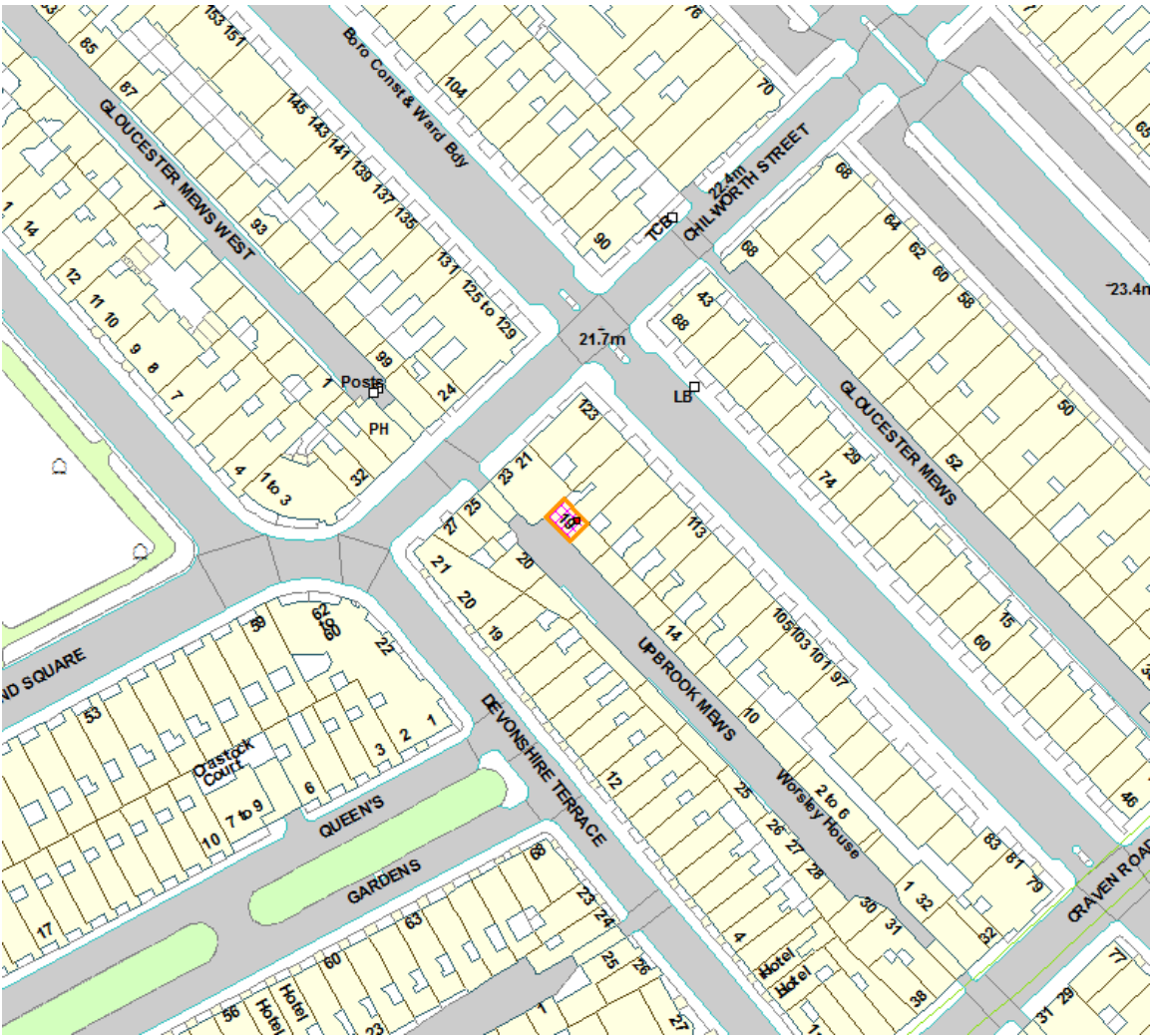
The applicant could provide no further information on flood risk from the basement construction, other than that originally presented as part of the application and to the Planning Sub-Committee and felt that they had sufficiently addressed the issue of flood risk. To this end, the applicant has removed the basement excavation from the proposals and now permission is sought only for the 'conversion of garage into habitable space and erection of a mansard roof extension with raising the height of the party wall with 18 Upbrook Mews'. With the removal of the basement element of the scheme, the proposed construction time and impacts will be substantially reduced.

Neighbours were re-consulted on the revised proposals. One further response was received where the original objections to the mansard roof were maintained due to amenity concerns.

As previously advised, the proposed change of the garage to habitable accommodation is considered acceptable in highways and design terms and the proposed mansard roof is considered acceptable in conservation, design and amenity terms. Whilst officer's sympathise with residents on their concerns of noise and disruption during the course of works, the Planning Sub-Committee is advised that this is not a reason in itself to refuse the proposals. As is the standard approach, conditions regarding hours of work are recommended.

Accordingly, the proposals are considered in accordance with City Council policies as set out in the City Plan 2019-2040 with respect to land use, design and amenity and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION

WARD COUNCILLORS FOR LANCASTER GATE:

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection raised on the grounds that the drawings show the proposed mansard roof higher than the adjacent houses; the windows on the front elevation of the roof are too large; the mansard roof and raising of the height of the party wall may result in loss of light to neighbouring properties; flooding, loss of garage and that the basement appears to have no ventilation.

Conditions are suggested to if the party wall on the north is raised, this should be finished white; basement should not be occupied separately; no and Saturday workings. An informative is required regarding flooding.

ENVIRONMENTAL HEALTH:

No objection.

BUILDING CONTR-L - DEVELOPMENT PLANNING:

No objection.

HIGHWAYS PLANNING MANAGER:

Objection raised to the loss of the garage if protected via condition.

LOCAL FLOOD AUTHORITY:

No response Received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 16

No. of objections: 16, received on behalf of 11 properties.

Sixteen objections received on some or all of the following grounds:

Design & Heritage:

- The proposals is inappropriate for the character of the mews and the conservation area.
- Increase in volume is out of character with mews.

Amenity:

- Loss of light;
- No plant/ ventilation should be allowed as this will be noisy and disrupt sleep.
- Overlooking.

Highways:

- Loss of parking is unacceptable.

Other:

- No reference made to the Upbrook water course;
- No details of monitoring of neighbouring properties during works;
- The owners of 19 Upbrook Mews should indemnify neighbouring properties in case of damage;
- Noise and disruption from proposed excavation of basement and construction of mansard to residential neighbours and adjacent office workers;
- No works should be allowed on Saturdays, Sundays or Bank Holidays;
- A construction management plan should be submitted upfront;
- Permission cannot be given without significant preparatory works and party wall surveyors being instructed;
- Not all neighbours affected by the proposals were notified of the application;
- Loss of rental income whilst works are taking place;

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RE-CONSULTATION: Amendments made to the mansard roof design

SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION:

Continued objections made on the grounds of amenity, flooding, loss of garage, basement ventilation given lack of garden. Comment raised that the design of the mansard is now acceptable. A construction management plan is requested. Conditions suggested, similar to those received in initial response, however it was also noted that an attractive hoarding should be installed if works were to go ahead.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 4

No. of objections: 4

Four objections received from those that have already made objections, reiterating their original objections. New ground of objection include:

- How was the daylight and sunlight assessment carried out when no one visited neighbouring properties;
- Inaccuracy within the sunlight and daylight report with a kitchen being called a bathroom in one of the neighbouring properties.
- The flood risk assessment still doesn't identify how the basement excavation will affect neighbouring properties and doesn't take into consideration the floods of July 2021

Additional responses received after publication of the report for committee on 28 June 2022.

COUNCILLOR JUDE

Objection on the following grounds:

- Given the residential nature of the road, we would request that all works are restricted on Saturday. We note that currently all piling and excavation works are prevented on Saturdays, but other work on-site will still be permitted during these hours as it stands. Preventing all works will allow the residents some respite during these hours.
- The lack of natural ventilation in the basement has been brought to our attention by local residents. Given this, we request a condition be included that restricts using the basement as bedroom, due to potential health and safety issues.

COUNCILLOR ORMSBY

Objection. Agree with Councillor Jude's comments set out above.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Comment. Condition 2 as proposed is not sufficient enough given the quiet nature of the mews. It is requested that no Saturday working is allowed.

It is requested that there be a condition restricting the use of the basement because of the lack of natural ventilation.

It is requested that a hoarding be installed during construction.

RE-CONSULTATION (11 Oct 2022): Removal of basement excavation from proposals.

No. Consulted: 61

Total No. of replies: 1

No. of objections: 1

One objection received, maintaining the objector's original concerns to the mansard roof.

6. Conclusion

In its amended form, the proposals are now only for additional residential accommodation in the form of the conversion of a garage to a living room and the construction of a mansard roof, are acceptable and the works to facilitate this are acceptable in conservation and design terms and are not considered to harm surrounding residential amenity. The point of contention was the basement at the last planning committee, and this has been removed. As such, the proposal is considered acceptable, mindful of policies 7, 8, 33, 34, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

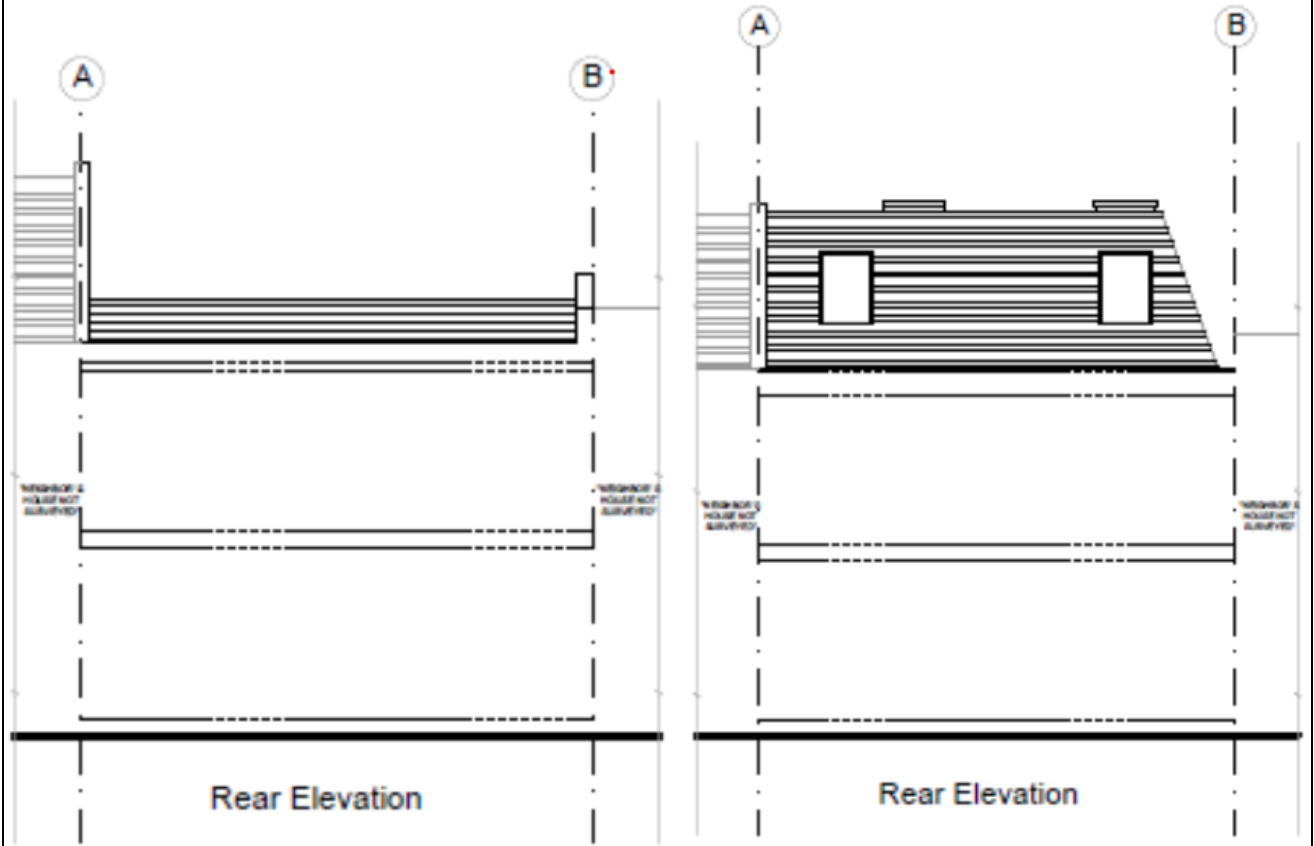
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

7. KEY DRAWINGS

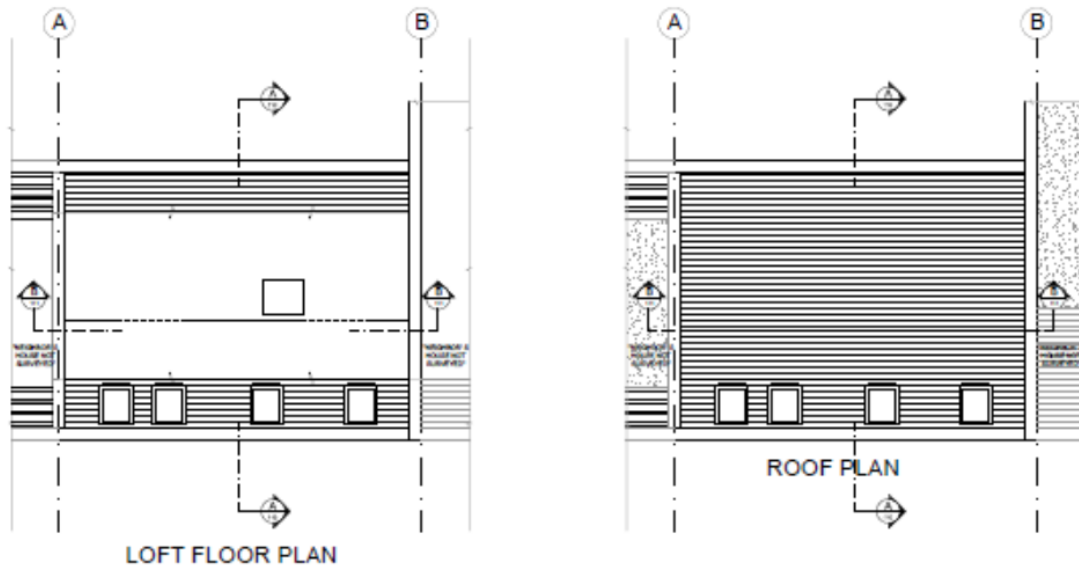


Existing Rear Elevation

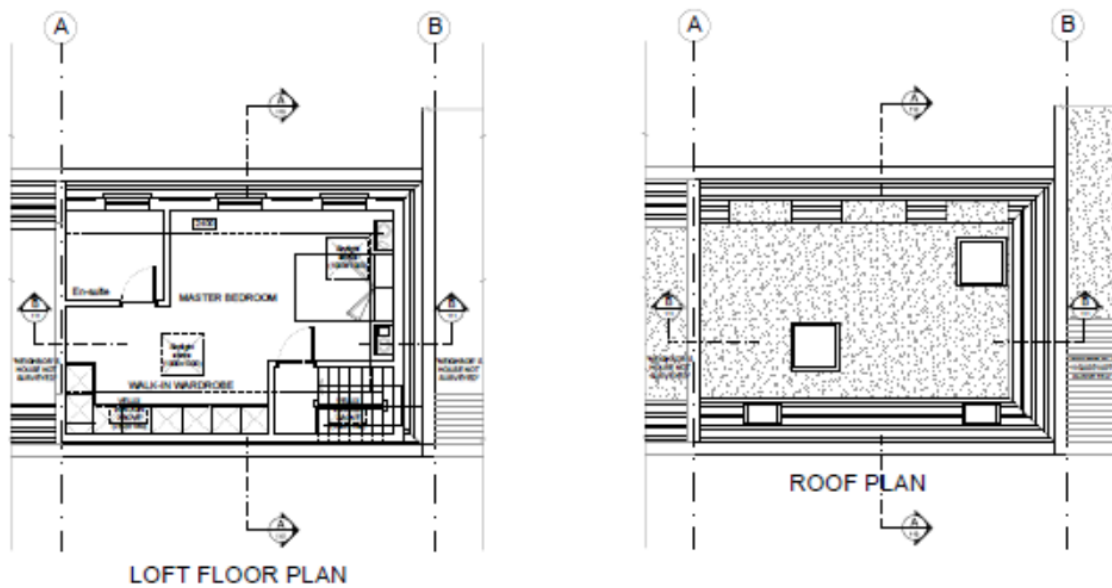
Proposed Rear Elevation



Existing Roof Plan

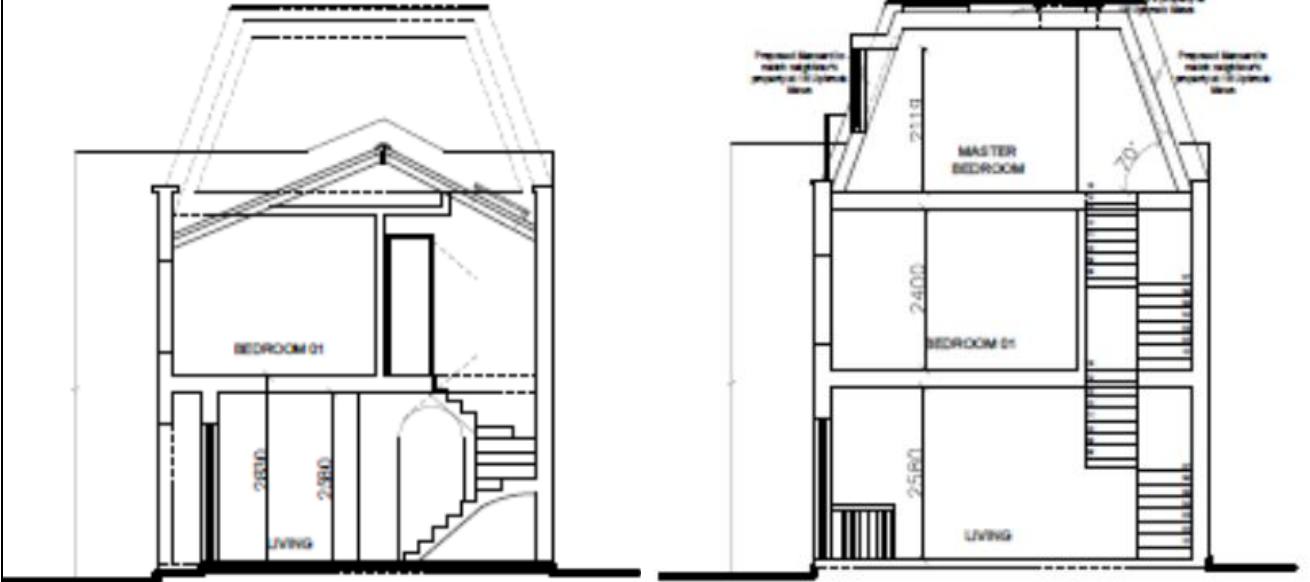


Proposed Mansard & Roof Level Plan



Existing Section A-A

Proposed Section A-A



Existing Section A-A

Proposed Section A-A

Existing Section B-B

Proposed Section B-B



Existing Section B-B

Proposed Section B-B

DRAFT DECISION LETTER

Address: 19 Upbrook Mews, London, W2 3HG,

Proposal: Conversion of garage into habitable space and erection of a mansard roof extension with raising the height of the party wall to 18 Upbrook Mews.

Plan Nos: 101P H; 102P H; 103P H; 104P H; 105P H; 106P L; 107P L; 108P L; 109P L; 110P L; 111P L; 112P L (proposed drawings received 6 October 2022) Flood Risk Assessment dated 4 September 2020, received 22 February 2022. For Information only: Daylight and Sunlight Assessment.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 All new windows to the mansard roof and the new 'garage door' shall be constructed in timber and painted to match the existing and be retained in that condition 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 6 The glass that you put in the windows in the rear elevation of the mansard roof 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 given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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 the City Plan 2019 - 2040

(April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3** You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)