

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 December 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Knightsbridge & Belgravia	
<b>Subject of Report</b>	<b>98 Ebury Mews, London, SW1W 9NX</b>		
<b>Proposal</b>	Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.		
<b>Agent</b>	Mr Michael Knight		
<b>On behalf of</b>	Mr & Mrs Pinto		
<b>Registered Number</b>	23/06593/FULL	<b>Date amended/ completed</b>	22 September 2023
<b>Date Application Received</b>	22 September 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

98 Ebury Mews is a single-family dwellinghouse located within the Belgravia Conservation Area comprising ground, first and second floor levels. At the rear, the property has a small courtyard and an existing rear ground floor extension with a balcony terrace atop.

Permission is sought to extend the property with a front porch extension, rear ground floor extension, first-floor closet extension and excavation works to create a new basement. The proposal also includes works to form a roof terrace at main roof level.

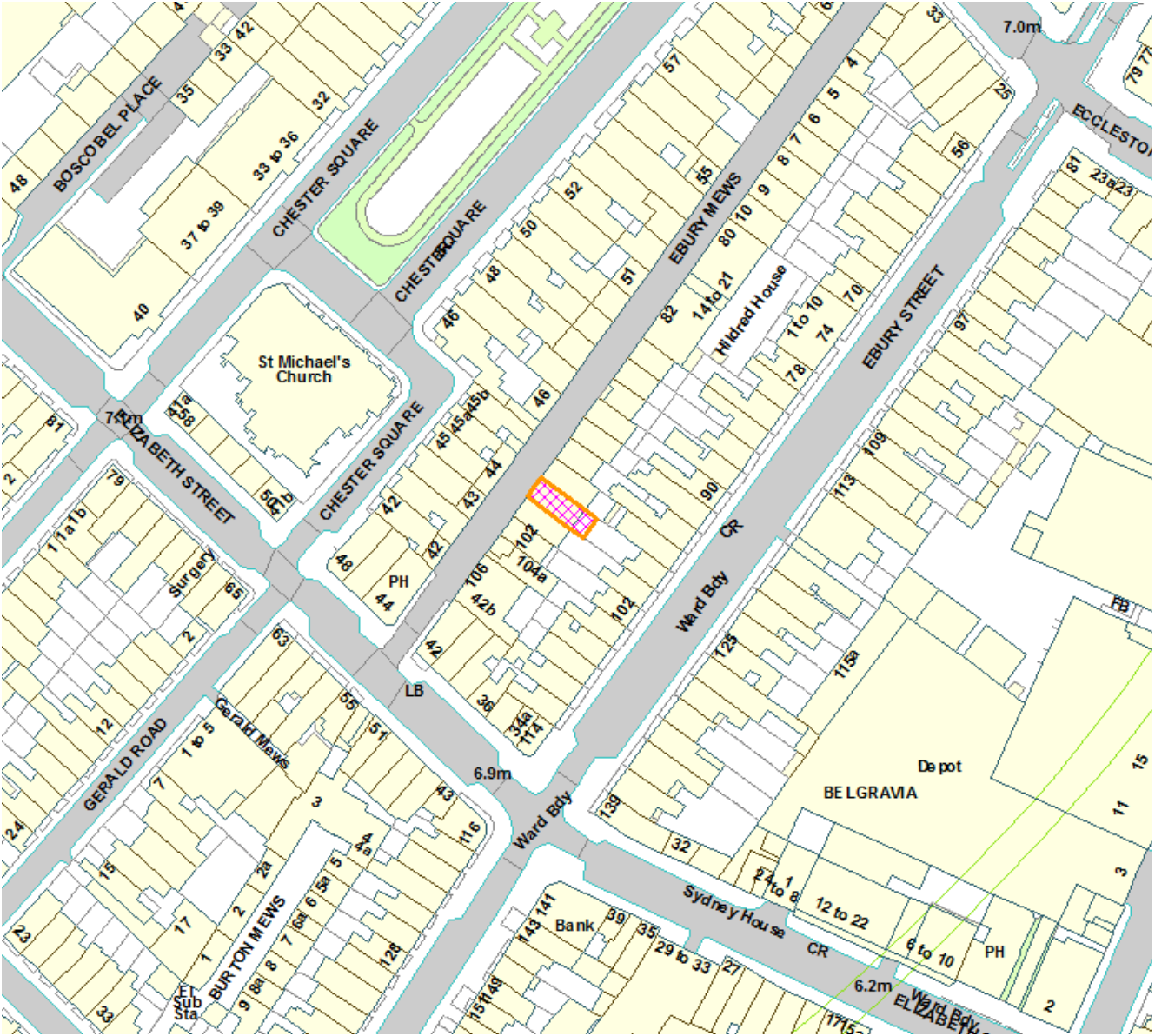
The key considerations in this case are:

- The impact of the proposed first floor extension and roof terrace upon the amenity of surrounding occupiers.
- The acceptability of the proposed basement extension in design, amenity and sustainability terms.
- The impact of the proposed extension, roof terrace and associated alterations upon the character and appearance of the Belgravia Conservation Area.
- The impact of the proposals upon protected trees.

Objections have been received from neighbouring occupiers and the Belgravia Neighbourhood Forum (BNF) which consider the proposed extensions would harm the character and appearance of the mews and infringe upon privacy whilst the proposed roof terrace would result in an unacceptable increase in overlooking and noise. Objection comments also raise concerns over the construction impacts of the proposed development upon amenity, protected trees and potential structural and infrastructure damage associated with the basement development. The BNF also consider the proposed basement as contrary to Net Zero goals, draft design and sustainability policies within the Belgravia Neighbourhood Plan and is unacceptable from a sustainability perspective.

As set out in this report, the submitted Arboricultural Impact Assessment, signed Appendix A for the Code of Construction Practice and Construction Methodology Statement demonstrate that the proposed basement development is unlikely to result in harm to surrounding trees and would comply with City Plan basement policy requirements. Assessment of the size, position and relationship of the proposed roof terrace and rear extensions towards neighbouring occupiers and the submitted site-line diagrams demonstrate that, whilst there would be some limited impact upon neighbouring occupiers, on balance the proposals are not considered harmful to residential amenity to an extent to warrant refusal of planning permission. With recommended conditions the proposed development is considered acceptable in amenity and design terms and would accord with relevant policies within the adopted Westminster City Plan (April 2021).

3. LOCATION PLAN



## 4. PHOTOGRAPHS



**98 Ebury Mews Existing Rear Elevation**

**(Yellow, existing rear ground floor extension which is proposed to be extended.  
Red, approximate position of proposed first-floor closet extension)**



Rear Courtyard of 98 Ebury Mews (As viewed from existing rear first-floor terrace balcony)



Area of Proposed First-Floor Closet Extension



**Views from main roof level**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### BUILDING CONTROL

No objection.

#### ARBORICULTURAL SECTION

No objection subject to recommended tree protection conditions.

#### ENVIRONMENTAL SCIENCES

No objection, however, recommends condition to secure Land Contamination Assessment, to include assessment of Radon.

#### BELGRAVIA NEIGHBOURHOOD FORUM

Objects, as the proposals are considered contrary to draft design and sustainability policies within the Belgravia Neighbourhood Plan. The massing of the proposed extensions is considered overdevelopment, harmful to the character of the mews and the reduction in open courtyard space and the proposed basement construction contrary to net zero goals and would result in loss of permeable drainage soil. It's noted that previous permissions for basements pre-date current sustainability goals and policies and so should not be considered acceptable precedent.

#### THE BELGRAVIA SOCIETY

No response to date.

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

No. Consulted: 12

Total No. of replies: 6

No. of objections: 5 (of which four letters from one address)

No. in support: 1

PRESS NOTICE/ SITE NOTICE: Yes.

#### OBJECTION

##### Residential amenity

- The proposed ground and first-floor extensions would result in a loss of privacy, harm to aspect and are considered overdevelopment.
- The proposed roof terrace would result in a loss of privacy due to increased overlooking and would create an unfortunate precedent.
- Construction impacts of the proposed development would result in unacceptable disruption, disturbance and blocking of the mews.

### Design impacts

- The proposed extensions would not be in keeping with the host building nor would it be characteristic of the surrounding mews and the conservation area.

### Sustainability & Open Space

- The proposed ground floor extension and basement would reduce the amount of soil for drainage as well as the amount of valuable open space. This also concerns flood risk.
- The proposed extensions could also harm protected trees of visual and ecological value.

### Other Matters

- It should be clarified whether the proposals would have implications on subsidence or result in structural issues and consideration of the implications for insurance.
- Concern that the proposed basement excavation could disturb or damage historical lead pipe systems, and the potential impacts of this upon the wider ecology of the area.
- Concern over potential for water ingress from roof level planters associated with the roof terrace and roof level access and structures.

### SUPPORT

- The owner should be able to fully exercise their property rights, therefore the proposals are supported.

## 5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. Given the proposals relate to small scale householder development, the applicant did not indicate that they have carried out Early Community Engagement prior to submission of the application. However, it should be noted that the current application follows a withdrawn application for similar proposals in July 2023 (RN: 23/03653/FULL). The current re-submission has reduced the extent of the proposed basement, incorporated permeable paving and included an Arboricultural Impact Assessment, in response to concerns raised in previous objections to the previous application.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full



weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The Belgravia Neighbourhood Plan includes policies on a range of matters including character, heritage, sustainability, monuments and public art, workspaces, late night uses and trees and greening.

The Belgravia Neighbourhood Plan was subject to public consultation between 2<sup>nd</sup> June 2023 and 24<sup>th</sup> July 2023 under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012. The Plan is currently under Examination, to determine whether the Plan meets the 'Basic Conditions'. Paragraph 48 of the NPPF outlines that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree to which emerging policies conform with the NPPF. As the Neighbourhood Plan is currently at Examination and the Examiner's Report has not yet been published, limited weight can be afforded to the Plan.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

98 Ebury Mews is a single-family dwellinghouse located within the Belgravia Conservation Area comprising ground, first and second floor levels. At the rear, the property has a private courtyard and an existing rear ground floor extension with a balcony terrace atop.

### **7.2 Recent Relevant History**

23/03653/FULL

Erection of ground floor front and rear extensions; first floor rear closet addition; formation of roof terrace with balustrading and planters, single storey basement addition and associated external alterations. Application withdrawn on 25 July 2023 following concerns over the extent of the proposed basement level and the potential impact upon the roots of protected trees in the property to the rear of the application site. The current

application is a re-submission which has been amended in response to these issues.

**8. THE PROPOSAL**

To the rear of the application site permission is sought to extend the existing ground floor extension and to erect a first-floor closet extension. At main roof level, permission is sought for the formation of a roof terrace with associated balustrading and planters. Permission is also sought for a basement extension and a partial infill extension of the front porch area at ground level.

**9. DETAILED CONSIDERATIONS**

**9.1 Land Use**

Policies 8, 10 and 12 of Westminster’s City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally. The proposed basement extension would provide utility, living and gym rooms to provide additional living space for the family home. It would receive borrowed natural light from an internal rooflight within the ground floor living room. The proposed rear first-floor extension would provide additional storage space. From a land use perspective, the proposals would provide a well-designed, high-quality living environment for future occupiers.

**9.2 Environment & Sustainability**

**Sustainable Design & Energy Performance**

Policies 36 and 38 of Westminster’s City Plan requires developments to be designed to reduce energy demand and to incorporate sustainable design measures. Westminster’s ‘Environmental Supplementary Planning Document’ (February 2022) provides support for measures to improve energy efficiency of existing buildings.

The Belgravia Neighbourhood Forum (BNF) has objected to the proposed basement noting that due to the need for artificial lighting, lack of natural ventilation and the carbon intensive nature of basement development, the proposals are contentious from a sustainability and net-zero perspective and contrary to the Belgravia Design Codes and design policies of the draft Belgravia Neighbourhood Plan.

As stated above, given the current stage of the Belgravia Neighbourhood Plan, only limited weight can be afforded to its policies. However, many of the concerns relating to the carbon impacts, energy efficiency and net-zero are also considered within City Plan policies. Whilst basement extensions are a more carbon intensive form of extension, the City Plan does not preclude such extensions, but it does limit the extent and depth of basements to a single-storey, thereby limiting the amount of construction and in turn the carbon impact. It is noted that the proposals are confined to a single storey with an appropriate floor to ceiling height.

The design statement notes that currently the external facing walls of the property do not benefit from insulation, but as part of the overall development a more efficient heating

and hot water system will be installed, as well as additional insulation to all external facing walls and roof insulation. These measures will improve the energy efficiency of the building and are supported.

### 9.3 Biodiversity & Greening

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs and other green features where possible. The policy also seeks to increase biodiversity and protect open spaces and requires that trees of amenity, ecological and historic value will be protected. Objections have been raised that raise concern over the loss of open space as well as concerns that the proposed extensions would result in harm to protected trees.

The existing paved rear yard is approximately 18sqm. As a result of the proposed ground floor extension the rear yard would be reduced to approximately 9sqm. Whilst the proposals would see a reduction in garden land, the proposals would see a net increase in soil planting through the provision of raised plant bedding areas either side of the courtyard, as well as provision of permeable paving. At main roof level, the proposals would provide sedum green roofs and planters. Therefore, on balance, the proposals provide opportunities for increased urban greening and biodiversity beyond the current situation.

Within the previously withdrawn application the basement was proposed to extend to the rear boundary wall with no undeveloped land retained and officers were concerned that excavation works would result in harm to surrounding tree roots. The current application has been revised to reduce the extent of the basement, maintaining 1.85m of undeveloped land and is supported by an Arboricultural Impact Assessment which has identified surrounding trees and their root protection areas (RPA). The revised proposals ensure excavation is largely avoided from the RPA and whilst there is a very small incursion into this area, in this instance it is considered very minimal and unlikely to harm the trees. The Arboricultural Officer raises no objection to the proposals, however, a condition is recommended to secure a more detailed Tree Protection Methodology Statement.

### 9.4 Townscape, Design & Heritage Impact

#### Legislative & Policy Context

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.”*

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. Given the proposals relate to alterations and extension of a building within the Belgravia Conservation Area the proposals are considered within the context of policies 38, 39 and

40 of Westminster's City Plan (adopted April 2021).

### Considerations

98 Ebury Mews is of a mid-20th century character with the adjoining mews properties at nos. 92 to 96 and is located within the Belgravia Conservation Area. Objection comments have been received which consider that the proposed extensions would be out of keeping and that the scale and massing of the extensions would be harmful to the appearance of the building and wider area, with the Belgravia Neighbourhood Forum also commenting that basements are not historically typical within smaller-scale mews buildings.

The proposed remodelling of the ground floor front elevation would serve to match it with that at no. 94, to which this property shares a grouping, and on this basis is considered acceptable in terms of design, subject to details.

To the rear the proposed ground floor extension would occupy approximately half of the existing courtyard. Typically, rear courtyards form an important space in terms of the relationship of the mews houses with the main houses to which they would once have been associated and provide both a sense of separation between the properties and provide areas decompression of built-form within the wider conservation area. Whilst infilling rear courtyard space is generally considered contentious in principle, given the highly contained nature of the existing courtyard with its tall boundary walls it is considered that the proposed extension into this area is acceptable and the proposals would retain an area of meaningful outdoor space. The design approach of a brick extension with portal inset with a multipaned glazed wall and inward opening doors is considered an appropriate response, subject to details.

At rear first floor level the proposals would seek to extend the building outwards onto the existing terrace. The extension adopts the typology of a masonry closet wing style extension approximately half the width of the existing property, sitting above but set back from the rear extension at ground floor level. Whilst not a typical feature on this terrace grouping, the expression of a single storey shallow closet wing extension has precedent elsewhere in the conservation area and maintains the primacy of the main rear elevation which can still be read. The resultant masonry projection protrudes no further out than those to the rear of other properties along the wider stretch of Ebury Mews and is considered an appropriate response in terms of design.

The host property is a completed composition and exhibits a mansard roof form at second floor level. The proposals seek to introduce a terrace on top of the mansard roof, set back from the roof edges behind railings, and in between the existing masonry roof accretion to no. 100 and a raised boundary parapet wall with no. 96. It is considered that given both its setback and the adjacency to no. 100 which exhibits a taller - almost single storey high roof accretion - a roof terrace on top of this building would not be so incongruous so as to require refusal of permission on these grounds. Indeed at the other side of the mews, to the rear of 45 Chester Square, an elevated roof terrace can be seen and there are various examples of a similar elevated amenity spaces in the immediate vicinity. A condition is recommended to require that the railings are metal painted black and maintained as such and that no parasols or other equipment shall be placed on the terrace.

The basement would have no external manifestation and therefore in terms of design would not affect the appearance of the conservation area. Whilst it is noted that basement levels are not historically typical to mews properties, the site is not a listed building and the proposal would not be harmful to the building's hierarchy.

The above considered, with recommended conditions the proposals are considered acceptable in design terms and in line with relevant policy and planning guidance and the statutory duties set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9.5 Basement Development**

Policy 45 of Westminster's City Plan requires basements to incorporate measures to address flood risk and safeguard structural stability, be designed to minimise the impact of construction on neighbours, protect heritage assets and conserve and preserve the character of the building and surrounding area. The policy also limits the depth and extent of basements.

Objection comments have raised concerns over structural stability and infrastructure and implications for insurance as well as concerns over the noise and disruption during construction works.

In terms of the extent and depth of basements, Policy 45 states that on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building, must not exceed a single-storey and must leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden. The proposed basement would be within the proposed footprint of the building, be of a single-storey and would leave a significant, and acceptable, area of undeveloped land at the rear, complying with policy requirements on extent and depth.

In accordance with the policy requirements, applications must be accompanied by a detailed structural methodology statement, a flood risk assessment and a signed Appendix A proforma to demonstrate that the applicant will comply with the council's Code of Construction Practice and that a Construction Management Plan will be provided to the council prior to the commencement of development. The applicant has submitted these documents, to which Building Control have raised no objection. A condition is also attached to require the applicant to abide by the Code of Construction Practice.

The applicant's structural methodology report has been reviewed by Building Control, and they consider it to be acceptable. It should be noted that the purpose of such a structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular 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. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report.

Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision notice. In terms of insurance requirements and Party Wall issues and agreements raised by objectors, these are civil issues beyond the remit of planning.

Policy 35 requires that all developments should be safe for their lifetime from the risk of flooding and incorporate Sustainable Drainage Systems (SuDS) whilst Policy 45 requires a Flood Risk Assessment for basement extensions. Objection comments have noted concerns pertaining to increased flood risk due to the proposed basement and loss of soil.

The site is not within a Flood Zone nor an identified Surface Water Flood Risk Hotspot, therefore flood risk is low. However, as the proposal includes basement development a Flood Risk Assessment has been provided to support the application. The current rear courtyard has impermeable paving across its entirety. The proposals would retain approximately 1.85m of undeveloped land at the rear and incorporate raised soil planting areas and replace the current paving with permeable paving. Therefore, on balance, whilst some undeveloped land would be lost because of the proposals, the improvement to the permeability of the rear area compared to existing and with regard that a significant area of undeveloped land would be maintained, this is considered acceptable.

The above considered, with recommended conditions the proposed basement extension is considered compliant with Westminster's City Plan basement Policy 45.

## **9.6 Residential Amenity**

Policy 7 of Westminster's City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light. Policy 38 of the City Plan states that development will place people at the heart of design...and ensure a good standard of amenity for new and existing occupiers.

Objections have been received from neighbouring occupiers and residents of Ebury Street to the rear of the application site. Concerns are raised that the proposed ground and first-floor rear extensions will harm aspect and result in a loss of privacy whilst concern is raised that the proposed roof terrace will result in increased overlooking and a loss of privacy, whilst establishing an unfortunate precedent.

### **Daylight & Sunlight & Sense of Enclosure**

To the front elevation, a small partial infill extension is proposed within the front porch area. This would be confined to within the building footprint and recessed porch area, it is therefore unlikely to result in any unacceptable impact upon neighbouring occupiers.

The rear courtyard is enclosed by tall, rendered brick boundary walls which rise above ground level. The proposed rear ground floor extension would not rise above these boundary walls and would look into the enclosed courtyard area. Therefore, the proposed ground floor extension would not have any impact upon the amenity of surrounding occupiers by way of increased sense of enclosure, loss of light or privacy.

The proposed first-floor closet extension would be in the same approximate position as the existing rear balcony terrace. Given this, there is already a degree of overlooking from this terrace to the rear and therefore the proposed extension (and its rear window) would not result in any harmful increase in overlooking beyond the existing situation.

There is a brick boundary wall on the terrace that separates the application property with its neighbour at No. 96 Ebury Mews to the north east. The proposed extension would increase the height of this wall by approximately 50cm and extend its depth by approximately 25cm. Although the proposed increase in height and depth along the boundary with No. 96 is likely to be noticeable, the increase is modest and is not considered likely to result in an unacceptable increase in sense of enclosure, loss of daylight or overshadowing, beyond that caused by the current boundary wall. Given the extension would not be full width, it would not have any unacceptable impact on 100 Ebury Mews given the separation distance.

Taking the modest increase in bulk proposed and the existing boundary treatment into account, the proposed first-floor closet extension is unlikely to cause harm to residential amenity that would justify a refusal.

### **Roof Terrace - Privacy**

There are objections to the proposed roof terrace at main roof level in terms of loss of privacy due to increased overlooking. The objector notes that there are no roof terraces at this level to the south side of the mews and that the proposals, if permitted, would establish an unfortunate precedent.

In terms of precedent, each case planning application is assessed on its own merits. Whilst there do not appear to be examples of roof terraces to the southern side of this part of the mews, there are examples of roof terraces to buildings on the northern side, though it is not clear whether these benefit from planning permission or are indeed lawful.

The proposed roof terrace would incorporate set-backs from the roof edges of approximately 2.7m at the front and 2.3m at the rear. When facing Ebury Mews at the front, given the proposed planters and set-back, it is unlikely that direct views would be possible into windows of properties on the opposite side of the mews. This is supported by sight-line diagrams that accompany the application. Whilst some limited views towards the upper-level windows of adjacent properties may be possible these would be in part interrupted by the roof dormers and would be at oblique angles and therefore overlooking into the depths of these windows would be unlikely. It is also noted that some of these adjacent properties benefit from similar roof terraces as currently proposed.

At the rear, given the proposed set-back of the terrace, overlooking towards the rear gardens of Nos. 96 and 100 Ebury Mews is unlikely to be possible. Further afield, the proposed roof terrace would be separated from the rear facing windows of Ebury Street by approximately 14m. Whilst some long-distance views towards Ebury Street properties would be possible, these would generally be interrupted by the existing (protected) trees. Overall given the separation distance, privacy would be maintained.

Given the small and constrained size of the terrace and its use in connection with a single-family home, it is unlikely to be used in an intensive way to an extent that would result in unacceptable noise disturbance beyond what may be experienced from the existing rear first-floor balcony terraces and gardens which the properties currently benefit from.

Objection comments have noted the potential for water ingress from the proposed planters and the potential need for agreements with neighbouring occupiers. The proposed planters would be atop the area of existing flat roof which itself should be waterproof and watertight, designed to deal with surface water from rain. On the latter point, it appears the elements pertaining to the roof terrace are contained within the owner's demise. In any case, Party Wall agreements or issues are a civil issue beyond the remit of planning.

On balance, with the above considered, the proposals would not result in an increase sense of enclosure, loss of light, privacy or excessive noise disturbance that would be harmful to neighbouring residential amenity to justify refusal of planning permission.

#### **9.7 Transportation, Accessibility & Servicing**

The property is currently a family-sized, single-family dwellinghouse and will continue to be used as such. The proposed extensions would provide additional shared living space. Given the minimal increase in floorspace and that the property will continue to be used in the same way, no transportation, accessibility or servicing issues are raised. Objection comments note concern regarding the impacts of construction traffic and works upon the mews road. It is noted that works would be monitored by the Council's Environment Inspectorate and an informative is recommended to remind the applicant that separate highways licenses may be required during construction works.

#### **9.8 Economy including Employment & Skills**

Not relevant for the nature and scale of proposed development.

#### **9.9 Other Considerations**

Policy 33 (E) requires assessment of potential for land contamination and appropriate remediation measures, where necessary. As the proposals include basement development to provide habitable accommodation, Environmental Sciences have recommended a condition to secure a Land Contamination Assessment to include consideration for the potential for Radon.

#### **9.10 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

#### **9.11 Planning Obligations & Pre-Commencement Conditions**

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



## **10. Conclusion**

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. The proposed ground, first and basement extensions would provide additional residential floorspace improving the quality of the existing single-family home whilst the roof terrace would provide private amenity space. The proposals would preserve the character and appearance of the Belgravia Conservation Area, whilst improving the energy efficiency of the building and incorporating urban greening measures. Whilst the proposals would have some impact on residential amenity of neighbours, on balance, and with recommended conditions, the proposed extensions and roof terrace would not result in undue harm to the amenity of surrounding occupiers by way of overlooking, sense of enclosure or loss of light to an extent to justify refusal. Mindful of policies within the development plan, 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)

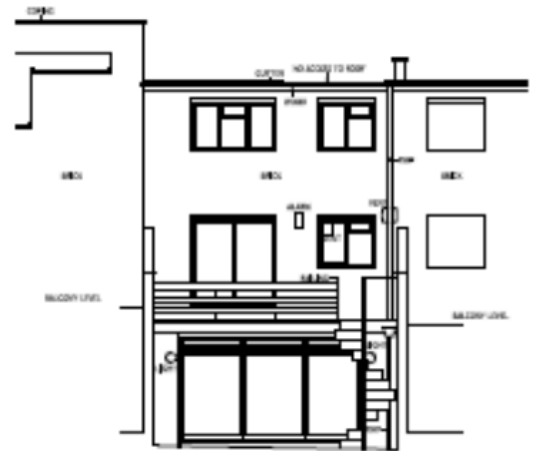
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [MMASON@WESTMINSTER.GOV.UK](mailto:MMASON@WESTMINSTER.GOV.UK)

11. KEY DRAWINGS

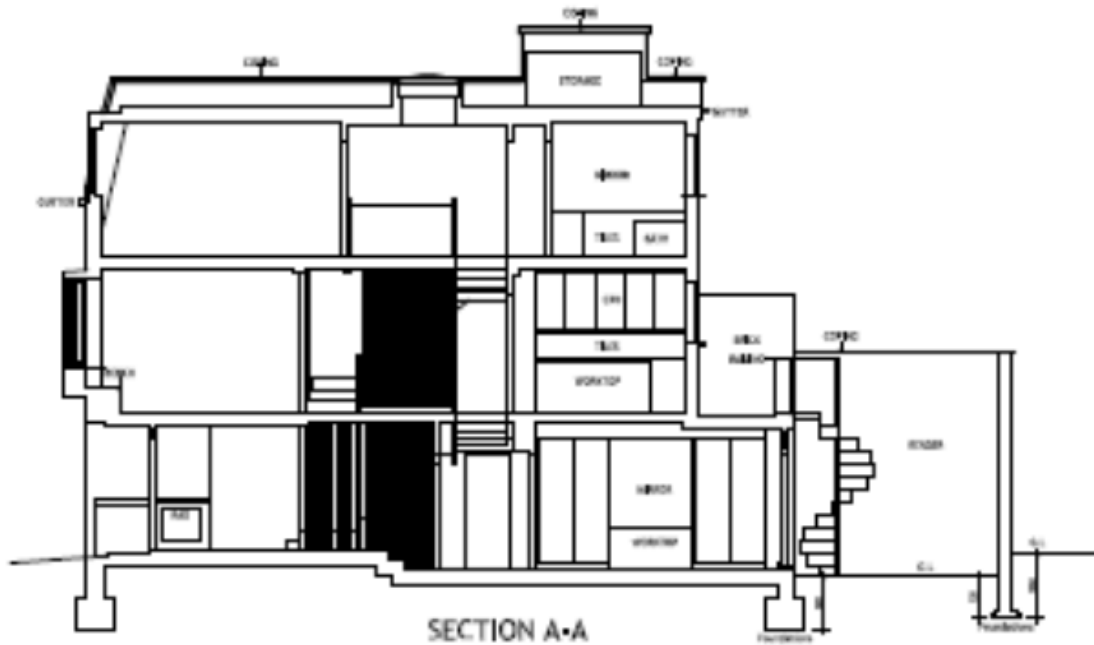
Existing Elevation & Section



FRONT ELEVATION



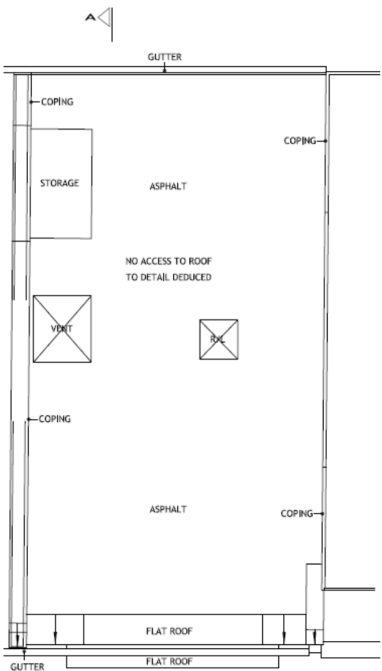
REAR ELEVATION



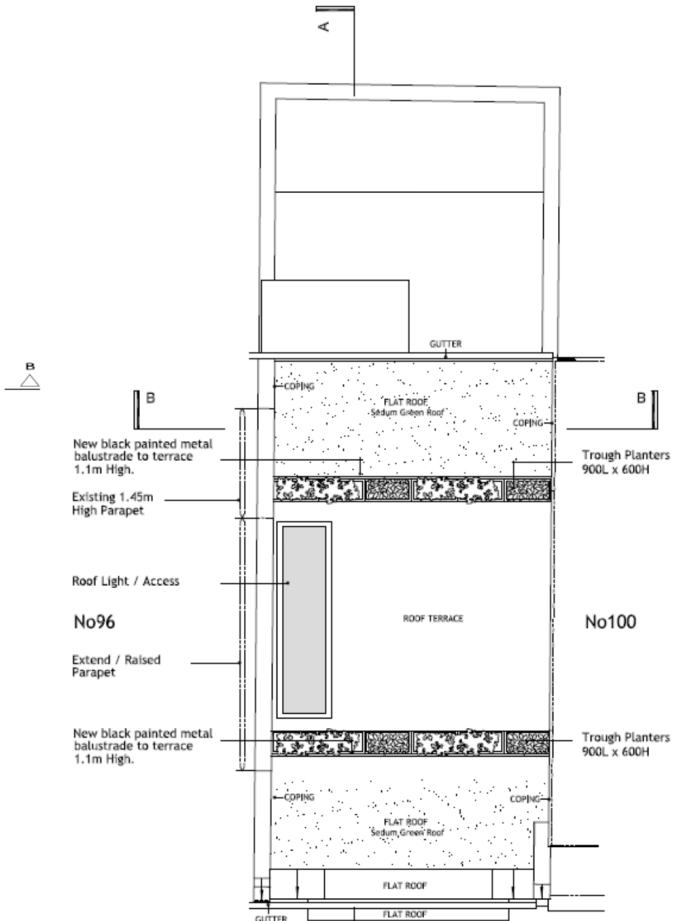
SECTION A-A



### Existing & Proposed Roof (Terrace) Plans

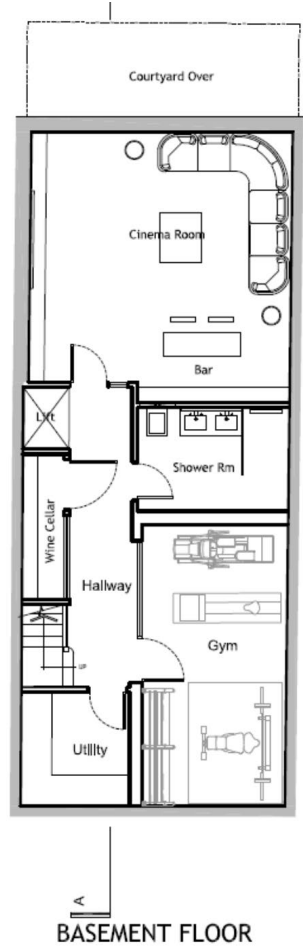
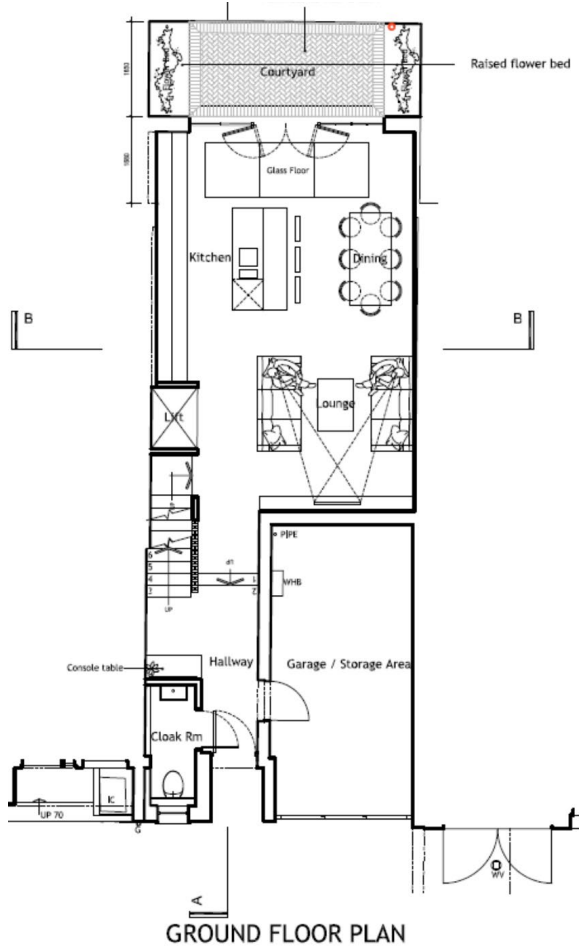


ROOF PLAN

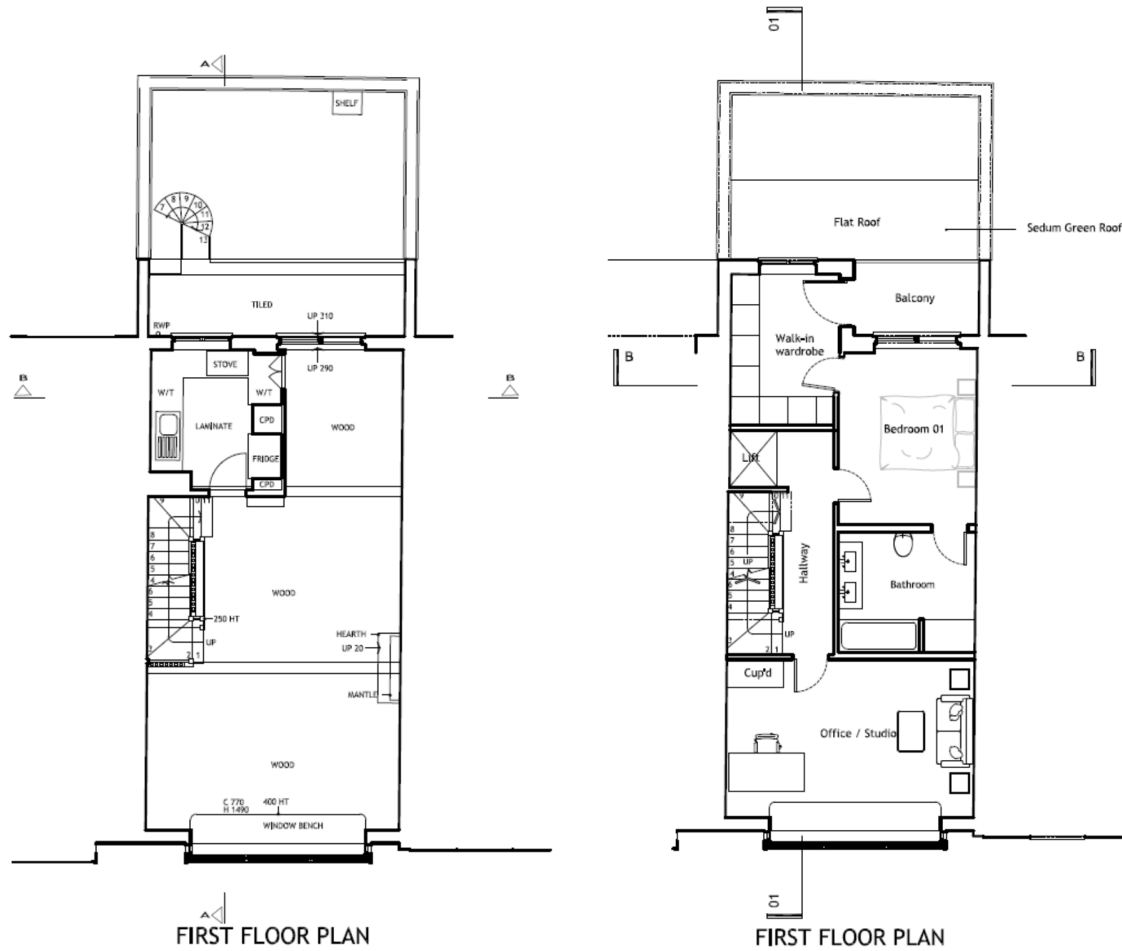


ROOF PLAN

### Proposed Basement & Ground Floor Plan



### Existing & Proposed First Floor Plan



**DRAFT DECISION LETTER**

**Address:** 98 Ebury Mews, London, SW1W 9NX

**Proposal:** Erection of ground floor front and rear extension, first floor rear closet extension, formation of roof terrace with balustrading and planters at main roof level, excavation of new basement and associated external alterations.

**Reference:** 23/06593/FULL

**Plan Nos:** Block Plan; OS Plan; SK03A; G-E-01; FSP-01 A; G-E-02 A; SK01A; Site 02 A; SK010

For Further Information;

Design and Access Statement by Knight Associates Ltd ref. MK/DAS23/422; Signed Appendix A dated 9th May 2023; Arboricultural Impact Assessment by Trevor Heaps Ref: TH 3848 B; Basement Impact Assessment & Structural Methodology by Vincent and Rymill Ref. 23D04 Issue 4 Sept 2023; Construction Management Plan dated May 2023; Fire Safety Strategy; Flood Risk Assessment 6th May 2023; Daylight & Sunlight Assessment

**Case Officer:** Jonathon Metcalfe

**Direct Tel. No.** 020 7641  
07866038118

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

- 4 The railings to the roof terrace must be metal painted black and must be maintained as such.

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 Belgravia 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 apply to us for approval of detailed drawings at 1:10 and sections at 1:5 (specifying finished appearance) of the of the following parts of the development: -, , (i) Windows;, (ii) Doors;, (iii) Garage door set., , 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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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

- 7 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Belgravia Conservation Area. This is



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

- 8 **Pre Commencement Condition.** Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 9 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

10

**Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until

we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

### **Informatives;**

- 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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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](http://www.westminster.gov.uk/contact-us-building-control)
- 3 You are advised that, with the exception of the rear lower ground floor level doors and windows, all new and replacement windows and doors should be traditional opening, timber framed, slimline double glazed (i.e. 4mm glass/ 6mm air gap/ 6mm acoustic glass) with joinery profiles to match the existing, concealed trickle vents and no external weather bars.
- 4  
With regard to Condition 6 and Radon, it should be noted that while the whole of Westminster is in the lowest band of radon potential; as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA,

Item No.
<b>1</b>

2010'). Therefore any contaminated land assessments should include an assessment of radon.

As per our Contaminated Land guidance dated October 2022, assessment of Radon levels as part of a planning application should include consideration of appropriate mitigation measures. Mitigation could be achieved by design and the submitted assessment must demonstrate the design and/or construction of the basement would be such, that it would mitigate against adverse impact from Radon on human health.

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.