

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7th July 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	33 Bark Place, London, W2 4AT		
Proposal	Demolition of roof and rear elevation of property, construction of full width lower ground and ground floor extension, and half width extension at first floor level, alterations to roof level including change in pitch and installation of plant, alterations to the front garden and elevational changes including new/replacement windows.		
Agent	Mr Christian Capelli		
On behalf of	Mr & Mrs Ross		
Registered Number	20/02052/FULL	Date amended/ completed	23 March 2020
Date Application Received	20 March 2020		
Historic Building Grade	Unlisted Building of Merit		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for partial demolition of the property, and a number of alterations including extensions over lower ground, ground and first floor levels, alterations to roof pitch, to front garden and fenestration, and installation of plant.

The key issues in this case are:

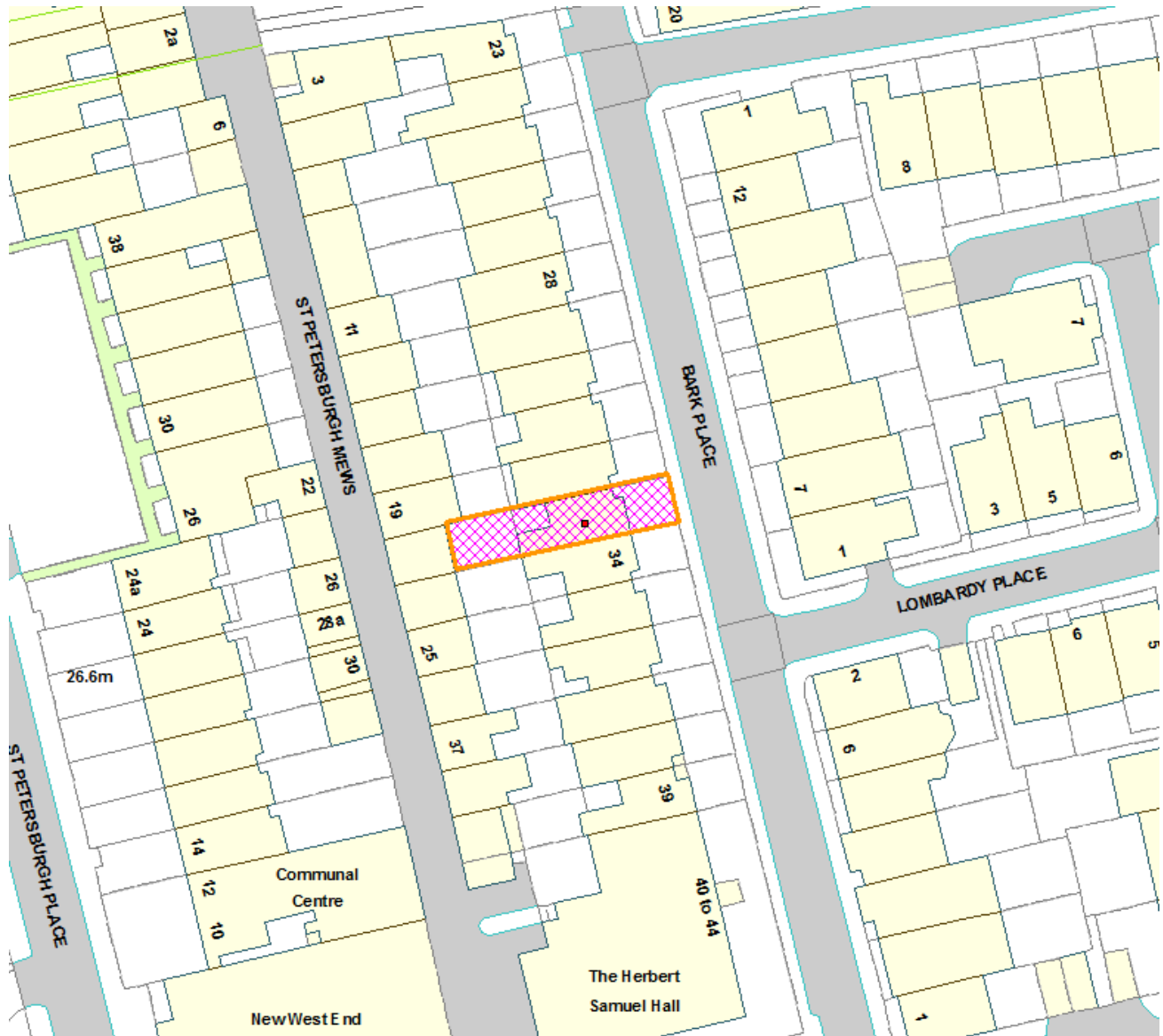
- Whether there is a case for the partial demolition of the property;
- The impact of the development on the character and appearance of the building and Bayswater Conservation Area.
- The impact of the development on residential amenity.

Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter, it is considered that the proposed development is acceptable in design, conservation amenity, highways and trees terms and would accord with the relevant policies in the Unitary

Item No.
4

Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of property (behind hoarding)





Rear elevation of property





Looking to lower ground floor (above) and into rear garden (below)





Closet wing extension to no. 32 (above) and rear elevation of no. 34 (below)





Second floor interior (above) and front garden/lightwell (below)



5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE:

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION:

Supports proposal – existing building is in poor state, proposal will enhance attractiveness of the street.

ARBORICULTURAL OFFICER:

No objection, subject to condition to secure details of replacement trees and landscaping.

BUILDING CONTROL:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER:

Acceptable with conditions.

HIGHWAYS PLANNING MANAGER:

Conditions recommended for details of cycle and waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 14

Total No. of replies: 4

No. of objections: 4

Design:

- Unacceptable demolition of historic property.
- No demolition report and financial viability statement to justify demolition.
- Proposed extension unacceptable in appearance.
- Half-width extension should be on the south side of the property rather than north side.
- Unacceptable loss of garden space.

Amenity:

- Noise and pollution from plant.
- Sense of enclosure and loss of privacy to no. 32 Bark Place.
- Light pollution.

Other:

- Questioning how it can be enforced that only one ASHP operates at any given time.
- Shade from tree causes loss of light to neighbouring properties.
- Roots from replacement tree in rear garden would cause damage to boundary walls.
- Proposed magnolia tree in front garden would produce slippery foliage on the pavement.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

33 Bark Place is a four-storey, mid-terrace property located on the west side of Bark Place. The property is an unlisted building of merit, and it is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

In February 2020, planning permission was refused for a similar proposal (RN: 19/09657/FULL), the description of development being:

'Renovation and extension of the existing property including partial demolition, erection of three storey rear extension, remodelling of interiors, replacement of the existing roof, enlargement and greening of the front garden area.'

This application was refused for the following reasons:

- 1) Because of the loss of the existing building behind the front facade and the detailed design of the rear elevation and the size, design and location of the heat pumps to roof level, the development would harm the character and appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 6, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the Bayswater Conservation Area Audit published on.

The proposal is also contrary to the guidance given by 'Development and Demolition in Conservation Areas' SPG (1996), 'Supplementary Planning Guidance - Design Matters' SPG (2001), and the 'Bayswater Conservation Area Audit' SPG (2000).

- 2) Because of the large glazed roof of the infill extension, it would create an unacceptable level of light pollution to the upstairs windows of neighbouring property no. 34 Bark Place. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

7. THE PROPOSAL

Planning permission is sought for:

- Demolition of roof and rear elevation of the property;
- Construction of full-width extension at ground and lower ground levels, half-width extension at first floor level;
- Alterations to front garden;
- Alterations to roof pitch;
- Installation of plant to roof level;
- Changes to fenestration to rear elevation.

During the course of the application, the proposal was amended slightly to reduce the

depth of the landing at ground floor level, which in turn reduced the depth of the steps that lead to the garden. It was not considered necessary to reconsult on these minor changes. Additionally, at officers' request, detailed demolition drawings were submitted for review. These have been uploaded to the file along with all other revised drawings.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal to increase habitable floor space through the erection of a rear extension is in accordance with policy H3 of Westminster's Unitary Development Plan.

A small area of excavation is proposed to the rear garden at lower ground floor level, measuring approximately 13sqm, extending approximately 2.6m into the rear garden. This is partly to facilitate the insertion of stairs from the lower ground floor to the garden, as well as being part of the lower ground floor extension itself. The excavation does not extend beyond the lowest existing level of the property, rather being at the same floor level as the lower ground floor. It therefore does not extend beneath any part of the rear garden. It is not considered that this small amount of excavation would qualify as being 'basement development' as considered within policy CM28.1 of Westminster's City Plan. In this case it is not required for the development to provide 1.2m soil depth.

Nevertheless, the applicant has submitted a structural survey which shows that the site is not located within a high flood risk zone or area of archaeological interest. The applicant has also submitted a signed Appendix A checklist to ensure that they will adhere to the Code of Construction Practice.

For the reasons given above the proposal is acceptable in land use terms.

8.2 Townscape and Design

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."

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 pay special attention. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The City Council's Unitary Development Plan Policy DES 9 states that buildings identified as of local architectural or historical interest will enjoy a general presumption against demolition. It goes on to state that proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or b) If the design quality of the proposed development is considered to result in an enhancement of

the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building.

In addition to the above, the City Council's published Supplementary Planning Guidance -Development and Demolition in Conservation Areas (1996) is of relevance to these proposals. Several paragraphs are of relevance to these current proposals. Paragraph E.8 states "Where a building makes a positive contribution to the conservation area there is a general presumption in favour of its retention." Paragraph E.15 goes on to state "If it can be demonstrated that the building is in very poor structural condition and that repair would be prohibitively costly, then the case for demolition may be strengthened."

Two objections were received on grounds of the appearance of the proposed extensions, as well as the loss of garden space. Additionally, two objections raise concern about the (partial) demolition of the property and the reasoning to justify this.

No. 33 Bark Place is an attractive and characterful Victorian terraced property which forms an integral part of an essentially unified run of such terraced properties to the west side of the street. The date of construction is not fully certain; however, it appears to have already been in place at the time of an 1870's Ordnance Survey plan. It incorporates an attractive bay extension to lower ground and ground floor levels on the front elevation with other attractive architectural features, a slate clad mansard style roof structure with dormers above, and though the rear is of more simply detailed and austere appearance it nonetheless is attractive in its own right and characterful of the conservation area generally. The building contributes positively to the character and appearance of the Bayswater Conservation Area and indeed the Bayswater Conservation Area Audit states that the unified townscape which is characteristic of Bayswater means that virtually all of the unlisted buildings in it will be deemed to be unlisted buildings of merit.

The case for the demolition of the building behind the front façade rests principally on the arguments put forward regarding the existing structural condition of the building, the extent of demolition which would be required to facilitate the extensions proposed and their acceptability in context of the surrounding townscape, and in terms of the overall quality of the replacement rear and roof to the building.

With regards to the condition of the building, given the current Government restrictions due to the Coronavirus pandemic it has not proved possible to visit the site for this current application, albeit officers did visit the site for the previously refused application and retain site photographs, and also a series of further photographs accompanies the application submission. The applicants have submitted a structural condition statement prepared in consultation with their appointed engineers, which advises that the fabric of the building is failing in a number of locations both internally and externally and it now requires an extensive amount of work to repair. They advise that the rear elevation is badly bowing out associated with a large area of unrestrained wall, and that there are no lateral restraints that could be utilised to support it. They advise that joists have been over drilled and notched to suit servicing over the years, and that the end bearing of joists has reduced due to drying shrinkage thereby reducing lateral restraint to front and rear walls. They further advise that the joists have no noggins (which it is noted are commonly used to stiffen timber stud frames) and that they are undersized for what the engineers consider are acceptable deflections in use. They further advise that structural repairs would be required to tie the joists back to the external walls and re-brace the overall building frame

for lateral restraint. They also note that the front elevation is in fair condition and could be repaired.

Further to the statement submitted with the application, officers have also contacted the engineers to further discuss the condition of the building. The engineers emphasised that the area between the rear first floor windows and up the facade were perhaps some of the worst affected by the bowing of the brickwork. Options suggested by officers such as concrete ties between the party walls and rear elevation, repointing, and further support to connections of internal joists with elevations were advised by the engineers in their opinion to either not assist in supporting the existing rear elevation, or generally as options that they as engineers would not support. Whilst officers have not had the opportunity to visit the site as part of this current application, nonetheless the engineer advising has been to site previously and the comments regarding the condition of the building are noted.

The demolition of parts of the rear elevation (though not all) are directly associated with the proposed rear extensions included in this application submission. To the northern half of the rear elevation an extension is proposed at lower ground, ground and first floor levels, and to the southern half of the rear elevation an extension is proposed at lower ground and ground floor levels. In those locations of the proposed extensions the rear elevation would require to be either considerably amended or demolished to facilitate those proposed works. For the reasons set out in more detail below the extensions proposed are considered in line with the pattern of extensions to the terrace, including to the buildings either side, and acceptable in design and townscape terms.

In terms of the design approach of the proposed rear elevation, the arrangement of rear extensions and the facing materials and design detailing follows the approach found to both flanking buildings and the terrace as a whole. The closet wing on the northern half of the rear rises to first floor level, and in this regard integrates well with the strong pattern to the terrace where closet wings rise to first floor level, with very few buildings not having a rear extension to that level. It is faced in brickwork, with sash windows to first floor and a pair of doors with fanlights and brick arch above that reflects the door in this position to the rear closet wing immediately adjacent at no. 32 Bark Place. The lower ground floor level incorporates a larger area of glazing, though still with a brick frame surrounding. To the southern side of the rear elevation the lower ground is enclosed under the garden steps, with the ground floor incorporating a glazed extension. Whilst this ground floor glazed extension is contemporary in style, it is considered in context with the similarly contemporary approach approved on 24th March 2017 to the immediately adjoining no. 34 Bark Place (RN: 16/09096/FULL), and it is also seen in context with the many other glazed extensions to this location on the terrace as a whole. It is not considered that the objections received regarding the appropriateness of the design of the extension can be upheld in this instance.

During the course of the application the depth of the landing to ground floor level was reduced, thereby reducing the depth of the stairs within the rear garden. This in turn has increased the amount of garden space that remains undeveloped to approximately 60%. It therefore cannot be considered that the development and associated excavation to lower ground floor level would lead to an excessive and unacceptable loss of garden space. This is in accordance with the aims of policy DES 5 of Westminster's Unitary Development Plan, and the two objections that were received on these grounds cannot be upheld.

The upper part of the roof structure is proposed to be raised with a new secondary pitch added, though this will match the height and profile of the adjoining roof structure to the immediate south and is considered acceptable in itself. The front of the roof structure will otherwise follow the existing traditional form and appearance. To the rear, the removal of the mansard slope and its replacement with a sheer brickwork elevation is work which would not often be considered acceptable to a building in a traditional terrace of properties, however in this case there is a strong pattern to the terrace with the considerable majority having sheer top floor levels. As such, and given the traditional approach taken with sash windows and brickwork cladding, this element of the scheme is considered acceptable.

Brickwork from the existing rear elevation will be re-used where possible, with any new brickwork required matching the existing original, which will be secured by condition. This will help ensure that the new rear elevation integrates appropriately with the rest of the terrace of buildings.

Unitary Development Plan policy DES 5 (A) (6) makes clear that proposals for new plant equipment shall be enclosed within the external building envelope if reasonably practicable. In this case, the air source heat pumps are set into a well sunk down into the mansard, and do not rise above the height of either the front ridge to the mansard or the rear parapet. They are also set against a chimney stack which further visually contains them. Whilst open to the sky in this location, the nearest buildings of sufficient height to see across the roof level no. 33 Bark Place are a distance away to the west, and in any views the units will be seen well enclosed within the body of the mansard. These are also welcomed from a sustainability perspective.

The works to the front garden to increase the amount of landscaping, as well as extending the front entrance steps to match those of no. 32 Bark Place are considered uncontentious.

Overall, the rear and roof in the new development are of generally traditional style, are considered of sound design quality in their own right, and they integrate closely with the pattern of extensions to the terrace. Whilst this building remains largely in its original form to the existing rear and roof, nonetheless it is also recognised that it is somewhat of an anomaly to the terrace in that the others have all been extended in the past.

The extent of demolition of this unlisted building of merit is an issue of considerable importance in assessing the overall merits of these application proposals, and it does give rise to a degree of less than substantial harm. It is recognised however that the demolition of parts of the rear elevation and roof are related to proposals for extensions and amendments in line with the pattern of extensions to other buildings in the terrace and can be justified in those terms, and with the overall design approach for the new rear being acceptable design quality in itself. It is also recognised that the appointed engineers have highlighted the existing structural issues as set out above which they advise in terms of the bowing brickwork affects areas which were not included in locations proposed for extension, and this issue is also considered in the overall planning balance of the merits of the case. The additional information that has been provided in terms of the structural information, as well as demolition drawings and conversations with the applicant and the structural engineers, have helped to overcome the concerns that were held in the previous refusal.

Overall, in the specific circumstances of this case, the proposals are considered acceptable, mindful of relevant policy and guidance including that set out in the NPPF. The recommendation to grant conditional permission is also considered compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Alterations that could have an impact on the amenity of nearby neighbours must be found to be in accordance with policy ENV 13 of the UDP. This policy requires development to not result in a loss of natural light, an increased sense of enclosure or cause overshadowing felt by neighbouring properties. This policy also resists development that would result in any harm to their privacy. Policy S29 of the City Plan similarly seeks to protect residential amenity.

Two objections were received on grounds of the impact of the proposal on loss of residential amenity, in terms of loss of privacy/overlooking, loss of light, sense of enclosure and light pollution. Objections were also received on grounds of the noise from the air source heat pump units negatively affecting residential amenity, which is addressed in the section 8.5 of this report.

The three-storey extension, as well as the side infill, is not thought to create any unacceptable loss of light, sense of enclosure or overshadowing that would significantly affect the amenity of neighbouring residents. This is owing to that the extensions do not extend further than the rear building lines of the neighbouring properties.

In the previous application, it was stated that the glazed roof of the infill extension would create an unacceptable level of light pollution to the upstairs windows of no. 34 Bark Place. Upon a re-consideration of the proposal and the context of the site with its surroundings, it is not considered that the level of light splay from the glazed roof would be so great as to significantly harm the amenity enjoyed by the residents of no. 34.

The objection received from the occupier of no. 32 Bark Place states that the extension at first floor level would create a sense of enclosure to the second-floor bedroom of no. 32 when looking down onto the extension. This cannot be considered a valid material concern as the extension is one storey short of the bedroom window in question, and thus cannot create any sense of enclosure as the extension does not adjoin the window.

Additionally, the objector points out that the ground floor terrace would cause overshadowing and overlooking to no. 32. The proposed terrace cannot overshadow the terrace to no. 32 as it is located at the same height as the terrace of no. 32. It is not thought that there would be any additional overlooking as a result of the extension of the ground floor terrace, as the occupants of no. 33 would be able to look into the garden of no. 32 from the upstairs windows regardless. Finally, it is stated that the raising of the boundary wall by 400mm would create a significant sense of enclosure. Whilst it is acknowledged that the raising of the boundary wall may have a slight impact on enclosure to the French doors of no. 32, considering that these doors face out onto the whole rear garden area, it is not thought that the raising of the boundary wall would have a substantially detrimental impact. As such, this objection comment cannot be upheld.

8.4 Transportation/Parking

No changes to the highway are indicated, nor is there off-street parking. As there is no increase in the number of residential units, this would be in accordance with policy TRANS23.

Policy T5 of the London plan states that two cycle spaces should be provided for dwellings with two or more bedrooms. Cycle parking within a residential unit assists in encouraging sustainable transport. Given that the existing use of the property is as a dwellinghouse, facilities for cycle parking likely exist. However, the Highways Planning Manager has suggested that a condition be included to secure specific details of these facilities.

No specific details of waste storage are shown on the drawings, and without a dedicated waste store, it is likely that waste will be left on the footway for long periods of time. A condition is therefore recommended to secure specific details of waste storage.

8.5 Other UDP/Westminster Policy Considerations

Plant and Equipment Considerations

Three air source heat pumps are proposed to roof level, comprising of 2x Daikin ERLQ-CV3 units and 1x Daikin RXYSCQ6-TV1 unit. These are proposed to be located in a central position on the roof, sunken down into the mansard.

The acoustic survey determined that ambient noise levels are below WHO Guideline Levels ($L_{Aeq,16hrs}$ of 55dB daytime (07.00-23.00hrs) and $L_{Aeq,8hrs}$ 45dB night time (23.00-07.00hrs)) to the rear, at 35 dB, and slightly above WHO guideline levels to the front, at 36 dB. Given the fact that the ambient noise levels in the locality are generally so low it is accepted that a design in accordance with condition C46BB is appropriate. This condition requires that the mechanical plant operates at least 5 dB below the lowest background noise level. As mentioned above the lowest background noise level is 35 dB L_{A90} (15 min) so the relevant design level is 30 dB LPA at the nearest noise sensitive receptor.

The acoustic consultant advises that the nearest noise sensitive receptors are the property immediately opposite in Bark Place and the property adjacent to the rear in St Petersburg Mews. The neighbouring properties either side of 33 Bark Place benefit from significant degree of screening from the roof line whereas the properties identified by the acoustic consultant are only partially screened. The nearest windows to the property opposite are at 3rd floor level 25 metres away from the proposed location of the mechanical plant. To the rear the nearest windows at 3rd floor level benefit from a greater degree of screening but are only 13 metres away.

The acoustic report confirms that the RXYSCQ6-TV1 unit is to always operate in low noise mode, and only one of the ERLQ-CV3 units is to run at any one time. According to manufacturer's data the Daikin RXYSCQ6-TV1 Daikin has a sound power rating of 70 dB(A) and each of the Daikin ERLQ-CV3 units produces a sound pressure level of 47 dB(A) at 1 metre.

The report includes detailed calculations which have been fully verified. It is predicted that the proposed air source heat pump units are likely to produce a combined maximum sound pressure level of 29 dB(A) at the noise sensitive windows to both the property opposite and the adjacent property to the rear.

Given that above, the plant installation should comply with the design level and satisfy the requirements as set out in policy ENV 7 of the UDP, as quoted above. Conditions are recommended to ensure that the RXYSCQ6-TV1 unit is operated in low noise mode at all times, as well as to ensure that only one of the ERLQ-CV3 units are to operate at any given time.

Trees Considerations

It is proposed to remove two trees (A chestnut and bay laurel) in the rear garden which are protected by virtue of their location within a conservation area. sweet

Two replacement trees are proposed: one cherry to the rear and one Magnolia at the front. However the precise variety and species are not given and, as there are a great number of species and varieties of both Magnolia and cherry, with a huge range of sizes and characteristics, and the specific tree chosen will have a bearing on the suitability of either tree for the proposed locations.

One objection is made to the location of the cherry tree on grounds that it will shade the garden to the north. However no replacement tree secured as part of this planning application will have the potential stature and shading potential of the sweet chestnut and laurel proposed for removal, so the long term shading for any of the neighbouring properties will be significantly less than if the existing trees were retained.

The Arboricultural Officer had suggested that the encroachment of the steps into the rear garden should be reduced, which would allow a greater area of the garden to remain undeveloped. As noted above, this amendment was also sought by officers from a design perspective, and the applicant had agreed to make this amendment, which is welcomed.

Overall, there is no objection to the removal of the trees to the rear, subject to appropriate replacement planting being provided. A condition is therefore recommended requiring details .

One objection was received stating that the proposed Magnolia tree to the front garden would create slippery foliage to the pavement. This cannot be considered a material consideration, nevertheless, the specific variety and species of the replacement trees are yet to be confirmed until details have been submitted by the applicant and approved by the Arboricultural Officer as required by condition.

8.6 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 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.7 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.

(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 .
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9. KEY DRAWINGS



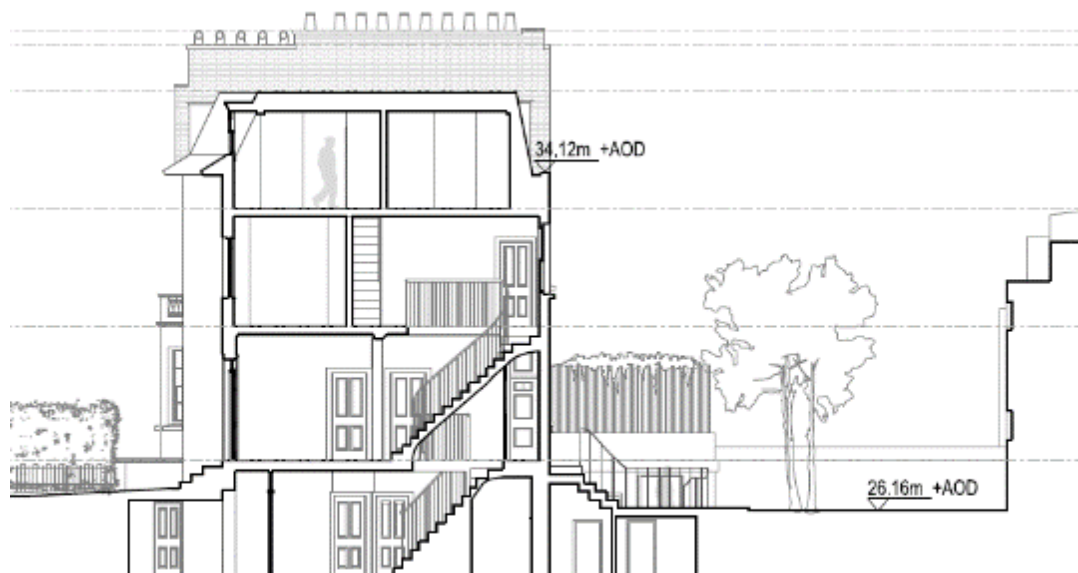
Existing (above) and proposed (below) front elevations



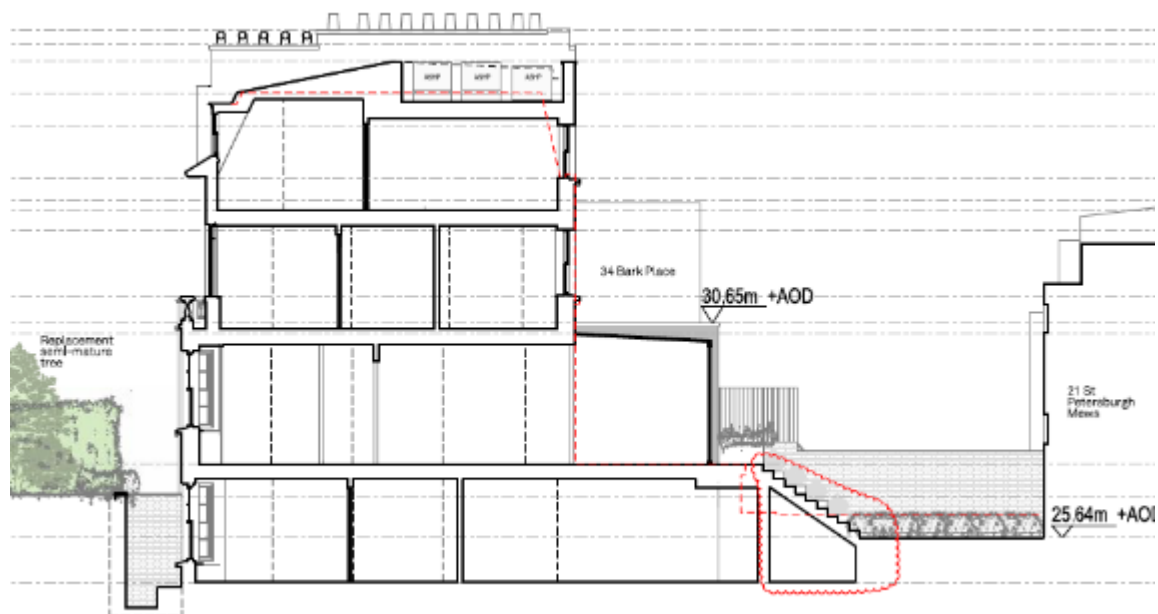


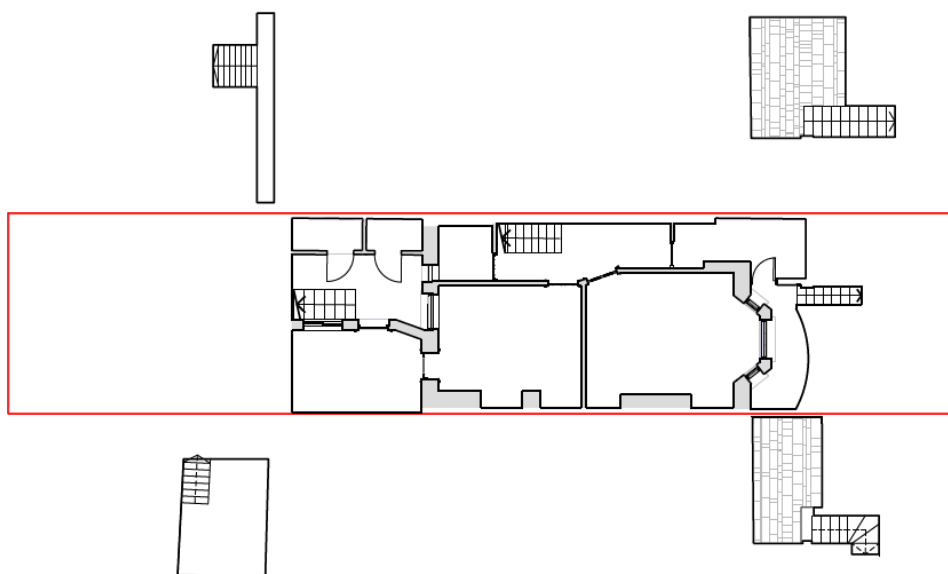
Existing (above) and proposed (below) rear elevation



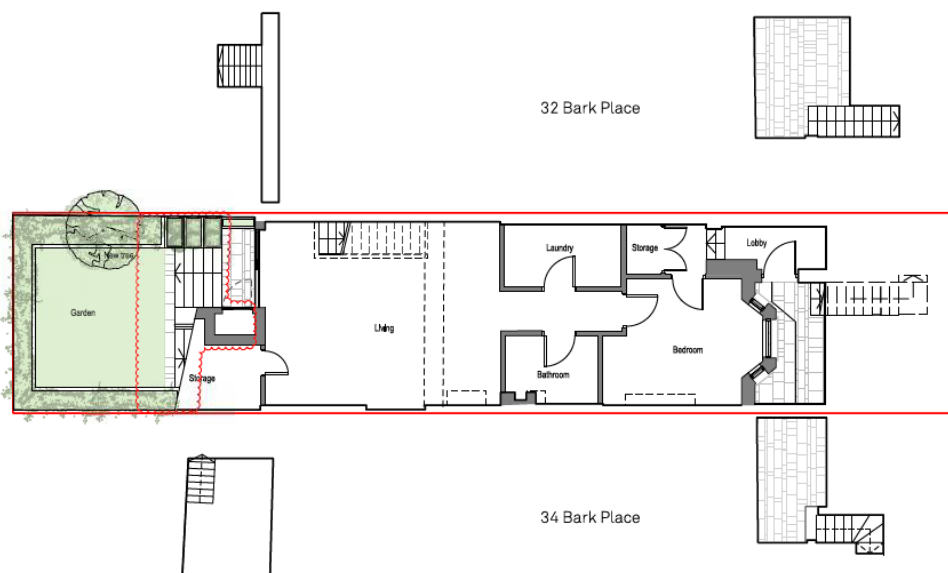


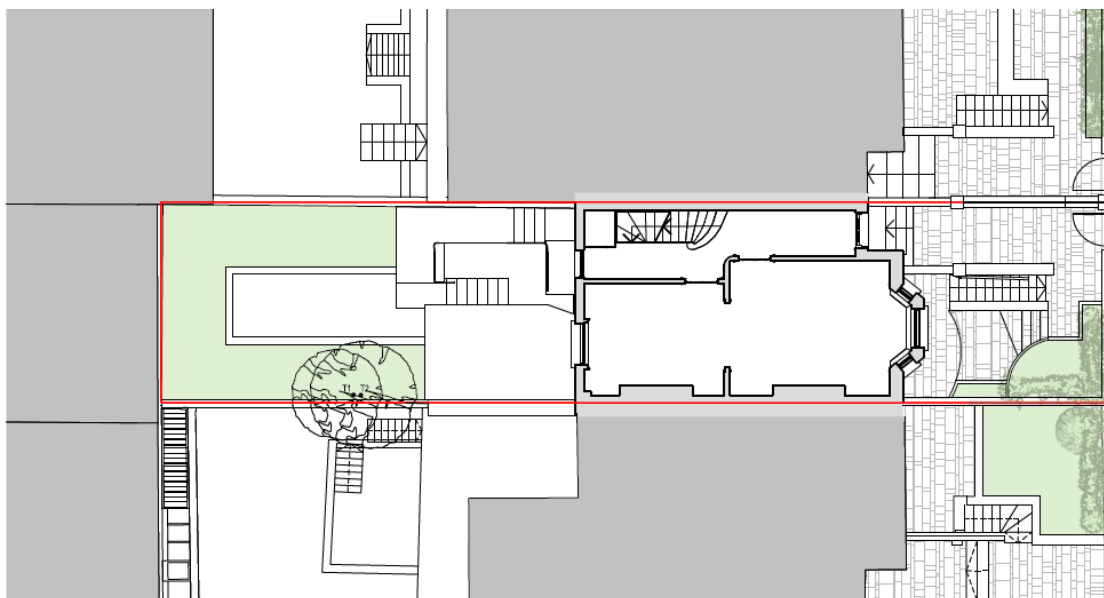
Existing (above) and proposed (below) section



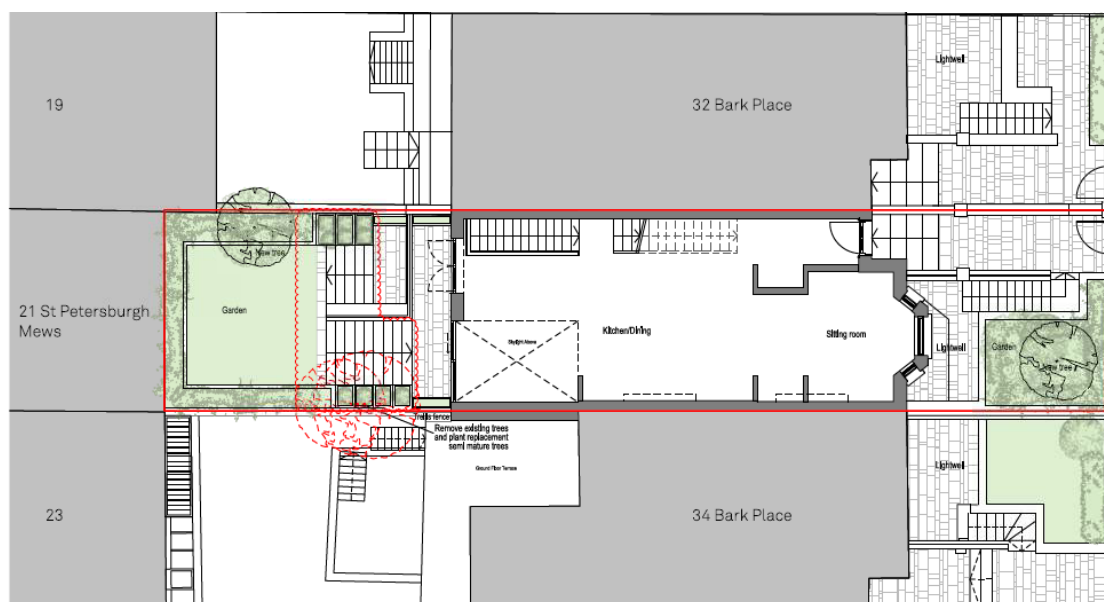


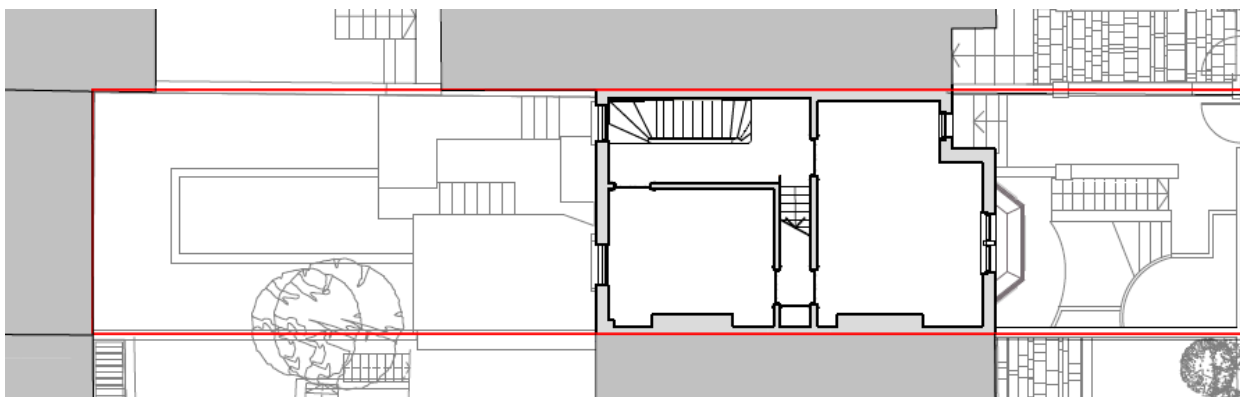
Existing (above) and proposed (below) lower ground floor plan



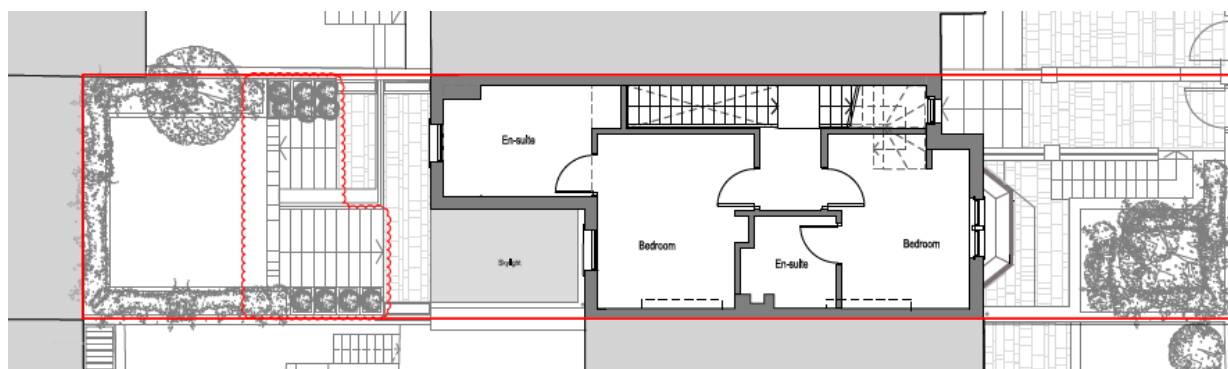


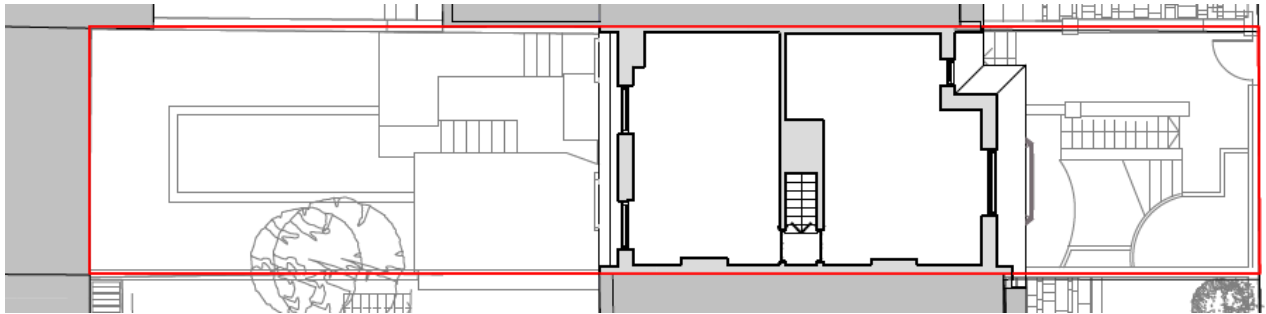
Existing (above) and proposed (below) ground floor plans



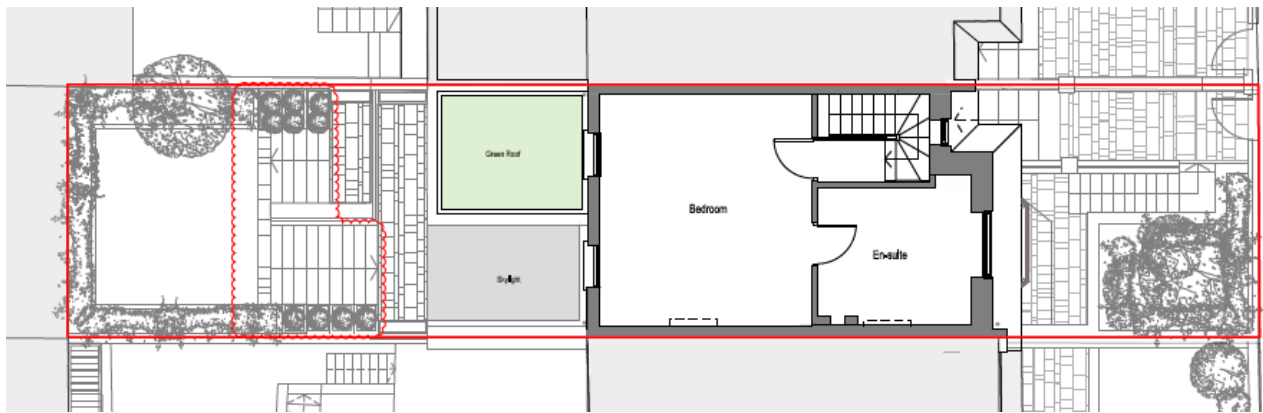


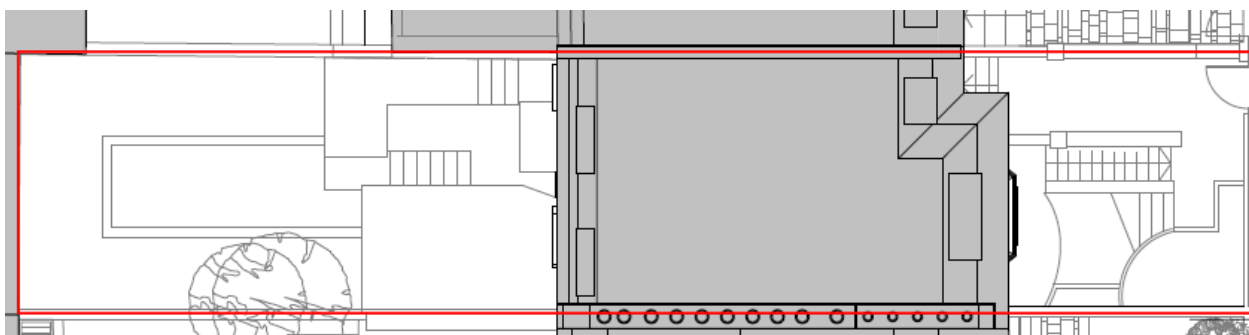
Existing (above) and proposed (below) first floor plan



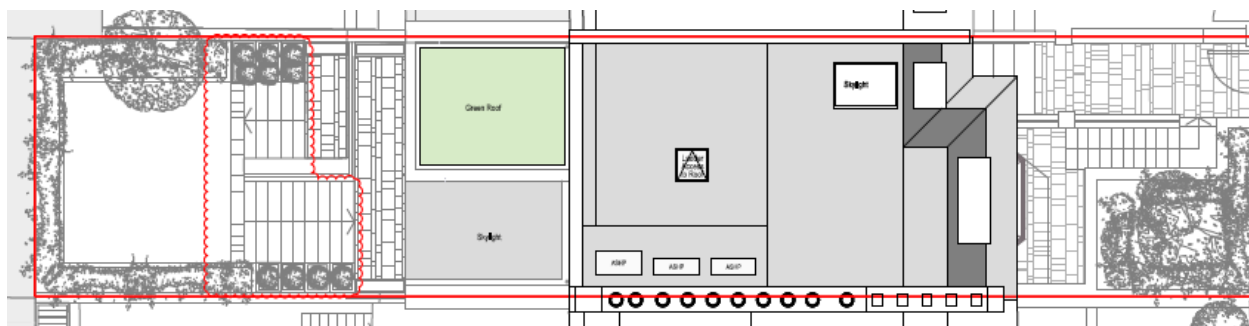


Existing (above) and proposed (below) second floor plan





Existing (above) and proposed (below) roof plan



DRAFT DECISION LETTER

Address: 33 Bark Place, London, W2 4AT

Proposal: Partial demolition of property, construction of full width lower ground and ground floor extension, and half width extension at first floor level, alterations to roof level including change in pitch and installation of plant, alterations to the front garden and elevational changes including new/replacement windows.

Reference: 20/02052/FULL

Plan Nos: 1921-PP-ZZ-XX-DR-A-00-0001 Rev. P3; 1921-PP-ZZ-XX-DR-A-00-0002 Rev. P3; 1921-PP-ZZ-B1-DR-A-01-0099 Rev. P3; 1921-PP-ZZ-00-DR-A-01-0100 Rev. P3; 1921-PP-ZZ-01-DR-A-01-0101 Rev. P3; 1921-PP-ZZ-02-DR-A-01-0102 Rev. P3; 1921-PP-ZZ-03-DR-A-01-0103 Rev. P3; 1921-PP-ZZ-XX-DR-A-01-1103 Rev. P3; 1921-PP-ZZ-XX-DR-A-01-1102 Rev. P3; 1921-PP-ZZ-XX-DR-A-01-1101 Rev. P3; 1921-PP-ZZ-XX-DR-A-01-1201 Rev. P3; 1921-PP-ZZ-XX-DR-A-11-0004 Rev. P3; 1921-PP-ZZ-XX-DR-A-11-0002 Rev. P3; 1921-PP-ZZ-XX-DR-A-11-0003 Rev. P0; 1921-PP-ZZ-XX-DR-A-11-0001 Rev. P3; 1921-PP-ZZ-01-DR-A-10-0101 Rev. P4; 1921-PP-ZZ-00-DR-A-10-0100 Rev. P4; 1921-PP-ZZ-B1-DR-A-10-0099 Rev. P4; 1921-PP-ZZ-03-DR-A-10-0103 Rev. P4; 1921-PP-ZZ-02-DR-A-10-0102 Rev. P4; 1921-PP-ZZ-XX-DR-A-12-0002 Rev. P4; Design and Access Statement dated March 2020; A3 Rev. B; 33 Bark Place - Indicative Demolition Plans; Signed Appendix A Checklist dated 20 March 2020; 19/0496/R1; Subterranean Structural Statement by Croft Structural Engineers dated Nov 2019; Arboricultural Assessment and Constraints Report by Jerry Ross Arboricultural Consultancy dated Dec 2019

Case Officer: Fergus Wong

Direct Tel. No. 07866037255

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The new rear elevation shall be formed from reclaimed brickwork where possible, and otherwise in new brickwork which matches the existing original brickwork to the existing rear elevation in terms of colour, texture, face bond and pointing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed elevation drawings showing the new sash windows to first and second floor levels. These drawings must show the windows with a meeting rail between the lower sash and upper sash at the midpoint of the height of the windows. The windows shall otherwise be constructed in glazing and white painted timber framing, and shall operate only in a vertically sliding manner. 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 drawings and according to the opening mechanism described above. (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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Bayswater Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 7 The principal pitch of the front roof slope shall be clad in natural slates to match the size and colour of the existing roof slates to the front roof slope.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of a sample, or a photograph of a sample for the new paving to the front garden and front entrance steps, and to the rear steps. 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 the sample(s)/photographs of sample(s). (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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Notwithstanding the submitted drawings, the roof structure shall retain the decorative brackets underneath the front eaves to match existing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 The front dormers shall be clad in lead to sides and roof, with the front face surrounding the sash windows formed in painted timber.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 All new external metalwork shall be black in colour and shall be maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or

will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BB)

the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 17 The Daikin RXYSCQ6-TV1 unit must operate in low noise mode at all times.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 18 Only one of the Daikin ERLQ-CV3 units shall operate at any given time.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 19 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the house. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 20 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 22 **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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 23 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant),

supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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 are advised that to meet the terms of condition 4 of this decision, it may be necessary to sootwash the rebuilt rear elevation to unify the appearance of the brickwork.

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.