

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	SUB	Date 13 October 2020	Classification For General Release
Report of Director of Place Shaping and Town Planning			Ward(s) involved Bayswater
Subject of Report		Flat 3, 134 Westbourne Grove, London, W11 2RR	
Proposal		Alterations to windows and doors in association with the use of rear first floor flat roof as terrace with associated alterations and railing.	
Agent		Mr Gareth Reading	
On behalf of		Mr & Mrs Arefpour	
Registered Number		20/01113/FULL	Date amended/ completed 17 February 2020
Date Application Received		17 February 2020	
Historic Building Grade		Unlisted	
Conservation Area		Westbourne	

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

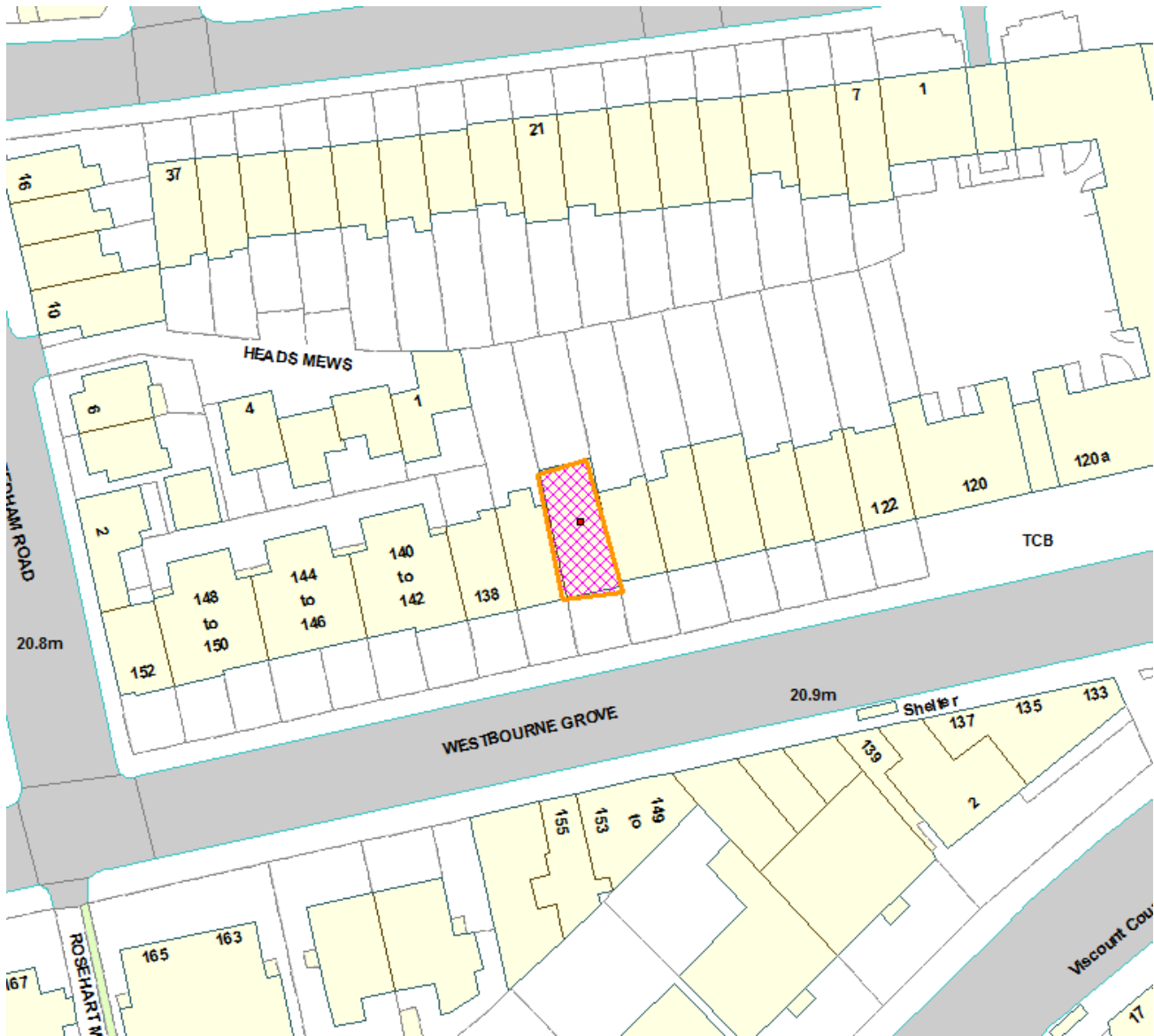
Planning permission is sought for alterations to windows, doors and insertion of railings in association with the use of existing rear flat roof as a terrace at first floor level.

The key issues in this case are:

- Any potential impact of the proposal on the character and appearance of the property and the Westbourne Conservation Area; and
- Any potential impact on residential amenity in terms of overlooking, loss of privacy and noise.

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 and amenity terms, and being compliant with relevant policies in the Unitary 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



**Window that is to be partly obscure glazed (above, window to the left);
Area to be used as terrace (above and below); View when standing on flat roof showing rear
of no.1 Heads Mews (below)**





**Window (to the left) to be converted into French doors (above);
View back onto no. 136 Westbourne Grove (below)**





**Terrace at second floor level and balconies at no. 140-142 (above);
Roof terrace at no. 138 (below)**





View into garden of no. 134 (above); view towards no.1 Heads Mews and garden of no. 136 Westbourne Grove (white roof in left foreground is a large opaque 'rooflight') (below)



5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER:

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Objects – overlooking, infill between rear extensions preferred.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 9

No. of objections: 9 (Two objections received from same objector)

In summary, the objectors raise the following issues:

Design

- Appearance of terrace not in keeping with conservation area.

Amenity

- Loss of privacy as a result of overlooking.
- Noise from use of terrace.
- Loss of light to ground floor hall and staircase within no. 134.

Other Issues

- Sets precedent for similar proposals in the future.
- May cause structural damage to flat downstairs.
- Insufficient consultation to neighbours.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 134 Westbourne Grove is a mid-terrace property comprising basement, ground, three upper floors and a mansard roof extension. The building is not listed but is situated within the Westbourne Conservation Area. This application relates specifically to Flat 3, which is on the first floor of the property.

7. PROPOSAL

Planning permission is sought for alterations to windows, installation of French doors and installation of railings in relation to the use of an existing flat roof to the rear as a terrace.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

Alterations to the appearance of properties in conservation areas must be found to be in accordance with policies DES 5 and DES 9 of Westminster's Unitary Development Plan, as well as policy S28 of Westminster's City Plan. Policy DES 5 states that alterations must not visually dominate the appearance of the building, be in scale with the host building and its immediate surroundings, reflect the style and design of the existing building as well as use external materials that are consistent with the existing building. Policy DES 9 requires such alterations to either preserve or enhance the quality of the relevant conservation area.

Six objection comments stated that the use of the flat roof as a terrace would not be in keeping with the appearance of the conservation area, and therefore be contrary to the aims of DES 9.

During a site visit, it was observed that whilst there are no roof terraces at first floor level, the adjacent property no. 138 has a roof terrace at third floor level. Further along, within the block of flats at no. 140-142, as well as further along this terrace, all the flats have balconies facing the same direction as the proposed terrace, as well as a terrace at second floor level atop a closet wing. As such, whilst the directly adjacent properties do not have terraces, balconies and terraces are a common feature amongst properties within this terrace, and there is no predominant pattern of the location and appearance of these outdoor areas.

The insertion of black metal railings for use of the terrace is visually unobtrusive, being minimal in detailing and would not detract from the character or appearance of the property. It is of a similar appearance to the other terraces as mentioned above.

In order to access the terrace, it is proposed to convert an existing window into French doors. As the window in question is situated on the side of the property, it is only visible in limited private views, and therefore the conversion to French doors would only have a limited impact on the appearance of the property. A condition is recommended to ensure that the new doors are formed of timber and finished in white.

Finally, it is proposed to introduce obscure glazing to the bottom half of the sash window on the rear elevation of the property which faces onto the terrace. This would be a relatively inconspicuous alteration which would have very little impact on the overall appearance and character of the property.

In relation to the objections raised, as stated above, there are numerous properties along this terrace with terraces or balconies, the closest being three properties along from the application site at no. 140. These terraces all form part of the consideration of whether this proposal would have a negative impact on the setting of the conservation area. Part (F) of policy DES 9 states that 'development will not be permitted which... might have a visibly adverse effect upon the area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area'. It is not considered that the addition of this terrace, in the context of the surrounding properties with terraces, would have a 'visibly adverse', or indeed, any

adverse impact on the area's character or appearance, considering that appearance of the rear elevations along this terrace is not highly uniform or characterful. It is therefore considered that this objection cannot be upheld.

The use of the flat roof of a terrace and associated railings is therefore acceptable in design terms, and found to be in accordance with UDP policies DES 1, DES 5 and DES 9, and City Plan policy S28.

8.2 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.

Nine objections were received from neighbouring residents, which primarily object to the proposal on grounds of loss of privacy from overlooking, as well as noise. Additionally, the Notting Hill East Neighbourhood Forum has objected to the proposal on grounds of overlooking.

A number of objections were received from properties that are behind the application site on Artesian Road, which state that the terrace would result in loss of privacy due to overlooking into their rear gardens. Additionally, one objection was received from the occupier of the property at no. 1 Heads Mews which is situated almost directly behind the application site on similar grounds. It is not considered that these grounds can be upheld, as any views from the terrace to the rear would be the same as the view from the existing window on the rear elevation of the flat. This is owing to the terrace not extending any further than the depth of the rear building line. The existing rear window already affords views into the rear gardens of Artesian Road so there would not be any additional overlooking or loss of privacy as a result of the terrace. A similar argument applies to the view onto no.1 Heads Mews, which has a large protruding glass 'box' at first floor level which serves the master bedroom. There would be no increase in the amount of overlooking or any further loss of privacy as the view from the terrace would be the same as from the existing windows in the flat.

One objection was received from the occupier of the directly adjacent property to the west, no. 136 Westbourne Grove. This comment stated that the terrace would result in a loss of privacy into their rear garden and first floor reception room. Whilst it is acknowledged that the terrace does result in an extended viewing angle which may look back onto the windows of no. 136 and their rear garden, it is not considered that this is drastically different from the view out of the existing window to the side of the flat which looks towards no. 136. Since the terrace does not extend further than the rear built line of the property, the viewing angle to the windows at no. 136 is still oblique and would not result in a greatly increased amount of overlooking. It is also considered that the windows in question are already overlooked by the properties opposite at Heads Mews as well as from rear gardens.

A number of comments also stated that the use of the terrace would result in noise and

nuisance that would affect their amenity. Whilst it is acknowledged that the use of an outdoor space would invariably result in some noise, as stated above, there are multiple terraces and balconies in the immediate vicinity of the application site, as well as each property having access to a rear garden. The use of any of these spaces can generate a certain amount of noise. It is not considered that the introduction of one additional terrace would result in a significant increase in noise levels overall.

Finally, one comment was received from the occupier of another flat within no. 134, which stated that the introduction of obscure glazing to the first floor window would result in a loss of light to the ground floor hallway and communal staircase. Firstly, it is not considered that the introduction of obscure glazing to the bottom half of the sash window would cause a significant reduction in light levels. Secondly, the communal hallway and staircase do not constitute habitable rooms, therefore had there been any significant loss of light, this would have no impact on residential amenity as protected by the aims of ENV 13.

For the reasons given above, the proposed terrace is not considered to cause any unacceptable loss of privacy or overlooking, nor would it cause any loss of light or overshadowing. The proposal is therefore found to be in accordance with the aims of UDP policy ENV 13 and City Plan policy S29, and is acceptable in amenity terms.

8.3 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.

8.4 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.5 Other Issues

Seven objection comments stated that a precedent would be set for similar proposals in the future in the area. Each application is assessed on its own merits, on a case by case basis. In this case, it is clear that there are other similar terraces in the area, therefore the proposal is found to be acceptable in design and amenity terms. It cannot be said that by granting this proposal, that a precedent is set for terraces to be acceptable in principle, as each application site will vary in its context to neighbouring properties.

One objection raised that the use of the terrace would cause structural damage to the ceiling of the property below. Any damage that may be potentially caused from any works would be a private matter between the owners/occupiers of the two flats and does not constitute a planning issue. Nevertheless, the applicant should ensure that any

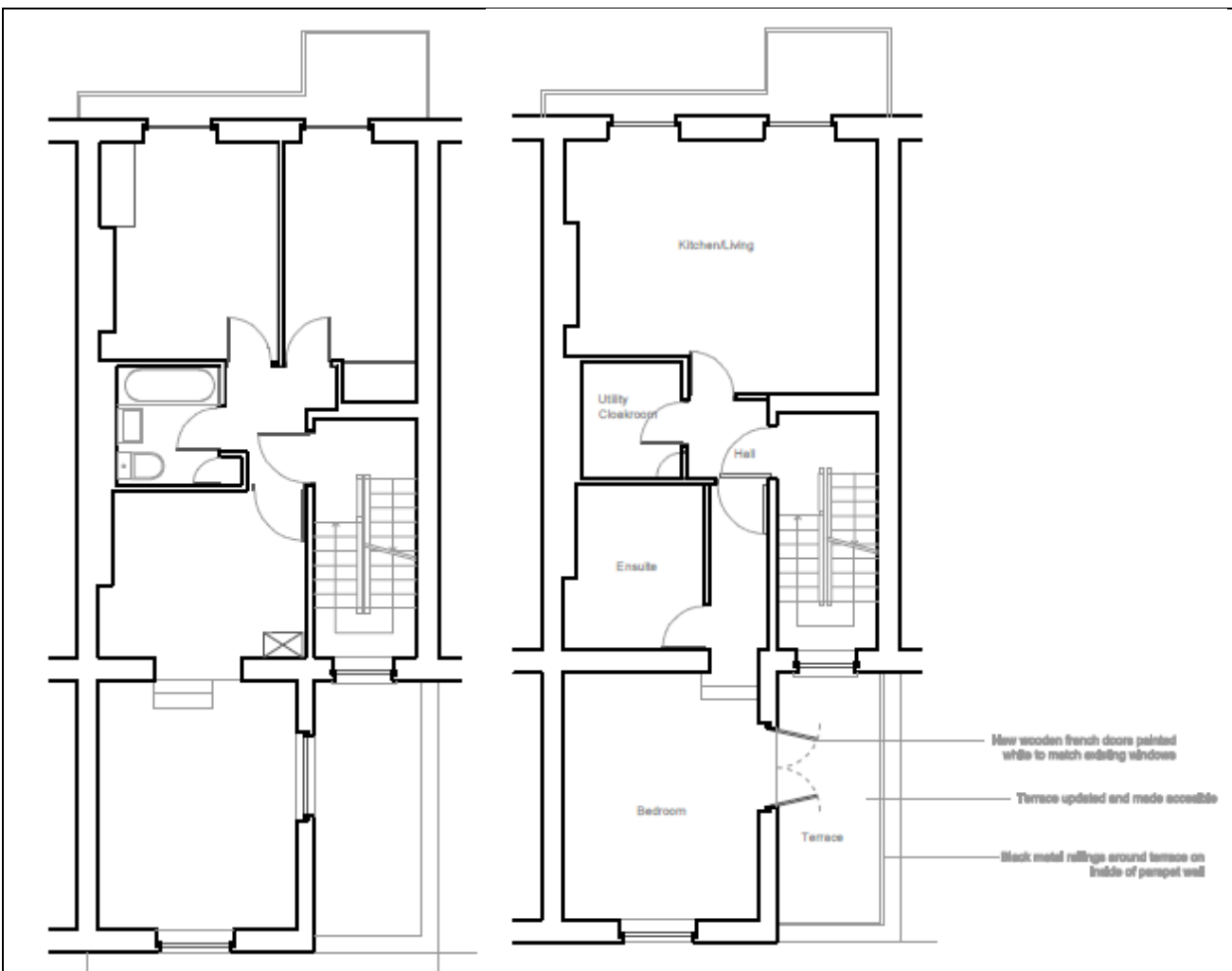
development meets the relevant building regulations.

Finally, a number of comments stated that neighbours had not been sufficiently consulted. 14 neighbouring properties were consulted during the application process, with directly adjacent neighbours on Westbourne Grove and Artesian Road having been notified, as well as site and press notices being displayed. It is therefore not considered that there was insufficient consultation of adjoining neighbours.

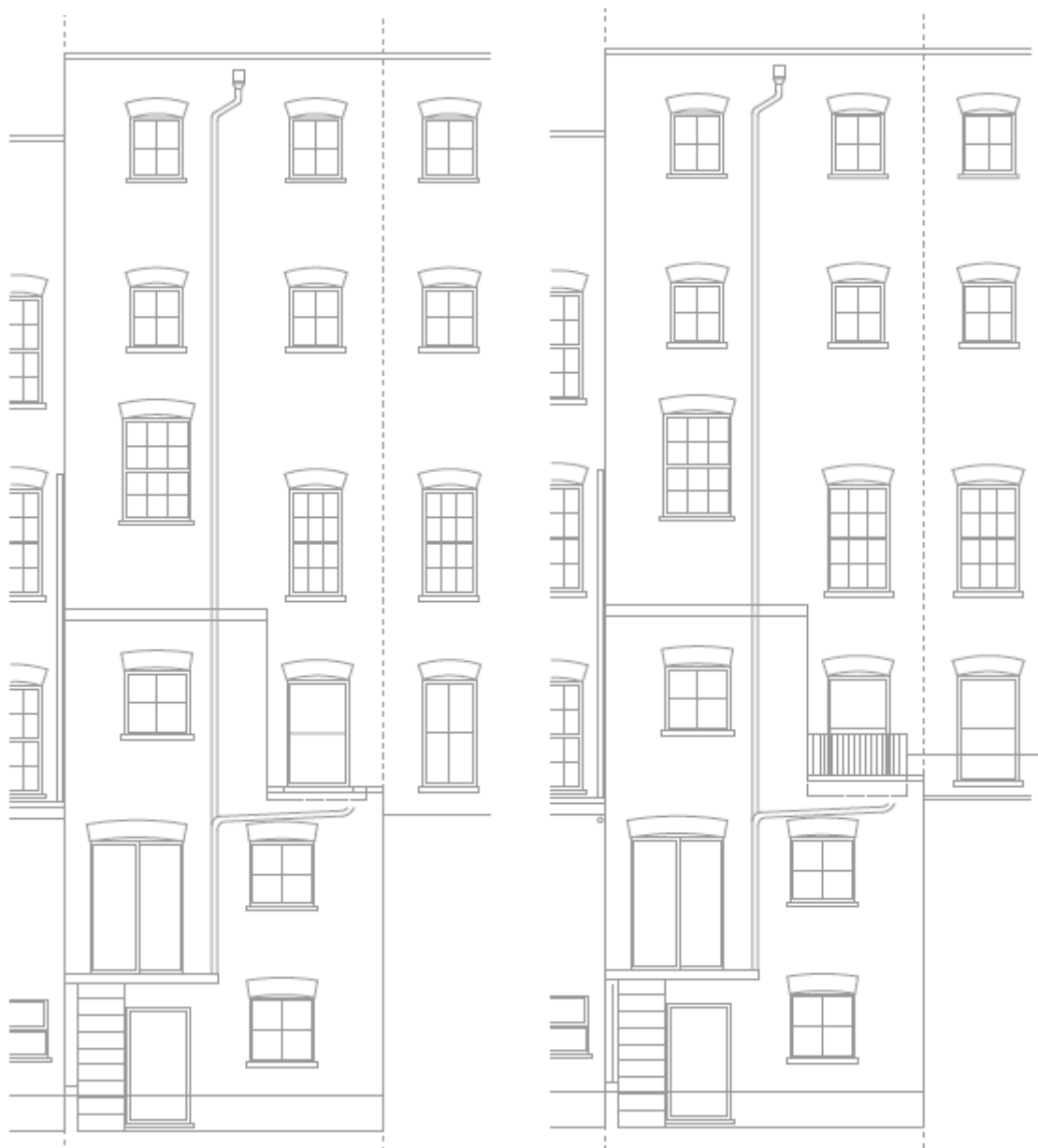
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

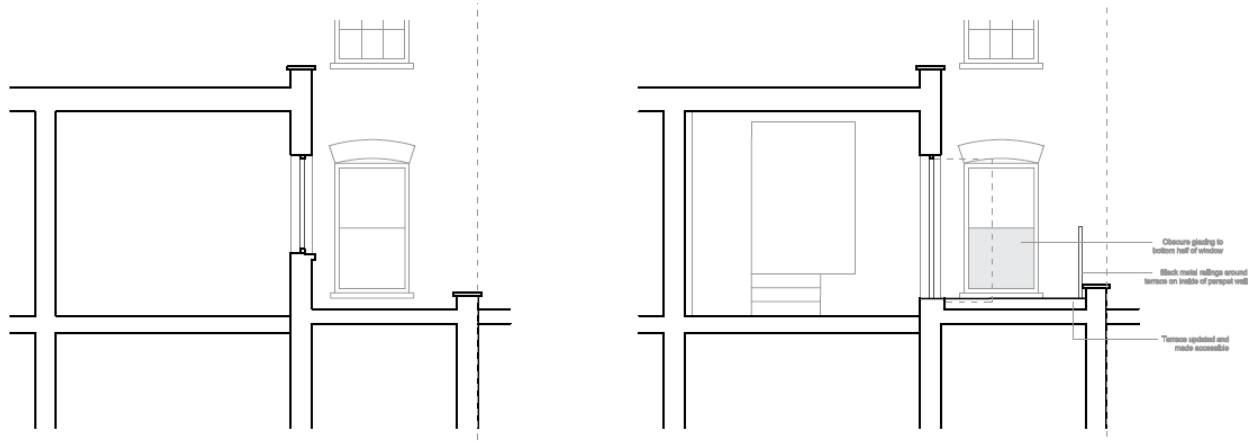
9. KEY DRAWINGS



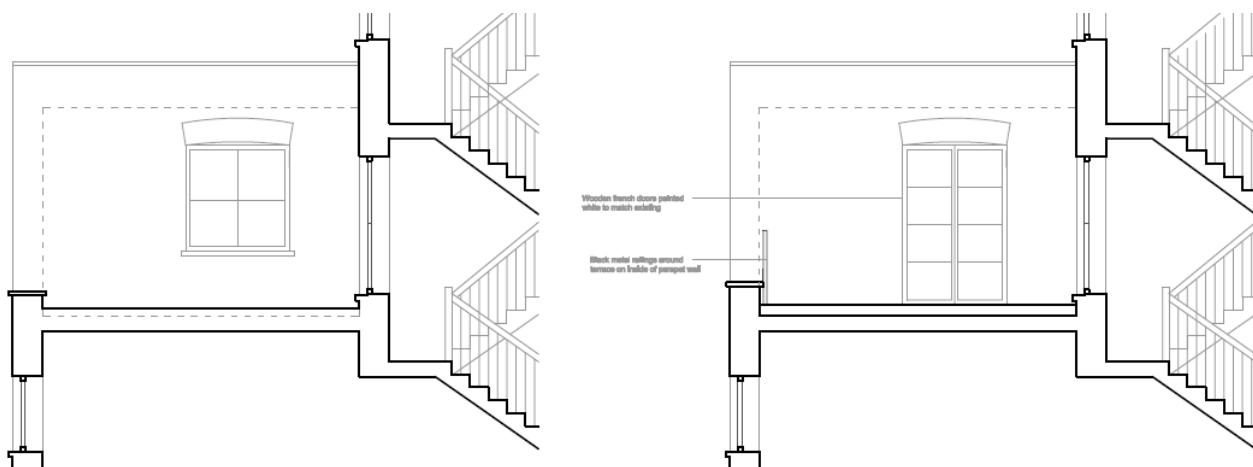
Existing (left) and Proposed (right) Plans



Existing (left) and proposed (right) rear elevation



Existing (left) and proposed (right) rear elevation showing obscure glazing



Existing (left) and proposed (right) side elevation showing French doors to access terrace

DRAFT DECISION LETTER

Address: Flat 3, 134 Westbourne Grove, London, W11 2RR

Proposal: Alterations to windows and doors in association with the use of rear first floor flat roof as terrace with associated alterations and railing.

Reference: 20/01113/FULL

Plan Nos: (P)101; (P)102; (P)103; (P)201; (P)203; (P)301; (P)302; (P)303; (P)304; Site Plan dated Feb 2020; 143W (P) Design and Access Statement dated Feb 2020

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:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of 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 Westbourne 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 French doors should be formed of timber and finished in white and maintained as such hereafter.

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 Westbourne 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 The railings must be formed of metal and finished in black and maintained as such hereafter.

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

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

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.