

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 November 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	The Colonnades, 34 Porchester Square, London, W2 6AT		
Proposal	Erection of single storey roof extension to provide additional accommodation to 7 residential flats facing Bishop's Bridge Road.		
Agent	Mr Ed Bucknall		
On behalf of	Lim, Alsuwaidi, Osho ,Osomo, Kuti, Ong & Al-Malazi		
Registered Number	20/05356/FULL	Date amended/ completed	24 August 2020
Date Application Received	24 August 2020		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north. At ground floor level the development fronting Bishops Bridge Road and Porchester Road has retail/ commercial buildings including Waitrose. The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II\*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

Permission is sought for the construction of a single storey roof extensions at fourth floor level facing Bishops Bridge Road. The extension would provide additional living accommodation for 7 flats to duplex flats at second/ third floor.

The key issues in the determination of this application are:

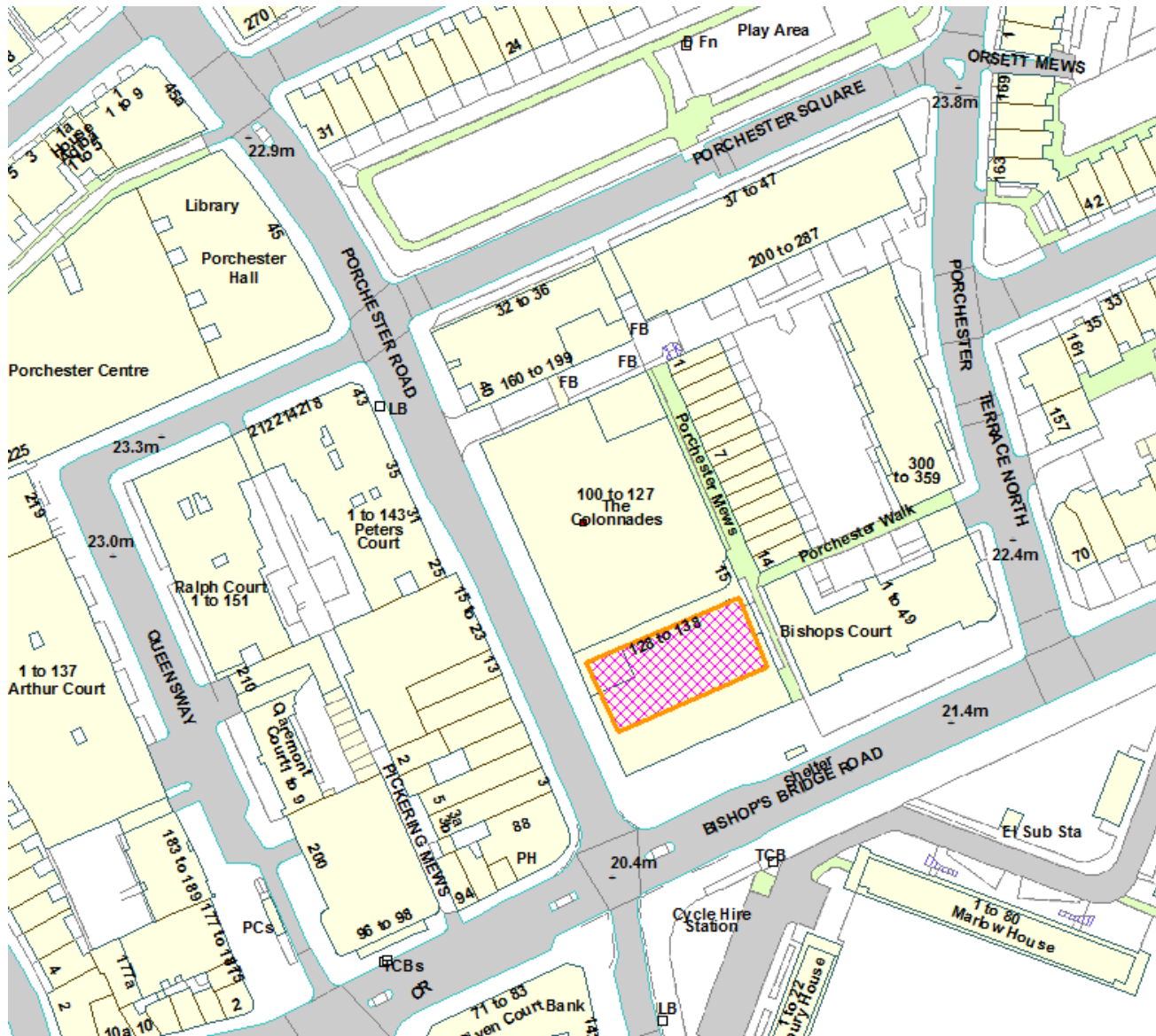
- The impact of the proposed works on the Bayswater Conservation Area; and
- The impact of the proposed extension on the amenity of neighbouring properties.

The proposal is considered acceptable in terms of design and amenity and accords with City Council

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policies as set out in the Unitary Development Plan (UDP) adopted January 2007 and the City Plan adopted November 2016 subject to the conditions as set out in the draft decision letter at the end of this report.

### 3. LOCATION PLAN



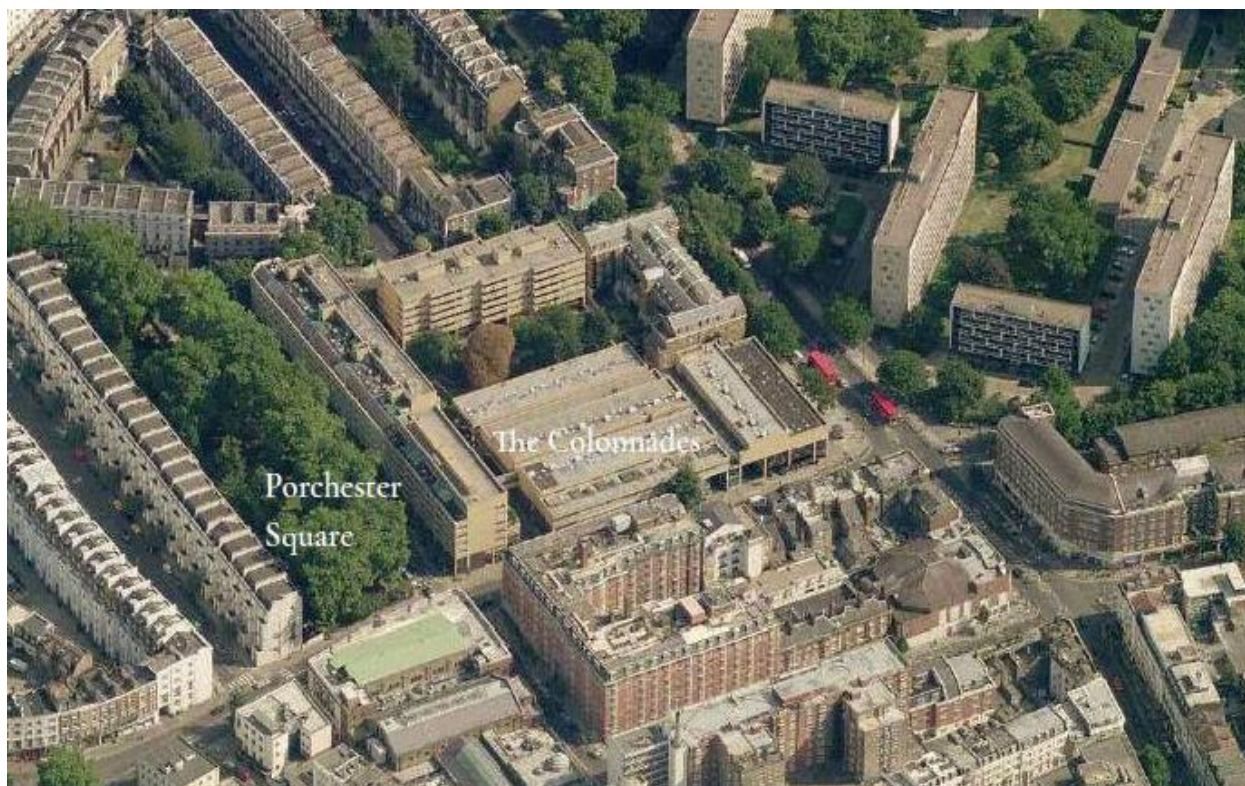
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#### 4. PHOTOGRAPHS

Application Site from Bishop's Bridge Road



Aerial Image



## 5. CONSULTATIONS

### WARD COUNCILLORS FOR BAYSWATER:

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### TRANSPORT FOR LONDON - BOROUGH PLANNING

No objection.

### THAMES WATER:

Comment made that Thames Water have been unable to determine the wastewater infrastructure needs for this application. Therefore, conditions are suggested.

### DESIGNING OUT CRIME OFFICER:

Initial contact made then no further response.

### HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally. Note, that in response to the withdrawn application, no objection was made.

### BUILDING CONTROL - DEVELOPMENT PLANNING:

Any response to be reported verbally. Note, that in response to the withdrawn application, no objection was made and that any extension would require a Structural Engineering Assessment.

### ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 648

Total No. of replies: 19

No. of objections: 19

No. in support: 0

Nineteen objections (three of which are on behalf of The Colonnades Residents Tenants Association) have been received on some or all of the following grounds:

#### Land Use:

- The proposal does not provide for affordable housing;
- The proposals do nothing to help the housing crisis;
- How will these properties be stopped from being Air b&b/ short terms lets.

#### Design:

- The design of the development hasn't changed from the withdrawn scheme;
- This is a completed building by a world renowned architect Sir Terry Farrell;
- The building was never intended to have an additional storey;
- The design isn't in keeping with the rest of The Colonnades



- Where the extension remains empty (as those residents below don't want to build up) this will be unsightly;
- The 'hodgepodge' infilling of the extension as and when the applicants want to build will look unsightly;
- The application doesn't provide details of materials;
- If a proposal comes forward for this element, the whole group of building should be considered.

Amenity:

- Loss of light to neighbouring properties;
- Loss of privacy to neighbouring properties;
- Overshadowing and loss of light to Porchester Mews pathway and gardens of the site;
- Loss of views;
- Reduction in light and air to the Porchester Mews pathway will encourage the use of this pathway for urination and increase the odours.

Other:

- Procedure and process of the previously withdrawn application and it is unclear why the previous scheme was withdrawn;
- The application has proceeded without consultation with other residents;
- Inconvenience/ noise and disruption during the course of works;
- Increase in pollution during the course of works;
- Structural implications on the existing building including to the supermarket below;
- Implications of construction upon the operation of Waitrose;
- There are subsidence issues in the building;
- Fire safety implications to building;
- Security implications to Porchester Mews pathway as a result of the increase in height;
- Maintenance and health and safety concerns of the empty shells;
- Implications on 'utilities' in The Colonnades;
- There may be asbestos in the building;
- Requests that the Planning Committee visit the premises before making a decision;
- How will the supply of materials be safeguarded for those wanting to build the extension at a later date;
- The application doesn't provide information on PV panels and their maintenance/useage;
- Financial implications/liability to all leaseholders (service charges etc);
- More people in the building means additional wait time for lifts etc

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

## 6.1 The Application Site

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north.

The Colonnades is a complex of buildings occupying a 1.2Ha site with six large blocks on it; five of these, covering the larger portion of the site, form the Colonnades development. The remaining block forms Bishops Court; a late '80s six-storey block of flats. The Colonnades comprise of one mews block of two storey terraced houses, three large blocks of flats of seven and eight storeys in height (The North 100 Building, the 200 Building and the 300 Building). The South 100 building is connected at high level and below ground to the North 100 building. It takes up roughly a third of the overall site area and is made up of commercial units on the ground and first floors, with two further stories of residential units above.

The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II\*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

## 6.2 Recent Relevant History

### **19/08437/FULL:**

Erection of single storey roof extension and associated alterations to 11 flats facing Bishops Bridge Road and Porchester Mews.

This application was scheduled to be heard at Planning Committee in June 2020. The application was recommended for approval by officers, and had attracted over 60 objections. This application was withdrawn prior to its scheduled committee by the applicant.

### **13/12442/FULL:**

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works.

Application approved October 2014.

### **17/04344/FULL:**

Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self-contained residential unit (Class C3).



Application approved February 2018

## **7. THE PROPOSAL**

Planning permission is sought for the erection of single storey roof extension facing Bishops Bridge Road. The extension is proposed to provide additional accommodation (in the form of two additional bedrooms and a bathroom) for 7 existing duplex flats at second/ third floor. The extensions will span the width of 9 flats (there are 11 however at this level, but the extension is not proposed to be built over all of them as they are to be set in from the building edges), however the remaining 2 flats do not currently form 'the applicant'.

The extension fronting Bishops Bridge Road measures 32m in width, east to west 11.4m in depth and is 2.24m in height above the existing parapet. This is set in, either side of the Bishops Bridge Road frontage, by 'one flat width' of 3.6m. Where the extension is associated with the flats below, the elevations are complete. Where the extension is a void/ shell behind, it is proposed to install mesh panels, with mullions to replicate the glazing detail.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Objections have been received on the grounds that the applicants are greedily looking to extend existing two and three bedroom homes to four and five bedroom units, whilst arguing that their existing flats are not fit for families and that this should be a driving factor in the assessment of the application, i.e. retaining families within Westminster. Objection is also made on the grounds that these larger units, appear to be designed under ulterior motives such as student accommodation and short term lets.

The principle of extensions to existing dwellings and the provision of family sized units is supported by policies H3 of the UDP and S14 of the City Plan and therefore the above objections cannot be sustained. The application before the City Council is to be assessed on its merits rather than taking into consideration the personal situation of both 'the applicant' or indeed objectors to the scheme. A change of use away from self-contained residential accommodation would require planning permission. Any breach of planning control could be reported to the City Council's Enforcement Department for investigation.

Objections to the proposals have been received on the grounds that the proposals will provide no affordable housing, by just extending existing properties. The proposed floor area (taking into consideration the whole extension i.e. the rooms to be used in association with the 7 flats and the 'shell layout' for those flats not participating in this application) is significantly under 1000m<sup>2</sup> and therefore does not trigger the requirement for affordable housing. The objections on these grounds are therefore not sustainable.

## 8.2 Townscape and Design

### The Site

The affected block is attached to the rear of and is accessed from the Porchester Square-fronting block, but presents its principal faces to Porchester Road and Bishops Bridge Road as a low, modern, three storey block containing retail to ground and first floors, with flats above to the second and third floors. The third floors of the residential sections of the block are split into three disconnected linear pavilions, substantially set back from the street frontage and separated by two linear lightwells. Within, flats are arranged over two storeys, with the bedrooms contained both at second floor and within the third floor pavilions.

The character of the site is in stark (and deliberate) contrast to the varied character of the 19<sup>th</sup> century terraces and squares in the area. The parts of The Colonnades facing onto Porchester Square are more consistent in scale and bulk to the historic terraces which otherwise characterise the square and includes the retained frontage of half of the original southern side of the square.

The existing site is, whilst in many respects inconsistent with the character of the wider area, of some architectural merit in its own right. It was designed by the pioneering Farrell Grimshaw Practice in the early 1970s and won a number of awards at the time, including those commemorated on the arch facing Porchester Square; both Nicholas Grimshaw and Terry Farrell later set up separate practices of global renown, and are widely recognised as two of the later 20<sup>th</sup> century's most influential architects. The development is not listed, nor is it considered to be likely to be listable given its limited architectural flair or apparent innovation compared with the architects' other works. Extensive thematic listing reviews of post-war housing have been carried out by Historic England in recent years, in order to identify the best examples of this period for listing and so it is reasonable to presume that the estate will have been assessed by such reviews.

### Legislation and Policy

The starting point for the assessment of this application is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that “... *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.*”

Policies DES 6 (roof extensions) and DES 9 (conservation areas) of the UDP also form part of the statutory basis for the assessment of this application, together requiring that roof extensions within a conservation area must respect the character and form of the building, and the manner in which it contributes to the character and appearance of the conservation area. In support of the UDP is also the Bayswater Conservation Area Audit which identifies what is special about the area, and how it might be sensitive to development.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be

approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **The proposals**

The application proposes to erect an additional fourth floor over the existing third floor pavilion of the southern wing of the block, fronting Bishops Bridge Road. The extension would consist of an overall steel frame separated into regularly spaced bays arranged vertically with the existing flats below. Within this frame would sit the extensions to the individual flats below. As part of this current application, only 7 out of 11 flats contained in this wing are proposed to be extended, with the bays above the 2 non-participating flats left as empty, partially enclosed sections of the steel frame. These empty bays would be faced on both elevations with a mesh designed to have a similar rhythmic and tonal character to the glazed elevations of the occupied parts of the extension.

As noted above, objections have been received to both the principle of a roof extension on this building and the detailed design, notably the 'gaps' where there is no extension behind. A point of debate has also arisen between applicants, supporters and objectors (more heavily in the previously withdrawn application) relating to whether the building was originally intended to receive additional floors above the existing pavilion blocks. Under the previously withdrawn application a representation direct from the building's original architect was received and stated clearly that the building was completed as planned, and that it was not expected or planned at the time to add further floors later.

In design terms, the differing viewpoints from the applicants/ supported and objectors are noted, but the central fact that it was not originally intended to extend further, is not considered to preclude the principle of upward extensions to the building today. The reasons why the upwards extension of the building is considered to be acceptable in principle, as proposed, are discussed below.

The principle of extending upwards to this block is considered acceptable, subject to design quality, due to the limited architectural value of the building, and due to its size and built form which makes setbacks a realistic means of integrating additional height and massing. The manner in which the proposal has been put forward for only one of the third floor pavilions to be extended limits the potential visual impacts of the proposals, particularly when viewed from Porchester Road (although it should be noted that officers under the previously withdrawn application did not consider that an extension fronting Porchester Mews was unacceptable in this regard). The proposals would have no impact on the more designed and more sensitive Porchester Square to the north.

The 'set in' and set back position of the extension moderates the impact and visibility of the proposals on the appearance of the block. The development would be broadly visible from Bishops Bridge Road to the south but other key views would be from the north, where the corner of the extended unit 129 would be visible, and from within the development from the courtyard to the east of this block. High level private views would be afforded of the extensions from a number of angles and have been the subject of

objections from other residents of the development.

The design form of the proposal is considered to be broadly acceptable in principle. The general position, size and manner of the extension would be respectful to the original character of the Farrell Grimshaw designs and would integrate well with the wider block. The proposals would not harm the manner in which the development contributes to the character and appearance of the Bayswater Conservation Area.

The proposal would be most successful in its outward design, in the manner in which the empty bays have been closed off by the metal mesh in a pattern consistent with the occupied bays' windows and spandrel panels. This largely mitigates what might otherwise be a 'gappy toothed' effect in those most important public / external facing views, and this addresses a number of objections received. Conversely, the development would be least successful from private high level views where the open-topped nature of the 2 empty bays would cause this 'fifth elevation' to appear unresolved and incomplete. The impact of this design limitation on the appearance of the building, and on the wider conservation area is however considered to be slight and would not cause the proposals to fail with respect to the relevant legislative and design / conservation policy considerations set out above.

Subject to detailed design to be secured through conditions, and a condition to secure that the development of the 'whole' extension is built as one development (i.e., not leaving any elevational gaps), it is considered that the proposal would cause no harm to the appearance of the building or to the conservation area's special character and appearance.

As such, the proposal is considered acceptable in design and conservation terms, mindful of policies DES 6 and DES 9 and S25/S28 of the UDP/City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Objections have been received to the application on the grounds that the proposed extension would result in loss of light to neighbours, notably to those residents in the block east of the site in Bishops Court and that their balconies which face the application site will be unusable if in darkness/shadow and that during this pandemic, this outdoor space is hugely valuable.

Objections have also been received on the grounds of overlooking and loss of privacy, again most notably to residents in Bishops Court.

### **Daylight/Sunlight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Right of Light Consulting, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The report tests over 500 windows.

The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken. An objection to which has been received. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 1-14 Porchester Mews (east of site)
- 1-49 Bishops Court (east of site)
- Block 100 of The Colonnades (Flats 100-138), known in the report as 34 Porchester Square (the two wings directly north of the site) and Block 100 of The Colonnades (Flats 139+), known in the report as 40 Porchester Road (north of the of site)
- 3-13 Porchester Road (west of site)

### **Daylight**

#### 34 Porchester Square:

##### VSC

Of the all the windows tested, eight windows fall short of the BRE recommendation. Six of these windows are within the applicants' properties (Flats 129, 132, 133, 134, 135, 136 and 137). The losses are either to rooflights/ roof lanterns which have been installed enclosing the small internal courtyards or the secondary hull height windows serving the internal courtyards. The two other windows which marginally fail the BRE guidelines, serve Flats 128, which is the flat to the western part of the site (not intended

to be extended above as this comprises the 'set in') and Flat 131 which, although not part of the application at this time, could have the ability in the future to extend upwards (subject to planning permission). Again, these losses are to windows that either serve a rooflight that has been installed to enclose the internal lightwell to create an extended living area (in some cases) or serve a bedroom window that faces the internal lightwell. These windows are already poorly lit and therefore their losses, although above the tolerances of the BRE guidance are considered acceptable.

#### Daylight Distribution

Of all the windows and rooms tested, four rooms do not meet the BRE guidance. Of these four windows/rooms, three serve the applicants properties (Flat 134 and 135), and as above the losses occur to the internal lightwells. The one room which sees a loss in the ratio of 0.7 against the BRE target of 0.8 is the internal lightwell of Flat 130, which does not form part of the application proposals (but as noted above, could at a future date extend upwards subject to planning permission).

#### Bishops Court

In terms of VSC, there are only a few very minor losses to upper floors of Bishops Court (mainly the 4<sup>th</sup> floor), none of which are over and above the BRE recommendations to the properties in Bishops Court. As there are no significant losses in terms of VSC and as according to the daylight consultant, the room layouts of the flats in Bishops Court are not known, daylight distribution has not been assessed.

#### 40 Porchester Road

In terms of VSC, there are only two very minor losses to one flat in 40 Porchester Road. These are well within the BRE recommendations and unlikely to be noticeable. In terms of daylight distribution there are no losses.

Where there are some losses to the 1-13 Porchester Road, Porchester Mews and Bishops Court properties, again these are all extremely minor and well within the tolerances of the BRE guidelines.

#### **Sunlight**

All of the windows tested (windows that face within 90 degrees of due south) pass both BRE tests for total annual sunlight hours and winter sunlight hours test.

#### **Overshadowing to Gardens and Open Space**

The applicants report confirms that all the communal gardens to the east of the site meet the BRE recommendations.

In light of the above, in terms of sunlight and daylight, the proposals are acceptable and whilst there are a few losses to neighbouring properties (some of these are the applicants themselves), these are so very minor and serve internal courtyards some of which having already been enclosed by lanterns and rooflights, adding to reductions. The proposals comply with City Council amenity policies.

#### **Privacy**

The extension has windows in the north and south elevations. These will replicate window sizes/openings to those windows at lower levels. To the south elevation these windows will be clear glass. To the north elevation, at low level the glass is to be

opaque and at high level the glazing is to be clear. There are no side (east/west) elevation windows proposed. Whilst some of the south elevation windows may afford some very oblique views to the upper level windows of the western elevation windows of Bishops Bridge Court properties, this is no different a situation as the existing and the proposals are therefore not considered to give rise to loss of privacy to these properties. The northern elevation high level window will look out across the roofs of the 100 block of The Colonnades. There will be distant views of flats in the other 100 block of The Colonnades, however this is of a substantial distance and will not allow for any significant overlooking.

The proposals are therefore considered acceptable in terms of privacy and overlooking.

### **Sense of Enclosure**

Above Flat 138, the far eastern flat not part of this application, is a roof top plant/lift overrun room. The side elevation of this structure is flush with the Porchester Mews elevation and therefore the closest 'bulk' to Bishops Court Properties. It is not considered that the roof extension measuring 2.24m in height and set back 3.6m, the width of flat 138 and therefore set behind the above mentioned plant/ lift room from the building edge on Porchester Mews (directly opposite the western elevation of Bishops Court flats) resulting in a distance between Bishops Court and the side elevation of the extension of 6.25m, would result in any significant sense of enclosure to flats in Bishops Court.

The proposals are not considered to result in any harmful sense of enclosure to any other neighbouring properties on the western side of Porchester Road given the distances between the application site and these properties.

## **8.4 Transportation/Parking**

No new residential units are proposed and therefore the proposals for extensions to 7 existing flats raises no highways concerns.

## **8.5 Economic Considerations**

Any economic benefits associated with the development proposals are welcomed.

## **8.6 Access**

The proposals for extensions to 7 individual flats raise no access issues (which remain as existing).

## **8.7 Other UDP/Westminster Policy Considerations**

### **Refuse /Recycling**

The Waste manager previously commented on the earlier withdrawn application that conditions to secure appropriate refuse and recycling storage are required. Given that the proposals are for extensions to 7 existing flats, who are all part of The Colonnades residential development where a holistic refuse/ recycling collection is already in place, it is not considered necessary to condition this.



### **Sustainability**

Photovoltaic (PV) panels are proposed at roof level of the extension. The PV panels are low level, almost flush with the roof, and from the details provided on the submitted drawings these will not be seen above the parapet. A condition to secure these PV panels is recommended.

### **Biodiversity**

There is little scope to provide green roofs given the rooflights and PV panels proposed. It is unclear as to how feasible these would be if they were conditioned and given the space involved, whilst this is regrettable, it is not considered that the proposals could be refused on this basis.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 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. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

There are no neighbourhood plans in place for this part of Bayswater.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

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

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

There are no pre-commencement conditions proposed.

### 8.12 Planning Obligations

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

The estimated CIL payment has not been calculated at the time of writing and is still under discussion with officers in the CIL team given that each individual element is under 100m<sup>2</sup> although the extension as a whole is over 100m<sup>2</sup>.

### 8.13 Environmental Impact Assessment

Not relevant for this application.

### 8.14 Other Issues

#### Consultation

Comment has been made that no consultation was carried out with the leaseholders in The Colonnades before the application was submitted. It is assumed that this comment is directed at the applicants, as the City Council can only consult affected residents once an application has been submitted.

Whilst applicants are always encouraged to engage in public consultation with affected parties, it is not a reason to withhold permission if this hasn't been carried out.

#### Procedure

Objection has been received as on the grounds of why the previous application was withdrawn from the planning committee agenda at a late stage, only a day before; what discussions took place between the applicant/ officers and members and why the proposals have again been entertained.

The previous application was recommended for approval by officers and the committee report had been publicly published indicating this. The applicant contacted the case officer advising of a change in personal circumstance, and requested that the application be withdrawn from the agenda. All those registered to speak at the committee and the lead contact for the Residents Association were notified of this late change. The application was fully withdrawn a few weeks later and all objectors/supported notified of this.

#### Site visits by the case officer and the committee

Comments were made that the Council should ensure that the case officer carried out a site visit to affected properties and that the committee should not make a decision without first visiting the site.

The case officers carried out a site visit to the property (prior to the Covid-19 pandemic) and met with numerous 'applicants' to assess the application. One of the case officers also met with one of the most closely affected neighbours at flat 172 and was accompanied by Councillor Carmen.

**Construction and structural impact**

Many objectors cite concerns relating to a history of subsidence at The Colonnades and that no structural supporting information has been submitted with the application to demonstrate that the lower floors can hold up a roof extension (this view is echoed by Waitrose who are on the ground floor). The Head of Building Control has been contacted on a number of occasions by objectors in relation to the previously withdrawn application.

Given the works proposed, there is no formal requirement for the applicant to provide any structural data/ methodology statements, although the applicant was previously made aware of these objections. The Head of Building Control has made no comment on the current proposals, however, in relation to the previously withdrawn application he confirmed that any application for Building Regulations would need to be accompanied by a thorough Structural Engineering Assessment and a report which shows the load takedown to the foundations and investigation into the suitability of those foundations and any remedial works required.

The objections received on structural grounds can therefore not be sustained.

Details of asbestos and fire safety issues (including those issues that may arise from PV panels, as objected to) will be reviewed through the building regulation process.

**Noise and Disruption During the Course of Works**

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted and how works may affect the operation of the Waitrose store.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice (CoCP). Given the nature and size of the development, the proposals are not considered to fall within one of the categories which would require the submission of a CoCP. A condition is however recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974.

**Crime and security**

Objections have been received on the grounds there are potential security implications to Porchester Mews pathway, the pathway leading down the side of Bishops Court to the undercroft for Waitrose and through pass to Porchester Road, with the increase in height of the building and as a result, decreasing light to the pathway which in turn is unsafe for people to walk to their properties in Porchester Mews and encourages antisocial behaviour.

It is not considered that the extension fronting Bishops Bridge Road at 2.24m in height, sited behind the existing lift overrun/ maintenance projection and which is set back from the existing eastern building elevation of the 100 block of The Colonnades would restrict light to the pathway and therefore have a further effect on the problems that already

exist, according to objectors. These objections are therefore not sustained and are considered to be a management issue for the estate.

### **Freeholder/ Leaseholder Matters**

Significant objection has been received on some or all of the following grounds:

- That the proposals have not been agreed by freeholders/ the residents association etc prior to submitting the application to the City Council;
- That any roof extension would add costs to everyone's service charges which is unacceptable;
- Who will manage the future maintenance of the extension and the void areas? and
- Should there be any funding issues and the development stops mid-way, who is responsible.

Whilst these concerns are noted, these matters are not a material consideration in the determination of a planning application and therefore these objections cannot be sustained. As noted elsewhere within this report, a condition is however recommended to ensure that each roof extension is undertaken as one course of development.

### **Implications on existing utilities**

In response to objections on the increase demand on utilities, this is not considered a material planning consideration. However, it is not considered that a rooftop extension providing additional bedrooms and a bathroom to each flat would be so significant. Thames Water has requested that a number of conditions be attached to any permission granted. The conditions relating to piling and surface water are considered excessive for the proposals. An informative is attached advising the applicant to contact Thames Water prior to beginning works.

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

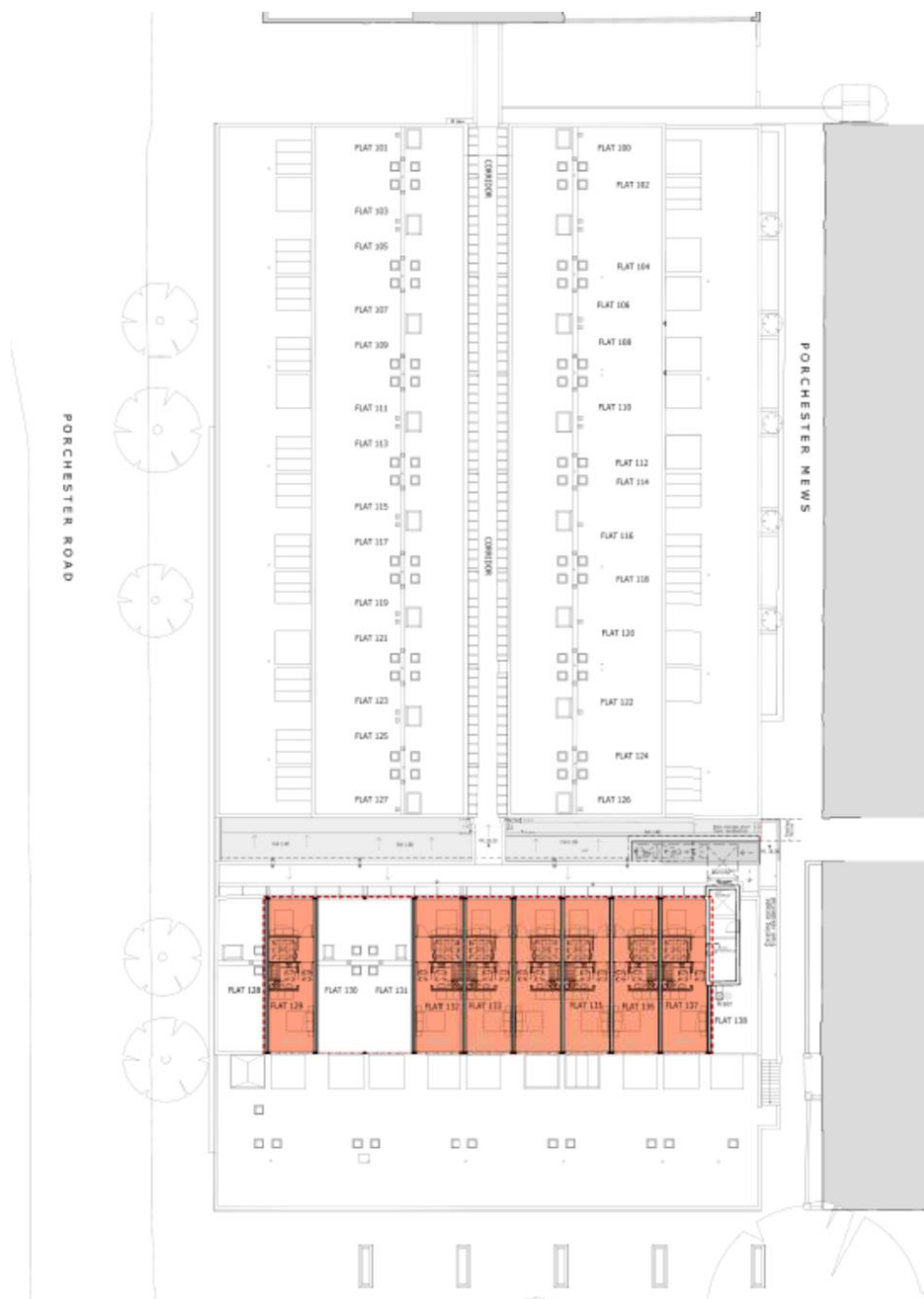
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

## 9. KEY DRAWINGS

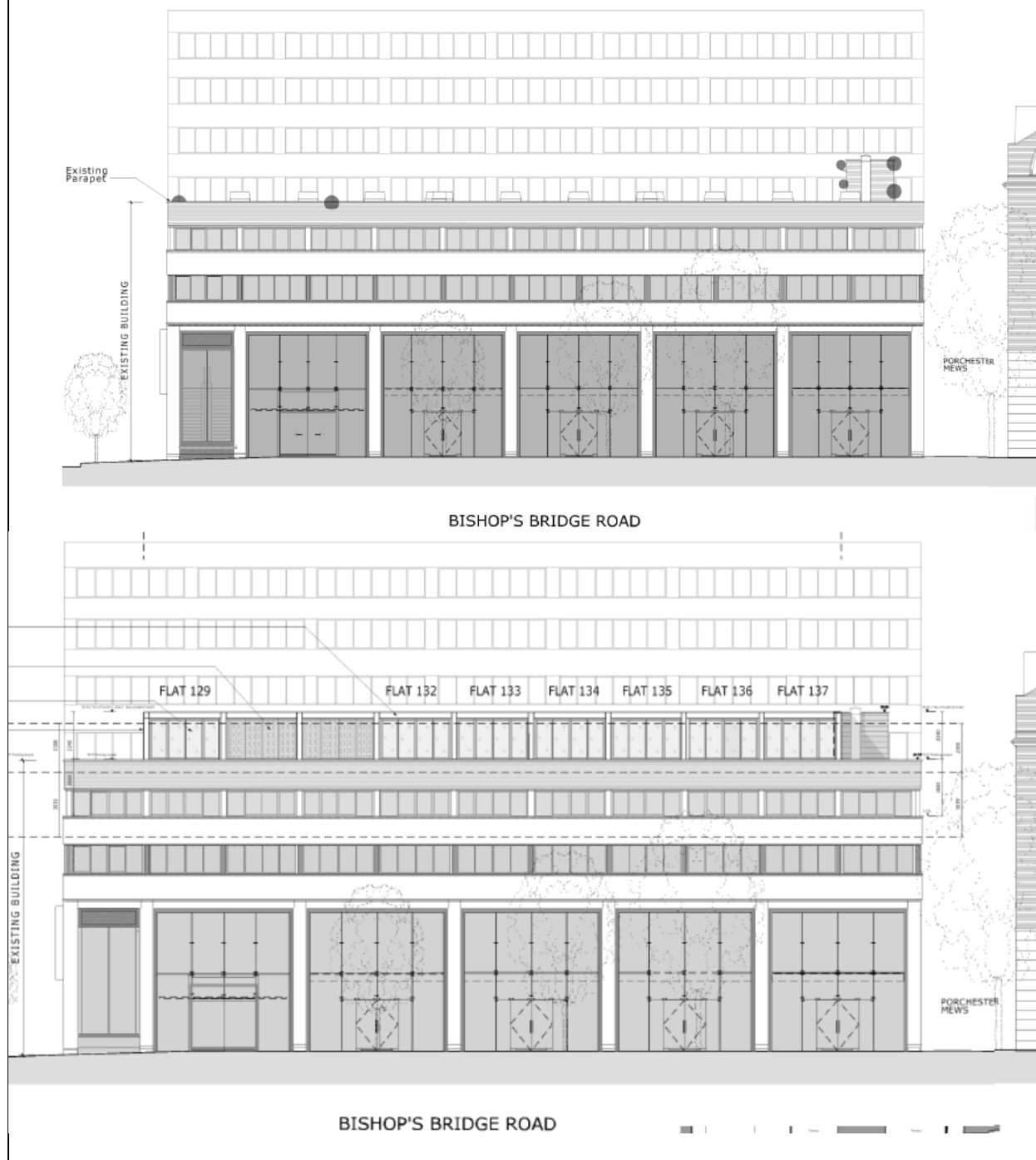
Existing Third Floor Plan (left) and Existing Roof Plan (right)



## Proposed Fourth Floor Plan



Existing (top) and Proposed (bottom) Bishop's Bridge Road elevation



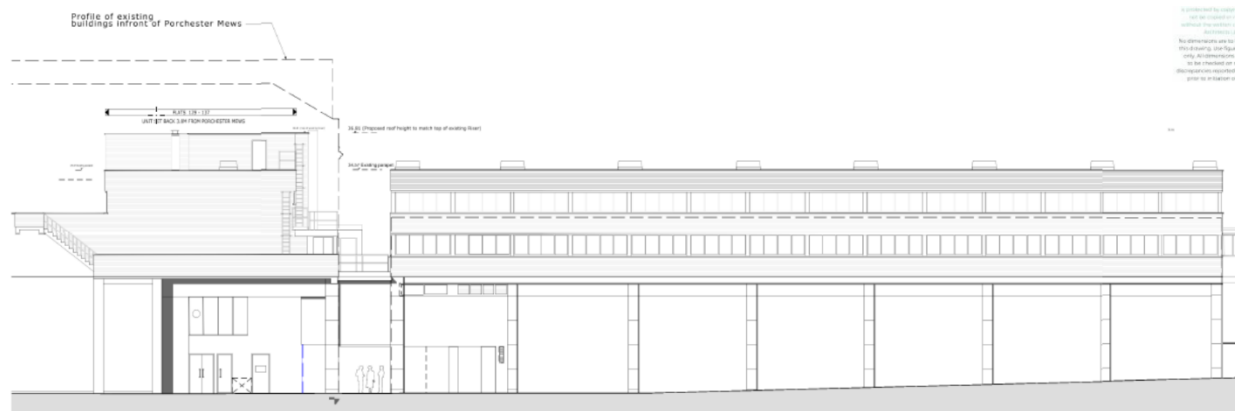
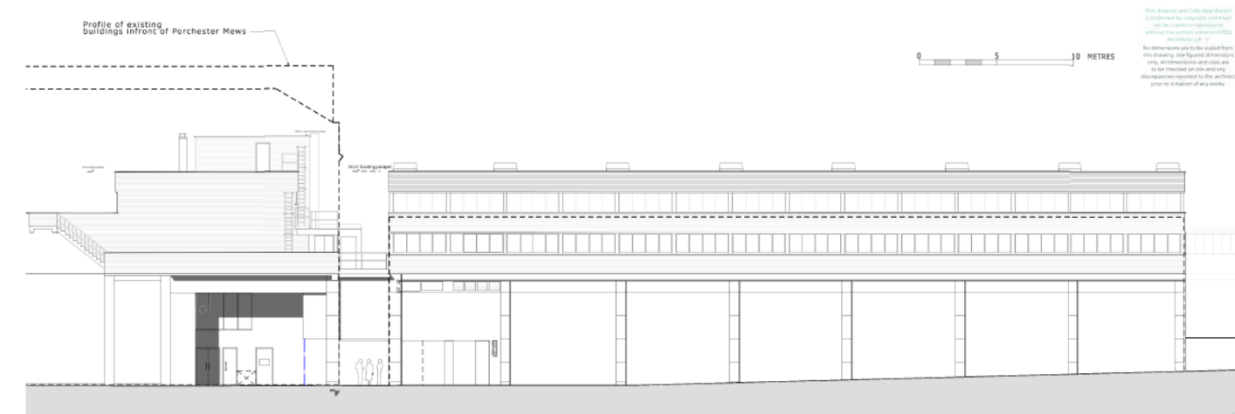


## Existing (top) and Proposed (bottom) Porchester Road elevations

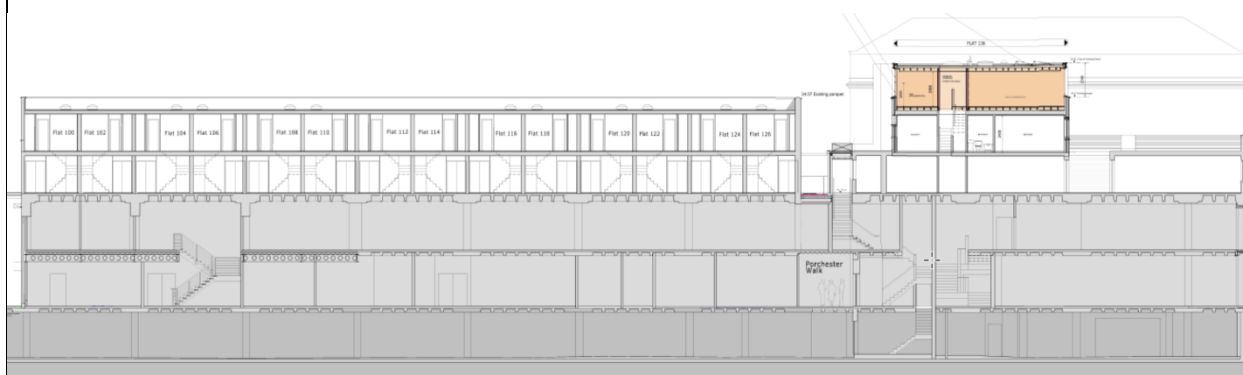
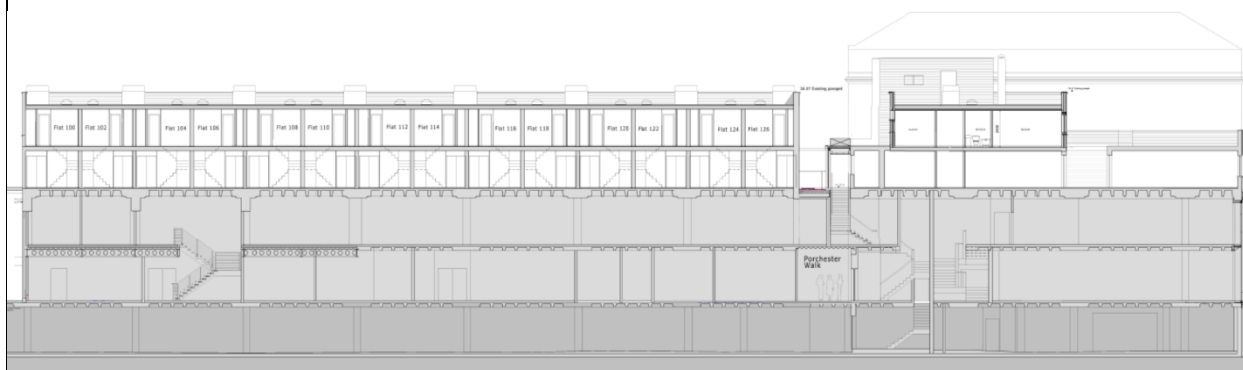
Brick slip ends with small return  
Brick to match existing  
Full mesh infill panels to rear facade to replicate the facades of the neighbouring units

Rear 100' x 100' mesh infill panels to rear facade to replicate the facades of the neighbouring units

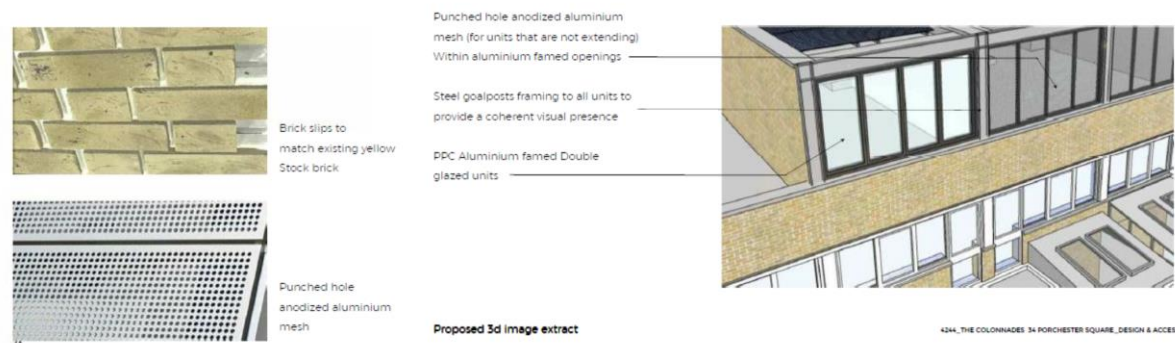
## Existing (top) and Proposed (bottom) Porchester Mews elevations



## Existing (top) and Proposed (bottom) Section



Proposed Bishop's Bridge Road elevation detail – for information only



Axonometric – for information only.



**DRAFT DECISION LETTER**

**Address:** The Colonnades, 34 Porchester Square, London, W2 6AT,

**Proposal:** Erection of single storey roof extension to provide additional accommodation to 7 residential flats facing Bishop's Bridge Road.

**Reference:** 20/05356/FULL

**Plan Nos:** 4244: PL101 REV 01; PL102; PL103; PL104 REV 01; PL105 REV 01; PL107 REV 01; PL108; PL109; PL110; PL111; PL112; PL113 REV 01; PL114 REV 01; PL115 REV 01; PL116 REV 01; PL117 REV 01; PL118 REV 01; PL119 REV 01; PL120 REV 01; PL121 REV 01; PL122 REV 01; PL123 REV 01; PL124 REV 01; Daylight and Sunlight Study dated 27 July 2020  
For information only: Design and Access Statement dated August 2020

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641  
07866036948

**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 The roof extension, including the metal mesh façade must be built in its entirety as one

phase of development and completed prior to the occupation of the residential accommodation created.

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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 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)

- 7 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , photovoltaic panels, , You must not remove any of these features. (C44AA)



**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 8 You must not use the roof of the extension, or the roof of the flat below 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)

**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](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 reminded that the infilling of the empty bays of the frames, to flats who are not 'the applicant' for the purposes of this application, will require planning permission.

- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
  
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
  
- 6 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
  
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
  
- 8 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You

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are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

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.