

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	Flat A, 69 Westmoreland Terrace, London, SW1V 4AH		
Proposal	Rear extension at first floor level and the creation of roof terrace at second floor level in connection with enlargement of the upper maisonette (Flat A).		
Agent	Kokorelia Architects		
On behalf of	Mr Mauro Terrinoni and Ms Daniela Petti		
Registered Number	20/04509/FULL	Date amended/ completed	16 July 2020
Date Application Received	16 July 2020		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

69 Westmoreland Terrace is an unlisted building located within the Pimlico Conservation Area. The adopted conservation area audit identifies the site as an unlisted building of merit, which is considered to make a positive contribution to the character and appearance of the conservation area. The building fronts on to Westmoreland Terrace to the east and the rear backs onto Turpentine Lane to the west.

The building comprises a basement, ground, and three upper floor levels (including mansard) and is subdivided into two flats. This application relates to Flat A, which is an upper maisonette comprising of ground, first, second and mansard levels.

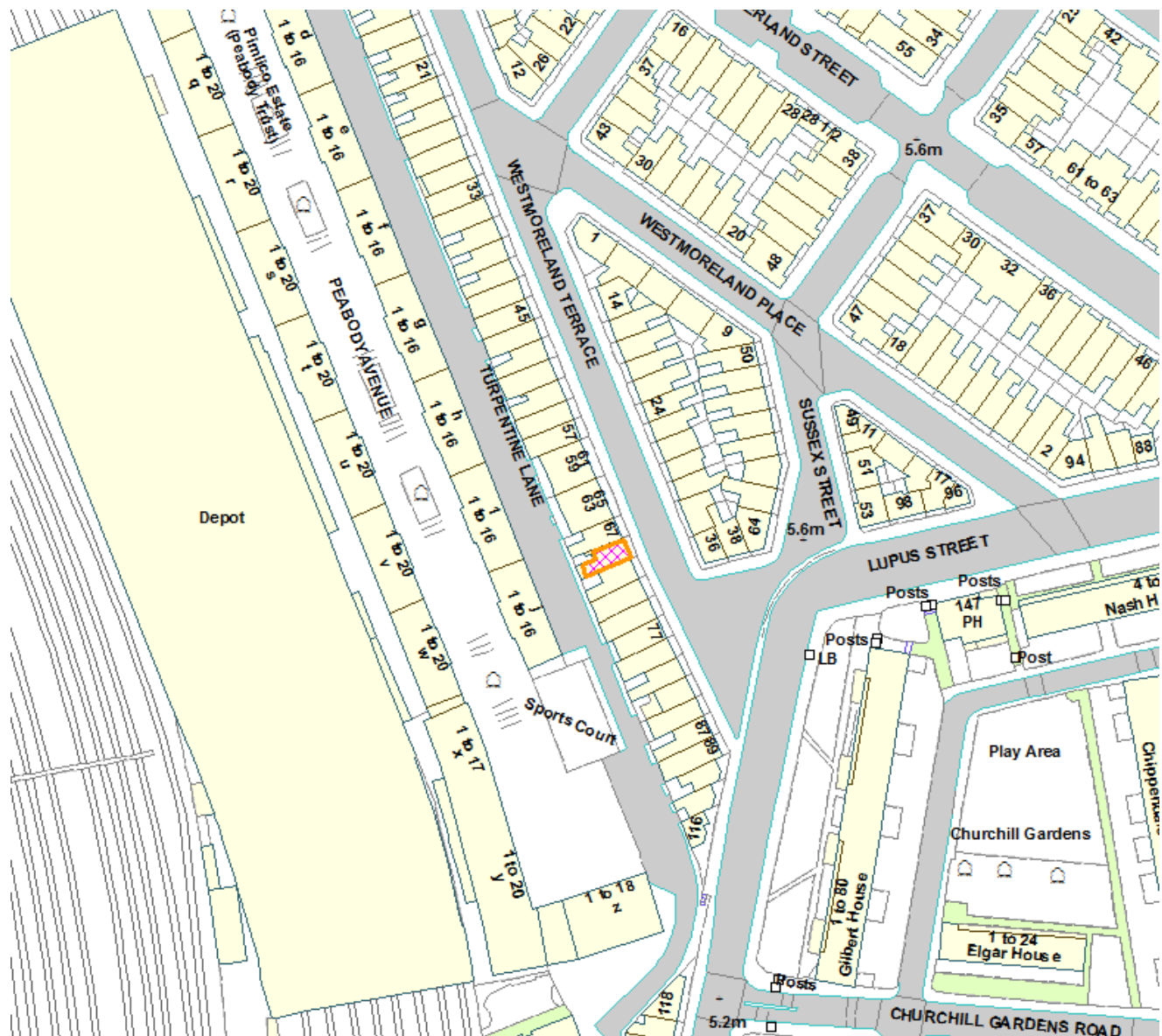
Permission is sought for a rear extension at first floor level and the creation of roof terrace at second floor level in connection with the enlargement of the upper maisonette (Flat A).

The key issues are

- The impact of the proposals on the character and appearance of the conservation area; and
- The effect on the amenity of neighbouring residential properties; and

Objections have been received from neighbouring properties primarily on design and amenity grounds. The application is considered to comply with City Plan policies in both design and amenity terms and is recommended for approval, subject to the conditions set out in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

COUNCILLOR GASSANLY:

Concerned about changes occurring in the Conservation Area, particularly to the rear of this terrace row backing on to Turpentine Lane. The application should be carefully scrutinised before a decision is made including carrying out a site visit.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO FREDA

Any response to be reported verbally.

PIMLICO MEIGHBOURHOOD FORUM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 30

Total No. of replies: 15

No. of objections: 15 (15 objection letters from 12 adjoining owner/ occupiers)

Objections have been received on some or all of the following grounds:

DESIGN

- The proposals do not follow the pattern of existing rear extensions in terms of depth, width, height, and detailed design; and
- would set a precedent.

AMENITY

- Extensions would result in a loss of light; and
- Increased sense of enclosure to terrace.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

69 Westmoreland Terrace is an unlisted building located within the Pimlico Conservation Area. The adopted conservation area audit identifies the site as an unlisted building of merit, which is considered to make a positive contribution to the character and appearance of the conservation area. The building fronts on to Westmoreland Terrace to the east and the rear backs onto Turpentine Lane to the west.

The building comprises a basement, ground, and three upper floor levels (including mansard) and is subdivided into two flats. This application relates to Flat A, which is an upper maisonette comprising of ground, first, second and mansard levels.

6.2 Recent Relevant History

None

7. THE PROPOSAL

Permission is sought for a rear extension at first floor level and the creation of roof terrace at second floor level in connection with the enlargement of the upper maisonette (Flat A).

Amendments were made during the course of the application. The application originally proposed to extend/ widen the existing closet wing at third floor level to enlarge an existing third floor terrace. Officers were concerned about the design impact and this element was removed on officer advice.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application proposes a rear extension to provide additional living accommodation for a residential maisonette. Policy 8 of the City Plan 2019-2040 (adopted April 2021) ("the City Plan") sets out that residential use is a priority unless otherwise stated. The provision of additional residential floorspace is acceptable in land use terms.

8.2 Townscape and Design

69 Westmoreland Terrace is identified as an unlisted building of merit in the adopted Pimlico Conservation Area Audit, and is considered to make a positive contribution to the character and appearance of this part of the conservation area. Public views of the rear of the site are available from Turpentine Lane, where the conservation area boundary meets that of the Peabody Avenue Conservation Area. The site therefore also forms part of the setting of the adjacent Peabody Conservation Area.

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

Section 16 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.'

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, City Plan policy requires development will preserve or enhance the character and appearance of Westminster's conservation areas and features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

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.

Objections have been received on the grounds that the proposals do not follow the pattern of existing rear extensions in the surrounding area in terms of depth, width, height, and detailed design.

The 19th century townhouses on the west side of Westmoreland Terrace generally retain one- two storey massing at the rear, fronting on to Turpentine Lane. The group of buildings further north of the proposal site, from no. 57 northwards, are remarkably consistent in terms of their rear treatment, generally possessing 1.5 storey full depth massing to the rear with terraces above, albeit with a few isolated anomalies. The proposal site, however, is distinguished from this group, separated by nos. 61- 63 which have been entirely rebuilt. The proposal site does not therefore read as part of this continuous pattern of development. In contrast, the group within which no. 69 is read is not consistent in terms of its rear treatment and does not form a rhythmic pattern of development. The buildings south of no. 71 also appear to have been rebuilt. In this part of Turpentine Lane therefore, there is not a consistent treatment to the rear of the Westmoreland Terrace townhouses.

At present, the lower ground and ground floor storeys to no. 69 extend the full depth of the site, reflective of the general pattern of development within the group to the north as described above. The proposals involve extending the building full depth at first floor level to match the footprint of the existing ground floor storey below, with a second floor terrace above. The proposal site is viewed alongside no. 71 immediately to the south which has been extended with an uncharacteristically tall and bulky three storey (plus basement) addition, which appears to predate the current policy framework that seeks to resist bulky additions of this nature. In this context, and given the clear visual separation from the consistent (lower) massing to the north, the proposed extension to no. 69 is not considered to cause harm to the character and appearance of the conservation area. The extension incorporates one sash window opening to the rear and is to be rendered and painted to match the palette of the existing building. This aspect of the proposals is therefore considered compliant with City plan policy 38 (Design Principles) and is considered acceptable in design terms.

The proposals also involve the use of the flat roof above as a terrace with associated screening. Whilst the proposed terrace will result in visual clutter visible from public vantage points, it is acknowledged that screens such as that proposed are a characteristic feature of buildings on the east side of Turpentine Lane. The proposed screen is therefore not considered harmful to the character and appearance of this part of the conservation area and the proposed terrace is considered acceptable. The imposition of a condition to secure further details regarding the appearance of the screen is recommended.

Permission was also initially sought to widen the existing closet wing at high level to enlarge an existing third floor terrace. This aspect of the proposals was resisted in design terms because the original closet wings remain clearly legible to the upper levels of these unlisted buildings of merit, indicative of their historic form and scale. Widening the closet wing to no. 69 at high level would almost entirely obscure the original principal

rear building line when viewed from street level and the original form of the closet wing would no longer be legible, detracting from the high level uniformity of the group. Following negotiations therefore, this aspect of the proposals has been omitted and the closet wing is retained at its current width in the revised drawings received.

Minor alterations proposed to the existing rear fenestration are considered uncontentious subject to the imposition of a condition to secure further details.

As such, the revised proposal is considered acceptable, and therefore, a recommendation to grant conditional permission would be compliant with Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021), the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Objections have been received from a number of surrounding residential occupiers including the adjoining property at 71 Westmoreland Terrace on the grounds that the proposals would result in a loss of light to their rear first floor terrace, increase sense of enclosure and overshadowing.

Policy 7 of the City Plan seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

The first floor rear extension will be built on the existing first floor terrace with a new terrace provided above at second floor level.

A daylight, sunlight and overshadowing assessment has been carried out for the surrounding properties, that are adjacent to the development. The properties investigated under this assessment are:

- 67 Westmoreland Terrace (Four flats)
- 69 Westmoreland Terrace (Basement Flat)
- 71 Westmoreland Terrace (Single family dwelling house)

Daylight

The applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and more than a 20% reduction in its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight.

The VSC results show that the majority of the surrounding properties would receive no to negligible impact.

Two windows within 71 Westmoreland Terrace would experience more than a 20% reduction in VSC. These windows are at first floor level and serve a WC and study.

The WC window would experience a reduction of 32% of its former value and the study window would experience a reduction of 28%. The existing light levels received by these windows is low with both receiving less than 27% VSC, with levels measuring 6.95% (WC) and 18.98% (Study) respectively. As such given the existing low levels of VSC, any reduction would be perceived as high in percentage terms. The study is also served by another window in the rear elevation which is unaffected by the proposals.

Despite these transgressions, given that both windows already receive low levels of light and that the study is also served by another window, it is not considered sufficient to justify withholding planning permission on the grounds of loss of daylight.

Sunlight

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours or less than 5% of annual probable sunlight hours between September and March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

All relevant windows which face within 90 degrees of due south have been tested.

Two windows within 67 Westmoreland Terrace would be affected. Both windows appear to serve the same room and while the use of this room is unknown, given the location of the windows on the rear elevation, it is unlikely that they would serving the main living room of one of the flats within no.67.

One of these windows would receive a major adverse impact to its winter sunlight hours and the other would receive a minor adverse impact to its annual sunlight hours and major adverse impact to its winter sunlight hours. However, both will still achieve at least 25% annual sunlight hours as recommended by the BRE Guidance.

Overshadowing

The overshadowing results show that the proposed development will have no impact on the amount of overshadowing experienced by the terrace amenity area of 71 Westmoreland Terrace and only a negligible impact on the terrace amenity area of 67 Westmoreland Terrace.

Sense of enclosure

Objections have been received from the neighbour at 71 Westmoreland Terrace on the grounds the first floor extension would result in an increased sense of enclosure to their amenity space. The terrace highlighted by the neighbours at 71 as being impacted is south-west facing, and will be unchanged in terms of daylight/sunlight received and levels of overshadowing as shown in the submitted daylight/sunlight report.

The proposed first floor rear extension to the closet wing extension is going to be noticeable from the rear study window at first floor level and living window at 71 Westmoreland Terrace, as well as from the ground floor window at 67 Westmoreland terrace. The resulting relationship with the raised closet wing is not an uncommon form of development across the city and along parts of this terrace itself. While the proposal may be considered unneighbourly given that it increases bulk on the boundary, on balance it is not considered that the proposals would not lead to an unacceptable increased sense of enclosure and refusal for this reason could not be sustained.

Roof terrace

The proposed terrace at second floor level would measure the same size as the existing first floor level terrace and would be in a similar location albeit at a higher level. It is considered that the terrace would not increase noise to the surrounding residential units or result in a loss of privacy to neighbouring occupiers in this location.

On balance, the proposals are acceptable in amenity terms and are considered to comply with Policy 7 of the City Plan.

8.4 Transportation/Parking

The enlargement of this maisonette would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will remain unchanged

8.7 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.8 Neighbourhood Plans

The Pimlico Neighbourhood Forum has submitted a proposed Neighbourhood Plan to Westminster City Council. The council is now seeking views and comments from

residents and interested stakeholders on the proposed Plan, in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The draft Neighbourhood Plan is afforded little weight.

The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.11 Planning Obligations

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

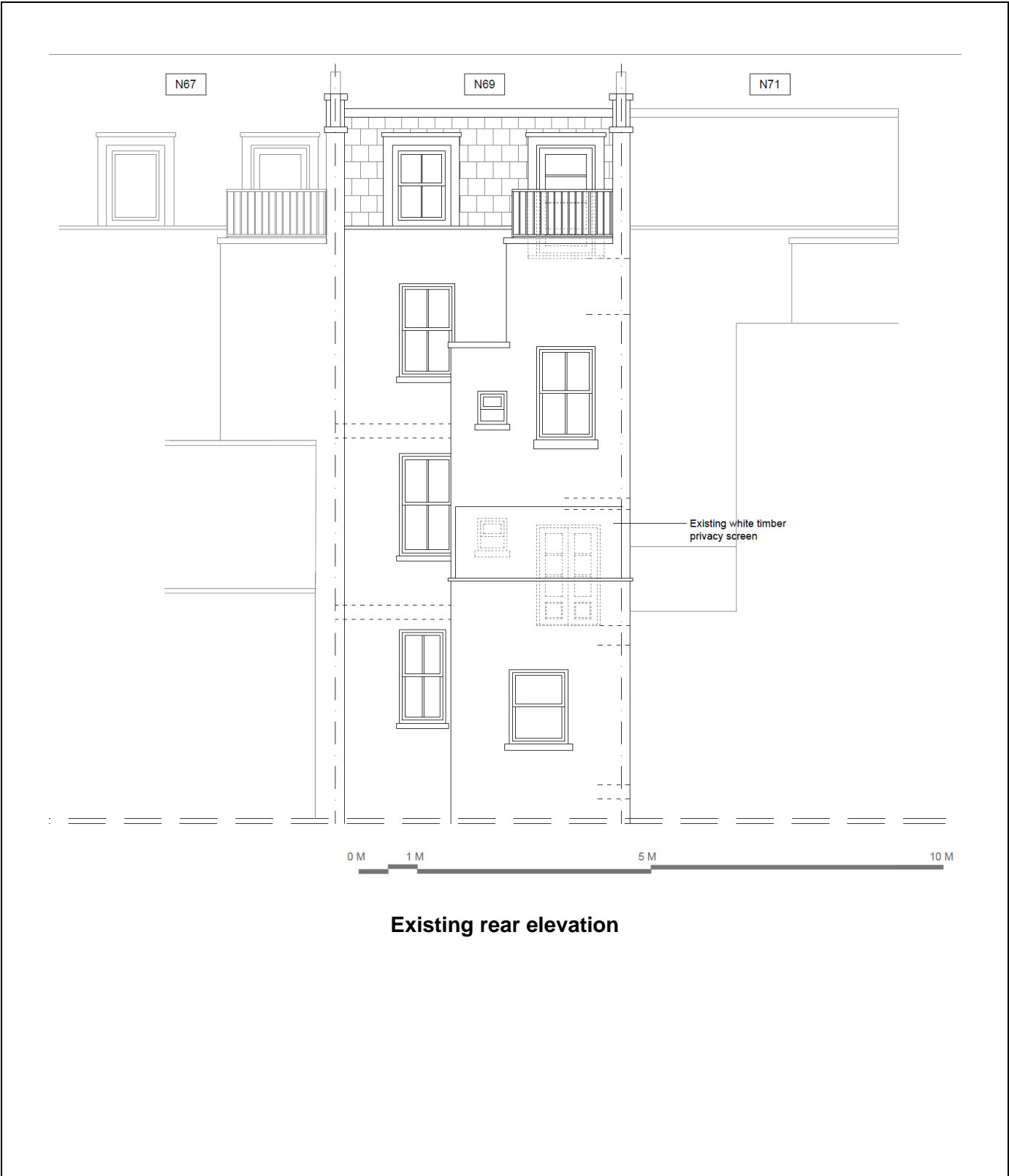
8.12 Environmental Impact Assessment

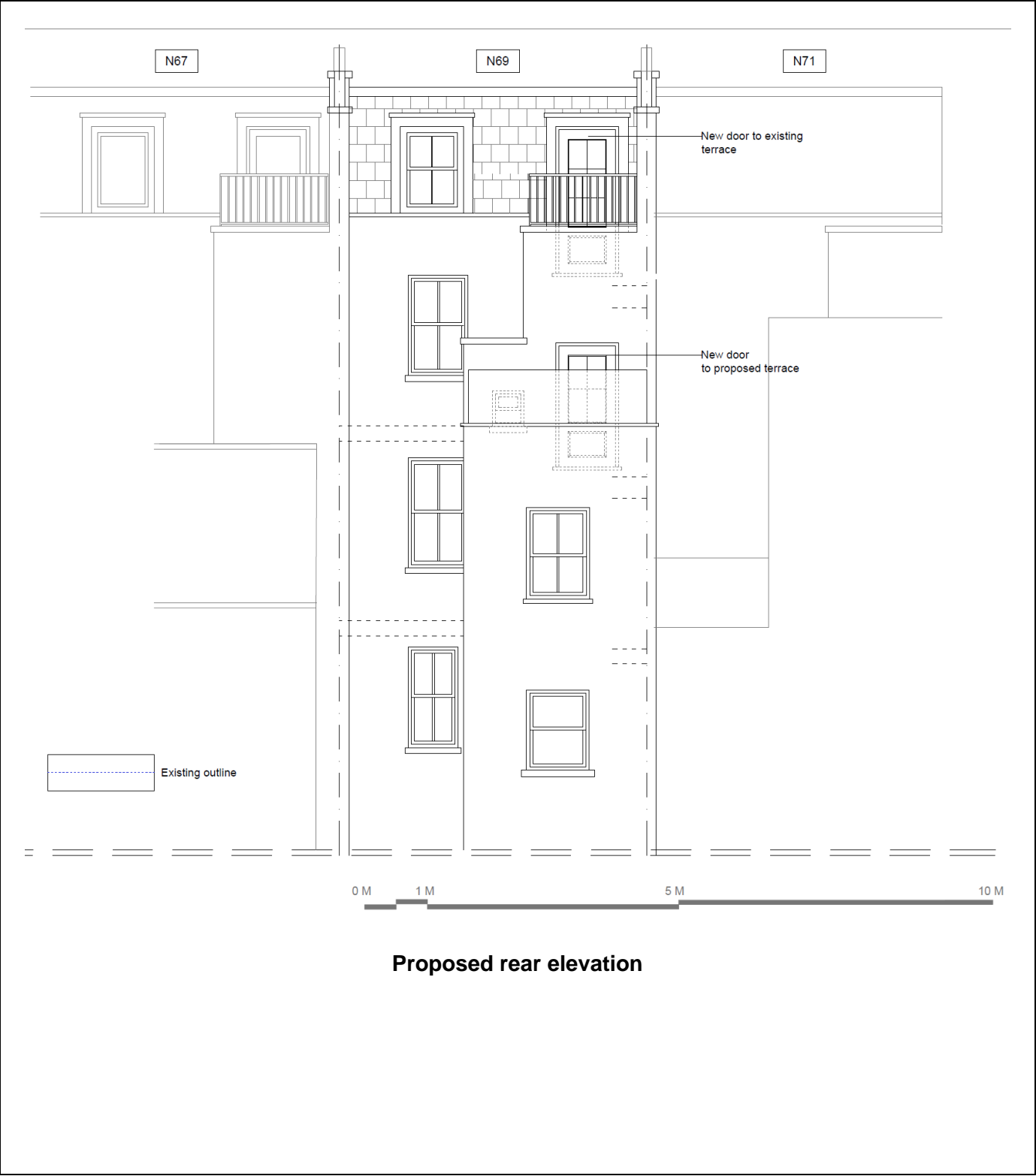
An Environmental Impact Assessment is not required for a scheme of this size.

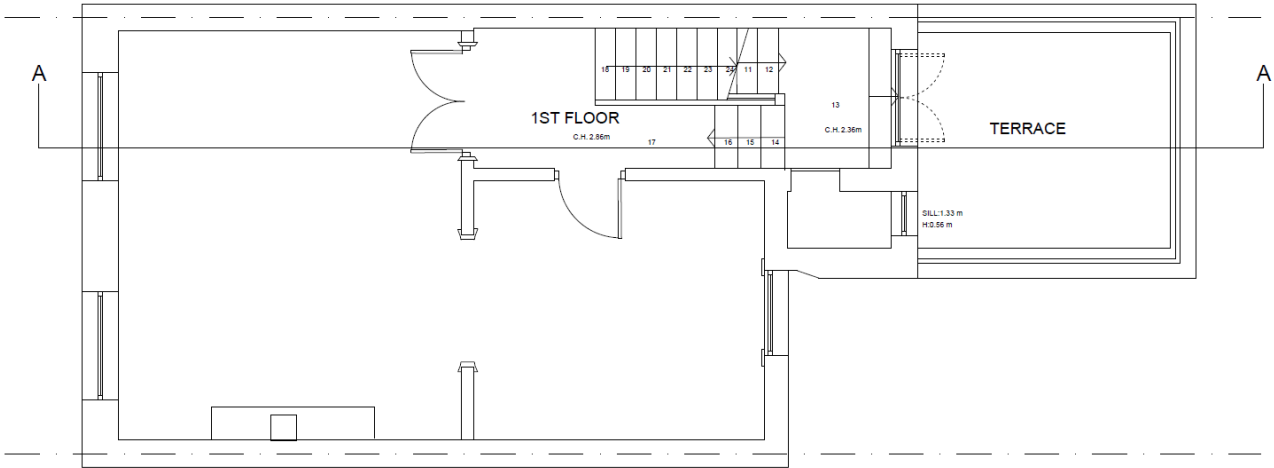
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

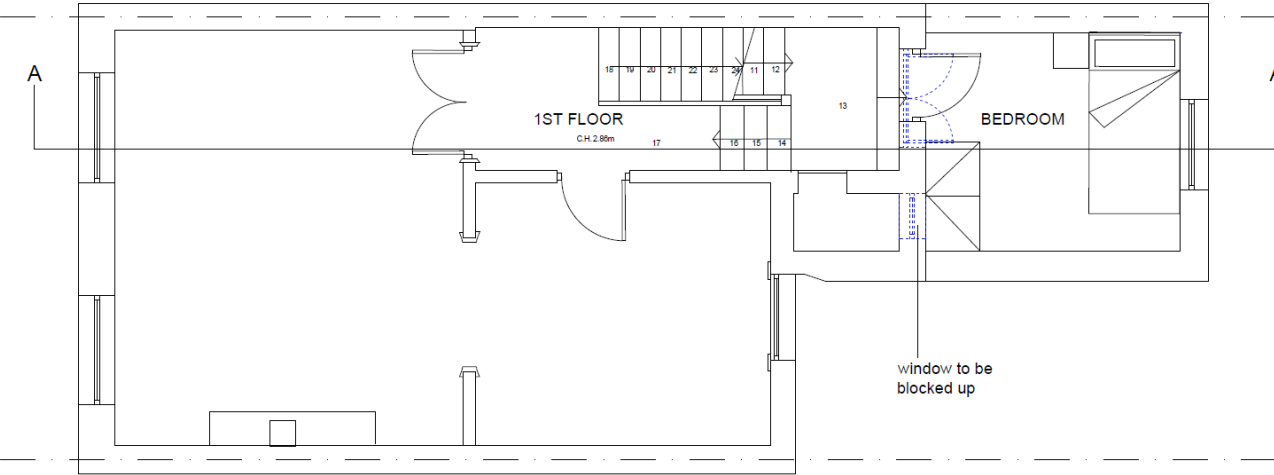
9. KEY DRAWINGS



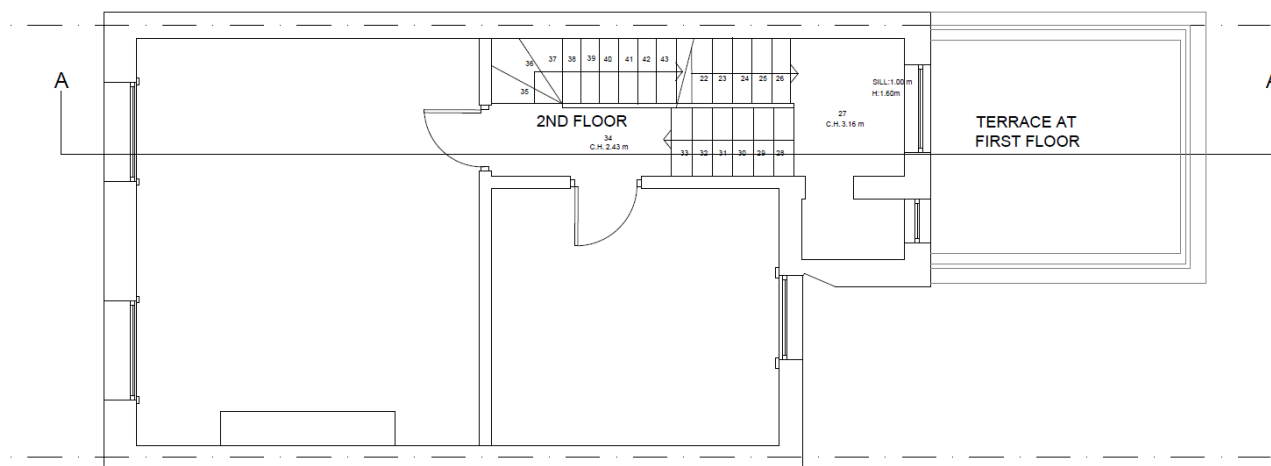




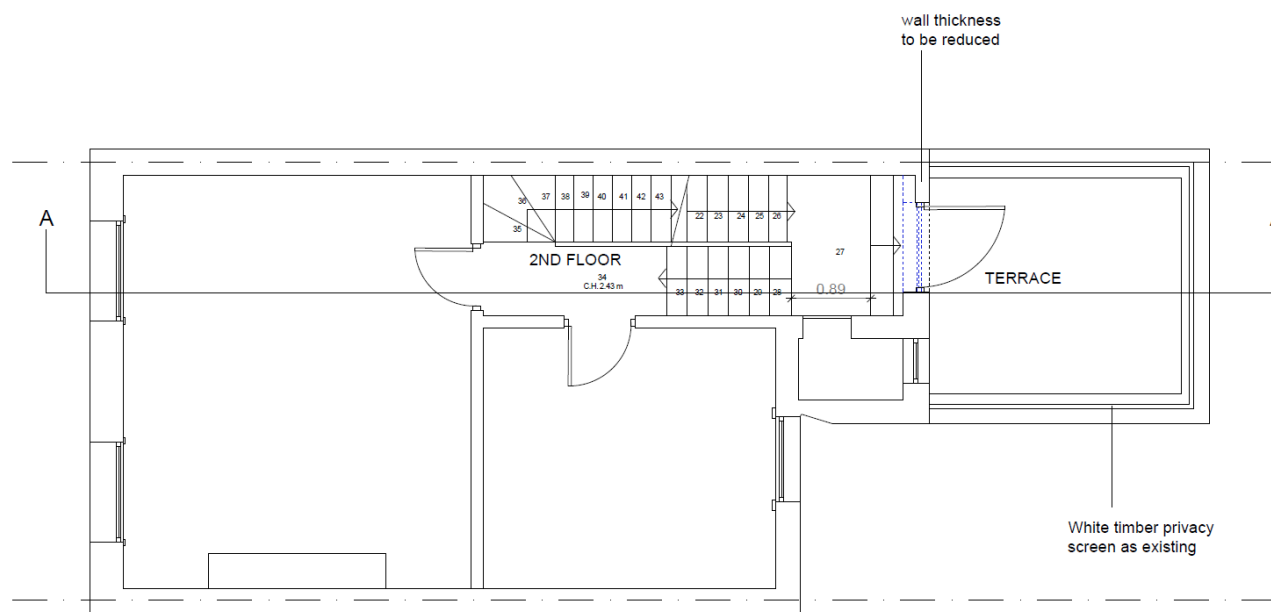
Existing first floor plan



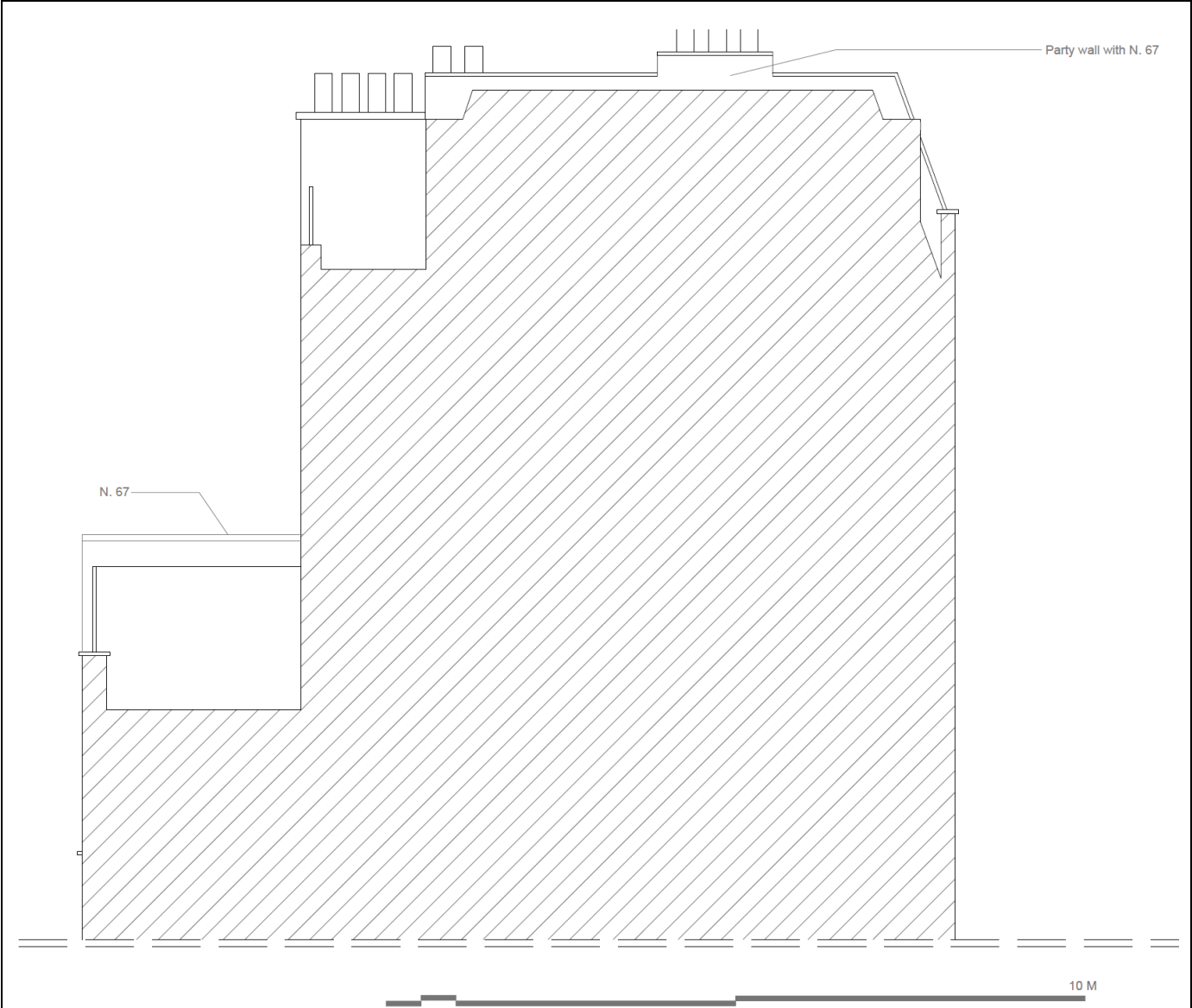
Proposed first floor plan



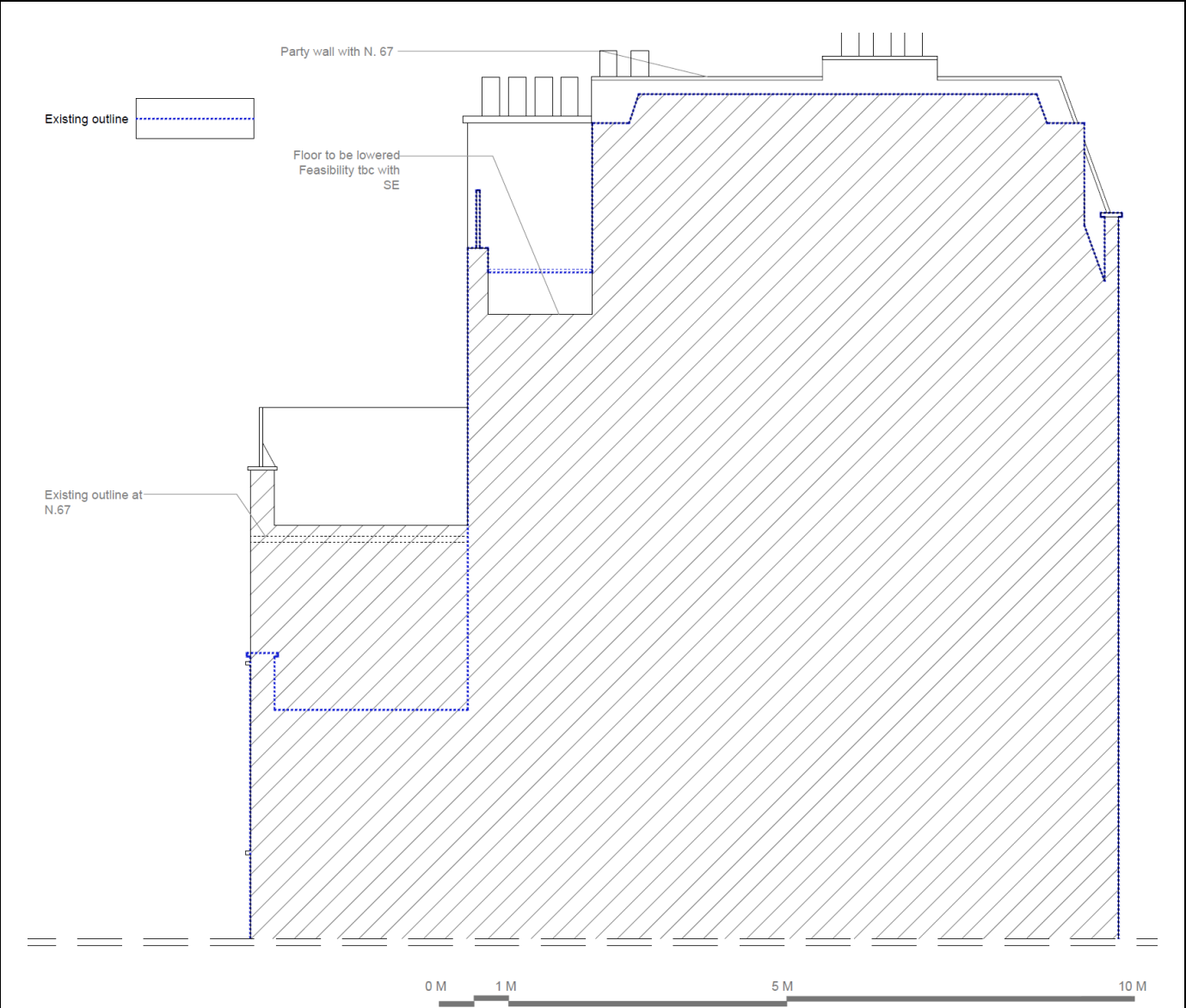
Existing second floor plan



Proposed second floor plan



Existing side elevation



Proposed side elevation

DRAFT DECISION LETTER

Address: 69 Westmoreland Terrace, London, SW1V 4AH

Proposal: Rear extension at first floor level and the creation of roof terrace at second floor level in connection with enlargement of the upper maisonette (Flat A).

Reference: 20/04509/FULL

Plan Nos: AP100 Rev R00; AP101 Rev R00; AP102 Rev R00; AP103 Rev R00; AP104 Rev R00; AP110 Rev R00; AP111 Rev R00; AP112 Rev R00; AP113 Rev R00; AP120 Rev R00; AP200 Rev R00; AP201 Rev R01; AP202 Rev R01; AP203 Rev R04; AP204 Rev R00; AP210 Rev R04; AP211 Rev R00; AP212 Rev R03; AP213 Rev R01; AP220 Rev R02; Site location plan.

Case Officer: Seana McCaffrey

Direct Tel. No. 07866037773

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
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7

and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of details of the following parts of the development:

- i. Privacy screen (1:20 scaled drawings)
- ii. New external doors and windows (1:10 and 1:5)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 The extension shall be finished with a scored/ lined render painted white to match the existing rear ground floor wall in terms of its detailed design and finished appearance.

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.