

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 November 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	29 Northumberland Place, London, W2 5AS		
Proposal	Excavation to lower level of lower ground floor and excavation of rear garden to full length and width; extension under front garden with alterations to front lightwell. Demolition of rear closet wing and erection of replacement at lower ground, ground and first floor level; erection of two storey side infill extension at lower ground and ground floor levels. Erection of mansard roof extension. Alterations to front and rear boundaries. Alterations to windows and doors.		
Agent	Christophe Spiers		
On behalf of	Mr & Mrs Glazebrook		
Registered Number	21/03055/FULL	Date amended/ completed	25 May 2021
Date Application Received	10 May 2021		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application relates to an unlisted single family dwelling house located within the Westbourne Conservation Area. Permission is sought for alterations and extensions to the dwelling including a mansard roof, rear extensions, excavation of rear garden level down to lower ground floor level, new planting, alterations to fencing around garden, lowering the level of the existing lower ground floor level, excavation under the front garden to create a utility room and alterations to the front garden and boundary.

Objections have been received from adjacent neighbours on design, amenity and on grounds of the loss of trees within the rear garden with inadequate suitable replacement trees and greening .

The key issues in the consideration of this application are:

- The impact of the development on the character and appearance of the conservation area;
- The impact on the amenity of the adjacent occupiers;

- The impact on city greening

The proposed development is considered against policies in the City Plan 2019-2040 (adopted April 2021). As set out within this report, the proposals are considered to be acceptable in relation to the key considerations set out above subject to the conditions on the draft decision letter.

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4. PHOTOGRAPHS

Front garden



front elevation



Rear Garden and extensions



Boundary with rear of Talbot Road



Boundary with 30 Northumberland Place



5. CONSULTATIONS

NOTTING HILL EAST NEIGHBOURHOOD FORUM (nhenf)

- Comments reflect the objections of neighbours who have concerns and potential overdevelopment of this property.
- Object to the excavation of the entire rear garden, which is contrary to their guidance, which seeks to retain gardens at original levels, to promote greening, protect views and preserve habitats and ecological stability.
- Increased depth of garden would reduce light to greening – backward step in carbon reduction required by climate crisis. Also concerns of noise due to 'squash court acoustics' to rear, which would impact neighbours.
- First floor extension and terrace would affect multiple neighbours and be negative to character and appearance of area.
- Extensions under front garden as contrary to nhenf guidelines, which limits excavation to 50% to total garden area. Also would support the return of the front parking to a garden.
- Front railings should match north boundary.
- No objection to mansard

BUILDING CONTROL

No objection raised. The structural method statement is considered to be acceptable. Note that the proposed mansard extension will have implications under Approved Document B for means of Escape in case of fire, which will need to be incorporated into any scheme.

ARBORICULTURAL SECTION

Comment as follows:

- Alterations within front garden as previously approved – updated conditions as previously.
- No objection to removal of hazel and horse chestnut trees in rear garden as they are of limited arboricultural merit.
- Objection in relation to the garden lowering, which can affect drainage and wildlife corridors. Removal of topsoil may limit potential replacement tree planting.
- Any replacement planting would be at lower level and have very limited wider amenity value.
- Concerns about replacement tree, planting and soil/ concrete base to garden.
- Conditions recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34

No. of objections: 8 from 5 different properties on the following grounds:

Amenity:

- The light survey has missed off a property which will be affected by the fence.
- Rear balcony should be screened to protect amenity

Design:

- The back extension should not extend more than 50% of the width of the house, so it

- is subservient and to preserve the garden space.
- Basement should not be over 50% of rear or front gardens

Greening & biodiversity:

- Due to being vacant, the trees have suffered, and garden become overgrown due to lack of maintenance.
- The current garden is enjoyed by at least 8 surrounding properties.
- Objection to the loss of the existing trees, which are only in a poor state due to lack of care. They provide greening, visual amenity and add to the conservation area.
- Objection to the lowering of the garden as any greening would provide little visual amenity and greening, particularly compared to existing.
- Replacement tree isn't comparable to existing.
- Previous approval replaced trees at same level.
- Any fencing would limit light and views of garden and greening.
- Any development should improve not reduce diversity and wildlife.

Other:

- Property has been vacant and subject to a variety of owners and plans meaning it has gone into a state of disrepair
- Inaccurate statements within submitted reports and drawings.
- Exasperated with the planning process, with multiple proposals over the years. Applicant seeking to wear down the planning team and residents.
- Concerns in relation to structural stability.
- Ideally no parking should be provided in front garden, or more greening where tires do not go.
- Development should improve not worsen drainage.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a four storey end of terrace property which is vacant but was last in use as a single family dwelling. The building is not listed but is located within the Westbourne Conservation Area. Due to having been vacant for some time, the building is in a poor state of repair and the rear garden is overgrown. There are trees located within the rear garden which are in close proximity to the rear of the properties on Talbot Place, which have small rear patio gardens which abut the application site. To the rear the gardens of Sutherland Place abut the end of the garden of the application site. Within the garden there is an existing closet wing and single storey structure which projects out into the garden which is to be removed.

6.2 Recent Relevant History

Permission was granted on 26 May 2020 for: Excavation to lower level of lower ground floor and extension under front garden and creation of rear lightwell and alterations to front lightwell. Demolition of closet wing and erection of full width infill at ground floor

level and two storey extension at ground and first floor levels. Erection of mansard roof extension. Raise level of rear garden and alterations to boundaries. Alterations to windows and doors. This permission has not been implemented.

7. THE PROPOSAL

Permission is sought for many of the works which were granted as part of the previous permission, including the erection of a mansard roof extension and alterations to the front garden including excavation in order to create a utility room under the front car parking yard.

Permission was previously granted for the rear garden to be retained at a similar level to existing and for the erection of a side infill extension adjacent to the closet wing, which was also to be raised in height slightly. This application seeks to amend this, with the garden excavated so that it is at the same level as the lower ground floor. Due to the lower garden level, the rear closet wing and side extension will be extended down to this level. The existing trees are to be removed with new planting proposed within the lowered garden.

During the course of the application the proposals have been amended to remove a balcony at rear ground floor level, which is now a Juliette balcony, to amend the fences around the rear garden so that they are open lattice, amendments to the detailed design of the rear extensions and to the proposed replacement tree species within the lowered garden.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change to existing use as a single family dwelling. Extensions and alterations are in accordance with Policy 8 of the City Plan 2019-2040.

8.2 Townscape, Design, Biodiversity & Greening

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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 relevant City Council policies for consideration

of this case are 34, 38, 39 and 40 of the City Plan 2019-2040.

Lowering of the garden level and replacement planting:

Strong objection has been raised in relation to the lowering of the rear garden and the resultant loss of greenery. The objections are not only in relation to the loss of the existing trees within the rear garden, a hazel and a horse chestnut, but in relation to the lowering of the garden level, which will make any replacement planting have poor access to light, and will provide less visual amenity to the residents who currently have an outlook onto the garden and planting thereby affecting the character of the conservation area.

Permission has been granted for the removal of the existing two trees under the previous permission, however that application retained the garden at a similar level to existing with replacement planting at this level. It is apparent from neighbour responses that the existing trees required regular maintenance to ensure that they did not dominate this rear garden environment and negatively impact on resident's outlook and light. Given the time the property has been vacant the rear garden has become somewhat overgrown with Ivy covering much of the trees. Regardless, alike with the previous application the Arboricultural Officer raises no objection to the existing trees being removed, and it is clear that they may be inappropriate due to the regular maintenance.

Given that the tree removal is acceptable, the next objection relates to the lowering of the garden to which some residents object and consider if replacement planting is appropriate. The Arboricultural Officer has also raised concerns in relation to the garden lowering, with concerns of the poorer access to light for any planting and also concerns in relation to the quality of the soil, as the existing topsoil would be removed. Concerns were also raised in relation to drainage as drawings indicated considerable concrete under the garden.

Following discussions between officers and the applicant revisions and clarifications have been made to the scheme namely:

- The fencing around the rear garden has been amended to hit and miss timber trellis.
- The proposed tree amended to a single stem Himalayan birch.
- Clarification that the structure shown under the garden is required for structural reasons, but does not occupy the vast majority of the garden land.
- Confirmation that a minimum of 1m worth of topsoil will be replaced under the new garden level.

It should be noted that this garden appears to be the last garden within the immediate vicinity at this level (assumed original), with all the adjoining garden levels being lower or at the proposed garden level. The lowering of the garden must however also be considered in light of Policy 34, which seeks to ensure that developments protect and enhance the City's green infrastructure.

While it is noted that the proposals may result in less verdant green outlook for neighbours, it is also apparent that these existing trees are unsuitable for their location and their removal is not opposed. The proposals have been amended to ensure that the new and replacement fencing will allow more light down to the new level and that suitable soil depth will be provided to ensure good growing and drainage conditions. This application also gives the council more ability to control the proposals, by agreeing a

more suitable replacement tree and landscaping for the garden, to meet its Policy aims. Through the use of conditions to secure these benefits, and given that lowered gardens are characteristic of the area, the lowering of the garden, is on balance considered acceptable.

Rear extensions:

The rear extensions are different to what has been previously approved, due to the lowering of the garden level and therefore providing a new lower ground floor elevation, which would have previously been under the garden level and therefore not readily visible. The extensions form two parts, the rebuilt closet wing and the side infill extension.

The closet wing height and depth is comparable to those approved at neighbouring buildings, and the same as previously approved however now runs down to lower ground floor level. It includes a new Juliet balcony at rear ground floor level, which is considered acceptable with a simple black painted metal railing. It also now features a green roof which will help to meet the requirements of policy 34 and will be secured by condition.

The contemporary side infill extension is a storey lower than the closet wing and is of a similar appearance to previously approved however also now runs down to lower ground floor level. This contemporary approach is considered acceptable so that it clearly reads as separate from the characteristic closet wing.

Front garden:

Currently the front garden features a large concrete lightwell and a small parking space accessed via the existing crossover. Concerns have been raised in relation to the paving and railings. The proposals are the same as those previously approved, however include the provision of permeable paving for the car parking and York stone paving. The front lightwell is considerably reduced and will have a grill over, to reduce the appearance of the basement. An electric car charging point is also proposed. Subject to conditions to secure details, the alterations to the front remain acceptable.

Mansard roof extension & windows:

At roof level a hipped mansard is proposed which is a traditional approach for end of terrace buildings within the conservation area. The mansard is double pitched, the proposed dormers are lead clad and the roof finished in traditional slate. A condition is recommended to secure samples of the finishing materials. The mansard is the same as previously approved and is still considered acceptable.

New windows are proposed to the front and rear. These are the same as previously approved, details of which are to be secured by condition.

Conclusion

The proposal is considered to accord with the identified policies and will preserve the character and appearance of the conservation area. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents must be found to be in accordance with policies 7 and 38C of Westminster's City Plan 2019-2040. These policies resist proposals that would result in a material loss of natural light and that developments should not result in a significant increase in the sense of enclosure, overlooking or cause overshadowing.

The proposals do not result in any additional bulk when compared to what has already been approved, the impacts are however discussed below. As previously discussed, the fencing has however been amended during the course of the application so that it is an open lattice trellis fence, which will sit atop the existing boundary wall level. In addition a section of the fence has been removed, which sits in front of a window to the rear of No 55 Talbot Road, as there is currently not a fence panel in this location, and following concerns of loss of light by this resident.

The impacts will be discussed below.

8.3.1 Sense of enclosure

The main impacts will be as a result of the side extension at ground floor level and the mansard roof extension.

The side extension will require the boundary to be built higher than the existing solid boundary fence by approximately 80cm projecting 3.2m out from the existing rear elevation. This will have an impact on the residents to the north of the site, namely rear windows of 51 and 53 Talbot Road. The nearest windows are those to the rear of 51 are understood to be a kitchen and study, which are separated by a terrace. Given the existing aspect of these windows onto the boundary and their separation, it is not considered that they will suffer such an increased sense of enclosure as to be unacceptable.

A trellis is to be fixed to the top of the fence shared with No 30 Northumberland Place. As previously mentioned this has been amended from the previously approved so that it is an open lattice trellis. It is of a comparable height to the existing trellis which No 30 has along their southern boundary. While it will increase enclosure within their garden, given the existing approval, which is now proposed to be more open, and the existing fence on the other side of their garden, the trellis is considered acceptable.

The open lattice trellis along the northern boundary to the rear of Talbot Road should improve the outlook for residents as it replaces a solid timber fence. To the rear a trellis is proposed at the end of the garden which matches the height of the neighbour on Sutherland Place and is considered acceptable. It is also noted that the removal of the trellis will provide greater access to light for the immediately affected neighbours, however it is appreciated this removal of greening has been objected to as discussed elsewhere within this report.

The proposed mansard extension will be noticeable from the upper floors of 51 and 49 Talbot Road and from the existing terraces at 3rd floor and roof level. While the mansard will increase the height of the building and increase the sense of enclosure for residents when using the terraces, views across the roofs of the properties on

Northumberland Place will be maintained and it is not considered that the mansard would result in a level of sense of enclosure which would justify a refusal of the application, particularly given its hipped nature, pulling the bulk away from the boundary.

8.3.2 Daylight:

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. For instance, properties that are affected by reduced daylight that see retained VSC values in the mid-teens may be considered to have a reasonable amount of daylight in the context of this particular urban location. This approach is supported by policy D6 of the recently adopted London Plan, which sets out that the design of a development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The BRE notes that where room layouts are known, then the no sky line (NSL) can be calculated. The NSL method describes the distribution of daylight within rooms by calculating the area of the 'working plane' which can receive a direct view of the sky and hence 'sky light'. If following the construction of a new development, the NSL moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to occupants, and more of the room will appear poorly lit. It states that this does however also need to be applied flexibly.

The applicant has submitted a daylight and sunlight report to support their application which notes some losses in VSC to the properties on Talbot Road and the adjoining No. 30 Northumberland Place. The table below demonstrates the losses that are greater than 20%.

Window and address	Use	Existing VSC	Proposed VSC	% Reduction
7 at 51 Talbot Road	Bathroom	0.2	0.1	50
8 at 51 Talbot Road	Bedroom	0.5	0.1	80
17 at 53 Talbot Road	Bedroom	12.1	7.7	46
40 at 30 Northumberland Place	Kitchen/diner	30.6	23.7	23
42 at 30 Northumberland Place	Study	9.2	6.7	27
43 at 30 Northumberland Place	Reception room	12	9.3	22

51 Talbot Road, windows 7 and 8

Windows 7 (Bathroom) and 8 (Bedroom) have existing VSC levels of 0.2 and 0.5 and serve rooms at lower ground floor level with the windows looking out to a courtyard which is almost entirely covered by a terrace at ground floor. The low levels of light are as a result of the ground floor level terrace rather than the proposed works. Due to the

existing very low levels of light, any additional losses are disproportionately high. The impact on these windows is unlikely to be noticeable, given the existing low levels.

53 Talbot Road, window 17

No comments have been received from the owner/occupier and it was not possible to gain access on the previous proposal. The report states that the window is a bedroom, the council has no evidence which would suggest that it is not. It BRE noted that bedrooms do not require the same amount of light as living spaces. The window has low levels of existing VSC due to the lower ground floor setting and the established enclosed nature at the rear of the buildings on Talbot Road. Given the existing situation which is long standing, and the secondary nature of the room being a bedroom, it is not considered that the loss in VSC is considered as a reason for refusal in this instance.

30 Northumberland Place.

Window 40 (kitchen diner) is a glazed roof to a lower ground floor extension the loss of VSC is 0.23 of the existing however the window retains a VSC of 23.7 which is considered a good level of VSC in an urban environment.

Window 42 (study) is in the side elevation of a closet wing and serves a study which is dual aspect. Window 43 (reception room) serves a ground floor reception room which is also dual aspect. Due to the locations of windows 42 and 43 the existing VSC levels are already low, 9.2% and 12% respectively. Given both windows are dual aspect, and the existing situation the losses at No. 30 are not considered a reason for refusal of the application.

Daylight Distribution:

The report indicates a reduction greater than 20% of existing for two windows as demonstrated by the table below

Window	Use	% Existing	% Proposed	% Reduction
8 at 51 Talbot Road	Bedroom	47	8	83
17 at 53 Talbot Road	Bedroom	78	37	53

51 Talbot Road, window 8

The report shows that window 8 (bedroom) has existing daylight distribution levels of 47% and the window serve a lower ground floor bedroom. The windows look out to a courtyard which is almost entirely covered by a terrace at ground floor. There is very low existing levels of light in the room due to the terrace at ground floor. It is recognised that the report shows significant losses to window number 8. However, given the existing situation where the lower ground courtyard area is covered by a terrace it is not considered that the reduction in daylight distribution would justify a refusal of the application.

53 Talbot Road, window 17

Window 17 (bedroom) is at the lower ground floor of No. 53 Talbot Road to the rear of the building. Due to the lower ground floor setting, the established enclosed nature at the rear of the buildings on Talbot Road, the existing situation which is long standing, the secondary nature of the room being a bedroom, which do not require as much light as living areas and the retained light, it is not considered the reduction in daylight would justify a refusal of the application.

Sunlight

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 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 annual probable sunlight hours.

The details submitted show a reduction which would not meet BRE guidelines for three windows.

Window 8 (bedroom) at 51 Talbot Road shows a 75% loss of total hours sunlight. The terrace at ground floor level above the window means the sunlight received by the room as existing is 2% of the available Total Sunlight Hours. The low level of light is considered to be due to the existing terrace and not the proposed works at No. 29 Northumberland Place.

Window 10 (Kitchen/dining) at 51 Talbot Road retains 25% Total Sunlight Hours and 5% Winter Hours which is considered as a good level of sunlight in a dense urban environment.

Window 17 (most likely a bedroom) at Talbot Road would retain 12% of Total Sunlight Hours and 1% of Winter Sunlight Hours. The room served is understood to be a bedroom. Due to the lower ground floor location at the rear of the building and the enclosed nature of the rear courtyard owing to the existing boundary wall with 29 Northumberland Place the room currently receives low levels of sunlight as would be the expectation of a room in such a location.

Due to the existing level of light and the enclosed nature of the surroundings at the rear of Talbot Road it is not considered that the reduction in light is a reason for refusal of the application.

Summary of daylight/sunlight

As described above there are some significant reductions in light, however, this is largely due to existing low levels of light resulting in large percentage changes. The environment to the rear of Talbot Road is already highly enclosed due the small gap between the rear of the buildings and the application site. The provision of the open lattice fence should indeed improve light levels to a number of windows compared to the existing solid fence. On balance the proposals are considered to be acceptable and in accordance with Westminster policies.

8.3.3 Privacy and overlooking

The proposals were amended during the course of the application to remove a balcony at rear ground floor level. The proposals now include a new Juliette balcony at rear ground floor level which may result in views to the adjacent rear garden. These will be mitigated through the erection of the trellis.

Given the existing highly overlooked existing situation to both the front and rear, it is not considered that the proposals will result in any significant increase in overlooking or loss

of privacy.

8.4 Transportation/Parking

The proposals include the provision of a car parking space within the front garden. There is an existing crossover to the property, which provides access to an existing small parking space. While comments have been received which would like to see the removal of this, as it is no change to existing, this would not be reasonable. The provision of the electric charging point is welcomed to promote sustainable transport.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

No change to existing situation.

8.7 Other Westminster Policy Considerations

8.7.1 Basement development

The proposal includes the excavation a single storey under the front garden. The site is not located within a surface water flooding hotspot or an archaeological hotspot area. The proposals are considered to accord with Policy 45:

- A structural report has been provided which has been assessed by Building Control Officers who raise no objection.
- The applicant has agreed to sign up to the councils code of construction practice, which will be secured by condition.
- 1.2m of soil has been provided above the front basement, which is acceptable and will be secured by condition.
- A margin of undeveloped garden land has been provided along the north and street sides to provide drainage, and the new parking space is to have permeable paving. While a margin along the south side would also be preferential, it is clear that this would be hard to implement given internal arrangements. Given this is the same as previously approved, and the other areas of drainage provided, this is on balance considered acceptable.
- As discussed within the design section of this report, the character of the area will be maintained and improved from the existing situation with currently the front area being characterised by a large open concrete lightwell, which will largely be covered and with new planting proposed. No 'basement' is proposed to the rear, with the garden level lowered, regardless it is considered that through conditions to secure the planting, the proposals are on balance acceptable.
- The basement does not excavate under a highway.
- The basement does not excavate under more than 50% of the garden land. While objections in relation to this have been received, that this should relate to the front garden, this cannot be sustained as the policy relates to all the garden land of the property. There is no basement to the rear, with the garden being lowered to lower ground floor level as discussed elsewhere in this report.

8.7.2 Biodiversity and greening

Conditions are recommended to secure details of landscaping to the front and rear. A condition is also recommended for details to be submitted in relation to the green roof atop the closet wing. Subject to these conditions and as discussed elsewhere in this report, the proposals are considered acceptable and in accordance with Policy 34.

8.8 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.

8.9 Neighbourhood Plans

The site is not within an area with an adopted neighbourhood plan.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the:

- Code of construction practice
- Tree protection details

The agreement of the applicant to these conditions will be confirmed prior to committee.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. The development is of insufficient scale to trigger the requirement for a CIL payment.

8.13 Environmental Impact Assessment (EIA)

The development does not trigger the requirement for the submission of an EIA.

8.14 Other Issues

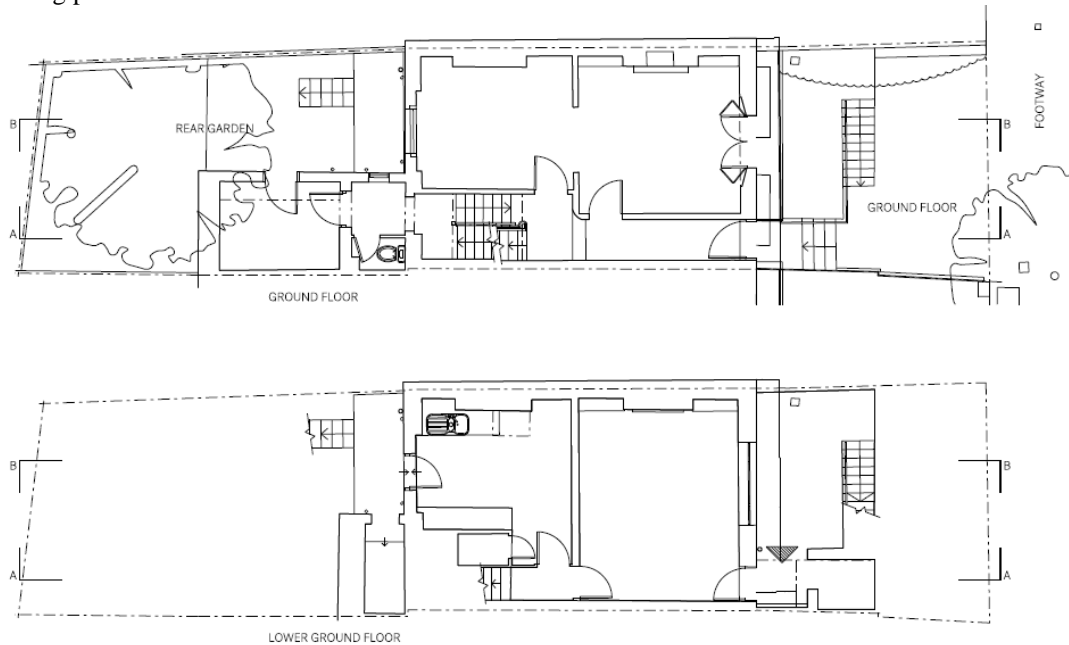
Concerns have been raised by the Building Control Officer in relation to the new fourth floor and fire escape. This would be covered under separate building control legislation and a suitable informative is therefore recommended.

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

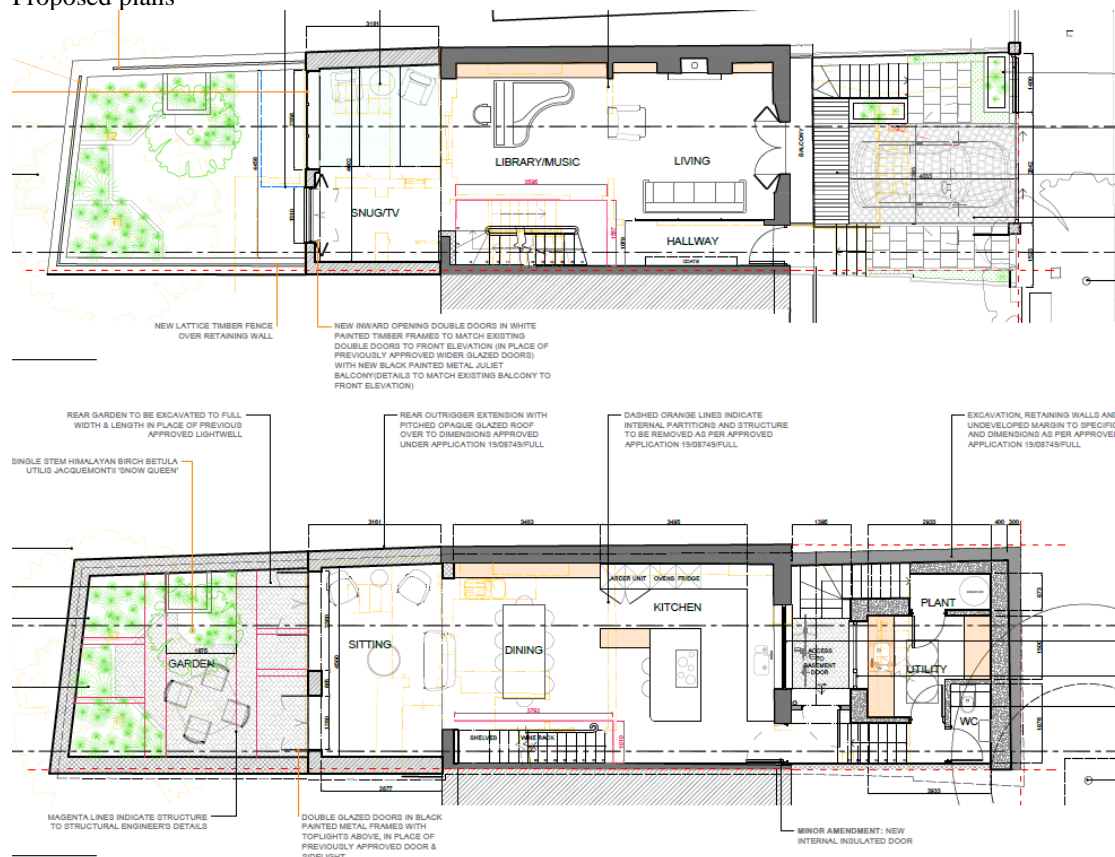
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@wesmtinster.gov.uk

9. KEY DRAWINGS

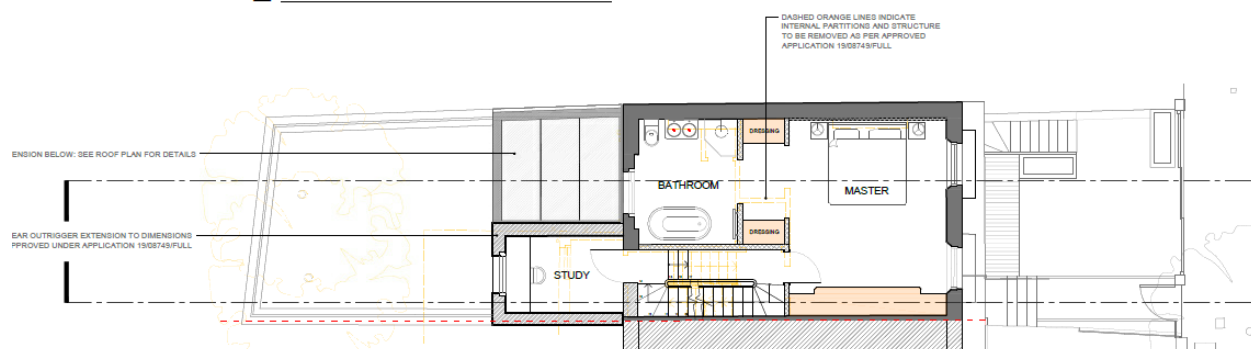
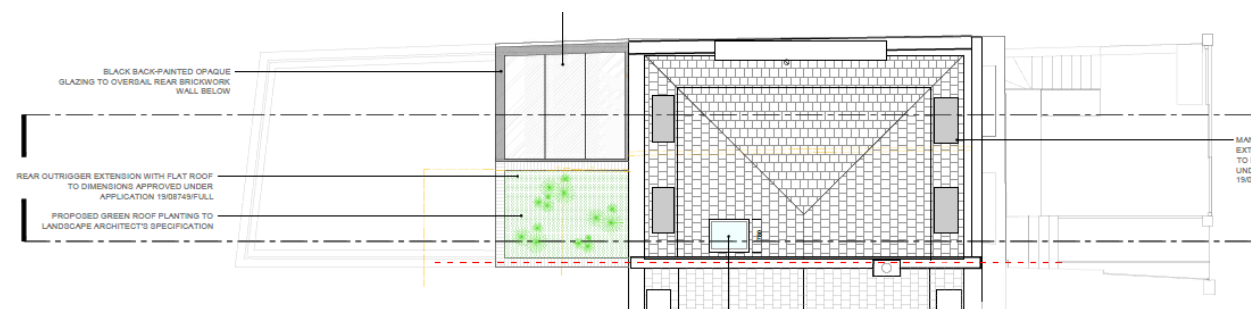
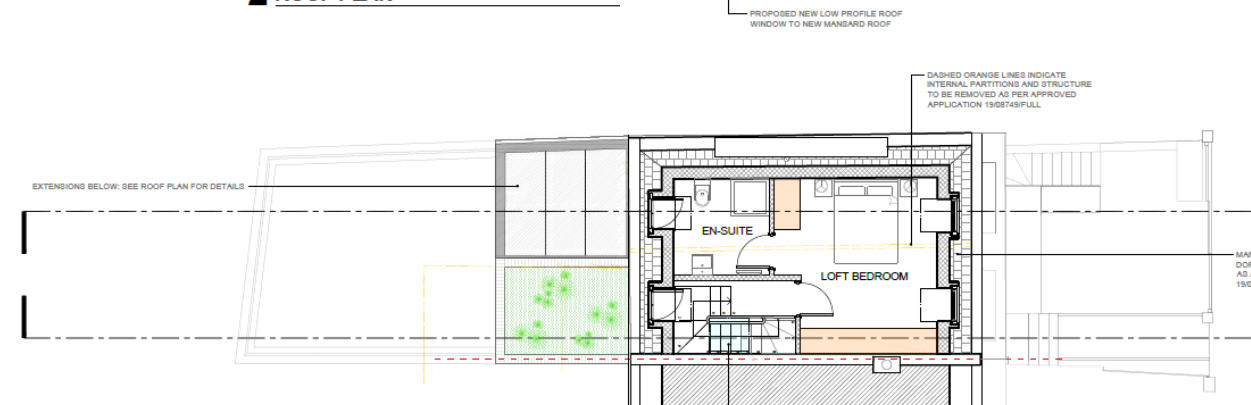
Existing plans



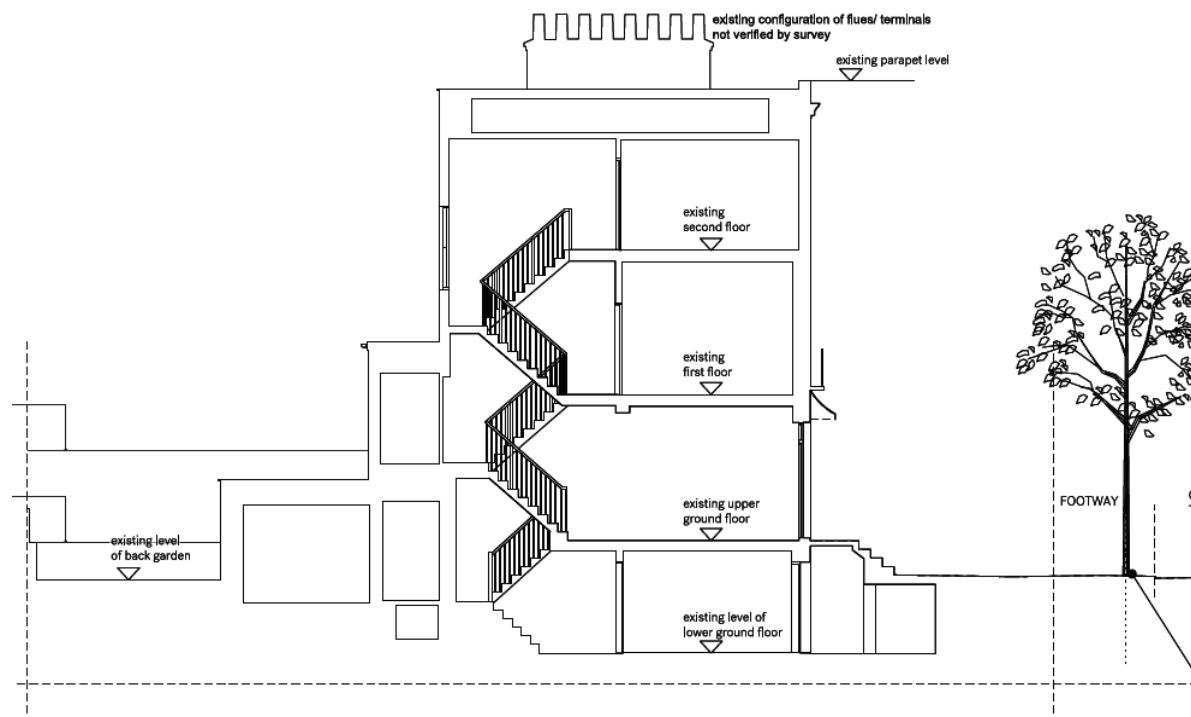
Proposed plans



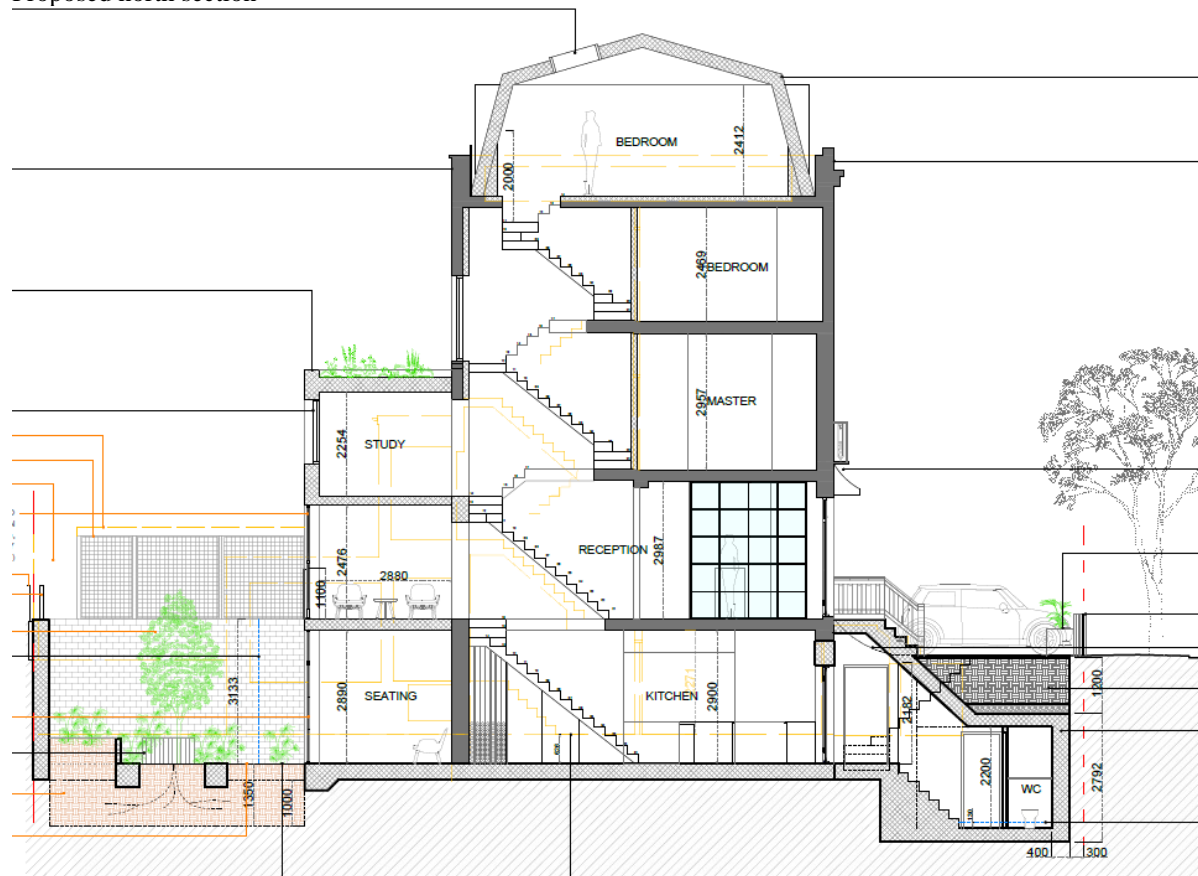
Proposed plans

**2 SECOND FLOOR****1 FIRST FLOOR****2 ROOF PLAN****1 LOFT FLOOR**

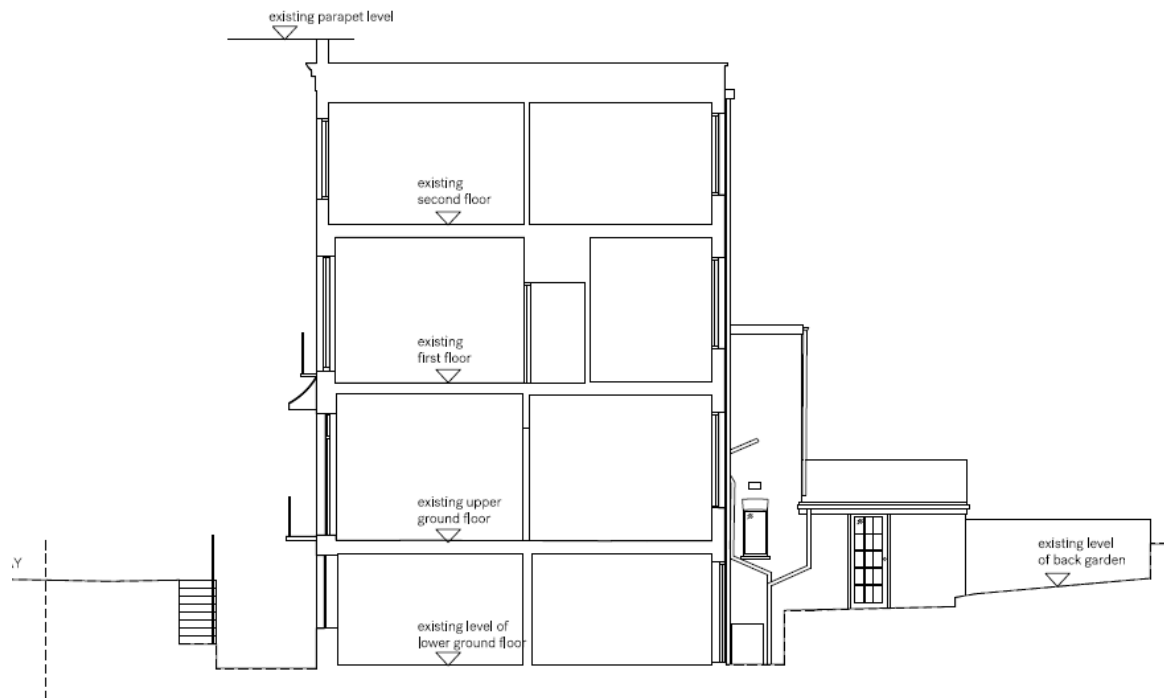
Existing north section



Proposed north section



Existing south section



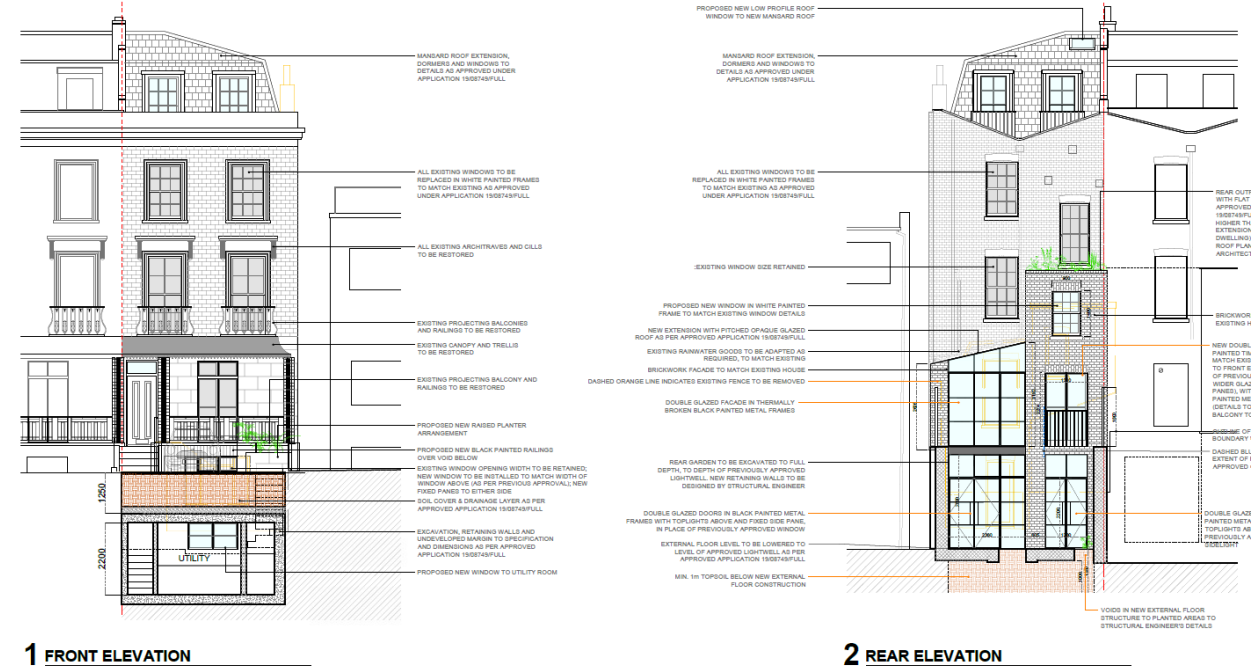
Proposed south section



Existing elevations



Proposed elevations



DRAFT DECISION LETTER

Address: 29 Northumberland Place, London, W2 5AS,

Proposal: Excavation to lower level of lower ground floor and excavation of rear garden to full length and width; extension under front garden with alterations to front lightwell. Demolition of rear closet wing and erection of replacement at lower ground, ground and first floor level; erection of two storey side infill extension at lower ground and ground floor levels. Erection of mansard roof extension. Alterations to front and rear boundaries. Alterations to windows and doors.

Plan Nos: 0595_002_EX_P_L; 0595_003_EX_P_LF; 0595_004_EX_P_UF; 0595_005_EX_P_EL; 0595_007_EX_P_AA Rev A; 0595_008_EX_P_BB; P296_LP_0.0; P296_GA_0.01 Rev C; P296_GA_0.02 Rev A; P296_GA_0.03 Rev A; P296_GA_0.04 Rev C; P296_GA_0.05 Rev C; P296_GA_0.06 Rev C; P296_ARB Version 001; Report by Simon Pryce Arboriculture dated 4 May 2021; Existing Site Plan; Proposed site and tree protection plan (TPP) dated 19 February 2021.

For information only: Construction Method Statement dated April 2021 by Symmetrys; Structural Condition Report dated 8 September 2020 by Cogley structural solutions; Daylight and Sunlight Study dated 14 February 2020 by Right to Light Consulting

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 5 **Pre commencement condition.** The 2 x nearby magnolia street trees (T3 and T4) must be protected in accordance with the trunk protection details within the Proposed site and tree protection plan (TPP) (by Simon Pryce Arboriculture) Report ref: 20/010, dated 19th of February 2021). The trunk protection must be checked and signed off by an appointed arboricultural consultant before any development activity begins and must remain in place for the duration of the development works.

Reason:

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

- 6 You must carry out the initial 800mm depth of excavation for the front basement using hand held tools where adjacent to the public footpath. You must cut any tree roots with a sharp cutting tool to the edge of the excavation.

Reason:

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

- 7 You must apply to us for details of the specification and profile of the soil which you propose above the front basement and for the rear garden, including details of the drainage layer and other components, and details of the front boundary wall foundations; which will allow access for the roots of the Magnolia street tree (T3) to the soil within the front garden.

You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 8 **Prior to any excavation of the rear garden**, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 6 Months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 9 Notwithstanding the approved drawings, you must apply to us for approval of detailed drawing of the following parts of the development:

- a) Railings, paving and steps to front garden and light well showing method of railing attachment / construction (caulked into a plinth/stone, no bottom rail);
- b) New doors and windows, (front basement door to be four panel);

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

- 10 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 12 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to the closet wing to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 13 You must apply to us for approval of samples (photo) 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 Westbourne 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.

- 2 **HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 With reference to condition 4 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.